

State of Iowa
1986

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

1986 REGULAR SESSION

OF THE

Seventy-first General Assembly

OF THE

STATE OF IOWA



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ACTING CODE EDITOR

PHYLLIS BARRY
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Published by the
STATE OF IOWA
Des Moines

CERTIFICATE

STATE OF IOWA
Office of Code Editor

We, Donovan Peeters, Director, Legislative Service Bureau, JoAnn Brown, Acting Code Editor, and Phyllis Barry, Deputy Code Editor, of the Code of Iowa, certify that the Acts, laws, joint resolutions and the certificates by the Secretary of State of their publication or filing contained in this volume have been prepared from the original enrolled Acts on file in the office of the Secretary of State, are correct copies of those Acts published under the authority of the statutes of this state, and constitute the Acts, laws and joint resolutions of the 1986 Regular Session of the Seventy-first General Assembly of the State of Iowa.

May 1986

Section 622.59 of the 1985 Code of Iowa is as follows:

“Printed copies of the statute laws of this or any other of the United States, or of Congress, or of any foreign government, purporting or proved to have been published under the authority thereof, or proved to be commonly admitted as evidence of the existing laws in the courts of such state or government, shall be admitted in the courts of this state as presumptive evidence of such laws.”

EDITOR'S NOTE

The Acts and Resolutions of the 1986 Regular Session of the Seventy-first General Assembly have been printed in this book exactly as they appear on file in the office of the Secretary of State. No attempt has been made to correct misspelled words or errors in punctuation, if any.

Underlines indicate new material added to existing statutes; strike-through letters indicate deleted material.

Code numbers assigned to new sections are temporary and may be changed when the 1987 Code is published.



CONTENTS

| | Page |
|--|--------------|
| State Roster | vi |
| Judicial Department | vii |
| Congressional Directory | viii |
| Members of the Senate | ix |
| Members of the House | xii |
| Condition of State Treasury | xvii |
| General Laws — Special, Legalizing Acts, Joint Resolutions | 1 |
| Appropriation Acts | 696 |
| Rules of Civil Procedure | 804 |
| Rules of Criminal Procedure | 816 |
| Rules of Appellate Procedure | 824 |
| Rules of Probate Procedure | 826 |
| House Concurrent Resolutions | 831–835, 838 |
| Senate Concurrent Resolutions | 836 |
| Senate Resolutions | 840 |
| House Resolutions | 840 |
| Tables | 841 |
| Index | 881 |

STATE ROSTER

List of elective state officers, judges of the supreme and appellate courts, and members of the General Assembly, the State of Iowa, inserted in the published volume of 1986 Session Laws for the Seventy-First General Assembly in accordance with the requirements of Iowa Code section 14.10(4).

ELECTIVE OFFICERS

Name and Office

County from which
originally chosen

GOVERNOR

TERRY E. BRANSTAD Winnebago
 Doug Gross, Executive Assistant Polk

LIEUTENANT GOVERNOR

ROBERT T. ANDERSON Jasper

SECRETARY OF STATE

MARY JANE ODELL Polk
 Sandra Steinbach, Director of Elections Polk
 Harry Davis, Director of Uniform Commercial Code Polk
 Michael Burdette, Director of Corporations Warren

AUDITOR OF STATE

RICHARD D. JOHNSON Polk
 Richard C. Fish, Deputy - Administration Polk
 Warren G. Jenkins, Deputy - Local Government Audit Division Polk
 Kasey K. Kiplinger, Deputy - State Audit Division Polk

TREASURER OF STATE

MICHAEL L. FITZGERALD Polk
 Michael Tramontina, Deputy Treasurer Polk
 Steven F. Miller, Deputy Treasurer Polk
 Lawrence D. Thornton, Deputy Treasurer Polk

SECRETARY OF AGRICULTURE

ROBERT H. LOUNSBERRY Story
 Thatcher Johnson, Deputy Secretary Boone
 Elizabeth Duncan, Deputy Assistant III Polk
 Mark Pearson, Deputy Assistant III Polk
 J.D. Hook, Deputy Assistant III Polk
 James Gulliford, Administrator, Soil Conservation Polk
 William Greiner, Executive Secretary,
 Iowa Agricultural Development Authority Polk
 Marion Lucas, State Fair Board Secretary Polk

ATTORNEY GENERAL

THOMAS J. MILLER Clayton
 Earl Willits, Deputy Attorney General Polk
 Brent Appel, Deputy Attorney General Dubuque
 Elizabeth Osenbaugh, Deputy Attorney General Polk
 John Perkins, Deputy Attorney General Polk

JUDICIAL DEPARTMENT
JUSTICES OF THE SUPREME COURT
 (Justices listed according to seniority)

| Name | Office Address | Term Ending |
|--------------------------|-------------------|----------------|
| Harvey Uhlenhopp* | Hampton | Dec. 31, 1988 |
| W. Ward Reynoldson, C.J. | Des Moines | Dec. 31, 1988 |
| David Harris | Jefferson | Dec. 31, 1990 |
| Mark McCormick** | Des Moines | Dec. 31, 1990 |
| A. A. McGiverin | Ottumwa | Dec. 31, 1988 |
| Jerry L. Larson | Harlan | Dec. 31, 1988 |
| Louis W. Schultz | Iowa City | Dec. 31, 1990 |
| James H. Carter | Cedar Rapids | Dec. 31, 1992 |
| Charles R. Wolle | Sioux City | Dec. 31, 1992 |
| Louis Lavorato | Des Moines | Dec. 31, 1988 |
| Linda K. Neuman | Davenport | Dec. 31, 1988 |

JUDGES OF THE COURT OF APPEALS
 (Judges listed according to seniority)

| | | |
|-----------------------|------------|---------------|
| Allen L. Donielson | Des Moines | Dec. 31, 1989 |
| Bruce M. Snell, Jr. | Ida Grove | Dec. 31, 1990 |
| Leo E. Oxberger, C.J. | Des Moines | Dec. 31, 1989 |
| Dick Schlegel | Ottumwa | Dec. 31, 1990 |
| Maynard Hayden | Indianola | Dec. 31, 1990 |
| Rosemary Shaw Sackett | Spencer | Dec. 31, 1990 |

*Deceased May 22, 1986

**Resigned January 31, 1986

CONGRESSIONAL DIRECTORY

UNITED STATES SENATORS

| | |
|---|--------------|
| Charles E. Grassley, New Hartford | Jan. 3, 1987 |
| Tom Harkin, Cumming | Jan. 3, 1991 |

UNITED STATES REPRESENTATIVES

District

| | |
|--|--------------|
| 1 James Leach, Davenport | Jan. 3, 1987 |
| 2 Tom Tauke, Dubuque | Jan. 3, 1987 |
| 3 Cooper Evans, Grundy Center | Jan. 3, 1987 |
| 4 Neal Smith, Altoona | Jan. 3, 1987 |
| 5 Jim Ross Lightfoot, Shenandoah | Jan. 3, 1987 |
| 6 Berkley Bedell, Spirit Lake | Jan. 3, 1987 |

GENERAL ASSEMBLY – SENATORS

| Name and Residence | Occupation | Senatorial District | Former Legislative Service |
|---|---|---|---|
| Boswell, Leonard L. Davis City | Farmer | 46th—Adair, Adams, Cass, Clarke, Decatur, Ringgold, Taylor, Union | 71 |
| Brown, Joe | Public Sector Marketing Mgr. Sperry Computer Corp. | 27th—Iowa, Johnson, <i>Poweshiek</i> | 68, 69, 69X, 69XX, 70, 71 |
| Bruner, Charles H. Ames | | 37th— <i>Story</i> | 68, 69, 69X, 69XX, 70, 71 |
| Carr, Bob | Securities Broker ... | 18th— <i>Dubuque</i> | 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Coleman, C. Joseph Clare | Farmer, Businessman | 7th—Hamilton, <i>Webster</i> ... | 57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Colton, Milo | | 1st— <i>Woodbury</i> | 70, 71 |
| Corning, Joy | Homemaker | 12th— <i>Black Hawk</i> | 71 |
| Deluhery, Patrick J. Davenport | College Teacher ... | 21st— <i>Scott</i> | 68, 69, 69X, 69XX, 70, 71 |
| Dieleman, Wm. W. (Bill) ... Pella | Life Insurance Underwriter | 35th—Jasper, <i>Marion</i> , Polk, Warren | 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Doyle, Donald V. Sioux City | Lawyer | 2nd—Ida, Monona, <i>Woodbury</i> | 57, 58, 61, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Drake, Richard F. Muscatine | General Farming ... | 28th—Des Moines, Louisa, ... <i>Muscatine</i> , Washington | 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Fraise, Eugene | Farmer | 31st—Des Moines, <i>Lee</i> , Van Buren | 71(2nd) |
| Gentleman, Julia B. Des Moines | Housewife | 41st— <i>Polk</i> | 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Gettings, Donald E. Ottumwa | Retired, Deere & Co. | 33rd—Appanoose, Davis, ... <i>Wapello</i> | 67(2nd), 67X, 68, 69, 69X, 69XX, 70, 71 |
| Goodwin, Norman J. DeWitt | Retired County ... Extension Director | 19th—Cedar, <i>Clinton</i> | 68, 69, 69X, 69XX, 70, 71 |
| Gratias, Arthur L. Mason City | Farmer, Educator | 15th—Cerro Gordo, Chickasaw, <i>Floyd</i> , Howard, Mitchell | 68, 69, 69X, 69XX, 70, 71 |
| Gronstal, Michael E. Council Bluffs | Shipping Clerk ... | 50th— <i>Pottawattamie</i> | 70, 71 |
| Hall, Hurley W. Marion | Retired | 24th—Buchanan, Delaware, <i>Linn</i> | 68, 69, 69X, 69XX, 70, 71 |
| Hannon, Beverly A. Anamosa | Homemaker, Student | 22nd—Cedar, <i>Jones</i> , Linn ... | 71 |
| Hester, Jack W. Honey Creek | Farmer | 49th—Cass, Harrison, <i>Pottawattamie</i> , Shelby | 68, 69, 69X, 69XX, 70, 71 |

GENERAL ASSEMBLY — SENATORS — Continued

| Name and Residence | Occupation | Senatorial District | Former Legislative Service |
|--|---|--|---|
| Holden, Edgar H. Davenport | Entrepreneur | 20th— <i>Scott</i> | 62, 63, 64, 65, 67(2nd), 68, 69, 69X, 69XX, 70, 71 |
| Holt, Lee W. Spencer | Automobile Dealer | 6th— <i>Clay, Dickinson,</i> <i>Emmet, Palo Alto</i> | 68, 69, 69X, 69XX, 70, 71 |
| Horn, Wally E. Cedar Rapids | Teacher | 25th— <i>Linn</i> | 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Hultman, Calvin O. Red Oak | Businessman | 47th— <i>Fremont, Mills,</i> <i>Montgomery, Page,</i> <i>Pottawattamie</i> | 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Husak, Emil J. Toledo | Farmer | 38th— <i>Benton,</i> <i>Black Hawk, Marshall,</i> <i>Tama</i> | 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Hutchins, Bill Audubon | Businessman | 48th— <i>Audubon, Carroll,</i> <i>Crawford, Shelby</i> | 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Jensen, John W. Plainfield | Farmer | 11th— <i>Black Hawk,</i> <i>Bremer, Butler, Grundy</i> | 68, 69, 69X, 69XX, 70, 71 |
| Kinley, George R. Des Moines | Owner, Driving Range & Golf Sales | 40th— <i>Polk</i> | 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Lind, Jim Waterloo | Service Station Owner-Operator | 13th— <i>Black Hawk</i> | 71(2nd) |
| Mann, Thomas, Jr. Des Moines | Attorney | 43rd— <i>Polk</i> | 70, 71 |
| Miller, Alvin V. Ventura | Insurance Agency | 10th— <i>Cerro Gordo,</i> <i>Winnebago, Worth</i> | 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Miller, Charles P. Burlington | Doctor of Chiropractic | 30th— <i>Des Moines, Henry</i> | 60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Murphy, Larry Oelwein | Free-lance Writer | 14th— <i>Black Hawk,</i> <i>Buchanan, Chickasaw,</i> <i>Fayette</i> | 71 |
| Nystrom, John N. Boone | Legislator | 44th— <i>Boone, Carroll,</i> <i>Greene, Story</i> | 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Palmer, William D. Des Moines | Insurance Executive | 39th— <i>Polk</i> | 61, 62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Peterson, John A. Albia | Livestock, Market Owner | 34th— <i>Clarke, Lucas,</i> <i>Monroe, Warren, Wayne</i> | 71(2nd) |
| Priebe, Berl E. Algona | Farmer, Businessman | 8th— <i>Hancock, Humboldt,</i> <i>Kossuth, Palo Alto,</i> <i>Pocahontas, Winnebago</i> | 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Readinger, David M. Des Moines | Sales | 42nd— <i>Polk</i> | 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Rife, Jack Moscow | Farmer | 29th— <i>Muscatine, Scott</i> | 70, 71 |
| Riordan, James R. Waukeee | Nursery Owner | 45th— <i>Adair, Dallas,</i> <i>Guthrie, Madison</i> | 71(2nd) |
| Ritsema, Douglas Orange City | Lawyer | 3rd— <i>Plymouth, Sioux,</i> <i>Woodbury</i> | 68, 69, 69X, 69XX, 70, 71 |

GENERAL ASSEMBLY — SENATORS — Continued

| Name and Residence | Occupation | Senatorial District | Former Legislative Service |
|-------------------------------------|---|--|---|
| Schwengels, Forrest V. Fairfield | Real Estate Salesman | 32nd — <i>Jefferson</i> , Keokuk, Mahaska, Wapello | 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Small, Arthur A., Jr. Iowa City | Attorney | 23rd — <i>Johnson</i> | 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Soorholtz, John E. Melbourne | Farmer-Pork Producer | 36th — <i>Jasper, Marshall</i> | 70(2nd), 71 |
| Taylor, Ray Steamboat Rock | Farmer, Business | 9th — <i>Franklin, Hamilton</i> , <i>Hancock, Hardin, Wright</i> | 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Tieden, Dale L. Elkader | Retired | 16th — <i>Allamakee</i> , <i>Clayton, Winneshiek</i> | 61, 62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Vande Hoef, Richard Harris | Farmer | 4th — <i>Cherokee, Clay</i> , <i>Lyon, O'Brien, Osceola</i> , Sioux | 69, 69X, 69XX, 70, 71 |
| Waldstein, Arne Alta | Professional Farm Management Rural Appraisal | 5th — <i>Buena Vista</i> , <i>Calhoun, Pocahontas, Sac</i> , Webster | 68, 69, 69X, 69XX, 70, 71 |
| Wells, James D. Cedar Rapids | Cereal Company Employee | 26th — <i>Linn</i> | 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Welsh, Joe J. Dubuque | Businessman, Private Investigator | 17th — <i>Dubuque, Jackson</i> , Jones | 68, 69, 69X, 69XX, 70, 71 |

| Name and Residence | Occupation | Representative District | Former Legislative Service |
|--|---|--|---|
| Arnould, Robert C. Davenport | Public Relations Consultant | 42nd — <i>Scott</i> | 67(2nd), 67X, 68, 69, 69X, 69XX, 70, 71 |
| Avenson, Donald D. Oelwein | Tool & Die Maker | 28th — <i>Chickasaw, Fayette</i> | 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Baxter, Elaine Burlington | Economic Development Consultant | 60th — <i>Des Moines</i> | 69(2nd), 70, 71 |
| Beatty, Linda L. Indianola | Homemaker | 68th — <i>Warren</i> | 71 |
| Bennett, Wayne Galva | Farmer, Business | 4th — <i>Ida, Monona, Woodbury</i> | 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Black, Dennis H. Grinnell | Jasper County Conservation Board Director | 71st — <i>Jasper, Marshall</i> | 70, 71 |
| Blanshan, Eugene Scranton | Farmer | 88th — <i>Boone, Carroll, Greene</i> | 70, 71 |
| Brammer, Philip E. Cedar Rapids | Insurance Agency Owner | 50th — <i>Linn</i> | 70, 71 |
| Branstad, Clifford O. Thompson | Farmer | 16th — <i>Hancock, Kossuth, Winnebago</i> | 68, 69, 69X, 69XX, 70, 71 |
| Buhr, Florence D. Des Moines | Legislator | 85th — <i>Polk</i> | 70, 71 |
| Carl, Janet A. Grinnell | Management Trainer and Consultant | 53rd — <i>Iowa, Poweshiek</i> | 69, 69X, 69XX, 70, 71 |
| Carpenter, Dorothy F. West Des Moines | Legislator | 82nd — <i>Polk</i> | 69, 69X, 69XX, 70, 71 |
| Carter, Brian Mt. Pleasant | Teacher | 59th — <i>Des Moines, Henry</i> | 70, 71 |
| Chapman, Kay Cedar Rapids | Lawyer | 49th — <i>Linn</i> | 70, 71 |
| Clark, Betty Jean Rockwell | Christian Educator | 29th — <i>Cerro Gordo, Floyd, Mitchell</i> | 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Cochran, Dale M. Eagle Grove | Farmer | 14th — <i>Hamilton, Webster</i> | 61, 62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Connolly, Michael W. Dubuque | Teacher | 35th — <i>Dubuque</i> | 68, 69, 69X, 69XX, 70, 71 |
| Connors, John H. Des Moines | Labor Arbitrator | 79th — <i>Polk</i> | 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Cooper, James J. Russell | Farmer | 67th — <i>Clarke, Monroe, Lucas, Wayne</i> | 70, 71 |
| Corey, Virgil E. Morning Sun | Farmer | 55th — <i>Des Moines, Louisa, Washington</i> | 68, 69, 69X, 69XX, 70, 71 |
| Daggett, Horace Kent | Farmer | 92nd — <i>Adams, Decatur, Ringgold, Taylor</i> | 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |

| Name and Residence | Occupation | Representative District | Former Legislative Service |
|-----------------------------------|--------------------------------------|---|---|
| De Groot, Kenneth R. Doon | Farmer | 8th — <i>Lyon, O'Brien, Osceola, Sioux</i> | 68, 69, 69X, 69XX, 70, 71 |
| Diemer, Marvin E. Cedar Falls | Legislator | 23rd — <i>Black Hawk</i> | 68, 69, 69X, 69XX, 70, 71 |
| Doderer, Minnette F. Iowa City | Legislator | 45th — <i>Johnson</i> | 60X, 61, 62, 63, 64, 65, 66, 67 67X, 69, 69X, 69XX, 70, 71 |
| Fey, Thomas H. Davenport | State Representative | 41st — <i>Scott</i> | 69(2nd), 70, 71 |
| Fogarty, Daniel P. Cylinder | Farmer | 11th — <i>Clay, Palo Alto</i> | 70, 71 |
| Grandia, Robert J. Pella | Retired | 69th — <i>Marion</i> | 70, 71 |
| Groninga, John Mason City | Public Servant | 20th — <i>Cerro Gordo</i> | 70, 71 |
| Groth, Richard Albert City | Educator | 10th — <i>Buena Vista, Pocahontas</i> | 68, 69, 69X, 69XX, 70, 71 |
| Gruhn, Josephine Spirit Lake | Farmer | 12th — <i>Dickinson, Emmet</i> | 70, 71 |
| Halvorson, Rod Fort Dodge | Real Estate Salesman | 13th — <i>Webster</i> | 68, 69, 69X, 69XX, 70, 71 |
| Halvorson, Roger A. Monona | Insurance-Real Estate Broker | 32nd — <i>Allamakee, Clayton</i> | 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Hammond, Johnie Ames | Legislator | 74th — <i>Story</i> | 70, 71 |
| Handorf, Ward Gladbrook | Farmer | 75th — <i>Black Hawk, Marshall, Tama</i> | 70, 71 |
| Hanson, Darrell R. Manchester | Insurance Adjuster | 48th — <i>Buchanan, Delaware, Linn</i> | 68, 69, 69X, 69XX, 70, 71 |
| Harbor, William H. Henderson | Grain Elevator Owner-Operator | 94th — <i>Mills, Montgomery, Pottawattamie</i> | 56, 57, 58, 62, 63, 64, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Hatch, Jack Des Moines | Consultant | 81st — <i>Polk</i> | 71 |
| Haverland, Mark A. Polk City | College Teacher | 77th — <i>Polk</i> | 70, 71 |
| Hermann, Donald F. Bettendorf | Retired Industrial Relations Manager | 40th — <i>Scott</i> | 70, 71 |
| Hester, Joan L. Honey Creek | Farm Wife, Legislator | 98th — <i>Harrison, Pottawattamie</i> | 71 |
| Holveck, Jack Des Moines | Legislator, Attorney | 84th — <i>Polk</i> | 71 |
| Hughes, Randy Creston | Teacher | 91st — <i>Adair, Adams, Cass, Clarke, Union</i> | 70, 71 |
| Hummel, Kyle Vinton | Real Estate Broker, Appraiser | 76th — <i>Benton, Black Hawk</i> | 68, 69, 69X, 69XX, 70, 71 |

| Name and Residence | Occupation | Representative District | Former Legislative Service |
|---------------------------------|--|---|---|
| Jay, Daniel J. Centerville | Attorney | 66th—Appanoose, Davis, Wapello | 68, 69, 69X, 69XX, 70, 71 |
| Jochum, Thomas J. Dubuque | Legislator | 36th—Dubuque | 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Johnson, Paul W. Decorah | Farmer | 31st—Allamakee, Winneshiek | 71 |
| Knapp, Donald J. Cascade | | 33rd—Dubuque, Jones | 69(2nd), 70, 71 |
| Koenigs, Deo A. McIntire | Self-employed, Farmer | 30th—Chickasaw, Howard, Mitchell | 70, 71 |
| Kremer, Joseph M. Jesup | Farmer | 27th—Black Hawk, Buchanan | 71 |
| Lageschulte, Raymond Waverly | Farmer, Insurance Adjuster | 22nd—Black Hawk, Bremer, Butler | 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Lloyd-Jones, Jean Iowa City | Legislator | 46th—Johnson | 68, 69, 69X, 69XX, 70, 71 |
| Loneragan, Joyce Boone | | 87th—Boone, Story | 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Maulsby, Ruhl Rockwell City | Owner-Operator, Livestock and Grain Farm | 9th—Calhoun, Sac. | 68, 69, 69X, 69XX, 70, 71 |
| McIntee, John E. Waterloo | Home Builder, Attorney | 26th—Black Hawk | 70, 71 |
| McKean, Andy Morley | Lawyer, College Instructor | 44th—Jones, Linn | 68, 69, 69X, 69XX, 70, 71 |
| Metcalf, Janet S. Des Moines | Self-employed | 83rd—Polk | 71 |
| Miller, Tom H. Cherokee | Newspaperman | 7th—Cherokee, Clay, O'Brien | 71 |
| Muhlbauer, Louis J. Manilla | Farm Manager | 96th—Crawford, Shelby | 70, 71 |
| Mullins, Sue Corwith | Farmer | 15th—Humboldt, Kossuth, Palo Alto, Pocahontas | 68, 69, 69X, 69XX, 70, 71 |
| Norland, Lowell E. Kensett | Farmer | 19th—Cerro Gordo, Winnebago, Worth | 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| O'Kane, James D. Sioux City | | 1st—Woodbury | 68, 69, 69X, 69XX, 70, 71 |
| Ollie, C. Arthur Clinton | Teacher | 38th—Clinton | 70, 71 |
| Osterberg, David Mt. Vernon | Economic Consultant | 43rd—Cedar, Linn | 70, 71 |
| Oxley, Myron B. Marion | Farmer | 47th—Linn | 61, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Parker, Edward G. Mingo | Contractor, Small Business Owner | 70th—Jasper, Marion, Polk, Warren | 70, 71 |

| Name and Residence | Occupation | Representative District | Former Legislative Service |
|--|---|---|---|
| Paulin, Donald J. Le Mars | Cabinet Retailer | 5th— <i>Plymouth</i> , Woodbury | 70, 71 |
| Pavich, Emil S. Council Bluffs | Cereal Co. Employee | 100th— <i>Pottawattamie</i> | 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Peick, Doris A. Cedar Rapids | Quality Control Inspector | 52nd— <i>Linn</i> | 70, 71 |
| Pellett, Wendell C. Atlantic | Farmer | 97th— <i>Cass</i> , Harrison, Pottawattamie, Shelby | 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Petersen, Daniel F. Muscatine | Farmer | 57th— <i>Muscatine</i> , Scott | 71(2nd) |
| Peterson, Michael K. Carroll | Legislator | 95th— <i>Audubon</i> , <i>Carroll</i> , Shelby | 71 |
| Platt, Donald R. Muscatine | Legislator | 56th— <i>Louisa</i> , <i>Muscatine</i> | 71 |
| Poncy, Charles N. Ottumwa | Retired | 65th— <i>Wapello</i> | 62, 63, 65, 66, 67, 67X, 69, 69X, 69XX, 70, 71 |
| Renaud, Dennis L. Altoona | Barber Business and D.M. Fire Dept. | 78th— <i>Polk</i> | 69, 69X, 69XX, 70, 71 |
| Renken, Robert H. Aplington | Farmer | 21st— <i>Butler</i> , <i>Grundy</i> | 68(2nd), 69, 69X, 69XX, 70, 71 |
| Rensink, Wilmer Sioux Center | Farmer | 6th— <i>Plymouth</i> , <i>Sioux</i> | 70, 71 |
| Rosenberg, Ralph Ames | Attorney | 73rd— <i>Story</i> | 69(2nd), 70, 71 |
| Royer, Bill D. Essex | Realtor | 93rd— <i>Fremont</i> , <i>Mills</i> , <i>Page</i> | 70, 71 |
| Running, Richard V. Cedar Rapids | Quality Control Technologist | 51st— <i>Linn</i> | 69, 69X, 69XX, 70, 71 |
| Schnekloth, Hugo Eldridge | Farmer | 39th— <i>Scott</i> | 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Sherzan, Gary Des Moines | Parole Officer | 86th— <i>Polk</i> | 70, 71 |
| Shoning, Don Sioux City | Retired | 3rd— <i>Woodbury</i> | 71 |
| Shoultz, Don Waterloo | Teacher | 25th— <i>Black Hawk</i> | 70, 71 |
| Siegrist, J. Brent Council Bluffs | Teacher | 99th— <i>Pottawattamie</i> | 71 |
| Skow, Bob Guthrie Center | Owner of Insurance Agency | 90th— <i>Adair</i> , <i>Dallas</i> , <i>Guthrie</i> , <i>Madison</i> | 70, 71 |
| Spear, Clay Burlington | Retired Postal Service Employee | 61st— <i>Des Moines</i> , <i>Lee</i> | 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Stromer, Delwyn Garner | Farmer, Legislator | 17th— <i>Franklin</i> , <i>Hancock</i> , Wright | 62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |

| Name and Residence | Occupation | Representative District | Former Legislative Service |
|--------------------------------------|--|--|---|
| Stueland, Vic Grand Mound | Farmer | 37th—Cedar, <i>Clinton</i> | 69, 69X, 69XX, 70, 71 |
| Sturgeon, Al Sioux City | Legislator | 2nd— <i>Woodbury</i> | 69, 69X, 69XX, 70, 71 |
| Sullivan, William R. Cantril | Legislator, Salesman | 62nd—Lee, <i>Van Buren</i> | 69, 69X, 69XX, 70, 71 |
| Swartz, Thomas E. Marshalltown | Lumberyard Sales | 72nd— <i>Marshall</i> | 69, 69X, 69XX, 70, 71 |
| Swearingen, George R. Sigourney | Retired Teacher, Legislator | 63rd—Jefferson, <i>Keokuk</i> , Wapello | 68, 69, 69X, 69XX, 70, 71 |
| Tabor, David M. Baldwin | Farmer | 34th—Dubuque, <i>Jackson</i> | 70, 71 |
| Teaford, Jane Cedar Falls | Legislator | 24th— <i>Black Hawk</i> | 71 |
| Van Camp, Mike Davenport | Union Electrician | 58th— <i>Scott</i> | 70, 71 |
| Van Maanen, Harold Oskaloosa | Farmer | 64th—Keokuk, <i>Mahaska</i> , Wapello | 68, 69, 69X, 69XX, 70, 71 |
| Varn, Richard J. Solon | Baking Company Employee, Law Student | 54th—Iowa, <i>Johnson</i> | 70, 71 |
| Weiden, Richard W. Iowa Falls | Retired Contractor | 18th—Franklin, Hamilton, <i>Hardin</i> | 62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Woods, Jack E. Des Moines | Self-employed | 80th— <i>Polk</i> | 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71 |
| Zimmerman, Jo Ann West Des Moines | Registered Nurse, Health Planner | 89th— <i>Dallas</i> | 70, 71 |

CONDITION OF STATE TREASURY

Receipts, Disbursements and Balances in the Several Funds For the Fiscal Period Ending June 30, 1985

| | Balance July 1, 1984 | Total Receipts and Transfers | Total Available | Total Redemptions and Disbursements | Balance June 30, 1985 |
|-----------------------------|-------------------------|---------------------------------------|--------------------------|--|--------------------------|
| General Fund | \$ 96,360,605 | \$ 2,765,812,945 | \$ 2,862,173,550 | \$ 2,841,815,748 | \$ 20,357,802 |
| Special Revenue Fund | 185,045,144 | 934,629,537 | 1,119,674,681 | 981,740,775 | 137,933,906 |
| Capital Project Fund | 2,555,935 | 22,813,414 | 25,369,349 | 23,628,076 | 1,741,273 |
| Debt Service Fund | 2,851,569 | 455,515,716 | 458,367,285 | 3,322,275 | 455,045,010 |
| Enterprise Fund | 78,778 | 139,939,102 | 140,017,880 | 139,552,805 | 465,075 |
| Internal Service Fund | 6,916,018 | 31,715,154 | 38,631,172 | 32,407,905 | 6,223,267 |
| Expendable Trust Fund ... | 9,745,327 | 184,530,559 | 194,275,886 | 187,231,412 | 70,444,474 |
| Non-Expendable | | | | | |
| Trust Fund | 5,438,731 | 54,109 | 5,492,840 | 85 | 5,492,755 |
| Pension Fund | 2,164,088,636 | 437,177,116 | 2,601,265,752 | 138,649,194 | 2,462,616,558 |
| Trust and Agency Fund ... | 104,403,504 | 2,466,553,636 | 2,570,957,140 | 2,474,082,796 | 96,874,344 |
| Totals | \$ 2,577,484,247 | \$ 7,438,741,288 | \$ 10,016,225,535 | \$ 6,822,431,071 | \$ 3,193,794,464 |

| | |
|------------------------------------|---------------------|
| Balance July 1, 1984 | \$2,577,484,247 |
| Receipts and Transfers | 7,438,741,288 |
| Total Available | \$10,016,225,535 |
| Redemption and Disbursements | 6,822,431,071 |
| Balance June 30, 1985 | \$3,193,794,464 |

**DEPARTMENT OF REVENUE AND FINANCE
AUGUST 11, 1986**

1986 Regular Session
OF THE
Seventy-first General Assembly
OF THE
STATE OF IOWA

HELD AT DES MOINES, THE CAPITAL OF THE STATE, BEGUN ON THE
THIRTEENTH DAY OF JANUARY, AND ENDED ON THE SECOND
DAY OF MAY, A.D. 1986 IN THE ONE HUNDRED FORTIETH
YEAR OF THE STATE

CHAPTER 1001
SUBSTANCE ABUSE TREATMENT PROGRAMS
H.F. 244

AN ACT relating to programs relating to substance abuse and providing an effective date.

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

Section 1. NEW SECTION. 12.21 TRANSFER OF CERTAIN REVENUE.

The treasurer of state shall transfer the designated sum of money from the beer and liquor control fund to a special revenue account pursuant to section 123.163 and to the department of substance abuse pursuant to section 125.59.

Sec. 2. NEW SECTION. 123.163 TRANSFER OF CERTAIN REVENUE.

Notwithstanding section 123.53, subsection 8, the treasurer of state shall transfer into a special revenue account in the general fund of the state, a sum of money equal to seven percent of the gross amount of sales made by the state liquor stores in the cities of the state from the beer and liquor control fund on a monthly basis, and any amounts so transferred shall be used by the department of substance abuse for substance abuse treatment and prevention programs in an amount determined by the general assembly and any amounts received in excess of the amounts appropriated to the department of substance abuse shall be considered part of the general fund balance.

Sec. 3. Section 125.12, subsections 1, 2, and 3, Code 1985, are amended to read as follows:

1. The commission shall establish a comprehensive and co-ordinated program for the treatment of substance abusers, ~~and intoxicated persons, and concerned family members~~. Subject to the approval of the commission, the director shall divide the state into appropriate regions for the conduct of the program and establish standards for the development of the program on the regional level. In establishing the regions, consideration shall be given to city and county lines, population concentrations and existing substance abuse treatment services. In determining the regions, the director ~~shall is not be~~ required to follow the regional map as prepared by the office for planning and programming.

2. The program of the commission shall include:

- a. Emergency treatment provided by a facility affiliated with or part of the medical service of a general hospital.
- b. Inpatient treatment.
- c. Intermediate Residential treatment.
- d. Outpatient and follow-up treatment and rehabilitation.
- e. Prevention and education.
- f. Assessment.
- g. Halfway house treatment.

3. The director shall provide for adequate and appropriate treatment for substance abusers, ~~and intoxicated persons, and concerned family members~~ admitted under sections 125.33 and 125.34, or under section 125.75, 125.81, or 125.91. Treatment shall not be provided at a correctional institution except for inmates.

Sec. 4. Section 125.13, subsection 1, unnumbered paragraph 2, Code 1985, is amended to read as follows:

~~Four~~ Three types of licenses may be issued by the department. A ~~standard~~ renewable license may be issued for one or two years. ~~Licenses may also be issued for one hundred eighty or two hundred seventy days, or one year. Treatment programs applying for their initial license may be issued a license for two hundred seventy days.~~ A license issued for one hundred eighty or two hundred seventy days shall not be renewed or extended. ~~A one-year license shall be issued no more than two consecutive times.~~

Sec. 5. Section 125.25, Code 1985, is amended to read as follows:

125.25 APPROVAL OF FACILITY BUDGET.

1. Before making any allocation of funds to a local substance abuse program, the commission on substance abuse shall require the following to be submitted for each program:

a. A detailed line item budget clearly indicating the funds received from each revenue source for the fiscal year for which the funds are requested on forms provided by the department of substance abuse for each program.

b. A certified statement from the auditor of each county participating in the program as to the amount of county resources committed to the program for the fiscal year for which the funds are requested.

2. The commission shall adopt rules governing the approval of line item budgets for the operation of facilities. The rules shall include provisions for the approval of a facility's budget by the counties funding the facility and by the department. The rules shall also include provisions for appeal to the commission by any county which disagrees with the amount of a facility's budget approved by the department.

Sec. 6. Section 125.32, unnumbered paragraph 1 and subsections 2 and 4, Code 1985, are amended to read as follows:

The commission shall adopt and may amend and repeal rules for acceptance of persons into the treatment program, subject to the provisions of chapter 17A, considering available treatment resources and facilities, for the purpose of early and effective treatment of substance abusers, and intoxicated persons, and concerned family members. In establishing the rules the commission shall be guided by the following standards:

2. A patient shall be initially assigned or transferred to outpatient or intermediate treatment, unless the patient is found to require inpatient, residential, or halfway house treatment.

4. An individualized treatment plan shall be prepared and maintained on a current basis for each patient after the assessment process.

Sec. 7. Section 125.33, subsections 2 through 4, Code 1985, are amended to read as follows:

2. Subject to rules adopted by the commission, the administrator or the administrator's designee in charge of a facility may determine who shall be admitted for treatment or rehabilitation. If a person is refused admission, the administrator, or the administrator's designee, subject to rules adopted by the commission, shall refer the person to another facility for treatment if possible and appropriate.

3. A substance abuser seeking treatment or rehabilitation and who is either addicted or dependent on a chemical substance shall may first be examined and evaluated by a licensed physician and surgeon or osteopathic physician and surgeon who shall may prescribe a proper course of treatment and medication, if needed. The licensed physician and surgeon or osteopathic physician and surgeon may further prescribe a course of treatment or rehabilitation and authorize another licensed physician and surgeon or osteopathic physician and surgeon or facility to provide the prescribed treatment or rehabilitation services. Treatment or rehabilitation services may be provided to a person individually or in a group. Any A facility providing or engaging in such treatment or rehabilitation shall not report or disclose to a law enforcement officer or law enforcement agency the name of any person receiving or engaged in such the treatment or rehabilitation; nor shall any a person receiving or participating in such treatment or rehabilitation report or disclose the name of any other person engaged in or receiving such treatment or rehabilitation or that such the program is in existence, to a law enforcement officer or law enforcement agency. Such information shall not be admitted in evidence in any court, grand jury, or administrative proceeding. However, any a person engaged in or receiving such treatment or rehabilitation may authorize the disclosure of the person's name and individual participation.

4. If a patient receiving inpatient or residential care leaves a facility, the patient shall be encouraged to consent to appropriate outpatient or intermediate halfway house treatment. If it appears to the administrator in charge of the facility that the patient is a substance abuser who requires help, the director may arrange for assistance in obtaining supportive services and residential facilities.

Sec. 8. Section 125.34, subsection 3, Code 1985, is amended to read as follows:

3. A person who arrives at a facility and voluntarily submits to examination shall be examined by a licensed physician as soon as possible, but not later than twelve hours after the person arrives at the facility. The person may then be admitted as a patient or referred to another health facility. The referring facility shall arrange for transportation.

Sec. 9. Section 125.39, subsection 2, Code 1985, is amended to read as follows:

2. A local governmental unit which is providing funds to a facility for treatment of substance abuse may request from the facility a treatment program plan prior to authorizing

payment of any claims filed by the facility. The governing body of the local governmental unit may review the plan, but shall not impose on the facility any requirement conflicting with the comprehensive treatment program requirements of section 125.45 of the facility.

Sec. 10. Section 125.43, Code 1985, is amended to read as follows:

125.43 FUNDING AT MENTAL HEALTH INSTITUTES.

Chapter 230 governs the determination of the costs and payment for treatment provided to substance abusers in a mental health institute under the department of human services, except that the charges are not a lien on real estate owned by persons legally liable for support of the substance abuser and the daily per diem shall be billed at twenty-five percent. The superintendent of a state hospital shall total only those expenditures which can be attributed to the cost of providing inpatient treatment to substance abusers for purposes of determining the daily per diem. Sections Section 125.44 and 125.45 govern governs the determination of who is legally liable for the cost of care, maintenance, and treatment of a substance abuser and of the amount for which the person is liable.

Sec. 11. NEW SECTION. 125.43A PRESCREENING.

Except in cases of medical emergency or court ordered admissions, a person shall be admitted to a state mental health institute for substance abuse treatment only after a preliminary intake and assessment by an Iowa department of substance abuse licensed treatment facility or its designee other than a state mental health institute has confirmed that the admission is appropriate to the person's substance abuse service needs. A county board of supervisors may seek an admission of a patient to a state mental health institute who has not been confirmed for appropriate admission and the county shall be responsible for one hundred percent of the cost of treatment and services of the patient.

Sec. 12. Section 125.44, unnumbered paragraphs 1 and 2, Code 1985, is amended to read as follows:

The director may, consistent with the comprehensive substance abuse program, enter into written agreements with a facility as defined in section 125.2 to pay for ~~seventy-five one hundred percent~~ of the cost of the care, maintenance and treatment of a substance abuser, ~~except that the state's liability shall be one hundred percent of the total cost of care, maintenance and treatment when a substance abuser is a state patient when section 125.43A applies.~~ All payments for state patients shall be made in accordance with the limitations of this section. Such contracts shall be for a period of no more than one year. The commission shall review and evaluate at least once each year all such agreements and determine whether ~~or not~~ they shall be continued.

The contract may be in ~~such~~ the form and contain provisions as agreed upon by the parties. ~~Such~~ The contract shall provide that the facility shall admit and treat substance abusers regardless of where they have residence. If one payment for care, maintenance, and treatment is not made by the patient or those legally liable ~~therefor within thirty days after discharge for the patient,~~ the payment shall be made by the department directly to the facility. Payments shall be made each month and shall be based upon the ~~facility's average daily per patient charge rate of payment for services negotiated between the department and the contracting facility.~~ Provisions of this If a facility projects a temporary cash flow deficit, the department may make cash advances at the beginning of each fiscal year to the facility. The repayment schedule for advances shall be part of the contract between the department and the facility. This section ~~shall~~ does not pertain to patients treated at the mental health institutes.

Sec. 13. Section 125.44, unnumbered paragraph 4, Code 1985, is amended to read as follows:

Contracting facilities shall deliver to each patient upon discharge a statement of the costs of the care, maintenance and treatment for which that patient is liable, and shall retain a carbon copy or other similar copy of that statement for a period of not less than one year after the date of discharge of the patient to whom the statement refers. Every payment received by a contracting facility from or on behalf of a patient, whether received before or after costs have been billed to the department ~~or to a county~~, shall be identified by the facility as to patient and invoice or statement, and shall be reported to the department. A contracting facility shall allow as a credit against a future billing to the department ~~or to a county~~, payments received during each month from or on behalf of a patient whose care, maintenance and treatment ~~theretofore~~ has been billed to and paid by the department ~~or a county~~. Failure by a contracting facility to comply with this paragraph, or with rules ~~promulgated~~ adopted pursuant to section 125.20 shall ~~constitute~~ is grounds for nonrenewal of the contract.

Sec. 14. Section 125.54, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The director ~~shall~~ is not be required to distribute or guarantee funds, except as provided in section 125.59:

Sec. 15. NEW SECTION. 125.59 TRANSFER OF CERTAIN REVENUE – COUNTY PROGRAM FUNDING.

The treasurer of state, on each July 1 for that fiscal year, shall transfer the estimated amounts to be received from section 123.36, subsection 8 and section 123.143, subsection 1 to the department of substance abuse.

1. Of these funds, notwithstanding section 125.13, subsection 1, one half of the transferred amount shall be used for grants to counties operating a substance abuse program involving only education, prevention, referral or post treatment services, either with the counties' own employees or by contract with a nonprofit corporation. The grants shall not annually exceed ten thousand dollars to any one county, subject to the following conditions:

a. The money shall be paid to the county after expenditure by the county and submission of the requirements in paragraph "b" on the basis of one dollar for each three dollars spent by the county. The county may submit a quarterly claim for reimbursement.

b. The county shall submit an accounting of the expenditures and shall submit an annual financial report, a description of the program, and the results obtained before June 10 of the same fiscal year in which the money is granted.

2. Of these funds, one half of the transferred amount shall be used for prevention programs in addition to the amount budgeted for prevention programs by the department of substance abuse in the same fiscal year. The department shall use this additional prevention program money for grants to a county, person, or nonprofit agency operating a prevention program. A grant to a county, person, or nonprofit agency is subject to the following conditions:

a. The money shall be paid to the county, person, or nonprofit agency after submission of the requirements in paragraph "b" on the basis of two dollars for each dollar designated for prevention by the county, person, or nonprofit agency.

b. The county, person, or nonprofit agency shall submit a description of the program.

c. The county, person, or nonprofit agency shall submit an annual financial report and the results obtained before June 10 of the same fiscal year in which the money is granted.

The department may consider in kind contributions received by a county, person, or nonprofit agency for matching purposes required in paragraph "a".

Sec. 16. NEW SECTION. 125.60 GRANT FORMULA.

The funding distributed by the department of substance abuse for program grants pursuant to the appropriation received by the department shall be distributed to each county or multi-county area by a formula based on population, need, and other criteria as determined by the department.

Sec. 17. Section 230.15, unnumbered paragraph 2, Code 1985, is amended to read as follows:

A substance abuser is legally liable for the total amount of the cost of providing care, maintenance, and treatment for the substance abuser while a voluntary or committed patient. When a portion of the cost is paid by a county, the substance abuser is legally liable to the county for the amount paid. The substance abuser shall assign any claim for reimbursement under any contract of indemnity, by insurance or otherwise, providing for the abuser's care, maintenance, and treatment in a state hospital to the state. Any payments received by the state from or on behalf of a substance abuser shall be in part credited to the county in proportion to the share of the costs paid by the county. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost or any portion of the care and treatment of any mentally ill person or substance abuser as established by the department of human services.

Sec. 18. Section 331.401, subsection 1, paragraph c, Code 1985, is amended by striking the paragraph.

Sec. 19. Section 331.508, subsection 3, Code 1985, is amended by striking the subsection.

Sec. 20. Section 331.552, subsection 10, Code 1985, is amended by striking the subsection.

Sec. 21. Section 331.756, subsection 26, Code 1985, is amended by striking the subsection.

Sec. 22. Sections 125.45, 125.47, 125.49 to 125.53, and 125.57, Code 1985, are repealed.

Sec. 23. Sections 1 and 2 of this Act are repealed effective July 1, 1986.

Sec. 24. The commission on substance abuse shall disburse the following money in the exact order which follows:

1. To each county the amount the county has expended and the commission has verified for substance abuse treatment in a facility defined in section 125.2, subsection 2, between July 1, 1985 and the effective date of this Act.

2. Increase the contract grants awarded by the commission on May 30, 1985 to facilities pursuant to section 125.44 by the amount expended by the facility for substance abuse treatment and not reimbursed by a county, state, or other organization between July 1, 1985 and the effective date of this Act. In no event shall the increase exceed one third of the original grant less the three point eighty-five percent budget cut divided by twelve and multiplying that quotient by the number of completed calendar months between July 1, 1985 and the effective date of this Act. If the grantee expended less than such amount, the grantee shall receive an increase of only the amount expended.

3. Increase the grants awarded by the commission on May 30, 1985 to facilities pursuant to section 125.44 by the amount determined after dividing one third of the original grant less the three point eighty-five percent budget cut by twelve and multiplying that quotient by the number of calendar months of the 1986 fiscal year not included in subsection 2 ending no later than June 30, 1986. In no event shall the increase exceed such amount.

Any funds left after subtracting subsections 1, 2, and 3 from one million eight hundred forty-six thousand, eight hundred seventy-nine dollars shall not be expended by the commission or the department and shall be reverted to the general fund of the state.

Sec. 25. This Act, being deemed of immediate importance, takes effect from and after its publication in The Boone News-Republican, a newspaper published in Boone, Iowa, and in The Cascade Pioneer-Advertiser, a newspaper published in Cascade, Iowa.

Approved January 27, 1986

I hereby certify that the foregoing Act, House File 244, was published in The Cascade Pioneer-Advertiser, Cascade, Iowa on January 29, 1986 and in The Boone News-Republican, Boone, Iowa on January 30, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1002
SALE OF LOTTERY TICKETS IN TAVERNS
H.F. 2017

AN ACT relating to gambling by permitting lottery tickets and shares to be sold on the premises of establishments that serve or sell alcoholic beverages, wine, or beer, providing that the pari-mutuel betting and lottery statutes are exceptions to gambling restrictions contained in chapter 99B, and providing for an effective date.

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

Section 1. Section 99B.6, subsection 1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Gambling Except as provided in subsection 5, gambling is unlawful on premises for which a class "A", class "B", class "C", or class "D" liquor control license, or class "B" beer permit has been issued pursuant to chapter 123 unless all of the following are complied with:

Sec. 2. Section 99B.6, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Lottery tickets or shares authorized pursuant to chapter 99E may be sold on the premises of an establishment that serves or sells alcoholic beverages, wine, or beer as defined in section 123.3.

Sec. 3. Section 99B.15, Code 1985, is amended to read as follows:

99B.15 APPLICABILITY OF CHAPTER.

It is the intent and purpose of this chapter to authorize gambling in this state only to the extent specifically permitted by a section of this chapter or chapter 99D or 99E. Except as otherwise provided in this chapter, the knowing failure of any person to comply with the limitations imposed by this chapter constitutes unlawful gambling, a serious misdemeanor.

Sec. 4. Section 99E.9, subsection 3, paragraph i, Code Supplement 1985, is amended to read as follows:

i. The locations at which tickets or shares may be sold. The board may authorize the sale of tickets or shares on the premises of establishments which sell or serve alcoholic beverages, wine, or beer as defined in section 123.3.

Sec. 5. Section 123.49, subsection 2, paragraph a, Code Supplement 1985, is amended to read as follows:

a. Knowingly permit any gambling, except in accordance with chapter 99B or 99E, or knowingly permit solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

Sec. 6. This Act, being deemed of immediate importance, takes effect from and after its publication in The Dubuque Leader, a newspaper published in Dubuque, Iowa, and in The Winthrop News, a newspaper published in Winthrop, Iowa.

Approved February 3, 1986

I hereby certify that the foregoing Act, House File 2017, was published in The Winthrop News, Winthrop, Iowa, on February 6, 1986, and in The Dubuque Leader, Dubuque, Iowa, on February 7, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1003

PHYSICIAN'S ASSISTANT ON EXAMINING BOARD

H.F. 736

AN ACT to include a physician's assistant on the board of medical examiners.
Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 147.14, subsection 2, Code 1985, is amended to read as follows:

2. For medical examiners, five members licensed to practice medicine and surgery, two members licensed to practice osteopathic medicine and surgery, one member approved as a physician's assistant, and two members not licensed to practice either medicine and surgery or osteopathic medicine and surgery, or approved as a physician's assistant, and who shall represent the general public. The physician's assistant shall have all the rights and privileges of a board member but may vote only on matters relating to discipline of physicians' assistants, education of physicians' assistants and rules or policies directly affecting physicians' assistants. A majority of members of the board shall ~~constitute~~ constitutes a quorum.

Approved February 3, 1986

CHAPTER 1004

CLERK TO THE BOARD OF SUPERVISORS

H.F. 645

AN ACT relating to the appointment of a clerk to the board of supervisors.

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

Section 1. Section 331.211, subsection 2, Code 1985, is amended by striking the subsection and inserting the following:

2. The auditor shall serve as clerk to the board unless the board, with the consent of the auditor, appoints a permanent clerk. In the absence of the auditor, the auditor's designee as clerk, or the permanent clerk, the board may appoint a temporary clerk. The permanent or temporary clerk appointed by the board shall provide the auditor with all information necessary for the auditor to carry out the requirements of section 331.504.

Approved February 7, 1986

CHAPTER 1005

CHILD SEX ABUSE OFFENDERS

S.F. 530

AN ACT relating to the parole of persons convicted for the offenses of sexual abuse and lascivious acts with a child.

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

Section 1. Section 906.15, Code 1985, is amended to read as follows:

906.15 DISCHARGE FROM PAROLE.

Unless sooner discharged, a person released on parole shall be discharged when the person's term of parole equals the period of imprisonment specified in the person's sentence, less all

time served in confinement. Discharge from parole may be granted prior to such time, when an early discharge is appropriate. The board shall periodically review all paroles, and when it shall determine that any person on parole is able and willing to fulfill the obligations of a law-abiding citizen without further supervision, it shall discharge the person from parole. In either event, discharge from parole shall terminate the person's sentence. However, a person convicted of a violation of section 709.3, 709.4 or 709.8 committed on or with a child shall not be discharged from parole until the person's term of parole equals the period of imprisonment specified in the person's sentence, less all time served in confinement.

Approved February 10, 1986

CHAPTER 1006

GRAIN DEALERS AND WAREHOUSE OPERATORS

S.F. 2064

AN ACT relating to licensed dealers and warehouses for agricultural products, and providing an effective date.

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

Section 1. Section 542.1, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 7. "Bond" means a bond issued by a surety company or an irrevocable letter of credit issued by a financial institution described in subsection 8.

NEW SUBSECTION. 8. "Financial institution" means a bank or savings and loan association authorized by the state of Iowa or by the laws of the United States, which is a member of the federal deposit insurance corporation or the federal savings and loan insurance corporation, respectively.

Sec. 2. Section 542.4, Code 1985, is amended to read as follows:

542.4 BOND REQUIRED.

An applicant for a license to operate as a grain dealer shall, as a condition to the granting of the license, file with the commission a bond payable to the state of Iowa with a corporate surety approved by the commission conditioned that the applicant will pay to the producer the purchase price of any grain to the producer; provided that. However, the aggregate liability of the surety to such persons shall in no event producers shall not exceed the sum of such the bond. The bond for each class 1 license shall be in the penal sum of fifty thousand dollars. The bond for each class 2 license shall be in the penal sum of twenty-five thousand dollars. One bond, cumulative as to minimum requirements, shall be required where if a person has more than one license, but in no event shall the total amount of bond required by this section shall not exceed three hundred thousand dollars for a class 1 licensee, or one hundred fifty thousand dollars for a class 2 licensee. No A bond shall not be canceled by a surety before at least sixty ninety days' notice by certified mail to the commission and the grain dealer. The liability of the surety shall cover covers purchases made by the grain dealer during the time the bond is in force. A grain dealer's bond filed with this the commission shall be in continuous force until canceled by the surety. The liability of the surety on any a bond required by the provisions of this chapter shall not accumulate for each successive license period during which the bond is in force.

Sec. 3. Section 543.1, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 23. "Bond" means a bond issued by a surety company or an irrevocable letter of credit issued by a financial institution described in subsection 24.

NEW SUBSECTION. 24. "Financial institution" means a bank or savings and loan association authorized by the state of Iowa or by the laws of the United States, which is a member of the federal deposit insurance corporation or the federal savings and loan insurance corporation, respectively.

Sec. 4. Section 543.11, Code 1985, is amended to read as follows:

543.11 SUSPENSION OR REVOCATION OF LICENSE FOR INSUFFICIENCY OF BOND OR INSURANCE.

When the commission determines that a bond filed under this chapter and approved by the commission, is, or has become, insufficient to secure the faithful performance of the obligations of the licensed warehouse operator, or when the commission determines that insurance is not fully provided as required under section 543.15, it may require the licensed warehouse operator to provide additional bond or additional evidence of insurance coverage so that the bond and insurance conform with the requirements of this chapter. If additional insurance is not provided within five thirty days after receipt by the licensee of notice by certified mail, the license of the warehouse operator concerned shall be automatically suspended. If additional insurance is not filed within another ten days, the warehouse license shall be automatically revoked. If additional bond is not provided within thirty sixty days after receiving notice, the warehouse license shall be suspended. If additional bond is not filed within ten days following suspension, the warehouse license shall be automatically revoked. When a license is so revoked, the commission shall notify each holder of an outstanding warehouse receipt and all known persons who have grain retained in open storage of the revocation. The commission shall further notify each receipt holder and all known persons who have grain retained in open storage that the grain must be removed from the warehouse not later than the thirtieth sixtieth day following the revocation. The notice shall be by ordinary mail sent to the last known address of each person having grain in storage as provided in this section.

~~Whenever~~ When the commission shall receive receives notice from a surety that it has canceled the bond of a warehouse operator, the commission shall automatically suspend the warehouse license if a new bond is not received by the commission within thirty sixty days of receipt of the notice of cancellation. The commission shall cause an inspection of the licensed warehouse immediately at the end of such thirty-day the sixty-day period. If a new bond is not received within sixty ninety days of receipt of the notice of cancellation the commission shall revoke the warehouse license. The commission shall cause a further inspection of the licensed warehouse at the end of such sixty-day the ninety-day period. When a license is so revoked the commission shall give notice of such the revocation to each holder of an outstanding warehouse receipt and all known persons who have grain retained in open storage. The commission shall further notify each receipt holder and all known persons who have grain retained in open storage that the grain must be removed from the warehouse not later than the ninetieth one hundred twentieth day following the commission's receipt of notice of cancellation, ~~by the commission.~~ Such The notice requiring removal of grain shall be sent by ordinary mail to the last known address of each person having grain in storage as provided in this section. The commission shall cause a final inspection of the licensed warehouse immediately after the end of such ninety-day the one hundred twenty-day period.

Sec. 5. Section 543.13, unnumbered paragraph one, is amended to read as follows:

Each bond required under section 543.12 shall be in such the form and shall contain such reasonable terms and conditions for the protection of the public as prescribed by the commission ~~shall prescribe~~, and shall be endorsed as surety by a bonding company authorized to do business in this state. No bond shall be canceled by the surety on less than ninety one hundred

twenty days' notice by certified mail to the commission and the principal. ~~In no event, shall the~~ The liability of the surety on ~~any a~~ bond required by section 543.12 does not accumulate for each successive license period during which the bond is in force. The liability of the surety ~~shall be is~~ limited in the aggregate to the face amount of the bond.

Sec. 6. Section 543.15, unnumbered paragraph 1, Code 1985, is amended to read as follows:

All agricultural products in storage in a licensed warehouse, or in a warehouse operated under temporary permit as provided in this chapter, and all agricultural products which have been deposited temporarily in a licensed warehouse pending storage or for purposes other than storage, shall be kept fully insured by the warehouse operator for the current value of ~~such~~ the agricultural products against loss by fire, inherent explosion, or windstorm. ~~Such~~ The insurance shall be carried in an insurance company or companies authorized to do business in this state, and evidence of ~~such~~ the insurance coverage in a form ~~to be~~ approved by the commission shall be filed with the commission. ~~No~~ An insurance policy shall not be canceled by the insurance company on less than ~~fifteen~~ sixty days' notice by certified mail to the commission and the principal unless ~~such~~ the policy is being replaced with another policy and evidence of the new policy is filed with the commission at the time of cancellation of the policy on file. ~~Such~~ The insurance shall be provided by, and carried in the name of, the warehouse operator. Claimants against ~~such~~ the insurance shall have precedence in the following order:

Sec. 7. The legislature finds that there is an emergency condition confronting grain dealers and warehouse operators, as the availability of the bonding necessary for licensure has become extremely limited. Therefore, this bill applies to sureties which issue a notice of cancellation of a grain dealer's or warehouse operator's bond on or after the effective date of this Act, and applies to licensed grain dealers and licensed warehouse operators whose sureties issue a notice of bond cancellation on or after the effective date of this Act.

Sec. 8. This bill*, being deemed of immediate importance, takes effect from and after its publication in The Algona Upper Des Moines, a newspaper published in Algona, Iowa, and in the Audubon News-Advocate, a newspaper published in Audubon, Iowa.

Approved February 10, 1986

I hereby certify that the foregoing Act, Senate File 2064, was published in The Algona Upper Des Moines, Algona, Iowa on February 19, 1986 and in the Audubon News-Advocate, Audubon, Iowa on February 19, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1007
IOWA TAX AMNESTY ACT
H.F. 764

AN ACT relating to unpaid taxes, tax credits and enforcement of taxes administered by the department of revenue, making an appropriation, and providing civil and criminal penalties.

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

Section 1. Sections 1 through 4 of this Act may be cited as the "Iowa Tax Amnesty Act".

Sec. 2. DEFINITIONS. When used in sections 1 through 4 of this Act, unless the context otherwise requires:

1. "Department" means the department of revenue.

*According to enrolled Act

2. "Taxpayer" means a person, corporation or other entity subject to any tax imposed by a law of this state, payable to this state, and administered by the department pursuant to chapter 98, 324, 324A, 422, 422A, 423, 450, 450A, 450B, or 451.

3. "Director" means the director of the department.

Sec. 3. AMNESTY PROGRAM.

1. The director shall establish a tax amnesty program. The amnesty program shall apply to tax liabilities delinquent as of December 31, 1985, including tax on returns not filed, tax liabilities on the books of the department as of December 31, 1985, or tax liabilities not reported nor established but delinquent as of December 31, 1985. For a taxpayer who has a tax liability, the director shall accept cash, certified check, cashier's check or money order for the full amount of the tax liability.

2. The amnesty program shall be for a period from September 2, 1986 through October 31, 1986 for any tax liabilities which are delinquent as of December 31, 1985.

3. The amnesty program shall provide that upon written application by a taxpayer and payment by the taxpayer of amounts due from the taxpayer to this state for a tax covered by the amnesty program plus interest equal to fifty percent of the interest that would have been owed through December 31, 1985, the department shall not seek to collect any other interest or penalties which may be applicable and the department shall not seek civil or criminal prosecution for a taxpayer for the period of time for which amnesty has been granted to the taxpayer. Failure to pay all taxes delinquent as of December 31, 1985 and due to this state except those adjustments made pursuant to a federal audit completed after the effective date of this Act shall invalidate any amnesty granted pursuant to this Act. Amnesty shall be granted for only the taxable periods specified in the application and only if all amnesty conditions are satisfied by the taxpayer.

4. Amnesty shall not be granted to a taxpayer who is a party to an active criminal investigation or to a criminal litigation which is pending in a district court, the court of appeals, or the supreme court of this state for nonpayment or fraud in relation to any state tax imposed by a law of this state.

5. The director shall prepare and make available amnesty application forms which contain requirements for approval of an application. The director may deny any application inconsistent with sections 1 through 4 of this Act.

Sec. 4. Sections 1 through 3 of this Act are exempt from the rulemaking process of the Iowa administrative procedure Act.

Sec. 5. Section 98.13, subsection 2, Code 1985, is amended to read as follows:

2. ISSUANCE.

a. The department shall issue state permits to distributors, wholesalers, and cigarette vendors subject to the conditions provided in this division. Cities may issue retail permits to dealers within their respective limits. County boards of supervisors may issue retail permits to dealers in their respective counties, outside of the corporate limits of cities. Upon issuance of a retail permit by a city council or board of supervisors, the council or board shall forthwith certify to the department the action taken.

b. The department may deny the issuance of a permit to a distributor, wholesaler, vendor or retailer who is substantially delinquent in the payment of a tax due, or the interest or penalty on the tax, administered by the department at the time of application. If the applicant is a partnership, a permit may be denied if a partner is substantially delinquent on any delinquent tax, penalty or interest. If the applicant is a corporation, a permit may be denied if any officer having a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax, interest or penalty of the applicant corporation.

Sec. 6. Section 98.22, subsection 1, Code 1985, is amended to read as follows:

1. If any a person holding a permit issued by the department under this division, including a retailer permit for railway car, has willfully violated the provisions of section 98.2, the department shall revoke the permit issued the person upon notice and hearing. If the person violates any other provision of this division, or any a rule promulgated adopted under this division, or is substantially delinquent in the payment of a tax administered by the department or the interest or penalty on the tax, or if the person is a corporation and if any officer having a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax of the permit-holding corporation, or interest or penalty on the tax, administered by the department, the department may revoke the permit issued to the person, after giving the permit holder an opportunity to be heard upon ten days' written notice stating the reason for the contemplated revocation and the time and place at which the person may appear and be heard. The hearing shall be held in the county of the permit holder's place of business, or in a county in or through which it transacts business. The notice shall be given by mailing a copy by certified mail to the permit holder's place of business as the same it appears on the application for a permit. If, upon hearing, the department finds that the violation has occurred, the department may revoke the permit.

Sec. 7. Section 98.28, Code 1985, is amended to read as follows:

98.28 ASSESSMENT OF TAX BY DEPARTMENT — INTEREST — PENALTY.

If after any audit, examination of records, or other investigation the department finds that any person has sold cigarettes without stamps affixed thereto as required by this division or that any person has failed to pay at least ninety percent of any tax imposed upon the person, the department shall fix and determine the amount of tax due, and shall assess the tax against the person, together with a penalty of five seven and one-half percent of the amount of the tax, except as provided in section 421.27. The taxpayer shall pay interest on the tax or additional tax at the rate determined under section 421.7 counting each fraction of a month as an entire month, computed from the date the tax was due. If any person fails to furnish evidence satisfactory to the director showing purchases of sufficient stamps to stamp unstamped cigarettes purchased by the person, the presumption shall be that the cigarettes were sold without the proper stamps affixed thereto. Within two years after the return is filed or within two years after the return became due, whichever is later, the department shall examine it and determine the correct amount of tax.

Sec. 8. Section 98.29, Code 1985, is amended to read as follows:

98.29 NOTICE AND APPEAL.

The department shall notify any person assessed pursuant to section 98.28 by sending a written notice of such the determination and assessment by certified mail to the principal place of business of such the person as shown on the person's application for permit, if any, and in case no such application was filed by such the person, to the person's last known address. A determination by the department of the amount of tax, penalty, and interest due, or the amount of refund for excess tax paid, is final unless the person aggrieved by the determination appeals to the director for a revision of the determination within thirty days from the postmark date of the notice of determination of tax, penalty, and interest or refund owing. The director shall grant a hearing and upon the hearing, the director shall determine the correct tax, penalty, and interest or refund due and notify the appellant of the decision by certified mail. Judicial review of action of the ~~department~~ director may be sought in accordance with the terms of the Iowa administrative procedure Act and section 422.29.

Sec. 9. Section 98.46, subsection 6, Code 1985, is amended to read as follows:

6. The director in issuing the final assessment pursuant to subsection 3 shall add to the amount of tax found due and unpaid a penalty of five seven and one-half percent of the tax if less than ninety percent of the tax has been paid, except as provided in section 421.27, except that, if the director finds that the taxpayer has made a false and fraudulent return with intent

to evade the tax imposed by this division, the penalty shall be fifty seventy-five percent of the entire tax as shown by the return as corrected. The director in assessing a tax on the basis of a return made pursuant to subsection 4 shall add to the amount of tax found due and unpaid a penalty of fifty seventy-five percent of the tax. The penalty imposed under this subsection is not subject to waiver.

Sec. 10. Section 324.4, unnumbered paragraph 2, Code 1985, is amended to read as follows:

A license shall not be issued if the applicant is a foreign corporation, unless it is at the time properly qualified under the laws of this state to do business ~~therein~~ in this state. The department may deny the issuance of a license to an applicant who is substantially delinquent in the payment of a tax due, or the interest or penalty on the tax, administered by the department of revenue. If the applicant is a partnership, a license may be denied if a partner owes any delinquent tax, penalty or interest. If the applicant is a corporation, a license may be denied if any officer having a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax, interest or penalty of the applicant corporation.

Sec. 11. Section 324.65, unnumbered paragraph 1, Code 1985, is amended to read as follows:

If a licensee or other person fails to remit at least ninety percent of the tax due with the filing of the return on or before the due date or pays less than ninety percent of any tax required to be shown on the return, there shall be added to the tax a penalty of five seven and one-half percent of the amount of the tax due, except as provided in section 421.27. The penalty imposed under this section is not subject to waiver. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under section 421.7 counting each fraction of a month as an entire month, computed from the date the return was required to be filed.

Sec. 12. Section 324.65, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The appropriate state agency shall not remit any part of a penalty for delinquent payment where the delinquency results from the fact that a check given in payment is not honored because of insufficient funds in the account upon which the check was drawn. However, if it appears as a result of an investigation or from a preponderance of the evidence adduced at a hearing that there has been a deliberate attempt on the part of a licensee or other person to evade payment of fuel taxes there shall be added to the assessment against the offending person and collected a penalty of fifty seventy-five percent of the tax due. Any report required of licensees or persons operating under divisions I, II and III, upon which no tax may be due, is subject to a penalty of ten dollars if the report is not timely filed with the appropriate state agency.

Sec. 13. Section 324.65, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a licensee or other person sells the licensee's or other person's business or stock of goods or quits the business, the licensee or other person shall prepare a final return and pay all tax due within the time required by law. The immediate successor to the licensee or other person, if any, shall withhold sufficient of the purchase price, in money or money's worth, to pay the amount of any delinquent tax, interest or penalty due and unpaid. If the immediate successor of the business or stock of goods intentionally fails to withhold any amount due from the purchase price as provided in this paragraph, the immediate successor is personally liable for the payment of the taxes, interest and penalty accrued and unpaid on account of the operation of the business by the immediate former licensee or other person, except when the purchase is made in good faith as provided in section 421.28. However, a person foreclosing on a valid security interest or retaking possession of premises under a valid lease is not an "immediate successor" for purposes of this paragraph. The department may waive the liability of the immediate successor under this

paragraph if the immediate successor exercised good faith in establishing the amount of the previous liability.

Sec. 14. Section 324.66, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The appropriate state agency shall administer the taxes imposed by this chapter in the same manner as and subject to all the provisions of section 422.25, subsection 4 and section 422.52, subsection 3. Notwithstanding section 422.52, subsection 3, all special fuel licensees are required to file a bond with the director in an amount as established by the director.

Sec. 15. Section 324.68, unnumbered paragraph 1, Code 1985, is amended to read as follows:

If a licensee files a false report of the data or information required by this chapter, or fails, refuses, or neglects to file a report required by this chapter, or to pay the full amount of fuel tax as required by this chapter, or is substantially delinquent in paying a tax due, owing and administered by the department of revenue, and interest and penalty if appropriate, or if the person is a corporation and if any officer having a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax of the licensee corporation, or interest or penalty on the tax, administered by the department, then after ten days' written notice by registered mail directed to the last known address of the licensee setting a time and place at which the licensee may appear and show cause why the license should not be canceled, and if the licensee fails to appear or if upon the hearing it is shown by a preponderance of the evidence that the failure to correctly report or pay was with intent to evade the tax, the appropriate state agency may cancel the license and shall notify the licensee of the cancellation by registered mail to the licensee's last known address.

Sec. 16. Section 421.7, subsection 2, Code 1985, is amended to read as follows:

2. The rate of interest that shall be in effect during a calendar year shall be the rate which is ~~two percentage points less than~~ the numerical average, rounded to the nearest one percent, of the respective prime rates for each of the months in the twelve-month period that ends September 30 of the previous calendar year. The rate of interest established by this subsection takes effect January 1, and applies to any amount which is due or becomes payable on or after that date.

Sec. 17. Section 421.7, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 7. If a person files a purported return of tax which does not contain information on which the substantial correctness of the self-assessment may be judged or which contains information that on its face indicates that the self-assessment is substantially incorrect and the conduct previously referred to in this paragraph is due to a position which is frivolous or a desire which appears on the purported return to delay or impede the administration of the tax laws of this state, then the person shall pay a penalty of five hundred dollars. This penalty shall be in addition to any other penalty provided by law.

Sec. 18. Section 421.17, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. For any contested case, as defined in section 17A.2, commenced on or after the effective date of this Act, the person disputing the assessment must pay all tax, interest and penalty pertaining to the disputed assessment prior to the commencement of the contested case. Upon a showing of good cause, the hearing officer shall allow the person to post a bond in an amount established by the hearing officer, but not in excess of all tax, interest, and penalty, in lieu of paying all tax, interest and penalty.

The director shall adopt rules establishing procedures for payment of taxes under protest. If it is finally determined that the tax is not due in whole or in part, the department shall refund the part of the tax payment which is determined not to be due together with interest on the amount of the refund at the rate as determined under section 421.7.

Sec. 19. NEW SECTION. 421.26 LIABILITY FOR TAX DUE.

If a licensee or other person under section 324.65, a retailer or purchaser under section 422.52, or a retailer or purchaser under section 423.13 fails to pay a tax under those sections when due, any officer of a corporation or association, or any partner of a partnership, having control or supervision of or the authority for remitting the tax payments and having a substantial legal or equitable interest in the ownership of the corporation or partnership, who has intentionally failed to pay the tax is personally liable for the payment of the tax, interest and penalty due and unpaid. However, this section shall not apply to taxes on accounts receivable. The dissolution of a corporation, association or partnership shall not discharge a person's liability for failure to remit the tax due.

Sec. 20. NEW SECTION. 421.27 EXCEPTIONS FROM PENALTY PROVISIONS.

The penalty provided for failure to remit at least ninety percent of the tax due or of the tax due with the filing of the deposit form or return or to pay at least ninety percent of the tax required to be shown on the return under section 98.28, 98.46, 324.65, 422.16, 422.25, 422.58, 422.66, 423.18, 435.5, 450.63, 450A.12, or 451.12 shall not be assessed by the department under any of the following conditions:

1. The taxpayer voluntarily files an amended return and pays all tax shown to be due on the return prior to any contact by the department.
2. The taxpayer provides written notification to the department of a federal audit while it is in progress and voluntarily files an amended return within sixty days of the final disposition of the federal government's audit.
3. The return is timely, but erroneously, mailed with adequate postage to the internal revenue service or another state agency and the taxpayer provides proof of timely mailing with adequate postage.
4. The return is timely mailed with adequate postage to the department of revenue and the taxpayer provides proof of timely mailing with adequate postage.
5. The taxpayer presents proof that the taxpayer relied upon documented written erroneous advice from the department, county treasurer, or federal internal revenue service, whichever is appropriate.

Sec. 21. NEW SECTION. 421.28 EXCEPTIONS TO SUCCESSOR LIABILITY.

The immediate successor to a licensee's or retailer's business or stock of goods under section 324.65, 422.52, or 423.13 is not personally liable for the amount of delinquent tax, interest, or penalty due and unpaid if the immediate successor shows that the purchase of the business or stock of goods was made in good faith that no delinquent tax, interest, or penalty was due and unpaid. For purposes of this section the immediate successor shows good faith by evidence that no tax liens were filed, that the department had informed the immediate successor that no delinquent tax, interest, or penalty is unpaid, or that the immediate successor had taken in good faith a certified statement from the licensee or retailer that no delinquent tax, interest, or penalty is unpaid. When requested to do so by a person with whom the licensee or retailer is negotiating the sale of the business or stock of goods, the director of revenue shall, upon being satisfied that such a situation exists, inform that person as to the amount of unpaid delinquent tax, interest, or penalty due by the licensee or the retailer. The giving of the information under this circumstance is not a violation of section 324.63, 422.20, or 422.72.

Sec. 22. Section 422.10, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The taxes imposed under this division shall be reduced by a state tax credit for increasing research activities in this state. For individuals, the credit shall equal six and one-half percent of the state's apportioned share of the qualifying expenditures for increasing research activities. The state's apportioned share of the qualifying expenditures for increasing research activities is a percent equal to the ratio of qualified research expenditures in this state to total qualified research expenditures. For purposes of this section, an individual may claim a research credit for qualifying research expenditures incurred by a partnership, subchapter S corporation, and estate or trust electing to have the income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of a partnership, subchapter S corporation, or estate or trust. For purposes of this section, "qualifying expenditures for increasing research activities" means the qualifying expenditures as defined for the federal credit for increasing research activities computed which would be allowable under section 30 of the Internal Revenue Code of 1954, as amended to and including in effect on January 1, 1983 1985. The research activities credit is applicable for taxable years beginning after December 31, 1985 to the same extent that the credit is applicable for federal income tax purposes for taxable years beginning after December 31, 1985.

Sec. 23. Section 422.16, subsection 10, paragraph b, unnumbered paragraph 1, Code 1985, is amended to read as follows:

If any person or withholding agent fails to remit at least ninety percent of the tax due with the filing of the semimonthly, monthly, or quarterly deposit form on or before the due date, or pays less than ninety percent of any tax required to be shown on the semimonthly, monthly, or quarterly deposit form, there shall be added to the tax a penalty of ~~ten~~ fifteen percent of the amount of the tax due, except as provided in section 421.27.

Sec. 24. Section 422.16, subsection 10, paragraph b, unnumbered paragraph 2, Code 1985, is amended to read as follows:

In the case of willful failure to file a semimonthly, monthly, or quarterly deposit form with intent to evade tax or willful filing of a false semimonthly, monthly, or quarterly deposit form with intent to evade tax, in lieu of the penalty otherwise provided in this paragraph, there is added to the amount required to be shown as tax on the semimonthly, monthly, or quarterly deposit form, ~~fifty~~ seventy-five percent of the amount of the tax. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under section 421.7, for each month counting each fraction of a month as an entire month, computed from the date the semimonthly, monthly, or quarterly deposit form was required to be filed. The penalty and interest become a part of the tax due from the withholding agent. The penalty imposed under this subsection is not subject to waiver.

Sec. 25. Section 422.16, subsection 14, Code 1985, is amended to read as follows:

14. The director may, when necessary and advisable in order to secure the collection of the tax required to be deducted and withheld or the amount actually deducted, whichever is greater, require a ~~nonresident~~ an employer or withholding agent to file with the director a bond, issued by a surety company authorized to conduct business in this state and approved by the insurance commissioner as to solvency and responsibility, in ~~such~~ an amount as the director may fix, to secure the payment of the tax and penalty due or which may become due. In lieu of the bond, securities shall be kept in the custody of the department and may be sold by the director at public or private sale, without notice to the depositor, if it becomes necessary to do so in order to recover any tax and penalty due. Upon ~~any such~~ a sale, any surplus above the amounts due under this section shall be returned to the ~~nonresident~~ employer or withholding agent who deposited the securities.

Sec. 26. Section 422.25, subsection 2, Code 1985, is amended to read as follows:

2. In addition to the tax or additional tax determined by the department under subsection 1, the taxpayer shall pay interest on the tax or additional tax at the rate in effect under section 421.7 for each month counting each fraction of a month as an entire month, computed from the date the return was required to be filed. If any person fails to remit at least ninety percent of the tax due with the filing of the return on or before the due date, or pays less than ninety percent of any tax required to be shown on the return, there shall be added to the tax a penalty of five seven and one-half percent of the tax due, except as provided in section 421.27. In case of willful failure to file a return with intent to evade tax, or in case of willfully filing a false return with intent to evade tax, in lieu of the penalty otherwise provided in this subsection, there shall be added to the amount required to be shown as tax on the return fifty seventy-five percent of the amount of the tax. The penalty imposed under this subsection is not subject to waiver.

Sec. 27. Section 422.28, Code 1985, is amended to read as follows:

422.28 REVISION OF TAX.

A taxpayer may appeal to the director for revision of the tax, interest or penalties assessed at any time within ~~ninety~~ thirty days from the date of the notice of the assessment of tax, additional tax, interest or penalties. The director shall grant a hearing and if, upon the hearing, the director determines that the tax, interest or penalties are excessive or incorrect, the director shall revise them according to the law and the facts and adjust the computation of the tax, interest or penalties accordingly. The director shall notify the taxpayer by registered mail of the result of the hearing and shall refund to the taxpayer the amount, if any, paid in excess of the tax, interest or penalties found by the director to be due, with interest after sixty days from the date of payment by the taxpayer at the rate in effect under section 421.7 for each month or a fraction of a month. The director may, on the director's own motion at any time, abate any portion of tax, interest or penalties which the director determines is excessive in amount, or erroneously or illegally assessed. The director shall prepare quarterly reports, which shall be included in the annual statistical reports required under section 422.75, summarizing each case in which an abatement of tax, interest or penalties was made under this section, but a report shall not disclose the identity of the taxpayer.

Sec. 28. Section 422.33, subsection 5, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The taxes imposed under this division shall be reduced by a state tax credit for increasing research activities in this state equal to six and one-half percent of the state's apportioned share of the qualifying expenditures for increasing research activities. The state's apportioned share of the qualifying expenditures for increasing research activities is a percent equal to the ratio of qualified research expenditures in this state to the total qualified research expenditures. For purposes of this subsection, "qualifying expenditures for increasing research activities" means the qualifying expenditures as defined for the federal credit for increasing research activities ~~computed which would be allowable under section 30 of the Internal Revenue Code of 1954, as amended to and including in effect on January 1, 1983~~ 1985. The research activities credit is applicable for taxable years beginning after December 31, 1985 to the same extent that the credit is applicable for federal income tax purposes for taxable years beginning after ~~December 31, 1985~~.

Sec. 29. Section 422.47, subsection 3, paragraph b, Code 1985, is amended to read as follows:

b. The sales tax liability for all sales of tangible personal property and all sales of services ~~shall be~~ is upon the seller and the purchaser unless the seller takes in good faith from the purchaser a valid exemption certificate stating under penalties for perjury that the purchase is for resale or for processing and is not a retail sale as defined in section 422.42, subsection 3. ~~Where~~ If the tangible personal property or services are purchased tax free pursuant to a

valid exemption certificate which is taken in good faith by the seller, and the tangible personal property or services are used or disposed of by the purchaser in a nonexempt manner, the purchaser shall be is solely liable for the taxes and shall remit said the taxes directly to the department and sections 422.50, 422.51, 422.52, 422.54, 422.55, 422.56, 422.57, 422.58, and 422.59 shall apply to such the purchaser.

Sec. 30. Section 422.52, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 6. a. If a purchaser fails to pay tax imposed by this division to the retailer required to collect the tax, then in addition to all of the rights, obligations and remedies provided, the tax is payable by the purchaser directly to the department, and sections 422.50, 422.51, 422.52, 422.54, 422.55, 422.56, 422.57, 422.58 and 422.59 apply to the purchaser. For failure, the retailer and purchaser are liable, unless the circumstances described in subsections* 422.47, subsection 3, paragraphs "b" and "e" are applicable.

b. If any retailer subject to this division sells the retailer's business or stock of goods or quits the business, the retailer shall prepare a final return and pay all tax due within the time required by law. The immediate successor to the retailer, if any, shall withhold sufficient of the purchase price, in money or money's worth, to pay the amount of delinquent tax, interest or penalty due and unpaid. If the immediate successor of the business or stock of goods intentionally fails to withhold the amount due from the purchase price as provided in this paragraph, the immediate successor is personally liable for the payment of the delinquent taxes, interest and penalty accrued and unpaid on account of the operation of the business by the immediate former retailer, except when the purchase is made in good faith as provided in section 421.28. However, a person foreclosing on a valid security interest or retaking possession of premises under a valid lease is not an "immediate successor" for purposes of this paragraph. The department may waive the liability of the immediate successor under this paragraph if the immediate successor exercised good faith in establishing the amount of the previous liability.

c. A person sponsoring a flea market, or a craft, antique, coin, or stamp show or similar event shall obtain from every retailer selling tangible personal property or taxable services at the event proof that the retailer possesses a valid sales tax permit or secure from the retailer a statement, taken in good faith, that property or services offered for sale are not subject to sales tax. Failure to do so renders a sponsor of the event liable for payment of any sales tax, interest and penalty due and owing from any retailer selling property or services at the event. Sections 422.50, 422.51, 422.52, 422.54, 422.55, 422.56, 422.57, 422.58 and 422.59 apply to the sponsors. For purposes of this paragraph a person sponsoring a flea market, or a craft, antique, coin or stamp show or similar event does not include an organization which sponsors an event less than three times a year or a state, county or district agricultural fair.

Sec. 31. Section 422.53, subsections 2 and 5, Code 1985, are amended to read as follows:

2. The applicant must have a permit for each place of business. The department may deny a permit to an applicant who is substantially delinquent in paying a tax due, or the interest or penalty on the tax, administered by the department at the time of application. If the applicant is a partnership, a permit may be denied if the partner is substantially delinquent in paying any delinquent tax, penalty or interest. If the applicant is a corporation, a permit may be denied if any officer having a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax, penalty or interest of the applicant corporation.

5. If the holder of a permit fails to comply with any of the provisions of this division or any orders or rules of the department adopted under this division or is substantially delinquent in the payment of a tax administered by the department or the interest or penalty on the tax, or if the person is a corporation and if any officer having a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax of the permit-holding corporation, or interest or penalty on the tax, administered by the department, the director upon hearing after giving ten days' notice of the time and place of the hearing to show cause why the permit

*Section probably intended

should not be revoked, may revoke the permit. The director may restore permits after revocation. The director shall adopt rules setting forth the period of time a retailer must wait before a permit may be restored or a new permit may be issued. The waiting period shall not exceed ninety days from the date of the revocation of the permit.

Sec. 32. Section 422.58, subsection 1, Code 1985, is amended to read as follows:

1. If a person or permit holder fails to remit at least ninety percent of the tax due with the filing of the semimonthly or monthly tax deposit form or return on or before the due date, or pays less than ninety percent of any tax required to be shown on the return, excepting the period between the completion of an examination of the books and records of a taxpayer and the giving of notice to the taxpayer that a tax or additional tax is due, there shall be added to the tax a penalty of ~~ten~~ fifteen percent of the amount of the tax due, except as provided in section 421.27. In case of willful failure to file a semimonthly or monthly tax deposit form or return, willful filing of a false semimonthly or monthly tax deposit form or return or willful filing of a false or fraudulent semimonthly or monthly tax deposit form or return with intent to evade tax, in lieu of the penalty otherwise provided in this subsection, there shall be added to the amount required to be shown as tax on the semimonthly or monthly tax deposit form or return fifty seventy-five percent of the amount of the tax. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under section 421.7 for each month counting each fraction of a month as an entire month, computed from the date the semimonthly or monthly tax deposit form or return was required to be filed. The penalty and interest shall be paid to the department and disposed of in the same manner as other receipts under this division. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this division. The penalty imposed under this subsection is not subject to waiver.

Sec. 33. Section 422.58, subsection 2, Code 1985, is amended to read as follows:

2. a. Any person who ~~shall~~ knowingly ~~sell~~ sells tangible personal property, tickets or admissions to places of amusement and athletic events, or gas, water, electricity, and communication service at retail, or ~~engage~~ engages in the rendering, furnishing, or performing of services enumerated in section 422.43, in this state without procuring a permit, as provided in section 422.53, or who ~~shall violate the provisions of~~ violates section 422.49, and the officers of any corporation who ~~shall so act, shall be~~ acts is guilty of a ~~simple~~ serious misdemeanor.

b. Any A person who ~~shall~~ knowingly ~~sell~~ sells tangible personal property, tickets or admissions to places of amusement and athletic events, or gas, water, electricity, and communication service at retail, or ~~engage~~ engages in the rendering, furnishing, or performing of services enumerated in section 422.43, in this state after the person's license ~~shall have~~ has been revoked and before it has been restored as provided in section 422.53, subsection 5 and the officers of any corporation who ~~shall so act shall be~~ are guilty of a ~~serious~~ an aggravated misdemeanor.

Sec. 34. Section 423.9, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Every retailer maintaining a place of business in this state and making sales of tangible personal property for use in this state, not exempted under ~~the provisions of~~ section 423.4 nor collectible under ~~the provisions of~~ section 423.7, shall at the time of making ~~such~~ the sales, whether within or without the state, collect the tax imposed by this chapter from the purchaser, and give to the purchaser a receipt ~~therefor~~ for the tax in the manner and form prescribed by the director, if the director ~~shall, by regulation, require~~ such rules requires a receipt. Each such retailer shall list with the department the name and address of all the retailer's agents operating in this state, and the location of ~~any and~~ all the retailer's distribution or sales houses or offices or other places of business in this state. The department may deny the issuance of a permit to a retailer who is substantially delinquent in paying a tax due,

or the interest or penalty on the tax, administered by the department at the time of application. If the applicant is a partnership, a permit may be denied if a partner owes any delinquent tax, penalty or interest. If the applicant is a corporation, a permit may be denied if any officer having a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax, penalty or interest of the applicant corporation.

Sec. 35. Section 423.13, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a retailer sells the retailer's business or stock of goods or quits the business, the retailer shall prepare a final return and pay all tax due within the time required by law. The immediate successor to the retailer, if any, shall withhold sufficient of the purchase price, in money or money's worth, to pay the amount of delinquent tax, interest or penalty due and unpaid. If the immediate successor of the business or stock of goods intentionally fails to withhold the amount due from the purchase price as provided in this paragraph, the immediate successor is personally liable for the payment of delinquent taxes, interest and penalty accrued and unpaid on account of the operation of the business by the immediate former retailer, except when the purchase is made in good faith as provided in section 421.28. However, a person foreclosing on a valid security interest or retaking possession of premises under a valid lease is not an "immediate successor" for purposes of this paragraph. The department may waive the liability of the immediate successor under this paragraph if the immediate successor exercised good faith in establishing the amount of the previous liability.

Sec. 36. Section 423.18, subsection 1, Code 1985, is amended to read as follows:

1. If a person or permit holder fails to remit at least ninety percent of the tax due with the filing of the monthly deposit form or return on or before the due date, or pays less than ninety percent of any tax required to be shown on the monthly deposit form or return, excepting the period between the completion of an examination of the books and records of a taxpayer and the giving of notice to the taxpayer that a tax or additional tax is due, there shall be added to the tax a penalty of ~~five~~ seven and one-half percent of the tax due, except as provided in section 421.27. For tax due under section 423.9, the penalty shall be ten percent. In case of willful failure to file a monthly deposit form or return, willfully filing a false monthly deposit form or return, or willfully filing a false or fraudulent monthly deposit form or return with intent to evade tax, in lieu of the penalty otherwise provided in this subsection, there shall be added to the amount required to be shown as tax on the monthly deposit form or return ~~fifty~~ seventy-five percent of the amount of the tax. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under section 421.7, for each month counting each fraction of a month as an entire month, computed from the date the monthly deposit form or return was required to be filed. The penalty and interest shall be paid to the department and disposed of in the same manner as other receipts under this chapter. Unpaid penalties and interest may be collected in the same manner as the tax imposed by this chapter. The penalty imposed under this subsection is not subject to waiver.

Sec. 37. Section 423.22, Code 1985, is amended to read as follows:
423.22 REVOKING PERMITS.

~~Whenever any~~ If a retailer maintaining a place of business in this state, or authorized to collect the tax ~~herein~~ imposed pursuant to section 423.10, fails to comply with any of the provisions of this chapter or any orders or rules prescribed and adopted under this chapter, or is substantially delinquent in the payment of a tax administered by the department or the interest or penalty on the tax, or if the person is a corporation and if any officer having a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax of the permit-holding corporation, or interest or penalty on the tax, administered by the department, the director may, upon notice and hearing as ~~hereinafter~~ provided, by order

revoke the permit, if any, issued to such the retailer under section 422.53, or if such the retailer is a corporation authorized to do business in this state under chapter 494, may certify to the secretary of state a copy of an order finding that such the retailer has failed to comply with certain specified provisions, orders or rules. The secretary of state shall, upon receipt of such the certified copy, revoke the permit authorizing said the corporation to do business in this state, and shall issue a new permit only when such the corporation shall have has obtained from the director an order finding that such the corporation has complied with its obligations under this chapter. No order authorized in this section shall be made until the retailer is given an opportunity to be heard and to show cause why such the order should not be made, and the retailer shall be given ten days' notice of the time, place, and purpose of such the hearing. The director may issue a new permit pursuant to section 422.53 after such revocation. The preceding provision shall apply applies to users and persons supplying services enumerated in section 422.43.

Sec. 38. Section 435.5, Code 1985, is amended to read as follows:
435.5 PENALTY.

If any person fails to remit at least ninety percent of the tax due with the filing of the return on or before the due date, or pays less than ninety percent of the total amount of the tax due as shown on the return, there shall be added to the tax a penalty of five seven and one-half percent of the tax due, except as provided in section 421.27. In case of willful failure to file a return with intent to evade tax, or in case of willfully filing a false return with intent to evade tax, in lieu of the penalty above provided, there shall be added to the amount required to be shown as tax on the return fifty seventy-five percent of the amount of the tax. The penalty imposed under this section is not subject to waiver.

Sec. 39. Section 450.63, subsection 2, Code 1985, is amended to read as follows:

2. If a person liable for the payment of tax as stated in section 450.5 fails to remit at least ninety percent of the tax due with the filing of the return on or before the due date or pays less than ninety percent of any tax required to be shown on the return, there shall be added to the tax a penalty of five seven and one-half percent of the amount of the tax due, except as provided in section 421.27. The penalty imposed under this subsection is not subject to waiver.

Sec. 40. Section 450.94, subsection 3, Code 1985, is amended to read as follows:

3. If the amount paid is greater than the correct tax, penalty and interest due, the department shall refund the excess, with interest after sixty days from the date of payment at the rate in effect under section 421.7, under the rules prescribed by the director. However, the director shall not allow a claim for refund or credit that has not been filed with the department within three years after the tax payment upon which a refund or credit is claimed became due, or one year after the tax payment was made, whichever time is the later. A determination by the department of the amount of tax, penalty and interest due, or the amount of refund for excess tax paid, is final unless the person aggrieved by the determination appeals to the director for a revision of the determination within ninety thirty days from the postmark date of the notice of determination of tax, penalty and interest due or refund owing. The director shall grant a hearing, and upon the hearing the director shall determine the correct tax, penalty and interest or refund due, and notify the appellant of the decision by certified mail. The decision of the director is final unless the appellant seeks judicial review of the director's decision under section 450.59 within sixty days after the postmark date of the notice of the director's decision.

Sec. 41. Section 805.8, subsection 2, paragraph p, Code Supplement 1985, is amended by striking the paragraph.

Sec. 42. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 1985 and ending June 30, 1986 the sum of two

hundred fifty thousand (250,000) dollars or so much thereof as necessary, to be used to administer this Act. *There is also appropriated for the purpose of increasing the auditing and enforcement activities of the department, not to exceed an additional thirty-six full-time equivalent positions, the sum of one million (1,000,000) dollars, or so much thereof as is necessary.* The department shall report the gross revenue collected under each tax pursuant to the amnesty program as soon as practicable after the close of the amnesty period but prior to February 1, 1987. The department shall also report its estimates of the additional revenue collected as a result of any increase in auditing and enforcement activities provided for under this appropriation. Notwithstanding section 8.33, moneys remaining of the appropriation under this section on June 30, 1986 shall not revert to the general fund.

Sec. 43. It is the intent of the general assembly in enacting the Iowa tax amnesty Act that the general assembly and the state shall not conduct another tax amnesty program prior to January 1, 2000.

Sec. 44. Sections 22 and 28 of this Act are retroactive to January 1, 1986 for tax years beginning on or after that date.

Sec. 45. Sections 5, 6, 7, 9, 10, 11, 12, 14, 15, 17, 20, 23, 24, 25, 26, 29, 31, 32, 34, 36, 37, 38, and 39 are effective January 1, 1987 for taxes due and payable on or after that date.

Sec. 46. Sections 8, 18, 27, and 40 are effective January 1, 1987 for assessments made on or after that date.

Sec. 47. This Act, except for sections 5 through 12, 14, 15, 17, 18, 20, 22, 23 through 29, 31, 32, 34, and 36 through 40, being deemed of immediate importance, takes effect from and after its publication in The Nevada Evening Journal, a newspaper published in Nevada, Iowa, and in The Toledo Chronicle, a newspaper published in Toledo, Iowa.

Approved February 14, 1986, except the item which I hereby disapprove and which is designated as that portion of section 42 which is herein bracketed in ink and initialed by me. My reasons for vetoing this item are delineated in the item veto message pertaining to this Act to the Speaker of the House of Representatives this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, Governor

I hereby certify that the foregoing Act, House File 764, was published in The Nevada Evening Journal, Nevada, Iowa, on March 11, 1986, and in The Toledo Chronicle, Toledo, Iowa, on March 12, 1986.

MARY JANE ODELL, Secretary of State

*Item veto; see message at end of this Act

Dear Mr. Speaker:

I hereby transmit House File 764, an Act relating to unpaid taxes, tax credits and enforcement of taxes administered by the department of revenue, making an appropriation, and providing civil and criminal penalties.

House File 764 is approved February 14, 1986, with the following exception which I hereby disapprove.

I am unable to approve the item designated in Section 42, which reads as follows:

There is also appropriated for the purpose of increasing the auditing and enforcement activities of the department, not to exceed an additional thirty-six full-time equivalent positions, the sum of one million (1,000,000) dollars, or so much thereof as is necessary.

House File 764 establishes a tax amnesty program. The tax amnesty program will run from September 2, through October 31 of this year. The bill also provides for stiffer penalties for tax evaders following the amnesty period. An appropriation of \$250,000 is provided to the Department of Revenue to administer the program and an additional \$1,000,000 is appropriated in this fiscal year to hire up to an additional 36 tax collection agents.

The tax amnesty program is projected to provide the state with up to \$5,000,000 in additional revenue which was projected in the FY '87 budget. In addition, the tax evasion penalties and the \$250,000 appropriation are provided in order to successfully implement the amnesty program.

However, the \$1,000,000 appropriated by the General Assembly this fiscal year is untimely, unnecessary and excessive spending. Although appropriated this year, the funds could not be spent until after the amnesty period — that is next fiscal year. Although a carryover of the funds is provided for, this appropriation would needlessly threaten to place the state's budget in the red this year.

Moreover, the budgets for both FY '86 and '87 fiscal years are extremely tight, with little discretionary funds available for additional expenditures. I question the need for an additional 36 revenue agents at a time when the state is working to reduce its payroll by over 960 positions.

I understand that other states have put in place additional revenue collection capabilities following an amnesty period. The stiffer tax evasion penalties in the bill should help with the enforcement effort. Reallocation may also be necessary to provide needed assistance to the Department. And I have indicated to legislators that I am willing to consider a modest appropriation to the Department in FY '87, if it can be done without putting the budget in the red.

For the above reasons, I hereby respectfully disapprove of this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 764 are hereby approved as of this date.

TERRY E. BRANSTAD, *Governor*

CHAPTER 1008
PAYMENT OF DRAINAGE ASSESSMENTS
H.F. 635

AN ACT relating to the payment of drainage assessments against lands under the jurisdiction of the state conservation commission.

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

Section 1. Section 455.50, unnumbered paragraph 4, Code 1985, is amended by striking the paragraph and inserting in lieu thereof the following:

The assessments against lands under the jurisdiction of the state conservation commission shall be paid by the executive council upon certification of the amount by the county treasurer. There is appropriated from any funds in the general fund of the state not otherwise appropriated amounts sufficient to pay the certified assessments.

Approved February 20, 1986

CHAPTER 1009
MOTOR VEHICLE SAFETY BELTS
S.F. 499

AN ACT establishing applicable standards for motor vehicle safety belts and safety harnesses, mandating safety belt and safety harness use with certain exceptions, requiring the establishment of education programs, and making penalties applicable.

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

Section 1. Section 321.210, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall not consider nor assess points for violations of section 321.445 in determining a motor vehicle license suspension, revocation or cancellation.

Sec. 2. Section 321.445, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

321.445 SAFETY BELTS AND SAFETY HARNESSSES — USE REQUIRED.

1. Except for motorcycles or motorized bicycles, 1966 model year or newer motor vehicles subject to registration in Iowa shall be equipped with safety belts and safety harnesses of a type and installed in a manner approved by rules adopted by the department pursuant to chapter 17A. The department shall adopt rules regarding the types of safety belts and safety harnesses required to be installed in motor vehicles and the manner in which they are installed. The rules shall conform with federal motor vehicle safety standard numbers 209 and 210 as published in 49 C.F.R. §§ 571.209 — 571.210 and with prior federal motor vehicle safety standards for seat belt assemblies and seat belt assembly anchorages applicable for the motor vehicle's model year. The department may adopt rules which comply with changes in the applicable federal motor vehicle safety standards with regard to the type of safety belts and safety harnesses and their manner of installation.

2. The driver and front seat occupants of a type of motor vehicle which is subject to registration in Iowa, except a motorcycle or a motorized bicycle, shall each wear a properly adjusted and fastened safety belt or safety harness any time the vehicle is in forward motion on a street or highway in this state except that a child under six years of age shall be secured as required under section 321.446.

This subsection does not apply to:

a. The driver or front seat occupants of a motor vehicle which is not required to be equipped with safety belts or safety harnesses under rules adopted by the department.

b. The driver and front seat occupants of a motor vehicle who are actively engaged in work which requires them to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed twenty-five miles per hour between stops.

c. The driver of a motor vehicle while performing duties as a rural letter carrier for the United States postal service. This exemption applies only between the first delivery point after leaving the post office and the last delivery point before returning to the post office.

d. Passengers on a bus.

e. A person possessing a written certification from a physician on a form provided by the department that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued.

f. Front seat occupants of an authorized emergency vehicle while they are being transported in an emergency. However, this exemption does not apply to the driver of the authorized emergency vehicle.

During the six-month period from July 1, 1986 through December 31, 1986, peace officers shall issue only warning citations for violations of this subsection, except this does not apply to drivers subject to the federal motor carrier safety regulation 49 C.F.R. § 392.16.

The department, in cooperation with the department of public safety and the department of public instruction, shall establish educational programs to foster compliance with the safety belt and safety harness usage requirements of this subsection.

3. The driver and front seat passengers may be each charged separately for improperly used or nonused equipment under subsection 2. The owner of the motor vehicle may be charged for equipment violations under subsection 1.

Sec. 3. Section 321.555, subsection 2, Code 1985, is amended to read as follows:

2. Six or more of any separate and distinct offenses within a two-year period in the operation of a motor vehicle, which are required to be reported to the department by section 321.207 or chapter 321C, except equipment violations, parking violations as defined in section 321.210, violations of registration laws, violations of ~~section~~ sections 321.445 and 321.446, operating a vehicle with an expired license or permit, failure to appear, weights and measures violations and speeding violations of less than fifteen miles per hour over the legal speed limit.

Approved February 20, 1986

CHAPTER 1010

MOBILE DEPUTY REGISTRARS

S.F. 590

AN ACT relating to mobile deputy registrars.

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

Section 1. Section 48.27, subsection 1, Code 1985, is amended to read as follows:

1. Mobile deputy registrars shall be appointed by the county commissioner of registration ~~not more than one hundred eighty days prior to any general election or not more than one hundred twenty days prior to any primary, or partisan city election, or any election held pursuant to section 69.14, at any time~~ in accordance with the following guidelines:

a. Mobile Partisan mobile deputy registrars shall be selected from lists of nominees submitted to the county commissioner of registration by the county chairperson of the two political parties receiving the highest number of votes in that county in the last preceding general election party as defined in section 43.2. The county chairperson of a political party may submit lists of nominees at any time.

b. Each political party shall submit a list of nominees and may request not more than one person for each one thousand one hundred residents or major fraction thereof in the county to be appointed as mobile deputy registrars. Volunteer mobile deputy registrars shall be selected from among citizens who are not affiliated with a political party as defined in section 43.2 and who apply to the county commissioner. The application shall be on forms provided by the county commissioner and shall include the applicant's name, address, age and a statement indicating that the applicant is not a candidate for an office to be filled by the voters at any election and is not affiliated with a political party.

c. The county commissioner of registration shall make the requested number of appointments from the lists submitted by the county chairpersons and applications submitted by citizens not more than thirty days from the date the lists of nominees were submitted. If unless the persons listed by the county chairperson cannot serve or are disqualified, the county chairperson may add additional names to the list. The additional persons shall be appointed within five days if the next election is to be held within ninety-five days.

d. The appointment of mobile deputy registrars from one political party shall not be contingent upon the other political party submitting a list of nominees.

e. The fact that any political party does not submit a list including the full number of names which may be appointed shall not preclude the appointment of the full number of persons to which any other political party is entitled.

f. The term of office of mobile deputy registrars appointed under the provisions of this subsection shall expire at five o'clock p.m. on the day registration closes prior to the general election on December 31 of that year or at the time the mobile deputy registrar resigns and returns the supplies to the county commissioner of registration, whichever occurs first.

g. When an election has been called pursuant to section 69.14, mobile deputy registrars shall be appointed within three days after submission of a list of nominees by the county chairperson of either of the two political parties whose candidates for president of the United States or for governor, as the case may be, received the largest and next largest number of votes in the county at the last general election.

Sec. 2. Section 48.27, subsection 2, Code 1985, is amended by striking the subsection.

Sec. 3. Section 48.27, subsection 5, Code 1985, is amended to read as follows:

5. Each mobile deputy registrar shall be responsible to the county commissioner of registration for properly registering electors in accordance with the requirements and the restrictions of this chapter. The commissioner may terminate the appointment of a mobile deputy registrar who is not properly registering electors, and shall immediately terminate the appointment upon the written request of the county chairperson of the party from whose list of nominees the mobile deputy registrar was selected. When an appointment is terminated the county commissioner of registration shall promptly notify the county chairperson of the political party which nominated the mobile deputy registrar whose appointment has been terminated, and shall appoint another person within five days from a list of substitute nominees provided by that county chairperson. A mobile deputy registrar who resigns or whose appointment is terminated shall immediately return all supplies to the county commissioner of registration. If a mobile deputy registrar's appointment is terminated within thirty days of an election, other than by request of the county chairperson of the party from whose list of nominees the mobile deputy registrar was appointed, a replacement shall be appointed within twenty-four hours from a list of substitute nominees provided by the appropriate county chairperson.

Sec. 4. This Act, being deemed of immediate importance, shall take effect from and after its publication in The Daily Nonpareil, a newspaper published in Council Bluffs, Iowa, and in The Fairfield Ledger, a newspaper published in Fairfield, Iowa.

Approved February 20, 1986

Pursuant to the authority vested in the undersigned Secretary of State of the State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1985, there being no newspaper by the name of The Fairfield Ledger, published in Fairfield, Iowa, I hereby designate that Senate File 590 be published in the Fairfield Daily Ledger, a newspaper published in Fairfield, Iowa.

MARY JANE ODELL, *Secretary of State*

I hereby certify that the foregoing Act, Senate File 590 was published in the Fairfield Daily Ledger, Fairfield, Iowa, on February 26, 1986, and in The Daily Nonpareil, a newspaper published in Council Bluffs, Iowa, on February 27, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1011
FILING FEES FOR STATUTORY LIENS
H.F. 2070

AN ACT relating to the filing fees of statutory liens for filing with the clerk of district court.

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

Section 1. Section 602.8105, subsection 1, Code Supplement 1985, is amended by adding the following new lettered paragraphs and relettering the subsequent paragraphs:

NEW LETTERED PARAGRAPH. e. For filing and entering an agricultural supply dealer's lien, three dollars.

NEW LETTERED PARAGRAPH. f. For filing and entering any statutory lien not specifically enumerated in this section, three dollars.

Approved March 3, 1986

CHAPTER 1012
DISTRICT ASSOCIATE JUDGE JURISDICTION
S.F. 276

AN ACT relating to the jurisdiction of district associate judges.

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

Section 1. Section 602.6201, subsection 3, paragraph f, Code 1985, is amended to read as follows:

f. The filings included in the determinations to be made under this subsection shall include juvenile court filings after July 1, 1985, shall not include small claims or nonindictable misdemeanors, and shall not include either civil actions for money judgment where the amount in controversy does not exceed ~~three~~ five thousand dollars or indictable misdemeanors or felony violations of section 321.281, which were assigned to district associate judges and judicial magistrates as shown on their administrative reports, but shall include appeals from decisions of judicial magistrates, district associate judges, and district judges sitting as judicial

magistrates. The figures on filings shall be the average for the latest available previous three-year period and when current census figures on population are not available, figures shall be taken from the state department of health computations.

Sec. 2. Section 602.6306, subsection 2, Code 1985, is amended to read as follows:

2. District associate judges also have jurisdiction in civil actions for money judgment where the amount in controversy does not exceed three five thousand dollars, jurisdiction of indictable misdemeanors, and felony violations of section 321.281, and the jurisdiction provided in section 602.7101 when designated as a judge of the juvenile court. While presiding in these subject matters a district associate judge shall employ district judges' practice and procedure.

Approved March 13, 1986

CHAPTER 1013
SELECTION OF OFFICIAL NEWSPAPERS
S.F. 326

AN ACT relating to the selection of official newspapers.

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

Section 1. Section 349.6, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of this section, in counties where there are more newspapers than the number required for official county newspapers, newspapers under common ownership published in the same city, and having approximately the same subscriber list or offered for sale in or delivered to the same geographic area, shall be treated as one newspaper. Each such newspaper under common ownership should be considered eligible for publishing public notices, but such newspapers shall be treated as one newspaper for payment purposes to allow for flexibility in notice publication schedules.

Sec. 2. This Act becomes effective January 1, 1987.

Approved March 13, 1986

CHAPTER 1014
ATTACHMENT OF SUPPORT LIENS
S.F. 2051

AN ACT relating to the attachment of child and spousal support liens to real property and providing a retroactive effective date.

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

Section 1. Section 624.23, subsection 1, unnumbered paragraph 2, Code Supplement 1985, is amended by striking the unnumbered paragraph.

Sec. 2. Section 624.24, Code Supplement 1985, is amended by striking the section and inserting in lieu thereof the following:

624.24 WHEN JUDGMENT LIEN ATTACHES.

When the real estate lies in the county wherein the judgment of the district court of this state or of the circuit or district courts of the United States was entered in the judgment

docket and lien index kept by the clerk of the court having jurisdiction, the lien shall attach from the date of such entry of judgment, but if in another it will not attach until an attested copy of the judgment is filed in the office of the clerk of the district court of the county in which the real estate lies.

Sec. 3. It is the intent of the general assembly that liens against real estate for child or spousal support shall only attach against real estate located in the county in which the judgment was entered and against real estate located in another county if an attested copy of the judgment was filed in the office of the clerk of the district court of that other county.

Sec. 4. This Act takes effect from and after its publication in The Sioux City Journal, a newspaper published in Sioux City, Iowa, and in The Iowegian and Citizen, a newspaper published in Centerville, Iowa, and is retroactive to July 1, 1985.

Approved March 13, 1986

Pursuant to the authority vested in the undersigned Secretary of State of the State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1985, there being no newspaper by the name of The Iowegian and Citizen, published in Centerville, Iowa, I hereby designate that Senate File 2051 be published in the Ad-Express and Daily Iowegian and Citizen, a newspaper published in Centerville, Iowa.

MARY JANE ODELL, *Secretary of State*

I hereby certify that the foregoing Act, Senate File 2051 was published in The Sioux City Journal, Sioux City, Iowa on March 21, 1986, and in the Ad-Express and Daily Iowegian and Citizen, Centerville, Iowa on March 21, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1015

APPOINTMENT OF DISTRICT ASSOCIATE JUDGES

S.F. 2124

AN ACT relating to the appointment of a district associate judge in lieu of magistrates.

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

Section 1. Section 602.6302, subsection 1, Code 1985, is amended to read as follows:

1. In a county having an apportionment of three or more magistrates, the The chief judge of the judicial district, subject to the limitations of this section, may designate by order that a district associate judge be appointed pursuant to this section in lieu of magistrates appointed under section 602.6403. However, the designation shall not be made unless the county in which the district associate judge is to be appointed, or the counties in which the district associate judge is to be appointed in combination, have an apportionment of three or more magistrates and the designation shall not be made if the designation would result in the lack of a resident district associate judge or magistrate in one or more of the counties. The order of substitution may be made only upon the affirmative vote of a majority of the district judges in that judicial election district, or in the case of an appointment involving more than one judicial election district of the same judicial district a majority of the district judges in each judicial election district, and only upon a finding by a majority of those district judges that the substitution would provide more speedy and efficient performance of judicial business within that judicial election district. An order of substitution shall not take effect unless a copy of the order is received by the chairperson of the county magistrate appointing commission or commissions no later than the thirty-first day of March of the year in which the substitution is to take effect. A copy of the order also shall be sent to the state court administrator.

Sec. 2. Section 602.6302, subsection 2, Code 1985, is amended to read as follows:

2. For a county in which a substitution order is in effect, the number of magistrates actually appointed pursuant to section 602.6403 shall be reduced by three for each district associate judge substituted under this section. However, if the substitution order is for a district associate judge appointed to more than one county, the reduction of three magistrates shall be as provided in the order of the chief judge of the judicial district. Upon a subsequent reduction in the apportionment of magistrates to the county or counties, the magistrate appointing commission shall further reduce the number of magistrates appointed.

Sec. 3. Section 602.6302, subsection 4, Code 1985, is amended to read as follows:

4. If an apportionment by the state court administrator pursuant to section 602.6401 reduces the number of magistrates in the county or counties to less than ~~three~~ the number required to be apportioned to allow a substitution order pursuant to subsection 1, or if a majority of the district judges in the judicial election district or districts determines that a substitution is no longer desirable, then the substituted office shall be terminated. However, a reversion pursuant to this subsection, irrespective of cause, shall not take effect until the substitute district associate judge fails to be retained in office at a judicial election or otherwise leaves office, whether voluntarily or involuntarily. Upon the termination of office of that district associate judge, appointments shall be made pursuant to section 602.6403 as necessary to reestablish terms of office as provided in section 602.6403, subsection 4.

Sec. 4. Section 602.6304, subsection 1, Code 1985, is amended to read as follows:

1. The district associate judges authorized by sections 602.6301, 602.6302, and 602.6303 shall be appointed by the district judges of the judicial election district from persons nominated by the county magistrate appointing commission. In the case of a district associate judge to be appointed to more than one county, the appointment shall be from persons nominated by the county magistrate appointing commissions acting jointly and in the case of a district associate judge to be appointed to more than one judicial election district of the same judicial district, the appointment shall be by a majority of the district judges in each judicial election district.

Sec. 5. Section 602.6305, subsection 3, Code 1985, is amended to read as follows:

3. A district associate judge must be a resident of ~~the~~ a county in which the office is held during the entire term of office. A district associate judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under section 602.6108.

Approved March 13, 1986

CHAPTER 1016

APPORTIONMENT OF SCHOOL FUND INTEREST

H.F. 2225

AN ACT relating to the apportionment of the interest from the permanent school fund, including an elimination of school census requirements, and providing that the Act takes effect upon its publication.

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

Section 1. Section 8.6, subsection 9, Code Supplement 1985, is amended to read as follows:

9. APPORTIONMENT OF INTEREST. To apportion the interest of the permanent school

fund on the first Monday of March of each year, among the area education agencies of this state in proportion to the number of persons between five and twenty-one years of age in each, as shown by the last report filed with the state comptroller by the commissioner of public instruction as provided in section 302.13.

Sec. 2. Section 92.11, subsection 2, paragraph c, Code 1985, is amended by striking the paragraph.

Sec. 3. Section 257.18, subsection 17, Code Supplement 1985, is amended by striking the subsection.

Sec. 4. Section 291.10, subsection 1, Code Supplement 1985, is amended by striking the subsection and inserting in lieu thereof the following:

1. The number of pupils enrolled in the corporation, classified by sex.

Sec. 5. Section 291.10, subsection 11, Code Supplement 1985, is amended by striking the subsection.

Sec. 6. Section 298.11, unnumbered paragraph 1, Code 1985, is amended to read as follows:
The county auditor shall, on the first Monday in April and the first Monday in October of each year, apportion the school tax, together with rents on unsold school lands to which the county is entitled as shown in notice from the state comptroller, and all other money in the hands of the county treasurer belonging in common to the schools of the county and not included in a previous apportionment, among the corporations in the county, in proportion to the number of persons of school age, as shown by the reports filed with the state department of public instruction for the year immediately preceding in the manner provided by law.

Sec. 7. Section 302.13, Code Supplement 1985, is amended to read as follows:

302.13 APPORTIONMENT OF INTEREST.

On the first Monday of March annually, the state comptroller shall apportion the interest of the permanent school fund among the area education agencies in this state, in proportion to the number of persons of school age resident pupils who were enrolled in local school districts and approved nonpublic schools in each area education agency, as shown by the report of the commissioner of public instruction, as provided by section 257.18, subsection 17 on the second Friday of September of the budget year as provided in sections 442.4 and 442.27.

Sec. 8. Section 291.9, Code Supplement 1985, is repealed.

Sec. 9. This Act, being deemed of immediate importance, takes effect from and after its publication in The Messenger, a newspaper published in Fort Dodge, Iowa, and in the Pocahontas Record-Democrat, a newspaper published in Pocahontas, Iowa.

Approved March 13, 1986

I hereby certify that the foregoing Act, House File 2225, was published in The Messenger, Fort Dodge, Iowa on March 19, 1986, and in the Pocahontas Record-Democrat, Pocahontas, Iowa, on March 19, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1017
DISCHARGE OF MECHANIC'S LIEN
H.F. 2287

AN ACT permitting the posting of a bond to discharge a mechanic's lien and providing for an effective date.

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

Section 1. Section 572.15, Code 1985, is amended to read as follows:
572.15 DISCHARGE OF SUBCONTRACTOR'S MECHANIC'S LIEN.

Every A mechanic's lien of a subcontractor may be discharged at any time by the owner, principal contractor, or intermediate subcontractor filing with the clerk of the district court of the county in which the property is located a bond in twice the amount of the sum for which the claim for the lien is filed, with surety or sureties, to be approved by said the clerk, conditioned for the payment of any sum for which the claimant may obtain judgment upon the claim. This section applies to any mechanic's lien perfected under this chapter that has not been discharged as of the effective date of this Act as well as any mechanic's lien filed on or after the effective date of this Act.

Sec. 3.* This Act, being deemed of immediate importance, takes effect from and after its publication in the Jasper County Tribune, a newspaper published in Colfax, Iowa, and in The Cedar Valley Times, a newspaper published in Vinton, Iowa.

Approved March 13, 1986

Pursuant to the authority vested in the undersigned Secretary of State of the State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1985, there being no newspaper by the name of The Cedar Valley Times, published in Vinton, Iowa, I hereby designate that House File 2287 be published in the Cedar Valley Daily Times, a newspaper published in Vinton, Iowa.

MARY JANE ODELL, *Secretary of State*

I hereby certify that the foregoing Act, House File 2287, was published in the Cedar Valley Daily Times, Vinton, Iowa, on March 19, 1986, and in the Jasper County Tribune, Colfax, Iowa, on March 20, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1018
FIRE REPORTS
H.F. 660

AN ACT relating to the reporting of fires and emergency responses to the state fire marshal and the payment of fees for the fire reports.

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

Section 1. Section 100.3, Code 1985, is amended to read as follows:
100.3 TIME OF INVESTIGATION — REPORT.

Whenever When death, serious bodily injury, or property damage in excess of two hundred thousand dollars has occurred as a result of a fire, or if arson is suspected, the fire official required by section 100.2 to make fire investigations, shall notify the state fire marshal's division immediately. Within ten days following the end of the month For all other fires causing an

*Section 2 was amended out of bill

estimated damage of fifty dollars or more or emergency responses by the fire service, the fire official required by section 100.2 to investigate shall file a report with the fire marshal's division within ten days following the end of the month. The report shall indicate all fire incidents occurring which have an estimated damage of fifty dollars or more and state for each incident the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, the origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents incident. The report on each emergency response shall include the nature of the incident and other facts, statistics and circumstances concerning the emergency response.

Sec. 2. Section 100.34, Code 1985, is amended to read as follows:

100.34 FEE FOR FIRES REPORTED.

Every official reporting a fire to the state fire marshal as required by section 100.3 shall be paid the sum of ~~one dollar~~ two dollars for each fire so reported to the satisfaction of the state fire marshal and ~~mileage expenses for each mile traveled to and from the place of fire when the vehicle used is not owned by a governmental unit.~~ Said The allowances shall be paid semiannually by the state fire marshal out of any funds appropriated for the use of the office of ~~said the state fire marshal, provided that such.~~ The fees shall not be paid to any full-time salaried public official who is paid for full time at such fire service duties.

Approved March 18, 1986

CHAPTER 1019

FAILURE TO PAY MOTOR VEHICLE PENALTIES

H.F. 2068

AN ACT relating to the suspension of motor vehicle licenses for the failure to pay a fine, penalty, surcharge, or court cost.

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

Section 1. Section 321.210A, Code Supplement 1985, is amended to read as follows:

321.210A SUSPENSION FOR FAILURE TO PAY FINE, PENALTY, SURCHARGE, OR COURT COSTS.

The department shall suspend the motor vehicle license of a person who, upon conviction of violating a law regulating the operation of a motor vehicle, has failed to pay the criminal fine or penalty, surcharge, or court costs, as follows:

1. Upon the failure of a person to timely pay the fine, penalty, surcharge, or court costs the clerk of the district court shall notify the person by regular mail that if the fine, penalty, surcharge, or court costs remain unpaid after sixty days from the date of mailing, the clerk will notify the department of the failure for purposes of instituting suspension procedures.

2. Upon the failure of a person to pay the fine, penalty, surcharge, or court costs within sixty days of receiving notice from by the clerk of the district court as provided in subsection 1, the clerk shall report the failure to the department.

3. Upon receipt of a report of a failure to pay the fine, penalty, surcharge, or court costs from the clerk of the district court, the department shall in accordance with its rules, suspend the person's motor vehicle license until the fine, penalty, surcharge, or court costs are paid, unless the person proves to the satisfaction of the ~~clerk and the department~~ that the person cannot pay the fine, penalty, surcharge, or court costs.

Approved March 18, 1986

CHAPTER 1020
OPEN CONTAINERS OF WINE
H.F. 2069

AN ACT prohibiting the transportation of an open container of wine in a motor vehicle and incorporating a penalty.

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

Section 1. Section 123.28, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

A person driving a motor vehicle shall not knowingly possess in a motor vehicle upon a public street or highway an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage, wine, or beer with the intent to consume the alcoholic beverage, wine, or beer while the motor vehicle is upon a public street or highway. Evidence that an open or unsealed receptacle containing an alcoholic beverage, wine, or beer was found during an authorized search in the glove compartment, utility compartment, console, front passenger seat, or any unlocked portable device and within the immediate reach of the driver while the motor vehicle is upon a public street or highway is evidence from which the court or jury may infer that the driver intended to consume the alcoholic beverage, wine, or beer while upon the public street or highway if the inference is supported by corroborative evidence. However, an open or unsealed receptacle containing an alcoholic beverage, wine, or beer may be transported at any time in the trunk of the motor vehicle or in some other area of the interior of the motor vehicle not designed or intended to be occupied by the driver and not readily accessible to the driver while the motor vehicle is in motion. A person convicted of a violation of this paragraph is guilty of a simple misdemeanor.

Approved March 18, 1986

CHAPTER 1021
PUBLIC EMPLOYEE'S LEAVE OF ABSENCE
S.F. 199

AN ACT relating to leaves of absence for a public employee who is a candidate for elective public office.

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

Section 1. Section 19A.18, unnumbered paragraph 8, Code 1985, is amended by striking the paragraph.

Sec. 2. Chapter 55, Code 1985, is amended by adding the following new section:

NEW SECTION. LEAVE OF ABSENCE FOR PUBLIC EMPLOYEE.

Any public employee who becomes a candidate for any elective public office shall, upon request of the employee and commencing any time within thirty days prior to a contested primary, special, or general election and continuing until after the day following that election, automatically be given a period of leave. If the employee is under chapter 19A, the employee may choose to use accrued vacation leave, accrued compensatory leave or leave without pay to cover these periods. The appointing authority may authorize other employees to use accrued vacation leave or accrued compensatory leave instead of leave without pay to cover these periods. An employee who is a candidate for any elective public office shall not campaign while on duty as an employee.

This section does not apply to employees of the federal government or to a public employee whose position is financed by federal funds if the application of this section would be contrary to federal law or result in the loss of the federal funds.

Sec. 3. Section 400.29, subsection 4, Code 1985, is amended by striking the subsection.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in the Iowa City Press-Citizen, a newspaper published in Iowa City, Iowa, and in The Daily Nonpareil, a newspaper published in Council Bluffs, Iowa and is retroactive to May 3, 1986.

Approved March 20, 1986

I hereby certify that the foregoing Act, Senate File 199, was published in the Iowa City Press-Citizen, Iowa City, on March 26, 1986, and in The Daily Nonpareil, Council Bluffs, on March 27, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1022
BOARD OF NURSING EXAMINERS
S.F. 432

AN ACT relating to the makeup of the board of nursing examiners.

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

Section 1. Section 147.14, subsection 3, Code Supplement 1985, is amended to read as follows:

3. For nursing examiners, one four registered nurse representing the colleges and universities, one registered nurse representing the hospital conducted schools of nursing, one registered nurse representing the area community and vocational technical nursing department, one registered nurse practitioner, nurses, one of whom shall be actively engaged in practice, three of whom shall be nurse educators from nursing education programs; of these one in higher education, one in diploma education, and one in area community and vocational technical registered nurse education; one licensed practical nurse practitioner, actively engaged in practice, and two members not registered nurses or licensed practical nurses and who shall represent the general public. The representatives of the general public shall not be members of health care delivery systems. A majority of the members of the board shall constitute constitutes a quorum.

Approved March 20, 1986

CHAPTER 1023
FINANCING OF POLITICAL CAMPAIGNS
S.F. 540

AN ACT relating to the financing of political campaigns and the reporting of that financing.

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

Section 1. Section 56.2, Code 1985, is amended by adding the following new subsection:
NEW SUBSECTION. "Consultant" means a person who provides or procures services for

or on behalf of a candidate including, but not limited to consulting, public relations, advertising, fundraising, polling, managing or organizing services.

Sec. 2. Section 56.3, subsection 2, Code 1985, is amended to read as follows:

2. Every person who receives contributions in excess of one hundred dollars for a committee shall, not later than fifteen days from the date of receipt of the contributions or on demand of the treasurer, render to the treasurer the contributions and an account of the total of all contributions; including the name and address of the persons making a contribution in excess of ten dollars, the amount of such contribution, and the date on which the contributions were received. The treasurer shall deposit all contributions within seven days of receipt by the treasurer in an account maintained by the committee in a financial institution. All funds of a committee shall be segregated from any personal other funds of officers, members, or associates of the committee or the committee's candidate.

Sec. 3. Section 56.5, subsection 2, Code 1985, is amended to read as follows:

2. The statement of organization shall include:

- a. The name, and purpose, mailing address and telephone number of the committee.
- b. The name, mailing address, and position of the committee officers.
- c. The name, address, office sought, and the party affiliation of all candidates whom the committee is supporting and if the committee is supporting the entire ticket of any party, the name of the party.
- d. The disposition of funds which will be made in the event of dissolution if the committee is not a statutory committee.
- e. Such other information as may be required by this chapter or rules adopted pursuant to this chapter.
- f. A signed statement by the treasurer of the committee which shall be in the following form:

"I am aware that I am required to file disclosure reports if the committee receives contributions, makes expenditures, or incurs indebtedness in excess of two hundred fifty dollars in a calendar year for the purpose of supporting or opposing any candidate for public office or ballot issue."

g. The identification of any parent entity or other affiliates or sponsors.

h. The name of the financial institution in which the committee receipts will be deposited.

Sec. 4. Section 56.5, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. In lieu of filing the statement of organization under subsections 1 and 2 and filing the disclosure reports under section 56.6, a political committee which is not domiciled in this state and makes a contribution to a candidate's committee or political committee in this state may file a verified statement under this subsection with the commission with a copy to the treasurer of the committee receiving the contribution. The statement shall be attached to the report required of the committee receiving the contribution under section 56.6. The statement shall include the complete name, address and telephone number of the committee, the state or federal jurisdiction under which it is registered or operates, the identification of any parent entity or other affiliates or sponsors, its purpose and the name and address of an Iowa resident authorized to receive service of original notice.

Sec. 5. Section 56.6, subsection 1, paragraph b, Code 1985, is amended to read as follows:

b. A candidate's committee of a candidate for statewide office or the general assembly shall file a supplementary report in a year in which a primary, general or special election for that office is held if the committee of a candidate for statewide office governor receives ten thousand dollars or more, a committee of a candidate for any other statewide office receives five thousand dollars or more, or the committee of a candidate for the general assembly receives

two one thousand dollars or more after the close of the period covered by the last report filed prior to that primary, general or special election. The amounts of contributions causing a supplementary report under this paragraph shall include the estimated fair market value of in kind contributions. The report shall be filed by the Friday immediately preceding the election and be current through the Tuesday immediately preceding the election.

Sec. 6. Section 56.6, subsection 1, Code 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. A candidate's committee of a state officeholder shall file a letter report to be received within fourteen days of the receipt of any contribution from a political committee or from a lobbyist registered under the rules adopted by either house of the general assembly while the general assembly is in session. The letter report shall notify the commission of the following:

- (1) The name of the candidate's committee.
- (2) The name and complete address of the political committee or registered lobbyist making the contribution.
- (3) The amount of the contribution.
- (4) The date the contribution was received.
- (5) In the event the contribution was caused by a fundraiser, an explanation of the sponsor and type of event held.

Sec. 7. Section 56.6, subsection 3, paragraph b, subparagraph 10, Code 1985, is amended to read as follows:

- (10) For any other political committee \$50
25

Sec. 8. Section 56.6, subsection 3, paragraph g, Code 1985, is amended to read as follows:

g. The name and mailing address of each person to whom disbursements or loan repayments have been made by the committee from contributions during the reporting period and the amount, purpose, and date of each disbursement except that disbursements of less than five dollars may be shown as miscellaneous disbursements so long as the aggregate miscellaneous disbursements to any one person during a calendar year do not exceed one hundred dollars. If disbursements are made to a consultant, the consultant shall provide the committee with a statement of disbursements made by the consultant during the reporting period showing the amount, purpose and date to the same extent as if made by the candidate which shall be included in the report by the committee.

Sec. 9. Section 56.6, subsection 3, Code 1985, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. If a person listed under paragraph "b", "d", "e", or "f" as making a contribution or loan to or purchase from a candidate's committee is related to the candidate within the third degree of consanguinity or affinity, the existence of that person's family relationship shall be indicated on the report.

NEW LETTERED PARAGRAPH. The name and mailing address of each person with whom a candidate's committee has entered into a contract during the reporting period for future or continuing performance and the nature of the performance, period of performance and total, anticipated compensation for performance. For a report filed under subsection 1, paragraph "b", this paragraph also requires the reporting of estimates of performance which the candidate's committee reasonably expects to contract for during the balance of the reporting period.

Sec. 10. Section 56.13, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Action involving a contribution or expenditure which must be reported under this chapter and which is taken by any person, candidate's committee or political committee on behalf of a

candidate, if known and approved by the candidate, shall be deemed action by the candidate and reported by the candidate's committee. It shall be presumed that a candidate approves the action if the candidate had knowledge of it and failed to file a statement of disavowal with the commissioner or commission and take corrective action within seventy-two hours of the action. A person, candidate's committee or political committee taking such action independently of that candidate's committee shall notify that candidate's committee in writing within twenty-four hours of taking the action. The notification shall provide that candidate's committee with the cost of the promotion at fair market value. A copy of the notification shall be sent to the commission.

Sec. 11. NEW SECTION. 56.14 POLITICAL ADVERTISEMENTS.

A person who causes the publication or distribution of published material after July 1, 1984 designed to promote or defeat the nomination or election of a candidate for public office or the passage of a constitutional amendment or public measure shall include conspicuously on the published material the identity and address of the person responsible for the material. If the person responsible is an organization, the name of one officer of the organization shall appear on the material. However, if the organization is a committee which has filed a statement of organization under this chapter, only the name of the committee is required to be included on the published material. This section does not apply to the editorials or news articles of a newspaper or magazine which are not political advertisements. For the purpose of this section, "published material" means any newspaper, magazine, shopper, outdoor advertising facility, poster, yard sign including hand lettered signs, direct mailing, brochure, or any other form of printed general public political advertising. This section does not apply to bumper stickers, pins, buttons, pens, matchbooks and similar small items upon which the inclusion of the disclaimer would be impracticable or to published material which is subject to federal regulations regarding a disclaimer requirement.

Sec. 12. Section 49.131, Code 1985, is repealed.

Approved March 20, 1986

CHAPTER 1024

ADMINISTRATION OF CERTAIN COUNTY ROADS *S.F. 2152*

AN ACT relating to the authority of the county board of supervisors regarding roads established or improved by petition of landowners.

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

Section 1. Section 311.7, unnumbered paragraph 6, Code Supplement 1985, is amended by striking the unnumbered paragraph.

Sec. 2. NEW SECTION. 311.32 ADMINISTRATION AND MAINTENANCE OF ROADS.

Any road established by petition and any road improved by petition under this chapter shall be administered and maintained by the county under chapters 306, 309, 314, 317, and 319. However, the fact that right-of-way is donated by property owners for the establishment of a road or a portion of the cost of a road improvement is paid by property owners under this chapter, does not preclude the board of supervisors from exercising its responsibility over these roads as secondary roads.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in The Red Oak Express, a newspaper published in Red Oak, Iowa, and in The Hamburg Reporter, a newspaper published in Hamburg, Iowa.

Approved March 20, 1986

I hereby certify that the foregoing Act, Senate File 2152, was published in The Red Oak Express, Red Oak, Iowa, on April 22, 1986, and in The Hamburg Reporter, Hamburg, Iowa, on April 24, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1025

REMOVAL OF HAZARDOUS WASTES OR SUBSTANCES

S.F. 2166

AN ACT relating to the authority of the department of water, air and waste management to remove and compel removal of hazardous substances or hazardous wastes.

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

Section 1. Section 455B.381, subsection 2, Code 1985, is amended to read as follows:

2. "Hazardous condition" means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. For purposes of this division, a site which is an abandoned or uncontrolled disposal site as defined in section 455B.411, subsection 1, is a hazardous condition.

Sec. 2. Section 455B.411, subsections 1 and 2, Code 1985, are amended to read as follows:

1. "Abandoned or uncontrolled hazardous waste disposal site" means real property which has been used for the disposal of hazardous waste or hazardous substances either illegally or prior to regulation under this chapter.

2. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of a hazardous waste or hazardous substance into or on land or water so that the hazardous waste or hazardous substance or a constituent of the hazardous waste or hazardous substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

Sec. 3. Section 455B.411, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 11. "Hazardous substance" means a hazardous substance as defined in 42 U.S.C. § 9601 of the federal Comprehensive Environmental Response, Compensation, and Liability Act and any element, compound, mixture, solution, or substance designated pursuant to 40 C.F.R. 302.4.

Sec. 4. Section 455B.412, subsection 2, Code 1985, is amended to read as follows:

2. Adopt rules establishing criteria for identifying the characteristics of hazardous wastes and listing hazardous wastes that are subject to ~~sections 455B.411 to 455B.421~~ this part. The commission shall consider toxicity, persistence and degradability in nature, potential for accumulation in tissue, and related factors including flammability, corrosiveness, and other hazardous characteristics.

Sec. 5. Section 455B.423, Code 1985, is amended to read as follows:

455B.423 HAZARDOUS WASTE SUBSTANCE REMEDIAL FUND.

1. A hazardous waste substance remedial fund is created within the state treasury. Moneys received from fees, penalties, general revenue, federal funds, gifts, bequests, donations, or other moneys so designated shall be deposited in the state treasury to the credit of the fund. Any unexpended balance in the hazardous waste remedial fund at the end of each fiscal year shall be retained in the fund. However, any unexpended balance shall be transferred to the general fund to replace funds appropriated from the general fund during fiscal year 1985 and fiscal year 1986 for the purposes for which expenditures from the hazardous waste remedial fund are allowed.

2. The executive director may use the fund for any of the following purposes:

- a. Administrative services for the identification, assessment and cleanup of abandoned or uncontrolled sites.
- b. Payments to other state agencies for services consistent with the management of abandoned or uncontrolled hazardous waste disposal sites.
- c. Emergency response activities as provided in part 4 of this division.
- d. Financing the nonfederal share of the cost of cleanup and site rehabilitation activities as well as postclosure operation and maintenance costs, pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.
- e. Financing the cost of cleanup and site rehabilitation activities as well as postclosure operation and maintenance costs of abandoned or uncontrolled hazardous waste disposal sites that do not qualify for federal cost-sharing pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.
- f. Through agreements or contracts with other state agencies, work with private industry to develop alternatives to land disposal of hazardous waste or hazardous substances including, but not limited to, resource recovery, recycling, neutralization, and reduction.

However, at least seventy-five percent of the fund shall be used for the purposes stated in paragraphs "d" and "e".

3. Neither the state nor its officers, employees, or agents are liable for an injury caused by a dangerous condition at an abandoned or uncontrolled site unless the condition is the result of gross negligence on the part of the state, its officers, employees, or agents.

4. The executive director may contract with any person to perform the acts authorized in this section.

5. Moneys shall not be used from the fund for abandoned site cleanup unless the executive director has made all reasonable efforts to secure voluntary agreement to pay the costs of necessary remedial actions from owners or operators of abandoned or uncontrolled hazardous waste disposal sites or other responsible persons.

6. The executive director shall make all reasonable efforts to recover the full amount of funds moneys expended from the fund through litigation or cooperative agreements with responsible persons. Moneys recovered pursuant to this subsection shall be deposited with the treasurer of state and credited to the hazardous waste remedial fund.

Sec. 6. Section 455B.425, Code 1985, is amended to read as follows:

455B.425 ANNUAL REPORT ON HAZARDOUS WASTE SUBSTANCE REMEDIAL FUND.

The executive director shall annually on January 1 give a full accounting of moneys received, moneys expended, sources and recipients, and purposes of the expenditures for the preceding fiscal year in the hazardous waste substance remedial fund to the general assembly and the governor.

Sec. 7. Section 455B.426, Code 1985, is amended to read as follows:

455B.426 REGISTRY OF ABANDONED OR UNCONTROLLED DISPOSAL SITES.

1. The executive director shall maintain and make available for public inspection a registry of confirmed abandoned or uncontrolled ~~hazardous waste~~ disposal sites in the state. The executive director shall take all necessary action to ensure that the registry provides a complete listing of all sites. The registry shall contain the exact location of each site and identify the types of waste found at each site.

2. The executive director shall investigate all known or suspected abandoned or uncontrolled disposal sites and determine whether each site should be included in the registry. In the evaluation of known or suspected abandoned or uncontrolled disposal sites, the executive director may enter private property and perform tests and analyses in the manner provided in section 455B.416.

Sec. 8. Section 455B.427, Code 1985, is amended to read as follows:

455B.427 ANNUAL REPORT ON ABANDONED OR UNCONTROLLED HAZARDOUS WASTE DISPOSAL SITES.

1. The executive director shall annually on January 1 transmit a report to the general assembly and the governor identifying all abandoned or uncontrolled ~~hazardous waste~~ disposal sites in the state listed on the registry. A copy of the report shall also be sent to the board of supervisors of every county containing a site.

2. The annual report shall include, but is not limited to, the following information for each site:

a. A general description of the site, including the name and address of the site, the type and quantity of the hazardous waste or hazardous substance disposed of at the site and the name of the current owners of the site.

b. A summary of significant environmental problems at or near the site.

c. A summary of serious health problems in the immediate vicinity of the site and health problems deemed by the executive director in cooperation with the state department of health to be related to conditions at the site.

d. The status of testing, monitoring, or remedial actions in progress or recommended by the executive director.

e. The status of pending legal actions and federal, state, or local government permits concerning the site.

f. The relative priority for remedial action at each site.

g. The proximity of the site to private residences, public buildings or property, school facilities, places of work, or other areas where individuals may be regularly present.

3. In developing and maintaining the annual report, the executive director shall assess the relative priority of the need for action at each site to remedy environmental and health problems resulting from the presence of hazardous wastes or hazardous substances at the sites. In making its assessments of relative priority, the executive director, in cooperation with the state department of health on matters relating to public health, shall place every site in one of the following classifications:

a. Causing or presenting an imminent danger of causing irreversible or irreparable damage to the public health or environment—immediate action required.

b. Significant threat to the environment—action required.

c. Not a significant threat to the public health or environment—action may be deferred.

d. Site properly closed—requires continued management.

e. Site properly closed, no evidence of present or potential adverse impact—no further action required.

4. A site classified as properly closed under subsection 3, paragraph "e", shall be removed from all subsequent annual reports and the register of abandoned or uncontrolled disposal sites.

5. The executive director shall work with the department of health when assessing the effects of an abandoned or uncontrolled disposal site on human health.

Sec. 9. Section 455B.428, Code 1985, is amended to read as follows:

455B.428 INVESTIGATION OF SITES.

1. The executive director shall investigate each abandoned or uncontrolled hazardous waste disposal site listed in the registry to determine its relative priority.

2. The executive director shall identify each abandoned or uncontrolled disposal site by providing all of the following:

a. The address and site boundaries.

b. The time period of use for disposal of hazardous waste or hazardous substances.

c. The name of the current owner and operator and names of reported owners and operators during the time period of use for disposal of hazardous waste or hazardous substances.

d. The names of persons responsible for the generation and transportation of the hazardous waste or hazardous substances disposed of at the site.

e. The type, quantity and manner of hazardous waste or hazardous substances disposal.

3. When preliminary evidence suggests further assessment is necessary, the executive director may assess any of the following:

a. The depth of the water table at the site.

b. The nature of soils at the site.

c. The location, nature, and size of aquifers at the site.

d. The direction of present and historic groundwater flows at the site.

e. The location and nature of surface waters at and near the site.

f. The levels of contaminants in groundwater, surface water, air, and soils at and near the site resulting from hazardous wastes or hazardous substances disposed of at the site.

g. The current quality of all drinking water drawn from or distributed through the area in which the site is located, if the executive director determines that water quality may have been affected by the site.

4. The executive director shall maintain a site assessment file for each site listed in the registry. The file shall contain all information obtained pursuant to this section and shall be open to the public. Information in the file may be reproduced by any person at a charge not to exceed the actual cost of reproduction for copies of file information.

Sec. 10. Section 455B.430, Code 1985, is amended to read as follows:

455B.430 USE AND TRANSFER OF SITES — PENALTY.

1. A person shall not substantially change the manner in which an abandoned or uncontrolled hazardous waste disposal site on the registry pursuant to section 455B.426 is used without the written approval of the executive director.

2. A person shall not sell, convey, or transfer title to an abandoned or uncontrolled hazardous waste disposal site which is on the registry pursuant to section 455B.426 without the written approval of the executive director. The executive director shall respond to a request for a change of ownership within thirty days of its receipt.

3. Decisions of the executive director concerning the use or transfer of an abandoned or uncontrolled hazardous waste disposal site may be appealed in the manner provided in section 455B.429.

4. If the executive director has reason to believe this section has been violated, or is in imminent danger of being violated, the executive director may institute a civil action in district court for injunctive relief to prevent the violation and for the assessment of a civil penalty not to exceed one thousand dollars per day for each day of violation. Moneys collected under this subsection shall be deposited in the hazardous waste remedial fund.

Sec. 11. Section 455B.431, Code 1985, is amended to read as follows:

455B.431 RECORDING OF SITE DESIGNATION.

When the executive director places a site on the registry as provided in section 455B.426, then the executive director shall file with the county recorder a statement disclosing the period during which the site was used as a hazardous waste or hazardous substances disposal area. When the executive director finds that a site on the registry has been properly closed under section 455B.427, subsection 3, paragraph "e", with no evidence of potential adverse impact, this finding shall be filed with the county recorder. The finding shall state that the executive director's finding does not warrant to a future purchaser of the site that the site will be free from any future adverse impacts as a result of use of the site as a hazardous waste or hazardous substances disposal site.

Approved March 20, 1986

CHAPTER 1026**AGRICULTURAL DEVELOPMENT AUTHORITY***H.F. 2351*

AN ACT relating to the Iowa family farm development authority, by changing the name of the authority to the agricultural development authority, by empowering the authority to undertake agricultural producer financial assistance programs, and providing for an effective date.

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

Section 1. Section 175.2, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "Agricultural producer" means a person engaged in the business of producing and marketing agricultural produce in this state.

Sec. 2. Section 175.2, subsections 3 and 14, Code Supplement 1985, are amended to read as follows:

3. "Authority" means the Iowa family farm agricultural development authority established in section 175.3.

14. "Note" means a bond anticipation note or other obligation or evidence of indebtedness issued by the authority pursuant to this chapter.

Sec. 3. Section 175.3, subsection 1, Code Supplement 1985, is amended to read as follows:

1. The Iowa family farm agricultural development authority is established, and constituted a public instrumentality and agency of the state exercising public and essential governmental functions. The authority is established to undertake programs which assist beginning farmers in purchasing agricultural land and agricultural improvements and depreciable agricultural property for the purpose of farming, and programs which provide financing to farmers for permanent soil and water conservation practices on agricultural land within the state or for the acquisition of conservation farm equipment. The authority shall also develop programs to assist qualified agricultural producers within the state with financing other capital requirements or operating expenses. The powers of the authority are vested in and exercised by a board of eleven members with nine members appointed by the governor subject to confirmation by the senate. The treasurer of state or the treasurer's designee and the secretary of agriculture or the secretary's designee are ex officio nonvoting members. No more than five appointed members shall belong to the same political party. As far as possible the governor

shall include within the membership persons who represent financial institutions experienced in agricultural lending, the real estate sales industry, farmers, beginning farmers, average taxpayers, local government, soil conservation district officials, and other persons specially interested in family farm development.

Sec. 4. Section 175.5, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The authority shall develop programs for providing financial assistance to agricultural producers in this state.

Sec. 5. **NEW SECTION. 175.13A FINANCIAL ASSISTANCE FOR AGRICULTURAL PRODUCERS.**

1. The authority shall develop programs including, but not limited to, loan guarantees, interest buy-downs, grants, or secured direct loans, to assist agricultural producers within the state. The authority shall exercise the powers granted to it in this chapter in order to fulfill the goal of providing financial assistance to agricultural producers. The authority may participate in and cooperate with programs of any agency or instrumentality of the federal government or with programs of any other state agency in the administration of the agricultural producer loan program.

2. The authority shall provide in an agricultural producer loan program that a loan guarantee, interest buy-down, grant, or secured direct loan shall be provided only if the following criteria are satisfied:

- a. The agricultural producer is a resident of the state.
- b. The agricultural producer's land and farm operations are located within the state.

Sec. 6. This Act, being deemed of immediate importance, takes effect from and after its publication in *The Daily Freeman-Journal*, a newspaper published in Webster City, Iowa, and in *The Winterset Madisonian*, a newspaper published in Winterset, Iowa.

Approved March 20, 1986

I hereby certify that the foregoing Act, House File 2351, was published in *The Daily Freeman-Journal*, Webster City, Iowa, on March 26, 1986, and in *The Winterset Madisonian*, Winterset, Iowa, on April 9, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1027

AGRICULTURAL LOAN ASSISTANCE PROGRAM

H.F. 2353

AN ACT relating to the Iowa family farm development authority, by providing for an agricultural loan assistance program, providing for the adoption of penalties, making an appropriation, and providing for an effective date.

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

Section 1. Section 175.2, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. "Lending institution" means a bank, trust company, mortgage company, national banking association, savings and loan association, life insurance company, any state or federal governmental agency or instrumentality, including without limitation the federal land bank or any of its local associations, or any other financial institution or entity authorized to make farm operating loans in this state.

Sec. 2. Section 175.3, subsection 1, Code Supplement 1985, is amended to read as follows:

1. The Iowa family farm development authority is established, and constituted a public instrumentality and agency of the state exercising public and essential governmental functions. The authority is established to undertake programs which assist beginning farmers in purchasing agricultural land and agricultural improvements and depreciable agricultural property for the purpose of farming, and programs which provide financing to farmers for permanent soil and water conservation practices on agricultural land within the state or for the acquisition of conservation farm equipment, and programs to assist farmers within the state in financing operating expenses and cash flow requirements of farming. The powers of the authority are vested in and exercised by a board of eleven members with nine members appointed by the governor subject to confirmation by the senate. The treasurer of state or the treasurer's designee and the secretary of agriculture or the secretary's designee are ex officio nonvoting members. No more than five appointed members shall belong to the same political party. As far as possible the governor shall include within the membership persons who represent financial institutions experienced in agricultural lending, the real estate sales industry, farmers, beginning farmers, average taxpayers, local government, soil conservation district officials, and other persons specially interested in family farm development.

Sec. 3. Section 175.4, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 15. There exists a serious problem in this state regarding the ability of farmers to obtain affordable operating loans for reasonable and necessary expenses and cash flow requirements of farming.

NEW SUBSECTION. 16. Farming is one of the principal pursuits of the inhabitants of this state. Many other industries and pursuits, in turn, are wholly dependent upon farming.

NEW SUBSECTION. 17. The inability of farmers to obtain affordable operating loans is conducive to a general decline of the economy in this state.

NEW SUBSECTION. 18. It is necessary to establish an agricultural loan assistance program in this state to assist farmers in obtaining adequate financing at affordable rates for operating expenses and thereby assist in the stabilization of the economic condition of this state.

Sec. 4. NEW SECTION. 175.35 AGRICULTURAL LOAN ASSISTANCE PROGRAM.

1. The authority shall establish and develop an agricultural loan assistance program to facilitate the availability of affordable operating capital to farmers by providing grants to lending institutions as provided by this section.

2. The authority shall make available to farmers and lending institutions eligibility application forms for the agricultural loan assistance program. Applications to the authority for assistance under this section shall be executed jointly by the lending institution and the farmer upon approved forms.

3. The authority shall provide in the agricultural loan assistance program that a grant will be provided in conjunction with a farmer's operating loan only if the following criteria are satisfied:

a. The farmer is a resident of the state.

b. The farmer is an individual, a partnership, or a family farm corporation, as defined in section 172C.1, subsection 8.

c. The farming operation in which the farmer will use the operating loan is located within the state.

d. The operating loan will be used by the farmer for reasonable and necessary expenses and cash flow requirements of farming as defined by rules of the authority.

e. The farmer has made full disclosure of the farmer's finances to the lending institution and to the authority, to the extent required by the authority.

f. Additional requirements as are prescribed by the authority by rule, which may include but are not limited to:

- (1) Participation in federal crop insurance programs, where available.
- (2) A consideration of the borrower's agreement to maintain farm management techniques and standards established by the authority.
- (3) Participation in federal farm programs, where applicable.
- (4) The maximized use of available loan guarantees where applicable.
- (5) A consideration of factors demonstrating the farmer's need for operating loan assistance and the probability of success with the assistance in the farming operation in which the operating loan will be used, including net worth, debt-to-asset ratio, debt service coverage ratio, projected income, and projected cash flow.

4. The authority may participate in and cooperate with programs of an agency or instrumentality of the federal government in the administration of the agricultural loan assistance program. The authority may provide in the agricultural loan assistance program that a grant may be provided in conjunction with a farmer's operating loan only if the farmer and lending institution participate in one or more operating loan assistance programs of an agency or instrumentality of the federal government, which are determined to be appropriate by the authority.

5. Upon approval of an eligibility application and a determination by the authority that assistance pursuant to the agricultural loan assistance program is needed to qualify a farmer and lending institution for participation in an appropriate operating loan assistance program of an agency or instrumentality of the federal government, the authority may:

a. Enter into an agreement with the lending institution and the farmer to supplement the assistance to be received pursuant to the federal program in which agreement the lending institution shall agree to reduce for one year the interest rate on the farmer's operating loan to the rate determined by the authority to be necessary to qualify the farmer and lending institution for participation in the federal program and the farmer shall agree to comply with the rules and requirements established by the authority.

b. Agree to give the lending institution, for the benefit of the farmer, a grant in an amount to be determined by the authority to partially reimburse the lending institution for the reduction of the interest rate on the farmer's operating loan.

6. In determining the rate reduction to be required under subsection 5, paragraph "a", and the amount of the grant to be given under subsection 5, paragraph "b", the authority shall:

a. Consider the amount of any interest reimbursement to be received by the farmer or lending institution pursuant to the federal operating loan assistance program.

b. Not require a rate reduction pursuant to subsection 5, paragraph "a" which is in excess of three percentage points in addition to the interest rate reduction required pursuant to the federal program.

c. Not give a grant pursuant to subsection 5, paragraph "b" in an amount greater than three percent per annum of up to one hundred thousand dollars of the principal balance of the farmer's operating loan outstanding from time to time, for the term of the loan or for one year, whichever is less.

6A. Notwithstanding the provisions of subsections 4, 5, and 6, upon approval of an eligibility application and a determination by the authority that operating loan assistance will not be available to an individual farmer and lending institution on a timely basis pursuant to an appropriate program of the federal government, the authority may:

a. Enter into an agreement with the lending institution and the farmer in which the lending institution shall agree to reduce for one year the interest rate on the farmer's operating loan to a rate determined by the authority below the lending institution's farm operating loan rate as certified to the authority and the farmer shall agree to comply with the rules and requirements established by the authority.

b. Agree to give to the lending institution, for the benefit of the farmer, a grant in the amount, as determined by the authority, up to three percent per annum of up to one hundred

thousand dollars of the principal balance of the farmer's operating loan outstanding from time to time, for the term of the loan or for one year, whichever is less, to partially reimburse the lending institution for the reduction of the interest rate on the borrower's operating loan. However, the grant shall not exceed fifty percent of the amount of interest foregone by the lending institution pursuant to the rate reduction under paragraph "a".

7. The authority may require a lending institution to submit evidence satisfactory to the authority that the lending institution has complied with the reduction in the interest rate as required by an agreement pursuant to subsection 5 or 6A. The authority may inspect any books and records of a lending institution which are pertinent to the administration of the agricultural loan assistance program.

8. In order to assure compliance with this section and rules adopted pursuant to this section, the authority may establish by rule appropriate enforcement provisions, including but not limited to, the payment of civil penalties by a lending institution or farmer.

Sec. 5. There is appropriated from the general fund of the state to the Iowa family farm development authority for the fiscal year beginning July 1, 1985 and ending June 30, 1986, the amount of five million (5,000,000) dollars or so much thereof as is necessary, to be used for providing financial assistance to Iowa farmers under and through the agricultural loan assistance program, by providing moneys for grants under agreements subject to section 175.35 entered into on or after March 1, 1986 but before July 1, 1986. If the grants under the agreements exceed two million dollars, the excess shall be transferred from the Iowa plan fund for economic development, notwithstanding the provisions of 1985 Acts, chapter 33. Not more than one hundred thousand (100,000) dollars, or so much thereof as is necessary, shall be used for general administration, including salaries, support, and miscellaneous purposes. Moneys appropriated by this section which are committed for grants under agreements entered into on or after March 1, 1986 but before July 1, 1986, do not revert to the general fund or the Iowa plan fund. Moneys appropriated by this section which are committed for agreements but which are not utilized for the grants by July 1, 1987 revert on a pro rata basis to the general fund and the Iowa plan fund.

Sec. 6. This Act, being deemed of immediate importance, takes effect from and after its publication in *The Algona Upper Des Moines*, a newspaper published in Algona, Iowa, and in *The Messenger*, a newspaper published in Fort Dodge, Iowa.

Approved March 20, 1986

Pursuant to the authority vested in the undersigned Secretary of State of the State of Iowa, because of inherent and imperative need, I hereby designate that House File 2353 be published in the *Kossuth County Advance*, a newspaper published in Algona, Iowa.

MARY JANE ODELL, *Secretary of State*

I hereby certify that the foregoing Act, House File 2353, was published in the *Kossuth County Advance*, Algona, Iowa, on March 22, 1986, and in *The Messenger*, Fort Dodge, Iowa, on March 22, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1028

PROTESTING AN ERROR IN ASSESSMENT

H.F. 714

AN ACT relating to the filing of a protest because of a clerical or mathematical error having been made in the assessment of a person's property.

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

Section 1. Section 441.37, Code 1985, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A property owner or aggrieved taxpayer who finds that a clerical or mathematical error has been made in the assessment of the owner's or taxpayer's property may file a protest against that assessment in the same manner as provided in this section, except that the protest may be filed for previous years. The board may correct clerical or mathematical errors for any assessment year in which the taxes have not been fully paid or otherwise legally discharged.

NEW UNNUMBERED PARAGRAPH. Upon the determination of the board that a clerical or mathematical error has been made the board shall take appropriate action to correct the error and notify the county auditor of the change in the assessment as a result of the error and the county auditor shall make the correction in the assessment and the tax list in the same manner as provided in section 443.6.

NEW UNNUMBERED PARAGRAPH. The board shall not correct an error resulting from a property owner's or taxpayer's inaccuracy in reporting or failure to comply with section 441.19.

Approved March 20, 1986

CHAPTER 1029
EXPLOSIVE STORAGE FACILITIES
H.F. 2091

AN ACT relating to the inspection of explosive storage facilities.

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

Section 1. Section 101A.7, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The licensee's or permittee's explosive storage facility shall be inspected at least once a year by a representative of the state fire marshal's office, except that the state fire marshal may, at those mining operations licensed and regulated by the United States department of labor, accept an approved inspection report issued by the United States department of labor, mine safety and health administration, for the twelve-month period following the issuance of the report. The state fire marshal shall notify the appropriate city or county governing board of licenses to be issued in their respective jurisdictions pursuant to this chapter. The notification shall contain the name of the applicant to be licensed, the location of the facilities to be used in storing explosives, the types and quantities of explosive materials to be stored, and other information deemed necessary by either the governing boards or the state fire marshal. The facility may be examined at other times by the sheriff of the county where the facility is located or by the local police authority if the facility is located within a city of over ten thousand population and if the sheriff or city council considers it necessary.

Approved March 20, 1986

CHAPTER 1030
GRAVE OR BURIAL SITES
S.F. 120

AN ACT relating to grave or burial sites by allowing their protection and preservation by law enforcement agencies and providing a penalty.

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

Section 1. **NEW SECTION. 566.31 BURIAL SITES.**

If a governmental subdivision or agency is notified of the existence of a marked burial site

within its jurisdiction, and the burial site is not otherwise provided for under this chapter or chapter 305A or 566A, it shall as soon as practicable notify the owner of the land upon which the burial site is located of the site's existence and location. The notification shall include an explanation of the provisions contained within section 566.32.

Sec. 2. NEW SECTION. 566.32 DISTURBANCE OF BURIAL SITES.

A person who knowingly and without authorization removes, destroys, or otherwise disturbs a burial site for which the person received notification under section 566.31 commits a simple misdemeanor.

Sec. 3. NEW SECTION. 566.33 PROTECTION AND PRESERVATION OF BURIAL SITES.

A governmental subdivision or agency having a burial site within its jurisdiction, for which protection or preservation is not otherwise provided, shall preserve and protect the burial site as necessary to restore or maintain its physical integrity as a burial site. The governmental subdivision or agency may enter into an agreement with a public or private organization interested in historical preservation to delegate to the organization the responsibility for the protection and preservation of the burial site.

Sec. 4. NEW SECTION. 566.34 CONFISCATION AND RETURN OF MEMORIALS.

A law enforcement officer having reason to believe that a grave memorial or burial memorial is in the possession of a person without authorization or right to possess the memorial may take possession of the memorial from that person and turn it over to the officer's agency.

If a law enforcement agency determines that a memorial it has taken possession of rightfully belongs on a grave or burial site, the agency shall return the memorial to the site, or make arrangements with the agency having jurisdiction over the grave or burial site for the return of the memorial.

Approved March 20, 1986

CHAPTER 1031
SNOWMOBILE REGISTRATION
S.F. 159

AN ACT relating to registration and numbering of snowmobiles and eliminating penalties for registration of snowmobiles which have not been registered for two consecutive registration periods.

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

Section 1. Section 321G.2, Code 1985, is amended by adding the following new subsection:
NEW SUBSECTION. Issuance of competition registrations and the participation of snowmobiles so registered in special events.

Sec. 2. Section 321G.3, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Upon proper application and payment of the registration fee provided in section 321G.6, the commission shall issue a competition registration for a snowmobile. A competition registration authorizes the operation of the snowmobile only in special events in which the commission has authorized their operation. The fees

collected for the competition registration shall be deposited in the special conservation fund.

Sec. 3. Section 321G.5, unnumbered paragraph 1, Code 1985, is amended by striking the unnumbered paragraph.

Sec. 4. Section 321G.6, unnumbered paragraph 3, Code 1985, is amended to read as follows:

If the application for registration for the subsequent biennium is not made before January 1 of each odd-numbered year, the applicant shall be charged a penalty of two dollars for each six months' delinquency, or any portion of six months. However, if a registration is not renewed for two consecutive registration periods, the number of the delinquent registration may be canceled, and upon application for registration by the delinquent registrant, the delinquent registrant may be assigned a new registration number or may choose to keep the delinquent registration number, and the delinquent registrant shall not be charged any penalties.

Approved March 26, 1986

CHAPTER 1032

INVESTMENTS BY FIDUCIARIES

S.F. 2215

AN ACT relating to investments by fiduciaries by broadening provisions relating to investments in United States government obligations.

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

Section 1. Section 633.123, subsection 2, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a fiduciary is expressly directed or permitted by a will, agreement, court order, or other instrument creating or defining the fiduciary's duties and powers, to invest in United States government obligations, the fiduciary may, in the absence of an express prohibition in the instrument, invest in and hold such obligations either directly or in the form of interests in an investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. § 80a, the portfolio of which is limited to United States government obligations and to repurchase agreements fully collateralized by United States government obligations, if the investment company or investment trust takes delivery of the collateral either directly or through an authorized custodian.

Sec. 2. Section 682.23, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 16. INVESTMENTS INCLUDED — GOVERNMENT OBLIGATIONS. Federal bonds, federal bank bonds, and bonds and debentures guaranteed by the federal government which are authorized investments under subsections 1, 2, and 11 include investments in an investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. § 80a, the portfolio of which is limited to the United States government obligations described in subsections 1, 2, and 11 and to repurchase agreements fully collateralized by such United States government obligations, if the investment company or investment trust takes delivery of the collateral either directly or through an authorized custodian.

Approved March 26, 1986

CHAPTER 1033
THRESHER'S OR CORNSHELLER'S LIEN
H.F. 712

AN ACT regarding the filing of documents for evidencing a thresher's or cornsheller's lien and providing for a penalty.

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

Section 1. Section 571.3, Code 1985, is amended to read as follows:
571.3 PRESERVATION OF LIEN.

In order to preserve said the lien the person entitled thereto to the lien must, within ten days from the completion of the work for which the lien is claimed, file in the office of the clerk of the district court of the county in which said services were rendered secretary of state an itemized and verified statement setting forth the services rendered, the number of bushels of grain threshed or corn shelled, the value of said the services, and the name of the person for whom said the services were rendered and the place where said the services were rendered; and the clerk of the district court secretary of state shall note the filing of said the verified statement in a book kept for that purpose and index the same under the name of the person for whom such service was performed under this section in the manner provided by chapter 554 and shall charge a four dollar filing fee if the statement is on the standard form prescribed by the secretary of state, and a five dollar filing fee if the statement is on another form.

Sec. 2. Section 571.4, Code 1985, is amended to read as follows:
571.4 ENFORCEMENT - TIME LIMIT.

Proceedings to enforce said lien must be brought within thirty days after the filing of said the verified statement and cannot be brought thereafter after the lapse of the thirty days. The lienholder shall file with the secretary of state a file stamped copy of the petition to enforce the lien immediately upon commencing the action.

Sec. 3. NEW SECTION. 571.6 ACKNOWLEDGMENT OF SATISFACTION.

When a lien under this chapter is satisfied by payment of the claim, the lienholder shall acknowledge the satisfaction of the claim in writing to the secretary of state. If the lienholder failed to file an acknowledgment of satisfaction with the secretary of state within thirty days after written demand by a person having an interest in the crop, the lienholder is liable to the person for a penalty of twenty-five dollars, plus actual damages incurred as a result of the failure, plus attorney fees and court costs.

Approved March 28, 1986

CHAPTER 1034
UNEMPLOYMENT COMPENSATION BASE PERIOD
H.F. 767

AN ACT relating to the base period under the unemployment compensation law for an employee who has received workers' compensation or indemnity insurance benefits and applying retroactively.

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

Section 1. Section 96.3, subsection 5, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The amount of benefits paid to an individual, which is solely due to wage credits considered to be in an individual's base period due to the exclusion and substitution of calendar quarters from the individual's base period under section 96.23, shall be charged against the account of the employer responsible for paying the weekly workers' compensation benefits for temporary total disability or during a healing period under section 85.33, section 85.34, subsection 1, or section 85A.17, or responsible for paying weekly indemnity insurance benefits.

Sec. 2. Section 96.23, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The department shall exclude three or more calendar quarters from an individual's base period, as defined in section 96.19, subsection 16, if the individual received weekly workers' compensation benefits for temporary total disability or during a healing period under section 85.33, section 85.34, subsection 1, or section 85A.17 or weekly indemnity insurance benefits during those three or more calendar quarters, if one of the following conditions applies to the individual's base period:

Sec. 3. Section 96.23, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The department shall substitute, in lieu of the three or more calendar quarters excluded from the base period, those three or more consecutive calendar quarters, immediately preceding the base period, in which the individual did not receive such weekly workers' compensation benefits or weekly indemnity insurance benefits.

Sec. 4. This Act applies retroactively to unemployment compensation benefit claims effectively filed on or after July 3, 1983.

Approved April 7, 1986

CHAPTER 1035

IOWA UNIFORM TRANSFERS TO MINORS ACT

H.F. 2381

AN ACT relating to the adoption of the uniform transfers to minors Act.

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

Section 1. NEW SECTION. 565B.1 DEFINITIONS.

In this chapter, unless the context otherwise requires:

1. "Adult" means an individual who has attained the age of twenty-one years.
2. "Benefit plan" means an employer's plan for the benefit of an employee or partner.
3. "Broker" means a person lawfully engaged in the business of effecting transactions in securities or commodities for the person's own account or for the account of others.
4. "Conservator" means a person appointed or qualified by a court to act as general, limited, or temporary guardian of a minor's property or a person legally authorized to perform substantially the same functions.
5. "Court" means the supreme court, court of appeals, district courts, and other courts the general assembly establishes.
6. "Custodial property" means both of the following:
 - a. Any interest in property transferred to a custodian under this chapter.
 - b. The income from and proceeds of that interest in property.
7. "Custodian" means a person so designated under section 565B.9 or a successor or substitute custodian designated under section 565B.18.
8. "Financial institution" means a bank, trust company, savings institution, or credit union, chartered and supervised under state or federal law.
9. "Legal representative" means an individual's personal representative or conservator.

10. "Member of the minor's family" means the minor's parent, stepparent, spouse, grandparent, brother, sister, uncle, or aunt, whether of the whole or half blood or by adoption.

11. "Minor" means an individual who has not attained the age of twenty-one years.

12. "Personal representative" means an executor, administrator, successor personal representative, special administrator, or temporary administrator of a decedent's estate or a person legally authorized to perform substantially the same functions.

13. "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States.

14. "Transfer" means a transaction that creates custodial property under section 565B.9.

15. "Transferor" means a person who makes a transfer under this chapter.

16. "Trust company" means a financial institution, corporation, or other legal entity, authorized to exercise general trust powers.

Sec. 2. NEW SECTION. 565B.2 SCOPE AND JURISDICTION.

1. This chapter applies to a transfer that refers to this chapter in the designation under section 565B.9, subsection 1, by which the transfer is made if at the time of the transfer, the transferor, the minor, or the custodian is a resident of this state or the custodial property is located in this state. The custodianship so created remains subject to this chapter despite a subsequent change in residence of a transferor, the minor, or the custodian, or the removal of custodial property from this state.

2. A person designated as custodian under this chapter is subject to personal jurisdiction in this state with respect to any matter relating to the custodianship.

3. A transfer that purports to be made and which is valid under the uniform transfer to minors Act, the uniform gifts to minors Act, or a substantially similar Act, of another state is governed by the law of the designated state and may be executed and is enforceable in this state if at the time of the transfer, the transferor, the minor, or the custodian is a resident of the designated state or the custodial property is located in the designated state.

Sec. 3. NEW SECTION. 565B.3 NOMINATION OF CUSTODIAN.

1. A person having the right to designate the recipient of property transferable upon the occurrence of a future event may revocably nominate a custodian to receive the property for a minor beneficiary upon the occurrence of the event by naming the custodian, followed in substance by the words: "as custodian for _____ (name of minor) under the Iowa Uniform Transfers to Minors Act". The nomination may name one or more persons as substitute custodians to whom the property must be transferred, in the order named, if the first nominated custodian dies before the transfer or is unable, declines, or is ineligible to serve. The nomination may be made in a will, a trust, a deed, an instrument exercising a power of appointment, or in a writing designating a beneficiary of contractual rights which is registered with or delivered to the payor, issuer, or other obligor of the contractual rights.

2. A custodian nominated under this section must be a person to whom a transfer of property of that kind may be made under section 565B.9, subsection 1.

3. The nomination of a custodian under this section does not create custodial property until the nominating instrument becomes irrevocable or a transfer to the nominated custodian is completed under section 565B.9. Unless the nomination of a custodian has been revoked, upon the occurrence of the future event the custodianship becomes effective and the custodian shall enforce a transfer of the custodial property pursuant to section 565B.9.

Sec. 4. NEW SECTION. 565B.4 TRANSFER BY GIFT OR EXERCISE OF POWER OF APPOINTMENT.

A person may make a transfer by irrevocable gift to, or the irrevocable exercise of a power of appointment in favor of, a custodian for the benefit of a minor pursuant to section 565B.9.

Sec. 5. NEW SECTION. 565B.5 TRANSFER AUTHORIZED BY WILL OR TRUST.

1. A personal representative or trustee may make an irrevocable transfer pursuant to section 565B.9 to a custodian for the benefit of a minor as authorized in the governing will or trust.

2. If the testator or settlor has nominated a custodian under section 565B.3 to receive the custodial property, the transfer must be made to that person.

3. If the testator or settlor has not nominated a custodian under section 565B.3, or all persons so nominated as custodian die before the transfer or are unable, decline, or are ineligible to serve, the personal representative or the trustee, as the case may be, shall designate the custodian from among those eligible to serve as custodian for property of that kind under section 565B.9, subsection 1.

4. A personal representative or trustee making a distribution under this section may do so without court order and, after effecting the distribution, is relieved of all accountability as a personal representative or trustee with respect to the property distributed.

Sec. 6. NEW SECTION. 565B.6 OTHER TRANSFERS BY FIDUCIARY.

1. Subject to subsection 3, a personal representative or trustee may make an irrevocable transfer to another adult or trust company as custodian for the benefit of a minor pursuant to section 565B.9, in the absence of a will or under a will or trust that does not contain an authorization to do so.

2. Subject to subsection 3, a conservator may make an irrevocable transfer to another adult or trust company as custodian for the benefit of a minor pursuant to section 565B.9.

3. A transfer under subsection 1 or 2 may be made only if all of the following are true:

a. The personal representative, trustee, or conservator considers the transfer to be in the best interest of the minor.

b. The transfer is not prohibited by or inconsistent with provisions of the applicable will, trust agreement, or other governing instrument.

c. The transfer is authorized by the court if all transfers (including the transfer to be made and prior transfers) exceed ten thousand dollars in value. Transfers by a personal representative, trustee, or conservator shall not be aggregated, but each personal representative, trustee, or conservator shall be treated separately.

4. A personal representative, trustee, or conservator making a distribution under this section is relieved of all accountability as a personal representative, trustee, or conservator with respect to the property once the property has been distributed.

Sec. 7. NEW SECTION. 565B.7 TRANSFER BY OBLIGOR.

1. Subject to subsections 2 and 3, a person not subject to section 565B.5 or 565B.6 who holds property of, or owes a liquidated debt to, a minor not having a conservator, may make an irrevocable transfer to a custodian for the benefit of the minor pursuant to section 565B.9.

2. If a person having the right to do so under section 565B.3 has nominated a custodian under that section to receive the custodial property, the transfer must be made to that person.

3. If no custodian has been nominated under section 565B.3, or all persons so nominated as custodian die before the transfer or are unable, decline, or are ineligible to serve, a transfer under this section may be made to an adult member of the minor's family or to a trust company unless the property exceeds ten thousand dollars in value.

4. A person making a distribution under this section is relieved of all accountability with respect to the property once the property has been distributed.

Sec. 8. NEW SECTION. 565B.8 RECEIPT FOR CUSTODIAL PROPERTY.

A written acknowledgement of delivery by a custodian constitutes a sufficient receipt and discharge for custodial property transferred to the custodian pursuant to this chapter.

Sec. 9. NEW SECTION. 565B.9 MANNER OF CREATING CUSTODIAL PROPERTY AND EFFECTING TRANSFER — DESIGNATION OF INITIAL CUSTODIAN — CONTROL.

1. Custodial property is created and a transfer is made whenever:

a. An uncertificated security or a certificated security in registered form is either:

(1) Registered in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for _____ (name of minor) under the Iowa Uniform Transfers to Minors Act"; or

(2) Delivered if in certificated form, or any document necessary for the transfer of an uncertificated security is delivered, together with any necessary endorsement to an adult other than the transferor or to a trust company as custodian, accompanied by an instrument in substantially the form set forth in subsection 2;

b. Money is paid or delivered to a broker or financial institution for credit to an account in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for _____ (name of minor) under the Iowa Uniform Transfers to Minors Act";

c. The ownership of a life or endowment insurance policy or annuity contract is either:

(1) Registered with the issuer in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for _____ (name of minor) under the Iowa Uniform Transfers to Minors Act"; or

(2) Assigned in writing delivered to an adult other than the transferor or to a trust company whose name in the assignment is followed in substance by the words: "as custodian for _____ (name of minor) under the Iowa Uniform Transfers to Minors Act";

d. An irrevocable exercise of a power of appointment or an irrevocable present right to future payment under a contract is the subject of a written notification delivered to the payor, issuer, or other obligor that the right is transferred to the transferor, an adult other than the transferor, or a trust company, whose name in the notification is followed in substance by the words: "as custodian for _____ (name of minor) under the Iowa Uniform Transfers to Minors Act";

e. An interest in real property is recorded in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for _____ (name of minor) under the Iowa Uniform Transfers to Minors Act";

f. An interest in any property not described in paragraphs "a" through "e" is transferred to an adult other than the transferor or to a trust company by a written instrument in substantially the form set forth in subsection 2. An interest in any property as used in this paragraph does not include a certificate of title issued by a department or agency of a state or of the United States which evidences title to tangible personal property.

2. An instrument in the following form satisfies the requirements of subsection 1, paragraph "a", subparagraph (2), and paragraph "f":

"TRANSFER UNDER THE IOWA UNIFORM TRANSFERS TO MINORS ACT

I, _____ (name of transferor or name and representative capacity if a fiduciary) hereby transfer to _____ (name of custodian), as custodian for _____ (name of minor) under the Iowa Uniform Transfers to Minors Act, the following: (insert a description of the custodial property sufficient to identify it).
Dated: _____

(signature)

_____ (name of custodian) acknowledges receipt of the property described above as custodian for the minor named above under the Iowa Uniform Transfers to Minors Act:

Dated: _____

(signature of custodian)"

3. A transferor shall place the custodian in control of the custodial property as soon as practicable.

Sec. 10. NEW SECTION. 565B.10 SINGLE CUSTODIANSHIP.

A transfer may be made only for one minor, and only one person may be the custodian. All custodial property held under this chapter by the same custodian for the benefit of the same minor constitutes a single custodianship.

Sec. 11. NEW SECTION. 565B.11 VALIDITY AND EFFECT OF TRANSFER.

1. The validity of a transfer made in a manner prescribed in this chapter is not affected by:

a. The failure of the transferor to comply with section 565B.9, subsection 3, concerning possession and control;

b. The designation of an ineligible custodian, except designation of the transferor in the case of property for which the transferor is ineligible to serve as custodian under section 565B.9, subsection 1; or

c. The death or incapacity of a person nominated under section 565B.3 or designated under section 565B.9 as custodian or the disclaimer of the office by that person.

2. A transfer made pursuant to section 565B.9 is irrevocable, and the custodial property is indefeasibly vested in the minor, but the custodian has all the rights, powers, duties, and authority provided in this chapter, and neither the minor nor the minor's legal representative has any right, power, duty, or authority with respect to the custodial property except as provided in this chapter.

3. By making a transfer, the transferor incorporates in the disposition all the provisions of this chapter and grants to the custodian and to any third person dealing with a person designated as custodian the respective powers, rights, and immunities provided in this chapter.

Sec. 12. NEW SECTION. 565B.12 CARE OF CUSTODIAL PROPERTY.

1. A custodian shall:

a. Take control of custodial property;

b. Register or record title to custodial property if appropriate; and

c. Collect, hold, manage, invest, and reinvest custodial property.

2. In dealing with custodial property, a custodian shall observe the standard of care that would be observed by a prudent person dealing with property of another and is not limited by any other statute restricting investments by fiduciaries. If a custodian has a special skill or expertise or is named custodian on the basis of representations of a special skill or expertise, the custodian shall use that skill or expertise. However, a custodian, at the custodian's discretion and without liability to the minor or the minor's estate, may retain any custodial property received from a transferor.

3. A custodian may invest in or pay premiums on life insurance or endowment policies on:

a. The life of the minor, only if the minor or the minor's estate is the sole beneficiary; or

b. The life of another person in whom the minor has an insurable interest, only to the extent that the minor, the minor's estate, or the custodian in the capacity of custodian, is the irrevocable beneficiary.

4. A custodian at all times shall keep custodial property separate and distinct from all other property in a manner sufficient to identify it clearly as custodial property of the minor. Custodial property consisting of an undivided interest is so identified if the minor's interest is held as a tenant in common and is fixed. Custodial property subject to recordation is so identified if it is recorded, and custodial property subject to registration is so identified if it is either registered, or held in an account designated, in the name of the custodian, followed in substance by the words: "as a custodian for _____ (name of minor) under the Iowa Uniform Transfers to Minors Act".

5. A custodian shall keep records of all transactions with respect to custodial property, including information necessary for the preparation of the minor's tax returns, and shall make them available for inspection at reasonable intervals by a parent or the legal representative of the minor or by the minor if the minor has attained the age of fourteen years.

Sec. 13. NEW SECTION. 565B.13 POWERS OF CUSTODIAN.

1. A custodian, acting in a custodial capacity, has all the rights, powers, and authority over custodial property that unmarried adult owners have over their own property, but a custodian may exercise those rights, powers, and authority in that capacity only.

2. This section does not relieve a custodian from liability for breach of section 565B.12.

Sec. 14. NEW SECTION. 565B.14 USE OF CUSTODIAL PROPERTY.

1. A custodian may deliver or pay to the minor or expend for the minor's benefit so much of the custodial property as the custodian considers advisable for the use and benefit of the minor, without court order and without regard to:

a. The duty or ability of the custodian personally or of any other person to support the minor; or

b. Any other income or property of the minor which may be applicable or available for that purpose.

2. On petition of an interested person or the minor if the minor has attained the age of fourteen years, the court may order the custodian to deliver or pay to the minor or expend for the minor's benefit so much of the custodial property as the court considers advisable for the use and benefit of the minor.

3. A delivery, payment, or expenditure under this section is in addition to, not in substitution for, and does not affect any obligation of a person to support the minor.

Sec. 15. NEW SECTION. 565B.15 CUSTODIAN'S EXPENSES, COMPENSATION, AND BOND.

1. A custodian is entitled to reimbursement from custodial property for reasonable expenses incurred in the performance of the custodian's duties.

2. Except for one who is a transferor under section 565B.4, a custodian has a noncumulative election during each calendar year to charge reasonable compensation for services performed during that year.

3. Except as provided in section 565B.18, subsection 6, a custodian need not give a bond.

Sec. 16. NEW SECTION. 565B.16 EXEMPTION OF THIRD PERSON FROM LIABILITY.

A third person in good faith and without court order may act on the instructions of or otherwise deal with any person purporting to make a transfer or purporting to act in the capacity of a custodian and, in the absence of knowledge, is not responsible for determining:

1. The validity of the purported custodian's designation;

2. The propriety of, or the authority under this chapter for, any act of the purported custodian;

3. The validity or propriety under this chapter of any instrument or instructions executed or given either by the person purporting to make a transfer or by the purported custodian; or

4. The propriety of the application of any property of the minor delivered to the purported custodian.

Sec. 17. NEW SECTION. 565B.17 LIABILITY TO THIRD PERSONS.

1. A claim based on:

a. A contract entered into by a custodian acting in a custodial capacity;

b. An obligation arising from the ownership or control of custodial property; or

c. A tort committed during the custodianship,

may be asserted against the custodial property by proceeding against the custodian in the custodial capacity, whether or not the custodian or the minor is personally liable therefor.

2. A custodian is not personally liable:

a. On a contract properly entered into in the custodial capacity unless the custodian fails to reveal that capacity and to identify the custodianship in the contract; or

b. For an obligation arising from control of custodial property or for a tort committed during the custodianship unless the custodian is personally at fault.

3. A minor is not personally liable for an obligation arising from ownership of custodial property or for a tort committed during the custodianship unless the minor is personally at fault.

Sec. 18. NEW SECTION. 565B.18 RENUNCIATION, RESIGNATION, DEATH, OR REMOVAL OF CUSTODIAN — DESIGNATION OF SUCCESSOR CUSTODIAN.

1. A person nominated under section 565B.3 or designated under section 565B.9 as custodian may decline to serve by delivering a valid disclaimer to the person who made the nomination or to the transferor or the transferor's legal representative. If the event giving rise to a transfer has not occurred and no substitute custodian able, willing, and eligible to serve was nominated under section 565B.3, the person who made the nomination may nominate a substitute custodian under section 565B.3; otherwise, the transferor or the transferor's legal representative shall designate a substitute custodian at the time of the transfer, in either case from among the persons eligible to serve as custodian for that kind of property under section 565B.9, subsection 1. The custodian so designated has the rights of a successor custodian.

2. A custodian at any time may designate a trust company or an adult other than a transferor under section 565B.4 as successor custodian by executing and dating an instrument of designation before a subscribing witness other than the successor. If the instrument of designation does not contain or is not accompanied by the resignation of the custodian, the designation of the successor does not take effect until the custodian resigns, dies, becomes incapacitated, or is removed.

3. A custodian may resign at any time by delivering written notice to the minor if the minor has attained the age of fourteen years and to the successor custodian and by delivering the custodial property to the successor custodian.

4. If a custodian is ineligible, dies, or becomes incapacitated without having effectively designated a successor and the minor has attained the age of fourteen years, the minor may designate as successor custodian, in the manner prescribed in subsection 2, an adult member of the minor's family, a conservator of the minor, or a trust company. If the minor has not attained the age of fourteen years or fails to act within sixty days after the ineligibility, death, or incapacity, the conservator of the minor becomes successor custodian. If the minor has no conservator or the conservator declines to act, the transferor, the legal representative of the transferor or of the custodian, an adult member of the minor's family, or any other interested person may petition the court to designate a successor custodian.

5. A custodian who declines to serve under subsection 1 or resigns under subsection 3, or the legal representative of a deceased or incapacitated custodian, as soon as practicable, shall put the custodial property and records in the possession and control of the successor custodian. The successor custodian by action may enforce the obligation to deliver custodial property and records and becomes responsible for each item as received.

6. A transferor, the legal representative of a transferor, an adult member of the minor's family, a guardian of the person of the minor, the conservator of the minor, or the minor if the minor has attained the age of fourteen years may petition the court to remove the custodian for cause and to designate a successor custodian other than a transferor under section 565B.4 or to require the custodian to give appropriate bond.

Sec. 19. NEW SECTION. 565B.19 ACCOUNTING BY AND DETERMINATION OF LIABILITY OF CUSTODIAN.

1. A minor who has attained the age of fourteen years, the minor's guardian of the person or legal representative, an adult member of the minor's family, a transferor, or a transferor's legal representative may petition the court:

a. For an accounting by the custodian or the custodian's legal representative; or

b. For a determination of responsibility, as between the custodial property and the custodian personally, for claims against the custodial property unless the responsibility has been adjudicated in an action under section 565B.17 to which the minor or the minor's legal representative was a party.

2. A successor custodian may petition the court for an accounting by the predecessor custodian.

3. The court, in a proceeding under this chapter or in any other proceeding, may require or permit the custodian or the custodian's legal representative to account.

4. If a custodian is removed under section 565B.18, subsection 6, the court shall require an accounting and order delivery of the custodial property and records to the successor custodian and the execution of all instruments required for transfer of the custodial property.

Sec. 20. NEW SECTION. 565B.20 TERMINATION OF CUSTODIANSHIP.

The custodian shall transfer in an appropriate manner the custodial property to the minor or to the minor's estate upon the earlier of:

1. The minor's attainment of twenty-one years of age with respect to custodial property transferred under this chapter; or
2. The minor's death.

Sec. 21. NEW SECTION. 565B.21 APPLICABILITY.

This chapter applies to a transfer within the scope of section 565B.2 made after its effective date if:

1. The transfer purports to have been made under the Iowa uniform gifts to minors Act; or
2. The instrument by which the transfer purports to have been made uses in substance the designation "as custodian under the Uniform Gifts to Minors Act" or "as custodian under the Uniform Transfers to Minors Act" of any other state, and the application of this chapter is necessary to validate the transfer.

Sec. 22. NEW SECTION. 565B.22 EFFECT ON EXISTING CUSTODIANSHIPS.

1. Any transfer of custodial property as now defined in this chapter made before the effective date of this chapter is validated notwithstanding that there was no specific authority in the Iowa uniform gifts to minors Act for the coverage of custodial property of that kind or for a transfer from that source at the time the transfer was made.

2. This chapter applies to all transfers made before the effective date of this chapter in a manner and form prescribed in chapter 565A, Code 1985, the Iowa uniform gifts to minors Act, except insofar as the application impairs constitutionally vested rights.

Sec. 23. NEW SECTION. 565B.23 UNIFORMITY OF APPLICATION AND CONSTRUCTION.

This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

Sec. 24. NEW SECTION. 565B.24 OTHER LAWS NOT APPLICABLE.

Chapter 633 and all other laws of this state to the extent contrary to this chapter do not apply to the custodial property of a minor held by the custodian under this chapter.

Sec. 25. NEW SECTION. 565B.25 SHORT TITLE.

This chapter may be cited as the "Iowa Uniform Transfers to Minors Act".

Sec. 26.

1. Chapter 565A, Code 1985, is repealed.

2. To the extent that chapter 565B, by virtue of section 565B.22, subsection 2, does not apply to transfers made in a manner prescribed in chapter 565A, Code 1985, the Iowa uniform gifts to minors Act, or to the powers, duties, and immunities conferred by transfers in that manner upon custodians and persons dealing with custodians, the repeal of chapter 565A, Code 1985, does not affect those transfers or those powers, duties, and immunities.

Approved April 7, 1986

CHAPTER 1036
BOVINE BRUCELLOSIS
S.F. 532

AN ACT relating to bovine brucellosis, by providing vaccination requirements, providing definitions, providing for the adoption of rules, providing for the movement of cattle, and providing for indemnification for slaughtered cattle.

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

Section 1. Section 164.1, subsection 7, Code 1985, is amended to read as follows:

7. "Official calfhood vaccination" ~~shall mean means~~ the vaccination of ~~any a~~ female calf of a dairy ~~any~~ breed between the ages of ~~two~~ four months and ~~six ten~~ six months or any female calf of a beef breed between the ages of ~~two months and ten months~~ with brucella vaccine approved by the ~~U.S. United States~~ department of agriculture, which calf ~~shall have~~ vaccination ~~has~~ been ~~vaccinated~~ administered by a licensed accredited veterinarian according to the rules established by the department. The officially vaccinated animal shall be identified by a ~~an~~ official vaccination tattoo mark, and an ~~an~~ official ear tag or owner's purebred identification. ~~Such~~ The tattoo mark, ear tag or owner's purebred identification shall be described in a certificate furnished by the attending veterinarian.

Within thirty days following ~~such~~ the vaccination, the attending veterinarian shall supply the owner with a certificate of vaccination. The veterinarian shall retain a copy of ~~same~~ the certificate and forward a copy to the ~~local~~ office of the ~~U.S. department of agriculture or a copy to state veterinarian~~ within the Iowa department of agriculture.

Sec. 2. Section 164.1, subsection 8, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

8. "Class free state" means there has been no known brucellosis in cattle for a period of twelve months. States are classified as class free, class A, class B, and class C, according to guidelines set forth in 9 C.F.R. § 78.1.

Sec. 3. Section 164.1, subsection 9, Code 1985, is amended to read as follows:

9. "State-approved premises" means feedlot or grazing areas established at the discretion of the department for the feeding, fattening or growing of ~~imported~~ untested heifers over ~~eight~~ four months of age but under ~~twenty-four~~ eighteen months of age, or ~~native untested female cattle~~. Rules governing the operation of ~~such~~ the premises shall be made at the discretion of the department and subject to ~~the provisions of~~ chapter 17A.

Sec. 4. Section 164.3, Code 1985, is amended to read as follows:

164.3 FEMALE CALVES VACCINATED.

All native female cattle of a dairy ~~any~~ breed between the ages of ~~two~~ four and ~~six~~ months and all native female cattle of a beef breed between the ages of ~~two months and ten months~~ may be officially vaccinated for brucellosis according to the method approved by the United States department of agriculture. The expense of ~~such~~ the vaccination shall be borne in the same manner as ~~set forth~~ provided in section 164.6.

Sec. 5. Section 164.4, Code 1985, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The department shall adopt rules that are no less restrictive than the uniform methods and rules for brucellosis eradication promulgated by the United States department of agriculture, APHIS 91-1, effective July 1, 1984, but may adopt rules that are more restrictive, subject to chapter 17A.

NEW UNNUMBERED PARAGRAPH. The department shall have the discretion to implement any of the procedures enumerated in the uniform methods and rules if approved jointly by state and federal animal health officials, including but not limited to the use of quarantined pastures, quarantined feedlots, or other options permitted under the uniform methods and rules.

Sec. 6. Section 164.9, Code 1985, is amended to read as follows:
164.9 RETEST ORDERED.

The department may order a retest of any breeding cattle at any time, when in their the department's opinion, it is necessary. In case of reactors, one retest shall be granted the owner of the cattle by the department upon the request of the owner or owner's veterinarian before the cattle are permanently marked as reactors, such and the expense of the retest of reactors shall be at the owner's expense borne in the same manner as provided in section 164.6.

Sec. 7. Section 164.13, Code 1985, is amended to read as follows:
164.13 UNLAWFUL ACTS.

It shall be unlawful for any owner to sell or transfer ownership of any bovine animal or allow commingling of cattle belonging to two or more owners, or the commingling of dairy or breeding cattle with cattle under feeder quarantine as feeding or grazing animals on a state approved premises, unless they are accompanied by a negative brucellosis test report issued by an accredited veterinarian, conducted within thirty days. The provisions of this section do not apply to the following:

1. Calves under ten four months of age, spayed heifers, and steers.
2. Official vaccinates under thirty months of age of beef breeds under twenty-four months of age and of dairy breeds under twenty months of age, if accompanied by official calfhood vaccination certificates not visibly parturient or postparturient.
3. Animals consigned directly to slaughter.
4. Animals moved for exhibition purposes:
 - a. When under thirty months of age the test-eligible ages specified in subsection 2 and accompanied by an official vaccination certificate.
 - b. Animals of any age when accompanied by a report of a negative brucellosis test conducted within seventy-five thirty days.
5. Animals originating from a herd certified to be in a class free of brucellosis state or animals from a certified brucellosis area free herd.
6. Cattle moved to a state-approved premises, as defined in section 164.1, subsection 9, as provided by the department.

Sec. 8. Section 164.14, Code 1985, is amended to read as follows:
164.14 IMPORTED CATTLE.

1. Female cattle over ten four months of age, and under twenty-four eighteen months not visibly pregnant parturient or postparturient, may enter the state for feeding purposes to be consigned to a state-approved premises under quarantine. Such cattle as well as native female animals over twenty-four months of age that have been consigned to the lot may be released from the premises if they meet one have been any of the following requirements:
 - a. Consignement Consigned to slaughter.
 - b. Consignement Consigned to a federally approved market.
 - c. Consigned to another quarantined premises.
 - d. Tested negative to brucellosis at owner's expense. The test shall be made not less than thirty sixty days after the last consignment to the premises and shall include all animals on the premises.
2. Female cattle over twenty-four eighteen months of age may enter the state if they meet one are any of the following requirements:

- a. Consigned to a federally approved market.
- b. Consigned to a slaughter plant for immediate slaughter.
- c. Accompanied by an official health certificate showing a record of a negative brucellosis test, when required, accomplished within thirty days of importation.

Sec. 9. Section 164.21, unnumbered paragraphs 1 and 2, Code 1985, are amended to read as follows:

The department shall certify the claim of the owner for each animal slaughtered in accordance with this chapter. An infected herd may be completely depopulated and indemnity paid ~~on individual animals~~ when, in the opinion of the officials of the department and officials of the ~~animal research~~ veterinary service of the United States department of agriculture, the disease cannot be adequately controlled by routine testing.

Indemnity ~~can~~ shall only be paid if money is available in the brucellosis and tuberculosis eradication fund and if indemnity payment is also made by the United States department of agriculture. However, if the United States department of agriculture is unable to pay indemnity, the state may still pay indemnity for condemned animals if money is available.

Approved April 7, 1986

CHAPTER 1037

SCHEDULE I AND II CONTROLLED SUBSTANCES

S.F. 2041

AN ACT relating to schedule I and schedule II controlled substances regulated by the board of pharmacy examiners.

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

Section 1. Section 204.204, subsection 4, lettered paragraph u, Code Supplement 1985, is amended to read as follows:

u. Tetrahydrocannabinols, except as otherwise provided by rules of the board of pharmacy examiners for medicinal purposes. Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of *Cannabis sp.*, and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Δ 1 cis or trans tetrahydrocannabinol, and their optical isomers, excluding dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States food and drug administration. Δ 6 cis or trans tetrahydrocannabinol, and their optical isomers. Δ 3,4 cis or trans tetrahydrocannabinol, and their optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

Sec. 2. Section 204.204, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 9. OTHER MATERIALS. Any material, compound, mixture, or preparation which contains any quantity of the following substances:

- a. 3-Methylfentanyl (N-[3-Methyl-1-[2-Phenylethyl]-4-piperidyl]-N-phenylpropanamide), its optical and geometric isomers, salts, and salts of isomers.
- b. 3,4-Methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts, and salts of isomers.
- c. 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts, and salts of isomers.

d. 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP) its optical isomers, salts, and salts of isomers.

e. N-[1-(1-methyl-2-phenyl)ethyl-4-piperidyl]-N-phenylacetamide (acetyl-alpha-methylfentanyl), its optical isomers, salts, and salts of isomers.

f. N-[1-(1-methyl-2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamide (alpha-methylthiofentanyl), its optical isomers, salts, and salts of isomers.

g. N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (denzylfentanyl), its optical isomers, salts, and salts of isomers.

h. N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (beta-hydroxyfentanyl), its optical isomers, salts, and salts of isomers.

i. N-[3-methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (beta-hydroxy-3-methylfentanyl), its optical and geometric isomers, salts, and salts of isomers.

j. N-[3-methyl-1-(2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamide (3-methylthiofentanyl), its optical and geometric isomers, salts, and salts of isomers.

k. N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts, and salts of isomers.

l. N-[1-(2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamide (thiofentanyl), its optical isomers, salts, and salts of isomers.

Sec. 3. Section 204.206, subsection 2, lettered paragraph a, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

a. Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrophan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:

Sec. 4. Section 204.206, subsection 7, Code Supplement 1985, is amended by striking the subsection and inserting in lieu thereof the following:

7. HALLUCINOGENIC SUBSTANCES. Marijuana is deemed to be a schedule II substance when used for medicinal purposes pursuant to rules of the board of pharmacy examiners. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product. [Some other names for Dronabinol (6aR Trans)-6a, 7, 8, 10a-Tetrahydro-6, 6, 9-Trimethyl-3 pentyl-6H-dibenzol [b,d] pyran-1-01 or (-) delta 9-(trans)-tetrahydrocannabinol.]

Sec. 5. Section 204.206, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 8. The board of pharmacy examiners, by rule, may except any compound, mixture, or preparation containing any stimulant listed in subsection 4 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant effect on the central nervous system, and if the admixtures are included in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

Approved April 7, 1986

CHAPTER 1038**MUTUAL INSURANCE COMPANY GUARANTY CAPITAL**

S.F. 2226

AN ACT relating to the guaranty capital of a mutual insurance company.

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

Section 1. Section 515.20, Code 1985, is amended to read as follows:

515.20 GUARANTY FUND CAPITAL.

Any A mutual company heretofore or hereafter organized under this chapter may establish and maintain a guaranty fund capital of at least fifty thousand dollars made up of multiples of ten thousand dollars, divided into shares of not less than fifty dollars each, to be invested as provided for the investment of insurance capital and funds by section 515.35. Guaranty shareholders shall be members of the corporation, and provision may be made for representation of the shareholders of such the guaranty fund capital on the board of directors of the corporation; such. The representation shall not to exceed one-third of the membership of such the board. Guaranty shareholders in such mutual companies shall be are subject to the same regulations of law relative to their right to vote as apply to its policyholders. Such The guaranty fund capital shall be applied to the payment of the legal obligations of the corporation only when such the corporation has exhausted its assets in excess of the unearned premium reserve and other liabilities; and if such. If the guaranty fund be capital is thus impaired, the directors may restore the whole, or any part thereof of the capital, by assessment on its policyholders as provided for in section 515.18. By a legal vote of the policyholders of the corporation, at any regular or special meeting thereof, said of the policyholders of the corporation, the guaranty fund capital may be fully retired or may be reduced to an amount of not less than fifty thousand dollars, provided that if the net surplus of the corporation together with the remaining guaranty fund shall capital is equal to or exceed exceeds the amount of minimum assets required by this chapter for such companies, and provided, further, that if the commissioner of insurance consents thereto to the action. Due notice of such the proposed action on the part of the corporation shall be included in the notice given to policyholders and shareholders of any annual or special meeting and notice of such the meeting shall also be given in accordance with the provisions of its the corporation's articles of incorporation. No A company with such the guaranty fund capital, which has ceased to do business, shall not distribute among its shareholders or policyholders any part of its assets, or guaranty fund capital, until it has fully performed, or legally canceled, all of its policy obligations. Shareholders of such the guaranty fund capital shall be are entitled to interest on the par value of their respective shares at a rate to be fixed by the board of directors, not to exceed seven percent per annum, and approved by the commissioner, cumulative, payable semiannually, and payable only out of the surplus earnings of such the company, but in no event shall. However, the surplus account of such the company shall not be reduced by the payment of such the interest below the figure maintained at the time said the guaranty fund capital was established; and provided, further, that no such. In addition, the interest payment shall not be made unless the surplus assets remaining after the payment thereof shall of the interest at least equal the amount required by the statutes of Iowa to permit such the corporation to continue in business. In the event of the dissolution and liquidation of any a corporation having a guaranty fund capital under the provisions hereof this section, the shareholders of such fund shall be the capital are entitled, after the payment of all valid obligations of the company, to receive the par value of their respective shares, together with any unpaid interest thereon on their shares, before there may be any distribution of the assets of said the corporation among its policyholders. These provisions are in addition to and independent of the provisions now contained in section 515.19.

Approved April 7, 1986

CHAPTER 1039**UTILITY RATE REGULATION EXEMPTION***H.F. 2325*

AN ACT exempting electric public utilities having less than ten thousand customers and electric cooperative corporations and associations from the rate regulation authority of the Iowa commerce commission and defining the areas in which such utilities remain subject to regulation.

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

Section 1. NEW SECTION. 476.1A APPLICABILITY OF AUTHORITY — CERTAIN ELECTRIC UTILITIES.

Electric public utilities having less than ten thousand customers and electric cooperative corporations and associations are not subject to the rate regulation authority of the commission. Such utilities are subject to all other regulation and enforcement activities of the commission, including:

1. Assessment of fees for the support of the commission.
2. Safety and engineering standards for equipment, operations, and procedures.
3. Assigned area of service.
4. Pilot projects of the commission.

However, sections 476.20, 476.21, 476.41 through 476.44, 476.51 and 476.61 and chapters 476A and 478, to the extent applicable, apply to such electric utilities.

Electric cooperative corporations and associations and electric public utilities exempt from rate regulation under this section shall not make or grant any unreasonable preferences or advantages as to rates or services to any person or subject any person to any unreasonable prejudice or disadvantage.

The board of directors or the membership of an electric cooperative corporation or association otherwise exempt from rate regulation may elect to have the cooperative's rates regulated by the commission. The commission shall adopt rules prescribing the manner in which the board of directors or the membership of an electric cooperative may so elect. If the board of directors or the membership of an electric cooperative has elected to have the cooperative's rates regulated by the commission, after two years have elapsed from the effective date of such election the membership of the electric cooperative may elect to exempt the cooperative from the rate regulation authority of the commission.

Sec. 2. The Iowa state commerce commission shall submit copies of its intended action on rules required under section 1 of this Act to the administrative rules coordinator pursuant to chapter 17A within thirty days from the effective date of this Act.

Approved April 8, 1986

CHAPTER 1040**COMMUNITY-BASED CORRECTIONAL FACILITIES ESCAPEES***H.F. 268*

AN ACT relating to escapees from community-based correctional facilities, and adopting penalties.

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

Section 1. Section 719.4, subsections 1, 2, and 3, Code 1985, are amended to read as follows:

1. A person convicted of a felony, or charged with or arrested for the commission of a felony, who intentionally escapes from ~~any~~ a detention facility, community-based correctional facility, or institution to which the person has been committed by reason of ~~such~~ the conviction, charge, or arrest, or from the custody of any public officer or employee to whom the person has been entrusted, commits a class "D" felony.

2. A person convicted of, charged with, or arrested for a misdemeanor, who intentionally escapes from ~~any~~ a detention facility, community-based correctional facility, or institution to which the person has been committed by reason of ~~such~~ the conviction, charge, or arrest, or from the custody of any public officer or employee to whom the person has been entrusted, commits a serious misdemeanor.

3. A person who has been committed to an institution under the control of the Iowa department of corrections, to a community-based correctional facility, or to a jail or correctional institution, who knowingly and voluntarily leaves a place where the person is required to be, commits a serious misdemeanor.

Approved April 8, 1986

CHAPTER 1041
BED AND BREAKFAST HOMES
H.F. 340

AN ACT relating to the operation of bed and breakfast homes.

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

Section 1. Section 170A.2, Code 1985, is amended by adding the following new subsection:
NEW SUBSECTION. 13. "Bed and breakfast home" means a private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.

Sec. 2. **NEW SECTION. 170A.16 EXEMPTION.**

This chapter does not apply to bed and breakfast homes as defined in section 170A.2.

Sec. 3. **NEW SECTION. 170B.20 EXEMPTION.**

This chapter does not apply to bed and breakfast homes as defined in section 170A.2.

Approved April 8, 1986

CHAPTER 1042
LOTTERY TICKETS AND OPERATIONS
H.F. 2197

AN ACT relating to gambling by making changes in the operation of the state lottery and the Iowa lottery agency, the use of lottery tickets, making certain acts relating to lottery tickets or shares illegal, providing penalties, and providing for an effective date.

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

Section 1. Section 99B.1, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 23. "Merchandise" includes lottery tickets or shares sold or authorized under chapter 99E. The value of the ticket or share is the price of the ticket or share as established by the Iowa lottery agency pursuant to chapter 99E.

Sec. 2. Section 99B.7, subsection 1, paragraph 1, Code Supplement 1985, is amended to read as follows:

1. During the entire time that games permitted by this section are being engaged in, ~~no both~~ of the following are observed:

(1) ~~No other gambling is engaged in at the same location and no, except that lottery tickets or shares issued by the Iowa lottery agency may be sold pursuant to chapter 99E.~~

(2) ~~No free prize or other gift is given to a participant. However, one or more door prizes of a value not to exceed ten dollars each may be given by random drawing.~~

Sec. 3. Section 99E.9, subsection 3, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. o. Requirement that a licensee either print or stamp the licensee's name and address on the back of each instant ticket.

Sec. 4. Section 99E.9, subsection 4, Code Supplement 1985, is amended to read as follows:

4. The board and the commissioner may enter into written agreements or compacts with another state or states or one or more political subdivisions of another state or states for the operation, marketing, and promotion of a joint lottery or joint lottery games.

Sec. 5. Section 99E.9, Code Supplement 1985, is amended by adding the following new subsection 5 and renumbering the subsequent subsection:

NEW SUBSECTION. 5. The board may authorize the commissioner to enter into written agreements with business entities for special lottery promotions in which, incident to the special lottery games, additional prizes, including annuities, may be purchased by the business entity and transferred to the lottery agency for payment to qualifying holders of lottery tickets or shares.

Sec. 6. Section 99E.10, subsection 1, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

Upon receipt of any revenue, the commissioner shall deposit the moneys in the lottery fund created pursuant to section 99E.20. As nearly as is practicable, at least fifty percent of the projected annual revenue, after deduction of the amount of the sales tax, and repayment to the general fund of the loan for start-up purposes of the Iowa lottery, computed on a year-round average basis for each type of lottery game accruing from the sale of tickets or shares is appropriated for payment of prizes to the holders of winning tickets. After the payment of prizes, all of the following shall be deducted from lottery revenue prior to disbursement:

Sec. 7. Section 99E.16, subsection 1, Code Supplement 1985, is amended to read as follows:

1. The commissioner shall license persons to sell lottery tickets or shares to best serve public convenience. ~~The lottery agency may sell tickets or shares to the public. A~~ Except for the lottery agency, a licensee shall not engage in business exclusively to sell lottery tickets or shares. However, the board may approve a special license to permit a licensee or the lottery agency itself to sell lottery tickets or shares to the public at special events approved by the board. Before issuing a license the commissioner shall consider the financial responsibility and security of the applicant, the applicant's business or activity, the accessibility of the applicant's place of business or activity to the public, the sufficiency of existing licensees to serve the public convenience, and the volume of expected sales. A licensee shall cooperate with the lottery by using point-of-purchase materials, posters, and other educational, informational, and marketing materials when requested to do so by the lottery. Lack of cooperation is sufficient cause for revocation of a person's license.

Sec. 8. Section 99E.16, subsection 2, Code Supplement 1985, is amended to read as follows:

2. A licensee shall sell tickets or shares only on the premises stated in the license. The Except for the lottery agency, the licensee shall only sell a ticket or share in person and not over a telephone or through the mail. However, the lottery agency may sell lottery tickets or shares over the telephone or through mail. The licensee shall may accept payment in by cash only, check, money order, debit card, or electronic funds transfer. The licensee shall not extend or arrange credit for the purchase of a ticket or share. As used in this subsection "cash" means United States currency. "Cash" does not mean any other form of payment including, but not limited to, check, credit card, or a negotiable instrument.

Sec. 9. Section 99E.18, subsection 4, Code Supplement 1985, is amended to read as follows:

4. A person who, with intent to defraud, falsely makes, alters, forges, utters, passes, or counterfeits a lottery ticket or share or attempts to falsely make, alter, forge, utter, pass, or counterfeit a lottery ticket or share is guilty of a class "D" felony.

Sec. 10. Section 321.19, subsection 1, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

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, persons enforcing chapter 204 and other laws relating to controlled substances, and persons in the department of justice who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates, and persons in the Iowa lottery agency whose regularly assigned duties relating to security or the carrying of lottery tickets cannot reasonably be conducted with a vehicle displaying "official" registration plates. 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 is 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. 11. Section 422B.8, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

A local sales and services tax at the rate of not more than one percent may be imposed by a county on the gross receipts taxed by the state under chapter 422, division IV, except on the gross receipts from the sale of a lottery ticket or share in a lottery game conducted pursuant to chapter 99E. A local sales and services tax shall be imposed on the same basis as the state sales and services tax and may not be imposed on the sale of any property or on any service not taxed by the state. However, notwithstanding that the gross receipts from the sale or rental of the tangible personal property described in section 422.45, subsections 26 and 27 are taxable during the period beginning July 1, 1985 and ending June 30, 1987, a local sales and services tax shall not be imposed on the sale or rental of such property. A local sales and services tax is applicable to transactions within those incorporated and unincorporated areas of the county where it is imposed and shall be collected by all persons required to collect state

gross receipts taxes. All cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favor its imposition.

Sec. 12. Section 715.1, subsection 2, Code 1985, is amended to read as follows:

2. Any deed, will or testamentary document, bill of sale, warehouse receipt, bill of lading, lottery ticket or share, or any writing which purports to convey an interest in some property, or to be evidence of or to establish a right in some property.

Sec. 13. Lottery agency expense incurred for educational and informational material for the lotto game for the period beginning April 1, 1986 and ending October 1, 1986 shall not exceed eight hundred and fifty thousand dollars and shall not be included to determine compliance with the four percent limitation imposed in section 99E.10. Marketing and promotional materials for the lotto game are subject to the four percent limitation.

Sec. 14. This Act, being deemed of immediate importance, takes effect from and after its publication in the Jasper County Tribune, a newspaper published in Colfax, Iowa, and in the Citizen Herald, a newspaper published in Jesup, Iowa.

Approved April 8, 1986

I hereby certify that the foregoing Act, House File 2197, was published in the Citizen Herald, Jesup, Iowa, on April 16, 1986, and in the Jasper County Tribune, Colfax, Iowa, on April 17, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1043
SERVICE OF PROCESS ON A SPOUSE
H.F. 721

AN ACT relating to the service of process on an individual's spouse at a place other than the individual's dwelling house or usual place of abode.

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

Section 1. Rule of civil procedure 56.1, subsection a, Iowa court rules, second edition, is amended to read as follows:

(a) Upon any individual aged eighteen years or more who has not been adjudged incompetent, either by taking his the individual's signed, dated acknowledgment of service endorsed on the notice; or by serving him the individual personally; or by serving, at his the individual's dwelling house or usual place of abode, any person residing therein who is at least eighteen years old, but if such place is a rooming house, hotel, club or apartment building, the copy shall there be delivered to such a person who is either a member of his the individual's family or the manager, clerk, proprietor or custodian of such place; or upon the individual's spouse at a place other than the individual's dwelling house or usual place of abode if probable cause exists to believe that the spouse lives at the individual's dwelling house or usual place of abode.

Approved April 8, 1986

CHAPTER 1044**STATE DAY CARE ADVISORY COMMITTEE***H.F. 2110*

AN ACT relating to the membership of the state day care advisory committee.

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

Section 1. Section 237A.21, Code 1985, is amended to read as follows:

237A.21 STATE DAY CARE ADVISORY COMMITTEE.

There is established a state day care advisory committee to consist of ~~not less than nine and not more than fifteen~~ eleven members from urban and rural areas across the state. The membership shall ~~consist~~ consists of ~~one-third providers of services, one-third three interested citizens, and one-third three parents of children served and one provider of preschool, one provider of for-profit day care, one provider of nonprofit day care, one provider of federal head start programs, and one provider of family day care.~~ Members shall be appointed by the commissioner from a list of names submitted by a nominating committee to consist of one member of the state day care advisory committee established pursuant to this section, one member of the day care unit of the department, and one member of a professional child care organization. Two names shall be submitted for each appointment. Members shall be appointed for terms of three years but no member shall be appointed to more than two consecutive terms. The state day care advisory committee shall write its own operational policies with departmental approval. ~~The member of the state day care advisory committee who submits names of nominees for initial membership on the committee shall be a member of the state day care advisory committee established by regulation 220.4 of the Social Security Act of 1967.~~

Sec. 2. The terms of members serving on the state day care advisory committee on the effective date of this Act shall expire at noon on that date and the commissioner shall appoint eleven members pursuant to section 237A.21, whose terms shall begin at noon on the effective date of this Act. Initially, notwithstanding the three-year term in section 237A.21, one parent, one interested citizen, the provider of preschool, and the provider of for-profit day care shall be appointed to three-year terms, one parent, one interested citizen, the provider of federal head start programs, and the provider of nonprofit day care shall be appointed to two-year terms, and one parent, one interested citizen, and one provider of family day care shall be appointed to one-year terms.

Approved April 8, 1986

CHAPTER 1045**MEDICARE SUPPLEMENT INSURANCE COVERAGE***S.F. 108*

AN ACT relating to information regarding medicare supplement insurance coverage.

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

Section 1. **NEW SECTION. 249B.9 INSURANCE INFORMATION.**

The commission, with information provided by the insurance department, shall develop and disseminate annually information regarding insurance policies available to supplement medicare, as defined in section 514D.2. The information shall permit a prospective insured to review the extent of coverage of various policies in order of most comprehensive to least, and shall include but is not limited to, the following:

1. The number of policies issued in Iowa by each corporation issuing contracts or policies relating to medicare supplement coverage.
2. The number of unresolved complaints against a corporation filed with the commissioner of insurance.
3. The percentage of complaints resolved satisfactorily for subscribers.

Sec. 2. Section 514D.5, subsections 3 and 4, Code 1985, are amended to read as follows:

3. The commissioner ~~may~~ after consultation with the commission on the aging shall prescribe disclosure rules for medicare supplement coverage which are determined to be in the public interest and which are designed to adequately inform the prospective insured of the need for and extent of coverage offered as medicare supplement coverage. For medicare supplement coverage, the outline of coverage required by subsection 2 shall be furnished to the prospective insured with the application form.

4. The commissioner ~~may~~ after consultation with the commission on the aging shall further prescribe by rule a standard form for and the contents of an informational brochure for persons eligible for medicare by reason of age, which is intended to improve the buyer's ability to select the most appropriate coverage and to improve the buyer's understanding of medicare. Except in the case of direct response insurance policies, the commissioner may require by rule that this informational brochure be provided to prospective insureds eligible for medicare concurrently with delivery of the outline of coverage. With respect to direct response insurance policies, the commissioner may require by rule that this brochure must be provided to prospective insureds eligible for medicare by reason of age upon request, but not later than at the time of delivery of the policy or contract. The commissioner shall provide the information received from insurers pursuant to subsections 3 and 4 and information relating to section 249B.9 to the executive director of the commission on the aging.

Approved April 9, 1986

CHAPTER 1046
MINORS AS PROSTITUTES
S.F. 2029

AN ACT relating to the sending, or causing to be sent, of a minor to a place of prostitution or to become a prostitute, and providing penalties.

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

Section 1. Section 233.1, subsection 2, Code 1985, is amended by striking the subsection and inserting the following new subsection:

NEW SUBSECTION. 2. To knowingly send, cause to be sent, or induce to go, any child under the age of eighteen to any of the following:

a. A brothel or other premises used for the purposes of prostitution, with the intent that the child engage the services of a prostitute.

b. An unlicensed premises where alcoholic liquor, wine, or beer is unlawfully sold or kept for sale.

c. Any premises the use of which constitutes a violation of sections 725.5, 725.10, or 725.11.

Sec. 2. Section 725.3, Code 1985, is amended by striking the section and inserting the following new section:

725.3 PANDERING.

1. A person who persuades, arranges, coerces, or otherwise causes another, not a minor, to become a prostitute, to return to the practice of prostitution after having abandoned it, or

keeps or maintains any premises for the purposes of prostitution or takes a share in the income from such premises knowing the character and content of such income, commits a class "D" felony.

2. A person who persuades, arranges, coerces, or otherwise causes a minor to become a prostitute, to return to the practice of prostitution after having abandoned it, or keeps or maintains any premises for the purpose of prostitution involving minors or knowingly shares in the income from such premises knowing the character and content of such income, commits a class "C" felony.

Approved April 9, 1986

CHAPTER 1047

FIDUCIARY SECURITY TRANSFERS

S.F. 2214

AN ACT relating to fiduciary security transfers by increasing the duration of a certificate evidencing the appointment or incumbency of a fiduciary.

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

Section 1. Section 554.8402, subsection 3, paragraph a, Code 1985, is amended to read as follows:

a. in the case of a fiduciary appointed or qualified by a court, a certificate issued by or under the direction or supervision of that court or an officer ~~thereof of that court~~ and dated within sixty one hundred eighty days before the date of presentation for transfer; or

Sec. 2. Section 633.132, subsection 1, Code 1985, is amended to read as follows:

1. In the case of a fiduciary appointed or qualified by a court, a certificate issued by or under the direction or supervision of that court or an officer ~~thereof of that court~~, and dated within sixty one hundred eighty days before the transfer; or

Approved April 9, 1986

CHAPTER 1048

MINOR'S MOTOR VEHICLE LICENSE

S.F. 2221

AN ACT allowing persons providing consent for the issuance of a motor vehicle license to a minor to withdraw the consent and require cancellation of the minor's license.

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

Section 1. Section 321.184, Code 1985, is amended to read as follows:

321.184 APPLICATIONS OF UNMARRIED MINORS.

1. **CONSENT REQUIRED.** The application of an unmarried person under the age of eighteen years for an instruction permit, operator's license, motorized bicycle license, restricted license, or school license issued under section 321.194 shall contain the verified consent and confirmation of the applicant's birthday by either parent of the applicant, the guardian of the applicant, or a person having custody of the applicant under chapter 600A. Officers and employees of the department may administer the oaths without charge.

2. **WITHDRAWAL OF CONSENT.** The person who provided the signed consent under subsection 1 may withdraw that consent at any time. The withdrawal of consent shall be in

writing, signed and verified. The department, upon receipt of the withdrawal of consent, shall cancel the applicant's motor vehicle license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required in this chapter. This subsection does not apply if the licensee or permittee has attained the age of eighteen years or is married.

Approved April 9, 1986

CHAPTER 1049
ANKENY LEGALIZING ACT
S.F. 2232

AN ACT to legalize and validate the proceedings of the city council of the city of Ankeny, Iowa, authorizing and providing for the issuance, sale and delivery of general obligation bonds, providing for the levy of taxes for the payment of the bonds and declaring the bonds to be enforceable obligations of the city of Ankeny, Iowa.

WHEREAS, it appears from the records of the city council of the city of Ankeny, Iowa, that in order to settle, adjust and renew certain indebtedness of the city presently evidenced by a deficit balance in the 1978 capital improvement fund of the city and certain outstanding revenue pledge orders of the city, incurred in the construction of the Otter Creek municipal golf course project for the city, resolutions instituting proceedings taking additional action and authorizing the issuance of \$700,000 general obligation bonds were adopted by the city council; and

WHEREAS, the council proceedings make provision for the levy of taxes to pay the bonds and interest thereon; and

WHEREAS, a public hearing on the issuance of the bonds, has been conducted by the city council pursuant to public notice and no objections have been filed to such action by any resident or property owner of the city; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency and the provisions made for the sale and issuance of the bonds and for the levy and collection of taxes to pay the principal of and interest on the bonds as the same become due, and it is advisable to put the doubts and all others that might arise concerning the same forever at rest; NOW THEREFORE,

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

Section 1. That all proceedings taken by the city council of the city of Ankeny, in Polk County, Iowa, providing for the sale, issuance and delivery of general obligation bonds of the city to the amount of \$700,000, to adjust, settle and renew certain indebtedness incurred by the city in the construction of the Otter Creek Municipal Golf Course Project, and for the levy of taxes upon all the taxable property in the city to pay the bonds and the interest thereon, are hereby legalized, validated, and confirmed; and, that the general obligation bonds when issued, sold, and delivered pursuant to and in accordance with all proceedings, shall be and are hereby declared to be legal and to constitute valid and binding obligations of the city issued for a valid essential corporate purpose of the city.

Sec. 2. This Act being deemed of immediate importance shall take effect and be in force from and after its passage and publication in The Altoona Herald-Mitchellville Index, a

newspaper published in Altoona, Iowa, and in the Diamond Trail News, a newspaper published in Sully, Iowa, all without expense to the state.

Approved April 9, 1986

I hereby certify that the foregoing Act, Senate File 2232, was published in the Diamond Trail News, Sully, Iowa, on April 16, 1986 and in The Altoona Herald-Mitchellville Index, Altoona, Iowa, on April 17, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1050
ESTABLISHMENT OF DRAINAGE SUBDISTRICTS
S.F. 2003

AN ACT relating to the establishment of a drainage subdistrict.

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

Section 1. Section 455.70, Code 1985, is amended to read as follows:
455.70 SUBDRAINAGE DISTRICT.

After the establishment of a drainage district, any person, ~~company, or corporation~~ owning land within ~~such~~ the district which has been assessed for benefits, but which is separated from the main ditch, drain, or watercourse for which it has been so assessed, by the land of others, who desires a ditch or drain constructed from the person's land across the land of such others in order to connect with the main ditch, drain, or watercourse, and ~~shall be~~ is unable to agree with ~~such~~ the intervening owners on the terms and conditions on which the person may enter upon their lands and cause to be constructed such connecting drain or ditch, may file a petition for the establishment of a subdistrict and ~~thereafter shall give notice of the filing of the petition in the manner provided by sections 455.20 through 455.24 for the notice of the hearing and have proofs on file before the appointment of the engineer.~~ Thereafter the proceedings shall be the same as provided for the establishment of an original district.

Approved April 9, 1986

CHAPTER 1051
ARSON INVESTIGATION INFORMATION
S.F. 2222

AN ACT relating to agencies authorized to receive information pertaining to arson investigations.

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

Section 1. Section 100A.1, subsection 1, Code 1985, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. g. The fire chief of the city in which the fire occurs.
NEW LETTERED PARAGRAPH. h. The police chief of the city in which the fire occurs.

Approved April 9, 1986

CHAPTER 1052
GAMBLING DEVICES
S.F. 2133

AN ACT relating to gambling devices by permitting the manufacture of certain devices in the state and providing that the Iowa lottery agency shall give preference in contracts for lottery machines to persons who manufacture the machines in the state and in contracts for servicing machines to persons who have their principal place of business in the state.

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

Section 1. Section 99A.10, Code Supplement 1985, is amended by striking the section and inserting in lieu thereof the following:

99A.10 MANUFACTURE OF ELECTRONIC GAMBLING DEVICES PERMITTED.

A person may manufacture electronic or computerized gambling devices for sale out of the state or for sale in the state or use in the state if the use is permitted pursuant to either chapter 99B or chapter 99E.

Sec. 2. Section 99E.9, subsection 5, Code Supplement 1985, is amended to read as follows:

5. ~~Whenever possible~~ If reasonably practical when the lottery agency awards a contract under subsection 2, for the lease, or purchase, or servicing of a machine to be used in the conducting of a lottery game including, but not limited to, a video lottery machine or machine used in lotto, the lottery agency shall give preference to awarding the contract to a person responsible vendor whose primary place of business is in Iowa who manufactures the machines in the state, provided the costs and benefits to the lottery agency are equal to those available from competing vendors.

If reasonably practical when the lottery agency awards a contract under subsection 2, for the servicing of a machine to be used in the conducting of a lottery game including, but not limited to, a video lottery machine or a machine used in lotto, the lottery agency shall give preference to a responsible vendor whose principal place of business is in Iowa, provided the costs and benefits to the lottery agency are equal to those available from competing vendors.

Sec. 3. Section 725.9, subsection 5, Code Supplement 1985, is amended by striking the subsection and inserting in lieu thereof the following:

5. This chapter does not prohibit the manufacture of electronic or computerized gambling devices if manufactured for sale out of the state or for sale in the state or use in the state if the use is licensed pursuant to either chapter 99B or chapter 99E.

Approved April 10, 1986

CHAPTER 1053
CREDIT UNION ADMINISTRATOR
S.F. 2155

AN ACT relating to the powers of the administrator of the department of credit unions in taking over the management of credit unions.

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

Section 1. Section 533.6, subsection 4, Code 1985, is amended to read as follows:

4. If after notice and opportunity for hearing the administrator determines that a credit union has violated any of the provisions of this chapter, the administrator shall, except when

the credit union is insolvent, order the credit union to correct the condition. The administrator may grant the credit union not more than sixty days within which to comply with the order. Failure to comply gives the administrator grounds to revoke the certificate of approval and gives the administrator the authority to may apply to the district court of the county in which this credit union is located for the appointment of a receiver for the credit union. Notwithstanding any other provision of this chapter, upon a determination by the administrator that a credit union's assets, if made immediately available, would not be sufficient to discharge the credit union's liabilities, the administrator shall take control of the credit union, and if the administrator determines that the condition cannot be corrected, the Upon taking over management of the property and business of a credit union, the administrator may operate and direct the affairs of the credit union in its regular course of business. The administrator may also collect amounts due to the credit union and do other acts as are necessary or expedient to conduct the affairs of the credit union and conserve or protect its assets, property, and business. If upon taking over the management of the business and property of the credit union, the administrator concludes that the credit union is insolvent or should be dissolved for any other reason enumerated in this section, the administrator may immediately, or at any time within three years from taking over management of the credit union, order that the credit union cease to carry on its business. The administrator shall revoke the certificate of approval and shall apply to the district court in the county in which the main office of the credit union is located for the appointment of a receiver for the credit union. The district court shall appoint the administrator of the credit union department as receiver unless the administrator of the credit union department has tendered the appointment to the administrator of the plan by which the accounts of the credit union are insured. Either administrator as receiver shall possess possesses the rights, powers, and privileges granted by state law to a receiver of a state credit union. Neither administrator shall be required to furnish bond as receiver of a state credit union.

The administrator may appoint one or more special deputies as agent or agents with powers specified in the certificate of appointment to assist the administrator in the duty of management, conservation, or dissolution and distribution of the business and property of a credit union whose management is taken over under this section.

During the period of the administrator's management of the business of the credit union and prior to the time that the administrator applies to the district court for appointment as receiver, the administrator may require reimbursement by the credit union to the extent of the expenses incurred by the department in connection with the management.

The administrator may adopt rules which define insolvency or which establish factors to be considered in determining insolvency. The administrator may adopt separate solvency standards for credit unions which are within their first year of operation.

Approved April 10, 1986

CHAPTER 1054

NOTICE BY PERSONAL REPRESENTATIVE

S.F. 2193

AN ACT to remove the notice requirements to the department of revenue relating to the discharge of a personal representative and making the Act retroactive.

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

Section 1. Section 422.27, subsection 1, Code Supplement 1985, is amended to read as follows:

1. A final account of a personal representative shall not be allowed by any court until thirty days after written notice is given to the department of the proposed discharge of the personal representative and unless the account shows, and the judge of the court finds, that all taxes imposed by this division upon the personal representative, which have become payable, have been paid, and that all taxes which may become due are secured by bond, deposit, or otherwise. The certificate of the director and the receipt for the amount of the tax certified shall be acquittances of the department of revenue is conclusive as to the payment of the tax to the extent of the certificate acquittance.

Sec. 2. Section 450.58, Code Supplement 1985, is amended to read as follows:
450.58 FINAL SETTLEMENT TO SHOW PAYMENT.

The final settlement of the account of a personal representative shall not be accepted or allowed until thirty days after written notice is given to the department of the proposed discharge of the personal representative and unless it shows, and the court finds, that all taxes imposed by this chapter upon any property or interest in property that is made payable by the personal representative and to be settled by the account, has been paid, and that the receipt of the department of revenue for the tax has been obtained as provided in section 450.64. Any order contravening this section is void.

Sec. 3. Sections 1 and 2 are effective for final reports of personal representatives filed on or after July 1, 1985 and to this extent these sections are retroactive.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in the Diamond Trail News, a newspaper published in Sully, Iowa, and in the Moulton Weekly Tribune, a newspaper published in Moulton, Iowa.

Approved April 10, 1986

I hereby certify that the foregoing Act, Senate File 2193, was published in the Diamond Trail News, Sully, Iowa, on April 16, 1986, and in the Moulton Weekly Tribune, Moulton, Iowa, on April 16, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1055
FRAUDULENT USE OF REGISTRATION
S.F. 2213

AN ACT relating to the criminal penalty for the fraudulent use of registration.

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

Section 1. Section 321.99, Code 1985, is amended to read as follows:
321.99 FRAUDULENT USE OF REGISTRATION.

A person shall not knowingly lend to another a registration card, registration plate, special plate, or permit issued to the person if the other person desiring to borrow the card, plate, or permit would not be entitled to the use of it. A person shall not knowingly permit the use of a registration card, registration plate, special plate, or permit issued to the person by one not entitled to it, nor shall a person knowingly display upon a vehicle a registration card, registration plate, special plate, or permit not issued for that vehicle under this chapter. A violation of this section is a serious simple misdemeanor.

Approved April 10, 1986

CHAPTER 1056
RURAL TRAFFIC REGULATION
H.F. 710

AN ACT relating to the establishment and the regulation of vehicular traffic within rural residence districts, making penalties applicable.

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

Section 1. Section 321.1, Code 1985, is amended by adding the following new subsection:
NEW SUBSECTION. 60A. "Rural residence district" means an unincorporated area established by a county board of supervisors which is contiguous to and including a secondary highway, not comprising a business district, where forty percent or more of the frontage of the highway for a distance of three hundred feet or more is occupied by dwellings or by dwellings and buildings in use for business. For purposes of this subsection, farm houses and farm buildings are not to be considered.

Sec. 2. Section 321.236, Code 1985, is amended by adding the following new subsection:
NEW SUBSECTION. 13. Establishing a rural residence district. The board of supervisors of a county with respect to highways under its jurisdiction may establish, by ordinance or resolution, rural residence districts and may, by ordinance or resolution, regulate the speed and parking of vehicles within the rural residence district consistent with sections 321.239, 321.285, and 321.293. Before establishing a rural residence district, the board of supervisors shall hold a public hearing on the proposal, notice of which shall be published in a newspaper having a general circulation in the area where the proposed district is located at least twenty days before the date of hearing. The notice shall state the time and place of the hearing, the proposed location of the district, and other data considered pertinent by the board of supervisors.

Sec. 3. Section 321.237, unnumbered paragraph 1, Code 1985, is amended to read as follows:

~~No~~ **A** traffic ordinance or regulation enacted under subsection 4, 5, 6, 8, ~~or 12 or 13~~ of section 321.236 shall not be effective until signs, giving notice of such local traffic regulations as specified in the department manual on uniform traffic-control devices, are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate and shall be erected at the expense of ~~such municipality~~ the local authority.

Sec. 4. Section 321.354, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Upon any highway outside of a business district, rural residence district or residence district a person shall not stop, park, or leave standing a vehicle, whether attended or unattended:

Approved April 10, 1986

CHAPTER 1057
FIRE PROTECTION TERRITORY EXCHANGE
H.F. 2082

AN ACT relating to the exchange of territory between a benefited fire district and a township to provide fire protection services.

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

Section 1. Section 357B.1, Code 1985, is amended to read as follows:

357B.1 BENEFITED FIRE DISTRICTS CONTINUED.

A benefited fire district established under this chapter prior to July 1, 1975 shall provide fire protection within its boundaries until it is dissolved as provided in section 357B.5. A benefited fire district shall not be established nor shall the territorial boundaries of an established benefited fire district be enlarged after June 30, 1975 except as provided in section 357B.7.

Sec. 2. NEW SECTION. 357B.7 EXCHANGE OF TERRITORY.

The trustees of a benefited fire district may exchange territory with the trustees of a township to provide fire protection services by agreement. The agreement shall provide for the satisfaction of any outstanding obligation to which the affected territory is subject, the disposition of property affected by the exchange, the effective date of the exchange, and any other matter deemed necessary to carry out the exchange. The agreement shall be filed with the county recorder and auditor of each county in which the exchanged property is located.

Approved April 10, 1986

CHAPTER 1058
TEMPORARY ROAD FUND TRANSFERS
H.F. 2352

AN ACT authorizing the temporary transfer of funds between the primary road fund and the farm-to-market road fund.

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

Section 1. Section 310.27, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If in the judgment of the department the anticipated claims against the primary road fund for any month are in excess of moneys available, a temporary transfer for highway construction costs may be made from the farm-to-market road fund to the primary road fund providing there will remain in the transferring fund a sufficient balance to meet the anticipated obligations. All transfers shall be repaid from the primary road fund to the farm-to-market road fund within sixty days from the date of the transfer. A transfer shall be made only with the approval of the state comptroller and shall comply with the state comptroller's rules relating to the transfer of funds. Similar transfers may be made by the department from the primary road fund to the farm-to-market road fund and these transfers shall be subject to the same terms and conditions that transfers from the farm-to-market road fund to the primary road fund are subject.

Approved April 10, 1986

CHAPTER 1059**ABATEMENT OF BUILDINGS IN CITIES***H.F. 2389*

AN ACT relating to the population of cities in which substandard housing and related buildings are subject to abatement under chapter 657A.

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

Section 1. Section 657A.1, subsection 3, Code Supplement 1985, is amended to read as follows:

3. "Building" means a building or structure located in a city ~~with a population of thirty-five thousand or more, as determined by the last preceding certified federal census,~~ which is used or intended to be used for residential purposes, and includes a building or structure in which some floors may be used for retail stores, shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic administration activities, professional services, or similar business or civic uses, and other floors are used, designed, or intended to be used for residential purposes.

Approved April 10, 1986

CHAPTER 1060**HIGHWAY SIGNS FOR TOURIST ATTRACTIONS***H.F. 2204*

AN ACT relating to the placement of appropriate highway signs and other highway information devices along primary roads and interstate highways to guide traffic to tourist attractions by the state department of transportation.

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

Section 1. Section 321.252, unnumbered paragraph 2, Code 1985 is amended to read as follows:

The department shall include in its manual of traffic-control devices, specifications for a uniform system of highway signs for the purpose of ~~naming, warning, regulating, and guiding~~ traffic to organized off-highway permanent camps, and camp areas, operated by recognized and established civic, religious, and nonprofit charitable organizations ~~and to for profit campgrounds and ski areas.~~ The department shall purchase, install, and maintain such the signs upon the prepayment of the costs by the organization of the cost of such purchase, installation, and maintenance or owner.

Sec. 2. Section 321.252, Code 1985, is amended by inserting after unnumbered paragraph 2 the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The department shall also establish criteria for guiding traffic on all fully controlled-access, divided, multilaned highways including interstate highways to each tourist attraction which is located within thirty miles of the highway and receives fifteen thousand or more visitors annually. Nothing in this unnumbered paragraph shall be construed to prohibit the department from erecting signs to guide traffic on these highways to tourist attractions which are located more than thirty miles from the highway or which receive fewer than fifteen thousand visitors annually.

NEW UNNUMBERED PARAGRAPH. The department shall in cooperation with the Iowa development commission establish criteria for guiding traffic to eligible tourist attractions along interstate and primary highways. The department shall annually review the list of attractions for which signing is in place. All tourist attraction signing shall conform to the manual of uniform traffic control devices. Except as otherwise provided, tourist attraction signing shall be purchased, installed and maintained by the department.

Sec. 3. The recreation, tourism and leisure study committee in conjunction with the state department of transportation, the Iowa development commission, the state conservation commission, the Iowa arts council and the state historical department or their successor agencies shall prepare recommendations regarding the feasibility and probable costs for providing other means of delivering motorist and tourism information including but not limited to printed travel guides and maps, audio recordings to be used in vehicles, user-activated video terminals, "talking bill board" and other means. These recommendations shall be presented to the general assembly not later than January 15, 1987.

Approved April 11, 1986

CHAPTER 1061
APPOINTMENT OF COUNTY EMPLOYEES
H.F. 2026

AN ACT related to the appointment of county deputies, assistants, and clerks.

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

Section 1. Section 331.903, subsection 1, Code 1985, is amended to read as follows:

1. The auditor, treasurer, recorder, sheriff, and county attorney may each appoint, with approval of the board, one or more deputies, assistants, or clerks ~~who do not hold another county office and~~ for whose acts the principal officer is responsible. The number of deputies, assistants, and clerks for each office shall be determined by the board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board.

Approved April 11, 1986

CHAPTER 1062
JUDICIAL DISTRICT CORRECTIONAL SERVICES DIRECTORS
H.F. 2189

AN ACT relating to the appointment of citizen members to the board of directors of a judicial district department of correctional services.

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

Section 1. Section 905.3, Code 1985, is amended to read as follows:

905.3 BOARD OF DIRECTORS — EXECUTIVE COMMITTEE — EXPENSES REIMBURSED.

1. The board of directors of each district department shall be composed as follows:

a. One member shall be chosen from and by the board of supervisors of each county in the judicial district and shall be so designated annually by the respective boards of supervisors at the organizational meetings held under section 331.211.

b. One member shall be chosen from each of the project advisory committees within the judicial district, which person shall be designated annually, no later than January 15, by and from the project advisory committee. However, in lieu of the designation of project advisory committee members as members of the district board, the district board may on or before December 31 appoint two citizen members to serve on the district board for the following calendar year.

c. A number of members equal to the number of authorized board members from project advisory committees or equal to the number of citizen members shall be appointed by the judges of the judicial district no later than January 15 of each year.

Within thirty days after the members of the district board have been so designated for the year, the district board shall organize by election of a chairperson, a vice chairperson, and members of the executive committee as required by subsection 2. The district board shall meet at least quarterly during the calendar year but may meet more frequently upon the call of the chairperson or upon a call signed by a majority, determined by weighted vote computed as in subsection 4 hereinafter, of the members of the board.

2. Each district board shall have an executive committee consisting of the chairperson and vice chairperson and at least one but no more than five other members of the district board. Either the chairperson or the vice chairperson shall be a supervisor, and the remaining representation on the executive committee shall be divided as equally as possible among supervisor members, project advisory committee members or citizen members, and judicially appointed members. The executive committee may exercise all of the powers and discharge all of the duties of the district board, as prescribed by this chapter, except those specifically withheld from the executive committee by action of the district board.

3. The members of the district board and of the executive committee shall be reimbursed from funds of the district department for travel and other expenses necessarily incurred in attending meetings of those bodies, or while otherwise engaged on business of the district department.

4. Each member of the district board shall have one vote on the board. However, upon the request of any supervisory member, the vote on any matter before the board shall be taken by weighted vote. In each such case, the vote of the supervisor representative of the least populous county in the judicial district shall have a weight of one unit, and the vote of each of the other supervisor members shall have a weight which bears the same proportion to one unit as the population of the county that supervisor member represents bears to the population of the least populous county in the district. In the event of weighted vote, the vote of each member appointed from a project advisory committee or of each citizen member and of each judicially appointed member shall have a weight of one unit.

Approved April 11, 1986

CHAPTER 1063

STATE INSURANCE PAYROLL DEDUCTION

H.F. 2222

AN ACT relating to the number of state officers or employees required to request payroll deduction for purposes of purchasing insurance.

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

Section 1. Section 79.17, subsection 1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

For the purposes of purchasing insurance and at the request of five hundred two hundred fifty or more state officers or employees, the state officer in charge of the payroll system shall deduct from the wages or salaries of the state officers or employees an amount specified by each of the officers or employees for payment to any insurance company authorized to do business in this state if the following conditions are met:

Approved April 11, 1986

CHAPTER 1064
CONSERVATION COMMISSION MEETINGS
H.F. 2297

AN ACT relating to the meetings of the state conservation commission.

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

Section 1. Section 107.10, Code 1985, is amended to read as follows:
107.10 ORGANIZATION AND MEETINGS.

~~Said~~ The commission shall organize annually by the election of a chairperson. The commission shall meet annually at the seat of government on the first Tuesday of January, April, July, and October and at such other times and places as it may deem ~~deems~~ necessary. Meetings may be called by the chairperson, and shall be called by the chairperson on the request of two members of the commission.

Approved April 11, 1986

CHAPTER 1065
FELONY DEFINED FOR WEAPONS POSSESSION
H.F. 2347

AN ACT relating to the definition of the term "felony" for purposes of the law relating to possession of weapons, and affecting penalties.

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

Section 1. Section 724.25, subsection 1, Code 1985, is amended to read as follows:

1. As used in sections 724.8, subsection 2, and 724.26, the word "felony" means any offense punishable in the jurisdiction where it occurred by imprisonment for a term exceeding one year, but does not include any offense, other than an offense involving a firearm or explosive, classified as a misdemeanor under the laws of the state and punishable by a term of imprisonment of two years or less.

Approved April 11, 1986

CHAPTER 1066
NONPROFIT ORGANIZATION UNEMPLOYMENT SURETY BOND
H.F. 2416

AN ACT relating to the filing of a surety bond or depositing of moneys or securities with the department of job service by a nonprofit organization electing to become a reimbursable employer under the unemployment compensation law.

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

Section 1. Section 96.7, subsection 10, unnumbered paragraph 1, Code 1985, is amended to read as follows:

~~Any~~ A nonprofit organization ~~that~~ which elects, on or after July 1, 1975, to become liable for payments in lieu of contributions shall be required within thirty days after the effective date of ~~its~~ the election to execute and file with the department a surety bond approved by the department or ~~it~~ the nonprofit organization may elect instead to deposit with the department

money or securities. The amount of such the bond or deposit shall be determined in accordance with the provisions of this subsection.

Approved April 14, 1986

CHAPTER 1067
PUBLIC INTOXICATION CHEMICAL TEST
H.F. 2435

AN ACT providing the right to a chemical test upon arrest on a charge of public intoxication.

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

Section 1. Section 123.46, Code Supplement 1985, is amended by striking the section and inserting in lieu thereof the following:

123.46 CONSUMPTION IN PUBLIC PLACES — INTOXICATION — RIGHT TO CHEMICAL TEST ON ARREST.

1. As used in this section unless the context otherwise requires:

a. "Arrest" means the same as defined in section 804.5 and includes taking into custody pursuant to section 232.19.

b. "Chemical test" means a test of a person's blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the commissioner of public safety.

c. "Peace officer" means the same as defined in section 801.4.

d. "School" means a public or private school or that portion of a public or private school which provides teaching for any grade from kindergarten through grade twelve.

2. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending a public or private school-related function. A person shall not be intoxicated or simulate intoxication in a public place. A person violating this subsection is guilty of a simple misdemeanor.

3. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person's own expense. If a device approved by the commissioner of public safety for testing a sample of a person's breath to determine the person's blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath, or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

Approved April 14, 1986

CHAPTER 1068
ECONOMIC DEVELOPMENT GRANTS
H.F. 2451

AN ACT relating to the provision of grants intended to facilitate the establishment of businesses within this state.

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

Section 1. Section 99E.10, subsection 2, Code Supplement 1985, is amended to read as follows:

2. Funds transferred to the Iowa plan fund shall be used for economic development initiatives. As used in this subsection "economic development initiatives" means initiatives which encourage development of capital, research and development of new products, and development of jobs in this state by expanding existing business and industry; upgrade academic institutions in order to maintain and attract business and industry, creating new businesses and industries; encourage the conservation of energy in order to create new jobs and attract new business and industry; develop alternate methods for the disposal of solid or hazardous waste; develop markets for products grown or produced or manufactured in the state including the promotion of Iowa and Iowa products; and make grants and loans available to local communities for local economic development initiatives. "Economic development initiatives" includes "economic development projects" which, as used in this subsection, means a project which creates a new business or expands an existing business within the state of Iowa. "Economic development initiatives" does not include providing loans, grants, bonds, or any other incentive or assistance for the construction of a racetrack or other facility where gambling will be permitted.

Sec. 2. 1985 Iowa Acts, chapter 33, section 301, subsection 1, unnumbered paragraph 1, is amended to read as follows:

This division shall be construed broadly in order to facilitate achievement of its purposes. The general assembly finds and declares that a continuing need for programs to alleviate and prevent adverse economic conditions exists in this state, and that it is accordingly necessary to create and expand businesses, including agricultural businesses, to strengthen and revitalize the state's economy. In order to provide the means and incentives for encouragement, development, and assistance of industrial, commercial, and agricultural enterprises, specific accounts are created within the Iowa fund. The treasurer of state shall, for the fiscal year beginning July 1, 1985 and ending June 30, 1986, make allotments of the moneys within the Iowa plan fund for economic development created in section 99E.10 to separate accounts within that fund as follows:

Sec. 3. 1985 Iowa Acts, chapter 33, section 302, subsection 2, paragraph c, is amended to read as follows:

c. Grants and loans Loans to aid in economic development.

Sec. 4. 1985 Iowa Acts, chapter 33, section 302, subsection 2, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. Grants to economic development projects, as defined in section 99E.10, subsection 2, if at least fifty percent of the total cost of the project is paid from sources other than the Iowa plan fund. If a project involves purchase or improvement of real property, a grant may be made only if the property is located in the state of Iowa.

Approved April 14, 1986

CHAPTER 1069
AUTHORIZED EMERGENCY VEHICLE EXEMPTION
H.F. 2097

AN ACT to exempt authorized emergency vehicles from the child restraint law.

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

Section 1. Section 321.446, subsection 3, Code 1985, is amended to read as follows:

3. This section does not apply to ~~nonresidents of Iowa or to~~ peace officers acting on official duty. This section also does not apply to the transportation of children in 1965 model year or older vehicles or authorized emergency vehicles. This section does not apply to the transportation of a child who has been certified by a physician licensed under chapter 148, 150, or 150A as having a medical, physical, or mental condition which prevents or makes inadvisable securing the child in a child restraint system, safety belt or safety harness.

Approved April 14, 1986

CHAPTER 1070
LIABILITY FOR ROADSIDE ACTIVITIES
H.F. 2113

AN ACT relating to the liability for actions to allow or facilitate the use of land contiguous to highways or roadways.

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

Section 1. Section 321G.22, Code 1985, is amended to read as follows:

321G.22 LIMITATION OF LIABILITY BY PUBLIC BODIES.

The state, its political subdivisions, and the owners of property adjoining the right of way of a public highway and their agents and employees owe no duty of care to keep the ditches or land contiguous to a highway or roadway under the control of the state or a political subdivision safe for entry or use by persons operating a snowmobile, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes, except in the case of willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. The state, its political subdivisions, and the owners of property adjoining the right of way of a public highway and their agents and employees are not liable for actions taken to allow or facilitate the use of ditches or land contiguous to a highway or roadway except in the case of a willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. This section ~~shall~~ does not be construed to create a duty of care or ground of liability on behalf of the state, its political subdivisions, or the owners of property adjoining the right of way of a public highway and their agents and employees for injury to persons or property in the operation of snowmobiles in a ditch or on land contiguous to a highway or roadway under the control of the state or a political subdivision. The state, its political subdivisions, and the owners of property adjoining the right of way of a public highway and their agents and employees ~~shall, in no event, be~~ are not liable for the operation of a snowmobile in violation of ~~the provisions of~~ this chapter.

Approved April 14, 1986

CHAPTER 1071
DEFINITION OF TRANSPORTER
H.F. 2293

AN ACT relating to the definition of a transporter.

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

Section 1. Section 321.1, subsection 39, Code Supplement 1985, is amended to read as follows:

39. "Transporter" means every a person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer in this state who has received authority to make delivery as specified by rules adopted by the department.

Approved April 14, 1986

CHAPTER 1072
CITY AND COUNTY HOSPITAL HEALTH PROGRAMS
H.F. 2395

AN ACT authorizing a city or county hospital to establish and operate facilities, programs, and services which provide health benefits to persons.

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

Section 1. NEW SECTION. 347.31 COMMUNITY RECREATION FACILITIES AND PROGRAMS.

A county or city hospital may expend available funds for establishment and operation of facilities, programs, and services which provide health benefits to persons served by those facilities, programs, or services. Where appropriate, the county or city hospital shall enter into an agreement pursuant to chapter 28E.

Approved April 14, 1986

CHAPTER 1073
IOWA ADVISORY COMMISSION ON
INTERGOVERNMENTAL RELATIONS EXTENDED
S.F. 2093

AN ACT extending the sunset provision for the Iowa advisory commission on intergovernmental relations.

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

Section 1. Section 28C.8, Code 1985, is amended to read as follows:
28C.8 REPEALER.

This chapter is repealed effective June 30, 1986 1990.

Approved April 14, 1986

CHAPTER 1074
WORKERS' COMPENSATION COVERAGE
S.F. 2104

AN ACT relating to coverage of proprietors, partners, and owner-operators of certain trucks under the workers' compensation law.

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

Section 1. NEW SECTION. 85.1A PROPRIETORS AND PARTNERS.

A proprietor or partner who is actively engaged in the proprietor's or partner's business on a substantially full-time basis, may elect to be covered by the workers' compensation law of this state by purchasing valid workers' compensation insurance specifically including the proprietor or partner. The election constitutes an assumption by the employer of workers' compensation liability for the proprietor or partner for the time period in which the insurance contract is in force. The proprietor or partner shall accept compensation in the manner provided by the workers' compensation law and the employer is relieved from any other liability for recovery of damages, or other compensation for injury.

Sec. 2. Section 85.36, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 11. If a wage, or method of calculating a wage, is used for the basis of the payment of a workers' compensation insurance premium for a proprietor, partner, or officer of a corporation, the wage or the method of calculating the wage is determinative for purposes of computing the proprietor's, partner's, or officer's weekly workers' compensation benefit rate.

Sec. 3. Section 85.61, subsection 2, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

"Worker" or "employee" means a person who has entered into the employment of, or works under contract of service, express or implied, or apprenticeship, for an employer; every an executive officer elected or appointed and empowered under and in accordance with the charter and bylaws of a corporation, including a person holding an official position, or standing in a representative capacity of the employer; and including officials an official elected or appointed by the state, counties or a county, school districts district, area education ageneies agency, municipal corporations corporation, or cities city under any form of government; and including members a member of the Iowa highway safety patrol; and a conservation officers of-ficer, and a proprietor or partner who elects to be covered pursuant to section 85.1A, except as hereinafter specified in this chapter.

Sec. 4. Section 85.61, subsection 3, paragraphs b and c, Code Supplement 1985, are amended to read as follows:

b. An independent contractor.

c. An owner-operator who as an individual or partner owns a vehicle licensed and registered as a truck, road tractor, or truck tractor by a governmental agency, is an independent contractor while performing services in the operation of the owner-operator's vehicle if all of the following conditions are substantially present:

- (1) The owner-operator is responsible for the maintenance of the vehicle.
- (2) The owner-operator bears the principal burden of the vehicle's operating costs, including fuel, repairs, supplies, collision insurance, and personal expenses for the operator while on the road.
- (3) The owner-operator is responsible for supplying the necessary personnel to operate the vehicle, and the personnel are considered the owner-operator's employees.

(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:

ACTIONS FOR MONEY JUDGMENT OR REPLEVIN. In an action for money judgment or an action of replevin the clerk shall cause service to be obtained as follows, and the defendant is required to appear within the period of time specified:

Approved April 15, 1986

CHAPTER 1078
LOANS TO DISPLACED FARMERS
S.F. 2212

AN ACT relating to the use of trust assets received under the federal Bankhead-Jones Farm Tenant Act for guaranteeing operating loans for farmers.

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

Section 1. Section 175.30, unnumbered paragraph 2, Code 1985, is amended to read as follows:

Beginning with August 11, 1983, the authority shall establish an insurance or guarantee loan program with those funds received pursuant to section 175.28 to the extent those funds were not committed under a program authorized by this chapter on August 11, 1983. This program shall provide for the insuring or guaranteeing of seventy-five percent of the amount of an agricultural loan, not in excess of twenty-five thousand dollars, made to a beginning or displaced farmer to provide new operating moneys for farming purposes in this state. The authority shall insure or guarantee only one such loan of that for each beginning or displaced farmer. The authority shall insure or guarantee a loan for only one year but with the option to extend the insurance or guarantee once for an additional year. The authority shall not insure or guarantee a loan where the ratio of the beginning or displaced farmer's liabilities, excluding the amount of the loan, to assets is greater than three to one. Provision shall be made in the insuring or guaranteeing of a loan that only those funds set aside for this program as provided in this paragraph shall be used for the payment of all or a portion of the loan insured or guaranteed. Provision shall also be made which provides that the authority shall pay under its insurance or guarantee seventy-five percent of the actual amount of the default. A mortgage lender which seeks to have a loan of the lender insured or guaranteed under this program shall apply to the authority for the insurance or guarantee pursuant to rules established by the authority for this purpose. This program shall not obligate the state, authority, or other agency except to the extent provided in this paragraph. The authority shall define by rule what constitutes a loan made to provide new operating moneys which definition shall not include a loan made for acquisition of agricultural land or agricultural improvements, or the refinancing of an existing loan even if made for operating purposes. As used in this section, "displaced farmer" means a person who discontinued farming on or after January 1, 1982 due to foreclosure or voluntary liquidation for financial reasons, and who was actively engaged in farming for at least one year prior to discontinuing farming. For the purposes of this section, "beginning farmer" includes an individual or partnership with a low or moderate net worth that became engaged in farming on or after January 1, 1982.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Audubon News-Advocate, a newspaper published in Audubon, Iowa, and in the Lake Mills Graphic, a newspaper published in Lake Mills, Iowa.

Approved April 15, 1986

I hereby certify that the foregoing Act, Senate File 2212, was published in the Audubon News-Advocate, Audubon, Iowa, on April 24, 1986, and in the Lake Mills Graphic, Lake Mills, Iowa, on April 24, 1986.

MARY JANE ODELL, Secretary of State

CHAPTER 1079
COUNTY AUDITOR'S TRANSFER FEES
S.F. 2227

AN ACT to authorize direct payment of county auditors' transfer fees to county treasurers by county recorders.

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

Section 1. Section 331.902, subsection 3, Code 1985, is amended to read as follows:

3. Each elective officer specified in subsection 1 shall make a quarterly report to the board showing, by type, the fees collected during the preceding quarter. The officer shall pay quarterly to the county treasury the fees and charges collected during the preceding quarter, receive duplicate receipts for the payment, and file one of the receipts in the office of the auditor, except for the county auditor's transfer fees, which shall be paid directly to the county treasurer by the county recorder. The officer shall note in the officer's fee book the date and amount of each payment into the county treasury. This subsection does not apply to the county treasurer if the county treasurer credits the fees daily to the county treasury and reports the receipts on the monthly report to the auditor and the board of supervisors.

Sec. 2. Section 558.57, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

Entered upon transfer books and for taxation this day of, 19
My fee \$ paid collected by recorder.
.....
Auditor.

Sec. 3. Section 558.58, subsection 1, Code 1985, is amended to read as follows:

1. At the time of filing a deed or other instrument mentioned in section 558.57, the recorder shall collect from the person filing the deed or instrument the recording fee provided by law and the auditor's transfer fee, except as provided in subsection 2. The recorder shall deliver the deed or instrument and the transfer fee to the county auditor, after endorsing upon said the instrument the following:

Filed for record, indexed, and delivered to the county auditor this day of,
19....., at o'clock M. Recorder's and auditor's fee \$ paid.
.....
Recorder.

Sec. 4. Section 558.66, Code Supplement 1985, is amended to read as follows:
558.66 TITLE DECREE — ENTRY ON TRANSFER BOOKS.

Upon receipt of a certificate from the clerk of the district court or an appellate court that the title to real estate has been finally established in any named person by judgment or decree

or by will, the auditor shall enter the information in the certificate upon the transfer books, upon payment of a fee in the amount specified in section 331.507, subsection 2, paragraph "a", which fee shall be taxed as court costs, collected by the clerk, and paid to the ~~auditor~~ treasurer by the recorder as provided in section ~~558.58~~ 331.902, subsection ~~±~~ 3.

Sec. 5. Section 598.21, subsection 8, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

If the court orders a transfer of title to real property, the clerk of court shall issue a certificate under chapter 558 relative to each parcel of real estate affected by the order and immediately deliver the certificate for recording to the county recorder of the county in which the real estate is located. Any fees assessed shall be included as part of the court costs; however, the certificates shall be recorded whether the costs are paid or not. The county recorder shall deliver the certificates and ~~appropriate~~ fees to the county auditor as provided in section 558.58, subsection 1.

Sec. 6. Section 633.481, Code 1985, is amended to read as follows:

633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES WITHOUT ADMINISTRATION.

When an inventory or report is filed under section 450.22, without administration of the estate of the decedent, the clerk shall issue and deliver to the county recorder of the county in which the real estate is situated a certificate pertaining to each parcel of real estate described in the inventory or report. Any fees for certificates or recording fees required by this section or section 633.480 shall be assessed as costs of administration, but the certificates shall be filed whether fees are paid or not. The county recorder shall deliver the certificates and ~~appropriate~~ fees to the county auditor as provided in section 558.58.

Sec. 7. Sections 558.46 and 558.47, Code 1985, are repealed.

Approved April 15, 1986

CHAPTER 1080

APPROVAL OF LEGAL DESCRIPTIONS OF LAND

S.F. 2262

AN ACT relating to the approval of legal descriptions of parcels of land.

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

Section 1. Section 409.1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A proprietor of a parcel of land of any size who divides the property into two parts, either of which is described by a metes and bounds description and is ten acres or less, shall have a survey made of the subdivision, unless the county ~~recorder~~ auditor determines that this description is adequate and a survey is not necessary. The survey shall be prepared and recorded in accordance with sections 355.4, 355.7 and 355.16. A proprietor of a parcel of land of any size who divides the property into three or more parts, any of which are described by a metes and bounds description and are ten acres or less, shall have a plat made of the subdivision. The plat shall be made by a registered land surveyor holding a certificate under chapter 114. The plat shall make reference to monuments of record or permanent control monuments and shall give bearing and distance from a corner of the plat to two corners of the congressional division of which it is a part. The plat shall accurately describe each part of the subdivision by giving its dimensions, length, and breadth and shall number the parts by progressive number.

Approved April 15, 1986

CHAPTER 1081
COPIES OF DOCUMENTS OF DEBT
S.F. 2275

AN ACT to require lenders or secured parties to provide debtors with copies of documents relating to the debt.

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

Section 1. NEW SECTION. 535.14 DELIVERY OF COPIES OF DEBT INSTRUMENTS.

A lender or other secured party shall provide to a debtor copies of all documents signed by the debtor relating to the debt at the time a debt instrument is executed. Receipt of the copies required by this section may be acknowledged on the instrument itself.

A lender or other secured party shall provide to a debtor copies of all documents signed by the debtor relating to the debt at times other than at execution, upon request, at a price no more than the actual cost of reproduction.

Approved April 15, 1986

CHAPTER 1082
DISCLOSURE OF MENTAL HEALTH INFORMATION
S.F. 2247

AN ACT relating to the disclosure of mental health information and providing an effective date.

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

Section 1. NEW SECTION. 228.1 DEFINITIONS.

As used in this chapter:

1. "Administrative information" means an individual's name, identifying number, age, sex, address, dates and character of professional services provided to the individual, and fees for the professional services.

2. "Data collector" means a person, other than a mental health professional or an employee of or agent for a mental health facility, who regularly assembles or evaluates mental health information.

3. "Diagnostic information" means a therapeutic characterization of the type found in the diagnostic and statistical manual of mental disorders of the American psychiatric association or in a comparable professionally recognized diagnostic manual.

4. "Mental health facility" means a community mental health center, hospital, clinic, office, health care facility, infirmary, or similar place in which professional services are provided.

5. "Mental health information" means oral, written, or recorded information which indicates the identity of an individual receiving professional services and which relates to the diagnosis, course, or treatment of the individual's mental or emotional condition.

6. "Mental health professional" means an individual who has all of the following qualifications:

a. The individual holds at least a master's degree in a mental health field, including but not limited to, psychology, counseling and guidance, nursing, and social work, or the individual is a physician and surgeon or an osteopathic physician and surgeon.

b. The individual holds a current Iowa license if practicing in a field covered by an Iowa licensure law.

c. The individual has at least two years of post-degree clinical experience, supervised by another mental health professional, in assessing mental health needs and problems and in providing appropriate mental health services.

7. "Professional services" means diagnostic or treatment services for a mental or emotional condition provided by a mental health professional.

8. "Third-party payor" means a person which provides accident and health benefits or medical, surgical, or hospital benefits, whether on an indemnity, reimbursement, service, or prepaid basis, including but not limited to, insurers, nonprofit health service corporations, health maintenance organizations, governmental agencies, and employers.

Sec. 2. NEW SECTION. 228.2 MENTAL HEALTH INFORMATION DISCLOSURE PROHIBITED - EXCEPTIONS - RECORD OF DISCLOSURE.

1. Except as specifically authorized in section 228.3, 228.5, or 228.6, a mental health professional, data collector, or employee or agent of a mental health professional, of a data collector, or of or for a mental health facility shall not disclose or permit the disclosure of mental health information.

2. Upon disclosure of mental health information pursuant to section 228.3, 228.5, or 228.6, the person disclosing the mental health information shall enter a notation on and maintain the notation with the individual's record of mental health information. The notation shall include all of the following:

- a. The date of the disclosure.
- b. The name of the recipient of the mental health information.
- c. A description of the contents of the disclosure.

The person disclosing the mental health information shall give the recipient of the information a statement which informs the recipient that disclosures may only be made pursuant to the written authorization of an individual or an individual's legal representative, or as otherwise provided in chapter 228, that the unauthorized disclosure of mental health information is unlawful, and that civil damages and criminal penalties may be applicable to the unauthorized disclosure of mental health information.

3. A recipient of mental health information shall not disclose the information received, except as specifically authorized for initial disclosure in section 228.3, 228.5, or 228.6.

Sec. 3. NEW SECTION. 228.3 VOLUNTARY DISCLOSURES.

1. An individual eighteen years of age or older or an individual's legal representative may consent to the disclosure of mental health information relating to the individual by a mental health professional, data collector, or employee or agent of a mental health professional, of a data collector, or of or for a mental health facility, by signing a voluntary written authorization. The authorization shall:

a. Specify the nature of the mental health information to be disclosed, the persons or type of persons authorized to disclose the information, and the purposes for which the information may be used both at the time of the disclosure and in the future.

b. Advise the individual of the individual's right to inspect the disclosed mental health information at any time.

c. State that the authorization is subject to revocation and state the conditions of revocation.

d. Specify the length of time for which the authorization is valid and whether the authorization is renewable.

e. Contain the date on which the authorization was signed.

2. A copy of the authorization shall:

a. Be provided to the individual and to the person authorizing the disclosure.

b. Accompany all disclosures.

c. Be included in the individual's record of mental health information.

3. A third-party payor may only request an individual eighteen years of age or older or the individual's legal representative to consent to the disclosure of the following mental health information by a mental health professional or an employee of or agent for a mental health facility if necessary to determine the individual's entitlement to, or the amount of, benefits payable for professional services provided to the individual:

- a. Administrative information.
- b. Diagnostic information.
- c. The individual's voluntary or involuntary treatment status.
- d. The estimated time during which treatment might continue.

If a third-party payor questions an individual's entitlement to, or the amount of benefits payable for professional services provided to the individual following disclosure of the information in paragraphs "a" through "d", the third-party payor may request the individual or the individual's legal representative to consent to the disclosure of mental health information to a mental health professional, who is not affiliated with either the service provider or the third-party payor, for the purpose of conducting an independent review of the individual's record of mental health information and the individual's entitlement to, or the amount of benefits payable for professional services provided to the individual. Mental health information disclosed to the nonaffiliated mental health professional for the purpose of the review shall not be disclosed to the third-party payor.

Sec. 4. NEW SECTION. 228.4 REVOCATION OF DISCLOSURE AUTHORIZATION.

An individual or an individual's legal representative may revoke a prior authorization by providing a written revocation to the recipient named in the authorization and to the mental health professional, data collector, or employee or agent of a mental health professional, of a data collector, or of or for a mental health facility previously authorized to disclose the mental health information. The revocation is effective upon receipt of the written revocation by the person previously authorized to disclose the mental health information. After the effective revocation date, mental health information shall not be disclosed pursuant to the revoked authorization. However, mental health information previously disclosed pursuant to the revoked authorization may be used for the purposes stated in the original written authorization.

Sec. 5. NEW SECTION. 228.5 ADMINISTRATIVE DISCLOSURES.

1. An individual or an individual's legal representative shall be informed that mental health information relating to the individual may be disclosed to employees or agents of or for the same mental health facility if and to the extent necessary to facilitate the provision of professional services to the individual.

2. If an individual eighteen years of age or older or an individual's legal representative has received a written notification that a fee is due a mental health professional or a mental health facility and has failed to arrange for payment of the fee within a reasonable time after the notification, the mental health professional or mental health facility may disclose administrative information necessary for the collection of the fee to a person or agency providing collection services.

If a civil action is filed for the collection of the fee, additional mental health information shall not be disclosed in the litigation, except to the extent necessary to respond to a motion of the individual or the individual's legal representative for greater specificity or to dispute a defense or counterclaim.

3. A mental health professional or an employee of or agent for a mental health facility may disclose mental health information if necessary for the purpose of conducting scientific research, management audits, or program evaluations of the mental health professional or mental health facility, to persons who have demonstrated and provided written assurances of their ability to ensure compliance with the requirements of this chapter. The persons shall not identify, directly or indirectly, an individual in any report of the research, audits, or evaluations, or otherwise disclose individual identities in any manner.

Sec. 6. NEW SECTION. 228.6 COMPULSORY DISCLOSURES.

1. A mental health professional or an employee of or agent for a mental health facility may disclose mental health information if and to the extent necessary, to meet the requirements of

section 229.24, 229.25, 230.20, 230.21, 230.25, 230.26, 230A.13, 232.74, or 232.147, or to meet the compulsory reporting or disclosure requirements of other state or federal law relating to the protection of human health and safety.

2. Mental health information acquired by a mental health professional pursuant to a court-ordered examination may be disclosed pursuant to court rules.

3. Mental health information may be disclosed by a mental health professional if and to the extent necessary, to initiate or complete civil commitment proceedings under chapter 229.

4. Mental health information may be disclosed in a civil or administrative proceeding in which an individual eighteen years of age or older or an individual's legal representative or, in the case of a deceased individual, a party claiming or defending through a beneficiary of the individual, offers the individual's mental or emotional condition as an element of a claim or a defense.

5. An individual eighteen years of age or older or an individual's legal representative or any other party in a civil, criminal, or administrative action, in which mental health information has been or will be disclosed, may move the court to denominate, style, or caption the names of all parties as "JOHN OR JANE DOE" or otherwise protect the anonymity of all of the parties.

Sec. 7. This Act, being deemed of immediate importance, takes effect from and after its publication in The Anamosa Journal-Eureka, a newspaper published in Anamosa, Iowa, and in the Quad City Times, a newspaper published in Davenport, Iowa.

Approved April 15, 1986

I hereby certify that the foregoing Act, Senate File 2247, was published in the Quad-City Times, Davenport, Iowa, on April 21, 1986, and in The Anamosa Journal-Eureka, Anamosa, Iowa, on April 23, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1083
ABANDONED DOGS AND CATS
H.F. 2098

AN ACT to prohibit the abandonment of dogs and cats and providing a penalty.

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

Section 1. NEW SECTION. 717.6 ABANDONMENT OF CATS AND DOGS — PENALTY.

A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound as defined in section 162.2. A person who violates this section is guilty of a simple misdemeanor.

Approved April 16, 1986

CHAPTER 1084
RETAIL PRICE OF MOTOR VEHICLES
H.F. 2191

AN ACT relating to the disclosure of suggested price information by the retail seller of certain motor vehicles, and providing a penalty.

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

Section 1. **NEW SECTION. 322.35 DISCLOSURE OF MANUFACTURER'S SUGGESTED PRICE FOR CERTAIN MOTOR VEHICLES.**

1. A person shall not sell or offer for sale at retail a new car, multipurpose vehicle, or pickup, as those terms are defined in section 321.1, without a label securely affixed to the windshield or side window containing the manufacturer's clear and legible endorsement disclosing the following true and correct information:

- a. The retail price of the vehicle suggested by the manufacturer.
 - b. The retail delivered price suggested by the manufacturer for each accessory or item of optional equipment, physically attached to the vehicle at the time of its delivery to the retail seller, which is not included within the price of the vehicle as stated pursuant to paragraph "a".
 - c. The amount charged, if any, to the retail seller for the transportation of the vehicle to the location at which it is delivered to the retail seller.
 - d. The total of the amounts specified pursuant to paragraphs "a", "b", and "c".
2. A person who violates this section commits a simple misdemeanor. Violation with respect to each vehicle constitutes a separate offense.

Approved April 16, 1986

CHAPTER 1085
DISCLOSURE REGARDING CREDIT SERVICES
H.F. 2230

AN ACT relating to the disclosure of information regarding open-end credit accounts, credit cards, and financial services.

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

Section 1. **NEW SECTION. 535.14 OPEN-END CREDIT, CREDIT CARD, FINANCIAL SERVICES DISCLOSURE.**

1. As used in this section, unless the context otherwise requires:
 - a. "Financial institution" means as defined in section 535A.1.
 - b. "Financial service" means a checking account, savings account, electronic funds transfer card, and credit card services offered to a retailer.
 - c. "Credit card", "finance charge", and "open-end credit" mean as defined in section 537.1301.
2. A financial institution which accepts an application for open-end credit from a person who resides in this state shall annually disclose pursuant to this section the following information for each type of open-end account granted:
 - a. The annual percentage rate charged on the open-end credit account.
 - b. The amount of fee charged or assessed, if any, by the person as a condition for granting or opening the open-end credit account and the frequency the fee is assessed.
 - c. A description of when the finance charge begins to accrue against charges made on the open-end credit account.

3. A person who accepts an application for a credit card from a person who resides in this state shall annually disclose the following information for each type of credit card granted, unless the information is disclosed under subsection 1:

- a. The annual percentage rate charged on the credit card.
- b. The amount of fee charged or assessed, if any, by the person as a condition for issuing the credit card and the frequency the fee is assessed.
- c. A description of when the finance charge begins to accrue against charges made on the credit card.

4. A financial institution shall disclose all of the following information for each type of financial service offered by the financial institution:

a. The fee charged, if any, and the frequency the fee is to be levied including but not limited to the following types of fees:

- (1) Regular periodic fees.
- (2) Transaction fees.
- (3) Returned check fees.
- (4) Stop payment fees.
- (5) Start-up fees.

b. The conditions under which any fee disclosed is imposed.

c. The procedures, if any, by which a person may have a fee waived at the discretion of the financial institution.

d. Any discount program or special services offered or available in conjunction with a financial service.

5. A person who is obligated to disclose information under this section shall file a written report disclosing the information with the treasurer of state by January 1 of each year. If a person filing under this section makes any changes subsequent to January 1 but prior to July 1 to any of the information for which disclosure is required, the person shall file an amended written report with the treasurer of state by July 1 following the change.

6. The treasurer of state shall adopt rules pursuant to chapter 17A to implement this section including, but not limited to, both of the following:

- a. Procedures for receiving the reports.
- b. Procedures for publicizing and making the information filed readily available to the public.

Sec. 2. NEW SECTION. 12.27 CREDIT AND FINANCIAL SERVICES RULES.

The treasurer shall adopt rules to implement the filing of information relating to open-end credit accounts, credit cards, and financial services pursuant to section 535.14.

Approved April 16, 1986

CHAPTER 1086
PROVING OF PATERNITY
H.F. 2252

AN ACT relating to the proving of paternity for purposes of inheritance.

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

Section 1. Section 633.222, Code 1985, is amended to read as follows:

633.222 ILLEGITIMATE CHILD — INHERIT FROM FATHER.

Unless the child has been adopted, an illegitimate child ~~shall inherit~~ inherits from the child's natural father ~~when if the paternity is proven evidence proving paternity is available~~ during the father's lifetime, or ~~when if~~ the child has been recognized by the father as his child; but

~~such~~ the recognition must have been general and notorious, or else in writing. Under such circumstances, if the recognition has been mutual, and the child has not been adopted, the father may inherit from his illegitimate child.

Approved April 16, 1986

CHAPTER 1087
REGISTRATION OF DISTINCTIVE MARKS
H.F. 2384

AN ACT relating to the registration of a mark which has become distinctive of the applicant's goods or services.

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

Section 1. Section 548.2, subsection 1, paragraph e, Code 1985, is amended by striking the paragraph and inserting in lieu thereof the following:

e. Consists of a mark which is one of the following:

(1) When applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them.

(2) When applied to the goods or services of the applicant, is primarily geographically descriptive or geographically misdescriptive of them.

(3) Is primarily merely a surname.

This paragraph "e" does not prevent the registration of a mark used in this state by the applicant which has become distinctive of the applicant's goods or services. The secretary of state may accept as evidence that the mark has become distinctive, as applied to the applicant's goods or services, proof of continuous use thereof as a mark by the applicant in this state or elsewhere for the five years next preceding the date of the filing of the application for registration, or,

Sec. 2. Section 548.2, subsection 1, paragraph f, Code 1985, is amended by striking the subsection.

Approved April 16, 1986

CHAPTER 1088
DEFERRAL OF FEES AND COSTS
H.F. 2426

AN ACT relating to the deferral of fees, costs, or security in civil or criminal actions, and providing a penalty.

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

Section 1. NEW SECTION. 669.1 AFFIDAVIT -- CONTENTS.

A court of the district court, court of appeals, or supreme court shall authorize the commencement, prosecution, or defense of a suit, action, proceeding, or appeal, whether civil or criminal, without the prepayment of fees, costs, or security upon a showing that the person is unable to pay such costs or give security. The person shall submit an affidavit stating the nature of the suit, action, proceeding, or appeal and the affiant's belief that there is an entitlement to redress. Such affidavit shall also include a brief financial statement showing the person's inability to pay costs, fees, or give security. Any authorization to proceed without

prepayment of fees, costs, or security under this chapter may be made by the court without hearing. The filing of an affidavit to proceed without the prepayment of fees, costs, or security tolls the applicable statute of limitations. Upon the denial of an application and affidavit to proceed without the prepayment of fees, costs, or security, the person shall have the remainder of the limitations period in which to pay fees, costs, or give security.

Sec. 2. NEW SECTION. 669.2 FILING OF AFFIDAVIT — DIRECTIONS BY COURT.

When an affidavit pursuant to this chapter is filed with the court in a civil or criminal action, the court shall direct the appropriate officers of the court to issue and serve all necessary writs, process, and proceedings.

Sec. 3. NEW SECTION. 669.3 DEFERRAL OF COSTS.

When an affidavit is filed and a civil or criminal proceeding is instituted, the court shall order that all fees, costs, and security be deferred until final disposition of the proceeding.

Sec. 4. NEW SECTION. 669.4 ORDER TO PAY FEES, COSTS, OR SECURITY — DISMISSAL FOR FAILURE.

If after entry of an order authorizing prosecution of the case without prepayment of fees, costs, or security, the court finds that the affidavit of inability to pay was without merit, the court may order the person to pay the fees, costs, or security within fourteen days or the case will be dismissed.

Sec. 5. NEW SECTION. 669.6 PENALTY.

A person who knowingly and wrongfully invokes the privileges of this chapter without just cause, or who knowingly makes a false statement regarding the person's inability to pay fees, costs, or security, is guilty of perjury and shall be punished as provided in section 720.2.

Approved April 16, 1986

CHAPTER 1089

RELINQUISHMENT OF SENIORITY RIGHTS

S.F. 476

AN ACT to prohibit the relinquishment of prior seniority rights as a condition of employment.

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

Section 1. NEW SECTION. 731.9 RELINQUISHMENT OF SENIORITY RIGHTS AS A CONDITION OF EMPLOYMENT PROHIBITED.

It is unlawful for any person to refuse or deny employment to a person because the person refuses to relinquish seniority rights earned at a prior place of employment.

Approved April 16, 1986

CHAPTER 1090**COURT COSTS AND FEES ON WARRANTIES***S.F. 2015*

AN ACT relating to court costs and attorney fees in actions brought under provisions on new motor vehicle warranties.

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

Section 1. Section 322E.1, Code 1985, is amended by adding the following new subsection after subsection 7 and renumbering the subsequent subsection:

NEW SUBSECTION. 8. In an action brought under this section the court may award the consumer court costs and reasonable attorney fees.

Approved April 16, 1986

CHAPTER 1091**REPORTS BY COUNTY RECORDERS***S.F.2228*

AN ACT relating to the responsibilities of county recorders to make reports concerning ownership, assessed values, and transfers of real estate, and certificates of limited partnerships.

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

Section 1. Section 331.602, subsection 13, Code Supplement 1985, is amended by striking the subsection.

Sec. 2. Section 331.602, subsection 20, Code Supplement 1985, is amended to read as follows:

20. Submit ~~quarterly~~ monthly to the director of revenue a report of the ~~revenue stamps or sale price and equalized value of real estate sold as provided in section 421.17, subsection 6~~ real property transfer tax received.

Sec. 3. Section 331.602, subsection 33, Code Supplement 1985, is amended to read as follows:

33. Record, index, and send to the secretary of state instruments relating to limited partnerships as provided in ~~sections~~ section 545.206 and 545.1106.

Sec. 4. Section 421.17, subsection 6, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The director shall require all ~~county recorders and~~ city and county assessors to prepare a quarterly report in the manner and form to be prescribed by the director showing for each warranty deed or contract of sale of real estate, divided between rural and urban, during the last completed quarter the amount of ~~revenue stamps~~ real property transfer tax, the sale price or consideration, and the equalized value at which that property was assessed that year. This report with ~~such~~ further information as may be required by the director shall be submitted to the department within sixty days after the end of each quarter. The department shall prepare annual summaries of ~~such~~ the records of the ratio of assessments to actual sales prices for all counties, and for cities having city assessors, and ~~such~~ the information for the preceding year shall be available for public inspection by May 1.

Sec. 5. Sections 172C.13 and 545.1106, Code 1985, are repealed.

Approved April 16, 1986

CHAPTER 1092**HARDIN COUNTY LEGALIZING ACT***S.F. 2239*

AN ACT to legalize the purchase of certain property by the Hardin county conservation board.

WHEREAS, the Hardin county conservation board undertook the purchase of property to be used as a wildlife area which property is legally described as:

The Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4), Section Fifteen (15), Township Eighty-eight (88) North, Range Nineteen (19) West of the 5th P.M., Hardin County, Iowa, and all of the South One-half (S1/2) of the Southeast Quarter (SE1/4) North and East of the Iowa River, Section Sixteen (16), Township Eighty-eight (88) North, Range Nineteen (19) West of the 5th P.M., Hardin County, Iowa; and

WHEREAS, the property was purchased from a member of the Hardin county conservation board who did not participate in actions taken by the board in the acquisition of the property; and

WHEREAS, the sale and purchase of the property was made in good faith and for fair consideration; and

WHEREAS, a subsequent issue relating to a possible conflict of interest has raised doubts concerning the sale and purchase of the property and it is deemed advisable and necessary to put such doubts and all others that might arise concerning said sale and purchase to rest; **NOW THEREFORE**,

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

Section 1. That all acts and proceedings taken by the Hardin county conservation board in connection with the purchase of the property described as:

The Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4), Section Fifteen (15), Township Eighty-eight (88) North, Range Nineteen (19) West of the 5th P.M., Hardin County, Iowa, and all of the South One-half (S1/2) of the Southeast Quarter (SE1/4) North and East of the Iowa River, Section Sixteen (16), Township Eighty-eight (88) North, Range Nineteen (19) West of the 5th P.M., Hardin County, Iowa; from Margaret Joan Trampe and William E. Trampe are hereby legalized, validated, and confirmed.

Approved April 16, 1986

CHAPTER 1093**IOWA CITY SCHOOL DISTRICT LEGALIZING ACT***S.F. 2276*

AN ACT to legalize proceedings taken by the board of directors of the Iowa City community school district relating to the sale of certain property.

WHEREAS, the Iowa City community school district undertook the sale of certain real estate in 1985 as authorized by a vote of the electors of the school district as required by law; and

WHEREAS, the Iowa City community school district complied with all of the provisions of the law relating to the sale of the property owned by the school district, except that the notice was published containing an erroneous description of the property; and

WHEREAS, some doubt has arisen as to the validity of the sale of the property and this doubt may raise an issue concerning the merchantability of the title to the property sold by public bid and the act should be legalized and the matter once and for all be put to rest; NOW THEREFORE,

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

Section 1. That all proceedings taken by the board of directors of the Iowa City community school district pertaining to the sale of property legally described as:

One acre in the northwest corner of the southwest quarter of the southwest quarter of Section 12, Township 79 North, Range 6 West of the 5th P.M., said one acre tract being located at the southeast corner of the intersection of Washington Street and First Avenue in Iowa City, Iowa, and measuring 208.3 feet, more or less, north and south and measuring 210 feet, more or less, east and west, are legalized and constitute a legal sale of the above described property.

Approved April 16, 1986

CHAPTER 1094

SUBSCRIBER CONTRACT PAYMENT TAX

S.F. 2277

AN ACT to clarify the intended effective date of portions of chapter 239, 1985 Iowa Acts, relating to the imposition of a tax on payments received by a nonprofit health service corporation for subscriber contracts and providing an effective date.

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

Section 1. The tax imposed by 1985 Iowa Acts, chapter 239, section 1, shall be applied to applicable subscriber contract payments received during the calendar year January 1, 1985, through December 31, 1985, and all subsequent years.

Sec. 2. The amendment to section 514.15 enacted in 1985 Iowa Acts, chapter 239, section 3, shall be effective to repeal the subscriber contract tax formerly provided by that section effective for subscriber contracts issued on and after January 1, 1985.

Sec. 3. This Act shall be given such retroactive effect as may be necessary to effectuate a subscriber contract payment tax as provided under section 432.2 for the full calendar year 1985 and all subsequent years as well as to effectuate the repeal of the subscriber contract tax otherwise imposed by section 514.15 for calendar year 1985 and all subsequent years.

Sec. 4. It is the intent of the general assembly in enacting this Act to clarify the effective date of chapter 239, sections 1 and 3, 1985 Iowa Acts rather than to change the meaning or the effective date of those sections.

Sec. 5. This Act, being deemed of immediate importance, takes effect from and after its publication in The Nevada Evening Journal, a newspaper published in Nevada, Iowa, and in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa.

Approved April 16, 1986

I hereby certify that the foregoing Act, Senate File 2277, was published in The Nevada Evening Journal, Nevada, Iowa, on April 22, 1986 and in The Cedar Rapids Gazette, Cedar Rapids, Iowa, on April 22, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1095
COUNTY OFFICER SALARY INCREASES
S.F. 2159

AN ACT relating to the reduction of recommended salary increases by the board of supervisors.

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

Section 1. Section 331.907, subsection 2, Code 1985, is amended to read as follows:

2. Annually during the month of December, the county compensation board shall transmit its recommended compensation schedule to the board of supervisors. The board of supervisors shall review the recommended compensation schedule and determine the final compensation schedule for the elected county officers which shall not exceed the recommended compensation schedule. In determining the final compensation schedule if the board of supervisors wishes to reduce the amount of the recommended compensation schedule, the annual salary or compensation of amount of salary increase proposed for each elected county officer shall be reduced an equal percentage. A copy of the final compensation schedule adopted by the board of supervisors shall be filed with the county budget at the office of the state comptroller. The final compensation schedule takes effect on July 1 following its adoption by the board of supervisors.

Approved April 17, 1986

CHAPTER 1096
HORTICULTURAL AND NONTRADITIONAL CROPS
H.F. 2313

AN ACT relating to horticultural crops and nontraditional crops by creating a linked deposit program to provide loan moneys for the production, processing, and marketing of horticultural crops or nontraditional crops and providing a preference for purchasing horticultural products grown in this state, providing for penalties, providing for a repeal, and providing for an effective date.

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

Section 1. NEW SECTION. 12.31 SHORT TITLE.

This division shall be known as the "Iowa Linked Deposit Act".

Sec. 2. NEW SECTION. 12.32 DEFINITIONS.

As used in this division, unless the context otherwise requires:

1. "Eligible lending institution" means a financial institution that is empowered to make commercial loans, is eligible pursuant to chapter 453 to be a depository of state funds, and agrees to participate in the linked deposit program.

2. "Eligible borrower" means any person who is in the business or is entering the business of producing, processing, or marketing horticultural crops or nontraditional crops in this state.

3. "Linked deposit" means a certificate of deposit placed pursuant to this division by the treasurer of state with an eligible lending institution, at an interest rate two percent below current market rates on the condition that the institution agrees to lend the value of the deposit, according to the deposit agreement provided in section 12.37, to an eligible borrower at a rate not to exceed four percent above the rate paid on the certificate of deposit.

Sec. 3. NEW SECTION. 12.33 LEGISLATIVE FINDINGS AND INTENT — PURPOSE.

1. The general assembly finds the following:
 - a. That many horticultural operations throughout the state are experiencing economic stagnation or decline.
 - b. That high interest rates have caused potentially viable operations to cease or not expand in the area of horticultural or nontraditional crop production, processing, or marketing.
2. The linked deposit program provided for in this division is intended to provide statewide availability of lower cost funds for lending purposes that will stimulate existing or encourage new businesses in the area of producing, processing, or marketing horticultural or nontraditional crops.
3. It is the public policy of the state through the linked deposit program to create an availability of lower cost funds to inject needed capital into the business of producing, processing, or marketing horticultural crops or nontraditional crops.

Sec. 4. NEW SECTION. 12.34 LINKED DEPOSITS — LIMITATIONS.

1. The treasurer of state may invest up to ten percent of the balance of the state pooled money fund in certificates of deposit in eligible lending institutions pursuant to this division.
2. The treasurer shall adopt rules pursuant to chapter 17A to implement this division including, but not limited to, rules identifying horticultural crops and nontraditional crops for which the linked deposits may be loaned.

Sec. 5. NEW SECTION. 12.35 APPLICATION.

1. An eligible lending institution that desires to receive a linked deposit shall accept and review applications for loans from eligible borrowers. The lending institution shall apply all usual lending standards to determine the credit worthiness of each eligible borrower. Loan applications shall be for the purchase or lease of land, machinery, equipment, seed, fertilizer, direct marketing facilities, or new or expanding processing facilities for horticultural crops or nontraditional crops. The maximum size of a loan is one hundred thousand dollars per borrower for a production loan and two hundred fifty thousand dollars for processing or marketing facilities.
2. The eligible financial institution shall forward to the state treasurer a linked deposit loan package in the form and manner as prescribed by the treasurer of state. The package shall include information required by the treasurer of state, including but not limited to the amount of the loan requested and the purpose of the loan. The institution shall certify that the applicant is an eligible borrower and shall certify the present borrowing rate applicable to the specific eligible borrower.

Sec. 6. NEW SECTION. 12.36 ACTIONS BY TREASURER.

1. The treasurer of state shall accept or reject a linked deposit loan package or any portion of the package based on the type or terms of the loan involved.
2. Upon acceptance of the linked deposit loan package or any portion of the package, the state treasurer shall place certificates of deposit with the eligible lending institution at a rate two percent below the current market rate. When necessary, the treasurer may place certificates of deposit prior to acceptance of a linked deposit loan package.
3. The eligible lending institution shall enter into a deposit agreement with the treasurer of state, which shall include requirements necessary to carry out this division. The requirements shall reflect the market conditions prevailing in the eligible lending institution's lending area. The agreement may include a specification of the period of time in which the lending institution is to lend funds upon the placement of a linked deposit, and shall include provisions for the certificates of deposit to be placed for one-year maturities that may be renewed for additional years. Interest shall be paid at the times determined by the treasurer of state.

Sec. 7. NEW SECTION. 12.37 LOANS.

1. Upon the placement of a linked deposit with an eligible lending institution, the institution is required to lend the funds to the eligible borrower listed in the linked deposit loan package and in accordance with the deposit agreement. The loan shall be at a rate not more than four percent above the rate paid the treasurer by the financial institution. The eligible lending institution shall be required to submit a certification of compliance with this section in the form and manner as prescribed by the treasurer of state.

2. The treasurer of state shall take all steps necessary to implement the linked deposit program and monitor compliance of eligible lending institutions and eligible borrowers.

Sec. 8. NEW SECTION. 12.38 REPORTS.

By February 1 of each year, the treasurer of state shall report on the linked deposit program for the preceding calendar year to the governor, the speaker of the house of representatives, and the president of the senate. The speaker of the house shall transmit copies of this report to the chairs of the standing committees in the house which customarily consider legislation regarding agriculture and commerce, and the president of the senate shall transmit copies of this report to the chairs of the standing committees in the senate which customarily consider legislation regarding agriculture and commerce. The report shall set forth the linked deposits made by the treasurer of state under the program during the year and shall include information regarding the nature, terms, and amounts of the loans upon which the linked deposits were based and the eligible borrowers to which the loans were made.

Sec. 9. NEW SECTION. 12.39 LIABILITY.

The state and the treasurer of state are not liable to an eligible lending institution in any manner for payment of the principal or interest on the loan to an eligible borrower. Any delay in payments or default on the part of an eligible borrower does not in any manner affect the deposit agreement between the eligible lending institution and the treasurer of state.

Sec. 10. Section 73.1, Code 1985, is amended to read as follows:

73.1 PREFERENCE AUTHORIZED – CONDITIONS.

Every commission, board, committee, officer or other governing body of the state, or of any county, township, school district or city, and every person acting as contracting or purchasing agent for any such commission, board, committee, officer or other governing body shall use only those products and provisions grown and coal produced within the state of Iowa, when they are found in marketable quantities in the state and are of a quality reasonably suited to the purpose intended, and can be secured without additional cost over foreign products or products of other states. This section shall apply to horticultural products grown in this state even if the products are not in the stage of processing that the agency usually purchases the product. However, this section does not apply to a school district purchasing food while the school district is participating in the federal school lunch program.

Sec. 11. Section 73.5, Code 1985, is amended to read as follows:

73.5 VIOLATIONS.

Any An officer or person who is connected with, or is a member or agent or representative of any a commission, board, committee, officer or other governing body of this state, or of any county, township, school district, city, or contractor, who fails to give preference to Iowa labor as required in sections 73.3 and 73.4, shall be this chapter is guilty of a simple misdemeanor. Each separate case of failure to give preference to Iowa labor shall constitute is a separate offense.

Sec. 12. It is the intent of the general assembly that this Act shall have temporary effect only, that sections 1 through 9 of this Act are repealed on July 1, 1989, and that the amendments to section 73.1 made in this Act shall be stricken on July 1, 1989.

Sec. 13. This Act, being deemed of immediate importance, takes effect from and after its publication in The Bancroft Register, a newspaper published in Bancroft, Iowa, and in the Marshalltown Times-Republican, a newspaper published in Marshalltown, Iowa.

Approved April 18, 1986

I hereby certify that the foregoing Act, House File 2313, was published in The Bancroft Register, Bancroft, Iowa, on April 23, 1986, and in the Marshalltown Times-Republican, Marshalltown, Iowa, on May 2, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1097

APPROVAL OF COUNTY CONSERVATION PROJECTS

H.F. 2208

AN ACT to require state conservation commission approval of county conservation board projects for acquisition or exchange of land and general development plans where the costs of the project exceed twenty-five thousand dollars.

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

Section 1. Section 111A.4, subsection 3, Code 1985, is amended to read as follows:

3. The county conservation board shall file with and obtain approval of the state conservation commission on all proposals for acquisition or exchange of land, and all general development plans before any such program is executed. Approval of the state conservation commission shall not be necessary unless the value of the proposed exchange property or the cost of the proposed acquisition or development program exceeds twenty-five hundred thousand dollars.

Approved April 18, 1986

CHAPTER 1098

CITY COUNCIL REVIEW OF VARIANCES

H.F. 2220

AN ACT relating to the power of a city council over variances granted by a board of adjustment.

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

Section 1. Section 414.7, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The council may provide for its review of variances granted by the board of adjustment before their effective date. The council may remand a decision to grant a variance to the board of adjustment for further study. The effective date of the variance is delayed for thirty days from the date of the remand.

Approved April 18, 1986

CHAPTER 1099
DRAINAGE DISTRICT REVISIONS
H.F. 2345

AN ACT relating to drainage districts.

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

Section 1. Section 455.64, subsection 2, Code Supplement 1985, is amended to read as follows:

2. To pay such assessments in not less than ten nor more than twenty equal installments, the number to be fixed by the board, and interest at the rate fixed by the board, not exceeding that permitted by chapter 74A. The first installment of each assessment, or the total amount if less than one hundred dollars, is due and payable on July 1 next succeeding the date of the levy, unless the assessment is filed with the county treasurer after May 31 in any year. The first installment shall bear interest on the whole unpaid assessment from the date of acceptance of the work the levy as set by the board to the first day of December following the due date. The succeeding annual installments, with interest on the whole unpaid amount, to the first day of December following the due date, are respectively due on July 1 annually, and must be paid at the same time and in the same manner as the first semiannual payment of ordinary taxes. All future installments of an assessment may be paid on any date by payment of the then outstanding balance plus interest accrued to the date of payment. Each installment of an assessment with interest on the unpaid balance is delinquent after the thirtieth day of September next after its due date, and bears the same delinquent interest with the same penalties as ordinary taxes. When collected, the interest and penalties must be credited to the same drainage fund as the drainage special assessment.

Sec. 2. Section 455.111, Code Supplement 1985, is amended to read as follows:

455.111 COMPLETION OF WORK — REPORT — NOTICE.

When the work to be done under any contract is completed to the satisfaction of the engineer in charge of construction, the engineer shall so report and certify to the board, which shall fix a day to consider the report and shall give notice of the time and purpose of the meeting by ordinary mail to the landowners of the district and by publication in a newspaper of general circulation in the county, and the date fixed for considering the report shall be not less than ten days after the date of mailing.

Sec. 3. Section 462.15, Code 1985, is amended to read as follows:

462.15 BALLOTS — PETITION FOR PRINTED BALLOTS.

Candidates for drainage district trustee shall have their names placed on printed ballots provided a petition therefor is signed by ten qualified electors of the district and filed with the clerk of the board at least fourteen twenty-five days but not more than sixty-five days before the election. Space shall also be provided on the ballot for write-in votes.

Approved April 18, 1986

CHAPTER 1100
COMMODITY BOARDS
H.F. 2379

AN ACT relating to commodity boards, by providing for their membership, the collection of their assessments, and the appropriation of their funds.

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

Section 1. Section 179.5, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The right of a person to a refund under this chapter or under chapters 181, 182, 183A, 184A, 185, 185C, or 196A is not subject to execution, levy, attachment, garnishment, or other legal process, and is not transferable or assignable at law or in equity.

Sec. 2. Section 181.1, Code 1985, is amended to read as follows:

181.1 RECOGNITION OF ORGANIZATION.

The Iowa beef cattle producers association now existing in and incorporated under the laws of this state ~~shall be~~ is entitled to the benefits of this chapter by filing, each year, with the department of agriculture, verified proof of the names of its president, vice president, secretary, and treasurer, ~~and that five hundred persons are bona fide members of said association, together with such other information as required by the department of agriculture may require.~~

Sec. 3. Section 181.3, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

181.3 EXECUTIVE COMMITTEE.

1. An executive committee of the Iowa beef cattle producers association is created. The executive committee may also be known as the Iowa beef industry council. The executive committee consists of eight members as follows:

- a. Five producers elected by the Iowa beef cattle producers association.
- b. One livestock market representative appointed pursuant to subsection 2.
- c. The secretary of agriculture or a designee, who shall serve as a voting ex officio member.
- d. The dean of the college of agriculture of Iowa state university of science and technology or a designee, who shall serve as a voting ex officio member.

2. The Iowa livestock auction market association shall nominate two livestock market representatives. The secretary of agriculture shall appoint one of the nominees or another livestock market representative of the secretary's choice as the livestock market representative on the executive committee, who shall serve at the pleasure of the secretary.

3. The executive committee shall elect a chairperson, secretary, and other officers it deems necessary.

4. Except for ex officio members, vacancies in the executive committee resulting from death, inability or refusal to serve, or failure to meet the qualifications of this chapter, shall be filled by the executive committee. If the executive committee fails to fill a vacancy, the secretary of agriculture shall fill it. Vacancy appointments shall be only for the remainder of the unexpired term.

Sec. 4. Section 181.4, Code 1985, is amended to read as follows:

181.4 EMPLOYEES OF COMMITTEE.

The executive committee may employ two or more competent persons who shall devote their entire time, under the direction of the committee, in carrying out the provisions of this chapter. The salary of ~~such~~ persons so employed shall be set by the executive committee ~~subject to the approval of the secretary of agriculture, and such the~~ persons shall hold office at the pleasure of the executive committee.

Sec. 5. Section 181.6, subsection 3, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

3. "Executive committee" means the committee created in section 181.3, which is also known as the Iowa beef industry council.

Sec. 6. NEW SECTION. 181.6A MEMBERS OF EXECUTIVE COMMITTEE.

1. The Iowa beef cattle producers association shall hold an annual meeting of producers. An election shall be held at the annual meeting, as necessary, for election of producers to the executive committee.

2. Prior to the annual meeting, the Iowa beef cattle producers association shall appoint a nominating committee. At least sixty days prior to the annual meeting of the Iowa beef cattle producers association, the nominating committee shall nominate two producers as candidates for each position on the executive committee for which an election is to be held. At least forty-five days prior to the annual meeting of the Iowa beef cattle producers association, additional candidates may be nominated by a written petition of fifty producers. Procedures governing the place of filing and the contents of the petition shall be promulgated and publicized by the executive committee.

3. Producers attending the annual meeting of the Iowa beef cattle producers association may vote for one nominee for each position on the executive committee for which an election is held. Producers not attending the annual meeting of the Iowa beef cattle producers association may vote by absentee ballot, if the ballot is requested and mailed, with proper postage, to the executive committee prior to the annual meeting of the Iowa beef cattle producers association. For each position for which an election is held, the candidate receiving the highest number of votes shall be elected.

4. Notice of election for executive committee membership shall be given by the executive committee by publication in a newspaper of general circulation in the state and in any other reasonable manner as determined by the executive committee, and shall set forth the date, time, and place of the annual meeting of the Iowa beef cattle producers association. The executive committee shall administer the elections, with the assistance of the secretary of agriculture.

Sec. 7. NEW SECTION. 181.7A COLLECTION OF FEDERAL ASSESSMENT.

Prior to the commencement of the collection of the assessment pursuant to the Beef Promotion and Research Act of 1985, the executive committee may seek certification as a qualified state beef council within the meaning of that Act. If the executive committee does not receive certification as a qualified state beef council it shall, if necessary to prevent collection of an excise tax on beef cattle in addition to the national assessment, suspend the collection of the excise tax provided in this chapter. If the executive committee does suspend collection of the excise tax provided in this chapter, the period of that suspension terminates upon expiration of the assessment collected pursuant to the Beef Promotion and Research Act of 1985.

Sec. 8. Section 181.13, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. All moneys deposited in the cattle and veal calf fund are appropriated for the administration of this chapter and for the payment of claims based upon obligations incurred in the performance of activities and functions set forth in this chapter.

Sec. 9. Section 183A.1, subsections 1 and 5, Code Supplement 1985, are amended to read as follows:

1. "First purchaser" means a person who buys porcine animals from a ~~producer~~ seller in the first instance.

5. "Market development" means research, and education, and other programs directed at better and more efficient production, marketing, and utilization of pork; public relations and other promotion techniques for the maintenance of existing markets for pork, including but not limited to contributions to organizations working toward the purposes of this subsection; development of new or larger markets for pork both domestic and foreign, including but not limited to public relations and other promotion techniques; and the adoption, prevention, modification, or elimination of trade barriers which bear on the flow of pork in commercial channels.

Sec. 10. Section 183A.1, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. "Pork Promotion Act" means the federal Pork Promotion, Research, and Consumer Information Act of 1985.

Sec. 11. Section 183A.2, Code Supplement 1985, is amended by striking the section and inserting in lieu thereof the following:

183A.2 IOWA PORK PRODUCERS COUNCIL.

The Iowa pork producers council is created. The council consists of seven members, including two producers from each of three districts of the state designated by the secretary, and one producer from the state at large. The secretary shall appoint these members. The Iowa pork producers association may recommend the names of potential members, but the secretary is not bound by the recommendations. The secretary, the dean of the college of agriculture of Iowa state university of science and technology, and the state veterinarian, or their designees, shall serve on the council as nonvoting ex officio members.

Sec. 12. Section 183A.3, Code Supplement 1985, is amended by striking the section and inserting in lieu thereof the following:

183A.3 TERMS.

The voting members of the council shall serve terms of three years, and shall not serve for more than two complete consecutive terms.

Sec. 13. Section 183A.4, Code Supplement 1985, is amended by striking the section and inserting in lieu thereof the following:

183A.4 VACANCIES.

A vacancy in the voting membership of the council resulting from death, inability or refusal to serve, or failure to meet the qualifications established in this chapter, shall be filled by the council for the remainder of the unexpired term. If the council fails to fill the vacancy, the secretary shall fill it.

Sec. 14. Section 183A.5, subsection 3, Code Supplement 1985, is amended to read as follows:

3. Elect a chairperson, secretary, and other officers it deems advisable.

Sec. 15. Section 183A.5, subsection 9, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The council or its designated agent may enter into arrangements with persons purchasing Iowa produced pork outside Iowa, for collection of the assessment from such buyers those persons.

Sec. 16. Section 183A.6, Code Supplement 1985, is amended to read as follows:

183A.6 ASSESSMENT.

The council shall make an assessment of not less than point zero zero two nor more than point zero zero three of the gross sale price of all porcine animals. The assessment shall be point zero zero two five of the gross sale price of porcine animals until consent to an assessment has been given through the initial referendum referred to in this chapter. After approval of the initial referendum, the rate of assessment shall be determined by the

council. The assessment shall be made at the time of delivery of the animals for sale, and shall be deducted by the first purchaser from the price paid to the ~~producer~~ seller. The first purchaser, at the time of sale, shall make and deliver to the ~~producer~~ seller an invoice for each purchase showing the names and addresses of the ~~producer~~ seller and the first purchaser, the number and kind of animals sold, the date of sale, and the assessment made on the sale.

Assessments shall be paid to the Iowa pork producers council or its designated agent by first purchasers at a time prescribed by the council, but not later than the last day of the month following the month in which the animals were purchased.

Sec. 17. Section 183A.7, Code Supplement 1985, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. All moneys deposited in the pork promotion fund are appropriated for the administration of this chapter and for the payment of claims based upon obligations incurred in the performance of activities and functions set forth in this chapter.

Sec. 18. Section 183A.9, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

At a time designated by the council within eighteen months after July 1, 1985 the termination of the collection of assessments under the Pork Promotion Act, the secretary shall conduct a an initial referendum under administrative procedures prescribed by the department of agriculture.

Sec. 19. NEW SECTION. 183A.9A SUSPENSION DURING NATIONAL ORDER.

1. The terms of all voting members serving on the council on January 31, 1986 terminate at the time provided in subsection 2.

2. On the date of the commencement of the collection of assessments under the Pork Promotion Act, the collection of the assessments under section 183A.6 shall be suspended. The council shall continue to operate after suspension until all refunds are paid and all funds remaining in the pork promotion fund, less a reserve for future refunds, are disbursed for the purposes enumerated in this chapter. Notwithstanding section 183A.7, the council need not retain a reserve for future referendums. Upon completion of these acts, the existence of the Iowa pork producers council is suspended. The secretary of agriculture shall certify the suspension of the council as of a date certain to the Iowa pork producers council and the Iowa pork producers association. When the existence of the council is suspended, the terms of office of council members terminate.

3. On the date of the termination of the collection of assessments under the Pork Promotion Act, the period of suspension of the assessments under subsection 2 terminates. The secretary shall collect the assessments under section 183A.6 until this duty can be resumed by the reactivated council.

4. On the date of the termination of the collection of assessments under the Pork Promotion Act, the period of suspension of the council under subsection 2 terminates. Within sixty days from this date, the secretary shall appoint voting members to the council. For purposes of section 183A.3, a voting member so appointed is deemed not to have served a previous consecutive term. The terms of office of voting members of the initial reactivated council shall be determined by lot, but members from the same district shall not serve the same terms. As nearly as possible one-third of the voting members shall serve for one year, one-third of the voting members shall serve for two years, and one-third of the voting members shall serve for three years. Subsequent voting members shall be appointed pursuant to section 183A.2.

5. The secretary shall call the first meeting of the reactivated council. Upon reactivation, the council shall reimburse the secretary for expenses incurred in carrying out the duties provided in this section.

Sec. 20. Section 184A.1, subsection 7, paragraphs c and d, Code 1985, are amended by striking the paragraphs and inserting in lieu thereof the following:

c. The Iowa turkey federation shall nominate ten representatives of the Iowa turkey industry, and the secretary shall appoint five representatives from the ten nominees or other representatives of the Iowa turkey industry of the secretary's choice as the representatives of the turkey industry on the council.

Sec. 21. Section 185.10, Code 1985, is amended to read as follows:

185.10 EX OFFICIO MEMBERS.

The secretary, the dean of the college of agriculture of Iowa State University of science and technology, and the director of the Iowa development commission or its successor agency, or their designees, and two representatives of first purchaser organizations shall serve on the board as nonvoting ex officio members. One each of the two first purchaser representatives shall be appointed by, and serve at the pleasure of, the Iowa Grain and Feed Association and Agri-Industries. The Iowa grain and feed association and agri-industries shall each nominate two first purchaser representatives, and the board shall appoint one first purchaser representative from each set of nominations or another first purchaser of its choice as the first purchaser representatives on the board.

Sec. 22. Section 185C.10, Code 1985, is amended to read as follows:

185C.10 EX OFFICIO MEMBERS.

The secretary, the dean of the college of agriculture of Iowa State University of science and technology, and the director of the Iowa development commission or its successor agency, or their designees, and two representatives of first purchaser organizations shall serve on the board as ex officio members. One each of the two first purchaser representatives shall be appointed by, and serve at the pleasure of, the Iowa Grain and Feed Association and Agri-Industries. The Iowa grain and feed association and agri-industries shall each nominate two first purchaser representatives, and the board shall appoint one first purchaser representative from each set of nominations or another first purchaser of its choice as the first purchaser representatives on the board.

Sec. 23. Section 196A.9, unnumbered paragraph 2, Code 1985, is amended to read as follows:

In addition the council shall appoint a nominating committee composed of five processors and five hatchery operators in the state. The nominating committee shall nominate two processors as candidates for each processor position and two hatchery operators as candidates for the hatchery operator position on the council. Additional processor candidates may be nominated by the written petition of twenty percent of the processors in this state, and additional hatchery operator candidates may be nominated by the written petition of twenty percent of the hatchery operators. Procedures governing the time and place of filing the nominations shall be adopted by rule and publicized by the council.

Sec. 24. Section 196A.19, Code 1985, is amended by adding the following new unnumbered paragraph as unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. All moneys deposited in the Iowa egg fund are appropriated for the administration of this chapter and for the payment of claims based upon obligations incurred in the performance of activities and functions set forth in this chapter.

Sec. 25. **TRANSITION TERMS FOR MEMBERS OF THE EXECUTIVE COMMITTEE OF THE IOWA BEEF CATTLE PRODUCERS ASSOCIATION.** The term of all members appointed by the Iowa beef cattle producers association and the Iowa livestock feeders association shall expire after the 1987 annual meeting of the Iowa beef cattle producers association. Five members shall be elected at the 1987 annual meeting of the Iowa beef cattle producers association and shall assume office upon this expiration.

The term of the member appointed by the Iowa livestock auction market association shall expire sixty days after the effective date of the Act. The secretary of agriculture shall appoint a livestock market representative pursuant to chapter 181 prior to this expiration and the appointee shall assume office upon this expiration.

Sec. 26. TRANSITION TERMS FOR MEMBERS OF THE IOWA PORK PRODUCERS COUNCIL. The terms of all voting members appointed prior to December 31, 1985 shall expire on June 30, 1986. The secretary of agriculture shall appoint seven voting members to assume office on July 1, 1986. The terms of office for these members shall be determined by lot, but no voting members from the same district shall serve the same term. As nearly as possible one-third of the voting members shall serve for one year, one-third of the voting members shall serve for two years, and one-third of the voting members shall serve for three years. Voting members appointed by the secretary for terms of less than three years may serve for two additional three-year terms, but no voting member shall serve more than eight consecutive years.

Sec. 27. TRANSITION TERMS FOR MEMBERS OF THE IOWA TURKEY MARKETING COUNCIL. The terms of all members of the Iowa turkey marketing council appointed from a list submitted by the Iowa turkey federation prior to the effective date of this Act expire fifty-nine days after the effective date of this Act. The secretary of agriculture shall appoint five representatives of the Iowa turkey industry to assume office sixty days after the effective date of this Act.

Sec. 28. TRANSITION TERMS FOR MEMBERS OF THE IOWA SOYBEAN PROMOTION BOARD. The terms of the members appointed by the Iowa grain and feed association and agri-industries expire fifty-nine days after the effective date of this Act. The Iowa soybean promotion board shall appoint two first purchaser representatives to assume office sixty days after the effective date of this Act.

Sec. 29. TRANSITION TERMS FOR MEMBERS OF THE IOWA CORN PROMOTION BOARD. The terms of all members appointed by the Iowa grain and feed association and agri-industries expire fifty-nine days after the effective date of this Act. The Iowa corn promotion board shall appoint two first purchaser representatives to assume office sixty days after the effective date of this Act.

Sec. 30. This Act, being deemed of immediate importance, takes effect from and after its publication in *The Messenger*, a newspaper published in Fort Dodge, Iowa, and in *The Daily Reporter*, a newspaper published in Spencer, Iowa.

Approved April 18, 1986

I hereby certify that the foregoing Act, House File 2379, was published in *The Messenger*, Fort Dodge, Iowa, on April 23, 1986, and in *The Daily Reporter*, Spencer, Iowa, on April 23, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1101
BLACK LUNG EXPOSURE
H.F. 2001

AN ACT relating to the length of exposure in the last employment to the hazards of pneumoconiosis under the workers' compensation law.

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

Section 1. Section 85A.10, Code 1985, is amended to read as follows:

85A.10 LAST EXPOSURE – EMPLOYER LIABLE.

Where ~~If~~ compensation is payable for an occupational disease, the employer in whose employment the employee was last injuriously exposed to the hazards of ~~such the~~ disease, shall be ~~is~~ liable therefor for the compensation. The notice of injury and claim for compensation as hereinafter required shall be given and made to ~~such the~~ employer, ~~provided, that in case of pneumoconiosis, the only employer liable shall be the last employer in whose employment the employee was last injuriously exposed to the hazards of the disease during a period of not less than sixty days as required under this chapter.~~

Sec. 2. This Act applies to claims for compensation in cases of pneumoconiosis filed on or after the effective date of this Act.

Approved April 18, 1986

CHAPTER 1102
INSURANCE HOLDING COMPANIES
H.F. 2390

AN ACT relating to the regulation of insurance holding companies and providing for penalties.

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

Section 1. Section 521A.1, Code 1985, is amended by adding the following new subsection 4 and renumbering the subsequent subsections:

NEW SUBSECTION. 4. "Domestic insurer" means an insurer organized or created under the laws of this state except an insurer excluded under subsection 6.

Sec. 2. Section 521A.1, subsection 6, Code 1985, is amended to read as follows:

~~6 7.~~ A "person" is an individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing acting in concert, but ~~shall does~~ not include any securities broker performing no more than the usual and customary broker's function a joint venture partnership exclusively engaged in owning, managing, leasing, or developing real or tangible personal property.

Sec. 3. Section 521A.2, subsection 1, paragraph h, Code 1985, is amended to read as follows:

h. Ownership and management of assets which the parent corporation could itself own and manage. However, the aggregate investment by the insurer and its subsidiaries acquired or organized pursuant to this paragraph shall not exceed the limitations applicable to the investments by the insurer.

Sec. 4. Section 521A.2, subsection 3, paragraph a, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Invest, in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries, amounts which do not exceed fifty percent of the insurer's surplus as regards policyholders, provided that if after such the investments the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs. In calculating the amount of such the investments, investments in domestic or foreign insurance subsidiaries shall be excluded and both of the following shall be included:

Sec. 5. Section 521A.2, subsection 3, paragraph b, Code 1985, is amended by striking the paragraph.

Sec. 6. Section 521A.2, subsection 3, paragraph d, Code 1985, is amended to read as follows:

d. With the approval of the commissioner, invest any greater amount in common stock, preferred stock, debt obligations, or other securities of one or more subsidiaries, provided that than permitted pursuant to paragraphs "a", "b*", and "c". However, after such the investment the insurer's surplus as regards policyholders will shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

Sec. 7. Section 521A.2, subsection 3, paragraph e, Code 1985, is amended by striking the paragraph.

Sec. 8. Section 521A.2, subsection 5, Code 1985, is amended to read as follows:

5. QUALIFICATION OF INVESTMENT - WHEN DETERMINED. Whether any investment pursuant to subsection 3 of this section meets the applicable requirements thereof of the subsection is to be determined immediately after such investment is made, taking into account the then outstanding principal balance on all previous investments in debt obligations, and the value of all previous investments in equity securities as of the date they were made before the investment is made by calculating the applicable investment limitations as though the investment had already been made, taking into account the then outstanding principal balance on all previous investments in debt obligations, and the value of all previous investments in equity securities as of the day they were made, net of any return of capital invested, excluding dividends.

Sec. 9. Section 521A.3, subsection 1, unnumbered paragraph 2, Code 1985, is amended to read as follows:

For purposes of this section a domestic insurer shall include any other person controlling a domestic insurer unless such the other person is either directly or through its affiliates primarily engaged in business other than the business of insurance. However, for purposes of this section "person" does not include a securities broker holding, in the usual and customary broker's function, less than twenty percent of the voting securities of an insurance company or of a person which controls an insurance company.

Sec. 10. Section 521A.3, subsection 2, paragraph b, Code 1985, is amended to read as follows:

b. The source, nature and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction wherein in which funds were or are to be obtained for any such purpose including a pledge of the insurer's stock, or the stock of any of its subsidiaries or controlling affiliates, and the identity of persons furnishing such the consideration, provided, however, that where. However, if a source of such the consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential, if the person filing such the statement so requests.

Sec. 11. Section 521A.3, subsection 2, paragraph 1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

~~Such additional~~ Additional information as the commissioner may by rule or regulation prescribe as necessary or appropriate for the protection of policyholders and securityholders of the insurer or in the public interest.

Sec. 12. Section 521A.4, subsection 1, Code 1985, is amended to read as follows:

1. REGISTRATION. ~~Every~~ An insurer which is authorized to do business in this state and which is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to ~~disclosure~~ registration requirements and standards which are substantially similar to those contained in this section and section 521A.5, subsection 1, paragraph "a", and are adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in this section. ~~Any~~ The insurer shall also file a copy of the summary of its registration statement as required by subsection 4 in each state in which that insurer is authorized to do business if requested to do so by the commissioner of that state. An insurer which is subject to registration under this section shall register within fifteen days after it becomes subject to registration and annually thereafter by March 31 of each year for the previous calendar year unless the commissioner for good cause shown extends the time for registration, and then within such the extended time. The commissioner may require any authorized insurer which is a member of a holding company system which is not subject to registration under this section to furnish a copy of the registration statement or other information filed by ~~such~~ the insurance company with the insurance regulatory authority of domiciliary jurisdiction.

Sec. 13. Section 521A.4, subsection 2, paragraphs b and c, Code 1985, are amended to read as follows:

b. The identity and relationship of every member of the insurance holding company system.

c. The following agreements in force, relationships subsisting, and transactions currently outstanding or which have occurred during the last calendar year between such the insurer and its affiliates:

(1) Loans, other investments, or purchases, sales, or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates.

(2) Purchases, sales, or exchanges of assets.

(3) Transactions not in the ordinary course of business.

(4) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business.

(5) All management and service contracts and all cost-sharing arrangements, other than cost allocation arrangements based upon generally accepted accounting principles.

(6) Reinsurance agreements ~~covering all or substantially all of one or more lines of insurance of the ceding company.~~

(7) Dividends and other distributions to shareholders.

Sec. 14. Section 521A.4, subsection 2, Code 1985, is amended by adding the following new lettered paragraph d and relettering the subsequent paragraph:

NEW LETTERED PARAGRAPH. d. A pledge of the insurer's stock, including stock of a subsidiary or controlling affiliate, for a loan made to a member of the insurance holding company system.

Sec. 15. Section 521A.4, subsection 3, Code 1985, is amended to read as follows:

3. MATERIALITY. ~~No information~~ Information need not be disclosed on the registration statement filed pursuant to subsection 2 of this section if such the information is not material for the purposes of this section. Unless the commissioner by rule, regulation or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments, or guarantees involving one-half of one percent or less of an insurer's admitted assets as of the thirty-first day of December next preceding shall December 31 are not be deemed material for purposes of this section.

Sec. 16. Section 521A.4, subsection 4, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

4. SUMMARY OF REGISTRATION STATEMENT. All registration statements shall contain a summary outlining all items in the current registration statement representing changes from the next preceding registration statement.

Sec. 17. Section 521A.4, Code 1985, is amended by adding the following new subsection 5 and renumbering the subsequent subsections:

NEW SUBSECTION. 5. INFORMATION OF INSURERS. Any person within an insurance holding company system subject to registration is required to provide complete and accurate information to an insurer if the information is reasonably necessary to enable the insurer to comply with this chapter.

Sec. 18. Section 521A.4, subsection 10, Code 1985, is amended to read as follows:

10. VIOLATIONS. The failure to file a registration statement or ~~any amendment thereto~~ a summary of the registration statement required by this section within the time specified for such the filing shall be is a violation of this section.

Sec. 19. Section 521A.5, subsection 1, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

1. TRANSACTIONS WITHIN A HOLDING COMPANY SYSTEM AFFECTING DOMESTIC INSURERS.

a. Material transactions by registered insurers with their affiliates are subject to the following standards:

- (1) The terms shall be fair and reasonable.
- (2) Charges or fees for services performed shall be reasonable.
- (3) Expenses incurred and payment received shall be allocated to the insurer in conformity with customary and consistently applied insurance accounting practices.
- (4) The books, accounts, and records of each party shall be so maintained as to clearly and accurately disclose the precise nature and details of the transactions.
- (5) After any dividends or distributions to shareholder affiliates, the insurer's surplus as regards policyholders shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

b. A domestic insurer and a person in its holding company system shall not enter into any of the following transactions between each other involving amounts equal to or exceeding the greater of five percent of the insurer's admitted assets or twenty-five percent of the surplus as regards policyholders as of the next preceding December 31, unless the domestic insurer notifies the commissioner in writing of its intention to enter into the transaction at least thirty days prior to entering into the transaction or within a shorter time permitted by the commissioner and the commissioner has not disapproved of the transaction within the time period:

- (1) Sales.
- (2) Purchases.
- (3) Exchanges.
- (4) Loans or extensions of credit.
- (5) Guarantees.
- (6) Investments.
- (7) Loans or extensions of credit to a person who is not an affiliate, if the domestic insurer makes the loans or extensions of credit with the agreement or understanding that the proceeds of the transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, an affiliate of the domestic insurer making the loans or extensions of credit.

c. A domestic insurer and a person in its holding company system shall not enter into any of the following transactions, unless the domestic insurer notifies the commissioner in writing of

its intention to enter into the transaction at least thirty days prior to entering into the transaction or within a shorter time permitted by the commissioner and the commissioner has not disapproved of the transaction within the time period:

(1) All reinsurance agreements which in the aggregate will or may require as consideration the net transfer of assets to or by the domestic insurer in an amount, as of the next preceding December 31, exceeding twenty-five percent of statutory surplus.

(2) Any material transactions specified by rule which the commissioner determines may adversely affect the interests of the domestic insurer's policyholders.

d. This subsection does not authorize or permit any transactions which in the case of an insurer would be otherwise contrary to law.

e. A domestic insurer shall not enter into transactions which are part of a plan or series of like transactions with a person or persons within the holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would occur otherwise. If the commissioner determines that such separate transactions were entered into over a twelve-month period for that purpose, the commissioner may exercise the authority under section 521A.10.

f. The commissioner, in reviewing transactions pursuant to paragraphs "b" and "c", shall consider whether the transactions comply with the standards set forth in paragraph "a".

g. A domestic insurer shall notify the commissioner within thirty days of an investment of the insurer in a corporation if the total investment in the corporation by the insurance holding company system exceeds ten percent of the corporation's voting securities.

Sec. 20. Section 521A.5, subsection 3, unnumbered paragraphs 1 and 2, Code 1985, are amended to read as follows:

~~No~~ A domestic insurer subject to registration under section 521A.4 shall not pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until either thirty days after the commissioner has received notice of the declaration thereof of the payment and has not within such the period disapproved such the payment, or the commissioner shall have approved such the payment within such the thirty-day period.

For purposes of this section, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distributions made within the preceding twelve months exceeds the greater of either ten percent of such the insurer's surplus as regards policyholders as of the thirty-first day of December next preceding December 31, or the net gain from operations of such the insurer, if such the insurer is a life insurer, or the net investment income if such the insurer is not a life insurer, for the twelve-month period ending the thirty-first day of December next preceding December 31, but shall not include pro rata distributions of any class of the insurer's own securities. In determining whether a dividend or distribution is extraordinary, an insurer may carry forward income or gain from operations from the previous two calendar years that has not already been paid out as dividends.

Sec. 21. Section 521A.6, subsection 1, Code 1985, is amended to read as follows:

1. POWER OF COMMISSIONER. Subject to the limitation contained in this section and in addition to the powers which the commissioner has under chapter 507 relating to the examination of insurers, the commissioner shall may also have the power to order any an insurer registered under section 521A.4 to produce such records, books, or other information papers in the possession of the insurer or its affiliates as shall be reasonably necessary to ascertain the financial condition or legality of conduct of such the insurer or to determine compliance with this chapter. In the event such If the insurer fails to comply with such the order, the commissioner shall have the power to may examine such the affiliates to obtain such the information.

Sec. 22. Section 521A.6, subsection 2, Code 1985, is amended by striking the subsection.

Sec. 23. Section 521A.10, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

521A.10 SANCTIONS AND PENALTIES.

1. If the commissioner finds after notice and hearing that a person subject to registration under section 521A.4 failed without just cause to file a registration statement as required in this chapter, the person shall be required to pay a penalty of one thousand dollars for each day's delay. The penalty shall be recovered by the commissioner and paid into the state general fund. The maximum penalty under this section is ten thousand dollars. The commissioner may reduce the penalty if the person demonstrates that the imposition of the penalty would constitute a financial hardship to the person.

2. If it appears to the commissioner that an insurer subject to this chapter has engaged in a transaction or entered into a contract which is subject to 521A.5 and which would not have been approved had approval been requested, the commissioner may order the insurer to immediately cease and desist any further activity under that transaction or contract. After notice and hearing, the commissioner may also order the insurer to void any contracts and restore the status quo if the commissioner finds that action is in the best interest of the policyholders, creditors, or the public.

3. If it appears to the commissioner that an insurer or a director, officer, agent, or employee of an insurer has committed a willful violation of this chapter, the commissioner may institute criminal proceedings against the insurer or the responsible director, officer, agent, or employee in the district court for the county in which the principal office of the insurer is located, or if the insurer has no office in this state, then in the district court for Polk county. An insurer or individual who willfully violates this chapter is guilty of a class "D" felony.

Sec. 24. NEW SECTION. 521A.11A RECOVERY.

1. Subject to subsections 2 through 4, if an order for liquidation, conservation, or rehabilitation of a domestic insurer has been entered, the receiver appointed under the order may recover on behalf of the insurer either of the following if made within one year preceding the filing of the petition for liquidation, conservation, or rehabilitation:

a. From a parent corporation, holding company, affiliate, or other person who otherwise controlled the insurer, the amount of distributions, other than distributions of shares of the same class of stock, paid by the insurer on its capital stock.

b. Any payment in the form of a bonus, termination settlement, or extraordinary lump sum salary adjustment made by the insurer or a subsidiary of the insurer to a director, officer, agent, or employee.

2. A distribution is not recoverable if the parent holding company, affiliate, or other person shows that when the distribution was paid it was lawful and reasonable, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations.

3. A parent corporation, holding company, affiliate, or other person who otherwise controlled the insurer or affiliate at the time the distributions were paid is liable only up to the amount of distributions or payments under subsection 1 that the person received. A person who otherwise controlled the insurer at the time the distributions were declared is liable only up to the amount of distributions the person would have received if the person had been paid immediately. If two or more persons are liable with respect to the same distributions, each shall be separately liable for their distributive share.

4. The maximum amount recoverable under this subsection shall be the amount needed in excess of all other available assets of the impaired or insolvent insurer to pay the contractual obligations of the impaired or insolvent insurer and to reimburse any guaranty funds.

5. To the extent that a person liable under subsection 3 is insolvent or otherwise fails to pay claims due from the person pursuant to this section, the person's parent corporation, holding company, affiliate, or other person who otherwise controlled it at the time the distribution was

paid, is separately liable for the share of any resulting deficiency in the amount recovered from the parent corporation, holding company, affiliate, or other person who otherwise controlled it.

Approved April 18, 1986

CHAPTER 1103
BONDED WAREHOUSE TARIFFS
H.F. 2446

AN ACT relating to the insurance and tariff provisions for bonded warehouses for agricultural products.

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

Section 1. Section 543.15, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, notwithstanding the insurance requirements set forth in this section, a licensed warehouse may exclude from the insurance coverage stored grain to which title is fully vested in the United States government or any of its subdivisions or agencies, provided that the licensed warehouse has on file with the United States government or any of its subdivisions or agencies a current and accepted uninsured storage rate under the provisions of their uniform grain storage agreement. The licensed warehouse shall file a copy of the current uninsured tariff rate with the commission immediately upon acceptance of the uninsured rate by the United States government or any of its subdivisions or agencies.

Sec. 2. Section 543.28, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

543.28 TARIFF RATES.

A warehouse operator shall, at the time of application for a license, file a tariff with the commission which shall contain rates to be charged for receiving, storage, and load-out of grain. The tariff shall be posted in a conspicuous place at the place of business of the licensee in a form prescribed by the commission and shall become effective at the time the license becomes effective.

Storage charges shall commence on the date of delivery to the warehouse. Storage, receiving, or load-out charges other than those specified in the tariff may be made if the charge is required by the terms of a written contract with the United States government or any of its subdivisions or agencies.

Grain deposited with the warehouse for the sole purpose of processing and redelivery to the depositor is subject only to the charges listed under the grain bank section of the tariff. Drying and cleaning of grain shall not be construed as processing.

A tariff may be amended at any time and is effective immediately, except that grain in store on the effective date of a storage charge increase does not assume the increased rate until the subsequent anniversary date of deposit. Any decrease in storage rates shall be effective immediately and shall be applicable to all grain in store on the effective date of the decrease.

A warehouse operator may file with the commission and publish the supplemental tariff applicable only to grain meeting special descriptive standards or characteristics as set forth in the supplemental tariff. A supplemental tariff shall be in a form prescribed by the commission and be posted adjacent to the warehouse tariff.

All tariff charges shall be nondiscriminatory within classes.

Approved April 18, 1986

CHAPTER 1104**WORKERS' COMPENSATION BENEFITS***H.F. 2456*

AN ACT relating to workers' compensation benefits for persons receiving employment training or employment evaluations.

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

Section 1. **NEW SECTION. 85.60 INJURIES WHILE IN EMPLOYMENT TRAINING OR EVALUATION.**

A person receiving earnings while engaged in employment training or while undergoing an employment evaluation under the direction of a rehabilitation facility approved for purchase-of-service contracts or for referrals by the department of human services or the department of public instruction, who sustains an injury arising out of and in the course of the employment training or employment evaluation is entitled to benefits as provided in this chapter, chapter 85A, chapter 85B, and chapter 86. Notwithstanding the minimum benefit provisions of this chapter, such a person entitled to benefits under this chapter is entitled to receive a minimum weekly benefit amount for a permanent partial disability under section 85.34, subsection 2, or for a permanent total disability under section 85.34, subsection 3, equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage computed pursuant to section 96.3 and in effect at the time of the injury.

Sec. 2. Section 85.61, subsection 1, Code Supplement 1985, is amended to read as follows:

1. "Employer" includes and applies to any a person, firm, association, or corporation, state, county, municipal corporation, school corporation, area education agency, township as an employer of volunteer fire fighters only, benefited fire district, and the legal representatives of a deceased employer. Employer includes and applies to a rehabilitation facility approved for purchase-of-service contracts or for referrals by the department of human services or the department of public instruction.

Sec. 3. Section 85.61, subsection 2, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

"Worker" or "employee" includes an inmate as defined in section 85.59 and a person described in section 85.60.

Approved April 18, 1986

CHAPTER 1105**CHILDREN IN CRIMINAL OFFENSES***H.F. 2239*

AN ACT relating to criminal offenses committed against or with children and to court testimony by children.

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

Section 1. Section 726.2, Code 1985, is amended to read as follows:

726.2 INCEST.

A person, except a child as defined in section 702.5, who has sexual intercourse performs a sex act with another whom the person knows to be related to the person, either legitimately or illegitimately, as an ancestor, descendant, brother or sister of the whole or half blood, aunt, uncle, niece, or nephew, commits incest. Incest is a class "D" felony.

Sec. 2. Section 910A.3, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A court may, upon its own motion or upon the motion of a party, order the court testimony of a child to be limited in duration in accordance with the developmental maturity of the child. The court may consider or hear expert testimony in order to determine the appropriate limitation on the duration of a child's testimony. However, the court shall, upon motion, limit the duration of a child's uninterrupted testimony to one hour, at which time the court shall allow the child to rest before continuing to testify.

Approved April 17, 1986

CHAPTER 1106
WAIVER OF JURY TRIAL
S.F. 444

AN ACT relating to the time in which a defendant may waive the defendant's right to a jury trial.

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

Section 1. Rule of criminal procedure 16, section 1, Iowa court rules, second edition, is amended to read as follows:

1. **TRIAL BY JURY.** Cases required to be tried by jury shall be so tried unless the defendant voluntarily and intelligently waives a jury trial in writing and on the record within thirty days after arraignment, or if no waiver is made within thirty days after arraignment the defendant may waive within ten days after the completion of discovery, but not later than ten days prior to the date set for trial, as provided in these rules for good cause shown, and after such time times only with the consent of the prosecuting attorney. The defendant may not withdraw a voluntary and knowing waiver of trial by jury as a matter of right, but the court, in its discretion, may permit withdrawal of the waiver prior to the commencement of the trial.

Approved April 22, 1986

CHAPTER 1107
ASSESSMENT ROLLS AND INFORMATION
S.F. 178

AN ACT relating to the handling and preservation of assessment rolls and assessment information.

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

Section 1. Section 441.26, unnumbered paragraph 4, Code 1985, is amended to read as follows:

~~Such~~ The assessment rolls shall be used in listing the property and showing the values affixed to ~~such~~ the property of all persons, partnerships, corporations, or associations assessed, ~~which~~. The rolls shall be made in duplicate. ~~Said~~ The duplicate roll shall be signed by the assessor, detached from the original and delivered to the person assessed if there has been an increase or decrease in the valuation of the property, or upon the written request of the person assessed. If there has been no change in the evaluation, the information on the roll may be

printed on computer stock paper and preserved as required by this chapter. If the person assessed requests in writing a copy of the roll, the copy shall be provided to the person. It shall be lawful to combine the affidavit or form of oath or affirmation with reference as to real and personal property, and the affidavit or form of oath or affirmation as to moneys and credits, into one affidavit or form of oath or affirmation, and only the one such affidavit or form of oath or affirmation shall be sufficient on the assessment roll. The pages of the assessor's assessment book shall contain columns ruled and headed for the information required by this chapter and that which the director of revenue may deem deems essential in the equalization work of the director. The assessor shall return all assessment rolls and any schedules therewith to the county auditor, along with the completed assessment book, as provided in this chapter, and the county auditor shall carefully keep and preserve all such the rolls, schedules and book for a period of five years from the time of its filing of the same in the county auditor's office.

Approved April 22, 1986

CHAPTER 1108

JURIES S.F. 245

AN ACT relating to jurors, jury commissions and juror selection and providing penalties.

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

Section 1. Section 331.322, subsection 16, Code 1985, is amended to read as follows:

16. Pay reasonable compensation to assistants for the jury commission established under chapter ~~608~~ 607.

Sec. 2. Section 331.502, subsection 42, Code 1985, is amended to read as follows:

42. Serve as an ex officio member of the jury commission as provided in section ~~608.1~~ 607.9.

Sec. 3. Section 331.502, subsection 44, Code 1985, is amended to read as follows:

44. Carry out duties relating to the selection of jurors as provided in chapter ~~609~~ 607.

Sec. 4. Section 331.602, subsection 38, Code 1985, is amended to read as follows:

38. Serve as a member of the jury commission to draw jurors as provided in section ~~608.1~~ 607.9.

Sec. 5. Section 331.653, subsections 43 and 44, Code 1985, are amended by striking the subsections and inserting in lieu thereof the following:

43. Carry out duties relating to the service of notice on a jury commissioner or jury manager as provided in section 607.44.

Sec. 6. Section 602.1303, subsection 3, Code 1985, is amended to read as follows:

3. A county shall pay the compensation and expenses of the jury commission and assistants under chapter ~~608~~ 607.

Sec. 7. Section 602.8102, subsections 91 and 92, Code 1985, are amended to read as follows:

91. Serve as an ex officio jury commissioner and notify appointive commissioners of their appointment as provided in sections ~~608.1~~ 607.9 and ~~608.5~~ 607.13.

92. Carry out duties relating to the selection of jurors as provided in chapter ~~609~~ 607.

Sec. 8. Section 602.11101, subsection 1, Code 1985, is amended to read as follows:

1. On October 1, 1983 the state shall assume the responsibility for and the costs of jury fees and mileage as provided in section 607.5 607.8 and on July 1, 1984 the state shall assume the responsibility for and the costs of prosecution witness fees and mileage and other witness fees and mileage assessed against the prosecution in criminal actions prosecuted under state law as provided in sections 622.69 and 622.72.

Sec. 9. NEW SECTION. 607.1 DECLARATION OF POLICY.

It is the policy of this state that all persons be selected at random from a fair cross section of the population of the area served by the court, and that a person shall have both the opportunity in accordance with the provisions of law to be considered for jury service in this state and the obligation to serve as a juror when selected.

Sec. 10. NEW SECTION. 607.2 PROHIBITION OF DISCRIMINATION.

A person shall not be excluded from jury service or from consideration for jury service in this state on account of age if the person is eighteen years of age or older, race, creed, color, sex, national origin, religion, economic status, physical disability, or occupation.

Sec. 11. NEW SECTION. 607.3 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Clerk" means clerk of the district court, deputy clerk, or the clerk's designee.
2. "Court" means the district court of this state and includes, when the context requires, a judicial officer as defined in section 602.1101.
3. "Juror" means any person selected for service on either the grand or petit jury who attends court when originally instructed to report or is deferred to a future date uncertain, or is on-call and available to report to court when so needed and so requested by the court.
4. "Jury wheel" means a physical device or electronic data processing system for storage of the names and addresses or identifying numbers of prospective jurors.
5. "Motor vehicle operators list" means the official records maintained by the state of the names and addresses of those individuals in the respective counties retaining valid motor vehicle operator's licenses on or before October 15 of each general election year.
6. "Panel" means those jurors drawn or assigned for service to a courtroom, judge, or trial.
7. "Pool" means the sum total of prospective jurors reporting for service and not drawn or assigned to a courtroom, judge or trial.
8. "Random selection" means the selection of names in a manner immune to any subjective bias so that no recognizable class of the population from which names are being selected can be purposefully included or excluded.
9. "Source lists" means the voter registration list, the motor vehicle operator's list and other comprehensive lists of persons residing in a county as identified pursuant to section 607.22.
10. "Voter registration list" means the official records maintained by the state of names and addresses of persons registered to vote on or before October 15 of each general election year.
11. "Term of service" means the period of time a juror is requested to serve.
12. "Master list" means the list of names taken from the source lists for possible jury service.

Sec. 12. NEW SECTION. 607.4 JURY SERVICE – MINIMUM QUALIFICATIONS – DISQUALIFICATION – DOCUMENTATION.

1. To serve or to be considered for jury service, a person must possess the following minimum qualifications:
 - a. Be eighteen years of age or older.
 - b. Be a citizen of the United States.
 - c. Be able to understand the English language in a written, spoken, or manually signed mode.
 - d. Be able to receive and evaluate information such that the person is capable of rendering satisfactory juror service.

2. However, a person possessing the minimum qualifications for service or consideration for service may be disqualified for service or consideration for service if the person has, directly or indirectly, requested to be placed on a list for juror service.

3. A person who claims disqualification for any of the grounds identified in this section may, upon the person's own volition, or shall, upon the court's volition, submit in writing to the court's satisfaction, documentation that verifies disqualification from juror service.

Sec. 13. NEW SECTION. 607.5 AUTOMATIC EXCUSE FROM JURY SERVICE.

A person shall be excused from jury service if the person submits written documentation verifying, to the court's satisfaction, that the person is solely responsible for the daily care of a permanently disabled person living in the person's household and that the performance of juror service would cause substantial risk of injury to the health of the disabled person. However, if the person is regularly employed at a location other than the person's household, the person shall not be excused under this section.

Sec. 14. NEW SECTION. 607.6 DISCRETIONARY EXCUSE FROM JURY SERVICE.

The court may defer a term of grand or petit juror service upon a finding of hardship, inconvenience, or public necessity, however the juror may be required to serve at a later date established by the court. The court may excuse a person from grand juror service, considering the length of grand juror service, in part or in full, upon a finding that such service would threaten the person's economic, physical, or emotional well-being, or the well-being of another person who is dependent upon the person, or other similar findings of extreme hardship. The courts shall exercise this authority strictly. However, in exercising this authority the court shall allow the employer of the person being asked to serve to give testimony in support of a request by the person for deferral or excuse. The court may dismiss a juror at any time in the interest of justice.

Sec. 15. NEW SECTION. 607.7 FALSE EXCUSE — PROHIBITED REQUESTS — PENALTY.

A person who knowingly makes a false affidavit, statement, or claim, for the purpose of relieving the person or another person from juror service, or a person who requests the court to select the person as a juror for a particular case, commits contempt.

Sec. 16. NEW SECTION. 607.8 FEES FOR JURORS.

Grand jurors and petit jurors in all courts shall receive ten dollars as compensation for each day's service or attendance, including attendance required for the purpose of being considered for service, reimbursement for mileage expenses at the rate specified in section 79.9 or section 602.1509 for each mile traveled each day to and from their residences to the place of service or attendance, and reimbursement for actual expenses of parking, as determined by the clerk. A juror shall not receive reimbursement for mileage expenses or actual expenses of parking when the juror travels in a vehicle for which another juror is receiving reimbursement for mileage and parking expenses.

Sec. 17. NEW SECTION. 607.9 EX OFFICIO COMMISSIONS.

In counties utilizing a jury commission for the drawing of jurors, the clerk of the district court, the county auditor, and the county recorder shall ex officio constitute the jury commission but shall receive no extra compensation for acting as jury commissioners. If any of the above offices have been consolidated, the chief judge of the judicial district shall select another elected county officer to serve as a jury commissioner.

Sec. 18. NEW SECTION. 607.10 APPOINTIVE COMMISSION TO SELECT.

In each county the judges of the district court of the judicial district in which the county is located shall, on or before October 1 of each year in which the general election is held, appoint three competent electors as a jury commission to draw up the master list for the two years beginning January 1 after the election. The names for the master list shall be taken from the

source lists. If all of the source lists are not used to draw up the master list, then the names drawn must be selected in a random manner.

Sec. 19. NEW SECTION. 607.11 LIMITATION ON APPOINTMENT.

More than two members of the appointive commission shall not be residents of the city in which the courthouse of the county in which they are appointed, is located, and a person shall not be appointed who has solicited the appointment; nor shall any county officer or attorney at law be appointed a member of the commission.

Sec. 20. NEW SECTION. 607.12 MANNER OF APPOINTMENT.

The appointment shall be in writing, signed by three judges of the judicial district and shall be filed and made a matter of record, in the office of the clerk of the district court.

Sec. 21. NEW SECTION. 607.13 CLERK TO NOTIFY.

The clerk of the district court shall at once notify each appointive commissioner of the appointment.

Sec. 22. NEW SECTION. 607.14 VACANCY.

If a vacancy occurs in the appointive commission through death, removal or inability of a member of the commission to act, the judge or judges of the judicial district shall appoint a person to act during the remainder of the unexpired term.

Sec. 23. NEW SECTION. 607.15 QUALIFICATION - TENURE.

The appointive commissioners shall qualify on or before the tenth day of October, following their appointment, by taking the oath of office required of civil officers. The oath shall be subscribed by them and filed in the office of the clerk of the district court. They shall hold office for the term of two years and until their successors are duly appointed and qualified.

Sec. 24. NEW SECTION. 607.16 INSTRUCTIONS TO APPOINTIVE COMMISSION.

The judges of the district court shall give instructions to appointive jury commissioners at the time of their appointment as to their duties, and shall call their attention to sections 607.1, 607.2, 607.4 and 607.22.

Sec. 25. NEW SECTION. 607.17 COMPENSATION AND EXPENSES.

Each appointive commissioner shall, in addition to actual expenses, receive a compensation of ten dollars for each day employed by the appointive commissioner in the discharge of the appointive commissioner's official duties.

Sec. 26. NEW SECTION. 607.18 ASSISTANTS.

The commissioners may employ assistants in preparing the jury lists as they may deem necessary, and the board of supervisors shall allow reasonable compensation to the assistants.

Sec. 27. NEW SECTION. 607.19 JURY COMMISSIONS NOT REQUIRED.

In counties utilizing electronic data processing techniques and equipment for the drawing of jurors, ex officio or appointive jury commissions need not be appointed provided that proper records are retained by the jury manager that document, to the court's satisfaction, that the procedures utilized to randomly select the names of the prospective petit and grand jurors meet the requirements of this chapter. The decision to use electronic data processing techniques and equipment in lieu of a jury commission shall be made by the chief judge of the judicial district in which the county is located.

Sec. 28. NEW SECTION. 607.20 JURY MANAGER.

If the chief judge of the judicial district uses electronic data processing techniques and equipment for the drawing of jurors in lieu of a jury commission, the chief judge shall, after consultation with the clerk, district court administrator and county auditor, appoint an individual to serve as the jury manager for the county. The jury manager shall be responsible for the implementation of this chapter for the county. The jury manager shall update the master list from the source lists at least once every two years beginning January 1 after the general election is held.

Sec. 29. NEW SECTION. 607.21 JURY LISTS.

The appointive jury commission or jury manager shall prepare, select and return, on blank lists furnished by the county, the following:

1. The list of grand jurors: A list of names and addresses of one hundred and fifty persons from which to draw grand jurors.
2. The list of petit jurors: A list of names and addresses of persons selected from the source lists equal to the number of names necessary to provide jurors needed by the court, with the number to be determined by the jury commission or jury manager.

Sec. 30. NEW SECTION. 607.22 USE OF SOURCE LISTS -- INFORMATION PROVIDED.

The appointive jury commission or the jury manager shall use all of the following source lists in preparing grand and petit jury lists:

1. The current voter registration list.
2. The current motor vehicle operators' list.
3. Any other current comprehensive list of persons residing in the county, including but not limited to the lists of public utility customers, which the appointive jury commission or jury manager determines are useable for the purpose of a juror source list.

The applicable state and local government officials shall furnish, upon request, the appointive jury commission or jury manager with copies of lists necessary for the formulation of source lists at no cost to the commission, manager, or county.

Sec. 31. NEW SECTION. 607.23 JUDICIAL DIVISION OF COUNTY.

In counties which are divided for judicial purposes, and in which court is held at more than one place, each division shall be treated as a separate county, and the grand and petit jurors, selected to serve in the respective courts, shall be drawn from the division of the county in which the court is held and at which the persons are required to serve.

Sec. 32. NEW SECTION. 607.24 CERTIFICATION.

The jury lists required to be prepared by this chapter shall be certified by the appointive jury commission or the jury manager in substantially the following form:

We/I, constituting the jury commission/the jury manager for county, certify that the foregoing lists do not, to our/my knowledge and belief, contain the name of any person who is not qualified for juror service under Iowa Code section 607.4 and that the lists were selected in compliance with Iowa Code sections 607.1, 607.2, and 607.21 through 607.23.

Sec. 33. NEW SECTION. 607.25 FILING OF LISTS.

The appointive jury commission or jury manager, after certifying the jury lists, shall place the lists in sealed containers, and deposit the lists in the office of the clerk or jury manager who shall keep them in a secure area. The lists may also be stored by means of electronic data processing procedures and equipment.

Sec. 34. NEW SECTION. 607.26 PRESERVATION OF RECORDS.

The clerk or jury manager shall preserve all records and lists compiled and maintained in connection with the selection and service of jurors for four years, or for any longer period ordered by the chief judge of the judicial district.

Sec. 35. NEW SECTION. 607.27 PREPARATION FOR DRAWING OF PANELS.

The names entered upon the appointive jury commission's or jury manager's lists and deposited in the office of the clerk or jury manager constitute the grand and petit master lists, from which grand and petit jurors shall be drawn.

Within ten days after the lists are deposited in the office of the clerk or jury manager, the clerk or jury manager shall do either of the following:

1. Prepare from the lists separate ballots, uniform in size, shape, and appearance, and folded to conceal information on the ballot. The ballots for grand and petit jurors shall be kept separate and each ballot shall contain the name and place of residence of each prospective juror.

2. Use electronic data processing equipment for the storage of names of the grand and petit jurors. The numerical division required in section 607.21 need not be used when a jury wheel is used for the preparation of the lists.

Sec. 36. NEW SECTION. 607.28 BALLOT BOXES — SEALED AND CUSTODY — SECURITY OF PROGRAMS.

In counties using an ex officio jury commission, the ballots containing the names of the grand and petit jurors shall be deposited in separate boxes which shall be plainly marked to show the class of jurors whose names are contained in each box, and shall have only one aperture through which a hand may be inserted. The boxes shall then be sealed by the auditor, in the presence of the clerk, and deposited with the clerk or jury manager.

In counties using a jury manager, the lists containing the names of the grand and petit jurors shall be stored electronically or manually processed by the jury manager and shall be accessible to only the manager or the manager's designee.

Sec. 37. NEW SECTION. 607.29 LENGTH OF SERVICE.

In any two-year period, a person shall not be required:

1. To serve or attend court for prospective juror service for more than a term of service ordered by the court, not to exceed three months, unless necessary to complete service in a particular case.

2. To serve on more than one grand jury.

3. To serve or attend as both a grand and a petit juror.

Sec. 38. NEW SECTION. 607.30 TIME OF DRAWING.

In counties using an ex officio jury commission, the required number of jurors shall be drawn by the commission, or a majority of its members, at the office of the clerk at a time agreed to by the commissioners.

In counties using a jury manager, the manager shall arrange for the selection of the required number of jurors at a time and place chosen by the manager.

The chief judge of the judicial district may by order prescribe the time for the drawing by the ex officio commission or the manager.

The jurors thus selected constitute the jury pool and shall be notified by the clerk or jury manager by regular mail when called.

Sec. 39. NEW SECTION. 607.31 NOTICE OF DRAWING.

In counties using ex officio jury commissions, the clerk, at least five days prior to the day for drawing, shall notify in writing the other jury commissioners of the time and place of the drawing.

Sec. 40. NEW SECTION. 607.32 ABSENCE OF COMMISSIONER.

In counties using an ex officio jury commission, in the absence or inability to act of any one of the commissioners, the jury commissioner's deputy or designee shall act as the commissioner.

Sec. 41. NEW SECTION. 607.33 DETAILS OF DRAWING.

1. In counties using an ex officio jury commission, at the time of drawing the appropriate ballot box shall first be thoroughly shaken in the presence of the commissioners attending the drawing. Next, the seal on the opening of the box shall be broken in the presence of the commissioners. A commissioner shall then, without looking at the ballots, successively draw the required number of names from the box, and successively pass the ballots to another commissioner, who shall open the ballots as they are drawn, and read aloud the names on the ballots, and enter the names in writing on the appropriate list.

2. In counties using a jury manager, a computerized program for the random selection and printing of the names may be used to draw the required number of jurors needed.

Sec. 42. NEW SECTION. 607.34 RESEALING OF BOX.

In counties using an ex officio jury commission, after the required number of grand or petit jurors have been drawn in the manner provided, and their names entered on the lists, the ballot box or boxes shall again be sealed by the commissioners and returned to the custody of the clerk.

Sec. 43. NEW SECTION. 607.35 FILING LIST — NOTICE TO REPORT.

After the list or lists have been drawn in the manner provided in section 607.33, the list or lists shall be filed in the office of the clerk or jury manager and immediately upon the request of the court the clerk or manager shall issue a notice to report, by regular mail, to the persons so drawn to appear at the courthouse at times as the court prescribes, for service as petit or grand jurors.

Sec. 44. NEW SECTION. 607.36 CONTEMPT.

If a person fails to appear when notified to report or at a regularly scheduled meeting, without providing a sufficient cause, the court may issue an order requiring the person to appear and show cause why the person should not be punished for contempt, and unless the person provides a sufficient cause for the failure, the person may be punished for contempt.

Sec. 45. NEW SECTION. 607.37 CANCELLATION FOR ILLEGALITY.

If the court determines that the petit or grand jurors have been illegally selected, drawn, or notified to report, the court may set aside the order under which the jurors were notified and direct that a new drawing, selection and notification of a sufficient number of replacement jurors take place. In that case, the ex officio jury commission shall meet at the office of the clerk, at the time the court directs, and proceed in the manner provided for the drawing of the original panel, to draw the required number of replacement jurors.

Sec. 46. NEW SECTION. 607.38 DISCHARGED JURORS — NOTIFICATION.

Jurors who have been discharged for any reason may, during the calendar quarter, be instructed to again report if the business of the court necessitates such action.

Sec. 47. NEW SECTION. 607.39 ADDITIONAL JURORS.

The court may order as many additional jurors drawn for a pool or panel as the court deems necessary.

Sec. 48. NEW SECTION. 607.40 DISCHARGE OF PANEL.

The court may at any time discharge the panel of jurors, or any part of it, and order a new panel, or the number of jurors as deemed necessary, to be drawn.

Sec. 49. NEW SECTION. 607.41 METHOD OF SUBSEQUENT DRAWING.

The names of the jurors drawn under sections 607.39 and 607.40 shall be drawn by the ex officio commission or the jury manager in the manner provided for the drawing of an original panel or panel.

Sec. 50. NEW SECTION. 607.42 DISPOSITION OF NAMES DRAWN.

The names of prospective jurors who have been drawn and are eligible to serve on the petit or grand jury and who do not serve shall be omitted from the respective ballot box or selection program.

At the discretion of the court, the jury manager, or the clerk, a person excused from service on one panel may be required to serve on a succeeding panel if the reason for the person's being excused is authorized under section 607.6. In counties using an ex officio jury commission, the ballots of jurors who appear and serve during any term of service shall be destroyed. In counties using a jury manager, the names of jurors who appear and serve during any term of service shall be stricken from the selection program.

Sec. 51. NEW SECTION. 607.43 CORRECTING ILLEGALITY IN ORIGINAL LISTS.

If the court for any reason determines that there has been such substantial failure to comply with the law relative to selection, preparation, or return of grand or petit lists that lawful grand or petit jurors cannot be drawn, or that the lists are exhausted or insufficient for the needs of the court, the court shall order the ex officio jury commission or the jury manager to convene at a fixed time and place to prepare lists in lieu of the lists which have been found to be illegal, or an additional list or lists as the court deems necessary.

Sec. 52. NEW SECTION. 607.44 NOTICE TO EX OFFICIO JURY COMMISSION OR JURY MANAGER.

If the commission or manager is required to meet for the purpose of drawing jurors under the order of the court, the clerk shall at once notify each commissioner or the jury manager of the order, if appropriate, and the time and place fixed for the meeting and, if necessary, the court may order the notice to be served by the sheriff.

Sec. 53. NEW SECTION. 607.45 EMPLOYER PROHIBITED FROM PENALIZING EMPLOYEE - PENALTY - ACTION FOR LOST WAGES.

1. An employer shall not deprive an employee of employment or threaten or otherwise coerce an employee with respect to the employee's employment because the employee receives a notice to report, responds to the notice, serves as a juror, or attends court for prospective juror service. An employer who violates this subsection commits contempt.

2. If an employer discharges an employee in violation of subsection 1, the employee may within sixty days of the discharge bring a civil action for the recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall not exceed lost wages for a period of six weeks. If the employee prevails, the employee shall be allowed reasonable attorney fees as determined by the court.

Sec. 54. NEW SECTION. 607.46 DELINQUENCY OF OFFICERS.

A judicial officer, court employee, or other governmental official who intentionally fails to perform a legal duty imposed by this chapter, or who acts with willful malfeasance in the discharge of a legal duty imposed by this chapter, commits a serious misdemeanor.

Sec. 55. Rule of civil procedure 187, paragraph (a), Iowa court rules, second edition, is amended to read as follows:

(a) Selection. ~~The clerk shall prepare and deposit in a box separate ballots containing the names of all persons returned or added as jurors. At each jury trial the clerk shall select sixteen jurors by closing and shaking the box to intermingle the ballots, and drawing them from the a box without seeing the names. The clerk shall list all jurors so drawn. Computer selection processes may be used instead of separate ballots to select jury panels. Before drawing begins, either party may require that the names of all jurors be called, and have an attachment for those absent who are not engaged in other trials; but the court may wait for its return or not, in its discretion.~~

Sec. 56. Rule of criminal procedure 17, section 1, Iowa court rules, second edition, is amended to read as follows:

1. Selection. ~~The clerk shall prepare and deposit in a box separate ballots containing the names of all persons returned or added as jurors. At each jury trial the clerk shall select a number of prospective jurors equal to twelve plus the prescribed number of strikes, by drawing ballots from a box without seeing the names. The clerk shall list all jurors so drawn. Computer selection processes may be used instead of separate ballots to select jury panels. Before drawing begins, either party may require that the names of all jurors be called, and have an attachment for those absent who are not engaged in other trials; but the court may wait for its return or not, in its discretion.~~

Sec. 57. Chapter 607, Code 1985, is repealed and sections 9 through 46 of this Act are inserted in lieu thereof.

Sec. 58. Chapters 608 and 609, Code 1985, are repealed.

Approved April 22, 1986

CHAPTER 1109
HOMESTEAD CREDIT CLAIMS
S.F. 557

AN ACT relating to the filing of claims for the homestead credit.

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

Section 1. Section 425.2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A person who wishes to qualify for the credit allowed under this chapter, shall obtain the appropriate forms for filing for the credit from the assessor. The person claiming the credit shall file a verified statement and designation of homestead with the assessor for the year for which the person is first claiming the credit. The claim shall be filed not later than July 1 of the year for which the person is claiming the credit. A claim filed after July 1 of the year for which the person is claiming the credit shall be considered as a claim filed for the following year.

Approved April 22, 1986

CHAPTER 1110
ACCESS TO ENERGY AUDITS
S.F. 2088

AN ACT relating to access to the results of energy audits.

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

Section 1. NEW SECTION. 476.65 ENERGY AUDITS.

1. A customer for whom a public utility has performed an energy audit under the I-SAVE program or the CACS program shall in writing designate one of the following:

a. That the results of the audit shall not be disclosed to any other person, except as permitted in subsection 2.

b. That the results of the audit are available to any person engaged in the business of making or providing energy conservation improvements or services who requests the information whether the request is made for the customer individually or the request is made for the customer as a class.

2. The results of an audit conducted under the I-SAVE program or the CACS program shall be made available, upon request, to a person who states in writing that he or she is a prospective purchaser of the facility audited.

3. The public utility shall make results of the energy audits available consistent with this section.

4. As used in this section:

a. "I-SAVE program" means the Iowa-Save America's Vital Energy program operated pursuant to rules adopted by the commission.

b. "CACS program" means the Commercial Apartment Conservation Service program operated pursuant to rules adopted by the commission.

Approved April 22, 1986

CHAPTER 1111
PUBLIC DEFENDERS
S.F. 2100

AN ACT relating to public defenders.

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

Section 1. Section 602.11101, subsection 6, Code Supplement 1985, is amended to read as follows:

6. The state shall assume the responsibility for ~~and~~ the costs of indigent defense on July 1, 1987. However, an attorney appointed to represent an indigent person pursuant to section 331.777 is not a court employee, as defined in section 602.1101, subsection 5, and the judicial department does not have supervisory power over personnel of public defender offices established pursuant to section 331.776.

Approved April 22, 1986

CHAPTER 1112
PARDONS AND COMMUTATIONS
S.F. 2108

AN ACT relating to the reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of the rights of citizenship of a person convicted of a criminal offense.

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

Section 1. Section 48.30, Code 1985, is amended to read as follows:
48.30 NOTIFICATION OF CHANGES IN REGISTRATION.

The clerk of the district court shall promptly notify the county commissioner of registration of changes of name and of convictions of ~~infamous crimes or~~ felonies, as defined in section 701.7, of legal declarations of incompetence made after a proceeding held pursuant to section 229.27, and of diagnosis of severe or profound mental retardation of persons of voting age. The clerk of the district court shall also notify the county commissioner of registration of the restoration of citizenship of a person who has been convicted of ~~an infamous crime or a~~ felony and of the finding that a person is of good mental health. The notice will not restore voter registration. The county commissioner of registration shall notify the person whose citizenship has been restored or who has been declared to be in good mental health that the person's registration to vote was canceled and the person must register again to become a qualified elector.

Sec. 2. Section 48.31, subsection 4, Code 1985, is amended to read as follows:

4. The clerk of district court sends notification of an elector's conviction of ~~an infamous crime or a~~ felony, as defined in section 701.7.

Sec. 3. Section 57.1, subsection 2, paragraph c, Code 1985, is amended to read as follows:

c. That prior to the election the incumbent had been duly convicted of an infamous crime a felony, as defined in section 701.7, and that the judgment had not been reversed, annulled, or set aside, nor the incumbent pardoned or restored to the rights of citizenship by the governor under section 248.12 chapter 248A, at the time of the election.

Sec. 4. NEW SECTION. 248A.1 POWER OF GOVERNOR.

The power of the governor under the constitution to grant a reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of the rights of citizenship shall not be impaired.

Sec. 5. NEW SECTION. 248A.2 RIGHT OF APPLICATION.

A person convicted of a criminal offense has the right to make application to the board of parole for recommendation or to the governor for a reprieve, pardon, commutation of sentence, remission of fines or forfeitures, or restoration of rights of citizenship at any time following the conviction.

Sec. 6. NEW SECTION. 248A.3 RECOMMENDATIONS BY BOARD OF PAROLE.

1. The board of parole shall periodically review all applications by persons convicted of criminal offenses and shall recommend to the governor the reprieve, pardon, commutation of sentence, remission of fines or forfeitures, or restoration of the rights of citizenship who have by their conduct given satisfactory evidence that they will become or continue to be law-abiding citizens.

2. The board of parole shall, upon request of the governor, take charge of all correspondence in reference to an application filed with the governor and shall, after careful investigation, provide the governor with the board's advice and recommendation concerning any person for whom the board has not previously issued a recommendation.

3. All recommendations and advice of the board of parole shall be entered in the proper records of the board.

Sec. 7. NEW SECTION. 248A.4 RESPONSE TO RECOMMENDATION.

The governor shall respond to all recommendations made by the board of parole within ninety days of the receipt of the recommendation. The response shall state whether or not the recommendation will be granted and shall specifically set out the reasons for such action. If the governor does not grant the recommendation, the recommendation shall be returned to the board of parole and may be refiled with the governor at any time. Any recommendation may be withdrawn by the board of parole at any time prior to its being granted. However, if the board withdraws a recommendation, a statement of the withdrawal, and the reasons upon which it was based, shall be entered in the proper records of the board.

Sec. 8. NEW SECTION. 248A.5 EVIDENCE - PUBLICATION - TESTIMONY.

1. When an application or recommendation is made to the governor for a reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of rights of citizenship, the governor may require the judge or clerk of the appropriate court, or the county attorney or attorney general by whom the action was prosecuted, to furnish the governor without delay a copy of the minutes of evidence taken on the trial, and any other facts having reference to the propriety of the governor's exercise of the governor's powers in the premises.

2. The governor may take testimony as the governor deems advisable relating to any application or recommendation. A person who provides written or oral testimony pursuant to this subsection is subject to chapter 720.

3. With regard to an application for the restoration of the rights of citizenship, the warden or superintendent, upon request of the governor, shall furnish the governor with a statement of the person's deportment during the period of imprisonment and a recommendation as to the propriety of restoration.

Sec. 9. NEW SECTION. 248A.6 CARRYING OUT OF INSTRUMENT – FILING.

1. Pardons, commutations of sentences, remissions of fines and forfeitures, and restorations of rights of citizenship shall be issued in duplicate. Reprieves shall be issued in triplicate.

2. In the case of a pardon, commutation of sentence, or reprieve, if the person is in custody, the executive instruments shall be forwarded to the officer having custody of the person. The officer, upon receipt of the instruments, shall do the following:

- a. Retain one copy of the instrument.
- b. Enter the appropriate notations on the records of the office.
- c. Carry out the orders of the instrument.
- d. On one copy, make a written return as required by the order and forward the copy to the clerk of court where the judgment is of record.
- e. In the case of reprieves, deliver the third copy to the person whose sentence is reprieved.

3. In the case of a remission of fines and forfeitures, restoration of rights of citizenship, or a pardon, commutation of sentence, or reprieve, if the person is not in custody, one copy of the executive instrument shall be delivered to the person and one copy to the clerk of court where the judgment is of record.

4. The clerk of court shall, upon receipt of the copy of the executive instrument, immediately file and preserve the copy in the clerk's office and note the filing on the judgment docket of the case, except that remissions of fines and forfeitures shall be spread at length on the record books of the court, and indexed in the same manner as the original case.

Sec. 10. Section 277.29, Code 1985, is amended to read as follows:

277.29 VACANCIES.

Failure to elect at the proper election or to appoint within the time fixed by law or the failure of the officer elected or appointed to qualify within the time prescribed by law; the incumbent ceasing for any reason to be a resident of the district or removing residence from the subdistrict; the resignation or death of incumbent or of the officer-elect; the removal of the incumbent from, or forfeiture of, the office, or the decision of a competent tribunal declaring the office vacant; the conviction of incumbent of an infamous crime a felony, as defined in section 701.7, or of any public offense involving the violation of the incumbent's oath of office, shall constitute a vacancy.

Sec. 11. Section 331.756, subsection 52, Code Supplement 1985, is amended to read as follows:

52. Furnish, upon request of the governor, a copy of the minutes of evidence and other pertinent facts relating to an application for a pardon, reprieve, commutation, or remission of a fine or forfeiture as provided in section 248.9 248A.5.

Sec. 12. Section 602.8102, subsection 46, Code Supplement 1985, is amended to read as follows:

46. Carry out duties relating to the pardons, commutations, remission of fines and forfeitures, and restoration of citizenship as provided in sections 248.9 248A.5 and 248.17 248A.6.

Sec. 13. Chapter 248, Code 1985, is repealed.

Approved April 22, 1986

CHAPTER 1113
PRIORITIES FOR NATURAL AREAS TAX EXEMPTION
H.F. 497

AN ACT relating to procedures for the establishment of priorities for property tax exemptions for wetlands, recreational lakes, forest covers, rivers and streams, river and stream banks, and open prairies.

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

Section 1. Section 427.1, subsection 36, unnumbered paragraph 3, Code 1985, is amended to read as follows:

Before the board of supervisors may designate real property for the exemption, it shall establish priorities for the types of real property for which an exemption may be granted and the amount of acreage. These priorities may be the same as or different than those for previous years. The board of supervisors shall get the approval of the governing body of the city before an exemption may be granted to real property located within the corporate limits of that city. A public hearing shall be held with notice given as provided in section 23.2 at which the proposed priority list shall be presented. However, no public hearing is required if the proposed priorities are the same as those for the previous year. After the public hearing, the board of supervisors shall adopt by resolution the proposed priority list or another priority list. Property upon which are located abandoned buildings or structures shall have the lowest priority on the list adopted, except where the board of supervisors determines that a structure has historic significance. The board of supervisors shall also provide for a procedure where the amount of acres for which exemptions are sought exceeds the amount the priority list provides for that type or in the aggregate for all types.

Sec. 2. Section 427.1, subsection 36, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding other requirements under this subsection, the owner of any property lying between a river or stream and a dike which is required to be set back three hundred feet or less from the river or stream shall automatically be granted an exemption for that property upon submission of an application accompanied by an affidavit signed by the applicant that if the exemption is granted the property will not be used for economic gain during the period of exemption. The exemption shall continue from year to year for as long as the property qualifies and is not used for economic gain, without need for filing additional applications or affidavits. Property exempted pursuant to this paragraph is in addition to the maximum acreage applicable to other exemptions under this subsection.

Approved April 21, 1986

CHAPTER 1114
FUR, FISH AND GAME LICENSE
H.F. 2032

AN ACT relating to combined hunting, fishing, and fur harvesting licenses.

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

Section 1. Section 110.1, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Hunting, fishing, and fur harvesting combined licenses:

a. Annual fur, fish and game license for residents \$28.50

Sec. 2. Section 110.3, Code 1985, is amended to read as follows:

110.3 WILDLIFE HABITAT STAMP.

A resident or nonresident person required to have a hunting, ~~or~~ fur harvester or fur, fish and game license shall not hunt or trap unless the person carries a valid wildlife habitat stamp signed in ink with the person's signature across the face of the stamp. This section shall not apply to residents who are permanently disabled or who are younger than sixteen or older than sixty-five years of age. Special wildlife habitat stamps shall be administered in the same manner as hunting and fur harvester licenses except all revenue derived from the sale of the wildlife habitat stamps shall be used within the state of Iowa for habitat development and shall be deposited in the state fish and game protection fund. The revenue may be used for the matching of federal funds. The revenues and any matched federal funds shall be used for acquisition of land, leasing of land or obtaining of easements from willing sellers for use as wildlife habitats. Notwithstanding the exemption provided by section 427.1, any land acquired with the revenues and matched federal funds shall be subject to the full consolidated levy of property taxes which shall be paid from those revenues. In addition such revenue may be used for the development and enhancement of wildlife lands and habitat areas. Not less than fifty percent of all revenue from the sale of wildlife habitat stamps shall be used by the commission to enter into agreements with county conservation boards or other public agencies in order to carry out the purposes of this section. The state share of funding of those agreements provided by the revenue from the sale of wildlife habitat stamps shall not exceed seventy-five percent.

Sec. 3. Section 110.5, Code Supplement 1985, is amended to read as follows:

110.5 FUR HARVESTER LICENSE.

A fur harvester license or fur, fish and game license is required to hunt and to trap any fur-bearing animal. A hunting license is not required when hunting furbearers with a fur harvester license. However, coyote and groundhog may be hunted with ~~either~~ a hunting, ~~or~~ a fur harvester or a fur, fish and game license.

Approved April 21, 1986

CHAPTER 1115

HAZARDOUS SUBSTANCES AND CONDITIONS

H.F. 2336

AN ACT relating to the authority of the department of water, air and waste management over hazardous substances and hazardous conditions.

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

Section 1. **NEW SECTION. 455B.396 PRIORITY CLAIM OF STATE.**

Liability to the state under this part or part 5 of this division is a debt to the state. The debt, together with interest on the debt at the maximum lawful rate of interest permitted pursuant to section 535.2, subsection 3, paragraph "a" from the date costs and expenses are incurred by the department is a lien on real property, except single and multi-family residential property, on which the department incurs costs and expenses creating a liability and owned by the persons liable under this part or part 5. To perfect the lien a statement of claim describing the property subject to the lien, signed by the executive director and approved by the commission must be filed within one hundred twenty days after the incurrence of costs and expenses by the department. The statement shall be filed with, accepted by, and recorded by the

county recorder in the county in which the property subject to the lien is located. The statement of claim may be amended to include subsequent liabilities. To be effective the statement of claim shall be amended and filed within one hundred twenty days after the occurrence of the event resulting in the amendment.

The lien may be dissolved by filing with the appropriate recording officials a certificate, signed by the executive director, that the debt for which the lien is attached, together with interest and costs on the debt, has been paid or legally abated.

Sec. 2. NEW SECTION. 455B.397 FINANCIAL DISCLOSURE.

Immediately upon the incurrence of any liability to the state under this part, the debtor shall submit to the executive director a report consisting of documentation of the debtor's liabilities and assets, including if filed, a copy of the annual report submitted to the secretary of state pursuant to chapter 496. A subsequent report pursuant to this section shall be submitted annually on April 15 for the life of the debt. These reports shall be kept confidential and shall not be available to the public.

Sec. 3. Section 455B.430, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Immediately upon the listing of real property in the registry of abandoned or uncontrolled disposal sites, a person liable for cleanup costs shall submit to the executive director a report consisting of documentation of the responsible person's liabilities and assets, including if filed, a copy of the annual report submitted to the secretary of state pursuant to chapter 496. A subsequent report pursuant to this section shall be submitted annually on April 15 for the period the site remains on the registry.

Approved April 21, 1986

CHAPTER 1116

REGIONAL TRANSIT SYSTEM MOTOR FUEL TAX

H.F. 717

AN ACT relating to the purchase of motor fuel by a regional transit system, providing for a tax refund, and providing penalties.

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

Section 1. Section 324.2, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 8. "Urban transit system" means Iowa urban transit system as defined in section 324.57, subsection 9.

NEW SUBSECTION. 9. "Regional transit system" means regional transit system as defined in section 324.57, subsection 11.

Sec. 2. Section 324.3, subsection 4, Code 1985, is amended to read as follows:

4. Motor fuel used in the operation of an Iowa urban transit system ~~or regional transit system.~~ Any ~~However,~~ fuel sold to an Iowa urban transit system ~~or regional transit system~~ which is used for a purpose other than as specified in section 324.57, ~~subsections~~ subsection 9 and 11, is not exempt from the tax.

Sec. 3. Section 324.3, subsection 5, unnumbered paragraphs 1 and 2, Code 1985, are amended to read as follows:

Motor fuel sold to a regional transit system, the state, any of its agencies, or to any political subdivision of the state, which is used for a purpose specified in section 324.57, subsection 11 or for public purposes and delivered into any size of storage tank owned or used exclusively by a regional transit system, the state, any of its agencies, or a political subdivision of the

state. The department of revenue shall issue exemption certificate forms to a regional transit system, the state, its agencies, and political subdivisions of the state, or a regional transit system, the state, any of its agencies, or a political subdivision of the state, or a licensed motor fuel distributor may provide its own certificate of exemption in the form prescribed by the director, to a distributor or dealer to substantiate tax-exempt sales of motor fuel under this subsection. The certificate of exemption shall state that all of the motor fuel delivered into the storage tank shall be used for a purpose specified in section 324.57, subsection 11, or be used for public purposes.

Motor fuel shall be sold tax paid to a regional transit system, the state of Iowa, any of its agencies, or to any political subdivision of the state, including motor fuel sold for the transportation of pupils of approved public and nonpublic schools by a contract carrier who contracts with the public school under section 285.5 for the transportation of public and nonpublic school pupils under chapter 285, unless the motor fuel is delivered into storage tanks and exempt under subsection 5. Tax on fuel which is used for a purpose specified in section 324.57, subsection 11 or for public purposes is subject to refund, including tax paid on motor fuel sold for the transportation of school pupils of approved public and nonpublic schools by a contract carrier who contracts with the public school under section 285.5 for the transportation of public and nonpublic school pupils under chapter 285. Claims for refunds ~~will~~ shall be filed with the department on a quarterly basis and the director shall not grant a refund of motor fuel or special fuel tax where a claim is not filed within one year from the date the tax was due. The claim shall contain the number of gallons purchased, the calculation of the amount of motor fuel and special fuel tax subject to refund and any other information required by the department necessary to process the refund.

Sec. 4. Section 324.33, Code 1985, is amended by adding the following new subsection*:

NEW SUBSECTION. 9. "Urban transit system" means Iowa urban transit system as defined in section 324.57, subsection 9.

NEW SUBSECTION. 10. "Regional transit system" means regional transit system as defined in section 324.57, subsection 11.

Sec. 5. Section 324.35, unnumbered paragraphs 2, 3, and 4, Code 1985, are amended to read as follows:

Tax on special fuel sold to a regional transit system, the state of Iowa, any of its agencies, or any political subdivisions of the state ~~where such~~ if the fuel is used for a purpose specified in section 324.57, subsection 11 or for public purposes is subject to refund, including tax paid on special fuel sold for the transportation of school pupils of approved public and nonpublic schools by a contract carrier who contracts with the public school under section 285.5 for the transportation of public and nonpublic school pupils under chapter 285. Claims shall be filed in accordance with the claims for motor fuel tax refunds provided by section 324.3.

No tax is imposed under this division on special fuel used in the operation of an Iowa urban transit system ~~or regional transit system~~, except that any special fuel sold to an Iowa urban transit system ~~or regional transit system~~, which is used for any purpose other than as specified in section 324.57, ~~subsections subsection 9 and 11~~, is not exempt from the tax.

A tax shall not be imposed under this division and sections 324.34, 324.36, and 324.38 are not applicable if special fuel is sold to the state, any of its agencies, ~~an Iowa urban transit system~~, a regional transit system, or a political subdivision of the state when the special fuel is delivered into storage tanks, regardless of size, and all of the special fuel is used for public purposes or for a purpose specified in section 324.57, subsection 11.

Sec. 6. Section 805.8, subsection 2, paragraph p, Code 1985, is amended by striking the paragraph.

Approved April 21, 1986

*Subsections intended

CHAPTER 1117**RESIDENCY OF TOWNSHIP CLERK***H.F. 2128*

AN ACT relating to the residency of a township clerk.

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

Section 1. Section 39.22, Code Supplement 1985, is amended to read as follows:
39.22 TOWNSHIP OFFICERS.

Township trustees and the township clerk, in townships which do not include a city, shall be elected by the voters of the entire township. In townships which include a city, the officers shall be elected by the voters of the township who reside outside the corporate limits of the city and the officers trustees shall reside in the township outside the corporate limits of the city. The township clerk shall reside within the township.

Approved April 21, 1986

CHAPTER 1118**PUBLIC EMPLOYEE GRIEVANCE PROCEDURES***H.F. 2369*

AN ACT relating to public employee grievance procedures.

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

Section 1. Section 20.18, unnumbered paragraph 2, Code 1985, is amended to read as follows:

Public employees of the state or public employees covered by civil service shall follow either the grievance procedures provided in a collective bargaining agreement, or in the event that ~~no such~~ grievance procedures are so not provided, shall follow grievance procedures established pursuant to chapter 19A or chapter 400, as applicable.

Approved April 21, 1986

CHAPTER 1119**NOMINATING COMMISSIONS FOR JUDGES AND MAGISTRATES***H.F. 2402*

AN ACT relating to the election of judicial nominating commissioners and county magistrate appointing commissioners.

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

Section 1. Section 46.7, Code 1985, is amended to read as follows:
46.7 ELIGIBILITY TO VOTE.

To be eligible to vote in elections of judicial nominating commissioners, a member of the bar must be a resident of the state of Iowa and of the appropriate congressional district or judicial election district as shown by the member's most recent filing with the supreme court for the purposes of showing compliance with the court's continuing legal education requirements, or for members who are not required to file such compliance, any paper on file by July 1 with the

clerk of the supreme court, for the purpose of establishing eligibility to vote under this section, which the court determines to show the requisite residency requirements. A judge who has been admitted to the bar of the state of Iowa shall be considered a member of the bar.

Sec. 2. Section 46.8, Code 1985, is amended to read as follows:

46.8 CERTIFIED LIST.

On ~~June 1~~ July 15 of each year the clerk of the supreme court shall certify a list of the names, addresses, and years of admission of members of the bar who are eligible to vote for state and district judicial nominating commissioners. The clerk of the supreme court shall provide a copy of the list of the members for a county to the clerk of the district court for that county.

Sec. 3. Section 602.6504, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. In order to be placed on the ballot for county magistrate appointing commission, an eligible attorney elector shall file a nomination petition in the office of the clerk of court on or before November 30 of the year in which the election for attorney positions is to occur. This subsection does not preclude write-in votes at the time of the election.

Approved April 21, 1986

CHAPTER 1120

LIABILITY ON IMPROVEMENTS TO REALTY

H.F. 2442

AN ACT providing a statute of limitations for certain actions arising out of improvements to real property.

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

Section 1. Section 614.1, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 11. IMPROVEMENTS TO REAL PROPERTY. In addition to limitations contained elsewhere in this section, an action arising out of the unsafe or defective condition of an improvement to real property based on tort and implied warranty and for contribution and indemnity, and founded on injury to property, real or personal, or injury to the person or wrongful death, shall not be brought more than fifteen years after the date on which occurred the act or omission of the defendant alleged in the action to have been the cause of the injury or death. However, this subsection does not bar an action against a person solely in the person's capacity as an owner, occupant, or operator of an improvement to real property.

Approved April 21, 1986

CHAPTER 1121
NEGLECTED OR ESTRAY ANIMALS
H.F. 2120

AN ACT relating to the care of neglected or estray animals.

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

Section 1. Section 188.49, Code 1985, is amended to read as follows:

188.49 NEGLECTED ANIMALS — DISABLED ANIMALS KILLED.

1. Any A person may take charge of any an animal when the owner fails to properly take care and provide for it, and may furnish the same animal with proper care, either on the person's own premises or on the premises of the owner, and shall have. The person has a lien on the animal for the same care, and the reasonable value of such the care may be collected by the person from the said owner.

2. A peace officer or officer of a society for the prevention of cruelty to animals, may humanely destroy a disabled animal that is neglected or estray.

3. As used in this section "animal" means a domestic animal or fowl.

Sec. 2. Section 331.653, subsection 21, Code Supplement 1985, is amended to read as follows:

21. Destroy any unfit and a neglected or estray disabled estray animal as provided in section ~~188.50~~ 188.49.

Sec. 3. Section 717.2, Code 1985, is amended to read as follows:

717.2 CRUELTY TO ANIMALS.

Any A person who shall impound or confine or cause to be impounded or confined impounds or confines, in any place, any a domestic animal, or fowl, or any dog or cat, and fail fails to supply such the animal during confinement with a sufficient quantity of food, and water, or who fails to provide a dog or cat with adequate shelter, or who shall torture, torment, deprive tortures, torments, deprives of necessary sustenance, mutilate, overdrive, overload, drive mutilates, overdrives, overloads, drives when overloaded, beat, or kill any such beats, or kills an animal by any means which shall cause unjustified pain, distress, or suffering, whether intentionally or negligently, shall be is guilty of a simple misdemeanor.

Sec. 4. NEW SECTION. 717.6 DISPOSITION OF NEGLECTED AND ABUSED ANIMALS.

If a person is found guilty of a violation of this chapter, the disposition of the neglected or abused animal shall be determined by the court.

Sec. 5. Section 188.50, Code 1985, is repealed.

Approved April 21, 1986

CHAPTER 1122
LIQUOR, WINE AND BEER REVISIONS
H.F. 2372

AN ACT making corrections and additions to the law dealing with alcoholic liquor, wine, and beer by amending the definition of beer to reflect current commercial practices, and by including a reference to wine in the section allowing the sale of alcoholic beverages or beer for consumption on the premises by licensees or permittees on the Sunday before New Years day.

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

Section 1. Section 123.1, Code Supplement 1985, is amended to read as follows:

123.1 PUBLIC POLICY DECLARED.

This chapter shall be cited as the "Iowa Beer, Wine, and Liquor Alcoholic Beverage Control Act", and shall be deemed an exercise of the police power of the state, for the protection of the welfare, health, peace, morals, and safety of the people of the state, and all its provisions shall be liberally construed for the accomplishment of that purpose. It is declared to be public policy that the traffic in alcoholic liquors is so affected with a public interest that it should be regulated to the extent of prohibiting all traffic in them, except as provided in this chapter.

Sec. 2. Section 123.3, subsection 8, Code 1985, is amended to read as follows:

8. "Alcoholic liquor"; "~~alcoholic beverage~~" or "intoxicating liquor" means the varieties of liquor defined in subsections 5 and 6 which contain more than five percent of alcohol by weight, beverages made as described in subsection 9 which beverages contain more than five percent of alcohol by weight but which are not wine as defined in subsection 7, and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the process described in subsection 7 containing more than seventeen percent alcohol by weight, and susceptible of being consumed by a human being, for beverage purposes. Alcohol manufactured in this state for use as fuel pursuant to an experimental distilled spirits plant permit or its equivalent issued by the federal bureau of alcohol, tobacco and firearms is not an "alcoholic liquor".

Sec. 3. Section 123.3, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. "Alcoholic beverage" means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.

Sec. 4. Section 123.3, subsection 9, Code Supplement 1985, is amended to read as follows:

9. "Beer" means any liquid capable of being used for beverage purposes made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains or made by the fermentation of or by distillation of the fermented products of fruit, fruit extracts, or other agricultural products, containing more than one-half of one percent of alcohol by volume but not more than five percent of alcohol by weight but not including mixed drinks or cocktails mixed on the premises.

Sec. 5. Section 123.16, subsection 2, paragraphs a and c, Code Supplement 1985, are amended to read as follows:

- a. Purchases of alcoholic liquor and wine for resale by the department.
- c. The establishment of retail prices of alcoholic liquor and wine sold by the department.

Sec. 6. Section 123.20, subsections 1, 7, and 8, Code Supplement 1985, are amended to read as follows:

1. To purchase alcoholic liquors and wine for resale by the department in the manner set forth in this chapter.

7. To license, inspect, and control the manufacture of beer, wine, and alcoholic liquors and regulate the entire beer, wine, and liquor industry in the state.

8. To accept intoxicating liquors ordered delivered to the Iowa ~~beer and liquor~~ alcoholic beverage control department pursuant to section 127.8, subsection 1, and offer such intoxicating liquors and wine for sale through the state liquor stores, unless the director determines that such intoxicating liquors and wine may be adulterated or contaminated. If the director determines that such intoxicating liquors and wine may be adulterated or contaminated the director shall order their destruction.

Sec. 7. Section 123.21, subsections 2, 3, and 8, Code Supplement 1985, are amended to read as follows:

2. Regulating the management, equipment, and merchandise of state liquor stores and warehouses in and from which alcoholic liquors and wine are transported, kept, or sold and

prescribing the books and records to be kept therein.

3. Regulating the purchase of alcoholic liquor generally and the furnishing of ~~such~~ the liquor and wine to state liquor stores established under this chapter, determining the classes, varieties, and brands of alcoholic liquors and wine to be kept in state warehouses or for sale at any state liquor store.

8. Prescribing, subject to this chapter, the days and hours during which state liquor stores shall be kept open for the purpose of the sale of alcoholic liquors and wine.

Sec. 8. Section 123.25, Code 1985, is amended to read as follows:

123.25 CONSUMPTION ON PREMISES.

No A vendor, officer, clerk, agent, or employee of the department employed in any state liquor store or state-owned warehouse shall not allow any alcoholic liquor or wine to be consumed on ~~such~~ the premises, nor shall any person consume any liquor on ~~such~~ the premises except for testing or sampling purposes only.

Sec. 9. Section 123.27, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

It is unlawful to transact the sale or delivery of alcoholic liquor or wine in, on, or from the premises of a state liquor store or warehouse:

Sec. 10. Section 123.150, Code Supplement 1985, is amended to read as follows:

123.150 SUNDAY SALES BEFORE NEW YEARS DAY.

Notwithstanding section 123.36, subsection 6, section 123.49, subsection 2, paragraph "b", and section 123.134, subsection 5, a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense ~~such~~ alcoholic liquor, wine, or beer to patrons for consumption on the premises between the hours of ten a.m. on Sunday and two a.m. on Monday when that Monday is New Years Day and beer for consumption off the premises between the hours of ten a.m. Sunday and midnight Sunday when that Sunday is the day before New Years Day. The liquor control license fee or beer permit fee of licensees and permittees permitted to sell or dispense ~~such~~ liquor, wine, or beer on a Sunday when that Sunday is the day before New Years Day shall not be increased because of this privilege.

~~It is the intent of this section that the~~ The special privileges granted shall be in this section are in force only during the specified times provided in this section.

Approved April 21, 1986

CHAPTER 1123

GRANDPARENT VISITATION RIGHTS

H.F. 2409

AN ACT relating to the visitation rights of grandparents.

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

Section 1. NEW SECTION. 600A.10 GRANDPARENT VISITATION RIGHTS.

A grandparent of a child may petition the district court for grandchild visitation rights when any of the following circumstances occur:

1. The parent of the child, who is the child of the grandparent, has died.
2. The child has been placed in a foster home.
3. The parental rights of the parent of the child, who is the child of the grandparent, are terminated pursuant to section 232.117 or 600A.9 or a petition to terminate parental rights has been filed pursuant to section 232.111 or 600A.5.

A petition for grandchild visitation rights shall be granted only upon a finding that the visitation rights are in the best interest of the child and would not unduly disrupt the child's relationship with the person who has custody of the child, including an adoptive parent.

Approved April 21, 1986

CHAPTER 1124**ACCIDENT OR HEALTH INSURANCE BENEFITS***H.F. 2465*

AN ACT relating to the continuation of and conversion of accident or health insurance benefits and providing an effective date.

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

Section 1. NEW SECTION. 509B.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Accident or health insurance" means hospital, surgical, or major medical insurance, or a combination of these.
2. "Commissioner" means the state commissioner of insurance.
3. "Group policy" means a group accident or health insurance policy issued by an insurance company under chapter 509, a group accident or health contract issued by a health service corporation under chapter 514, or a plan for health care services provided by a health maintenance organization under chapter 514B, or issued or provided by any similar corporation or organization.
4. "Individual policy" or "converted policy" means an individual accident or health insurance policy issued by an insurance company, or an individual accident or health services contract issued by a health service corporation, or a plan for health care services provided by a health maintenance organization, or provided by any similar corporation or organization.
5. "Insurer" means the entity issuing a group policy or an individual or converted policy.
6. "Insurance", "insures", and "insured" refer to coverage under a group policy, individual policy, or converted policy on a premium-paying basis, and do not include coverage provided solely as an accrued liability or by reason of a disability extension.
7. "Premium" includes any premium or payment or other consideration payable for coverage under a group or individual policy.
8. "Medicare" means Title XVIII of the United States Social Security Act.

Sec. 2. NEW SECTION. 509B.2 PERSONS INCLUDED IN THIS CHAPTER.

1. As used in this chapter, "termination of employment or membership" includes but is not limited to termination because of permanent or temporary layoff or approved leave of absence. A provision in this chapter which relates to termination of insurance under a group policy of an employee or member and the employee's or member's covered dependents includes termination of insurance with respect to the surviving or former spouse or children of an employee or member whose insurance would terminate because of dissolution or annulment of the marriage of the employee or member, or would terminate because of death of the employee or member.
2. A provision in this chapter which relates to an employee or member includes the surviving or former spouse or children if termination occurs because of dissolution or annulment of a marriage or death of an employee or member.

Sec. 3. NEW SECTION. 509B.3 CONTINUATION OF BENEFITS.

A group policy delivered or issued for delivery in this state which insures employees or members for accident or health insurance on an expense-incurred or service basis, other than for specific diseases or for accidental injuries only, shall provide that employees or members whose coverage under the group policy would otherwise terminate because of termination of employment or membership may continue their accident or health insurance under that group policy, for themselves and their eligible dependents, subject to all of the group policy's terms and conditions applicable to those forms of insurance and subject to all of the following conditions:

1. Continuation shall only be available to an employee or member if the employee or member was continuously insured under the group policy, and for similar benefits under any group policy which it replaced, during the entire three months' period immediately preceding the termination.

2. Continuation shall not be available for a person who is or could be covered by medicare. Continuation shall not be available for a person who is or is eligible to be covered by another group insured or uninsured arrangement which provides accident or health coverage, unless the person was covered by that other group policy immediately prior to the termination.

3. Continuation may exclude dental care, vision care, or prescription drug benefits or other benefits provided under the group policy which benefits are in addition to accident or health benefits.

4. An employee or member who wishes continuation of coverage must request continuation in writing to the employer or group policyholder within the ten-day period following the later of either of the following:

a. The date of the termination.

b. The date the employee is given notice of the right of continuation as provided in section 509B.5 by either the employer or the group policyholder.

If proper notice is given, the employee or member is not eligible to elect continuation more than thirty-one days after the date of termination.

5. An employee or member electing continuation shall pay monthly to the employer or group policyholder, in advance, the amount of contribution required by the employer or group policyholder, but not more than the group rate otherwise due for the insurance being continued under the group policy. If proper notice is given, the election of continuation by the employee or member together with the first contribution required to establish contributions on a monthly basis in advance, shall be given to the employer or group policyholder within thirty-one days of the date the group insurance would otherwise terminate.

6. Continuation of insurance under the group policy for any person shall terminate when the person becomes eligible for medicare or another group insured or uninsured accident or health arrangement, or earlier, when any of the following first occurs:

a. Nine months after the date the employee's or member's insurance under the policy would otherwise have terminated because of termination of employment or membership.

b. At the end of the period for which contributions were made if the employee or member fails to make timely payment of a required contribution and if proper notice as provided in section 509B.5, subsection 2.

c. If the person covered is a former spouse, upon the former spouse's remarriage.

d. The date on which the group policy is terminated or, in the case of an employee, the date the employer terminates participation under the group policy. However, if this paragraph applies and the coverage which would cease because of the employer's termination is replaced by similar coverage under a different group policy, all of the following apply:

(1) The employee, member, spouse, or eligible dependent may become covered under the different group policy, for the balance of the period that the employee or member would have remained covered under the prior group policy had a termination of the group policy as specified in paragraph "d" not occurred.

(2) The minimum level of benefits to be provided by the different group policy shall be the applicable level of benefits of the prior group policy, reduced by any benefits payable under the prior group policy.

(3) The prior group policy shall continue to provide benefits to the extent of its accrued liabilities and extensions of benefits as if the prior group policy had not been replaced by the different group policy.

7. A notification of the continuation privilege shall be included with or in each certificate of coverage and as otherwise provided in section 509B.5 and shall contain the time limits for requesting the continued coverage.

8. The spouse of an employee or member, and any covered dependent children of the employee or member, whose coverage under the group policy would otherwise terminate because of dissolution or annulment of marriage or death of the employee or member shall have the same contribution and notice responsibilities and privileges as provided under this chapter to the employee or member upon termination of employment or membership.

Sec. 4. NEW SECTION. 509B.4 CONVERSION OF GROUP POLICIES.

A group policy delivered or issued for delivery in this state which insures employees or members for accident or health insurance on an expense-incurred or service basis, other than for specific diseases or for accidental injuries only, shall provide that an employee or member whose coverage under the group policy has been terminated is entitled to have a converted policy issued to the employee or member by the insurer without evidence of insurability, subject to the following:

1. A converted policy shall not be available to an employee or member if termination of insurance under the group policy occurred because of any of the following:

(a) Termination of employment or termination of membership and the employee or member was not entitled to continuation of group coverage, or failed to elect continuation.

(b) Failure to make timely payment of required premium after notice as required in section 509B.5, subsection 2.

(c) Any other reason, if the employee or member was not continuously insured under the group policy, and for similar benefits under any group policy which it replaced, during the entire three months' period immediately preceding the termination.

(d) The group policy terminated or an employer's or group policyholder's participation terminated, and the insurance is replaced by similar coverage under another group policy within thirty-one days of the date of termination.

2. If proper notice is given as required in section 509B.5, written application and the first premium payment for the converted policy shall be made to the insurer not later than thirty-one days after the termination. The converted policy's effective date shall be the day following the termination of insurance under the group policy.

3. The premium for the converted policy shall be determined in accordance with the insurer's table of premium rates applicable to the age and class of risk of each person to be covered under that policy and to the type and amount of insurance provided.

4. The converted policy shall cover the employee or member and dependents who were covered by the group policy on the date of termination of insurance. At the option of the insurer, a separate converted policy may be issued to cover any dependent.

5. The insurer is not required to issue a converted policy covering any person if the person is or is eligible to be covered by medicare. The insurer is not required to issue a converted policy covering any person if both paragraphs "a" and "b" apply:

a. If any of the following apply:

(1) The person is covered for similar benefits by another individual policy.

(2) The person is or is eligible to be covered for similar benefits under any arrangement of coverage for individuals in an employer group, whether insured or uninsured.

(3) The person is or is eligible to be covered for similar benefits under any other state or federal law.

b. The benefits provided under sources of the kind referred to in paragraph "a", subparagraph (1), for the person, or the benefits provided or available under sources of the kind referred to in paragraph "a", subparagraphs (2) and (3), for the person, together with the converted policy's benefits, would result in overinsurance according to the insurer's standards for overinsurance.

6. A converted policy may provide that the insurer may at any time request information of a person covered as to whether the person is covered for similar benefits described in subsection 5, paragraph "a", subparagraph (1) or is or is eligible to be covered for similar benefits

described in subsection 5, paragraph "a", subparagraphs (2) and (3). The converted policy may provide that as of any premium due date the insurer may refuse to renew the policy or the coverage of any insured person for any of the following reasons:

a. Either those similar benefits for which the person is or is eligible to be covered, together with the converted policy's benefits, would result in overinsurance according to the insurer's standards for overinsurance, or the policyholder of the converted policy fails to provide the requested information.

b. Fraud or material misrepresentation in applying for any benefits under the converted policy.

c. Eligibility of the insured person for coverage under medicare or under any other state or federal law providing for benefits similar to those provided by the converted policy.

d. Other reasons approved by the commissioner of insurance.

7. An insurer is not required to issue a converted policy providing benefits in excess of the accident and health insurance under the group policy from which conversion is made.

8. The converted policy shall not exclude, as a preexisting condition, any condition covered by the group policy. However, the converted policy may provide for a reduction of its accident and health benefits by the amount of the benefits payable under the group policy after the individual's insurance terminates under the group policy. The converted policy may also provide that during the first policy year, the benefits payable under the converted policy, together with the benefits payable under the group policy after its termination, shall not exceed those that would have been payable had the individual's insurance under the group policy remained in force and effect.

9. Subject to the other provisions of this chapter, if the group insurance policy from which conversion is made insures the employee or member for basic hospital and surgical insurance, the employee or member may exercise the option of obtaining a converted policy providing coverage on an expense-incurred basis under any of the following plans:

a. Plan A which covers all of the following:

(1) Hospital room and board daily expense benefits in a maximum dollar amount approximating the average semi-private rate charged in the Polk county metropolitan area of this state for a maximum duration of seventy days.

(2) Miscellaneous hospital expense benefits up to a maximum amount of ten times the hospital room and board daily expense benefits.

(3) Surgical expense benefits according to a surgical procedures schedule consistent with those customarily offered by the insurer under group or individual health insurance policies and providing a maximum benefit of eight hundred dollars.

b. Plan B.

The same as plan A, except that the maximum hospital room and board daily expense benefits is seventy-five percent of the corresponding plan A maximum and the surgical schedule maximum is six hundred dollars.

c. Plan C.

The same as plan A, except that the maximum hospital room and board daily expense benefit is fifty percent of the corresponding plan A maximum and the surgical schedule maximum is four hundred dollars.

The maximum dollar amount for plan A's hospital room and board daily expense benefits shall be determined by the commissioner of insurance and may be redetermined by the commissioner from time to time as to converted policies issued subsequent to the redetermination. The redetermination shall not be made more often than once in three years. The plan A maximum, and the corresponding maximums in plans B and C, shall be rounded to the nearest multiple of ten dollars and that rounding may be to the next higher or lower multiple of ten dollars, if otherwise exactly midway between.

10. Subject to the other provisions and conditions of this chapter, if the group policy from which conversion is made insures the employee or member for major medical expense insurance, the employee or member may obtain a converted policy providing catastrophic or major medical coverage under a plan meeting the following requirements:

a. A maximum benefit at least equal to, at the option of the insurer, either of the following benefits:

(1) A maximum payment per covered person for all covered medical expenses incurred during that person's lifetime, equal to the smaller of the maximum benefit provided under the group policy or two hundred fifty thousand dollars.

(2) A maximum payment for each unrelated injury or sickness equal to the smaller of the maximum benefit provided under the group policy, or two hundred fifty thousand dollars.

b. Payment of benefits at the rate of eighty percent of covered medical expenses which are in excess of the deductible until twenty percent of the expenses in a benefit period reaches one thousand dollars, after which benefits will be paid at the rate of one hundred percent during the remainder of the benefit period. Payment of benefits for outpatient treatment of mental illness, if provided in the converted policy, may be at a lesser rate but not less than fifty percent.

c. A deductible for each benefit period which, at the option of the insurer, shall be the sum of the benefits deductible and one hundred dollars or the corresponding deductible in the group policy. "Benefits deductible" means the value of any benefits provided on an expense-incurred basis which are provided with respect to covered medical expenses by any other group or individual accident or health insurance policy or medical practice or other prepayment plan, or any other plan or program whether insured or uninsured, or by reason of any state or federal law and if, pursuant to subsection 11, the converted policy provides both basic hospital and surgical coverage and major medical coverage, the value of the basic benefits. If the maximum benefit is determined by paragraph "a", subparagraph (2), the insurer may require that the deductible be satisfied during a period of not less than three months if the deductible is one hundred dollars or less and not less than six months if the deductible exceeds one hundred dollars.

d. The "benefit period" shall be each calendar year when the maximum benefit is determined by paragraph "a", subparagraph (1) or twenty-four months when the maximum benefit is determined by paragraph "a", subparagraph (2).

e. "Covered medical expenses" includes at least, in the case of hospital room and board charges, the dollar amount in plan A of subsection 9, paragraph "a" and at least twice that amount for charges in an intensive care unit. Any surgical procedures schedule shall be consistent with those customarily offered by the insurer under group or individual health insurance policies and shall provide at least a one thousand two hundred dollar maximum benefit.

11. At the option of the insurer, the plans of benefits set forth in subsections 9 and 10 may be provided under separate policies, or may be provided by a policy of comprehensive medical expense benefits without first dollar coverage. The comprehensive policy shall conform to the requirements of subsection 10. However, an insurer electing to provide such a policy shall make available a low deductible option, not to exceed one hundred dollars, a high deductible option between five hundred dollars and one thousand dollars, and a third deductible option midway between the high and low deductible options. Alternatively, this policy may provide for deductible options equal to the greater of the benefits deductible and the amounts specified in this subsection.

12. The insurer may, at its option, offer alternative plans for group health and accident insurance conversion in addition to those required by this chapter. If an insurer customarily offers individual policies on a service basis, that insurer may, in lieu of converted policies on an expense-incurred basis, make available converted policies on a service basis which, in the opinion of the commissioner, satisfy the intent of this chapter.

13. If, under this chapter, coverage would be continued under the group policy on an employee or member following termination due to retirement prior to the time the employee or member is or could be covered by medicare, the employee or member may elect, in lieu of continuation of group insurance, and notwithstanding subsection 1, paragraph "a", to have the same conversion rights as would apply if a continued policy were terminated at that time.

14. The converted policy may provide for reduction or termination of coverage of a person upon eligibility for coverage under medicare or under any other state or federal law providing for benefits similar to those provided by the converted policy.

15. Subject to any preceding conditions, conversion privileges are available to a surviving spouse at the death of the employee or member, with respect to the spouse and children whose coverage under the group policy terminates by reason of the death, or to each surviving child whose coverage under the group policy terminates by reason of death, or when continuation of dependent's coverage is accepted following the employee's or member's death, at the end of the continuation. Subject to any preceding conditions, the conversion privilege is available to the spouse of the employee or member upon termination of coverage of the spouse, by reason of dissolution or annulment of marriage or otherwise ceasing to be a qualified family member under the group policy, while the employee or member remains insured under the policy, or when continuation of dependent's coverage is elected following the dissolution or annulment of marriage, at the end of continuation. This conversion privilege includes children whose coverage under the group policy terminates at the same time. Subject to any preceding conditions, the conversion privilege is also available to a child solely with respect to the child upon termination of coverage by reason of ceasing to be a qualified family member under the group policy, if a conversion privilege is not otherwise provided within this section.

16. If the benefit levels in subsections 9 and 10 exceed the benefit levels provided under the group policy, the converted policy may offer benefits which are substantially similar to those provided under the group policy in lieu of those required in subsections 9 and 10.

17. The insurer may elect to provide group insurance coverage in lieu of the issuance of a converted individual policy.

18. A notification of the conversion privilege shall be included with or in each certificate of coverage.

19. A converted policy which is delivered outside this state may be on a form which could be delivered in such other jurisdiction as a converted policy had the group policy been issued in that jurisdiction.

Sec. 5. NEW SECTION. 509B.5 NOTICE OF TERMINATION OF MEMBERSHIP OR MODIFICATION OF COVERAGE.

1. Employers or group policyholders shall notify all employees or members of their continuation and conversion rights within ten days of termination of employment or membership. The notice shall be in writing and delivered in person or mailed to the person's last known address. However, continuation and conversion rights shall not be denied because of failure to provide proper notice. After receiving proper notice the employee or member may request and shall receive continuation or conversion coverage in accordance with this chapter within ten days of the request, notwithstanding any other time limitation provided by this chapter. Notification as provided in this section supersedes section 515.80 as that section relates to accident and health insurance.

2. If an employer or group policyholder terminates or substantially modifies an agreement to provide accident or health insurance for employees or members or if accident or health insurance for employees or members is terminated for failure to pay premiums or for another reason, the employer or group policyholder shall notify the employees or members, including persons being continued under the policy's continuation provisions, of the termination or substantial modification of their coverage. The notice shall be in writing and delivered in person to the entitled persons or mailed to their last known addresses at least ten days prior to

the termination or substantial modification of the accident or health insurance coverage. The employer or group policyholder is solely liable for benefits, including extended benefits, other than extended benefits for which the insurer is liable in accordance with the provisions of the group policy, which would have been payable had the accident or health insurance remained in force or not been terminated or substantially modified during the period of time following the termination or substantial modification until the person entitled to notice is given notice by the employer or group policyholder as required by this subsection.

3. The employer or group policyholder is also solely liable for benefits, including extended benefits, which would have been payable had the accident or health insurance been in force and the employees or members been covered during the period of time the employer or group policyholder failed to implement the plan for accident or health insurance which the employer or group policyholder had agreed to provide, until the employer or group policyholder gives notice of its failure or inability to provide the agreed plan. The notice shall be in writing and delivered in person to the employees or members or mailed to their last known addresses.

4. The employer or group policyholder is also solely liable for benefits, including extended benefits, which would have been payable had the accident or health insurance been in force and the employees or members been covered by the accident or health insurance during a period of time for which the employer or group policyholder has collected contributions through payroll, withholding, or otherwise, but has failed to enroll the employees or members, unless the employer or group policyholder has given actual notice that enrollment in the plan will not become effective until a later date or until the employee's or member's application for enrollment has been approved.

Sec. 6. Section 91A.2, subsection 4, paragraph d, Code Supplement 1985, is amended to read as follows:

d. Expenses incurred and recoverable under a health benefit plan as defined in and as provided in chapter 91B.

Sec. 7. Section 91A.2, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 7. "Health benefit plan" means a plan or agreement provided by an employer for employees for the provision of or payment for care and treatment of sickness or injury.

Sec. 8. Section 509.3, subsection 4, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

4. A provision that if the insurance on a person or insurance on a person and the person's dependents covered by the policy ceases because of termination of employment or of membership in the class, the person and the person's dependents may continue their accident or health insurance under the group policy and may subsequently apply for a converted policy without evidence of insurability, as provided in chapter 509B.

Sec. 9. Chapter 91B, Code 1985, is repealed.

Sec. 10. This Act is effective July 1, 1987.

Approved April 21, 1986

CHAPTER 1125
RAFFLE FOR VENTURE CAPITAL
S.F. 549

AN ACT providing for a raffle conducted by the Iowa lottery agency with the proceeds of the raffle to be invested by the Iowa development commission in certain types of venture capital funds and the earnings on the proceeds prior to investment to be used as prizes.

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

DIVISION XI

Section 1. NEW SECTION. 28.111 TITLE.

This division may be cited as the "Iowa Venture Capital Investment Act".

Sec. 2. NEW SECTION. 28.112 DEFINITIONS.

As used in this division unless the context otherwise requires:

1. "Lottery agency" means the Iowa lottery agency created and operating pursuant to chapter 99E.
2. "Commission" means the Iowa development commission.
3. "Raffle" means the program established pursuant to section 28.113.
4. "Treasurer" means the treasurer of state.
5. "Venture capital fund" means a corporation, partnership, proprietorship, or other entity formed under the laws of the United States, or a state, district, or territory of the United States, whose principal business is or will be the making of investments in small businesses which meet the small business administration definition of small business.

Sec. 3. NEW SECTION. 28.113 INVESTMENT RAFFLE PROGRAM.

1. The lottery agency shall initiate and conduct a series of raffles designed to raise moneys for investment in the venture capital activity in Iowa. The lottery agency shall sell shares in the raffles to the public. Moneys collected from the sale of the shares shall initially be deposited in a special account within the office of the treasurer. The treasurer shall create a separate account for each raffle being conducted. The moneys in each account shall be invested by the treasurer in short-term investments. Interest or earnings on the investments shall be retained in the accounts and shall be used to pay the raffle prizes to be awarded on the basis determined for the particular raffle by the lottery agency. A person who has purchased a share in the raffle shall be eligible to win a prize distributed for the raffle.

2. Upon terminating a raffle, the treasurer shall transfer all moneys in the account for that raffle, exclusive of interest and earnings to be used as prizes, to the commission for investment pursuant to subsection 3. The commission shall create a separate account for the moneys received from each separate raffle. The commission shall deduct from each account the administrative expenses incurred by the lottery agency, the commission or the treasurer of state's office for the conducting of the raffle and the investment of its proceeds pursuant to subsection 3.

3. The commission shall invest the remaining proceeds of each raffle in one or more venture capital funds which agree to invest an amount equal to at least fifty percent of the proceeds in small businesses having their principal offices within this state and having either more than one-half of their assets within this state or more than one-half of their employees employed within this state.

4. The investment of moneys from each raffle shall be retained by the commission for a period of five years. At the option of the commission, the period may be extended up to an additional five years. Upon the lapse of the investment period, the investments in the fund shall be sold. The proceeds from the sale, minus the costs of the distribution, shall then be distributed on a prorated basis to those persons purchasing shares in the raffle. The proceeds

shall be distributed to the persons entitled by sending the moneys to their last known address. Proceeds returned and not claimed within two years are presumed abandoned pursuant to section 556.8 and shall be treated as abandoned property pursuant to chapter 556.

5. The lottery agency and the commission shall adopt rules to implement this division. The rules shall include, but are not limited to, all of the following:

a. The rules for any raffle being conducted including the length of time shares may be sold. Rules governing the general operation of a raffle are subject to chapter 17A. However, rules governing the particular features of specific raffles are not subject to chapter 17A. Rules for a specific raffle may include, but are not limited to, setting the name and prize structure of the raffle, and shall be made available to the public prior to the time the raffle goes on sale and shall be kept on file at the office of the lottery agency. Each share in a raffle shall bear a unique serial number distinguishing it from every other share in the raffle.

b. The price of shares in the raffle.

c. The number and size of the prizes on the winning shares. The lottery agency may accept gifts or donations of merchandise or other products that may be used for prizes. The lottery agency shall maintain and make available for public inspection at its offices during regular business hours a detailed listing of the estimated number of prizes that are expected to be awarded in any raffle and, after the end of the claim period, shall maintain and make available a listing of the total number of shares sold in a raffle and the number of prizes which were awarded.

d. The method of selecting the winning shares and the manner of payment of prizes to the holders of winning shares. Lottery agency employees shall examine claims and shall not pay any prize for altered, stolen, or counterfeit shares nor for shares which fail to meet validation rules established for a raffle.

e. The methods of validation of the authenticity of winning shares.

f. The frequency of selection of winning shares. Drawings shall be held in public. Drawings shall be witnessed by an independent certified public accountant. Equipment used to select winning shares or participants for prizes shall be examined by commission employees and an independent certified public accountant prior to and after each public drawing.

g. Eligibility for purchasing shares in a raffle.

h. Transferability of shares.

i. Requirements for eligibility for participation in runoff drawings, including but not limited to requirements for submission of evidence of eligibility.

j. The issuance of licenses to sell shares in the raffle including the qualification of licensees and fees charged for a license.

k. Compensation to be paid to a person licensed to sell shares.

l. The locations at which shares may be sold.

m. The method to be used in printing and selling shares. An elected official's name shall not be printed on the shares.

n. The form and type of marketing, informational, and educational material to be permitted.

o. Distribution of prizes.

6. The lottery agency and the commission shall include in their annual reports to the governor and general assembly a discussion of activities undertaken under this division.

7. The lottery agency and the commission may contract with one or more persons to perform any of the administrative functions required to implement this division.

Sec. 4. Section 537A.4, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

This section does not apply to a contract for the operation of or for the sale or rental of equipment for games of skill or games of chance, if both the contract and the games are in compliance with chapter 99B. This section does not apply to wagering under the pari-mutuel

method of wagering authorized by chapter 99D. This section does not apply to the sale, purchase or redemption of a ticket or share in the state lottery in compliance with chapter 99E or the sale, purchase or redemption of a share in the raffle conducted under section 22.113.

Sec. 5. Section 725.15, Code Supplement 1985, is amended to read as follows:

725.15 EXCEPTIONS FOR LEGAL GAMBLING.

Sections 725.5 to 725.10 and 725.12 do not apply to a game, activity, ticket, share or device when lawfully possessed, used, conducted or participated in pursuant to section 28.113, chapter 99B or chapter 99E.

Approved April 28, 1986

CHAPTER 1126

SECURITY INTEREST IN FARM PRODUCTS

S.F. 2050

AN ACT relating to the security interest in farm products, prohibiting certain acts, providing for penalties, and providing an effective date.

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

Section 1. Section 554.9307, subsection 1, Code Supplement 1985, is amended to read as follows:

1. Except as provided in subsection 4 the federal Food Security Act of 1985, Public Law 99-198, section 1324, a buyer in ordinary course of business as defined in section 554.1201, subsection 9, takes free of a security interest created by that person's seller even though the security interest is perfected and even though the buyer knows of its existence. For purposes of this section, a buyer or buyer in ordinary course of business includes any commission merchant, selling agent, or other person engaged in the business of receiving livestock as defined in section 189A.2 on commission for or on behalf of another.

Sec. 2. Section 554.9307, subsection 4, Code Supplement 1985, is amended by striking the subsection and inserting in lieu thereof the following:

4. A secured party may request the buyer to issue any check for payment or partial payment of a good subject to a security interest jointly in the name of both the seller and the secured party only if the secured party has included in the documents creating the security interest a written provision that a joint check would be requested or required and if the provision has been specifically signed and dated by the person granting the security interest.

Sec. 3. Section 554.9307, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 5. a. If the documents creating a security interest contain the provisions permitted pursuant to subsection 4 and meet the requirements of subsection 4, the debtor is engaged in farming operations, and the debtor sells the farm products subject to a security interest created by the debtor to a buyer not included on the list as a potential buyer, then the debtor is subject to a civil penalty of the greater of either five thousand dollars or fifteen percent of the value or benefits received by the debtor for the farm product described in the security agreement. The penalty shall be deposited in the state general fund. However, if the secured party can demonstrate in state district court upon application by the secured party that the secured party has sustained a monetary loss as a result of the debtor selling to a person other than a person on the list of potential buyers and does not reasonably expect to be able to collect under the security agreement, then to the extent that the secured party can prove by competent evidence the amount of the monetary loss and the inability to collect under the security agreement, the court shall award the secured party so much of the civil

penalty as necessary to cover the secured party's loss. However, if the secured party does ultimately recover under the security agreement, then the secured party shall remit to the state general fund the moneys collected under this subsection to the extent of the recovery. The penalty provided in this subsection shall not be imposed on the debtor if the debtor has complied with any of the following:

(1) Notified the secured party in writing of the identity of the buyer at least seven days prior to the sale.

(2) Accounted to the secured party for the proceeds of the sale not later than ten days after the sale.

(3) Acted in conformity with a written agreement between the secured party and the debtor regarding prior notification of a sale or payment of the proceeds.

b. In addition to the civil penalty provided in this section, a debtor who sells a farm product subject to a security interest created by the debtor to a buyer not included on the list as a potential buyer may also be guilty of committing theft pursuant to section 714.1, subsection 5.

c. The civil penalty provided in paragraph "a" is in lieu of and not in addition to any penalty imposed under Public Law 99-198, section 1324. If a debtor is required to pay a fine or penalty under Public Law 99-198, section 1324 and the debtor has previously also been required to pay a civil penalty pursuant to paragraph "a", then the debtor is entitled to a reimbursement of any moneys required to be paid due to a violation of paragraph "a".

NEW SUBSECTION. 6. A secured party is subject to the following civil penalties that shall be paid to the state general fund:

a. Two hundred dollars if the secured party fails to send a written notice to any person the secured party notified pursuant to Public Law 99-198, section 1324 as a potential buyer that the security interest has been terminated within fifteen days after all obligations for which the security interest was granted have been fulfilled, unless the debtor signs a written statement after the obligations secured by the security interest have been fulfilled waiving the requirement of the secured party to provide notice to potential buyers that the obligation has been fulfilled.

b. Two hundred dollars for each person the secured party has sent a written notice pursuant to Public Law 99-198, section 1324 who was not either of the following:

(1) Listed by the debtor as a potential buyer.

(2) A person who was identified by the debtor pursuant to subsection 5, paragraph "a", subparagraph (1).

The penalty imposed pursuant to this paragraph "b" shall not apply if the debtor does in fact sell all or part of the farm product subject to the security interest to the person to whom the notice was sent.

NEW SUBSECTION. 7. a. A potential buyer who receives a written notice pursuant to Public Law 99-198, section 1324, shall not publicly display or disseminate the written notice or information based upon the written notice.

b. A potential buyer who violates paragraph "a" is liable for a civil penalty in an amount of two hundred dollars. The penalty shall be paid to the state general fund.

NEW SUBSECTION. 8. a. In addition to any civil penalty imposed pursuant to subsections 6 and 7, a person who violates subsection 6 or 7 is liable to the debtor for any loss caused by the person resulting from the violation that the debtor can prove in court. The person may also recover from the person violating subsection 6 or 7 a penalty in an amount determined by the court not less than one hundred dollars nor more than one thousand dollars.

b. In an action in which it is found that a person has violated subsection 5, 6, or 7, the court shall award to the secured party under subsection 5 or the debtor under subsections 6 and 7 the court costs and to that party's attorneys their reasonable fees. Reasonable attorney's fees shall be determined by the value of the time reasonably expended by the attorney and not by the amount of recovery on behalf of the secured party or debtor.

NEW SUBSECTION. 9. For purposes of Public Law 99-198, section 1324, and this section, a written notice shall be considered to be received by the person to whom it was sent if the notice is mailed by registered mail with the proper postage and properly addressed to the person to whom it was sent. The refusal of a person to whom a notice is sent to accept delivery of the notice shall be considered receipt.

Sec. 4. This bill is effective on December 24, 1986 and shall apply to all security interests granted on or after December 24, 1986.

Approved April 28, 1986

CHAPTER 1127
TEMPORARY CERTIFICATE FOR CHIROPRACTORS
S.F. 2069

AN ACT relating to the issuance of temporary certificates for chiropractors.

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

Section 1. **NEW SECTION. 151.12 TEMPORARY CERTIFICATE.**

The chiropractic examiners may, in their discretion, issue a temporary certificate authorizing the licensee to practice chiropractic if, in the opinion of the chiropractic examiners, a need exists and the person possesses the qualifications prescribed by the chiropractic examiners for the license, which shall be substantially equivalent to those required for licensure under this chapter. The chiropractic examiners shall determine in each instance those eligible for this license, whether or not examinations shall be given, and the type of examinations. No requirements of the law pertaining to regular permanent licensure are mandatory for this temporary license except as specifically designated by the chiropractic examiners. The granting of a temporary license does not in any way indicate that the person so licensed is eligible for regular licensure, nor are the chiropractic examiners in any way obligated to so license the person.

The temporary certificate shall be issued for one year and, at the discretion of the chiropractic examiners may be renewed, but a person shall not practice chiropractic in excess of three years while holding a temporary certificate. The fee for this license shall be set by the chiropractic examiners and if extended beyond one year a renewal fee per year shall be set by the chiropractic examiners. The fees shall be based on the administrative costs of issuing and renewing the licenses. The chiropractic examiners may cancel a temporary certificate at any time, without a hearing, for reasons deemed sufficient to the chiropractic examiners.

When the chiropractic examiners cancel a temporary certificate they shall promptly notify the licensee by registered mail, at the licensee's last-named address, as reflected by the files of the chiropractic examiners, and the temporary certificate is terminated and of no further force and effect three days after the mailing of the notice to the licensee.

Approved April 28, 1986

CHAPTER 1128
NEWLY CONSTRUCTED HOUSING FINANCED
S.F. 2234

AN ACT relating to the percent of the proceeds from the sales of obligations of the Iowa finance authority that are required to be used for newly constructed housing units.

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

Section 1. Section 220.39, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

220.39 NEW CONSTRUCTION REQUIREMENT.

If demand exists for new construction financing, as evidenced by timely filed and executed application commitment agreements, the authority shall ensure that up to twenty-five percent of the proceeds from sales of obligations of the authority are made available to finance newly constructed housing units. The authority shall also provide that up to an additional twenty-five percent of the proceeds from the sale of obligations of the authority may be made available to finance newly constructed housing units at the request of parties submitting timely filed and executed application commitment agreements. The authority may limit the period during which requests for the additional twenty-five percent of the proceeds may be made and may charge the requesting parties fees in amounts equal to the authority's cost of making the additional twenty-five percent of the proceeds available to finance newly constructed housing units. Failure to comply with this requirement does not invalidate any obligations of the authority, but in the event of noncompliance with this requirement, the authority shall make a special report to the governor and to the general assembly as to the reasons for noncompliance.

If the authority determines that sufficient demand exists for housing rehabilitation financing, it shall endeavor to issue obligations to finance that demand. If the authority finds it is unable to issue obligations to meet that demand, it shall file, within six months of the date of the determination that a demand exists, a full report with the governor, secretary of the senate, and chief clerk of the house of representatives explaining the demand and the reason it was not possible to satisfy that demand.

Approved April 28, 1986

CHAPTER 1129
SEARCH OF STUDENT BY SCHOOL OFFICIAL
S.F. 477

AN ACT relating to the search of students or protected student areas.

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

Section 1. **NEW SECTION. 808A.1 DEFINITIONS.**

As used in this chapter, unless the context otherwise requires:

1. "Student" means a person enrolled in a school for any of grades kindergarten through twelve.
2. "School" means a public or nonpublic educational institution offering any of grades kindergarten through twelve.
3. "School official" means a certificated school employee, and includes noncertificated school employees employed for security or supervision purposes.
4. "Protected student area" includes, but is not limited to:

- a. A student's body.
 - b. Clothing worn or carried by a student.
 - c. A student's pocketbook, briefcase, duffelbag, bookbag, backpack, knapsack, or any other container used by a student for holding or carrying personal belongings of any kind and in the possession or immediate proximity of the student.
 - d. A school locker, desk, or other facility or space issued or assigned to, or chosen by, the student for the storage of personal belongings of any kind, which the student locks or is permitted to lock. School officials may conduct periodic inspections of all school lockers. However, the school district shall provide notice to the students, at least twenty-four hours prior to the inspection, of the date and time of the inspection.
5. "Student search rule" means a rule established by the school board of a public school, pursuant to section 279.8 or 279.9, or the authorities in charge of a nonpublic school controlling the manner of the searching of students or protected student areas. A student search rule, to be valid for purposes of this chapter, must be reasonable and shall be based upon relevant factors which include, but are not limited to, the following:

- a. The seriousness of the violation for which a search may be instituted.
- b. The age or ages of the students which may be searched pursuant to the rule.
- c. The information or suspicion which must exist to warrant the institution of a search.

Sec. 2. NEW SECTION. 808A.2 SEARCH OF STUDENT OR PROTECTED STUDENT AREA BY SCHOOL OFFICIAL.

1. A school official may conduct a search of a student or a protected student area only if all of the following apply:

- a. The school official has a reasonable and articulable suspicion that a criminal offense or a school rule or regulation bearing on school order has been violated.
- b. The school official has a reasonable and articulable belief that the search will produce evidence of such violation.
- c. If the search is of an individual student, the suspicion and belief required by paragraphs "a" and "b" is particular to the student to be searched.
- d. If the search is of more than one student or of a protected student area, the search must be based upon and pursuant to a valid and reasonable student search rule.

2. Under no circumstances may a search be made which is unreasonable in light of the following:

- a. The age of the student.
 - b. The nonseriousness of the violation.
 - c. The sex of the student.
 - d. The nature of the suspected violation.
3. A school official shall not conduct a search which involves:

- a. A strip search.
- b. A body cavity search.
- c. The use of a drug sniffing animal to search a student's body.
- d. The search of a student by a school official not of the same sex as the student.

Sec. 3. NEW SECTION. 808A.3 STUDENT SEARCH BY PEACE OFFICER.

The search of a student or of a protected student area by a peace officer who is not a school official, or by a school official at the invitation or direction of a peace officer who is not a school official, shall be governed by the statutory and common law requirements for police searches.

Sec. 4. NEW SECTION. 808A.4 EXCLUSION OF EVIDENCE.

Material or evidence obtained directly or indirectly as a result of a search conducted in violation of this chapter is inadmissible in a criminal proceeding against a student.

Approved April 28, 1986

CHAPTER 1130
FORCIBLE ENTRY OR DETAINER
S.F. 508

AN ACT relating to the forcible entry or detention of real property.

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

Section 1. Section 648.5, Code 1985, is amended to read as follows:
648.5 JURISDICTION.

The court within the county shall have jurisdiction of actions for the forcible entry or detention of real property. It shall be tried as an equitable action. Unless commenced as a small claim, a petition shall be presented to a district court judge. The court shall make an order fixing the time and place for hearing upon said petition and shall prescribe that notice of the hearing be personally served upon the defendant or defendants, which service shall be at least five days prior to the date set for hearing. Upon receipt of the petition, the court shall order a hearing which shall not be later than fourteen days from the date of the order. Personal service shall be made upon the defendant not less than five days prior to the hearing. In the event that personal service cannot be completed in time to give the defendant the minimum notice required by this section, the court may set a new hearing date. A default cannot be made upon a defendant unless the five days' notice has been given.

Sec. 2. Section 648.10, Code 1985, is amended by striking the section and inserting the following:

648.10 SERVICE BY PUBLICATION.

Notwithstanding the requirements of section 648.5, service may be made by publishing such notice for one week in a newspaper of general circulation published in the county where the petition is filed, provided the petitioner files with the court an affidavit stating that an attempt at personal service made by the sheriff was unsuccessful because the defendant is avoiding service by concealment or otherwise, and that a copy of the petition and notice of hearing has been mailed to the defendant at the defendant's last known address or that the defendant's last known address is not known to the petitioner. Service under this section is complete seven days after publication. The court shall set a new hearing date if necessary to allow the defendant the five day minimum notice required under section 648.5.

Sec. 3. Section 648.19, Code 1985, is amended to read as follows:
648.19 NO JOINDER OR COUNTERCLAIM.

An action of this kind ~~cannot~~ shall not be brought in connection with any other action, with the exception of a claim for rent or recovery as provided in sections 562A.24, 562A.32, 562B.22, or 562B.25, nor ~~can~~ shall it be made the subject of counterclaim.

Sec. 4. Section 648.22, Code 1985, is amended to read as follows:
648.22 JUDGMENT.

If the defendant is found guilty, judgment shall be entered that the defendant be removed from the premises, and that the plaintiff be put in possession thereof of the premises, and an execution for the defendant's removal within ten days from the judgment shall issue accordingly, to which shall be added a clause commanding the officer to collect the costs as in ordinary cases.

Approved April 28, 1986

CHAPTER 1131
NONPROFIT CORPORATE CONSERVATORS
S.F. 2043

AN ACT relating to qualification of nonprofit corporations as conservators.

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

Section 1. Section 633.63, subsection 3, Code Supplement 1985, is amended to read as follows:

3. A private nonprofit corporation organized under chapter 504 or 504A is qualified to act as a guardian, as defined in section 633.3, subsection 19, or a conservator, as defined in section 633.3, subsection 7, where the assets subject to the conservatorship are less than fifteen thousand dollars, if the department of human services, under rules established by the department, finds the corporation a suitable agency to perform such duties and determines that the corporation does not possess a proprietary or legal interest in an organization which provides direct services to the individual.

Sec. 2. Section 633.172, subsection 2, Code 1985, is amended to read as follows:

2. Unless otherwise required by the instrument creating the relationship, or by order of court, a corporate fiduciary bank and trust companies shall not be required to provide any bond.

Sec. 3. This Act takes effect July 1 following its enactment. All actions taken by private nonprofit corporations acting as conservators prior to this date shall be deemed valid unless objected to by the commissioner of the department of human services.

Approved April 28, 1986

CHAPTER 1132
STATE PURCHASING PREFERENCES
S.F. 2049

AN ACT relating to the purchases of American made products and purchases from American based businesses.

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

Section 1. Section 18.3, subsection 1, Code 1985, is amended by inserting after unnumbered paragraph 2 the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of this section, the life cycle costs of American motor vehicles shall be reduced by five percent in order to determine if the motor vehicle is comparable to foreign made motor vehicles. American motor vehicles includes* those vehicles manufactured in this state and those vehicles in which at least seventy percent of the value of the motor vehicle was manufactured in the United States or Canada and at least fifty percent of the motor vehicle sales of the manufacturer are in the United States or Canada. In determining the life cycle costs of a motor vehicle, the costs shall be determined on the basis of the bid price, the resale value, and the operating costs based upon a useable life of five years or seventy-five thousand miles, whichever occurs first.

Sec. 2. Section 18.6, Code 1985, is amended by adding the following new subsection:

*include probably intended

NEW SUBSECTION. 9. The state and its political subdivisions shall give preference to purchasing Iowa products and purchasing from Iowa based businesses if the bids submitted are comparable in price to those submitted by other bidders and meet the required specifications.

Approved April 28, 1986

CHAPTER 1133

PIGEON SEASONS

S.F. 166

AN ACT to authorize the setting of seasons for pigeons.

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

Section 1. Section 109.41, subsection 5, Code 1985, is amended to read as follows:

5. The Columbidae: Mourning doves and ~~wild rock doves~~ pigeons only.

Sec. 2. Section 109.48, unnumbered paragraph 1, Code 1985, is amended to read as follows:

No person, except as otherwise provided by law, shall willfully disturb, pursue, shoot, kill, take or attempt to take or have in possession any of the following game birds or animals except within the open season established by the commission: Gray or fox squirrel, bobwhite quail, cottontail or jack rabbit, duck, snipe, pheasant, goose, woodcock, partridge, coot, rail, ruffed grouse, wild turkey, pigeons, or deer. The seasons, bag limits, possession limits and locality shall be established by the commission under the authority of sections 107.24, 109.38, and 109.39.

Sec. 3. Section 109.48, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commission shall establish methods by which pigeons may be taken which may include, but are not limited to, the use of trapping, chemical repellants, or toxic perches.

Approved April 28, 1986

CHAPTER 1134

ENERGY CONSERVATION IMPROVEMENT PILOT PROGRAMS

S.F. 2083

AN ACT repealing the energy conservation improvement pilot programs and providing an effective date.

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

Section 1. Section 476.61, Code Supplement 1985, is repealed.

Sec. 2. A public utility which has initiated an energy conservation improvement pilot program under section 476.61 shall terminate the program and cease approving loans as quickly as possible consistent with good management practices and in a manner that minimizes costs to the utility's customers. Each utility shall file with the Iowa state commerce commission within thirty days of the effective date of this Act a plan for terminating any pilot project the utility is conducting under section 476.61. The termination plan shall include, but is not limited to, a proposed reconciliation of actual expenses incurred, including obligations, and

revenues collected under section 476.61. Upon the commission's approval, the reconciliation shall be either a one-time adjustment or collected over a reasonable amount of time. The reconciliation amount shall not be separately identified on the customer's bill.

The collections charged pursuant to section 476.61 shall be terminated by commission order, no later than the first monthly billing cycle after the effective date of this Act.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in The Altoona Herald-Mitchellville Index, a newspaper published in Altoona, Iowa, and in The Record-Herald & Indianola Tribune, a newspaper published in Indianola, Iowa.

Approved April 28, 1986

I hereby certify that the foregoing Act, Senate File 2083, was published in The Altoona Herald-Mitchellville Index, Altoona, Iowa, on May 1, 1986, and in The Record-Herald & Indianola Tribune, Indianola, Iowa, on May 6, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1135

HAZARDOUS CHEMICALS RIGHT TO KNOW

S.F. 2165

AN ACT relating to the applicability of the hazardous chemicals risk right to know Act.

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

Section 1. Section 455D.4, subsection 1, Code 1985, is amended to read as follows:

1. Except for section 455D.9, this chapter does not apply to a person engaged in farming, as defined in this section or a pesticide as defined in section 206.2, subsection 1, used, stored, or available for sale by a commercial applicator as defined in section 206.2, subsection 12, a certified applicator as defined in section 206.2, subsection 17, a certified private applicator as defined in section 206.2, subsection 18, a certified commercial applicator as defined in section 206.2, subsection 19, a pesticide dealer as defined in section 206.2, subsection 24, or to activities which are covered under the federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. sec. 135 et seq.; provided, however, that such persons shall comply with the requirements of the federal Insecticide, Fungicide, and Rodenticide Act, 40 C.F.R. sec. 170, and chapter 206 where applicable to such persons. As used in this section, "farming" means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, production of milk, the production of fruit or other horticultural crops, grazing or the production of livestock, spraying, or harvesting. The department of agriculture shall cooperate with the bureau in an investigation of an agricultural employee's complaint filed pursuant to section 455D.9.

Sec. 2. Section 455D.8, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. This chapter does not apply to hazardous chemicals which are consumer products as defined in and regulated by the federal Consumer Product Safety Act, 15 U.S.C. §§ 2051 et seq., in the possession of a person who is not regulated by the federal occupational safety and health administration's hazard communication regulation 29 C.F.R. §§ 1910.1200 et seq. as promulgated on November 25, 1983.

Approved April 28, 1986

CHAPTER 1136
RESTRICTIONS ON WATER USE
S.F. 2246

AN ACT relating to suspensions or restrictions on water use under the state priority allocation plan.

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

Section 1. Section 455B.266, subsection 3, Code Supplement 1985, is amended to read as follows:

3. Unless the governor has issued a proclamation described in subsection 1, paragraph "c", the department shall not impose a suspension of water use or a further restriction, other than conservation, on the uses of water provided in subsection 2, paragraphs "g" through "i" or on users of water pursuant to a contract with the state as provided in section 455B.263, subsections 5 and 6. If a contract with the state as provided in section 455B.263, subsections 5 and 6 was in effect prior to March 5, 1985, the department shall not impose a suspension of water use or a further restriction, other than conservation, on the users of water pursuant to that contract.

Approved April 28, 1986

CHAPTER 1137
SALE OF DRINKING WATER
H.F. 2348

AN ACT relating to water sold in sealed containers for human consumption and making penalties applicable.

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

Section 1. Section 159.5, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 15. Establish an inspection and regulation program regarding water sold in sealed containers for human consumption. As used in this subsection, "water sold in sealed containers for human consumption" includes ice sold in sealed containers and bottled water; "bottled water" means drinking water which is placed in sealed containers for the purpose of sale to the public for human consumption; and "drinking water" means water sold for drinking, culinary, or other purposes involving the likelihood of the water being ingested for human consumption but does not include distilled water, carbonated beverages, mineral water, or other beverages which contain water. The program shall include, but is not limited to, all of the following:

a. Establish, modify, or repeal rules relating to standards for testing for the presence of chemicals in water sold in sealed containers for human consumption. The standards for testing shall not be less stringent than the rules established for public drinking water supplies pursuant to chapter 455B.

b. Establish, modify, or repeal rules relating to drinking water standards for water sold in sealed containers for human consumption. The standards shall establish the maximum permissible level of any physical, chemical, biological, or radiological substance in the water and shall be as stringent as those established under the federal Food and Drug Act.

c. Establish, modify, or repeal rules relating to the labeling of water sold in sealed containers for human consumption including, but not limited to, requirements that water sold in this state shall have the words "Meets all F.D.A. standards" printed clearly and conspicuously on its label.

d. Establish, modify, or repeal rules relating to the frequency for which facilities where water is placed in sealed containers including, but not limited to, ice making and bottling facilities are inspected and tested. The frequency standard shall not be less stringent than the frequency standard for testing of public water supplies under chapter 455B.

e. A requirement that all records pertaining to sampling and analysis of water sold in sealed containers for human consumption under this subsection shall be maintained at the bottling facility or if the water is bottled outside of the state at the distributor's facility. The records shall be maintained for at least two years and shall be available upon request for review by officials of the department.

f. Provide that enforcement of this subsection shall be pursuant to chapter 189.

g. The provisions of paragraphs "a", "b", "c", and "e" shall not apply to ice produced from a public water supply as defined and regulated in chapter 455B. Ice sold in sealed containers shall be labeled or tagged with the name and location of the ice maker and whether it is produced from a public water supply. The department shall adopt rules relating to the packaging and handling of ice sold in sealed containers.

Approved April 28, 1986

CHAPTER 1138
CITY CIVIL SERVICE COMMISSIONS
H.F. 2403

AN ACT relating to the operation of city civil service commissions.

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

Section 1. Section 400.2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The commissioners must be citizens of Iowa, eligible electors as defined in chapter 39, and residents of the city for more than five years next preceding their appointment, and shall serve without compensation. ~~No A person, while on said the commission, shall not hold or be a candidate for any office of public trust. Provided, this section notwithstanding~~ However, when a human rights commission has been established by any a city, the director thereof of the commission shall ex officio be a member, without vote, of the civil service commission.

Sec. 2. Section 400.4, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The chairperson of the commission for each biennial period shall be the member whose term first expires shall elect a chairperson from among its members. In cities having a population of more than seventy-five thousand the commission shall appoint an employee in the city clerk's office who is employed under the provisions of this chapter to be clerk of the commission and the duties as such clerk shall have precedence over any additional duties of the employee's regular employment. In all other cities the city clerk shall be clerk of the commission.

Sec. 3. Section 400.6, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

400.6 APPLICABILITY - EXCEPTIONS.

This chapter applies to permanent full-time police officers and fire fighters in cities having a population of more than eight thousand, and to all appointive permanent full-time employees in cities having a population of more than fifteen thousand except:

1. Persons appointed to fill vacancies in elective offices and members of boards and commissions and the clerk to the civil service commission.

2. The city clerk, chief deputy city clerk, city attorneys, city treasurer, city assessor, city auditor, city engineer, and city health officer.

3. The city manager or city administrator and assistant city managers or assistant city administrators.

4. The head and principal assistant of each department and the head of each division. This exclusion does not apply to assistant fire chiefs and to assistant police chiefs in cities with police departments of two hundred fifty or fewer members. However, sections 400.13 and 400.14 apply to police and fire chiefs.

5. The principal secretary to the city manager or city administrator, the principal secretary to the mayor, and the principal secretary to each of the department heads.

6. Employees of boards of trustees or commissions established pursuant to state law or city ordinances.

7. Employees whose positions are funded by state or federal grants or other temporary revenues.

Sec. 4. Section 400.7, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

400.7 PREFERENCE BY SERVICE.

An employee regularly serving in or holding a position when the position becomes subject to this chapter or when the position is reclassified by the city shall retain the position and have full civil service rights in the position under any of the following conditions:

1. The employee meets the minimum qualifications established for the position and has completed the required probationary period for the position.

2. The employee has served satisfactorily in the position for a period equal to the probationary period of the position, and passes a qualifying noncompetitive examination for the position but does not meet the minimum qualifications established for the position.

3. An employee who has not completed the required probationary period but who otherwise meets the requirements of subsection 1 or 2 shall receive full civil service rights in the position upon the completion of the probationary period.

Appointments made after the time this chapter becomes applicable in a city are subject to this chapter.

Sec. 5. Section 400.9, subsection 3, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

3. Vacancies in civil service promotional grades shall be filled by promotion of employees of the city to the extent that the city employees qualify for the positions. When promoted, an employee shall hold full civil service rights in the position. If an employee of the city does not pass one of two successive promotional examinations and otherwise qualify for a vacated position, or if an employee of the city does not apply for a vacated position, an entrance examination may be used to fill the vacancy.

Sec. 6. Section 400.19, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

400.19 REMOVAL OR DISCHARGE OF SUBORDINATES.

The person having the appointing power as provided in this chapter, or the chief of police or chief of the fire department, may peremptorily suspend, demote, or discharge a subordinate then under the person's or chief's direction for neglect of duty, disobedience of orders, misconduct, or failure to properly perform the subordinate's duties.

Sec. 7. Section 400.20, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

400.20 APPEAL.

The suspension, demotion, or discharge of a person holding civil service rights may be appealed to the civil service commission within fourteen calendar days after the suspension, demotion, or discharge.

Sec. 8. Section 400.22, Code 1985, is amended to read as follows:

400.22 CHARGES.

Within ~~five~~ fourteen calendar days from the service of ~~such~~ the notice of appeal, the person or body making the ruling appealed from shall file with the body to which the appeal is taken a written specification of the charges and grounds upon which the ruling was based. If ~~such~~ the charges are not ~~so~~ filed, the person suspended or discharged may present the matter to the body to whom the appeal is to be taken by affidavit, setting forth the facts, and ~~such~~ the body ~~to whom~~ the appeal is to be taken shall ~~forthwith~~ immediately enter an order reinstating the person suspended or discharged for want of prosecution.

Sec. 9. Section 400.27, unnumbered paragraphs 1 and 2, Code 1985, are amended to read as follows:

The civil service commission shall ~~have~~ has jurisdiction to hear and determine all matters involving the rights of civil service employees under this chapter, and may affirm, modify, or reverse any case on its merits.

The city attorney or solicitor shall be the attorney for the commission or when requested by the commission shall present ~~any~~ matters concerning civil service employees to the commission, except the commission in cities of ~~over one hundred thousand~~ population may hire a counselor or an attorney on a per diem basis to represent ~~them~~ other than the city attorney or ~~solicitor~~ it when in the opinion of the commission there is a conflict of interest between the commission and the city council. The counselor or attorney hired by the commission shall not be the city attorney or solicitor. The city shall pay the costs incurred by the commission in employing an attorney under this section.

Sec. 10. Section 400.28, unnumbered paragraph 1, Code 1985, is amended to read as follows:

~~Whenever~~ When the public interests ~~may require~~ interest requires a diminution of employees in ~~any~~ a classification or grade under civil service, the city council, ~~by resolution~~ and acting in good faith, and ~~after notifying the commission of such action~~, may either:

Sec. 11. Section 400.28, unnumbered paragraph 3, Code 1985, is amended to read as follows:

In case of ~~such~~ removal or suspension, the civil service commission shall issue to each person ~~so~~ affected a one certificate showing the person's comparative seniority or length of service in each ~~classification or grade~~ of the classifications or grades from which the person is so removed and the fact that the person has been honorably ~~so~~ removed, ~~and the~~. The certificate shall also list each classification or grade in which the person was previously employed. The person's name shall be carried for a period of not less than three years after ~~such~~ the suspension or removal, on a preferred list and all appointments or promotions made during ~~said~~ that period to the person's former duties in ~~such~~ the classification or grade shall be made in the order of greater seniority from ~~such~~ the preferred lists.

Approved April 28, 1986

CHAPTER 1139
TAX SALES AND REDEMPTIONS
H.F. 2455

AN ACT relating to tax sales and redemptions, by revising provisions governing notice and other procedures.

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

Section 1. Section 135D.24, subsection 1, Code Supplement 1985, is amended to read as follows:

1. The semiannual tax is due and payable to the county treasurer semiannually on January 1 and July 1 in each year; and, It is delinquent April 1 and October 1 in each year, at which time a penalty of one percent shall be added each month until paid except that the limitation in section 445.20 applies. Both semiannual payments of taxes may be paid at one time if so desired. A mobile home put to use at any time after January 1 or July 1 is subject to the taxes prorated for the remaining unexpired months of the tax period. Taxes prorated on or after April 1 are due July 1 and must be paid at the same time and in the same manner as the September payment of property taxes. Taxes prorated on or after October 1 are due January 1 and must be paid at the same time and in the same manner as the March payment of property taxes. The semiannual tax periods for mobile home tax are January 1 through June 30 and July 1 through December 31. On May 1 of each year, the county treasurer shall send, by mail, a statement to each delinquent mobile home taxpayer to notify the taxpayer that the mobile home will be offered at the next annual tax sale for nonpayment of one or more semiannual tax payments. If taxes are not paid, the treasurer shall send a statement of delinquent taxes as part of the notice of tax sale as provided in section 446.9.

Sec. 2. Section 445.1, Code 1985, is amended to read as follows:
445.1 DUTY OF TREASURER.

The treasurer, after making the entry provided in section 445.10, shall proceed to collect the taxes, and the list shall be is the treasurer's authority and justification against any illegality in the proceedings prior to receiving the list; and the. The treasurer is shall also authorized and required to collect, as far as practicable, the taxes remaining unpaid on the tax books or other records approved by the state auditor of previous years, the treasurer's efforts to that end to include the sending by mail of a statement to each delinquent taxpayer not later than May 1 of each fiscal year. If the taxes are not paid, the treasurer shall send a statement of delinquent taxes as part of the notice of tax sale as provided in section 446.9.

Sec. 3. Section 445.8, subsections 2 and 3, Code 1985, are amended to read as follows:

2. The treasurer shall cause to be compiled a list of all delinquent personal property taxes for the current assessment year, as shown by the delinquent personal property tax list. Such The list shall show the amount of the taxes delinquent when the amount of the tax is more than five dollars and the amount of penalty, interest, and costs thereon, the name of the owner, if known, or the person, if any, to whom it is taxed, and shall be published in some an official newspaper in the county once each week for two consecutive weeks, the last of which publication shall be not more than two weeks before the third Monday in June, and by immediately posting a copy of the first publication thereof at the door of the courthouse, if there be one, if not, at the door of the place where the last term of district court was held. The provisions of sections Sections 446.10 and 446.11 shall prevail in connection with apply to the publication of such the notice. The treasurer shall obtain a copy of the notice as published, and a certificate of the publication thereof from the printer or publisher, and file it in the office of the auditor.

3. The treasurer shall, within ten days following the ~~final~~ publication of ~~such the~~ notice, issue a distress warrant in the form as prescribed in section 445.7. The publication of delinquent personal property tax lists shall include a notice that, unless ~~such the~~ delinquent personal property taxes are paid within ten days of the date of ~~final~~ publication of the notice, a distress warrant will be issued for the collection ~~thereof of the delinquent taxes.~~

Sec. 4. Section 446.9, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

446.9 NOTICE OF SALE — SERVICE — PUBLICATION.

1. A notice of the time and place of the annual tax sale shall be served upon the person in whose name the real estate subject to sale is taxed. The treasurer shall serve the notice by sending it by regular first class mail to the person's last known address not later than May 1 of each fiscal year. The notice shall contain a description of the real estate to be sold which is clear, concise, and sufficient to distinguish the real estate to be sold from all other parcels. It shall also contain the amount of delinquent taxes, both regular and special, for which the real estate is liable each year, the amount of the penalty, interest, and ten dollars representing costs, all to be incorporated as a single sum. The notice shall contain a statement that, after the sale, if the real estate is not redeemed within the period provided in chapter 447, the right to redeem expires and a deed may be issued.

2. Publication of the time and place of the annual tax sale shall be made once by the treasurer in an official newspaper in the county at least one week, but not more than three weeks, before the day of sale. The publication shall contain a description of the real estate to be sold that is clear, concise, and sufficient to distinguish the real estate to be sold from all other parcels. All items offered for sale pursuant to section 446.18 may be indicated by an "s" or by an asterisk. The publication shall also contain the name of the person in whose name the real estate to be sold is taxed, the amount of delinquent taxes, both regular and special, for which the real estate is liable for each year, the amount of the penalty, interest, and ten dollars representing costs, all to be incorporated as a single sum. The publication shall contain a statement that, after the sale, if the real estate is not redeemed within the period provided in chapter 447, the right to redeem expires and a deed may be issued.

3. In addition to the notice required by subsection 1 and the publication required by subsection 2, the treasurer shall send, at least one week, but not more than three weeks, before the day of sale, a notice of sale in the form prescribed by subsection 1, by regular first class mail, to any mortgagee having a lien upon the real estate, a vendor of the real estate under a recorded contract of sale, a lessor who has a recorded lease or memorandum of a recorded lease, and to any other person who has an interest of record in the real estate, if the mortgagee, vendor, lessor, or other person having an interest of record has done both of the following:

a. Has requested, on a form prescribed by the treasurer, that notice of sale be sent to the person.

b. Has filed the request form with the treasurer at least one month prior to the date of sale, together with a fee of twenty-five dollars.

The request for notice is valid for a period of five years from the date of filing with the treasurer. The request for notice may be renewed for additional periods of five years by the procedure specified in this subsection.

4. Notice required by subsections 1 and 3 shall be deemed made and completed when the notice is enclosed in a sealed envelope with the proper postage on the envelope, addressed to the person entitled to receive it at the person's last known mailing address, and is deposited in a mail receptacle provided by the United States postal service.

Sec. 5. Section 446.10, Code 1985, is amended to read as follows:

446.10 COSTS.

The compensation for ~~such~~ publication shall not exceed ~~one dollar~~ four dollars for each ~~description~~ separately described parcel, and shall be paid by the county. ~~Headings and other~~

matter shall be compensated for as provided in section 618.11. The amount paid therefor shall be collected as a part of the costs of sale and paid into the county treasury. If the taxes are paid before the date of sale, the amount paid for publication shall be included as a part of the costs of collecting the taxes.

Sec. 6. Section 446.12, Code 1985, is amended to read as follows:

446.12 CERTIFICATE OF PUBLICATION.

The treasurer shall obtain a copy of the notice of sale, with a certificate of the ~~its~~ publication thereof, from the printer or publisher, and file it in the office of the auditor, which certificate shall be substantially in the following form:

I, A B, publisher (or printer) of the, a newspaper printed and published in the county of and state of Iowa, ~~do hereby~~ certify that the foregoing notice and list were published in said that newspaper once in each week for two consecutive weeks, the last of which publications was made on the day of, A.D., and that copies of each number issue of said the paper in which said the notice and list were published were delivered by carrier or transmitted by mail to each of the subscribers to said the paper, according to the accustomed mode of business in this office.

A B
Signature of publisher (or printer)

State of Iowa, ss.
..... County.

The above certificate of publication was subscribed and sworn to before me by the above named A B, who is personally known to me to be the identical person described therein in the certificate, on the day of, A.D.

.....
Auditor County, Iowa.

Sec. 7. Section 447.9, Code 1985, is amended to read as follows:

447.9 NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION.

After two years and nine months from the date of sale, or after nine months from the date of a sale made under the provisions of section 446.18, 446.38 or 446.39, the holder of the certificate of purchase may cause to be served upon the person in possession of the real estate, and also upon the person in whose name the real estate is taxed, if the person resides in the county where the land is situated, in the manner provided for the service of original notices, a notice signed by the certificate holder or the certificate holder's agent or attorney, stating the date of sale, the description of the property sold, the name of the purchaser, and that the right of redemption will expire and a deed for the land be made unless redemption is made within ninety days from the completed service of the notice. When the notice is given by a county as a holder of a certificate of purchase the notice shall be signed by the county treasurer, and when given by a city, it shall be signed by the city officer designated by resolution of the council. When the notice is given by the Iowa housing finance authority or a city or county agency holding the property as part of an Iowa homesteading project, it shall be signed on behalf of the agency or authority by one of its officers, as authorized in rules of the agency or authority. Service of the notice shall also be made by certified mail on any mortgagee or assignee of record, whether resident or nonresident of the county, if the mortgagee's or assignee's address is disclosed by the recorded instrument or by a certificate showing the address of the mortgagee or assignee duly filed with the recorder, or having a lien upon the real estate, a vendor of the real estate under a recorded contract of sale, a lessor who has a recorded lease or memorandum of a recorded lease, and any other person who has an interest of record, at the person's last known address, and on the state of Iowa in case of an old-age assistance lien by service upon the state department of human services. The notice shall also be served on any city where the real estate is situated.

Sec. 8. Section 447.10, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

447.10 SERVICE BY PUBLICATION.

If notice in accordance with section 447.9 cannot be served upon a person entitled to notice in the manner prescribed in that section, then the holder of the certificate of purchase shall cause the required notice to be published once in an official newspaper in the county. If service is made by publication, the affidavit required by section 447.12 shall state the reason why service in accordance with section 447.9 could not be made. Service of notice by publication shall be deemed complete on the day of the publication.

Sec. 9. Section 447.13, Code 1985, is amended to read as follows:

447.13 COST — FEE — REPORT.

The cost of a record search and the cost of serving the notice and affidavit of publication, including the cost of mailing certified mail notices and the cost of publication under section 447.10 if publication is required, shall be added to the amount necessary to redeem. The fee for serving personal service of the notice shall be the same as for service of an original notice, including copy fee and mileage. The treasurer shall file the proof of service and statement of costs and enter it on the sale book against the proper tract of real estate. The holder of the certificate of sale or the holder's agent may shall report in writing to the county treasurer the amount of authorized costs incurred in giving the notice, and the treasurer shall enter it in the sale book. A redemption is not complete until the costs are paid. If the property is held by a city or county, a city or county agency, or the Iowa housing finance authority, for use in an Iowa homesteading project, whether or not the property is the subject of a conditional conveyance granted under the project, the costs incurred for repairs and rehabilitation work required and undertaken in order to make the property meet applicable building or housing code standards shall be added to the amount necessary to redeem, and a redemption is not complete until the costs are paid.

Sec. 10. **NEW SECTION. 589.24A DEFECT IN TAX SALE PROCEEDING.**

An action shall not be commenced after July 1, 1987, which asserts a claim against any real estate sold at a tax sale, based upon any defect in the tax sale proceeding, including the inadequacy of the notice of tax sale or the inadequacy of the notice of the expiration of the redemption period, where the tax sale was made prior to July 1, 1986.

Approved April 28, 1986

CHAPTER 1140

SEIZABLE AND FORFEITABLE PROPERTY

H.F. 2460

AN ACT relating to the disposition of seizable and forfeitable property, and providing penalties.

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

Section 1. Section 80.39, subsection 1, Code Supplement 1985, is amended to read as follows:

1. Personal property, except for ~~property subject to forfeiture~~, motor vehicles subject to sale pursuant to section 321.89, and seizable or forfeitable property subject to disposition pursuant to chapter ~~809A~~ 809, which personal property is found or seized by, turned in to, or otherwise lawfully comes into the possession of the department of public safety and which the department does not own, shall be disposed of pursuant to this section. If by examining the

property the owner or lawful custodian of the property is known or can be readily ascertained, the department shall notify the owner or custodian by certified mail directed to the owner's or custodian's last known address, as to the location of the property. If the identity or address of the owner cannot be determined, notice by one publication in a newspaper of general circulation in the area where the property was found is sufficient notice. Publication A published notice may contain multiple items.

Sec. 2. Section 602.8102, subsection 129, Code Supplement 1985, is amended to read as follows:

129. Carry out duties relating to the disposition of seized property as provided in chapter 809A 809.

Sec. 3. NEW SECTION. 809.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Seizable property" means any of the following:

- a. Property which is relevant in a criminal prosecution or investigation.
- b. Property defined by law to be forfeitable property.
- c. Property which if not seized by the state poses an imminent danger to a person's health, safety, or welfare.

2. "Forfeitable property" means any of the following:

- a. Property which is illegally possessed.
- b. Property which has been used or is intended to be used to facilitate the commission of a criminal offense or to avoid detection or apprehension of a person committing a criminal offense.

c. Property which is acquired as or from the proceeds of a criminal offense.

d. Property offered or given to another as an inducement for the commission of a criminal offense.

3. "Seized property" means property taken or held by any law enforcement agency without the consent of the person, if any, who had possession or a right to possession of the property at the time it was taken into custody. Seized property does not include property taken into custody solely for safekeeping purposes or property taken into custody with the consent of the owner or the person who had possession at the time of the taking. If consent to the taking of property was given by the person in possession of the property and later withdrawn or found to be insufficient, the property shall then be returned or the property shall be deemed seized as of the time of the demand and refusal.

4. The definitions contained in subsections 1 through 3 shall not apply to violations of chapter 321 or 321B.

Sec. 4. NEW SECTION. 809.2 NOTICE OF SEIZURE.

The officer taking possession of seized property shall make a written inventory of the property and deliver a copy of the inventory to the person from whom it was seized. The inventory shall include the name of the person taking custody of the seized property, the date and time of the seizure, and the law enforcement agency seizing the property.

Sec. 5. NEW SECTION. 809.3 APPLICATION FOR RETURN OF SEIZED PROPERTY.

1. Any person claiming a right to immediate possession of seized property may make application for its return in the office of the clerk of court for the county in which the property was seized.

2. The application for the return of seized property shall state the specific item or items sought, the nature of the claimant's interest in the property, and the grounds upon which the claimant seeks to have the property immediately returned. Mere ownership is insufficient as grounds for immediate return. The written application shall be specific and the claimant shall be limited at the judicial hearing to proof of the grounds set out in the application for immediate return. The fact that the property is inadmissible as evidence or that it may be suppressed is not grounds for its return. If no specific grounds are set out in the application for

return, or the grounds set out are insufficient as a matter of law, the court may enter judgment on the pleadings without further hearing.

3. The claimant shall cause a copy of the application to be delivered to the county attorney.

Sec. 6. NEW SECTION. 809.4 HEARING — APPEAL.

An application for the return of property shall be set for hearing not less than five nor more than thirty days after the filing of the application and shall be tried to the court. All claims to the same property shall be heard in one proceeding unless it is shown that the proceeding would result in prejudice to one or more of the parties. If the total value of the property sought to be returned is less than five thousand dollars, the proceeding may be conducted by a magistrate or a district associate judge with appeal to be as in the case of small claims. In all other cases, the hearing shall be conducted by a district judge, with appeal as provided in section 809.12.

Sec. 7. NEW SECTION. 809.5 DISPOSITION OF SEIZED PROPERTY.

1. Seized property which is no longer required as evidence or for use in an investigation may be returned to the owner without the requirement of a hearing, provided that the person's possession of the property is not prohibited by law and there is no forfeiture claim filed on behalf of the state. The seizing agency or prosecuting attorney shall send notice by regular mail, if the value of the property is less than fifty dollars, or certified mail, if the value of the property is equal to or greater than fifty dollars, to the last known address of any person having an ownership or possessory right in the property stating that the property is released and must be claimed within thirty days. Such notice shall state that if no written claim for the property is made upon the seizing agency within thirty days after the mailing of notice, the property shall be deemed abandoned and disposed of accordingly. In the event that there is more than one party who may assert a right to possession or ownership of the property, the seizing agency shall not release the property to any party until the expiration of the date for filing claims unless all other claimants execute a written waiver. In the event that there is more than one claim filed for the return of property under this section, at the expiration of the period for filing claims the seizing agency or prosecuting attorney shall file a copy of all such claims with the clerk of court and the clerk shall proceed as if such claims were filed by the parties under section 809.3. In the event that no owner can be located or no claim is filed under this section, the property shall be deemed abandoned and the seizing agency shall become the owner of such property and may dispose of it in any reasonable manner.

2. Upon the filing of a claim and following hearing by the court, property which has been seized shall be returned to the person who demonstrates a right to possession, unless one or more of the following is true:

- a. The possession of the property by the claimant is prohibited by law.
- b. There is a forfeiture notice on file and not disposed of in favor of the claimant prior to or in the same hearing.
- c. The state has demonstrated that the evidence is needed in a criminal investigation or prosecution.

3. The court shall, subject to any unresolved forfeiture hearing, make orders appropriate to the final disposition of the property including, but not limited to, the destruction of contraband once it is no longer needed in an investigation or prosecution.

Sec. 8. NEW SECTION. 809.6 FORFEITURE OF PROPERTY.

Title to and responsibility for forfeitable property vests in the state at the time of seizure. Once forfeitable property is seized, no right to the property may be transferred by anyone other than the state unless the seizure and forfeiture is declared by the court to be a nullity. Property which may not legally be possessed is forfeited to the state by its seizure without further filing of a notice of forfeiture.

Sec. 9. NEW SECTION. 809.7 SEIZURE OF FORFEITABLE PROPERTY.

Forfeitable property may be seized whenever and wherever the property is found within this state. Forfeitable property may be seized by a peace officer or county attorney or by the attorney general. Forfeitable property may be seized by taking custody of the property or by serving upon the person in possession of the property a notice of forfeiture. If the court finds that forfeiture to the state is warranted, an order transferring ownership to the state shall be entered and the property shall be delivered to the attorney general as the attorney general directs.

Property which has been seized for forfeiture, and is not already secured as evidence in a criminal case, shall be safely secured or stored by the agency which caused its seizure unless directed otherwise by the attorney general.

Sec. 10. NEW SECTION. 809.8 NOTICE OF FORFEITURE.

1. The county attorney or attorney general shall file with the clerk of the district court for the county in which the property was seized a notice of forfeiture setting forth a description of the property claimed to be forfeited to the state, the grounds upon which the state claims that the property has been forfeited, the date and place of seizure, and the name of the person from whom the property was seized.

2. The claim shall be filed not later than one year after the date upon which the state learned that the property was forfeitable or not later than six months after the property was seized, whichever is later. Failure to file within that time terminates the state's right to claim a forfeiture of the property.

3. The state shall cause a copy of the notice of forfeiture to be delivered to all known persons affected by the forfeiture. Notice shall be by certified mail or by such method of service set out in division III of the rules of civil procedure.

Sec. 11. NEW SECTION. 809.9 CLAIM FOR RETURN OF FORFEITABLE PROPERTY.

1. A person claiming an ownership right in property claimed to be forfeited to the state may make application for its return in the office of the clerk of court for the county in which the property was seized. The application shall be filed within thirty days after the receipt of the notice of forfeiture, and failure to file the application within this time period terminates the interest of the person.

2. An application for the return of forfeitable property shall state the specific item or items sought, the nature and the source of the claimant's interest in the property, and the grounds upon which the claimant seeks to avoid forfeiture. The written application shall be specific and amendments to the application shall be liberally permitted, including an amendment to conform to proof at the close of all evidence. The fact that the property is inadmissible as evidence or that it may be suppressed is not grounds for its return.

3. The claimant shall cause a copy of the application to be delivered to the attorney for the state.

Sec. 12. NEW SECTION. 809.10 HEARING — CLERK'S ORDER.

1. If no application for the return of forfeitable property is timely made pursuant to section 809.9, upon application of the attorney for the state, the clerk shall enter an order transferring title to the state.

2. If an application for the return of forfeitable property is timely made pursuant to section 809.9, the claim shall be set for hearing and the hearing shall be held not less than five or more than thirty days after the filing of the claim and shall be tried to the court. All claims to the same property shall be heard in one proceeding unless it is shown that the proceeding would result in prejudice to one or more of the parties. If the total value of the property sought to be returned is less than five thousand dollars, the proceeding may be conducted by a magistrate or a district associate judge with appeal to be as in the case of small claims. In all other cases, the hearing shall be conducted by a district judge, with appeal as provided in section 809.12.

3. Upon a finding by the court that the property is forfeitable, the court shall enter an order transferring title to the property to the state.

Sec. 13. NEW SECTION. 809.11 PROCEDURES AT HEARING.

1. Forfeiture is a civil proceeding. At the hearing the burden is on the state to prove by a preponderance of the evidence that the property is forfeitable. However, forfeiture is not dependent upon a prosecution for, or conviction of, a criminal offense and forfeiture proceedings are separate and distinct from any related criminal action.

2. Court appointed counsel, at the state's expense, is not available in forfeiture proceedings. The attorney general or county attorney may represent the state in all forfeiture proceedings.

3. The costs for a forfeiture action shall be as in the case of criminal actions filed by the county attorney. However, no costs for filing shall be assessed in a proceeding where no claim for return has been made.

4. The court may assess costs against a losing party or apportion costs against the parties.

Sec. 14. NEW SECTION. 809.12 APPEALS.

1. An appeal from a judgment of seizure or forfeiture by a district judge shall be made within thirty days after the entry of a judgment order. The appellant, other than the state, shall post a bond of a reasonable amount as the court may fix and approve, conditioned to pay all costs of the proceedings if the appellant is unsuccessful on appeal. The appellant, other than the state, may be required to post a supersedeas bond or other security, as the court finds to be reasonable, in order to stay the operation of a forfeiture order.

2. If property forfeitable under this chapter is needed as evidence in a criminal proceeding, it shall be retained under the control of the prosecuting attorney, or the prosecuting attorney's designee, until such time as its use as evidence is no longer required.

Sec. 15. NEW SECTION. 809.13 DISPOSITION OF FORFEITED PROPERTY.

1. Any person having control over forfeited property shall communicate that fact to the attorney general or the attorney general's designee.

2. Forfeited property not needed as evidence in a criminal case shall be delivered to the department of justice, or, upon written authorization of the attorney general or the attorney general's designee, the property may be destroyed, sold, or delivered to an appropriate agency for disposal in accordance with this section.

3. Forfeited property may be used by the department of justice in the enforcement of the criminal law. The department may give, sell, or trade property to any other state agency or to any other law enforcement agency within the state if, in the opinion of the attorney general, it will enhance law enforcement within the state.

4. Forfeited property which is not used by the department of justice in the enforcement of the law may be requisitioned by the department of public safety or any law enforcement agency within the state for use in enforcing the criminal laws of this state. Forfeited property not requisitioned may be delivered to the director of the department of general services to be disposed of in the same manner as property received pursuant to section 18.15.

5. Notwithstanding subsection 1, 2, 3, or 4, forfeited property which is:

a. A controlled substance or a simulated, counterfeit, or imitation controlled substance shall be disposed of as provided in section 204.506.

b. A weapon or ammunition shall be deposited with the department of public safety to be disposed of in accordance with the rules of the department. All weapons or ammunition may be held for use in law enforcement, testing, or comparison by the criminalistics laboratory, or destroyed.

c. Material in violation of chapter 728 shall be destroyed.

d. Property subject to the rules of the conservation commission shall be delivered to that commission for disposal in accordance with its rules.

Sec. 16. NEW SECTION. 809.14 NONFORFEITABLE INTERESTS — PURCHASE OF FORFEITED INTERESTS.

1. Property shall not be forfeited under this chapter to the extent of the interest of an owner, other than a joint tenant, who had no part in the commission of the crime and who had no knowledge of the criminal use or intended use of the property. However, if it is established that the owner permitted the use of the property under circumstances in which a reasonable person should have inquired into the intended use of the property and that the owner failed to do so, there is a rebuttable presumption that the owner knew that the property was intended to be used in the commission of a crime.

2. Upon receipt of forfeited property the attorney general shall permit any owner or lienholder of record having a nonforfeitable property interest in the property the opportunity to purchase the property interest forfeited. If the owner or lienholder does not exercise the option under this subsection within thirty days the option is terminated, unless the time for exercising the option is extended by the attorney general.

3. A person having a valid, recorded lien or property interest in forfeited property, which has not been repurchased pursuant to subsection 2, shall either be reimbursed to the extent of the nonforfeitable interest or to the extent that the sale of the item produces sufficient revenue to do so, whichever amount is less. The sale of forfeited property should be conducted in a manner which is commercially reasonable and calculated to provide a sufficient return to cover the costs of the sale and reimburse any nonforfeitable interest. The validity of a lien or property interest is determined as of the date upon which property becomes forfeitable.

4. This section does not preclude a civil suit by an owner of an interest in forfeited property against the party who, by criminal use, caused the property to become forfeited to the state.

Sec. 17. NEW SECTION. 809.15 COMBINING PROCEEDINGS.

In cases involving seized property and forfeitable property, the court may order that the proceedings be combined for purposes of this chapter.

Sec. 18. NEW SECTION. 809.16 RULEMAKING.

The attorney general may adopt, amend, or repeal rules pursuant to chapter 17A to carry out the provisions of this chapter.

Sec. 19. Chapters 127 and 809A, Code 1985 and Code Supplement 1985, and sections 204.505 and 204A.6, Code 1985, are repealed.

Approved April 28, 1986

CHAPTER 1141
COMMERCIAL FISHING
H.F. 2463

AN ACT relating to commercial fishing and providing penalties.

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

Section 1. NEW SECTION. 109B.1 AUTHORITY OF THE COMMISSION.

The state conservation commission shall observe, administer, and enforce this chapter. The state conservation commission may adopt and enforce rules under chapter 17A as necessary to carry out this chapter.

The state conservation commission may:

1. Remove or cause to be removed from the waters of the state any aquatic species that in the judgment of the commission is an underused renewable resource or has a detrimental

effect on other aquatic populations. All proceeds from a sale of these aquatic organisms shall be credited to the state fish and game protection fund.

2. Issue to any person a permit or license authorizing that person to take, possess, and sell underused, undesirable, or injurious aquatic organisms from the waters of the state. The person receiving a permit or license shall comply with the applicable provisions of this chapter.

3. Authorize the director to enter into written contracts for the removal of underused, undesirable, or injurious organisms from the waters of the state. The contracts shall specify all terms and conditions desired. Sections 109.115, 109B.4, 109B.6, and 109B.14 do not apply to these contracts.

4. Prohibit, restrict, or regulate commercial fishing, commercial turtle fishing, and commercial mussel fishing in any waters of the state.

5. Revoke the license of a licensee and the licensee's designated operators for up to one year if the licensee or any designated operator has been convicted of a violation of chapter 109, 109B, or 110.

6. Regulate the numbers of commercial fishers, commercial turtle fishers, and commercial mussel fishers and the amount, type, seasonal use, mesh size, construction and design, manner of use, and other criteria relating to the use of commercial gear for any body of water or part thereof.

7. Establish catch quotas, seasons, size limits, and other regulations for any species of commercial fish, turtles, or mussels for any body of water or part thereof.

8. Designate by listing species as commercial fish, turtles, or mussels.

9. Designate any body of water or its part as protected habitat and restrict, prohibit, or otherwise regulate the taking of commercial fish, turtles, and mussels in protected habitat areas.

Employees of the commission may lift and inspect any commercial gear at any time when being used and may inspect commercial catches, commercial markets, and landings, and examine catch records of commercial fishers, commercial turtle fishers, and commercial mussel fishers upon demand.

Officers of the commission may seize and retain as evidence any illegal fish, turtles, or mussels, or any illegal commercial gear, or any other personal property used in violation of any provision of the Code, and may confiscate any untagged or illegal commercial gear as contraband.

Sec. 2. NEW SECTION. 109B.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Boundary waters" means the waters of the Mississippi, Missouri, and Big Sioux rivers.

2. "Commercial fisher" means a person who is licensed to take and sell fish from waters of the state.

3. "Commercial fishing" means taking, attempting to take, or transporting of fish for the purpose of selling, bartering, exchanging, offering, or exposing for sale.

4. "Commercial gear" means the capturing equipment used by commercial fishers, commercial turtle fishers, and commercial mussel fishers.

5. "Commercial mussel fisher" means a person who is licensed to take and sell freshwater mussels from waters of the state.

6. "Commercial mussel fishing" means taking, attempting to take, or transporting of freshwater mussels for the purpose of selling, bartering, exchanging, offering, or exposing for sale.

7. "Commercial species" means species of fish, turtles, and freshwater mussels which may be lawfully taken and sold by commercial fishers, commercial turtle fishers, and commercial mussel fishers, as established by rule by the commission.

8. "Commercial turtle fisher" means a person who is licensed to take and sell turtles from the waters of the state.

9. "Commercial turtle fishing" means taking, attempting to take, or transporting of turtles for the purpose of selling, bartering, exchanging, offering, or exposing for sale.

10. "Constant attendance" means the presence of a commercial fisher or a designated operator whenever commercial gear is in use.

11. "Director" means the director of the Iowa state conservation commission, and the director's duly authorized assistants, deputies, or agents.

12. "Game fish" means all species and size categories of fish not included as "commercial species" or minnows.

13. "Inland waters of the state" means all public waters of the state excluding the boundary waters of the Mississippi, Big Sioux, and Missouri rivers.

14. "Licensed commercial gear" means any commercial gear that is licensed as provided in this chapter and that, when in use, has attached the proper tags as provided by this chapter.

15. "Nonresident or alien" means a person who does not qualify as a resident of the state of Iowa either because of a bona fide residence in another state or because of citizenship of a country other than the United States. However, "alien" does not include a person who has applied for naturalization papers.

16. "Resident" means a person who is legally subject to motor vehicle registration and driver's license laws of this state, or who is qualified to vote in an election of this state.

17. "Waters of the state" means all of the waters under the jurisdiction of the state.

Sec. 3. NEW SECTION. 109B.3 COMMERCIAL FISHING — WHERE PERMITTED.

It is unlawful to use commercial gear in the taking of commercial fish, turtles, and mussels from the waters of the state, except as otherwise provided by statute or administrative rules of the commission.

Sec. 4. NEW SECTION. 109B.4 COMMERCIAL LICENSES AND GEAR TAGS.

1. A person shall not use or operate commercial gear without possessing an appropriate valid commercial license, or a designated operator's license. A license is valid from the date of issue to January 10 of the succeeding calendar year for which it was issued.

2. It is lawful for a commercial fisher to designate a person as a designated operator to lift and to fish with any or all licensed commercial fishing gear owned by the commercial fisher. The commercial fisher shall submit the names and addresses of the persons to be designated as designated operators when applying for a commercial fishing license. A commercial fisher shall not have more than five designated operators. A designated operator shall not lift or fish any commercial fishing gear without having first procured a designated operator's license.

3. A boundary water annual sport trotline license permits the licensee to use a maximum of four trotlines with two hundred hooks in the aggregate. All boundary water sport trotlines shall be tagged with the name and address of the licensee on a metal tag affixed above the waterline.

4. Commercial fishers and turtle fishers shall purchase gear tags from the commission to be affixed to each piece of gear in use. Notwithstanding the fee rates for gear tags of subsection 7, the minimum fee for a gear tag is five dollars. All tags are valid for ten years from the date of issue. In addition to the gear tags, all gear shall be tagged with a metal tag showing the name and address of the licensee and whether the gear is fish or turtle gear.

5. All numbered fish gear tags are interchangeable among the different types of commercial fishing gear.

6. Annual license fees are as follows:

| | |
|------------------------------------|----------|
| a. Commercial fishing, resident | \$200.00 |
| b. Commercial fishing, nonresident | 400.00 |
| c. Designated operator, resident | 50.00 |

| | |
|--|----------|
| d. Designated operator, nonresident | 100.00 |
| e. Commercial turtle, resident | 50.00 |
| f. Commercial turtle, nonresident | 100.00 |
| g. Commercial mussel, resident | 30.00 |
| h. Commercial mussel, nonresident | 400.00 |
| i. Commercial mussel buyer, resident | 300.00 |
| j. Commercial mussel buyer, nonresident | 2,500.00 |
| k. Boundary water sport trotline, resident | 10.00 |
| l. Boundary water sport trotline, nonresident | 20.00 |
| 7. Commercial fish gear tags are required on the following units of commercial fishing gear at the listed fee: | |
| a. Seine, resident, one gear tag for each 100 feet or fraction thereof | \$1.00 |
| b. Seine, nonresident, one gear tag for each 100 feet or fraction thereof | 2.00 |
| c. Trammel net, resident, one gear tag for each 100 feet or fraction thereof | 1.00 |
| d. Trammel net, nonresident, one gear tag for each 100 feet or fraction thereof | 2.00 |
| e. Gill net, resident, one gear tag for each 100 feet or fraction thereof | 1.00 |
| f. Gill net, nonresident, one gear tag for each 100 feet or fraction thereof | 2.00 |
| g. Entrapment nets, resident, one gear tag per net | 1.00 |
| h. Entrapment nets, nonresident, one gear tag per net | 2.00 |
| i. Commercial trotline, resident, one gear tag for each 50 hooks or less | 1.00 |
| j. Commercial trotline, nonresident, one gear tag for each 50 hooks or less | 2.00 |
| 8. Turtle trap gear tags are not interchangeable with other commercial gear. Turtle trap gear tag fees are as follows: | |
| a. Commercial turtle trap, resident, one gear tag per trap | 1.00 |
| b. Commercial turtle trap, nonresident, one gear tag per trap | 2.00 |

Sec. 5. NEW SECTION. 109B.5 COMMERCIAL GEAR.

It is lawful for a person who is legally licensed to commercial fish to use the commercial fishing gear of a design, construction, size, season and all other criteria established by the commission for taking those species of fish and turtles designated by the commission by rule.

Sec. 6. NEW SECTION. 109B.6 TAGGING OF COMMERCIAL GEAR.

1. Each trotline shall have the tags affixed to one end. Each hoop net, slat net, trap net, and turtle trap shall have the appropriate tag affixed to the end nearest the pot. Each gill net and each trammel net shall have the tags affixed to the float line nearest the shore stake, but when fished under ice, the tags shall be affixed to the float line nearest the take-out hole. Each seine shall have the tags affixed to one end.

Sec. 7. NEW SECTION. 109B.7 GEAR ATTENDANCE.

1. The licensee or a designated operator must be present when lifting commercial gear. Commercial gear shall be lifted and emptied of catch as provided by the rules of the commission. Constant attendance by the licensee or a designated operator of seines, trammel nets, and gill nets is required when the gear is fished by driving, drive-seining, seining, floating, or drifting methods. Officers of the commission shall grant a reasonable extension of gear attendance intervals in cases of inclement weather or unsafe conditions.

Sec. 8. NEW SECTION. 109B.8 BAIT.

1. It is lawful for licensed commercial fishers, designated operators, commercial turtle fishers, and licensed sport trotline fishers to pursue, take, possess, and transport any commercial fish or their parts, bait fish, turtles, frogs, salamanders, leeches, crayfish, or any other aquatic invertebrates for bait unless otherwise prohibited by law.

2. It is lawful to use any member of the following families as bait fish in boundary waters: Cyprinidae, the minnows; Catostomidae, the suckers; Umbridae, the mudminnows; Clupeidae, the herrings; Hiodontidae, the mooneyes; Amiidae, the bowfin unless otherwise prohibited by law.

3. It is lawful to use green sunfish, *Lepomis cyanellus*, and orange-spotted sunfish, *Lepomis humilis*, for bait fish.

4. It is lawful to use minnow seines for taking bait in the boundary waters. Minnow seines may not exceed fifty feet in length and eight feet in depth.

Sec. 9. NEW SECTION. 109B.9 UNLAWFUL METHODS.

It is unlawful:

1. To use commercial gear which is not in accordance with this chapter or the rules of the commission.

2. To use commercial gear within nine hundred feet from a navigation dam on the boundary waters.

3. To use commercial gear within three hundred feet from the mouth of a tributary stream emptying into the boundary waters.

4. For a person to lift or to fish licensed commercial gear of another person, except by the licensee and the licensee's designated operators.

5. To employ chemicals, electricity, or explosives into the water for taking fish, turtles, or freshwater mussels except as authorized by the director.

6. To have in one's possession game fish or other fish, turtles, or mussels deemed illegal by other provisions of law while engaged in commercial activities. A fish caught in commercial fishing that is not lawful to possess shall be handled with wet hands and immediately released under water with as little injury as possible.

7. To block or inhibit navigation through channels with commercial fishing gear unless a minimum of three feet of water depth is maintained over float lines of any entanglement gear or leads to trap nets. Gear shall not block over one-half the width of a navigable channel if there is less than three feet of water over the gear.

Sec. 10. NEW SECTION. 109B.10 SALE OF COMMERCIAL FISH.

1. A person possessing a commercial fishing license or designated operator's license may possess and sell any commercial fish, turtles, or freshwater mussels, or their parts, which have been lawfully taken.

2. All intrastate and interstate shipments of commercial fish or turtles must be accompanied by a label which shows the name and address of the seller and the kinds and pounds of the catches being sold. Individuals purchasing fish, turtles, or mussels from a commercial fisher, turtle fisher, or mussel fisher need not possess a license.

Sec. 11. NEW SECTION. 109B.11 TURTLES.

1. A person shall not take, possess, or sell turtles from the waters of the state without an appropriate license.

a. A valid sport fishing license entitles a person to take and possess a maximum of one hundred pounds of live turtles or fifty pounds of dressed turtles. The sale of live or dressed turtles is not permitted with a sport fishing license.

b. A commercial turtle license is required to take and possess more than one hundred pounds of live or fifty pounds of dressed turtles. The holder of a commercial turtle license may sell live or dressed turtles.

c. A commercial fishing license or a designated operator's license entitles fishers to operate any licensed commercial fishing gear for taking, possessing, or selling turtles.

2. It is unlawful to take, possess, or sell any species of turtles except those designated by the commission by rule.

3. The method of taking turtles shall only be by hand, turtle hook, turtle trap, licensed commercial fishing gear, or other means designated by commission rules. Sport fishers may also use hook-and-line in catching turtles.

4. Any unattended fishing gear used to take turtles on a sport fishing license shall have affixed a metal tag provided by the owner bearing the owner's name and address.

Sec. 12. NEW SECTION. 109B.12 FRESHWATER MUSSELS.

1. A person shall not take, possess, or sell freshwater mussels from the waters of the state without an appropriate license.

a. A sport fishing license entitles a person to take and possess a maximum of twenty pounds of mussels or shells daily. The possession limit for each licensee is twenty pounds of live mussels or shells. Sale of mussels or shells is not permitted with a sport fishing license.

b. A commercial mussel license is required to take more than twenty pounds of mussels or shells daily, or possess more than twenty pounds of mussels or shells. The holder of a commercial mussel license may sell mussels or shells.

c. A commercial mussel buyer license is required to buy mussels or shells.

2. A person may take all species of freshwater mussels, or their parts, except where otherwise prohibited by rules of the commission.

3. The method of taking freshwater mussels shall only be by hand, by diving, or by crowfoot bar, a device designed to catch mussels by inserting hooks between the shells, or by other means designated by rules of the commission. A crowfoot bar shall not exceed twenty feet in length and a licensee shall not fish more than three bars.

Sec. 13. NEW SECTION. 109B.13 RECIPROCITY FOR COMMERCIAL FISHING, COMMERCIAL TURTLE FISHING, AND COMMERCIAL MUSSEL FISHING.

1. Reciprocal commercial fishing, commercial turtle fishing, and commercial freshwater mussel fishing privileges are contingent upon a grant of similar privileges by the appropriate state to residents of this state.

2. The commission may negotiate commercial reciprocity agreements with other states.

3. Whenever and so long as the states of Minnesota, Wisconsin, Illinois, or Missouri confer upon the commercial clamming licensees of this state reciprocal rights, privileges and immunities, any commercial clamming license issued by such other state shall entitle the licensee to all the rights, privileges and immunities, in and upon the boundary waters between Illinois and this state and between Wisconsin and this state, enjoyed by the holders of equivalent licenses issued by this state; subject, however, to the duties, responsibilities and liabilities imposed on its own licensees by the laws of this state.

Sec. 14. NEW SECTION. 109B.14 REPORTS REQUIRED.

All commercial fishers, commercial turtle fishers, and commercial mussel fishers shall submit a monthly report supplying all information requested on forms furnished by the commission. Reports must be received by the commission no later than the fifteenth day of the following month.

Sec. 15. NEW SECTION. 109B.15 PENALTIES.

A person who violates a provision of this chapter or a rule issued under this chapter is guilty of a simple misdemeanor.

Sec. 16. NEW SECTION. 110.20 RECIPROCITY.

Licenses for bait dealers or for fishing, hunting, or trapping shall not be issued to residents of states that do not sell similar licenses or certificates to residents of Iowa. However, the licensing of nonresident bait dealers who sell at wholesale to licensed dealers in Iowa for resale is permitted.

Sec. 17. Section 110.1, subsections 5 and 6 and subsection 7, paragraphs a through e, Code 1985, are amended by striking those subsections and paragraphs.

Sec. 18. Section 324.17, subsection 13, Code 1985, is amended to read as follows:

13. A bona fide commercial fisher, licensed and operating under an owner's certificate for commercial fishing gear issued pursuant to section ~~110.1~~ shall be 109B.4 is entitled to receive a motor fuel or special fuel tax refund under this section.

Sec. 19. Section 422.110, subsection 4, Code 1985, is amended to read as follows:

4. Motor fuel or special fuel used by a bona fide commercial ~~fisherman~~ fisher, licensed and operating under an owner's certificate for commercial fishing gear issued pursuant to section ~~110.1~~ 109B.4.

Sec. 20. Sections 109.17, 109.29, 109.99 through 109.101, 109.105 through 109.118, and 110.2, Code 1985, are repealed.

Sec. 21. Section 4, subsection 6, paragraph "g" through "j" and section 13, subsection 3 of this Act, being deemed of immediate importance, shall take effect from and after the Act's publication in the Muscatine Journal, a newspaper published in Muscatine, Iowa and in the North Iowa Times, a newspaper published in McGregor, Iowa.

Approved April 28, 1986

I hereby certify that the foregoing Act, House File 2463, was published in the Muscatine Journal, Muscatine, Iowa, on May 5, 1986, and in the North Iowa Times, McGregor, Iowa, on May 7, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1142

FARM TOURISM INFORMATION COLLECTION

H.F. 166

AN ACT requiring the Iowa development commission to collect information regarding farm tourism.

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

Section 1. Section 28.7, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 12. Collect, assemble, and publish a list of farmers who have agreed to host overnight guests, for purposes of promoting agriculture in the state and farm tourism, to the extent that funds are available.

Approved April 28, 1986

CHAPTER 1143

NAVIGATION BY DIVER'S FLAG

H.F. 2078

AN ACT relating to navigation near a diving flag and subjecting violators to a penalty.

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

Section 1. Section 106.12, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 11. A person shall not operate a vessel within fifty feet of a diver's flag placed in accordance with the rules of the commission adopted under chapter 17A.

Approved April 28, 1986

CHAPTER 1144
WATER RESOURCE REGULATION
H.F. 2221

AN ACT providing for modifications of the authority of the department of water, air and waste management over water pollution, flood plain construction, and water use.

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

Section 1. Section 455B.171, subsections 4 and 8, Code Supplement 1985, are amended to read as follows:

4. "Water pollution" means the contamination or alteration of the physical, chemical, biological, or radiological integrity of any water of the state so as to create a nuisance or render such water unclean, noxious or impure so as to be actually by a source resulting in whole or in part from the activities of humans, which is harmful, detrimental, or injurious to public health, safety, or welfare, to domestic, commercial, industrial, agricultural, or recreational use or to livestock, wild animals, birds, fish, or other aquatic life.

8. "Federal Water Pollution Control Act" means the federal Water Pollution Control Act of 1972, Pub. L. No. 92-500, as published in 33 U.S.C. sees. §§ 1251-1376, as amended through December 31, 1981 1985.

Sec. 2. Section 455B.275, subsection 3, Code 1985, is amended to read as follows:

3. If a person desires to erect or make or to permit a structure, dam, obstruction, deposit, or excavation, other than a dam constructed and operated under chapter 469, to be erected, made, used, or maintained in or on any floodway or flood plains, the person shall file a verified written application with the department, setting forth information as required by rule of the commission. The department, after an investigation, shall approve or deny the application imposing conditions and terms as prescribed by the department.

Sec. 3. Section 455B.279, subsection 1, Code 1985, is amended to read as follows:

1. The ~~commission~~ executive director may issue any order necessary to secure compliance with or prevent a violation of this part or the rules adopted pursuant to this part. Within thirty days of issuance, the order may be appealed to the commission by filing a notice of appeal with the executive director. The appeal shall be conducted as a contested case pursuant to chapter 17A and the commission may affirm, modify, or revoke the order. The department may request legal services as required from the attorney general, including any legal proceeding necessary to obtain compliance with this part and rules and orders issued under this part.

Approved April 28, 1986

CHAPTER 1145
CHILD CUSTODY ORDERS
H.F. 2280

AN ACT relating to violations of child custody orders and making penalties applicable.

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

Section 1. Section 710.6, Code Supplement 1985, is amended to read as follows:

710.6 VIOLATING CUSTODIAL ORDER.

A relative of a child who, acting in violation of an order of any court which fixes, permanently or temporarily, the custody or physical care of the child in another, takes and conceals

the child, within or outside the state, from the person having lawful custody or physical care, commits a class "D" felony.

A parent of a child living apart from the other parent who conceals that child or causes that child's whereabouts to be unknown to a parent with visitation rights or parental time in violation of a court order granting visitation rights or parental time and without the other parent's consent, commits a serious misdemeanor.

Approved April 28, 1986

CHAPTER 1146
LABELING KEROSENE
S.F. 2037

AN ACT relating to the labeling of fuel sold as kerosene.

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

Section 1. Section 214A.1, subsection 1, Code Supplement 1985, is amended to read as follows:

1. "Motor vehicle fuel" shall mean and include any means a substance or combination of substances which is intended to be or is capable of being used for the purpose of propelling or running by combustion any internal combustion engine and is kept for sale or sold for that purpose. The products commonly known as kerosene and distillate or petroleum products of lower gravity (Baume scale), when not used to propel a motor vehicle or for compounding or combining with any a motor vehicle fuel, shall be are exempt from the provisions of this chapter except as provided in section 214A.2A.

Sec. 2. **NEW SECTION.** 214A.2A KEROSENE LABELING.

Fuel which is sold or is kept, offered, or exposed for sale as kerosene shall be labeled as kerosene. The label shall include the word "kerosene" and a designation as either "K1" or "K2", and shall indicate that the kerosene is in compliance with the standard specification adopted by the A.S.T.M. in specification D-3699 (1982).

Approved April 28, 1986

CHAPTER 1147
ADMISSIBILITY OF CRIMINALISTIC LAB REPORTS
S.F. 2044

AN ACT relating to the admissibility of the reports and findings of the criminalistics laboratory in administrative hearings and forfeiture proceedings.

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

Section 1. Section 691.2, Code 1985, is amended to read as follows:

691.2 PRESUMPTION OF QUALIFICATION — ACCEPTANCE IN EVIDENCE.

It shall be presumed that any employee or technician of the criminalistics laboratory is qualified or possesses the required expertise to accomplish any analysis, comparison, or identification done by the employee in the course of the employee's employment in the criminalistics laboratory. Any report, or copy thereof, or the findings of the criminalistics laboratory shall be received in evidence in any court, preliminary hearing, and grand jury proceeding, administrative hearing, and forfeiture proceeding in the same manner and with the

same force and effect as if the employee or technician of the criminalistics laboratory who accomplished the requested analysis, comparison, or identification had testified in person. An accused person or the person's A party or the party's attorney may request that such an employee or technician testify in person at a criminal trial, administrative hearing, or forfeiture proceeding on behalf of the state before a jury or to the court or the adverse agency of the state, by notifying the proper county attorney, or in the case of an administrative proceeding the adverse agency, at least ten days before the date of such the criminal trial, administrative hearing, or forfeiture proceeding.

Approved April 28, 1986

CHAPTER 1148
DISTRICT JUDGE APPORTIONMENT
S.F. 2123

AN ACT relating to the judgeship formula for the apportionment of district judges.

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

Section 1. Section 602.6201, subsection 3, Code 1985, is amended to read as follows:

3. The number of judgeships to which each of the judicial election districts is entitled is determined according to the following formula:

a. In an election district where the largest county contains two hundred thousand or more population, there is one judgeship per seven hundred twenty-five combined civil and criminal filings or major fraction thereof. A judicial election district containing a city of fifty thousand or more population is entitled to the number of judgeships equal to the average, rounded to the nearest whole number, of the following two quotients, each rounded to the nearest hundredth:

(1) The combined civil and criminal filings in the election district divided by five hundred fifty.

(2) The election district's population divided by forty thousand.

However, the seat of government is entitled to one additional judgeship.

b. In an election district where the largest county contains eighty-five thousand or more population, but less than two hundred thousand, there is one judgeship per six hundred twenty-five combined civil and criminal filings or major fraction thereof. All other judicial election districts are entitled to the number of judgeships equal to the average, rounded to the nearest whole number, of the following two quotients, each rounded to the nearest hundredth:

(1) The combined civil and criminal filings in the election district divided by four hundred fifty.

(2) The election district's population divided by forty thousand.

c. In an election district where the largest county contains forty-five thousand or more population, but less than eighty-five thousand, there is one judgeship per five hundred twenty-five combined civil and criminal filings or major fraction thereof.

d. In an election district where the largest county contains less than forty-five thousand population, there is one judgeship per four hundred seventy-five combined civil and criminal filings or major fraction thereof.

e. Notwithstanding paragraph "a," "b," "c," or "d," each election district is entitled to not less than one judgeship for each forty thousand population or major fraction thereof contained in the election district.

f. The filings included in the determinations to be made under this subsection shall include juvenile court filings after July 1, 1985, shall not include small claims or nonindictable misdemeanors, and shall not include either civil actions for money judgment where the amount in

controversy does not exceed three thousand dollars or indictable misdemeanors, which were assigned to district associate judges and judicial magistrates as shown on their administrative reports, but shall include appeals from decisions of judicial magistrates, district associate judges, and district judges sitting as judicial magistrates. The figures on filings shall be the average for the latest available previous three-year period and when current census figures on population are not available, figures shall be taken from the state department of health computations.

Sec. 2. Section 602.6201, subsection 10, Code 1985, is amended to read as follows:

10. Notwithstanding the formula for determining the number of judgeships in this section, the number of district judges shall not exceed ~~ninety-nine~~ one hundred during the period commencing ~~July 1, 1983~~ and ending as the general assembly shall specify January 1, 1987.

Approved April 28, 1986

CHAPTER 1149
HAZARDOUS WASTE FACILITY SITES
S.F. 2177

AN ACT requiring specific criteria for the acquisition, selection, or approval of a site for a hazardous waste treatment, disposal, or storage facility.

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

Section 1. Section 455B.422, Code Supplement 1985, is amended to read as follows:
455B.422 ACQUISITION AND LEASE OF SITES.

The commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of a treatment, ~~or disposal, or storage~~ facility. Upon request, the department shall assist the executive council in locating suitable sites for the location of a treatment, ~~or disposal, or storage~~ facility. The commission may recommend to the executive council the purchase or condemnation of land to be leased for the operation of a treatment, ~~or disposal, or storage~~ facility. The executive council may purchase or may condemn the land subject to chapter 471. Consideration for a contract for purchase of land shall not be in excess of funds appropriated by the general assembly for that purpose. The executive council upon recommendation of the commission may lease land purchased under this section to any person including the state or a state agency. This section authorizes the state to own or operate a hazardous waste treatment, ~~or disposal facility, or storage facilities~~ for the treatment, ~~and disposal, and storage~~ of hazardous wastes. The terms of the lease shall establish responsibility for long-term monitoring and maintenance of the site. The lessee is subject to all applicable requirements of this part including permit requirements. The commission ~~may~~ shall require the lessee to post bond conditioned upon performance of conditions of the lease relating to long-term monitoring and maintenance. The leasehold interest including improvements made to the property shall be listed, assessed, and valued as any other real property as provided by law. A facility acquired or operated pursuant to this section is subject to the licensing requirements of section 455B.443.

Sec. 2. Section 455B.448, subsection 1, Code 1985, is amended by adding the following new lettered paragraphs j and k and relettering the remaining lettered paragraph:

NEW LETTERED PARAGRAPH. j. The availability of alternative sites and methods of treatment, disposal, or storage, including cost comparisons. The cost comparisons shall cover short and long-term costs including, but not limited to, liability insurance, postclosure

maintenance, monitoring of ground and surface waters, monitoring of air before and after closure, and the potential loss of land or water resources due to contamination.

NEW LETTERED PARAGRAPH. k. To the maximum extent feasible a site should be located away from all of the following areas:

(1) Areas subject to natural hazards including, but not limited to, flooding, earthquakes, or subsidence.

(2) Sources of drinking water supply including, but not limited to, reservoirs, lakes and rivers and their watersheds, and aquifers and their recharge areas.

(3) Fragile land areas including, but not limited to, wetlands and the shorelines of rivers, lakes, and streams.

(4) Areas with rare or valuable ecosystems or geologic formations or significant wildlife habitat.

(5) Unique scenic or historic areas.

(6) Residential areas, parks, or schools.

(7) Prime farmland as defined by the United States department of agriculture in 7 C.F.R. § 657.5(a).

Approved April 28, 1986

CHAPTER 1150

TEMPORARY RESIDENTIAL CARE FACILITY EXEMPTION

S.F. 2207

AN ACT excluding residential care facilities from certificate-of-need reviews for two fiscal years.

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

Section 1. Section 135.63, subsection 2, Code 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. A residential care facility, as defined in section 135C.1, including a residential care facility for the mentally retarded, notwithstanding any provision in this division to the contrary.

Sec. 2. The state department of health shall monitor the effects of this Act's exclusion of residential care facilities from the requirements of section 135.63 in terms of availability, cost, and quality of residential care. The department shall report its findings and recommendations regarding continued exclusion to the governor and the general assembly by January 11, 1988.

Sec. 3. Section 1 of this Act is repealed July 1, 1988.

Approved April 28, 1986

CHAPTER 1151
CREDIT UNEMPLOYMENT INSURANCE
S.F. 2255

AN ACT relating to credit unemployment insurance in consumer transactions, by providing requirements for the rates for involuntary credit unemployment insurance sold in connection with consumer credit transactions, and permitting the inclusion of charges for credit unemployment insurance in consumer credit transactions under the Iowa consumer credit code.

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

Section 1. Section 537.2501, subsection 2, paragraph b, Code 1985, is amended to read as follows:

b. With respect to consumer credit insurance providing life, accident, or health, or unemployment coverage, if the insurance coverage is not required by the creditor, and this fact is clearly and conspicuously disclosed in writing to the consumer, and if, in order to obtain the insurance in connection with the extension of credit, the consumer gives specific dated and separately signed affirmative written indication of the consumer's desire to do so after written disclosure to the consumer of the cost. However, credit unemployment insurance shall be permitted under this paragraph if all of the following conditions have been met:

(1) The insurance provides coverage beginning with the first day of unemployment. However, the policy may include a waiting period before the consumer may file a claim.

(2) The insurance shall be sold separately and shall be separately priced from any other insurance offered or sold at the same time. The credit unemployment insurance need not be sold separately or separately priced from other insurance offered if it is included as part of a mailed insurance offering by a credit card issuer to its credit cardholders. However, credit unemployment insurance shall not be sold in conjunction with an application for a credit card or for the renewal of a credit card.

(3) The premium rates have been affirmatively approved by the insurance department. In approving or establishing the rates, the department shall review the insurance company's actuarial data to assure that the rates are fair and reasonable. The insurance commissioner shall either hire or contract with a qualified actuary to review the data. The insurance department shall obtain reimbursement from the insurance company for the cost of the actuarial review prior to approving the rates. In addition, the rates shall be made in accordance with the following provisions:

a. Rates shall not be excessive, inadequate or unfairly discriminatory.

b. Due consideration shall be given to all relevant factors within and outside this state but rates shall be deemed to be reasonable under this section and section 537.2501 if they reasonably may be expected to produce a ratio of fifty percent by dividing claims incurred by premiums earned.

Approved April 28, 1986

CHAPTER 1152
GRAIN INDEMNITY FUND
S.F. 2116

AN ACT relating to grain dealers and warehouses, by providing licensing requirements, establishing a grain depositories and sellers indemnity fund, providing a penalty, and providing an effective date.

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

Section 1. Section 542.1, subsection 3, Code Supplement 1985, is amended to read as follows:

3. "Grain dealer" means a person who buys during any calendar month five hundred bushels of grain or more from the producers of the grain for purposes of resale, milling, or processing. However, "grain dealer" does not include a producer of grain who is buying grain for the producer's own use as seed or feed; a person solely engaged in buying grain future contracts on the board of trade; a person who purchases grain only for sale in a registered feed; a person who purchases grain for sale in a nonregistered customer-formula feed regulated by chapter 198, who purchases less than a total of fifty thousand bushels of grain annually, and who is also exempt as an incidental warehouse operator under chapter 543; a person engaged in the business of selling agricultural seeds regulated by chapter 199; a person buying grain only as a farm manager; an executor, administrator, trustee, guardian, or conservator of an estate; a bargaining agent as defined in section 542A.1; or a custom livestock feeder.

Sec. 2. Section 542.1, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 7. "Seller" means a person who sells grain which the person has produced or caused to be produced to a licensed grain dealer, and includes a person who executes a credit sale contract as a seller.

Sec. 3. Section 542.3, subsections 4, 5, and 7, Code Supplement 1985, is amended to read as follows:

4. In order to receive and retain a class 1 license the following conditions must be satisfied:

a. The grain dealer shall have and maintain a net worth of at least fifty thousand dollars, or maintain a deficiency bond or an irrevocable letter of credit in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency. However, a person shall not be licensed as a class 1 grain dealer if the person has a net worth of less than twenty-five thousand dollars. A bond submitted for purposes of this paragraph shall be in addition to any bond otherwise required under this chapter.

b. The grain dealer shall submit, as required by the commission, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the commission may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the commission. The grain dealer may elect, however, to submit a financial statement satisfying the requirements of subsection 5, paragraph "b," that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph, and if a grain dealer makes this election the commission shall cause the grain dealer to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause, in the manner provided in section 542.9. In addition, the commission shall cause a grain dealer who makes this election to submit to the commission, in a form and manner prescribed by the commission, an interim financial statement no less than once in every three calendar month period. If a grain dealer making the election engages in credit

sale contracts, the grain dealer shall also comply with the provisions of section 542.15, subsection 8.

c. The grain dealer shall have and maintain current assets equal to at least ninety percent of current liabilities or provide a deficiency bond or an irrevocable letter of credit under the following conditions:

(1) A grain dealer with current assets equal to at least forty-five percent of current liabilities may provide a deficiency bond or an irrevocable letter of credit of two thousand dollars for each one thousand dollars or fraction of one thousand dollars of current assets that the grain dealer is lacking to meet the minimum requirement. However, the bond or irrevocable letter of credit shall not be used for longer than six consecutive months in a twelve-month period.

(2) A grain dealer with current assets equal to less than forty-five percent of current liabilities may provide a deficiency bond or an irrevocable letter of credit of two thousand dollars for each one thousand dollars or fraction of one thousand dollars of current assets that the grain dealer is lacking to meet the minimum requirement. However, the bond or irrevocable letter of credit shall not be used for longer than thirty consecutive days in a twelve-month period.

A bond submitted for purposes of this paragraph shall be in addition to any other bond permitted or required under this chapter.

5. In order to receive and retain a class 2 license the following conditions must be satisfied:

a. The grain dealer shall have and maintain a net worth of at least twenty-five thousand dollars, or maintain a deficiency bond or an irrevocable letter of credit in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net deficiency. However, a person shall not be licensed as a class 2 grain dealer if the person has a net worth of less than ten thousand dollars. A bond submitted for purposes of this paragraph shall be in addition to any bond otherwise required under this chapter.

b. The grain dealer shall submit, as required by the commission, a financial statement that is accompanied by the report of an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant. However, the commission may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the commission. The grain dealer may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph, and if a grain dealer makes this election the commission shall cause the grain dealer to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause, in the manner provided in section 542.9. In addition, the commission shall cause a grain dealer who makes this election to submit to the commission, in a form and manner prescribed by the commission, an interim financial statement no less than once in every three calendar month period. If a grain dealer making the election engages in credit sale contracts, the grain dealer shall also comply with the provisions of section 542.15, subsection 8.

c. The grain dealer shall have and maintain current assets equal to at least ninety percent of current liabilities or provide a deficiency bond or an irrevocable letter of credit under the following conditions:

(1) A grain dealer with current assets equal to at least forty-five percent of current liabilities may provide a deficiency bond or an irrevocable letter of credit of two thousand dollars for each one thousand dollars or fraction of one thousand dollars of current assets that the grain dealer is lacking to meet the minimum requirement. However, the bond or

irrevocable letter of credit shall not be used for longer than six consecutive months in a twelve-month period.

(2) A grain dealer with current assets equal to less than forty-five percent of current liabilities may provide a deficiency bond or an irrevocable letter of credit of two thousand dollars for each one thousand dollars or fraction of one thousand dollars of current assets that the grain dealer is lacking to meet the minimum requirement. However, the bond or irrevocable letter of credit shall not be used for longer than thirty consecutive days in a twelve-month period.

A bond submitted for purposes of this paragraph shall be in addition to any other bond permitted or required under this chapter.

7. a. When the net worth or current ratio of a licensee in good standing is less than that required by this section, the grain dealer shall correct the deficiency or file the necessary ~~additional~~ a deficiency bond or an irrevocable letter of credit within thirty days of written notice by the commission. Unless the deficiency is corrected or the ~~additional~~ deficiency bond or irrevocable letter of credit is filed within thirty days, the grain dealer license shall be suspended.

b. If the commission finds that the welfare of grain producers requires emergency action, and incorporates a finding to that effect in its order, immediate suspension of the a license may be ordered notwithstanding the thirty-day period otherwise allowed by paragraph "a" of this subsection.

Sec. 4. Section 542.3, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A deficiency bond or irrevocable letter of credit filed with the commission pursuant to this section shall not be canceled by the issuer on less than ninety days' notice by certified mail to the commissioner and the principal.

Sec. 5. Section 542.4, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

542.4 PARTICIPATION IN INDEMNITY FUND REQUIRED.

A person licensed to operate as a grain dealer under this chapter shall participate in and comply with the grain depositors and sellers indemnity fund provided in chapter 543A.

Sec. 6. Section 542.9, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The commission may inspect the premises used by any grain dealer in the conduct of the dealer's business at any time, and the books, accounts, records, and papers of every grain dealer which pertain to grain purchases are subject to inspection by the commission during ordinary business hours. The commission shall cause the business premises and books, accounts, records, and papers of every grain dealer to be inspected not less than once during each twelve-month period, but not more than ~~three~~ four times in a twenty-four month period without good cause. However, if a class 1 grain dealer elects to submit the ~~unaudited financial statement under section 542.3, subsection 4, paragraph "b,"~~ the commission shall cause the grain dealer to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause. The transporter of grain in transit shall possess bills of lading or other documents covering the grain, and shall present them to any law enforcement officer or to a person designated as an enforcement officer under section 542.13 on demand. If there is good cause to believe that a person is engaged without a license in the business of a grain dealer in this state, the commission may inspect the books, papers, and records of the person which pertain to grain purchases.

Sec. 7. Section 542.10, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The commission may revoke a grain dealer's license upon information without hearing if a grain dealer fails to have sufficient bond on file with the commission, or if a grain dealer fails to submit to inspection.

Sec. 8. Section 542.12, Code 1985, is amended to read as follows:
542.12 CLAIMS — NOTICE.

Upon revocation, termination, or cancellation of a grain dealer license, any claim for the purchase price of grain against the grain dealer shall be made in writing and filed with the grain dealer and with the surety on the grain dealer bond issuer of a deficiency bond or of an irrevocable letter of credit and with the commission within one hundred twenty days after revocation, termination, or cancellation. Failure to make this timely claim shall relieve relieves the surety issuer and the grain depositors and sellers indemnity fund provided in chapter 543A of all obligations to the claimant. However, this section shall not be construed to reduce below the face amount of the bond then in effect the aggregate liability of the surety to other claimants.

Upon revocation of a grain dealer license, the commission shall cause notice of ~~such~~ the revocation to be published once each week for two consecutive weeks in a newspaper of general circulation within the state of Iowa and in a newspaper of general circulation within the county of the grain dealer's principal place of business when that dealer's principal place of business is located in the state of Iowa. The notice shall state the name and address of the grain dealer, and the effective date of revocation, and the name and address of the surety on the grain dealer bond. The notice shall also state that any claims against the grain dealer shall be made in writing and sent by ordinary mail or delivered personally within one hundred twenty days after revocation to the grain dealer, and the surety on the grain dealer bond to the issuer of a deficiency bond or of an irrevocable letter of credit, and to the commission, and the notice shall state that the failure to make a timely claim does not relieve the grain dealer from liability to the claimant.

Sec. 9. Section 542.15, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A licensed grain dealer purchasing grain by credit sale contract and who does not submit a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state shall at all times maintain grain, rights in grain, proceeds from the sale of grain, or a combination thereof totaling at least ninety percent of the dealer's obligation for grain purchased by credit sale contract. The required amount shall be evidenced or represented by one or more of the following:

- a. Grain actually held by the dealer in licensed storage facilities.
- b. Rights in grain evidenced or represented by one or more of the following:
 - (1) A warehouse receipt issued by a warehouse licensed under chapter 543 or under the United States Warehouse Act, or by other documentation acceptable as evidence of inventory under the United States Warehouse Act.
 - (2) Evidence of grain forwarded to another warehouse under provisions of 543.39.
- c. Sufficient proceeds from and of the grain evidenced or represented by one or more of the following:
 - (1) Cash on hand or cash held on account in federally or state chartered financial institutions.
 - (2) Short term investments held in time accounts with federally or state chartered financial institutions.
 - (3) Balances on grain margin accounts.
 - (4) Credit sales contracts for grain shipped to a processor, terminal, or recognized grain merchandising entity, less any payment or advance that has been received provided that the price term of the contract remains open.
 - (5) Other evidence or proceeds from or of grain acceptable to the commission, including an irrevocable letter of credit.

For the purpose of computing the dollar value of inventories and credit sale obligations, the value of grain shall be figured at the then current market.

A grain dealer shall keep records of credit sale obligations and evidence of grain, rights in grain and the proceeds from or of grain so as to clearly indicate compliance with the requirements of this subsection.

Sec. 10. Section 542.18, subsection 2, Code 1985, is amended to read as follows:

2. As a condition of the granting of a license under this section, the applicant shall file with the commission a bond payable to the state of Iowa with a corporate surety approved by the commission in a penal sum of twenty-five thousand dollars per license, conditioned that the grain seller owns or controls, free of liens, any grain offered for sale. Cancellation of bonds A bond issued by a surety under this section shall meet the requirements of section 542.4 not be canceled by the surety before at least ninety days' notice by certified mail to the commission and the bonded grain seller. The liability of a surety on any bond under this section shall not accumulate for each successive license period during which the bond is in force.

Sec. 11. Section 542.19, subsection 2, Code 1985, is amended to read as follows:

2. If a co-operative agreement is in effect under this section, the bonding indemnification requirements of this chapter may be satisfied by:

a. Filing with the commission evidence of a bond or an irrevocable letter of credit on file with a state or of participation in an indemnity fund in a state with which Iowa has a co-operative agreement as provided for by this section.

b. Such bond Indemnification proceeds shall be co-payable to the state of Iowa for the benefit of sellers of grain under this chapter in Iowa.

e. The bond shall be in an amount at least equal to the amounts required by this chapter; provided, however, that any bond required under this chapter for any financial deficiency shall be in addition to the bond posted in any other state.

Any bond Indemnification proceeds required by this chapter may be made co-payable to any state with whom this state has entered into contracts or agreements as authorized by this section, for the benefit of sellers of grain in that state.

Sec. 12. Section 543.1, subsection 8, Code 1985, is amended to read as follows:

8. "Warehouse operator" means any a person engaged in the business of operating or controlling a warehouse for the storing, shipping, handling or processing of agricultural products, but does not include an incidental warehouse operator.

Sec. 13. Section 543.1, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 23. "Incidental warehouse operator" means a person regulated under chapter 198 whose grain storage capacity does not exceed twenty-five thousand bushels which is used exclusively for grain owned or grain which will be returned to the depositor for use in a feeding operation or as an ingredient in a customer-formula feed, as defined in section 198.1.

Sec. 14. Section 543.2, Code 1985, is amended to read as follows:

543.2 DUTIES AND POWERS OF THE COMMISSION.

The commission may exercise general supervision over the storage, warehousing, classifying according to grade or otherwise, weighing, and certification of agricultural products. The commission may inspect or cause to be inspected any warehouse. Inspections may be made at times and for purposes as the commission determines. The Except as provided in section 543.6, the commission shall cause every licensed warehouse and its contents to be inspected once in every twelve-month period; provided that if a class 1 warehouse operator elects to submit the unaudited financial statement under section 543.6, subsection 4, paragraph "b," the commission shall cause the warehouse to be inspected twice in every twelve-month period. The commission may require the filing of reports relating to a warehouse or its operation. If upon inspection a deficiency is found to exist as to the quantity or quality of agricultural products stored, as indicated on the warehouse operator's books and records according to official grain standards, the commission may require an employee of the commission to remain at the licensed warehouse and supervise all operations involving agricultural

products stored there under this chapter until the deficiency is corrected. The charge for the cost of maintaining an employee of the commission at a warehouse to supervise the correction of a deficiency is one hundred fifty dollars per day.

PARAGRAPH DIVIDED. The commission may make available to the United States government, or any of its agencies, including the commodity credit corporation, the results of inspections made and inspection reports submitted to it by employees of the commission, upon payment to it of charges as determined by the commission, but the charges shall not be less than the actual cost of services rendered, as determined by the commission. The commission may enter into contracts and agreements for such purpose and shall keep a record of all money thus received. All such money shall be paid over to the treasurer of state as miscellaneous receipts. The commission may classify any warehouse in accordance with its suitability for the storage of agricultural products and shall specify in any license issued for the operation of any a warehouse the only type or types and the quantity of agricultural products which may be exclusively stored in the warehouse. The commission may prescribe, within the limitations of this chapter, the duties of licensed warehouse operators with respect to the care of and responsibility for the contents of licensed warehouses. Grain grades shall be determined under the official grain standards. The commission may from time to time publish data in connection with the administration of this chapter as may be of public interest. The commission shall administer this chapter.

Sec. 15. Section 543.3, subsection 3, Code 1985, is amended to read as follows:

3. When a petition is filed by the commission under subsection 1 the clerk of court shall set a date for hearing on the commission's proposed plan of disposition at a time not less than ten nor more than fifteen days after the date the petition is filed. Copies of the petition, the notice of hearing, and the commission's plan of disposition shall be served upon the licensee and upon the surety company issuing the licensee's issuer of a deficiency bond or of an irrevocable letter of credit pursuant to section 543.6 in the manner required for service of an original notice. A delay in effecting service upon the licensee or surety shall issuer is not be cause for denying the appointment of a receiver and shall is not be grounds for invalidating any action or proceeding in connection therewith with the appointment.

Sec. 16. Section 543.4, subsections 1, 2, 4, 6, and 7, Code 1985, are amended to read as follows:

1. When the commission is appointed as receiver under this chapter the surety on the issuer of a deficiency bond or of the licensee an irrevocable letter of credit pursuant to section 543.6 shall be joined as a party defendant by the commission. If required by the court, the surety issuer shall pay the bond indemnification proceeds or so much thereof as the court finds necessary into the court, and when so paid the surety issuer shall be absolutely discharged from any further liability under the bond or irrevocable letter of credit to the extent of the payment.

2. When appointed as receiver under this chapter the commission is authorized to give notice in the manner specified by the court to persons holding warehouse receipts or other evidence of deposit issued by the licensee to file their claims within one hundred twenty days after the date of appointment. Failure to timely file a claim shall defeat the claim with respect to the surety bond issuer of a deficiency bond or of an irrevocable letter of credit, grain depositors and sellers indemnity fund created in chapter 543A, and any commodities or proceeds from the sale of commodities, except to the extent of any excess commodities or proceeds of sale remaining after all timely claims are paid in full.

4. The plan of disposition, as approved by the court, shall provide for the distribution of the stored commodities, or the proceeds from the sale of commodities, or the proceeds from any insurance policy, or surety deficiency bond, or any combination thereof or irrevocable letter of credit, less expenses incurred by the commission in connection with the receivership, plus the

proceeds from the grain depositors and sellers indemnity fund in an amount determined pursuant to section 543A.3 to depositors on a pro rata basis as their interests are determined. Distribution shall be without regard to any setoff, counterclaim, or storage lien or charge.

6. The commission shall be is entitled to reimbursement out of commodities or proceeds held in receivership for all expenses incurred as court costs or in handling and disposing of stored commodities, and for all other costs directly attributable to the receivership. The right of reimbursement of the commission shall be is prior to any claims against the commodities or proceeds of sales thereof of commodities, and shall constitute constitutes a claim against the surety a deficiency bond of the licensee or irrevocable letter of credit.

7. In the event If the approved plan of disposition requires the sale of commodities, or the a distribution of cash proceeds from the surety bond, or both, the commission shall submit to the court a proposed plan of distribution of those proceeds. Upon such notice and hearing as may be required by the court, the court shall accept or modify the proposed plan. When the plan is approved by the court and executed by the commission, the commission shall be discharged and the receivership terminated.

Sec. 17. Section 543.5, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The commission shall from time to time make such adopt rules as it may deem deems necessary for the efficient administration of the provisions of this chapter, and may at its discretion designate an employee or officer of the commission to act for the commission in any details connected with such administration, including the issuance of licenses and approval of warehouse deficiency bonds or irrevocable letters of credit in the name of the commission, but not including matters requiring a public hearing or suspension or revocation of licenses.

Sec. 18. Section 543.6, subsections 4 and 5, Code 1985, are amended to read as follows:

4. In order to receive and retain a class 1 license, the following conditions must be satisfied:

a. The warehouse operator shall have and maintain a net worth of at least fifty thousand dollars twenty cents per bushel of warehouse capacity, or maintain a deficiency bond or an irrevocable letter of credit in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency. However, a person shall not be licensed as a class 1 warehouse operator if the person has a net worth of less than twenty-five thousand dollars. A bond submitted for purposes of this paragraph shall be in addition to any bond otherwise required under this chapter.

b. The warehouse operator shall submit, as required by the commission, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the commission may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the commission. The warehouse operator may elect, however, to submit a financial statement satisfying the requirements of subsection 5, paragraph "b," that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph, and if a warehouse operator makes this election the commission shall cause the warehouse operator to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause, in the manner provided in section 543.2. In addition, the commission shall cause a warehouse operator who

makes this election to submit to the commission, in a form and manner prescribed by the commission, an interim financial statement no less than once in every three calendar month period.

5. In order to receive and maintain a class 2 license, the following conditions must be satisfied:

a. The warehouse operator shall have and maintain a net worth of at least twenty-five thousand dollars twenty cents per bushel of warehouse capacity, or maintain a deficiency bond or an irrevocable letter of credit in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency. However, a person shall not be licensed as a class 2 warehouse operator if the person has a net worth of less than ten thousand dollars. A bond submitted for purposes of this paragraph shall be in addition to any bond otherwise required under this chapter.

b. The warehouse operator shall submit, as required by the commission, a financial statement that is accompanied by the report of an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant. However, the commission may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the commission. The warehouse operator may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph, and if a warehouse operator makes this election the commission shall cause the warehouse to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause, in the manner provided in section 543.2. In addition, the commission shall cause a warehouse operator who makes this election to submit to the commission, in a form and manner prescribed by the commission, an interim financial statement no less than once in every three calendar month period.

Sec. 19. Section 543.6, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A deficiency bond or irrevocable letter of credit filed with the commission pursuant to this section shall not be canceled by the issuer on less than one hundred twenty days' notice by certified mail to the commission and the principal.

Sec. 20. Section 543.11, unnumbered paragraph 1, Code 1985, is amended to read as follows:

1. When the commission determines that a bond filed under this chapter and approved by the commission, is, or has become, insufficient to secure the faithful performance of the obligations of the licensed warehouse operator, or when the commission determines that insurance is not fully provided as required under section 543.15, it may require the licensed warehouse operator to provide additional bond or additional evidence of insurance coverage so that the bond and insurance conform with the requirements of this chapter. If additional insurance is not provided within five thirty days after receipt by the licensee of notice by certified mail, the license of the warehouse operator concerned shall be automatically suspended. If additional insurance is not filed within another ten days, the warehouse license shall be automatically revoked. If additional bond is not provided within thirty days after receiving notice, the warehouse license shall be suspended. If additional bond is not filed within ten days following suspension, the warehouse license shall be automatically revoked. When a license is so revoked, the commission shall notify each holder of an outstanding warehouse receipt and all known persons who have grain retained in open storage of the revocation. The commission shall further notify each receipt holder and all known persons who have grain retained in open storage that the grain must be removed from the warehouse

not later than the thirtieth day following the revocation. The notice shall be sent by ordinary mail sent to the last known address of each person having grain in storage as provided in this section subsection.

Sec. 21. Section 543.11, unnumbered paragraph 2, Code 1985, is amended by striking the paragraph and inserting in lieu thereof the following:

2. If the commission determines that the net worth of a licensed warehouse operator is not in compliance with the requirements of section 543.6, the commission shall issue a notice to the warehouse operator and shall suspend the warehouse operator's license if the warehouse operator does not provide evidence of compliance within thirty days of the issuance of the notice. The commission shall inspect the warehouse at the end of the thirty-day period. If evidence of compliance is not provided within sixty days of the issuance of the notice, the commission shall revoke the warehouse operator's license, and shall again inspect the warehouse. If a license is revoked, the commission shall give notice of the revocation to each holder of an outstanding warehouse receipt and to all known persons who have grain retained in open storage. The revocation notice shall state that the grain must be removed from the warehouse not later than the thirtieth day after the issuance of the revocation notice. The revocation notice shall be sent by ordinary mail to the last known address of each person having grain in storage as provided in this subsection. The commission shall conduct a final inspection of the warehouse at the end of the thirty-day period following the issuance of the revocation notice.

3. When the commission receives notice that a deficiency bond or irrevocable letter of credit is being canceled by the issuer, and determines that upon the cancellation the warehouse operation will not be in compliance with section 543.6, the commission shall suspend the warehouse operator's license if a new deficiency bond or irrevocable letter of credit is not received by the commission within sixty days of receipt by the commission of the notice of cancellation. If a new deficiency bond or irrevocable letter of credit is not received by the commission within thirty days following suspension, the warehouse operator's license shall be revoked. When a license is revoked, the commission shall notify each holder of an outstanding warehouse receipt and all known persons who have grain retained in open storage of the revocation, and shall further notify each receipt holder and all known persons who have grain retained in open storage that the grain must be removed from the warehouse not later than the thirtieth day following revocation. The notice shall be sent by ordinary mail to the last known address of each person having grain in storage as provided in this subsection.

Sec. 22. Section 543.12, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

543.12 PARTICIPATION IN FUND REQUIRED.

A person licensed to operate a warehouse under this chapter shall participate in and comply with the grain depositors and sellers indemnity fund provided in chapter 543A.

Sec. 23. Section 543.13, unnumbered paragraph 1, Code 1985, is amended by striking the paragraph.

Sec. 24. Section 543.13, subsections 1 and 3, Code 1985, are amended by striking the subsections and inserting in lieu thereof the following:

1. A warehouse operator who stores only agricultural products other than bulk grain shall have and maintain a net worth of at least ten percent of the value of the warehouse capacity, or maintain a deficiency bond or an irrevocable letter of credit in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency. However, a person shall not be eligible for a license to store only agricultural products other than bulk grain if the person has a net worth of less than ten thousand dollars.

3. A bond, deficiency bond, or irrevocable letter of credit on agricultural products other than bulk grain shall not be canceled by the issuer on less than one hundred twenty days' notice by certified mail to the commission and the principal. When the commission receives notice from an issuer that it has canceled the bond, deficiency bond, or irrevocable letter of credit on agricultural products other than bulk grain of a warehouse operator, the commission shall automatically suspend the warehouse operator's authorization to store or accept for storage agricultural products other than bulk grain if a new bond, deficiency bond, or irrevocable letter of credit is not received by the commission within sixty days of the issuance of the notice of cancellation. The commission shall conduct an inspection of the licensee's warehouse immediately at the end of the sixty-day period. If a new bond, deficiency bond, or irrevocable letter of credit is not provided within ninety days of the issuance of the notice of cancellation, the commission shall revoke the warehouse operator's authorization to store or accept for storage agricultural products other than bulk grain. The commission shall conduct a further inspection of the licensee's warehouse after the ninety-day period. When an authorization to store or accept for storage agricultural products other than bulk grain is revoked, the commission shall give notice of the revocation to all known persons who have agricultural products other than bulk grain in storage, and shall notify them that the agricultural products other than bulk grain must be removed from the warehouse not later than one hundred twenty days after the issuance of the notice of cancellation. The revocation notice shall be sent by ordinary mail to the last known address of each person having agricultural products other than bulk grain in storage. The commission shall cause a final inspection of the licensee's warehouse after the end of the one hundred twenty-day period.

Sec. 25. Section 543.14, Code 1985, is amended to read as follows:

543.14 ACTION ON BOND NOTICE - CLAIM.

Any A person injured by the breach of any an obligation of a warehouse operator, for the performance of which a bond on agricultural products other than bulk grain, a deficiency bond, or an irrevocable letter of credit has been given under any of the provisions of this chapter, may sue on such the bond on agricultural products other than bulk grain, deficiency bond, or irrevocable letter of credit in the person's own name in any a court of competent jurisdiction to recover any damages the person may have has sustained by reason of such the breach.

Upon revocation, termination, or cancellation of a warehouse license, any a claim against the warehouse operator arising under this chapter shall be made in writing with the warehouse operator, and with the surety on the warehouse issuer of a bond on agricultural products other than bulk grain, a deficiency bond, or of an irrevocable letter of credit, and, if the claim relates to bulk grain, with the commission within one hundred twenty days after revocation, termination, or cancellation. Failure to make a timely claim shall relieve relieves the surety issuer and, if the claim relates to bulk grain, the grain depositors and sellers indemnity fund provided in chapter 543A of all obligations to the claimant, however, this section shall not be construed to reduce the aggregate liability of the surety to other claimants below the face amount of the bond then in effect. Upon revocation of a warehouse license, the commission shall cause notice of such the revocation to be published once each week for two consecutive weeks in a newspaper of general circulation in each of the counties in which the licensee maintains a business location and in a newspaper of general circulation within the state. The notice shall state the name and address of the warehouse operator, and the effective date of revocation, and the name and address of the surety on the warehouse bond. The notice shall also state that any claims against the warehouse operator shall be made in writing and sent by ordinary mail to the warehouse operator, and to the surety on the warehouse bond issuer of a bond on agricultural products other than bulk grain, deficiency bond, or of an irrevocable letter of credit, and to the commission within one hundred twenty days after revocation, and the notice shall state that the failure to make a timely claim does not relieve the warehouse operator from liability to the claimant. The provisions of this This paragraph shall does not apply if a receiver is appointed as provided in this chapter pursuant to a petition which is filed by the

commission prior to the expiration of one hundred twenty days after revocation, termination, or cancellation of the license.

Sec. 26. Section 543.15, unnumbered paragraph 1, Code 1985, is amended to read as follows:

All agricultural products in storage in a licensed warehouse, ~~or a warehouse operated under temporary permit as provided in this chapter,~~ and all agricultural products which have been deposited temporarily in a licensed warehouse pending storage or for purposes other than storage, shall be kept fully insured by the warehouse operator for the current value of ~~such~~ the agricultural products against loss by fire, inherent explosion, or windstorm. ~~Such~~ The insurance shall be carried in an insurance company or companies authorized to do business in this state, and evidence of ~~such~~ insurance coverage in a form to be approved by the commission shall be filed with the commission. No insurance policy shall be canceled by the insurance company on less than ~~fifteen~~ sixty days' notice by certified mail to the commission and the principal unless ~~such~~ the policy is being replaced with another policy and evidence of the new policy is filed with the commission at the time of cancellation of the policy on file. ~~Such~~ The insurance shall be provided by, and carried in the name of, the warehouse operator. Claimants against ~~such~~ the insurance shall have precedence in the following order:

Sec. 27. Section 543.17, subsection 4, Code 1985, is amended to read as follows:

4. All bulk grain whether open storage or having been placed on warehouse receipt shall be is covered by the warehouse operator's bond as required under the provisions of this chapter grain depositors and sellers indemnity fund created in chapter 543A.

Sec. 28. Section 543.18, subsection 3, Code 1985, is amended to read as follows:

3. A statement that the receipt is issued subject to the Iowa ~~bonded~~ warehouse Act and the rules and regulations prescribed thereunder pursuant to the Act.

Sec. 29. Section 543.34, Code 1985, is amended to read as follows:

543.34 USE OF TERM "BONDED WAREHOUSE" DISPLAY OF LICENSE.

~~Upon the filing, with the approval by the commission, of a bond, in compliance with this chapter, for the conduct of a warehouse, such warehouse may be designated as "bonded" but no warehouse shall be designated as "bonded" and no name or description conveying the impression that it is so bonded, shall be used, unless a bond, as provided for in section 543.13, has been approved by the commission and is uncanceled and on file with the commission, nor unless the license issued under this chapter for the conduct of such warehouse remains in effect. Every warehouse operator's license issued under the provisions of this chapter shall be conspicuously displayed in the office of the warehouse for the operation of which the license has been issued.~~

Sec. 30. Section 543.39, subsection 2, Code 1985, is amended to read as follows:

2. ~~At such time as~~ When the warehouse operator ~~may begin~~ begins to use the additional facilities described in this section, the operator must furnish additional bond acceptable to the commission have sufficient net worth under 543.6 or provide a deficiency bond or an irrevocable letter of credit to cover the increase in the operator's gross capacity.

Sec. 31. **NEW SECTION. 543A.1 DEFINITIONS.**

1. "Board" means the Iowa grain indemnity fund board created in section 543A.4.
2. "Commission" means the Iowa state commerce commission.
3. "Depositor" means a person who deposits grain in a warehouse for storage, handling, or shipment, or who is the owner or legal holder of an outstanding warehouse receipt, or who is lawfully entitled to possession of the grain.
4. "Fund" means the grain depositors and sellers indemnification fund created in section 543A.3.
5. "Grain" means wheat, corn, oats, barley, rye, flaxseed, field peas, soybeans, grain sorghums, spelt, and similar agricultural products, as defined in the Grain Standards Act, but does not include agricultural products other than bulk grain.

5A. "Grain bank" means grain which is deposited in a warehouse until removed for the personal use of the depositor.

5B. "Grain sold" means grain which crosses the scales of a grain dealer or warehouse operator other than for grain bank storage, and other grain purchased by a grain dealer. "Grain sold" includes the pledge or other encumbrance of grain as security for a loan extended under a federal price support loan program. The date of sale of grain which is security for a loan extended under a federal price support loan program is the date the grain is delivered to the warehouse operator. The purchase price of the grain is the principal amount of the loan extended and the purchase invoice for the grain is the documentation required for extension of the loan.

6. "Licensed grain dealer" means a person who has obtained a license to engage in the business of a grain dealer pursuant to section 542.3.

7. "Licensed warehouse operator" means the same as in section 543.1.

7A. "Loss" means the amount of a claim held by a seller or depositor against a grain dealer or warehouse operator which has not been recovered through other legal and equitable remedies including the liquidation of assets.

8. "Seller" means a person who sells grain which the person has produced or caused to be produced to a licensed grain dealer, and includes a person who executes a credit sale contract as a seller.

Sec. 32. NEW SECTION. 543A.2 PERSONS PARTICIPATING IN FUND.

All licensed grain dealers and licensed warehouse operators shall participate in the fund. In addition, a grain warehouse licensed under the United States Warehouse Act, 7 U.S.C. 241, may participate in the fund and be subject to this chapter if a cooperative agreement exists both between the federal agency and the commission and between the federal licensee and the commission. The agreement between the commission and the federal licensee shall be ratified each year the federal licensee elects to participate in the fund. A participating federally licensed grain warehouse shall meet the minimum net worth requirements of section 543.6.

Sec. 33. NEW SECTION. 543A.3 GRAIN DEPOSITORS AND SELLERS INDEMNITY FUND.

1. The grain depositors and sellers indemnity fund is created in the state treasury. The general fund of the state is not liable for claims presented against the grain depositors and sellers indemnity fund under section 543A.6. The fund consists of a per-bushel fee on grain sold remitted by licensed grain dealers, licensed warehouse operators, and participating federally licensed grain warehouses; an annual fee charged to and remitted by licensed grain dealers, licensed warehouse operators, and participating federally licensed grain warehouses; sums collected by the commission by legal action on behalf of the fund; and interest, property, or securities acquired through the use of moneys in the fund. The moneys collected under this section and deposited in the fund shall be used exclusively to indemnify depositors and sellers as provided in section 543A.6 and to pay the administrative costs of this chapter.

2. The grain dealer, warehouse operator, or participating federally licensed warehouse shall forward the per-bushel fee to the commission in the manner and using the forms prescribed by the commission. If the per-bushel fee has not been forwarded to the commission by the date required by the commission, the grain dealer, warehouse operator, or participating federally licensed warehouse is subject to an interest penalty for each day the grain dealer, warehouse operator, or participating federally licensed warehouse fails to forward the fee. Interest shall be simple interest, and shall be the maximum lawful rate of interest for the month the payment was due. If the per-bushel fee has not been forwarded to the commission within thirty days after the payment was due, the grain dealer's or warehouse operator's license or the participating warehouse operator's cooperative agreement shall be suspended. The per-bushel fee shall be collected only once on each bushel of grain.

3. a. All licensed grain dealers, licensed warehouse operators, and participating federally licensed grain warehouses shall annually remit a fee to be deposited into the fund which is determined as follows:

- (1) For class 1 grain dealers, five hundred dollars.
- (2) For class 2 grain dealers, two hundred fifty dollars.
- (3) For warehouse operators or participating federally licensed grain warehouses:
 - (a) For intended storage of bulk grain in any quantity less than twenty thousand bushels, forty-two dollars plus seven dollars for each two thousand bushels or fraction thereof in excess of twelve thousand bushels.
 - (b) For intended storage of bulk grain in any quantity not less than twenty thousand bushels and not more than fifty thousand bushels, seventy dollars plus four and a half dollars for each three thousand bushels or fraction thereof in excess of twenty thousand bushels.
 - (c) For intended storage of bulk grain in any quantity not less than fifty thousand bushels and not more than seventy thousand bushels, one hundred fifteen dollars plus four and a half dollars for each four thousand bushels or fraction thereof in excess of fifty thousand bushels.
 - (d) For intended storage of bulk grain in any quantity not less than seventy thousand bushels, one hundred thirty-seven and a half dollars plus two and three-quarters dollars for each five thousand bushels or fraction thereof in excess of seventy thousand bushels.
- b. Payment of the required amount shall be made before the grain dealer's or warehouse operator's license is renewed, or before the participating federal licensee's agreement with the commission is ratified.
4. A person who applies for a grain dealer's or warehouse operator's license or a federal licensee who elects to participate in the fund who has not previously paid the full fee required by subsection 3, shall pay that amount before the license is issued or the agreement is ratified.
5. All disbursements from the fund shall be paid by the treasurer of state pursuant to vouchers authorized by the commission.
6. The administrative costs of this chapter shall be paid from the fund after approval of the costs by the board.

Sec. 34. NEW SECTION. 543A.4 INDEMNITY FUND BOARD.

The Iowa grain indemnity fund board is established to advise the commission on matters relating to the fund and to perform the duties provided it in this chapter. The board is composed of the secretary of the department of agriculture or a designee who shall serve as president; the director of the department of insurance or a designee who shall serve as secretary; the state treasurer or a designee who shall serve as treasurer; and two representatives of the grain industry appointed by the governor, subject to confirmation by the senate, one of whom shall be a representative of grain depositors and sellers and one of whom shall be a representative of grain dealers and warehouse operators, each of whom shall be selected from a list of three nominations made by the secretary of agriculture. The term of membership of the grain industry representatives is three years, and the representatives are eligible for reappointment. The grain industry representatives are entitled to forty dollars per diem for each day spent in the performance of the duties of the board, plus actual expenses incurred in the performance of those duties. Three members of the board constitute a quorum, and the affirmative vote of three members is necessary for any action taken by the board, except that a lesser number may adjourn a meeting. A vacancy in the membership of the board does not impair the rights of a quorum to exercise all the rights and perform all the duties of the board.

Sec. 35. NEW SECTION. 543A.5 ADJUSTMENTS TO FEE.

1. The board shall review annually the debits of and credits to the grain depositors and sellers indemnity fund created in section 543A.3 and shall make any adjustments in the per-bushel fee required under section 543A.3, subsection 2, and the dealer-warehouse fee required under section 543A.3, subsection 3 that are necessary to maintain the fund within the limits established under this section. Not later than the first day of May of each year, the board shall determine the proposed amount of the per-bushel fee based on the expected volume of grain on which the fee is to be collected and that is likely to be handled under this chapter. The per-bushel fee and the dealer-warehouse fee shall be adjusted on a pro rata basis. The board shall

make any changes in the previous year's fees in accordance with chapter 17A. Changes in the fees shall become effective on the following first day of July. The per-bushel fee shall not exceed one-quarter cent per bushel on all grains on which the fee is to be paid. Until the per-bushel fee is adjusted or waived as provided in this section, the per-bushel fee is one-quarter cent on all other grains on which the fee is paid.

2. If, at the end of any fiscal year, the assets of the fund exceed six million dollars, less any encumbered balances or pending or unsettled claims, the per-bushel fee required under section 543A.3, subsection 2, and the dealer-warehouse fee required under section 543A.3, subsection 3, shall be waived until the board reinstates the fees on a pro rata basis. The board shall reinstate the fee if the assets of the fund, less any unencumbered balances or pending or unsettled claims, are three million dollars or less.

Sec. 36. NEW SECTION. 543A.6 CLAIMS AGAINST FUND.

1. When a depositor or seller has made a demand for settlement of an obligation concerning grain on which a fee was required to be remitted under section 543A.3 and the licensed grain dealer or licensed warehouse operator has failed to honor the demand, the depositor or seller, after providing the commission with evidence of the demand and the dishonoring of the demand, may file a claim with the commission for indemnification of damages from the grain depositors and sellers indemnity fund to be measured as follows:

a. The board shall establish the dollar value of the loss incurred by a depositor holding a warehouse receipt or a scale weight ticket for grain that the depositor delivered to the licensed warehouse operator, and by a seller who has delivered grain sold on a credit-sale contract to a licensed grain dealer. The value shall be based on the average fair market price being paid to producers by the three licensed grain dealers nearest the warehouse operator or grain dealer for the grain on the earlier of the date of license suspension or the date on which the commission received notice that the receipt, scale weight ticket, or credit-sale contract was dishonored by the licensed warehouse operator or licensed grain dealer. All depositors filing claims under this section shall be bound by the value determined by the board.

b. The dollar value of the loss incurred by a seller who has sold grain or delivered grain for sale or exchange and who is a creditor of the licensed grain dealer for all or part of the value of the grain shall be based on the amount stated on the obligation on the date of the sale.

2. The grain depositors and sellers indemnity fund is liable to a depositor or seller for a claim which arises on or after the effective date of this Act for ninety percent of the loss, as determined under subsection 1, but not more than one hundred fifty thousand dollars per claimant. The aggregate amount recovered by a depositor or seller under all remedies shall not exceed ninety percent of the value of the loss. If the moneys recovered by a depositor or seller under all remedies exceed ninety percent of the value of the loss, the depositor or seller shall reimburse the fund in the amount that exceeds ninety percent of the value of the loss.

3. The board shall determine the validity of all claims presented against the fund. A claim filed under this section for losses on grain other than grain stored in a warehouse operated by a licensed warehouse operator is not valid unless the seller has made a demand for settlement of the obligation within twelve months after the grain is priced or delivered for sale, whichever occurs later except that if the notice provided in section 542.12 has been given, the seller must make the demand for settlement of the obligation within the one hundred twenty-day period. A depositor or seller whose claim has been refused by the board may appeal the refusal to either the district court of Polk county or the district court of the county in which the depositor or seller resides. The commission shall provide for payment from the fund to a depositor or seller whose claim has been found to be valid.

4. If at any time the fund does not contain sufficient assets to pay valid claims, the commission shall hold those claims for payment until the fund again contains sufficient assets. Claims against the fund shall be paid in the order in which they are found to be valid. However, no claims shall be paid before the fund initially reaches one million dollars.

5. If a depositor or seller files an action for legal or equitable remedies in a state or federal court having jurisdiction in those matters that includes a claim against grain upon which the depositor or seller may file a claim against the fund at a later date, the depositor or seller shall also file with the commission a copy of the action filed with the court. In the event of payment of a loss under this section, the commission shall be subrogated to the extent of the amount of any payments to all rights, powers, privileges, and remedies of the depositor or seller against any person regarding the loss. The depositor or seller shall render all necessary assistance to aid the commission in securing the rights granted in this section. No action or claim initiated by a depositor or seller and pending at the time of payment from the fund shall be compromised or settled without the consent of the commission.

Sec. 37. NEW SECTION. 543A.7 NO OBLIGATION OF STATE.

This chapter does not imply any guarantee or obligation on the part of the state of Iowa, or any of its agencies, employees, or officials, either elective or appointive, in respect of any agreement or undertaking to which this chapter relates.

Sec. 38. Licensed grain dealers and licensed warehouse operators shall maintain a bond in an amount as required by the law in effect on January 1, 1986, or an irrevocable letter of credit in the amount of the bond, until the grain dealer or warehouse operator has qualified for a license under the license requirements specified in this Act. The license of a grain dealer or warehouse operator who has received notice of the cancellation of the required bond shall not be revoked if prior to revocation, the licensee satisfies the license requirements of this Act or, if the licensee is in compliance with the license requirements in effect on January 1, 1986, the licensee provides an irrevocable letter of credit in the amount of the bond to the commission. However, all licensed grain dealers and licensed warehouse operators shall satisfy the license requirements of this Act on or by September 30, 1986. Failure to meet the requirements by that date shall result in the revocation or nonrenewal of their license.

Sec. 39. Notwithstanding the provisions of section 543A.5, the indemnity fund is liable for claims which arise on or after the effective date of this Act but before October 1, 1986 only if the claim is against a licensed grain dealer or licensed warehouse operation who has complied with section 30 of this Act by maintaining the bond or irrevocable letter of credit, by qualifying for a license under the requirements imposed by this Act, or by providing the irrevocable letter of credit and meeting the January 1, 1986 license requirements. For claims arising on or after October 1, 1986, the indemnity fund is liable for claims against grain dealers or warehouse operators who have satisfied the licensing requirements of this Act or against a participating federally licensed grain warehouse who has satisfied 543A.2.

Sec. 40. This Act, being deemed of immediate importance, takes effect from and after its publication in the Marshalltown Times-Republican, a newspaper published in Marshalltown, Iowa, and in The Belle Plaine Union, a newspaper published in Belle Plaine, Iowa.

Approved April 25, 1986

I hereby certify that the foregoing Act, Senate File 2116, was published in the Marshalltown Times-Republican, Marshalltown, Iowa, on May 2, 1986, and in The Belle Plaine Union, Belle Plaine, Iowa, on May 14, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1153**PROPERTY TAXES ON CONDEMNED PROPERTY***H.F. 724*

AN ACT relating to the payment of property taxes and special assessments on property acquired by condemnation for public use or public purposes.

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

Section 1. Section 427.2, Code 1985, is amended to read as follows:

427.2 ROADS AND DRAINAGE RIGHTS OF WAY TAXABLE PROPERTY ACQUIRED THROUGH EMINENT DOMAIN.

Real estate occupied as a public road, and rights of way for established public levees and rights of way for established, open, public drainage improvements shall not be taxed.

When land or rights in land are acquired in connection with ~~the establishment or maintenance or improvement of a public road or for public use or public purposes~~, the acquiring authority shall assist in the collection of property taxes and special assessments. However, assistance in the collection of the property taxes and special assessments does not require the payment of property taxes and special assessments on the property acquired which exceed the amount of just compensation offered as required by section 472.45 for the acquisition of the property.

The property owner shall pay all property taxes and special assessments which are due and payable when the property owner surrenders possession of the property acquired and also those which become due and payable for the fiscal year the property is acquired in an amount equal to one-twelfth of the taxes and assessments due and payable on the property acquired for the preceding fiscal year multiplied by the number of months in the fiscal year in which the property was acquired which elapsed prior to the month in which the property owner surrenders possession, and including that month if the surrender of possession occurs after the fifteenth day of a month. For purposes of computing the payments, the property owner has surrendered possession of property acquired by eminent domain proceedings when the acquiring authority has the right to obtain possession of the acquired property by authority of section 472.26 as authorized by law. When part but not all of the property is acquired for public use or public road purposes, taxing authorities may collect property taxes and special assessments which the property owner is obligated to pay, in accordance with chapter 446, from that part of the property which is not acquired. The county treasurer shall collect and accept the payment received on property acquired for ~~road public use or public purposes~~ as full and final payment of all property tax and special assessments on the property and apportion the payment on the basis of the levy in effect in the fiscal year in which the property is acquired.

For that portion of the prorated year for which the acquiring authority has possession of the property or part of the property acquired in connection with ~~the establishment or improvement or maintenance of a public road or for public use or public purposes~~, all taxes and special assessments shall be canceled.

Upon sale of the acquired property by the acquiring authority to a new owner, the new owner shall pay all special assessments and property taxes which become due and payable or would have become due and payable but for the acquisition by the acquiring authority for the fiscal year the property is acquired by the new owner in an amount equal to one-twelfth of such taxes and assessments multiplied by the number of months in the fiscal year in which the new owner acquired the property which occurred after the month in which the new owner acquired the property. Thereafter, special assessments or installments of them which would have become due and payable after the date of the acquisition of the property by the new owner but for the acquisition of the property by the acquiring authority and this section, shall be reinstated by the county treasurer and shall be collectible as provided by law.

Approved April 28, 1986

CHAPTER 1154
PUBLIC POLICY RESEARCH FOUNDATION
H.F. 2164

AN ACT to provide for a public policy research foundation.

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

Section 1. **NEW SECTION. 19.15 PUBLIC POLICY RESEARCH FOUNDATION.**

1. The public policy research foundation is created for the purpose of conducting studies and making recommendations on critical and long-term issues needing the attention of state government. The foundation is authorized to establish an endowment fund to assist in the financing of its activities. The foundation may exercise any power authorized by chapter 504A and this section.

2. The executive council shall cause a public policy research foundation to be created under chapter 504A and this section. The foundation shall be created so that donations and bequests to it qualify as tax deductible under the federal and state income tax laws. The foundation is not a state agency and shall not exercise any sovereign power of the state. The state is not liable for any debts of the foundation.

3. The public policy research foundation shall have a board of directors of ten members. One member shall be appointed by the state board of regents and one member shall be appointed by the Iowa association of independent colleges and universities. Four members shall be appointed by the governor and four members shall be appointed by the legislative council, one by each appointing authority representing the interests of each of the following four categories:

- a. Business.
- b. Labor.
- c. Community-based organizations.
- d. Farming.

4. The terms of the members of the board of directors shall be two years beginning on July 1 and ending on June 30. A vacancy on the board shall be filled in the same manner as the original appointment for the remainder of the term. Not more than two of the governor's appointees and two of the legislative council's appointees, respectively, shall be of the same gender or of the same political party.

5. The governor, the legislative council by motion and the general assembly by concurrent resolution may request that studies be conducted by the public policy research foundation. The board of directors of the foundation shall establish the priorities of the research requests based upon available financial resources.

6. For the purposes of this section "community based organizations" means private non-profit organizations which are representative of communities or significant segments of communities. Examples include United Way of America, neighborhood groups and organizations, community action agencies, community development corporations, vocational rehabilitation organizations, rehabilitation facilities as defined in section 7, subsection 10, of the federal Rehabilitation Act of 1973, tribal governments, and agencies serving youth, the handicapped, displaced homemakers, or on-reservation Indians.

Sec. 2. When the public policy research foundation is established under section 1 of this Act, the governor's appointees under subsection 3 representing business and labor and the legislative council's appointees under subsection 3 representing farming and community based organizations shall have initial terms of one year. The executive council shall establish the foundation by July 1, 1986. Because the legislature finds that public policy research is valuable to the operation of the legislature, during the fiscal year beginning July 1, 1986 the

legislative council is authorized to use the funds appropriated by section 2.12 for the initial organization of the foundation but the amount shall not exceed the approved budget for studies by the legislative extended assistance group.

Approved April 28, 1986

CHAPTER 1155
COMBINING COUNTY OFFICES
H.F. 2370

AN ACT relating to county officers by providing for the combining of county offices and removing salary restrictions for the combined offices under section 331.323, by amending the duties of certain elected county officers, and by making the Act effective upon publication.

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

Section 1. Section 43.24, subsection 3, unnumbered paragraph 2, Code 1985, is amended to read as follows:

Objections filed with the commissioner shall be considered by the county auditor, county treasurer, and county attorney three elected county officers whose eligibility is not in question. However, if the objection is to the nomination petition, certificate of nomination, or eligibility of one or more of those officers, their places shall be filled, respectively, by the county sheriff, county recorder, and The chairperson of the board of supervisors shall appoint the three elected officers unless the chairperson is ineligible, in which case, the appointments shall be made by the county auditor. In either case, a majority vote shall decide the issue.

Sec. 2. Section 69.8, subsection 4, Code Supplement 1985, is amended to read as follows:

4. Board of supervisors. In the membership of the board of supervisors, by the treasurer, auditor, and recorder. In the event that any of these offices have been abolished through consolidation, the county attorney shall serve on this committee.

Sec. 3. Section 331.323, subsection 1, unnumbered paragraph 5, Code 1985, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

When the duties of an officer or employee are assigned to one or more elected officers, the board shall set the initial salary for each elected officer which shall not exceed the recommendation of the county compensation board. The county auditor shall call a special meeting of the county compensation board for this purpose and the county compensation board shall make a recommendation within thirty days of the call. The board may reduce the salary recommendation but not below the existing salary of the affected elective officer. Thereafter, the salary shall be determined as provided in section 331.907.

Sec. 4. Section 331.502, subsection 49, Code 1985, is amended to read as follows:

49. Carry out other duties required by law and duties assigned pursuant to section 331.323.

Sec. 5. Section 331.552, subsection 30, Code 1985, is amended to read as follows:

30. Carry out other duties as required by law and duties assigned pursuant to section 331.323.

Sec. 6. Section 331.602, subsection 44, Code Supplement 1985, is amended to read as follows:

44. Carry out other duties as provided by law and duties assigned pursuant to section 331.323.

Sec. 7. Section 331.653, subsection 71, Code Supplement 1985, is amended to read as follows:

71. Carry out other duties required by law and duties assigned pursuant to section 331.323.

Sec. 8. Section 331.756, subsection 85, Code Supplement 1985, is amended to read as follows:

85. Perform other duties required by state law and duties assigned pursuant to section 331.323.

Sec. 9. This Act, being deemed of immediate importance, takes effect from and after its publication in the Bellevue Herald-Leader, a newspaper published in Bellevue, Iowa, and in The Jefferson Bee, a newspaper published in Jefferson, Iowa.

Approved April 28, 1986

Pursuant to the authority vested in the undersigned Secretary of State of the State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1985, there being no newspaper by the name of the Bellevue Herald-Leader, published in Bellevue, Iowa, I hereby designate that House File 2370 be published in The Bellevue Herald-Leader, a newspaper published in Bellevue, Iowa.

MARY JANE ODELL, *Secretary of State*

I hereby certify that the foregoing Act, House File 2370, was published in The Bellevue Herald-Leader, Bellevue, Iowa, on May 8, 1986 and in The Jefferson Bee, Jefferson, Iowa, on May 13, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1156

IOWA COMPREHENSIVE HEALTH ASSOCIATION

H.F. 2181

AN ACT establishing the Iowa comprehensive health association, providing for a plan of operation, establishing financial procedures, providing eligible expenses, excluding certain requirements, and relating to other provisions of health insurance coverage and providing an appropriation.

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

Section 1. NEW SECTION. 514E.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Association" means the Iowa comprehensive health association established by section 514E.2.

2. "Association policy" means an individual policy issued by the association that provides the coverage specified in section 514E.4.

3. "Carrier" means an insurer providing accident and sickness insurance under chapter 509, 514 or 514A and includes a health maintenance organization established under chapter 514B if payments received by the health maintenance organization are considered premiums pursuant to section 514B.31 and are taxed under chapter 432. "Carrier" also includes a corporation which becomes a mutual insurer pursuant to section 514.23 and any other person as defined in section 4.1, subsection 13, who is or may become liable for the tax imposed by chapter 432.

4. "Commissioner" means the commissioner of insurance.

5. "Eligible expenses" means the usual, customary and reasonable charges for the health care services specified in section 514E.4.

6. "Health care facility" means a health care facility as defined in section 135C.1, subsection 4, a hospital as defined in section 135B.1, subsection 1, or a community mental health center established under chapter 230A.

7. "Health care services" means services, the coverage of which is authorized under chapter 509, chapter 514, chapter 514A, or chapter 514B as limited by sections 514E.4 and 514E.5, and

includes services for the purposes of preventing, alleviating, curing, or healing human illness, injury or physical disability.

8. "Health insurance" means accident and sickness insurance authorized by chapter 509, 514 or 514A.

9. "Health insurance trust fund" means the fund created in section 514E.3.

10. "Insured" means an individual who is provided qualified comprehensive health insurance under an association policy, which policy may include dependents and other covered persons.

11. "Medicaid" means the federal-state assistance program established under Title XIX of the federal Social Security Act.

12. "Medicare" means the federal government health insurance program established under Title XVIII of the Social Security Act.

13. "Policy" means a contract, policy, or plan of health insurance.

14. "Policy year" means a consecutive twelve-month period during which a policy provides or obligates the carrier to provide health insurance.

Sec. 2. NEW SECTION. 514E.2 IOWA COMPREHENSIVE HEALTH ASSOCIATION.

1. There is established a nonprofit corporation known as the Iowa comprehensive health insurance association which shall assure that health insurance, as limited by sections 514E.4 and 514E.5, is made available to each eligible Iowa resident applying to the association for coverage. All carriers as defined in section 514E.1, subsection 3, providing health insurance or health care services in Iowa shall be members of the association. The association shall operate under a plan of operation established and approved under subsection 3 and shall exercise its powers through a board of directors established under this section.

2. The board of directors of the association shall consist of not less than four nor more than eight members selected by the members of the association, subject to approval by the commissioner and a public member selected by the commissioner.

In order to select the initial board of directors and organize the association, the commissioner shall give notice to all carriers of the time and place of the organizational meeting. In determining voting rights at the organizational meeting, each carrier member is entitled to one vote in person or by proxy. If the board of directors is not selected within sixty days after the organizational meeting, the commissioner shall appoint the initial board. In approving or selecting members of the board, the commissioner shall consider whether all carriers are fairly represented. Members of the board may be reimbursed from the moneys of the association for expenses incurred by them as members, but shall not be otherwise compensated by the association for their services.

3. The association shall submit to the commissioner a plan of operation for the association and any amendments necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation becomes effective upon approval in writing by the commissioner prior to the date on which the coverage under this chapter must be made available. After notice and hearing, the commissioner shall approve the plan of operation if the plan is determined to be suitable to assure the fair, reasonable, and equitable administration of the association, and provides for the sharing of association losses, if any, on an equitable and proportionate basis among the member carriers. If the association fails to submit a suitable plan of operation within one hundred eighty days after the appointment of the board of directors, or if at any later time the association fails to submit suitable amendments to the plan, the commissioner shall adopt, pursuant to chapter 17A, rules necessary to implement this section. The rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner. In addition to other requirements, the plan of operation shall provide for all of the following:

- a. The handling and accounting of assets and moneys of the association.
- b. The amount and method of reimbursing members of the board.

- c. Regular times and places for meeting of the board of directors.
- d. Records to be kept of all financial transactions, and the annual fiscal reporting to the commissioner.
- e. Procedures for selecting the board of directors and submitting the selections to the commissioner for approval.
- f. Establishing, in cooperation with the commissioner of insurance and the state comptroller, procedures for the determination and payment to the association from the health insurance trust fund of amounts which represent the net loss for the preceding calendar year to the association. The amount of the payment shall be based upon the amount of funds deposited in the health insurance trust fund and the amount of net loss of the association. If funds deposited in the health insurance trust fund are insufficient to pay all of the losses, the state comptroller shall notify the commissioner of insurance and the association of the amount of the deficiency.
- g. The periodic advertising of the general availability of health insurance coverage from the association.
- h. Additional provisions necessary or proper for the execution of the powers and duties of the association.
4. The plan of operation may provide that the powers and duties of the association may be delegated to a person who will perform functions similar to those of the association. A delegation under this section takes effect only upon the approval of both the board of directors and the commissioner. The commissioner shall not approve a delegation unless the protections afforded to the insured are substantially equivalent to or greater than those provided under this chapter.
5. The association has the general powers and authority enumerated by this subsection and executed in accordance with the plan of operation approved by the commissioner under subsection 3. The association has the general powers and authority granted under the laws of this state to carriers licensed to issue health insurance. In addition, the association may do any of the following:
 - a. Enter into contracts as necessary or proper to carry out this chapter.
 - b. Sue or be sued, including taking any legal action necessary or proper for recovery of any assessments for, on behalf of, or against participating carriers.
 - c. Take legal action necessary to avoid the payment of improper claims against the association or the coverage provided by or through the association.
 - d. Establish or utilize a medical review committee to determine the reasonably appropriate level and extent of health care services in each instance.
 - e. Establish appropriate rates, scales of rates, rate classifications, and rating adjustments, which rates shall not be unreasonable in relation to the coverage provided and the reasonable operations expenses of the association.
 - f. Pool risks among members.
 - g. Issue association policies on an indemnity or provision of service basis providing the coverage required by this chapter.
 - h. Administer separate pools, separate accounts, or other plans or arrangements considered appropriate for separate members or groups of members.
 - i. Operate and administer any combination of plans, pools, or other mechanisms considered appropriate to best accomplish the fair and equitable operation of the association.
 - j. Appoint from among members appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the association, policy and other contract design, and any other functions within the authority of the association.
 - k. Hire independent consultants as necessary.
 - l. Develop a method of advising applicants of the availability of other coverages outside the association, and shall promulgate a list of health conditions the existence of which would make an applicant eligible without demonstrating a rejection of coverage by one carrier.

m. Include in its policies a provision providing for subrogation rights by the association in a case in which the association pays expenses on behalf of an individual who is injured or suffers a disease under circumstances creating a liability upon another person to pay damages to the extent of the expenses paid by the association but only to the extent the damages exceed the policy deductible and coinsurance amounts paid by the insured. The association may waive its subrogation rights if it determines that the exercise of the rights would be impractical, uneconomical, or would work a hardship on the insured.

6. Rates for coverages issued by the association shall not be unreasonable in relation to the benefits provided, the risk experience, and the reasonable expenses of providing coverage. Separate scales of rates based on age may apply for individual risks. Rates must take into consideration the extra morbidity and administration expenses, if any, for risks insured in the association. The rates for a given classification shall not be more than one hundred fifty percent of the average premium or payment rate for that classification charged by the five carriers with the largest health insurance premium or payment volume in the state during the preceding calendar year. In determining the average rate of the five largest carriers, the rates or payments charged by the carriers shall be actuarially adjusted to determine the rate or payment that would have been charged for benefits similar to those issued by the association.

7. Following the close of each calendar year, the association shall determine the net premiums and payments, the expenses of administration, and the incurred losses of the association for the year. The association shall certify the amount of any net loss for the preceding calendar year to the commissioner of insurance and state comptroller who shall make payment to the association according to procedures established under subsection 3, paragraph "f". Any remaining loss, after payment to the association from the health insurance trust fund, shall be assessed by the association to all members in proportion to their respective shares of total health insurance premiums or payments for subscriber contracts received in Iowa during the second preceding calendar year, or with paid losses in the year, coinciding with or ending during the calendar year or on any other equitable basis as provided in the plan of operation. In sharing losses, the association may abate or defer in any part the assessment of a member, if, in the opinion of the board, payment of the assessment would endanger the ability of the member to fulfill its contractual obligations. The association may also provide for an initial or interim assessment against members of the association if necessary to assure the financial capability of the association to meet the incurred or estimated claims expenses or operating expenses of the association until the next calendar year is completed. Net gains, if any, must be held at interest to offset future losses or allocated to reduce future premiums.

8. The association shall conduct periodic audits to assure the general accuracy of the financial data submitted to the association, and the association shall have an annual audit of its operations, made by an independent certified public accountant.

9. The association is subject to examination by the commissioner of insurance. Not later than April 30 of each year, the board of directors shall submit to the commissioner a financial report for the preceding calendar year in a form approved by the commissioner.

10. All policy forms issued by the association must be filed with and approved by the commissioner before their use.

11. The association shall not issue an association policy to an individual who, on the effective date of the coverage applied for, has not been rejected for, already has, or will have coverage similar to an association policy, as an insured or covered dependent.

12. The association shall pay an agent's referral fee of twenty-five dollars to each insurance agent who refers an applicant to the association if that applicant is accepted.

13. The association is exempt from payment of all fees and all taxes levied by this state or any of its political subdivisions.

14. A member who, after July 1, 1986, has paid one or more assessments levied under this chapter may take a credit against the premium taxes, or similar taxes, upon revenues or income of the member that are imposed by the state on health insurance premiums pursuant to chapter 432 or payments subject to taxation under section 514B.31, up to the amount of twenty percent of those taxes due, for each of the five calendar years following the year for which an assessment was paid, or until the aggregate of those assessments has been offset by credits against those taxes if this occurs first. If a member ceases doing business, all uncredited assessments may be credited against its premium tax liability for the year it ceases doing business.

Sec. 3. NEW SECTION. 514E.3 HEALTH INSURANCE TRUST FUND – DEPOSIT OF MONEYS.

A health insurance trust fund is created within the state treasury. Commencing July 1, 1987, and annually thereafter, there shall be deposited in the health insurance trust fund twenty-five percent of the moneys set aside pursuant to 1985 Iowa Acts, chapter 239, section 8. The moneys in the health insurance trust fund and any income to the fund shall be used to make the payments provided for in section 514E.2, subsection 3, paragraph "f". If after making a payment, there is a balance remaining in the health insurance trust fund, the balance shall be retained in the fund together with any interest or earnings that is earned on the balance and may be used to cover future expenses of the association. However, if the balance of the health insurance trust fund after the payments provided for in section 514E.2, subsection 3, paragraph "f" exceeds ten million dollars, then the amount of the funds in excess of the ten million dollars shall be transferred to the separate account established in 1985 Iowa Acts, chapter 239, section 8.

Moneys deposited in the health insurance trust fund may be invested by the treasurer of state in the same manner as moneys in the general fund.

Sec. 4. NEW SECTION. 514E.4 ASSOCIATION POLICY – COVERAGE AND BENEFIT REQUIREMENTS – ELIGIBLE EXPENSES.

The association policy shall pay only the usual, customary and reasonable charges for medically necessary eligible health care services which exceed the deductible and coinsurance amounts applicable under section 514E.6. Eligible expenses are the charges for the following health care services furnished by a health care provider in an emergency situation or furnished or prescribed by a health care provider:

1. Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, but limited to a total of one hundred eighty days in a calendar year.

2. Professional services for the diagnosis or treatment of injuries, illnesses, or conditions, other than mental or dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered nurses, licensed practical nurses, or other health care providers.

3. The first twenty professional visits for the diagnosis or treatment of one or more mental conditions, rendered during a calendar year by one or more health care providers, or at their direction, by their staff of registered nurses, licensed practical nurses, or other health care providers.

4. Drugs and contraceptive devices requiring a prescription.

5. Services of a skilled nursing facility as defined in section 135C.1, subsection 3, or services in an intermediate care facility as defined in section 135C.1, subsection 2, to the same extent as the services would be paid in a skilled nursing facility, for not more than one hundred eighty days in a calendar year.

6. Homemaker-home health services up to one hundred eighty days of service in a calendar year.

7. Use of radium or other radioactive material.
8. Oxygen.
9. Anesthetics.
10. Prostheses, other than dental.
11. Rental of durable medical equipment, other than eye glasses and hearing aids, which have no personal use in the absence of the condition for which prescribed.
12. Diagnostic X rays and laboratory tests.
13. Oral surgery for any of the following:
 - a. Excision of partially or completely erupted impacted teeth.
 - b. Excision of a tooth root without the extraction of the entire tooth.
 - c. The gums and tissues of the mouth when not performed in connection with the extraction or repair of teeth.
14. Services of a physical therapist and services of a speech therapist.
15. Professional ambulance services to the nearest health care facility qualified to treat the illness, injury, or condition.
16. Processing of blood, including but not limited to, collecting, testing, fractionating, and distributing blood.

Sec. 5. NEW SECTION. 514E.5 EXPENSES EXCLUDED.

Eligible expenses shall not include an expense for any of the following:

1. Services for which a charge is not made in the absence of insurance or for which there is no legal obligation on the part of a patient to pay.
2. Services and charges made for benefits provided under the laws of the United States, including Medicare and Medicaid, military service-connected disabilities, medical services provided for members of the armed forces and their dependents or for employees of the armed forces of the United States, and medical services financed on behalf of all citizens by the United States.
3. Benefits which would duplicate the provision of services or payment of charges for any care for an injury, disease, or condition for which either of the following applies:
 - a. It arises out of and in the course of an employment subject to a workers' compensation or similar law.
 - b. Benefits for it are payable without regard to fault under a coverage required to be contained in any motor vehicle or other liability insurance policy or equivalent self-insurance. However, this does not authorize exclusion of charges that exceed the benefits payable under the applicable workers' compensation or no-fault coverage.
4. Care which is primarily for a custodial or domiciliary purpose.
5. Cosmetic surgery unless provided as the result of an injury or medically necessary surgical procedure.
6. Services the provision of which is not within the scope of the license or certificate of the institution or individual rendering the services.
7. That part of any charge for services or articles rendered or prescribed by a health care provider which exceeds the prevailing charge in the locality where the service is provided, or a charge for services or articles not medically necessary.
8. Services rendered prior to the effective date of coverage under this plan for the person on whose behalf the expense is incurred.
9. Routine physical examinations including examinations to determine the need for eye glasses and hearing aids.
10. Illness or injury due to an act of war.
11. Service of a blood donor and any fee for failure to replace the first three pints of blood provided to an eligible person each calendar year.
12. Personal supplies or services provided by a health care facility or any other nonmedical or nonprescribed supply or service.

13. Experimental services or supplies. Experimental means a service or supply not recognized by the appropriate medical board as normal mode of treatment for the illness or injury involved.

14. Eye surgery if corrective lenses would alleviate the problem.

The coverage and benefit requirements of this section for association policies shall not be altered by any other state law without specific reference to this chapter indicating a legislative intent to add or delete from the coverage requirements of this chapter.

This chapter does not prohibit the association from issuing additional types of health insurance policies with different types of benefits which, in the opinion of the board of directors, may be of benefit to the citizens of the state.

Sec. 6. NEW SECTION. 514E.6 POLICIES, DEDUCTIBLE AND COINSURANCE REQUIREMENTS — LIMITATIONS — LIFETIME BENEFIT LIMIT.

1. Except as provided in subsection 3, an association policy offered in accordance with this chapter shall include a deductible. Deductibles of five hundred dollars and one thousand dollars on a per person per calendar year basis shall be offered. The board may authorize deductibles in other amounts. The deductibles must be applied to the first five hundred dollars, one thousand dollars, or other authorized amount of eligible expenses incurred by the covered person.

2. Except as provided in subsection 3, a mandatory coinsurance requirement shall be imposed at the rate of twenty percent of eligible expenses in excess of the mandatory deductible.

3. The maximum aggregate out-of-pocket payments for eligible expenses by the insured in the form of deductibles and coinsurance shall not exceed in a policy year:

- a. One thousand five hundred dollars for an individual five-hundred-dollar deductible policy.
- b. Two thousand dollars for an individual one-thousand-dollar deductible policy.
- c. Three thousand dollars for a family five-hundred-dollar deductible policy.
- d. Four thousand dollars for a family one-thousand-dollar deductible policy.
- e. An amount authorized by the board for any other deductible policy.

4. For a family policy, the maximum annual deductible under the policy shall be the deductible chosen for a maximum of two individuals under the policy.

5. Eligible expenses incurred by a covered person in the last three months of a calendar year, and applied toward a deductible, shall also be applied toward the deductible amount in the next calendar year.

6. The lifetime benefit per covered person is two hundred fifty thousand dollars.

7. The association shall, in addition to other policies, offer Medicare supplement policies designed to supplement Medicare and provide coverage of at least fifty percent of the deductible and eighty percent of the covered expenses in section 514E.4. Medicare supplement plans are subject to the same limitations on premiums, deductibility, and annual out-of-pocket expenses as other association policies.

Sec. 7. NEW SECTION. 514E.7 POLICIES — ELIGIBLE PERSONS — DEPENDENT COVERAGE — PREEXISTING CONDITIONS.

1. A person is not eligible for an association policy if the person, at the effective date of coverage, has or will have coverage under any insurance plan that has coverage equivalent to an association policy. Only residents of this state are eligible for an association policy. Coverage under an association policy is in excess of, and shall not duplicate, coverage under any other form of health insurance.

2. A person is eligible to apply for an association policy only if that person has been rejected for similar health insurance coverage or is only offered health insurance coverage at a rate exceeding the association rate.

3. An association policy shall provide that coverage of a dependent unmarried person terminates when the person becomes nineteen years of age or, if the person is enrolled full time in an accredited educational institution, terminates at twenty-five years of age. The policy shall

also provide in substance that attainment of the limiting age does not operate to terminate coverage when the person is and continues to be both of the following:

a. Incapable of self-sustaining employment by reason of mental retardation or physical handicap.

b. Primarily dependent for support and maintenance upon the person in whose name the contract is issued.

Proof of incapacity and dependency must be furnished to the carrier within one hundred twenty days of the person's attainment of the limiting age, and subsequently as may be required by the carrier, but not more frequently than annually after the two-year period following the person's attainment of the limiting age.

4. An association policy that provides coverage for a family member of the person in whose name the contract is issued shall also provide, as to the family member's coverage, that the health insurance benefits applicable for children include the coverage required under section 514C.1.

5. An association policy may contain provisions under which coverage is excluded during a period of six months following the effective date of coverage as to a given covered individual for preexisting conditions, as long as either of the following exist:

a. The condition has manifested itself within a period of six months before the effective date of coverage in such a manner as would cause an ordinarily prudent person to seek diagnosis or treatment.

b. Medical advice or treatment was recommended or received within a period of six months before the effective date of coverage.

These preexisting condition exclusions shall be waived to the extent to which similar exclusions have been satisfied under any prior health insurance coverage which was involuntarily terminated, if the application for pool coverage is made not later than thirty days following the involuntary termination. In that case, coverage in the pool shall be effective from the date on which the prior coverage was terminated.

This subsection does not prohibit preexisting conditions coverage in an association policy that is more favorable to the insured than that specified in this subsection.

6. An individual is not eligible for coverage by the association if any of the following apply:
a. The individual is at the time of application eligible for health care benefits under chapter 249A.

b. The individual has terminated coverage by the association within the past twelve months.

c. The individual is an inmate of a public institution or is eligible for public programs for which medical care is provided.

Sec. 8. NEW SECTION. 514E.8 POLICIES – RENEWAL PROVISIONS – ELECTION TO CONTINUE COVERAGE UPON DEATH OF POLICYHOLDER.

1. An association policy shall contain provisions under which the association is obligated to renew the contract until the day on which the individual in whose name the contract is issued first becomes eligible for Medicare coverage, except that in a family policy covering both husband and wife, the age of the younger spouse shall be used as the basis for meeting the durational requirements of this subsection. However, when the individual in whose name the contract is issued becomes eligible for Medicare coverage, the person shall be eligible for the Medicare supplement plan offered by the association.

2. The association shall not change the rates for association policies except on a class basis with a clear disclosure in the policy of the association's right to do so.

3. An association policy shall provide that upon the death of the individual in whose name the policy is issued, every other individual then covered under the contract may elect, within a period specified in the policy, to continue coverage under the same or a different policy until such time as the person would have ceased to be entitled to coverage had the individual in whose name the policy was issued lived.

Sec. 9. **NEW SECTION. 514E.9 RULES.**

Pursuant to chapter 17A, the commissioner shall adopt rules to provide for disclosure by carriers of the availability of insurance coverage from the association, and to otherwise implement this chapter.

Sec. 10. **NEW SECTION. 514E.10 COLLECTIVE ACTION.**

Neither the participation by carriers or members in the association, the establishment of rates, forms, or procedures for coverage issued by the association, nor any joint or collective action required by this chapter shall be the basis of any legal civil action, or criminal liability against the association or members of it either jointly or separately.

Sec. 11. **NEW SECTION. 514E.11 NOTICE OF ASSOCIATION POLICY.**

Commencing July 1, 1986, every carrier, including a health maintenance organization subject to chapter 514B, authorized to provide health care insurance or coverage for health care services in Iowa, shall provide a notice and an application for coverage by the association to any person who receives a rejection of coverage for health insurance or health care services, or a notice to any person who is informed that a rate for health insurance or coverage for health care services will exceed the rate of an association policy, that effective January 1, 1987, that person is eligible to apply for health insurance provided by the association. Application for the health insurance shall be on forms prescribed by the board and made available to the carriers.

Sec. 12. There is appropriated from the general fund of the state on January 1, 1987 for the period January 1, 1987 to July 1, 1987, to the Iowa comprehensive health association the sum of twenty-five thousand (25,000) dollars or as much thereof as necessary for salaries and expenses.

Sec. 13. Health insurance coverage provided under this Act shall not be effective until January 1 following the effective date of this Act.

Approved April 28, 1986

CHAPTER 1157

WHEELCHAIR LIFT REGULATION

H.F. 2417

AN ACT relating to the regulation of stairway chair lifts and wheelchair lifts, and making penalties applicable.

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

Section 1. Section 104.1, subsection 1, Code 1985, is amended to read as follows:

1. "Facility" means ~~any an~~ elevator, dumbwaiter, escalator, moving walk, ~~or~~ lift, or inclined or vertical wheelchair lift subject to regulation under the provisions of this chapter, and includes hoistways, rails, guides, and all other related mechanical and electrical equipment.

Sec. 2. Section 104.1, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 18. "Inclined or vertical wheelchair lift" means a lift used as part of an accessible route in or at a public building as specified in the American national standard safety code for elevators and escalators, A17.1.

Sec. 3. Section 104.3, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The commissioner may adopt rules permitting inclined or vertical wheelchair lifts in churches and houses of worship to service more than one floor.

Approved April 28, 1986

CHAPTER 1158**LIABILITY FOR HAZARDOUS CONDITIONS***H.F. 2376*

AN ACT establishing liability of persons responsible for hazardous conditions for reasonable costs incurred by the department of water, air and waste management in responding to the conditions, and providing for the credit of recoveries for the liabilities.

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

Section 1. Section 455B.391, subsection 2, Code 1985, is amended to read as follows:

2. The attorney general shall, at the request of the executive director, take appropriate action against the ~~owner or operator of any vehicle, storage or manufacturing facility, vessel, or other source of person having control over a hazardous substance to recover funds expended by the department for the elimination of a hazardous condition for the liabilities resulting under section 455B.392. All such moneys collected shall be credited to the general fund of the state.~~

Sec. 2. Section 455B.392, subsection 1, Code 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. d. The excessive and extraordinary cost, excluding salaries, incurred by the department in responding at and to the scene of a hazardous condition caused by that person.

Sec. 3. Section 455B.392, subsection 1, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Claims by the state under this subsection may be appealed to the commission by the person filing a written notice of appeal within thirty days after receipt of the bill.

Approved April 28, 1986

CHAPTER 1159**STATE MANAGEMENT TRAINING PROGRAM***H.F. 2401*

AN ACT establishing a state management training program and a management training revolving fund.

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

Section 1. NEW SECTION. 19A.12 IOWA MANAGEMENT TRAINING SYSTEM AND REVOLVING FUND.

1. The department shall establish and administer an Iowa management training system for the state.

2. An Iowa management training revolving fund is created in the state treasury. The moneys credited to the fund shall be used for the purpose of paying actual and necessary expenses incurred by the department in administering the Iowa management training system. All fees, grants, or specific appropriations for this purpose shall be credited to the fund. The fees for the Iowa management training system courses shall be set by the director to cover the cost of administration, course development, training materials and equipment, and professional instructors. The fees shall be paid to the department by the state agency sending the employees for training and the payment shall be credited to the Iowa management training revolving fund. Section 8.33 does not apply to the unobligated or unencumbered balance in this fund.

Approved April 28, 1986

CHAPTER 1160
HEALTH DATA COMMISSION
H.F. 2452

AN ACT relating to the health data commission by adding the executive director of the commission on the aging to the membership of the health data commission, providing for the collection of certain billing information, and permitting the health data commission to collect long-term care data.

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

Section 1. Section 145.2, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The commission consists of the executive director of the commission on the aging, the commissioners of health, insurance, and human services, one state senator and one state representative who shall not be of the same party, shall be nonvoting members, and shall be appointed each year by the president of the senate and speaker of the house, respectively, and the chairperson of the board of directors of the corporation or the head of the association or other entity providing staff for the commission as provided by section 145.3 who shall be a nonvoting member. The ~~commissioner~~ commission members shall annually select the chairperson of the commission from among the ~~three~~ four voting ~~commissioner~~ commission members. A majority of the ~~six~~ seven members including at least two voting members constitute a quorum.

Sec. 2. Section 145.3, subsection 3, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. j. The commissioner of insurance and the commissioner of public health shall require a pilot project which will collect billing information on surgical procedures commonly performed by health care providers licensed under chapters 148, 149, 150 and 150A, as specified by the health data commission. The pilot project shall be completed by July 1, 1988.

Sec. 3. Section 145.3, subsection 4, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. The commissioner of human services, commissioner of health, and the executive director of the commission on the aging collect and analyze long-term care data.

Approved April 28, 1986

CHAPTER 1161
MOTOR CARRIER REGULATION
S.F. 505

AN ACT relating to the regulation of motor carriers and making penalties applicable.

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

Section 1. Section 325.1, subsections 8 and 9, Code 1985, are amended to read as follows:

8. The term "~~carpool~~" "Car pool" means transportation of a group of at least two riders in a vehicle having a seating capacity for not more than eight passengers between a rider's ~~or the owner-operator's, owner's, or operator's~~ residence or other designated location and a rider's ~~or~~

the ~~owner-operator's, owner's, or operator's~~ place of employment or other common destination of the group, when the vehicle is driven by one of the members of the group.

9. The term "~~vanpool~~" "Van pool" means transportation of a group of riders in a vehicle having a seating capacity for not less than eight passengers and not more than fifteen passengers between a rider's ~~or the owner-operator's, owner's, or operator's~~ residence or other designated location and a rider's ~~or the owner-operator's, owner's, or operator's~~ place of employment or other common destination of the group, when the vehicle is driven by one of the members of the group.

Sec. 2. Section 325.1, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 11. "Motor carrier of property" means a person which holds itself out to the general public as engaging in this state in the transportation of property by motor vehicle for compensation, whether over regular or irregular routes, except that a motor carrier of property does not include a motor carrier of passengers engaged in the transportation of baggage or express incidental to its passenger service.

NEW SUBSECTION. 12. "Regular route motor carrier of passengers" means a person which holds itself out to the general public as engaging in this state in the transportation of passengers by motor vehicle for compensation over regular routes by scheduled service.

Sec. 3. Section 325.2, subsections 1 through 5, Code 1985, are amended to read as follows:

1. Fix or approve the rates, fares, charges, classifications, and rules pertaining thereto, of each motor carrier of property.

2. Regulate and supervise the accounts, schedules, and service of each motor carrier of property.

3. Prescribe a uniform system and classification of accounts to be used, which among other things shall provide for the setting up of adequate depreciation charges, and after ~~such~~ the accounting system ~~shall have~~ has been promulgated adopted, motor carriers of property shall use no other.

4. Require the filing of annual and other reports by motor carriers of property.

5. Supervise and regulate motor carriers of property in all ~~other~~ matters affecting the relationship between ~~such~~ the carriers and the traveling and shipping public.

Sec. 4. Section 325.3, Code 1985, is amended to read as follows:

325.3 GENERAL POWERS.

The authority may ~~by general order or otherwise prescribe~~ adopt rules and regulations applicable to motor carriers of property. The department may ~~prescribe adopt~~ and enforce safety regulations in the operation of all types of motor carriers and require a periodic inspection of the equipment of every motor carrier from the standpoint of enforcement of safety regulations, and the equipment is at all times subject to inspection by properly authorized representatives of the department.

Sec. 5. Section 325.4, Code 1985, is amended to read as follows:

325.4 STATUTES APPLICABLE.

All ~~control, power, and authority~~ over railroads and railroad companies ~~now~~ vested in the authority, ~~insofar as the same is applicable, are hereby specifically~~ is extended to include motor carriers of property.

Sec. 6. Section 325.5, Code 1985, is amended to read as follows:

325.5 RATES.

All charges made by any a motor carrier of property for any a service rendered or to be rendered in the public transportation of ~~passengers or~~ property, or in connection ~~therewith~~ with transportation of property, shall be just, reasonable and nondiscriminating, and every unjust, unreasonable, or discriminating charge for ~~such~~ the service ~~or any part thereof~~ is prohibited and declared unlawful.

Sec. 7. Section 325.6, Code 1985, is amended by striking the section and inserting the following:

325.6 CERTIFICATE OF CONVENIENCE AND NECESSITY AND REGULAR ROUTE PASSENGER CERTIFICATE.

1. It is unlawful for a motor carrier of property to transport property for compensation over a regular route or between fixed termini from any point or place in the state to another place in the state irrespective of the route or highways traversed, including the crossing of any state line of the state, and irrespective of the ticket or bill of lading issued and used for the transportation, without first having obtained from the board a certificate declaring that public convenience and necessity require the operation.

2. Except as provided in subsection 3, it is unlawful for a charter carrier to transport passengers by motor buses for compensation from any point or place in the state to another place in the state irrespective of the route or highway traversed, without first having obtained from the authority a certificate declaring that public convenience and necessity require the operation.

3. It is unlawful for a regular route motor carrier of passengers to transport passengers for compensation upon the highways of this state in intrastate commerce without first having obtained from the authority a regular route passenger certificate. The authority shall issue a regular route passenger certificate without hearing, if the authority finds that the applicant is fit, willing and able.

In determining whether a regular route motor carrier of passengers is fit, willing and able, the authority shall only consider the applicant's safety record, and the applicant's ability to comply with section 325.26.

A regular route passenger certificate authorizing the transportation of passengers includes the authority to transport newspapers, baggage of passengers, express packages or mail in the same motor vehicle with passengers.

A regular route motor carrier of passengers holding a regular route passenger certificate may at any time commence scheduled service over any regular route from any point or place in the state to another place in the state irrespective of the route or highway traversed and may at any time discontinue any part of its regular route service.

A regular route motor carrier of passengers granted a certificate prior to the effective date of this section which authorized motor carrier of passenger operations may continue to provide motor carrier of passenger service with all the rights and privileges granted by a regular route passenger certificate issued under this section.

A regular route motor carrier of passengers shall not operate as a charter carrier in this state unless it possesses a certificate of convenience and necessity to engage in the business of a charter carrier. However, a regular route motor carrier of passengers granted a certificate prior to the effective date of this section which authorized charter operations may continue to provide charter service with all the rights and privileges granted by a charter certificate.

An Iowa urban transit system as defined in section 324.57, subsection 9, may operate within the metropolitan area which it serves and between its service area and another city which is located not more than ten miles from its service area without obtaining a regular route passenger certificate if the other city is not served by another carrier operating under a regular route passenger certificate.

4. The authority may allow the provision of temporary service by a motor carrier of property for which there is an immediate and urgent need to a point or points requested by the application for a permanent certificate of public convenience and necessity upon investigation and a finding that the point or points do not have carrier service capable of meeting the need. The grant of temporary authority shall not become effective until the applicant has complied with sections 325.26, 325.28 and 325.35 and the rules of the board. Unless the temporary authority is suspended or revoked for good cause, it shall be valid for the time specified by the board but not more than an aggregate of one hundred eighty days.

The grant of temporary authority creates no presumption that the corresponding application for a permanent certificate will be granted.

5. A motor carrier providing primarily passenger service for elderly, handicapped and other transportation disadvantaged persons is exempt from the certification requirements of this section if it satisfies each of the following requirements:

a. The motor carrier is not a corporation organized for profit under the laws of Iowa or any other state or the motor carrier is a governmental organization.

b. The motor carrier received operating funds from federal, state or local government sources.

c. The motor carrier does not duplicate a transportation service provided by a motor carrier issued a regular route passenger certificate.

6. A person operating a motor vehicle in a car pool or van pool is exempt from this chapter.

7. Except for a person operating a car pool or van pool, each motor carrier exempt from requirement for a certificate under this section shall obtain a nontransferable permit from the department. Such carriers shall comply with all safety, insurance and other rules of the department pertaining to a publicly funded transit system.

Sec. 8. Section 325.7, Code 1985, is amended to read as follows:

325.7 WHEN CERTIFICATE TO BE ISSUED TO MOTOR CARRIER OF PROPERTY OR CHARTER CARRIER.

~~Before a~~ A certificate shall not be issued to a motor carrier of property or a charter carrier, until the authority shall, after a public hearing, ~~make~~ makes a finding that the service proposed to be rendered will promote the public convenience and necessity. ~~If such the finding be is made, it the authority shall be its duty to issue a certificate.~~

The authority may issue a certificate to a motor carrier of property or a charter carrier, without holding a public hearing, if the service proposed will promote the public convenience and necessity and the service would not be provided if the expense of a public hearing was placed upon the applicant.

If a certificate is to be issued to a motor carrier of property or a charter carrier without a public hearing, the authority shall publish notice of its action, at its own expense, in the same manner as provided in section 325.13. Written objections to the issuance of a certificate without holding a hearing may be filed within ten days of the last publication of notice. If no objections are filed within ten days of the last publication of the notice, the authority may proceed to issue the certificate in the manner provided in section 325.18.

Sec. 9. Section 325.8, Code 1985, is amended to read as follows:

325.8 FINANCIAL ABILITY OF APPLICANT.

~~No~~ A certificate of convenience and necessity or a regular route passenger certificate shall not be issued until the applicant has made a satisfactory showing as to the applicant's financial ability to carry out the terms and conditions imposed.

Sec. 10. Section 325.9, Code 1985, is amended to read as follows:

325.9 CONDITIONS.

When ~~the~~ a certificate is granted to a motor carrier of property or a charter carrier, the authority may attach to the exercise of the rights therein conferred by the certificate such terms and conditions as in its judgment the public convenience and necessity may require, which shall include the right and duty to transport newspapers.

Sec. 11. Section 325.12, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 7. An applicant for a regular route passenger certificate, in lieu of the information required by subsections 3 and 4, shall indicate that statewide regular route passenger authority is being sought.

Sec. 12. Section 325.13, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 6. This section does not apply to regular route motor carriers of passengers.

Sec. 13. Section 325.18, Code 1985, is amended to read as follows:

325.18 GRANTING APPLICATION.

It may grant the application in whole or in part upon such terms, conditions, and restrictions and with such modifications as to schedule and route as may seem to it just and proper. However, there shall be no condition or restriction as to schedules or routes imposed on a regular route passenger certificate, and all regular route passenger certificates shall grant statewide regular route passenger authority. The actual operation of such motor vehicles or vehicle shall not begin without a written statement of approval from the department to the effect that the applicant has complied with the safety provisions have been complied with.

Sec. 14. Section 325.25, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A regular route passenger certificate shall not be sold, transferred, leased, or assigned without the approval of the authority. The authority shall approve the sale, transfer, lease or assignment if the person obtaining or seeking to obtain ownership or control of a certificate is found to be fit, willing and able to perform the service proposed. In determining the fitness of the person seeking transfer of the certificate, the authority shall consider only the person's safety record and ability to comply with section 325.26.

Sec. 15. Section 325.26, subsection 1, Code 1985, is amended to read as follows:

1. Passenger motor carriers.

a. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of sixteen persons or less for bodily injury or death resulting therefrom as a result of any one accident or other cause, twenty-five thousand dollars for any recovery by one person and subject to said the limit for one person, one hundred fifty thousand dollars for more than one person.

b. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of sixteen persons or less for damage to or destruction of any property other than that of or in charge of the assured, as a result of any one accident or other cause, ten thousand dollars.

c. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of sixteen persons or less for loss of or damage to property of passengers as a result of any one accident or any other cause, one thousand dollars.

d. Unless the authority determines, after an investigation and hearing, and adopts rules based on that determination, that lesser levels of financial responsibility will protect the public interest, a regular route motor carrier of passengers and a charter carrier operating a motor vehicle with a seating capacity of sixteen or more persons shall have the minimum levels of financial responsibility established under 49 U.S.C. § 10927(a)(1).

d e. Any A common carrier of passengers coming under the provisions of this chapter, furnishing satisfactory proofs as to the authority of such carrier's solvency and financial ability to cover the assured's legal liability as provided for herein in this chapter and make payments to such persons as may be entitled thereto as a result of such that legal liability, or when such common carrier deposits depositing with the authority, surety satisfactory to it as to guarantee for such payments, such common carrier will be is relieved of the provisions of this section requiring liability insurance, surety bond or certificate of insurance; but such common carrier shall, from time to time, furnish such additional proof of solvency and financial ability to pay as may be required by the authority.

Sec. 16. Section 327C.2, Code 1985, is amended to read as follows:

327C.2 GENERAL JURISDICTION OF TRANSPORTATION DEPARTMENT.

The department shall have has general supervision of all railroads in the state, express

companies, car companies, freight and freight-line companies, motor carriers, and any common carrier engaged in the transportation of passengers or freight. However, the provisions of this chapter regarding the supervision of carriers do not apply to regular route motor carriers of passengers or charter carriers, as defined under section 325.1.

Sec. 17. Section 327D.1, Code 1985, is amended to read as follows:
327D.1 APPLICABILITY OF CHAPTER.

This chapter ~~shall apply~~ applies to intrastate transportation by for hire common carriers of persons and property. However, this chapter does not apply to regular route motor carriers of passengers or charter carriers, as defined under section 325.1.

Approved May 1, 1986

CHAPTER 1162
MUNICIPALLY OWNED UTILITIES
S.F. 2253

AN ACT relating to municipally owned utilities.

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

Section 1. **NEW SECTION. 476.1A APPLICABILITY OF AUTHORITY — MUNICIPALLY OWNED UTILITIES.**

1. Unless otherwise specifically provided by statute, a municipally owned utility is not subject to regulation by the commission under this chapter, except for regulatory action pertaining to:

- a. Assessment of fees for the support of the commission and the office of consumer advocate, as set forth in section 476.10.
- b. Safety standards.
- c. Assigned areas of service, as set forth in sections 476.22 through 476.26.
- d. Enforcement of civil penalties pursuant to section 476.51.
- e. Disconnection of service, as set forth in section 476.20.
- f. Discrimination against users of renewable energy resources, as set forth in section 476.21.
- g. Encouragement of alternate energy production facilities, as set forth in sections 476.41 through 476.45.

2. Municipally owned utilities shall be required to adhere to the requirements of the following sections of the Code but all rules and regulations to enforce these sections shall lie with each local municipal utility's governing board. The commission has no authority concerning these sections as they apply to municipal utilities:

- a. Peak-load management techniques, as set forth in section 476.17.
- b. Promulgation of rules concerning the use of energy conservation strategies, as set forth in section 476.2.

Approved May 1, 1986

CHAPTER 1163
PAID STATE HOLIDAYS
S.F. 2101

AN ACT relating to Martin Luther King, Jr.'s birthday and Veterans Day as paid state holidays and providing an effective date.

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

Section 1. Section 33.2, Code 1985, is amended by adding the following new subsection after subsection 1 and renumbering the remaining subsections:

NEW SUBSECTION. 2. Martin Luther King, Jr.'s birthday, the third Monday in January.

Sec. 2. Section 33.2, Code 1985, is amended by adding the following new subsection after subsection 4 and renumbering the remaining subsections:

NEW SUBSECTION. 5. Veterans Day, November 11.

Sec. 3. Section 33.2, subsection 8, Code 1985, is amended by striking the subsection.

Sec. 4. This Act takes effect January 1, 1987.

Approved May 1, 1986

CHAPTER 1164
KING BIRTHDAY IS PUBLIC HOLIDAY
H.F. 2158

AN ACT to make the birthday of Dr. Martin Luther King, Jr. a legal public holiday.

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

Section 1. Section 33.1, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 2. Dr. Martin Luther King, Jr.'s Birthday, the third Monday in January.

Sec. 2. Section 31.10, Code 1985, is amended to read as follows:

31.10 DR. MARTIN LUTHER KING, JR. DAY

The ~~Sunday which falls on or nearest the fifteenth day~~ third Monday of January of each year is designated as Dr. Martin Luther King, Jr. Day, which shall be a recognition day in honor of the late civil rights leader and Nobel Peace Prize recipient, Dr. Martin Luther King, Jr.

The governor is authorized and requested to issue annually a proclamation designating such ~~Sunday Monday~~ as Dr. Martin Luther King, Jr. Day and calling on the people and officials of the state of Iowa to commemorate the life and principles of Dr. King, to display the American flag, and to hold appropriate private services and ceremonies.

Approved May 1, 1986

CHAPTER 1165
INDUSTRIAL LOAN THRIFT GUARANTY CORPORATION
S.F. 2268

AN ACT relating to the industrial loan thrift guaranty corporation of Iowa.

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

Section 1. Section 536B.7, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Thrift Except as provided in section 536B.28, thrift certificates of a member of the guaranty corporation shall be guaranteed by the guaranty corporation as follows:

Sec. 2. Section 536B.8, subsection 3, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If after paying an advance assessment as provided in this subsection, an industrial loan corporation ceases to be a member of the guaranty corporation, a refund of that assessment shall be limited to that portion which is not necessary to meet those obligations of the guarantee fund as provided in section 536B.7, and as determined by the auditor of state, known to exist at the time of the payment of the advance assessment.

Sec. 3. NEW SECTION. 536B.27 RESTRICTIONS ON LOANS.

A member shall not loan to a borrower, including a subsidiary or affiliated corporation of the member, more than twenty percent of its total capital, surplus, and undivided profits. The aggregate of a member's loans to subsidiaries or affiliated corporations of the member shall not exceed ten percent of the member's total assets.

Sec. 4. NEW SECTION. 536B.28 LIMITS OF GUARANTEES — PHASING OUT OF GUARANTEES.

1. Notwithstanding section 536B.7, any new thrift certificate issued by a member after June 30, 1986, shall not be guaranteed by the guaranty corporation. Thrift certificates guaranteed under section 536B.7 which are outstanding as of June 30, 1986 may be renewed provided that their maturity date after renewal is not later than June 30, 1988. However, any noncallable thrift certificate issued by a member prior to January 1, 1986 for a term up to five years shall be guaranteed by the guaranty corporation until the expiration of the certificate.

Thrift certificates issued by a member in the form of passbook accounts shall be redeemed by the member or converted to a nonguaranteed thrift certificate not later than June 30, 1988. After June 30, 1986 the balance of each guaranteed passbook account shall not exceed the balance of the account existing on that date plus any accumulated interest on that balance.

2. As of July 1, 1986, any thrift certificate issued by a member shall conspicuously bear on its face a statement indicating that the thrift certificate is not guaranteed or insured by the guaranty corporation or the state of Iowa. A member may issue such nonguaranteed thrift certificates as senior debt pursuant to section 536A.22. However, before a member may issue a nonguaranteed thrift certificate, the member must disclose to the prospective purchaser in writing and orally that the certificate is not guaranteed or insured by the guaranty corporation or the state of Iowa. The written disclosure shall be made clearly and conspicuously and shall be specifically signed and dated prior to the purchase by the prospective purchaser of the certificate.

3. Except as provided in subsection 1, all thrift certificates issued by a member, including those certificates issued prior to July 1, 1986, shall cease to be guaranteed by the guaranty corporation as of July 1, 1988.

4. Notwithstanding the provisions of this chapter, a member may, in lieu of maintaining membership in the guaranty corporation, acquire insurance from the federal deposit insurance corporation or the federal savings and loan insurance corporation to protect each thrift certificate against loss of funds.

Approved May 2, 1986

CHAPTER 1166**UNEMPLOYMENT COMPENSATION EMPLOYER CONTRIBUTIONS***S.F. 2283*

AN ACT relating to employer charges for benefits involving the transfer of a clearly segregable and identifiable part of a business or enterprise, relating to voluntary contributions by special zero-rated employers to meet the applicable percentage of excess requirement of the unemployment compensation contribution law, relating to contribution rates and schedules for special zero-rated employers, and establishing a special unemployment compensation rate for certain expanding employers.

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

Section 1. Section 96.5, subsection 1, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. j. The individual is unemployed as a result of the individual's employer selling or otherwise transferring a clearly segregable and identifiable part of the employer's business or enterprise to another employer which does not make an offer of suitable work to the individual as provided under subsection 3; however, if the individual does accept, and works in and is paid wages for, suitable work with the acquiring employer, the acquiring employer immediately becomes chargeable for the benefits paid which are based on the wages paid by the transferring employer.

Sec. 2. Section 96.7, subsection 3, paragraph d, unnumbered paragraph 6, Code 1985, is amended to read as follows:

During any rate year an employer assigned a contribution rate under this lettered paragraph is not required to contribute to the unemployment compensation trust fund if the employer's percentage of excess is seven point five and five-tenths percent or greater for the rate year and the employer has not been charged with more than a total of one hundred dollars in benefit payments for any time within the twenty-four calendar quarters immediately preceding the rate computation date for the rate year. However, notwithstanding the voluntary contribution provisions of section 96.7, subsection 3, paragraph "a", subparagraph (7), if the employer's account has not been charged with more than a total of one hundred dollars in benefit payments during the twenty-four calendar quarters immediately preceding the computation date and the employer's percentage of excess is less than seven and five-tenths percent, the employer shall not be required to contribute to the unemployment compensation fund for the rate year if the employer makes a voluntary contribution which raises the employer's percentage of excess to seven and five-tenths percent or greater and which equals or exceeds the amount of any benefit charge, of no more than one hundred dollars within the preceding twenty-four calendar quarters, to the employer's account. If an employer is not required to contribute for a rate year to the trust fund under this unnumbered paragraph but would be required to contribute for the next rate year under this lettered paragraph, the employer's contribution rate for the next rate year is either the employer's experience rate computed under this lettered paragraph or one and eight-tenths percent, whichever is less. For subsequent years, either the employer is not required to contribute under this unnumbered paragraph or the employer's contribution rate is the employer's experience rate computed under this lettered paragraph. However, the employer's experience rate shall be limited for each of the next three consecutive rate years. For the first rate year, the employer's rate shall be limited to the rate in the percentage of excess rank which is no more than three percentage of excess ranks higher numerically than the rank containing the one and eight-tenths percent rate or the next lower rate. For each of the next two rate years, the employer's rate shall be limited to the rate in the percentage of excess rank which is no more than three percentage of excess ranks higher numerically than the rank in which the employer was placed for the immediate past rate year.

Sec. 3. NEW SECTION. 96.7B EXPANDING EMPLOYMENT INCENTIVE.

1. An employer shall receive a reduction in the employer's average annual payroll due to an increase in employment if the employer meets all of the following requirements:

a. The employer is qualified for an experience rating and has a positive balance in the employer's account.

b. The employer's account was charged with benefits for the four calendar quarters immediately preceding the computation date in a dollar amount less than the difference of the taxable wages reported by the employer for the calendar year immediately preceding the computation date minus the taxable wages reported by the employer for the calendar year preceding the calendar year which immediately precedes the computation date.

c. The employer's numerical increase in employment is equal to or greater than one under both subparagraphs (1) and (2).

(1) The employer's increase in employment, calculated by number of employees, equals the average mid-month employment reported by the employer for the calendar year immediately preceding the computation date minus the four-year average mid-month employment reported by the employer for the four calendar years preceding the calendar year which immediately precedes the computation date.

(2) The employer's increase in employment, calculated by amount of taxable wages, equals the taxable wages reported by the employer for the calendar year immediately preceding the computation date minus the four-year average of the taxable wages reported by the employer for the four calendar years preceding the calendar year which immediately precedes the computation date, divided by the taxable wage base for the calendar year immediately preceding the computation date. However, in calculating the increase in the employer's average annual payroll any portion of that increase due to an increase or decrease in taxable wages under section 96.19, subsection 20, or due to the fact that the employer is a successor employer shall be disregarded.

2. The reduction in the current average annual payroll of an employer qualified under subsection 1 equals fifty percent of any increase in the employer's current average annual payroll over the employer's average annual payroll for the previous year. However, in calculating the increase in the employer's average annual payroll any portion of that increase due to an increase or decrease in taxable wages under section 96.19, subsection 20, or due to the fact that the employer is a successor employer, shall be disregarded. The employer's average annual payroll for the next two consecutive years shall each be reduced by the amount of the reduction in the employer's current average annual payroll, unless the employer is entitled to a greater reduction in the employer's average annual payroll as calculated under this section, in which case the greater reduction is applicable for three years unless a yet greater reduction is applicable.

3. The department shall use the employer's average annual payroll to compute the employer's percentage of excess, shall compute the employer's percentage of excess rank by ranking the employer's percentage of excess relative to all other employers' percentages of excess, shall recompute the employer's percentage of excess by using the employer's reduced average annual payroll, and shall assign to the employer the contribution rate in the rate table which corresponds to the employer's reduced percentage of excess rank without adjusting the total taxable wages in each rank and without reranking employers in the rate table.

Sec. 4. Section 96.7A, Code Supplement 1985, is repealed.

Approved May 2, 1986

CHAPTER 1167
SCHOOL ENERGY MANAGEMENT
H.F. 2387

AN ACT relating to energy management by school districts and merged area schools, requiring periodic energy audits, providing financial and technical assistance for energy conservation for school districts and merged area schools.

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

Section 1. NEW SECTION. 279.44 ENERGY AUDITS.

Between July 1, 1986 and June 30, 1991, and on a staggered annual basis each five years thereafter, the board of directors of each school district shall file with the energy policy council, on forms prescribed by the energy policy council, the results of an energy audit of the buildings owned and leased by the school district. The energy audit shall be conducted under rules adopted by the energy policy council pursuant to chapter 17A. The energy policy council may waive the requirement for the initial and subsequent energy audits for school districts that submit evidence that energy audits were conducted prior to January 1, 1987 and energy consumption for the district is at an adjusted statewide average or below.

This section takes effect only if funds have been made available to a school district or area school to pay the costs of the energy audit.

Sec. 2. NEW SECTION. 93.19 ENERGY BANK PROGRAM.

The energy bank program is established by the energy policy council. The energy bank program consists of the following forms of assistance for school districts and merged area schools:

1. Providing moneys from the petroleum overcharge fund for conducting energy audits under section 279.44.
2. Providing loans, leases, and other methods of alternative financing from the energy loan fund established in section 93.20 for school districts and area schools to implement energy conservation measures.
3. Serving as a source of technical support for energy conservation management.
4. Providing assistance for obtaining insurance on the energy savings expected to be realized from the implementation of energy conservation measures.

For the purpose of this section and section 93.20, "energy conservation measure" means construction, rehabilitation, acquisition, or modification of an installation in a building which is intended to reduce energy consumption, or energy costs, or both, or allow the use of an alternative energy source, which may contain integral control and measurement devices.

Sec. 3. NEW SECTION. 93.20 ENERGY LOAN FUND.

An energy loan fund is established in the office of the treasurer of state to be administered by the energy policy council. The energy policy council may make loans to school districts and area schools for implementation of energy conservation measures identified in a comprehensive engineering analysis. Loans shall not be made for energy conservation measures that require more than an average of six years for the school district as an entity to recoup the actual or projected cost of construction and acquisition of the improvements; cost of the engineering analysis, plans, and specifications; and cost of the surety bonds securing the operation of the energy conservation measure. For a school district or merged area school to receive a loan from the fund, the energy policy council shall require completion of an energy management plan including an energy audit and a comprehensive engineering analysis. The energy policy council shall approve loans made under this section.

School districts shall repay the loans from moneys in either their general fund or schoolhouse fund. Area schools shall repay the loans from their general fund.

The energy policy council may accept gifts, federal funds, state appropriations, and other moneys for deposit in the energy loan fund.

For the purpose of this section, "loans" means loans, leases, or alternative financing arrangements.

Sec. 4. Section 93.15, Code 1985, is amended to read as follows:

93.15 PETROLEUM OVERCHARGE FUND.

There is created as a separate account in the state treasury a petroleum overcharge fund. Notwithstanding section 453.7, interest and earnings on investments from the funds in the petroleum overcharge fund shall be credited to the petroleum overcharge fund. The state of Iowa acting on behalf of itself, its citizens, and its political subdivisions accepts any funds awarded or allocated to it, its citizens, and political subdivisions as a result of petroleum overcharge cases. The funds shall be deposited in the petroleum overcharge fund and shall be expended only upon appropriation of the general assembly for programs which will benefit citizens who may have suffered economic penalties resulting from the alleged petroleum overcharges. However, petroleum overcharge case funds received pursuant to claims filed on behalf of the state, its institutions, departments, agencies, or any political subdivision shall be deposited in the general fund of the state to be disbursed directly to the appropriate claimants in accordance with federal guidelines and subject to the approval of the attorney general and the executive council. Attorneys' fees and expenses incurred by the state to obtain these funds to be deposited in the petroleum overcharge fund shall be paid by the state comptroller from the petroleum overcharge fund subject to the approval of the attorney general and the executive council.

Moneys in the fund may also be used for payments to school districts and area schools for the cost of energy audits under section 279.44.

Approved May 2, 1986

CHAPTER 1168

HEALTH CARE FACILITY LICENSING PENALTIES

H.F. 2423

AN ACT relating to the monetary penalties for violation of the health care facilities' licensing law.

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

Section 1. Section 135C.36, subsection 1, Code 1985, is amended to read as follows:

1. A Class I violation is one which presents an imminent danger or a substantial probability of resultant death or physical harm to the residents of the facility in which the violation occurs. A physical condition or one or more practices in a facility may constitute a Class I violation. A Class I violation shall be abated or eliminated immediately unless the department determines that a stated period of time, specified in the citation issued under section 135C.40, is required to correct the violation. A licensee ~~shall be~~ is subject to a penalty of not less than ~~five hundred two thousand~~ nor more than ~~five ten~~ thousand dollars for each Class I violation for which the licensee's facility is cited.

Approved May 2, 1986

CHAPTER 1169
PATIENT COSTS AT MENTAL HEALTH FACILITIES
H.F. 2424

AN ACT relating to the computation of the average daily patient costs at the state mental health institutes and hospital-schools.

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

Section 1. Section 222.73, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

222.73 BILLING OF PATIENT CHARGES — COMPUTATION OF ACTUAL COSTS — COST SETTLEMENT.

1. The superintendent of each hospital-school and special unit shall compute by February 1 the average daily patient charge and outpatient treatment charges for which each county will be billed for services provided to patients chargeable to the county during the fiscal year beginning the following July 1. The department shall certify the amount of the charges to the state comptroller and notify the counties of the billing charges.

a. The superintendent shall compute the average daily patient charge for a hospital-school or special unit for services provided in the following fiscal year, in accordance with generally accepted accounting procedures, by totaling the expenditures of the hospital-school or special unit for the immediately preceding calendar year, by adjusting the expenditures by a percentage not to exceed the percentage increase in the consumer price index for all urban consumers for the immediately preceding calendar year, and by dividing the adjusted expenditures by the total inpatient days of service provided during the immediately preceding calendar year.

b. The department shall compute the outpatient treatment charges, in accordance with generally accepted accounting procedures, on the basis of the actual cost of the outpatient treatment provided during the immediately preceding calendar year.

2. The superintendent shall certify to the state comptroller the billings to each county for services provided to patients chargeable to the county during the preceding calendar quarter. The county billings shall be based on the average daily patient charge and outpatient treatment charges computed pursuant to subsection 1, and the number of inpatient days and outpatient treatment service units chargeable to the county. The county billing for a patient shall be reduced by an amount received for the patient's care from any source other than state appropriated funds.

3. The superintendent shall compute in January the actual per-patient-per-day cost for each hospital-school or special unit for the immediately preceding calendar year, in accordance with generally accepted accounting procedures, by totaling the actual expenditures of the hospital-school or special unit for the calendar year and by dividing the total actual expenditures by the total inpatient days of service provided during the calendar year.

4. The department shall certify to the state comptroller and the counties by February 1 the actual per-patient-per-day costs, as computed pursuant to subsection 3, and the actual costs owed by each county for the immediately preceding calendar year for patients chargeable to the county. If the actual costs owed by the county are greater than the charges billed to the county pursuant to subsection 2, the state comptroller shall bill the county for the difference with the billing for the quarter ending June 30. If the actual costs owed by the county are less than the charges billed to the county pursuant to subsection 2, the state comptroller shall credit the county for the difference starting with the billing for the quarter ending June 30.

Sec. 2. Section 230.20, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

230.20 BILLING OF PATIENT CHARGES – COMPUTATION OF ACTUAL COSTS – COST SETTLEMENT.

1. The superintendent of each mental health institute shall compute by February 1 the average daily patient charges and other service charges for which each county will be billed for services provided to patients chargeable to the county during the fiscal year beginning the following July 1. The department shall certify the amount of the charges to the state comptroller and notify the counties of the billing charges.

a. The superintendent shall separately compute by program the average daily patient charge for a mental health institute for services provided in the following fiscal year, in accordance with generally accepted accounting procedures, by totaling the expenditures of the program for the immediately preceding calendar year, by adjusting the expenditures by a percentage not to exceed the percentage increase in the consumer price index for all urban consumers for the immediately preceding calendar year, and by dividing the adjusted expenditures by the total inpatient days of service provided in the program during the immediately preceding calendar year. However, the superintendent shall not include the following in the computation of the average daily patient charge:

(1) The costs of food, lodging, and other maintenance provided to persons not patients of the hospital.

(2) The costs of certain direct medical services identified in administrative rule, which may include but need not be limited to X-ray, laboratory, and dental services.

(3) The costs of outpatient and state placement services.

b. The department shall compute the direct medical services, outpatient, and state placement services charges, in accordance with generally accepted accounting procedures, on the basis of the actual cost of the services provided during the immediately preceding calendar year. The direct medical services, outpatient, and state placement services shall be billed directly against the patient who received the services.

2. The superintendent shall certify to the state comptroller the billings to each county for services provided to patients chargeable to the county during the preceding calendar quarter. The county billings shall be based on the average daily patient charge and other service charges computed pursuant to subsection 1, and the number of inpatient days and other service units chargeable to the county.

3. The superintendent shall compute in January the actual per-patient-per-day cost for each mental health institute for the immediately preceding calendar year, in accordance with generally accepted accounting procedures, by totaling the actual expenditures of the mental health institute for the calendar year and by dividing the total actual expenditures by the total inpatient days of service provided during the calendar year.

4. The department shall certify to the state comptroller and the counties by February 1 the actual per-patient-per-day costs, as computed pursuant to subsection 3, and the actual costs owed by each county for the immediately preceding calendar year for patients chargeable to the county. If the actual costs owed by the county are greater than the charges billed to the county pursuant to subsection 2, the state comptroller shall bill the county for the difference with the billing for the quarter ending June 30. If the actual costs owed by the county are less than the charges billed to the county pursuant to subsection 2, the state comptroller shall credit the county for the difference starting with the billing for the quarter ending June 30.

5. An individual statement shall be prepared for a patient on or before the fifteenth day of the month following the month in which the patient leaves the mental health institute, and a general statement shall be prepared at least quarterly for each county to which charges are made under this section. Except as otherwise required by sections 125.33 and 125.34 the general statement shall list the name of each patient chargeable to that county who was served by the mental health institute during the preceding month or calendar quarter and the amount due on account of each patient, and the county shall be billed for eighty percent of the stated charge for each patient specified in this subsection. The statement prepared for each

county shall be certified by the department to the state comptroller and a duplicate statement shall be mailed to the auditor of that county.

6. All or any reasonable portion of the charges incurred for services provided to a patient, to the most recent date for which the charges have been computed, may be paid at any time by the patient or by any other person on the patient's behalf. Any payment so made, and any federal financial assistance received pursuant to Title XVIII or XIX of the federal Social Security Act for services rendered to a patient, shall be credited against the patient's account and, if the charges so paid have previously been billed to a county, reflected in the mental health institute's next general statement to that county.

Sec. 3. This Act takes effect January 1, 1987.

Approved May 2, 1986

CHAPTER 1170
BUSINESS LICENSE CENTER
H.F. 392

AN ACT related to the establishment of a business license center, an economic policy for small business and a data base of vendors to state agencies.

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

Section 1. The director of the Iowa development commission or the director's designee shall prepare and submit, by January 15, 1987, a report to the general assembly outlining the feasibility of and costs associated with establishing a one-stop business license center. The report shall include an examination of the following factors:

- (1) Identification of licenses which are needed to begin most types of businesses in the state.
- (2) Recommendations of procedures for establishing a system which would include a list of license requirements for major categories of business and industry, formulation of a schedule for implementing the long-range goals of a business license information center, and examination of the possibility of developing a master license system capable of providing common license renewal dates, and a system for the uniform registration of trade names in accordance with recommendations of the secretary of state and county recorders.

Sec. 2. The director of the Iowa development commission or the director's designee shall prepare and submit, by January 15, 1987, a report to the general assembly outlining the feasibility of and costs associated with establishing and developing a data base on vendors which shall be administered so that a vendor can be placed in the data base by submitting an application to the department or to the state board of regents, the department of transportation, or the commission for the blind, for the use of all agencies having purchasing authority.

Approved May 2, 1986

CHAPTER 1171
POLICE AND FIRE CHIEF APPOINTMENTS
H.F. 2035

AN ACT relating to the appointment of chiefs of the police department and chiefs of the fire department in cities under civil service.

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

Section 1. Section 400.13, unnumbered paragraph 3, Code 1985, is amended to read as follows:

In cities under the commission plan of government the superintendent of public safety, with the approval of the city council, shall appoint the chief of the fire department and the chief of the police department. In cities under the city manager plan a council-manager form of government the city manager shall make such the appointments with the approval of the city council, and in all other cities such the appointments shall be made by the mayor as provided by city ordinance or city charter.

Sec. 2. Section 372.4, unnumbered paragraph 3, Code 1985, is amended to read as follows:

The mayor shall appoint a council member as mayor pro tem, and shall appoint the marshal or chief of police except where an intergovernmental agreement makes other provisions for police protection or as otherwise provided in section 400.13. Other officers must be selected as directed by the council. The mayor is not a member of the council and may not vote as a member of the council.

Approved May 2, 1986

CHAPTER 1172
TORT CLAIMS
H.F. 2216

AN ACT relating to the inclusion or exclusion of certain entities under tort claims acts.

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

Section 1. Section 25A.2, subsection 1, Code 1985, is amended to read as follows:

1. "State agency" includes all executive departments, agencies, boards, bureaus, and commissions of the state of Iowa, and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the state of Iowa, whether or not authorized to sue and be sued in their own names. This definition shall does not be construed to include any contractor with the state of Iowa. Soil conservation districts as defined in section 467A.3, subsection 1, conservancy districts as defined in section 467D.2, subsection 1, judicial district departments of correctional services as established in section 905.2, and regional boards of library trustees as defined in chapter 303B, are state agencies for purposes of this chapter.

Sec. 2. Section 613A.1, subsection 1, Code 1985, is amended to read as follows:

1. "Municipality" means city, county, township, school district, and any other unit of local government except a soil conservation district districts as defined in section 467A.3, subsection 1 and conservancy districts as defined in section 467D.2, subsection 1.

Sec. 3. Section 905.2, Code 1985, is amended to read as follows:

905.2 DISTRICT DEPARTMENTS ESTABLISHED.

There shall be is established in each judicial district in this state a public agency to be known as the " judicial district department of correctional services." Each

district department shall furnish or contract for those services necessary to provide a community-based correctional program which meets the needs of that judicial district. The district department shall be is under the direction of a board of directors, selected as provided in section 905.3, and shall be administered by a director employed by the board. A district department is a state agency for purposes of chapter 25A.

Approved May 2, 1986

CHAPTER 1173
REQUIREMENTS FOR BUSINESS ENTITIES
H.F. 2388

AN ACT relating to statutory requirements for corporations and limited partnerships by revising provisions governing filings, fees, reports, service of process, and publication of notice.

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

Section 1. Section 172C.8, subsection 1, Code 1985, is amended by striking the subsection.

Sec. 2. Section 496A.108, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Duplicate originals of the application of the corporation for a certificate of authority, together with a copy of its articles of incorporation and all amendments thereto certificate of good standing or existence, duly certified by the proper officer of the state or country under the laws of which it is incorporated, shall be delivered to the secretary of state for filing in the secretary of state's office.

Sec. 3. Section 496A.118, subsection 4, Code 1985, is amended by striking the subsection and renumbering the remaining subsection.

Sec. 4. Section 496A.118, unnumbered paragraph 2, Code 1985, is amended to read as follows:

~~No~~ A certificate of authority of a foreign corporation shall not be revoked by the secretary of state unless (a) the secretary shall have has given the corporation not less than sixty days' notice thereof by mail addressed to the principal office of the corporation in the state or country under the laws of which it is incorporated, and (b) the corporation shall ~~fail~~ fails prior to revocation to file ~~such~~ the annual report, or pay ~~such~~ the fees or penalties, or file the required statement of change of registered agent or registered office, ~~or file such articles of amendment or articles of merger,~~ or correct ~~such~~ the misrepresentation.

Sec. 5. Section 496A.121, Code 1985, is amended by adding the following new subsections, following subsection 7, and renumbering the remaining subsections:

NEW SUBSECTION. 8. A statement of the amount of land in this state owned by the corporation.

NEW SUBSECTION. 9. Whether the corporation is a family farm corporation as defined in section 172C.1.

Sec. 6. Section 496A.121, unnumbered paragraph 2, Code 1985, is amended to read as follows:

~~Such~~ The annual report shall be made on forms prescribed and furnished by the secretary of state, and the information ~~therein~~ contained in the report shall be given as of the first day of January of the year in which the report is due. It shall be executed by the corporation by ~~its president, a vice president, secretary, an assistant secretary, or treasurer~~ a representative

duly authorized by the board of directors, or, if the corporation is in the hands of a receiver, trustee, or assignee for benefit of creditors, it shall be executed on behalf of the corporation by ~~such~~ the receiver, trustee, or assignee.

Sec. 7. Section 496A.124, subsections 14 and 15, Code 1985, are amended to read as follows:

14. Filing an application of a foreign corporation for a certificate of authority to transact business in this state and issuing a certificate of authority, ~~eighty one~~ one hundred dollars.

15. Filing an application of a foreign corporation for an amended certificate of authority to transact business in this state and issuing an amended certificate of authority, ~~eighty one~~ one hundred dollars.

Sec. 8. Section 496A.124, subsections 16, 17, and 18, Code 1985, are amended by striking the subsections and renumbering the remaining subsections.

Sec. 9. Section 496A.130, unnumbered paragraph 6, Code 1985, is amended to read as follows:

If the certificate of incorporation of a corporation has been canceled by the secretary of state as provided in this section for failure to file an annual report, or failure to pay fees or penalties, ~~such~~ the corporation shall be reinstated by the secretary of state at any time within ~~five ten~~ years following the date of the issuance by the secretary of state of the certificate of cancellation upon:

Sec. 10. Section 504A.70, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Duplicate originals of the application of the corporation for a certificate of authority, together with a ~~copy of its articles of incorporation and all amendments thereto~~ certificate of good standing or existence, duly certified by the proper officer of the state or country under the laws of which it is incorporated, shall be delivered to the secretary of state for filing in the secretary of state's office.

Sec. 11. Section 504A.80, subsection 4, Code 1985, is amended by striking the subsection and renumbering the remaining subsection.

Sec. 12. Section 504A.80, unnumbered paragraph 2, Code 1985, is amended to read as follows:

~~No~~ A certificate of authority of a foreign corporation shall not be revoked by the secretary of state unless ~~(a)~~ the secretary ~~shall have~~ has given the corporation not less than sixty days' notice ~~thereof~~ by mail addressed to the principal office of the corporation in the state or country under the laws of which it is incorporated, and ~~(b)~~ the corporation ~~shall fail~~ fails prior to revocation to file ~~such~~ the annual report, or pay ~~such~~ the fees or penalties, or file the required statement of change of registered agent or registered office ~~or file such articles of amendment or articles of merger, or correct such~~ the misrepresentation.

Sec. 13. Section 504A.83, unnumbered paragraph 2, Code 1985, is amended to read as follows:

~~Such~~ The annual report shall be made on forms prescribed and furnished by the secretary of state, and the information ~~therein~~ contained in the report shall be given as of the date of the execution of the report. It shall be executed by the corporation by its ~~president, a vice president, secretary, an assistant secretary, or treasurer~~ representative duly authorized by the board of directors, or, if the corporation is in the hands of a receiver, trustee, or assignee for benefit of creditors, it shall be executed on behalf of the corporation by ~~such~~ the receiver, trustee, or assignee.

Sec. 14. Section 504A.85, subsections 10 and 11, Code 1985, are amended to read as follows:

10. Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state and issuing a certificate of authority, ~~twenty~~ twenty-five dollars.

11. Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state and issuing an amended certificate of authority, ~~twenty~~ twenty-five dollars.

Sec. 15. Section 504A.85, subsections 12 and 13, Code 1985, are amended by striking the subsections and renumbering the remaining subsections.

Sec. 16. Section 545.104, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 3. An agent for service of process may resign as agent upon filing and recording in accordance with section 545.206 a written notice of resignation, executed in duplicate, with the secretary of state. The secretary of state shall forthwith mail a copy of the resignation to the limited partnership at its principal place of business. The appointment of the agent terminates upon the expiration of thirty days after receipt of the notice by the secretary of state.

NEW SUBSECTION. 4. If a limited partnership fails to appoint or maintain an agent for service of process or if its agent cannot with reasonable diligence be found at the address of the agent recorded with the secretary of state, then the secretary of state is an agent of the limited partnership upon whom any process, notice, or demand may be served. Service may be made by delivering to the secretary of state duplicate copies of the process, notice, or demand. If the process, notice, or demand is served on the secretary of state, the secretary of state shall immediately cause one of the copies to be forwarded by certified mail, addressed to the limited partnership at its principal place of business. A limited partnership served in accordance with this subsection is not in default until thirty days have elapsed following the service on the secretary of state.

The secretary of state shall keep a record of all processes, notices, and demands served upon the secretary of state under this subsection, and shall record the time of the service and the action taken.

This subsection does not limit or affect the right to serve any process, notice, or demand required or permitted by law to be served upon a limited partnership in any other manner permitted by law.

Sec. 17. NEW SECTION. 545.909 RESIGNATION OF AGENT FOR SERVICE OF PROCESS.

An agent for service of process of a foreign limited partnership may resign as agent upon filing a written notice of the resignation, executed in duplicate, with the secretary of state. The secretary of state shall forthwith mail a copy of the resignation to the foreign limited partnership at its principal office or office required to be maintained in the state of its organization. The appointment of the agent terminates upon the expiration of thirty days after receipt of the notice by the secretary of state.

Sec. 18. NEW SECTION. 545.910 SERVICE OF PROCESS ON FOREIGN LIMITED PARTNERSHIP.

If a foreign limited partnership registered with the secretary of state fails to appoint or maintain an agent for service of process in this state or if its agent cannot with reasonable diligence be found, then service of process may be made upon the secretary of state in accordance with section 545.104, subsection 4.

Sec. 19. Section 545.1105, Code 1985, is amended by adding the following new subsections following subsection 6 and renumbering the remaining subsection:

NEW SUBSECTION. 7. A notice of transfer of reservation of name: ten dollars.

NEW SUBSECTION. 8. A notice of resignation of agent for service of process: five dollars.

Sec. 20. Sections 172C.5, 496A.52, 496A.113, 496A.114, 504A.75, and 504A.76, Code 1985, are repealed.

Approved May 2, 1986

CHAPTER 1174
SANITARY DISPOSAL PROJECTS
H.F. 2301

AN ACT relating to sanitary disposal projects.

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

Section 1. Section 455B.304, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules prohibiting the disposal of uncontained liquid waste in a sanitary landfill.

Sec. 2. Section 455B.304, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The commission shall establish rules for the proper administration of this part 1 of division IV which shall reflect and accommodate as far as is reasonably possible the current and generally accepted methods and techniques for treatment and disposition of solid waste which will serve the purposes of this part 1 of this division, and which shall take into consideration the factors, including others which it deems proper, such as existing physical conditions, topography, soils and geology, climate, transportation, and land use, and which shall include but are not limited to rules relating to the establishment and location of sanitary disposal projects, sanitary practices, inspection of sanitary disposal projects, collection of solid waste, disposal of solid waste, pollution controls, the issuance of permits, approved methods of private disposition of solid waste, the general operation and maintenance of sanitary disposal projects, and the implementation of this part 1 of this division. The rules shall require that each sanitary disposal project has a sufficient number of water wells to adequately monitor the quality of ground water adjacent to the sanitary disposal project site. Prior to issuance of rules or amendments to rules, the commission shall hold at least one public hearing on the proposed rules or amendments, and shall give notice of the hearing at least thirty days in advance by publishing notice in a newspaper of general circulation in the state.

Sec. 3. Section 455B.304, Code Supplement 1985, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules requiring that each sanitary disposal project established pursuant to section 455B.302 and permitted pursuant to section 455B.305 install and maintain a sufficient number of groundwater monitoring wells to adequately determine the quality of the groundwater and the impact the sanitary disposal project, if any, is having on the groundwater adjacent to the sanitary disposal project site.

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules requiring a schedule of monitoring of the quality of groundwater adjacent to the sanitary disposal project from the groundwater monitoring wells installed in accordance with this section during the period the sanitary disposal project is in use. Schedules of monitoring may be varied in consideration of the types of sanitary disposal practices, hydrologic and geologic conditions, construction and operation characteristics, and volumes and types of wastes handled at the sanitary disposal project site.

NEW UNNUMBERED PARAGRAPH. The commission shall, by rule, require continued monitoring of groundwater pursuant to this section for a period of twenty years after the sanitary disposal project is closed. The commission may prescribe a lesser period of monitoring duration and frequency in consideration of the potential or lack thereof for groundwater

contamination from the sanitary disposal project. The commission may extend the twenty-year monitoring period on a site-specific basis by adopting rules specifically addressing additional monitoring requirements for each sanitary disposal project for which the monitoring period is to be extended.

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules which may require the installation of shafts to relieve the accumulation of gas in a sanitary disposal project.

Approved May 2, 1986

CHAPTER 1175
SANITARY LANDFILLS
H.F. 2397

AN ACT relating to sanitary landfills.

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

Section 1. Section 455B.301, subsection 4, Code Supplement 1985, is amended by striking the subsection and inserting the following:

4. "Sanitary landfill" means a sanitary disposal project where solid waste is buried between layers of earth.

Sec. 2. Section 455B.305, Code 1985, is amended to read as follows:

455B.305 CERTIFICATION OF PLANS BY DIRECTOR.

1. The executive director shall issue, revoke, suspend, modify, or deny permits for the construction and operation of sanitary disposal projects.

A permit shall be issued by the executive director or at the executive director's direction, by a local board of health, for each sanitary disposal project operated in this state. The permit shall be issued in the name of the city or county or, where applicable, in the name of the public or private agency operating the project. Each sanitary disposal project shall be inspected annually by the department or a local board of health. The permits issued pursuant to this section shall be in addition to any other licenses, permits or variances authorized or required by law, including, but not limited to, the provisions of chapter 358A. A permit may be suspended or revoked by the executive director if a sanitary disposal project is found not to meet the requirements of part 1 of this division or rules issued under part 1 of this division. The suspension or revocation of a permit may be appealed to the commission.

2. Beginning July 1, 1988, the executive director shall not issue a permit for the construction or operation of a new sanitary landfill unless the permit applicant has filed a plan as required by section 455B.306.

3. Beginning July 1, 1988, the executive director shall not renew or reissue a permit which had been initially issued prior to that date for a sanitary landfill, unless the permit applicant has filed a plan as required by section 455B.306.

4. Beginning July 1, 1994, the executive director shall not renew or reissue a permit which had been initially issued or renewed prior to that date for a sanitary landfill, unless and until the permit applicant documents that steps are being taken to begin implementing the plan filed pursuant to section 455B.306. However, a permit may be issued for the construction and operation of a new sanitary landfill in accordance with subsection 2.

5. Beginning July 1, 1997, the executive director shall not renew or reissue a permit which had been renewed or reissued prior to that date for a sanitary landfill, unless and until the permit applicant documents that alternative methods of solid waste disposal other than use of a sanitary landfill have been implemented as set forth in the plan filed pursuant to section

455B.306. However, the executive director may issue a permit for the construction and operation of a new sanitary landfill in accordance with subsection 2 and a permit may be renewed or reissued for a sanitary landfill which had received an initial permit but the permit had not been previously renewed or reissued prior to July 1, 1997 in accordance with subsection 3.

Sec. 3. Section 455B.306, Code 1985, is amended to read as follows:

455B.306 PLANS FILED.

1. Every A city, county and every a private agency operating or planning to operate a sanitary disposal project shall file with the executive director a plan detailing the method by which the city, county or private agency will comply with the provisions of this part 1 of division IV. The executive director shall review each plan submitted and may reject, suggest modification, or approve the proposed plan. The executive director shall aid in the development of plans for compliance with the provisions of said this part. The executive director shall make available to each a city, county and private agency appropriate forms for the submission of plans and may hold hearings for the purpose of implementing the provisions of said this part. The executive director and governmental agencies with primary responsibility for the development and conservation of energy resources shall provide research and assistance, when cities and counties operating or planning to operate sanitary disposal projects request aid in planning and implementing resource recovery systems.

2. The plan required by subsection 1 shall be filed with the department at the time of initial application for the construction and operation of a sanitary landfill and shall be updated and refiled with the department at the time of each subsequent application for renewal or reissuance of a previously issued permit.

3. A plan filed pursuant to this section in conjunction with an application for issuance, renewal, or reissuance of a permit for a sanitary landfill shall address all of the following:

a. The extent to which solid waste is or can be recycled.

b. The economic and technical feasibility of using other existing sanitary disposal project facilities in lieu of initiating or continuing the sanitary landfill for which the permit is being sought.

c. The expected environmental impact of alternative solid waste disposal methods, including the use of sanitary landfills.

d. A specific plan and schedule for implementing technically and economically feasible solid waste disposal methods that will result in minimal environmental impact.

Sec. 4. Section 455B.309, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. An amount equal to fifty percent of the annual receipts to the groundwater fund derived from the landfill tonnage fee imposed pursuant to section 455B.310 shall be reserved for the purpose of providing grants to cities and counties required to provide for sanitary disposal projects under section 455B.302 for the purpose of developing or updating plans required to be filed under section 455B.306. Grants shall be governed by section 455B.311.

Sec. 5. Section 455B.310, subsection 3, Code Supplement 1985, is amended to read as follows:

3. Solid waste disposal facilities with special provisions which limit the site to the disposal of construction and demolition waste and solid waste materials approved by the department for lining or capping or for construction berms, dikes or roads in a sanitary disposal project or sanitary landfill or which limit the site to the disposal of excess fly ash used in the reclamation of strip mined land are exempt from the tonnage fees imposed under this section.

Sec. 6. NEW SECTION. 455B.311 GRANTS.

The executive director, with the approval of the commission, may make grants to cities, counties, or central planning agencies representing cities and counties or combinations of

cities, counties, or central planning agencies from funds reserved under and for the purposes specified in section 455B.309, subsection 3, subject to all of the following conditions:

1. Application for grants shall be in a form and contain information as prescribed by rule of the department.

2. Grants shall only be awarded to a city or a county; however, a grant may be made to a central planning agency representing more than one city or county or combination of cities or counties for the purpose of planning and implementing regional solid waste management facilities.

3. Grants shall be awarded only for an amount determined by the department to be reasonable and necessary to conduct the work as set forth in the grant application. Grants for less than a county-wide planning area shall be limited to twenty-five percent state funds, for a single-county planning area the state funds shall be limited to fifty percent, and for a two-county planning area the state funds shall be limited to seventy-five percent. For each additional county above a two-county planning area, the maximum allowable state funds shall be increased by an additional five percent, up to a maximum of ninety percent state funds.

4. A city, county, or central planning agency on behalf of a city or county may not receive more than one grant under this section in any three-year period.

5. The executive director, with the approval of the commission, may deny a grant application if in the judgment of the executive director the applicant could not reasonably be expected to adequately and properly complete the plan for which the grant is requested or the applicant could not reasonably be expected to implement a planned sanitary disposal project.

Approved May 2, 1986

CHAPTER 1176

SEXUAL EXPLOITATION OF CHILDREN

H.F. 732

AN ACT relating to the sexual exploitation of children, and providing penalties.

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

Section 1. Section 728.12, subsection 1, Code 1985, is amended to read as follows:

1. A person commits a class "C" felony when the person employs, uses, persuades, induces, entices, coerces, knowingly permits, or otherwise causes a child to engage in a prohibited sexual act or in the simulation of a prohibited sexual act if the person knows, has reason to know, or intends that the act or simulated act may be photographed, filmed, or otherwise preserved in a negative, slide, book, magazine, or other print or visual medium. Notwithstanding section 902.9, the court may assess a fine of not more than fifty thousand dollars for each offense under this subsection in addition to imposing any other authorized sentence.

Sec. 2. Section 728.12, subsection 2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A person commits a class "D" felony when the person knowingly promotes any material visually depicting a live performance of a child engaging in a prohibited sexual act or in the simulation of a prohibited sexual act. Notwithstanding section 902.9, the court may assess a fine of not more than twenty-five thousand dollars for each offense under this subsection in addition to imposing any other authorized sentence.

Sec. 3. Section 728.12, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A person who knowingly purchases any negative, slide, book, magazine or other print or visual medium depicting a child engaging in a prohibited sexual act or the simulation of a prohibited sexual act commits a serious misdemeanor.

Approved May 2, 1986

CHAPTER 1177
CHILD SEXUAL ABUSE CASES
H.F. 2422

AN ACT relating to the department of human services' authority to investigate certain child sexual abuse cases and control access to certain information in child abuse cases.

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

Section 1. Section 232.68, subsection 2, paragraphs b and d, Code Supplement 1985, are amended to read as follows:

b. The commission of any a sexual offense with or to a child pursuant to chapter 709, section 726.2, or section 728.12, subsection 1, as a result of the acts or omissions of the person responsible for the care of the child. Notwithstanding section 702.5, the commission of a sexual offense under this paragraph includes any sexual offense referred to in this paragraph with or to a person under the age of eighteen years.

d. The acts or omissions of a person responsible for the care of a child which allow, permit, or encourage the child to engage in prostitution acts prohibited pursuant to section 725.1. Notwithstanding section 702.5, acts or omissions under this paragraph include an act or omission referred to in this paragraph with or to a person under the age of eighteen years.

Sec. 2. Section 235A.15, subsection 2, paragraph f, Code Supplement 1985, is amended to read as follows:

f. To a person conducting bona fide research on child abuse, if the details identifying any subject of a child abuse report are deleted but without information identifying individuals named in a child abuse report, unless having the information open to review is essential to the research or evaluation and the authorized registry official gives prior written approval and the child's guardian or guardian ad litem gives permission to release the information.

Approved May 2, 1986

CHAPTER 1178
VICTIMS AND WITNESSES OF CRIMES
H.F. 2458

AN ACT relating to victims and witnesses of criminal offenses, and providing penalties.

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

Section 1. It is the purpose of this Act to assure the fair and compassionate treatment of victims and witnesses of crimes and to increase the effectiveness of the criminal justice system by affording to them certain basic rights and consideration, and by reaffirming the criminal justice system's fundamental responsibility to victims and witnesses to ensure their equitable and fair treatment, protect them from intimidation and further injury, assist them in overcoming emotional and economic hardships resulting from criminal acts, and to keep them informed of the status of their case.

Sec. 2. Section 901.3, subsection 5, Code 1985, is amended to read as follows:

5. The harm to the victim, the victim's immediate family, and the community. Additionally, the presentence investigator shall provide a victim impact statement form to each victim, if one has not already been provided, and shall file the completed statement or statements with the presentence investigation report.

Sec. 3. Section 901.5, unnumbered paragraph 1, Code 1985, is amended to read as follows:

After receiving and examining all pertinent information, including the presentence investigation report and victim impact statements, if any, the court shall consider the following sentencing options. The court shall determine which of them is authorized by law for the offense, and of the authorized sentences, which of them or which combination of them, in the discretion of the court, will provide maximum opportunity for the rehabilitation of the defendant, and for the protection of the community from further offenses by the defendant and others.

Sec. 4. NEW SECTION. 910A.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Victim" means a person who has suffered physical, emotional, or financial harm as the result of a public offense, other than a simple misdemeanor, committed in this state. The term also includes the immediate family members of a victim who died or was rendered incompetent as a result of the offense or who was under eighteen years of age at the time of the offense.

2. "Violent crime" means a forcible felony, as defined in section 702.11, and includes any other felony or aggravated misdemeanor which involved the actual or threatened infliction of physical or emotional injury on one or more persons.

3. "Registered" means having provided the appropriate office, agency, or department with the victim's written request for notification and current mailing address and telephone number.

4. "Notification" means mailing by regular mail or providing for hand delivery of appropriate information or papers. However, this notification procedure does not prohibit an agency from also providing appropriate information to a registered victim by telephone.

Sec. 5. NEW SECTION. 910A.3 CITIZEN INTERVENTION.

Any person, who in good faith and without compensation, renders reasonable aid or assistance to another against whom a crime is being committed or, if rendered at the scene of the crime, to another against whom a crime has been committed is not liable for any civil damages for acts or omissions resulting from the aid or assistance and is eligible to file a claim for reimbursement as a victim pursuant to section 912.1.

Sec. 6. NEW SECTION. 910A.4 VICTIM IMPACT STATEMENT.

A victim may file a signed victim impact statement with the presentence investigator, and a filed impact statement shall be included in the presentence investigation report.

The court shall consider a filed victim impact statement in determining the appropriate sentence and in entering any order of restitution to the victim pursuant to chapter 910.

The victim impact statement shall:

1. Identify the victim of the offense.

2. Itemize any economic loss suffered by the victim as a result of the offense. For purposes of this paragraph, a pecuniary damages statement prepared by a county attorney pursuant to section 910.3, may serve as the itemization of economic loss.

3. Identify any physical injury suffered by the victim as a result of the offense with detail as to its seriousness and permanence.

4. Describe any change in the victim's personal welfare or familial relationships as a result of the offense.

5. Describe any request for psychological services initiated by the victim or the victim's family as a result of the offense.

6. Contain any other information related to the impact of the offense upon the victim.

Sec. 7. NEW SECTION. 910A.5 NOTIFICATION BY COUNTY ATTORNEY.

The county attorney shall notify a victim registered with the county attorney's office of the following:

1. The cancellation or postponement of a court proceeding that was expected to require the victim's attendance.

2. The possibility of assistance through the crime victim reparations program, pursuant to chapter 912, and the procedures for applying for that assistance.

3. The right, pursuant to chapter 910, to restitution for pecuniary losses suffered as a result of crime.

4. The victim's right to make a written impact statement.

5. The right to register for notification with other offices, departments, and agencies pursuant to sections 910A.5 through 910A.8.

Sec. 8. NEW SECTION. 910A.6 NOTIFICATION BY CLERK OF COURT.

The clerk of court shall notify a victim registered with the office of the clerk of court of all dispositional orders of the case in which the victim was involved and may advise the victim of any other orders regarding custody or confinement.

Sec. 9. NEW SECTION. 910A.7 NOTIFICATION BY LAW ENFORCEMENT.

The county sheriff or other person in charge of the local jail or detention facility shall notify a victim registered with the jail or detention facility of the following:

1. The offender's release from custody on bail and the terms or conditions of the release.

2. The offender's final release from local custody.

3. The offender's escape from custody.

Sec. 10. NEW SECTION. 910A.8 NOTIFICATION BY DEPARTMENT OF CORRECTIONS.

The department of corrections shall notify a victim registered with the department, regarding an offender convicted of a violent crime and committed to the custody of the director of the department of corrections, of the following:

1. The date on which the offender is expected to be released from custody on work release, and whether the offender is expected to return to the community where the registered victim resides.

2. The date on which the offender is expected to be temporarily released from custody on furlough, and whether the offender is expected to return to the community where the registered victim resides.

3. The offender's escape from custody.

4. The recommendation by the department of the offender for parole consideration.

Sec. 11. NEW SECTION. 910A.9 NOTIFICATION BY BOARD OF PAROLE.

1. The board of parole shall notify a victim registered with the board, regarding an offender who has committed a violent crime, as follows:

a. Not less than five days prior to conducting a hearing at which the board will interview an offender, the board shall notify the victim of the interview and inform the victim that the victim may submit the victim's opinion concerning the release of the offender in writing prior to the hearing or may appear personally or by counsel at the hearing to express an opinion concerning the offender's release.

b. Whether or not the victim appears at the hearing or expresses an opinion concerning the offender's release on parole, the board shall notify the victim of the board's decision regarding release of the offender.

2. Offenders who are being considered for release on parole may be informed of a victim's registration with the board and the substance of any opinion submitted by the victim regarding the release of the offender.

Sec. 12. NEW SECTION. 910A.11 CIVIL INJUNCTION TO RESTRAIN HARASSMENT OR INTIMIDATION.

1. Upon application, the court shall issue a temporary restraining order prohibiting the harassment or intimidation of a victim or witness in a criminal case if the court finds, from specific facts shown by affidavit or by verified complaint, that there are reasonable grounds to

believe that harassment or intimidation of an identified victim or witness in a criminal case exists or that the order is necessary to prevent and restrain an offense under this chapter.

A temporary restraining order may be issued under this subsection without written or oral notice to the adverse party or the party's attorney in a civil action under this section if the court finds, upon written certification of facts, that the notice should not be required and that there is a reasonable probability that the party will prevail on the merits. The temporary restraining order shall set forth the reasons for the issuance of the order, be specific in terms, and describe in reasonable detail the act or acts being restrained.

A temporary restraining order issued without notice under this section shall be endorsed with the date and hour of issuance and be filed immediately in the office of the clerk of the court issuing the order.

A temporary restraining order issued under this section shall expire at such time as the court directs, not to exceed ten days from issuance. The court, for good cause shown before expiration of the order, may extend the expiration date of the order for up to ten days, or for a longer period agreed to by the adverse party.

When a temporary restraining order is issued without notice, the motion for a protective order shall be set down for hearing at the earliest possible time and takes precedence over all matters except older matters of the same character. If the party does not proceed with the application for a protective order when the motion is heard, the court shall dissolve the temporary restraining order.

If, after two days' notice to the party or after a shorter notice as the court prescribes, the adverse party appears and moves to dissolve or modify the temporary restraining order, the court shall proceed to hear and determine the motion as expeditiously as possible.

2. Upon motion of the party, the court shall issue a protective order prohibiting the harassment or intimidation of a victim or witness in a criminal case if the court, after a hearing, finds by a preponderance of the evidence that harassment or intimidation of an identified victim or witness in a criminal case exists or that the order is necessary to prevent and restrain an offense under this chapter.

At the hearing, any adverse party named in the complaint has the right to present evidence and cross-examine witnesses.

A protective order shall set forth the reasons for the issuance of the order, be specific in terms, and describe in reasonable detail the act or acts being restrained.

The court shall set the duration of the protective order for the period it determines is necessary to prevent the harassment or intimidation of the victim or witness, but the duration shall not be set for a period in excess of one year from the date of the issuance of the order. The party, at any time within ninety days before the expiration of the order, may apply for a new protective order under this section.

Sec. 13. NEW SECTION. 910A.12 EMPLOYMENT PRACTICES.

An employer shall not discharge an employee from or take or fail to take action regarding an employee's promotion or proposed promotion or take action to reduce an employee's wages or benefits, for actual time worked, due to the service of an employee as a witness in a criminal proceeding. An employer who violates this section commits a simple misdemeanor, and an employee shall be entitled to recover damages. Damages recoverable under this section include but are not limited to, actual damages, court costs, and reasonable attorney fees. The employee may also petition the court for imposition of a cease and desist order against the person's employer and for reinstatement to the person's previous position of employment.

Sec. 14. NEW SECTION. 910A.16 CHILD VICTIM SERVICES.

1. As used in this section, "victim" means a child under the age of eighteen who has been sexually abused or subjected to any other unlawful sexual conduct under chapter 709 or 726 or who has been the subject of a forcible felony.

2. A professional licensed or certified by the state to provide immediate or short-term medical services or mental health services to a victim may provide the services without the prior consent or knowledge of the victim's parents or guardians.

3. Such a professional shall notify the victim if the professional is required to report an incidence of child abuse involving the victim pursuant to section 232.69.

Sec. 15. NEW SECTION. 910A.17 EXCEPTION FROM PUBLIC RECORDS LAW.

A victim's registration pursuant to this chapter, shall be strictly maintained in a separate confidential file, and shall be available only to the judicial district departments of correctional services and the agencies required to provide information under sections 910A.5 through 910A.9, notwithstanding chapter 22 or any other provision of law.

Sec. 16. NEW SECTION. 910A.18 IMMUNITY.

This chapter does not create a civil cause of action and a person is not liable for damages resulting from an act or omission in regard to any responsibility or authority created by this chapter, and such acts or omissions shall not be used in any proceeding for damages. This section does not apply to acts or omissions which constitute a willful and wanton disregard for the rights or safety of another.

Sec. 17. Section 912.4, subsections 4 and 5, Code Supplement 1985, are amended to read as follows:

4. When immediate or short-term medical services or mental health services are provided to a victim under section ~~910A.5~~ 910A.16, the department of human services shall file the claim for reparation as provided in subsection 3 for the victim and the provisions of section 912.7, subsection 2, paragraphs "b" and "c" do not apply.

5. When immediate or short-term medical services to a victim are provided pursuant to section ~~910A.5~~ 910A.16 by a professional licensed or certified by the state to provide such services, the professional shall file the claim for reparation, unless the department of human services is required to file the claim under this section, and the provisions of section 912.7, subsection 2, paragraphs "b" and "c" do not apply. The requirement to report the crime to the local police department or county sheriff department under subsection 2 does not apply to this subsection.

Sec. 18. Section 912.13, Code Supplement 1985, is amended to read as follows:

912.13 RULEMAKING.

The department shall adopt rules pursuant to chapter 17A to implement the procedures for reparation payments with respect to section ~~910A.5~~ 910A.16 and section 912.4, subsections 3, 4, and 5.

Sec. 19. Sections 910A.2 through 910A.4, Code Supplement 1985, shall be moved by the Code editor to appear as sections 910A.13 through 910A.15.

Sec. 20. Section 910A.5, Code Supplement 1985, is repealed.

Approved May 5, 1986

CHAPTER 1179
DOMESTIC ABUSE
H.F. 2433

AN ACT relating to domestic abuse, and providing penalties.

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

Section 1. Section 236.5, subsection 2, paragraph d, Code 1985, is amended to read as follows:

d. The awarding of temporary custody of or establishing temporary visitation rights with regard to children under eighteen. In awarding temporary custody or temporary visitation rights, the court shall give primary consideration to the safety of the victim and the children. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children.

Sec. 2. Section 236.11, Code 1985, is amended to read as follows:

236.11 DUTY OF PEACE OFFICER.

A peace officer shall use every reasonable means to enforce ~~an~~ any civil or criminal order or approved consent agreement issued pursuant to this chapter. If a peace officer has probable cause to believe that a person has violated any civil or criminal order or approved consent agreement, the peace officer shall take the person into custody and take the person before the court which issued the order or agreement, at which time the court shall determine whether the person has committed contempt pursuant to section 236.8. A peace officer shall not be held civilly or criminally liable for acting pursuant to this section provided that the peace officer acts in good faith, on probable cause, and ~~without malice~~ such acts do not constitute a willful and wanton disregard for the rights or safety of another.

Sec. 3. Section 236.12, subsection 2, Code Supplement 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. The peace officer shall make a reasonable inquiry of the person upon whom the harm has been inflicted and of any witnesses. If, after inquiry, the officer has probable cause to believe that domestic abuse has been committed, the peace officer shall arrest the abuser.

Sec. 4. NEW SECTION. 236.13 PROHIBITION AGAINST REFERRAL.

In a criminal action arising from domestic abuse, as defined in section 236.2, the prosecuting attorney or court shall not refer or order the parties involved to mediation or other nonjudicial procedures prior to judicial resolution of the action.

Sec. 5. Section 598.41, subsection 1, Code Supplement 1985, is amended to read as follows:

1. The court, insofar as is reasonable and in the best 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, other children, or a parent 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.

Sec. 6. Section 598.41, subsection 3, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. i. Whether the safety of the child, other children, or the other parent will be jeopardized by the awarding of joint custody or by unsupervised or unrestricted visitation.

Sec. 7. Section 804.7, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 6. As required by section 236.12, subsection 2.

Approved May 5, 1986

CHAPTER 1180
PAYMENT FOR CHIROPRACTIC HEALTH SERVICES
H.F. 2219

AN ACT providing for optional payment by corporations subject to chapters 509, 514, and 514B for services performed by chiropractors, making corporations organized by chiropractors for establishing, maintaining, and operating a health care service plan subject to chapter 514 and requiring chapter 514 corporations and physician providers to establish utilization review programs for purposes of health care cost control.

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

Section 1. Section 145.3, subsection 3, paragraph h, Code Supplement 1985, is amended to read as follows:

h. The commissioner of insurance and the commissioner of public health require the collection of physicians billing information from third-party payers and self insurers as specified by the health data commission by July 1, 1986. This billing information shall be collected for physicians as defined by section 135.1. The collection, correlation, and development of this data shall include, but not be limited to, information and reports covering the physician designations as defined in section 135.1 and shall be made available annually.

Sec. 2. Section 509.3, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A provision shall be made available to policyholders under group policies covering diagnosis and treatment of human ailments for payment or reimbursement for necessary diagnosis or treatment provided by a chiropractor licensed under chapter 151, if the diagnosis or treatment is provided within the scope of the chiropractor's license and if the policy would pay or reimburse for the diagnosis or treatment by a person licensed under chapter 148, 150, or 150A of the human ailment, irrespective of and disregarding variances in terminology employed by the various licensed professions in describing the human ailment or its diagnosis or its treatment. The policy shall provide that the policyholder may reject the coverage or provision if the coverage or provision for diagnosis or treatment of a human ailment by a chiropractor is rejected for all providers of diagnosis or treatment for similar human ailments licensed under chapter 148, 150, 150A, or 151. A policy of group health insurance may limit or make optional the payment or reimbursement for lawful diagnostic or treatment service by all licensees under chapters 148, 150, 150A, and 151 on any rational basis which is not solely related to the license under or the practices authorized by chapter 151 or is not dependent upon a method of classification, categorization, or description based directly or indirectly upon differences in terminology used by different licensees in describing human ailments or their diagnosis or treatment. This subsection applies to group policies delivered or issued for delivery after July 1, 1986, and to existing group policies on their next anniversary or renewal date, or upon expiration of the applicable collective bargaining contract, if any, whichever is later. This subsection does not apply to blanket, short-term travel, accident-only, limited or specified disease, or individual or group conversion policies, or policies under Title XVIII of the Social Security Act, or any other similar coverage under a state or federal government plan.

Sec. 3. Section 514.1, Code 1985, is amended to read as follows:

514.1 APPLICABILITY — DEFINITIONS.

A corporation hereafter organized under chapter 504 or chapter 504A for the purpose of establishing, maintaining, and operating a nonprofit hospital service plan, whereby hospital service may be provided by the corporation or by a hospital with which it has a contract for service, to the public who become subscribers to this plan under a contract which entitles each

subscriber to hospital service; or a corporation organized for the purpose of establishing, maintaining, and operating a plan whereby medical and surgical health care service may be provided at the expense of this corporation, by duly licensed physicians and surgeons, dentists, podiatrists, osteopathic physicians, or osteopathic physicians and surgeons or chiropractors, to subscribers under contract, entitling each subscriber to medical and surgical health care service, as provided in the contract; or any a corporation organized for the purpose of establishing, maintaining, and operating a nonprofit pharmaceutical service plan or optometric service plan, whereby pharmaceutical or optometric service may be provided by this corporation or by a licensed pharmacy with which it has a contract for service, to the public who become subscribers to this plan under a contract which entitles each subscriber to pharmaceutical or optometric service; shall be governed by this chapter and is exempt from all other provisions of the insurance laws of this state, unless specifically designated herein in this chapter, not only in governmental relations with the state but for every other purpose, and additions hereafter enacted after the effective date of this chapter shall not apply to these corporations unless they be are expressly designated therein in the additions.

PARAGRAPH DIVIDED. For the purposes of this chapter, "subscriber" means an individual who enters into a contract for health care services with a corporation subject to this chapter and includes any a person eligible for medical assistance or additional medical assistance as defined under chapter 249A, with respect to whom the department of human services has entered into a contract with any a firm operating under chapter 514. For purposes of this chapter, "provider" shall mean means a person as defined in section 4.1, subsection 13, which is licensed or otherwise authorized in this state to furnish health care services. "Health care" shall mean means that care necessary for the purpose of preventing, alleviating, curing, or healing human physical or mental illness, injury, or disability.

Sec. 4. Section 514.5, unnumbered paragraph 2, Code 1985, is amended to read as follows:

Any A medical service corporation organized under the provisions of this chapter may enter into contracts with subscribers to furnish medical and surgical health care service through physicians and surgeons, dentists, podiatrists, osteopathic physicians, or osteopathic physicians and surgeons, or chiropractors.

Sec. 5. Section 514.7, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A provision shall be made available in approved contracts with hospital and medical subscribers under group subscriber contracts or plans covering diagnosis and treatment of human ailments, for payment or reimbursement for necessary diagnosis or treatment provided by a chiropractor licensed under chapter 151 if the diagnosis or treatment is provided within the scope of the chiropractor's license and if the subscriber contract would pay or reimburse for the diagnosis or treatment of the human ailment, irrespective of and disregarding variances in terminology employed by the various licensed professions in describing the human ailment or their diagnosis or treatment, if it were provided by a person licensed under chapter 148, 150, or 150A. The subscriber contract shall also provide that the subscriber may reject the coverage or provision if the coverage or provision for diagnosis or treatment of a human ailment by a chiropractor is rejected for all providers of diagnosis or treatment for similar human ailments licensed under chapter 148, 150, 150A or 151. A group subscriber contract may limit or make optional the payment or reimbursement for lawful diagnostic or treatment service by all licensees under chapters 148, 150, 150A, and 151 on any rational basis which is not solely related to the license under or the practices authorized by chapter 151 or is not dependent upon a method of classification, categorization, or description based upon differences in terminology used by different licensees in describing human ailments or their diagnosis or treatment. This paragraph applies to group

subscriber contracts delivered after July 1, 1986, and to group subscriber contracts on their anniversary or renewal date, or upon the expiration of the applicable collective bargaining contract, if any, whichever is the later. This paragraph does not apply to contracts designed only for issuance to subscribers eligible for coverage under Title XVIII of the Social Security Act, or any other similar coverage under a state or federal government plan.

Sec. 6. Section 514.23, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A corporation organized and governed by this chapter which becomes a mutual insurer under this section shall continue as a mutual insurer to be governed by the provisions of section 514.7 and shall also be governed by section 509.3, subsection 7.

Sec. 7. Section 514B.1, subsection 2, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The health care services available to enrollees under prepaid group plans covering diagnosis and treatment of human ailments, shall include a provision for payment of necessary diagnosis or treatment provided by a chiropractor licensed under chapter 151 if the diagnosis or treatment is provided within the scope of the chiropractor's license and if the plan would pay or reimburse for the diagnosis or treatment of human ailment, irrespective of and disregarding variances in terminology employed by the various licensed professions in describing the human ailment or its diagnosis or its treatment, if it were provided by a person licensed under chapter 148, 150, or 150A. The plan shall also provide that the plan enrollees may reject the coverage for diagnosis or treatment of a human ailment by a chiropractor if the coverage is rejected for all providers of diagnosis or treatment for similar human ailments licensed under chapter 148, 150, 150A, or 151. A prepaid group plan of health care services may limit or make optional the payment or reimbursement for lawful diagnostic or treatment service by all licensees under chapters 148, 150, 150A, and 151 on any rational basis which is not solely related to the license under or the practices authorized by chapter 151 or is not dependent upon a method of classification, categorization, or description based upon differences in terminology used by different licensees in describing human ailments or their diagnosis or treatment. This paragraph applies to services provided under plans made after July 1, 1986, and to existing group plans on their next anniversary or renewal date, or upon the expiration of the applicable collective bargaining contract, if any, whichever is the later. This paragraph does not apply to enrollees eligible for coverage under Title XVIII of the Social Security Act, or any other similar coverage under a state or federal government plan.

Sec. 8. Section 514B.7, Code 1985, is amended to read as follows:
514B.7 GOVERNING BODY.

The governing body of any a health maintenance organization shall be a legal entity separate from the governing body of any other legal entity and may include providers, other individuals, or both, but it shall establish a mechanism to allow a reasonable representation of enrollees to participate in matters of policy and operation as members of the governing body. The commissioner shall establish guidelines to implement this section.

Sec. 9. **NEW SECTION.** 514.21 UTILIZATION REVIEW PROGRAM.

Utilization review program shall be established for purposes of health care cost control, according to usual and customary third-party insurance payment or reimbursement procedures, by a corporation subject to this chapter and by physician providers as defined in section 135.1. This utilization review program shall not be used directly or indirectly to circumvent the provisions for payment or reimbursement to providers of health care services as provided in section 509.3, subsection 7 and section 514.7.

Sec. 10. Chapter 514B, Code 1985, is amended by adding the following new sections:

NEW SECTION. 514B.33 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.

The boards of examiners under chapters 148, 150, 150A, 151, and 153 shall establish utilization and cost control review committees of licensees under the respective chapters, selected from licensees who have practiced in Iowa for at least the previous five years, or shall accredit and designate other utilization and cost control organizations as utilization and cost control committees under this section, for the purposes of utilization review of the appropriateness of levels of treatment and of giving opinions as to the reasonableness of charges for diagnostic or treatment services of licensees. Persons governed by the various chapters of Title XX of the Code and self insurers for health care benefits to employees may utilize the services of the utilization and cost control review committees upon the payment of a reasonable fee for the services, to be determined by the respective boards of examiners. The respective boards of examiners under chapters 148, 150, 151, and 153 shall adopt rules necessary and proper for the implementation of this section pursuant to chapter 17A. It is the intent of this general assembly that conduct of the utilization and cost control review committees authorized under this section shall be exempt from challenge under federal or state antitrust laws or other similar laws in regulation of trade or commerce.

NEW SECTION. 514B.34 UTILIZATION AND COST CONTROL.

Nothing contained in the chapters of Title XX of the Code shall be construed to prohibit or discourage insurers, nonprofit service corporations, health maintenance organizations, or self insurers for health care benefits to employees from providing payments of benefits or providing care and treatment under capitated payment systems, prospective reimbursement rate systems, utilization control systems, incentive systems for the use of least restrictive and least costly levels of care, preferred provider contracts limiting choice of specific provider, or other systems, methods or organizations designed to contain costs without sacrificing care or treatment outcome, provided these systems do not limit or make optional payment or reimbursement for health care services on a basis solely related to the license under or the practices authorized by chapter 151 or on a basis that is dependent upon a method of classification, categorization, or description based upon differences in terminology used by different licensees under the chapters of Title VIII of the Code in describing human ailments or their diagnosis or treatment.

Approved May 5, 1986

CHAPTER 1181
PUBLIC WATER SUPPLY SYSTEMS
H.F. 2303

AN ACT relating to the contamination of public water supply systems by providing for a testing program, authorizing the use of ground water funds for grants to eliminate or abate contamination, and dedicating part of the ground water fund to such grants.

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

Section 1. Each public water supply system regulated under chapter 455B which serves a city under chapter 362 or serves a state-owned facility regularly housing two hundred or more persons, each benefited water district created under chapter 357 and each rural water district created under chapter 357A shall test the finished water of that water supply for presence of synthetic organic chemicals and pesticides. The department of water, air and waste management shall adopt rules under chapter 17A governing the testing under this Act. The rules

shall include the procedures and months for gathering water samples; the synthetic organic chemicals and pesticides, but not more than thirty-five of each, for which the samples are to be tested; the approved analytical methods for conducting the analysis of water samples; and the reporting of the analytical results to the department. The department shall adopt a schedule for the tests which requires all the systems and districts to complete the testing not later than January 1, 1988. All of the tests shall be conducted by a single laboratory. The laboratory shall be selected by the department on the basis of competitive bids, however, the laboratory selected shall not charge more than three hundred thirty dollars for the initial test required by this Act. The laboratory selected shall allow private well and privately owned public water supply system samples to undergo the same analysis for the same price. The department shall submit a report to the general assembly by April 1, 1988 of the findings of the tests and the conclusions which may be drawn from them.

Sec. 2. Section 455B.309, subsection 2, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. e. Grants to public water supply systems to abate or eliminate threats to public health and safety resulting from contamination of the water supply source.

Sec. 3. Section 455B.309, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. An amount equal to twenty-five percent of the moneys received from the tonnage fee imposed under section 455B.310 in each fiscal year shall be reserved for the purpose of providing grants to public water supply systems to abate or eliminate threats to public health and safety resulting from contamination of the water supply source. However, a public water supply shall not receive a grant for more than ten percent of the moneys available for those purposes in any given year. Any moneys not expended under this subsection at the end of each fiscal year shall be available for any of the uses authorized in subsection 2.

Approved May 5, 1986

CHAPTER 1182

TRAILER AND SEMITRAILER REGISTRATION

H.F. 2330

AN ACT to allow the registration of trailers and semitrailers for a period of six registration years.

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

Section 1. Section 321.34, subsection 4, Code Supplement 1985, is amended to read as follows:

4. **MULTIYEAR PLATES.** In lieu of issuing annual registration plates for trailers and semitrailers, the department may issue multiyear registration plates for a three-year period or a six-year period for trailers and semitrailers licensed under chapter 326 upon payment of the appropriate registration fee. Fees from three-year and six-year payments shall not be reduced or prorated.

Sec. 2. Section 321.105, unnumbered paragraph 4, Code 1985, is amended to read as follows:

In addition to the payment of an annual registration fee for each trailer and semitrailer to be issued an Iowa registration plate, an additional registration fee may be paid for a period of two

or five subsequent registration years.

Sec. 3. Section 321.122, subsection 2, Code 1985, is amended to read as follows:

2. For semitrailers the annual registration fee shall be is ten dollars which shall not be reduced or prorated under the provisions of chapter 326. However, if the registration fee is paid for a six-year period, the total fee is fifty dollars which shall not be reduced or prorated under chapter 326.

Sec. 4. Section 321.456, Code 1985, is amended to read as follows:

321.456 HEIGHT OF VEHICLES.

~~No~~ A vehicle unladen or with load shall not exceed a height of thirteen feet, six inches, except by permit as provided in this section. Nothing herein contained This section shall not be construed to require any railroad or public authorities to provide sufficient vertical clearance to permit the operation of such vehicle upon the highways of this state. Any damage to highways, highway or railroad structures or underpasses caused by the height of any vehicle provided for by this section shall be borne by the operator or owner of such the vehicle. Vehicles unladen or with load exceeding a height of thirteen feet, six inches but not exceeding fourteen feet may be operated with a permit issued by the department or jurisdictional local authorities. The permits shall be issued annually for a fee of twenty-five dollars and subject to rules adopted by the department. The state or a political subdivision shall not be liable for damage to any vehicle or its cargo if changes in vertical clearance of a structure are made subsequent to the issuance of a permit during the term of the permit.

Sec. 5. This Act takes effect December 1, 1986, for trailers and semitrailers registered on or after December 1, 1986 for the 1987 registration year.

Approved May 6, 1986

CHAPTER 1183
PUBLICATION OF OFFICIAL NOTICES
H.F. 2350

AN ACT relating to the publication of official public notices by defining a newspaper and by establishing fees for the publication of official notices.

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

Section 1. Section 349.7, subsection 2, Code 1985, is amended to read as follows:

2. Those subscribers, defined as in subsection 1 who have been subscribers at least six consecutive months before the date of application, whose papers are regularly delivered by carrier regularly upon an order or subscription, or whose papers are purchased from the publisher for resale and delivery by independent carriers, said independent carriers having who have filed with the publisher a list of their subscribers.

Sec. 2. Section 349.14, Code 1985, is amended to read as follows:

349.14 PUBLICATION PENDING CONTEST.

After the selection by the board of supervisors of official newspapers, no publisher shall receive pay for publishing official proceedings until the contest is finally determined, insofar as the publisher is concerned. After determination of the contest, payment for publications made during the contest shall include interest at the rate of one-half percent per month calculated from date of publication to the date of payment, less thirty days.

Sec. 3. Section 349.17, Code 1985, is amended to read as follows:

349.17 COST.

The cost of official publications provided for in section 349.16 shall not exceed ~~three-fifths~~ the legal fee provided by statute three-fourths of the fee provided in section 618.11 for the publication of legal notices. ~~No such~~ An official publication shall not be printed in type smaller than ~~five~~ six point.

Sec. 4. Section 618.3, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

618.3 "NEWSPAPER" DEFINED.

For the purpose of establishing and giving assured circulation to all notices and reports of proceedings required by statute to be published within the state, if newspapers are required to be used, only a newspaper which meets all of the following requirements shall be designated for official publication purposes:

1. Is a newspaper of general circulation issued at a regular frequency that has been published within the area and regularly mailed through the post office of entry for at least two years.
2. Has a list of subscribers who have paid, or promised to pay, at more than a nominal rate, for copies to be received during a stated period.
3. Devotes at least twenty-five percent of its total column space in more than one-half of its issues during any twelve-month period to information of a public character other than advertising.
4. Is paid for by at least fifty percent of the persons or subscribers to whom it is distributed.

Sec. 5. Section 618.11, Code 1985, is amended to read as follows:

618.11 FEES FOR PUBLICATION.

The compensation, when not otherwise fixed, for the publication in a newspaper of any notice, order, citation, or other publication required or allowed by law, shall not exceed twenty-six cents for one insertion, and seventeen cents for each subsequent insertion, for each line of eight-point type two inches in length, or ~~the its equivalent thereof~~. Publication of matter which may be photographically reproduced for printing instead of typeset shall be compensated at a rate not to exceed the lowest available earned rate for any similar advertising matter. Statements of itemized financial and other like columnar matter shall be published in tabular form without additional compensation. In case of controversy or doubt regarding measurements, style, manner, or form, the controversy is shall be referred to the executive council, and its decision is final.

Sec. 6. **NEW SECTION. 618.16 ZONED EDITIONS OF SAME NEWSPAPER.**

Publication requirements for governmental subdivisions of the state shall be deemed satisfied when publication is made in editions or zoned editions which are delivered to an area comprising the jurisdiction of the subdivision making the publication even though publication is not made in other editions of the same newspaper delivered to other areas of the state.

Approved May 6, 1986

CHAPTER 1184

IOWA INSURANCE GUARANTY ASSOCIATION

H.F. 2354

AN ACT relating to the Iowa insurance guaranty association.

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

Section 1. Section 22.7, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 21. Reports or recommendations of the Iowa insurance guaranty association filed or made pursuant to section 515B.10, subsection 1, paragraph "a", subparagraph (2).

Sec. 2. Section 515B.1, Code 1985, is amended to read as follows:

515B.1 SCOPE.

This chapter shall apply to all kinds of direct insurance authorized to be written by an insurer licensed to operate in this state under chapter 515 or chapter 520, except life, title, surety, fidelity, disability including accident and health, credit, mortgage guaranty, and ocean marine insurance, financial guaranty or other forms of insurance offering protection against investment risk, or any transaction which, although denominated as insurance, does not result in the transfer of an insurance risk.

Sec. 3. Section 515B.2, subsection 3, unnumbered paragraph 1, Code 1985, is amended to read as follows:

"Covered claim" means an unpaid claim, including one for unearned premiums, which arises out of and is within the coverage and is subject to the applicable limits of an insurance policy to which this chapter applies issued by an insurer, if such insurer becomes an insolvent insurer after July 1, 1970, and one of the following conditions exists:

Sec. 4. Section 515B.2, subsection 3, paragraph a, Code 1985, is amended to read as follows:

a. The claimant or insured is a resident of this state at the time of the insured event. Other than an individual, the residence of the claimant or insured is the state in which its principal place of business is located.

Sec. 5. Section 515B.2, subsection 3, paragraph b, unnumbered paragraph 2, Code 1985, is amended to read as follows:

Covered claim shall does not include any an amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise, a policy deductible or self-insured portion of the claim, a claim for unearned premium calculated on a retrospective or experienced rated plan, or premiums subject to adjustment after the date of liquidation nor shall covered claim include any amount due an attorney or adjuster as fees for services rendered to the insolvent insurer. This paragraph shall does not prevent any a person from filing such presenting the excluded claim with to the insolvent insurer or its receiver liquidator, but such the claim shall not be asserted against the insured of the insolvent insurer any other person, including the person to whom benefits were paid or the insured of the insolvent insurer, except to the extent that such the claim exceeds is outside the coverage of the policy issued by the insolvent insurer.

Sec. 6. Section 515B.5, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. Be obligated to the extent of the covered claims existing prior to the determination of insolvency and arising within thirty days after the determination of insolvency, or before the policy expiration date if less than thirty days after the determination, or before the insured replaces the policy or on request effects cancellation if the insured does so within thirty days of the determination. This obligation shall include includes only that the amount of each a covered claim which is in excess of one hundred dollars and less than five three hundred thousand dollars, except that for all damages arising out of any one accident, occurrence, or incident regardless of the number of persons making claims. However, the association shall pay the full amount of any a covered claim arising out of a workers' compensation policy. In no event shall addition, the association be obligated to a policyholder or claimant in is not liable for an amount in excess of the specified limits of the a policy, from which the claim arises regardless of the theory under which or the type of damages for which the association is alleged to be liable.

Sec. 7. Section 515B.9, Code 1985, is amended to read as follows:

515B.9 NONDUPLICATION OF RECOVERY.

1. Any person having a claim against the person's insurer, under any provision in the person's insurance policy, which is also a covered claim shall be required to exhaust first under another policy, which claim arises out of the same facts which give rise to a covered claim, shall be first required to exhaust the person's right under the policy. Any amount recovered or recoverable by a person under another insurance policy shall be credited against the policy limits of the policy of the insolvent insurer before computing the amount of any covered claim liability of the association under section 515B.5, subsection 1, paragraph "a". For purposes of this section, another insurance policy means a policy issued by any insurance company, whether a member insurer or not, which policy insures against any of the types of risks set forth in section 515.48, except those types of risks set forth in section 515.48, subsection 5, paragraph "a", and except those types of risks set forth in chapters 508 and 514.

2. Any A person having a claim which may be recovered under more than one insurance guaranty association or its equivalent shall seek recovery first from the association of the place of residence of the insured. However, if such the claim is a first party claim for damage to property with a permanent location, recovery shall be first sought from the association of the location of the property; and if such. If the claim is a workers' compensation claim, recovery shall be first sought from the association of the residence of the claimant. Any recovery under this chapter shall be reduced by the amount of the recovery from any other insurance guaranty association or its equivalent. A person shall not recover any amount of the person's claim against the insured in excess of the amount recovered or recoverable from the association except to the extent the claim exceeds the policy limits of the insolvent insurer. Any sums recovered from any other guaranty association or equivalent organization shall be subtracted from the maximum liability of the association under section 515B.5, subsection 1, paragraph "a".

Sec. 8. Section 515B.10, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

515B.10 PREVENTION OF INSOLVENCIES.

1. a. To aid in the detection and prevention of insurer insolvencies the board of directors, upon majority vote, may do either of the following:

(1) Make recommendations to the commission for the detection and prevention of insurer insolvencies.

(2) Respond to a request by the commissioner to discuss and make recommendations regarding the status of member insurers whose financial condition may be hazardous to policyholders or the public.

b. At the conclusion of a domestic insurer insolvency, the board of directors may prepare a report based on the information available to the association on the history and causes of the insolvency. The report may be submitted to the commissioner.

2. Recommendations and reports made pursuant to subsection 1, paragraph "a", subparagraph (2), are not public records under chapter 22.

Approved May 6, 1986

CHAPTER 1185**IOWA COMMUNITY LOAN DEVELOPMENT PROGRAM***H.F. 2400*

AN ACT relating to the Iowa community development loan program.

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

Section 1. NEW SECTION. 28.120 LOAN REPAYMENTS.

1. Cities which have received loans under the former Iowa community development loan program, sections 7A.41 through 7A.49, Code 1985, are still obligated to repay borrowed funds to the state and to comply with terms and conditions of existing promissory notes.

2. After the effective date of this Act, loan repayments made by recipient cities are payable to the Iowa development commission or successor department in an amount and at the time required by existing promissory notes.

3. Loan agreements with cities receiving loans under the former Iowa community development loan program for projects which have not been completed as of the effective date of this Act shall be amended by substituting "Iowa development commission or successor department" for "office for planning and programming". The Iowa development commission or successor department shall assume the state's administrative responsibilities for these uncompleted projects.

4. All loan agreements and promissory notes with cities with completed projects shall, upon the effective date of this Act, be amended by substituting "Iowa development commission or successor department" for "office for planning and programming".

5. Loan repayments received by the Iowa development commission or successor department shall be deposited into a special account to be used at its discretion as matching funds to attract financial assistance from and to participate in programs with national rural development and finance corporations or as provided in subsection 6. Funds in this special account shall not revert to the state general fund at the end of any fiscal year. If the programs for which the funds in the special account are to be used are terminated or expire, the funds in the special account and funds that would be repaid, if any, to the special account shall be transferred or repaid to the community economic betterment account of the Iowa plan fund for economic development as established in 1985 Iowa Acts, chapter 33, section 301.

6. If the Iowa development commission or successor department determines that sufficient funds exist in the special account provided in subsection 5 for the purposes provided in subsection 5, up to twenty-five percent of the loan repayments for the fiscal year received by the Iowa development commission or successor department may be deposited in the revolving loan fund to operate the self-employment loan program as both were established in section 15.241 as enacted by Senate File 2175 of the Seventy-first General Assembly under the department of economic development. Funds in this revolving loan fund shall not revert to the state general fund at the end of any fiscal year. Loan repayments from the self-employment loan program shall be deposited in the revolving loan fund. Deposits of funds under this subsection may occur for the fiscal years beginning July 1, 1986, July 1, 1987, July 1, 1988, and July 1, 1989.

Sec. 2. Sections 7A.41 through 7A.49, Code 1985, are repealed.

Sec. 3. Upon the effective date of this Act, all funds remaining in the Iowa community development loan fund shall be transferred to the special account referred to in section 28.120, subsection 5.

Approved May 6, 1986

CHAPTER 1186
JUVENILE JUSTICE CODE
H.F. 2363

AN ACT amending the juvenile justice code by applying statutes of limitations to delinquency cases, retaining juvenile court jurisdiction for one year beyond the attachment of jurisdiction, providing for the appointment of separate guardians ad litem, providing that adults under the juvenile court's jurisdiction are not bailable but must be detained separately from other adults, providing for chemical dependency evaluations as either physical or mental examinations, providing for the application of civil commitment procedures in delinquency cases, establishing standards of proof for certain proceedings removing persons from the home, providing for the submission of social investigation reports prior to the entering of child-in-need-of-assistance dispositions, providing for involuntary termination of parental rights under certain conditions involving ineffectiveness of corrective services, and providing for appeals of delinquency cases after disposition.

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

Section 1. Section 232.8, subsection 1, unnumbered paragraph 1 and paragraphs a and b, Code 1985, are amended to read as follows:

The juvenile court ~~shall have~~ has exclusive original jurisdiction in proceedings concerning ~~any a~~ child who is alleged to have committed a delinquent act unless otherwise provided by law, and ~~shall have~~ has exclusive original jurisdiction in proceedings concerning an adult who is alleged to have committed a delinquent act prior to having become an adult, provided that the taking of that person into custody for the alleged act or the filing of a delinquency petition alleging the commission of the act occurs within the time periods and under the conditions specified in chapter 802.

a. ~~Less than one year after the alleged commission of an act which would be a simple misdemeanor if committed by an adult; or~~

b. ~~Less than two years after the alleged commission of an act which would be an offense other than a simple misdemeanor if committed by an adult.~~

Sec. 2. Section 232.8, subsection 1, Code 1985, is amended by adding the following new unnumbered paragraph immediately after paragraph b:

NEW UNNUMBERED PARAGRAPH. The juvenile court has jurisdiction over such an adult for one year beyond the last date upon which jurisdiction over the adult attaches under this subsection.

Sec. 3. Section 232.22, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. An adult within the jurisdiction of the court under section 232.8, subsection 1, who has been placed in detention, is not bailable under chapter 811. If such an adult is detained in a room in a facility intended or used for the detention of adults, the adult shall be confined in a room entirely separated from adults not within the jurisdiction of the court under section 232.8, subsection 1.

Sec. 4. Section 232.49, subsection 1, Code 1985, is amended to read as follows:

1. Following the entry of an order of adjudication under section 232.47 the court may, after a hearing which may be simultaneous with the adjudicatory hearing, order a physical or mental examination of the child if it finds that an examination is necessary to determine the child's physical or mental condition. The court may consider chemical dependency as either a physical or mental condition and may consider a chemical dependency evaluation as either a physical or mental examination.

Sec. 5. Section 232.51, Code 1985, is amended to read as follows:

232.51 DISPOSITION OF MENTALLY ILL OR MENTALLY RETARDED CHILD.

If the evidence received at an adjudicatory or a dispositional hearing indicates that the child is mentally ill, the court may direct the juvenile court officer or the department to initiate proceedings or to assist the child's parent or guardian to initiate civil commitment proceedings in the juvenile court. ~~Such~~ These proceedings in the juvenile court shall adhere to the requirements of chapter 229. If the evidence received at an adjudicatory or a dispositional hearing indicates that the child is mentally retarded, the court may direct the juvenile court officer or the department to initiate proceedings or to assist the child's parent or guardian to initiate civil commitment proceedings in the juvenile court. ~~Such~~ These proceedings shall adhere to the requirements of chapter 222. ~~In the event~~ If the child is committed as a mentally ill or mentally retarded child, any order adjudicating the child to have committed a delinquent act shall be set aside and the petition shall be dismissed.

Sec. 6. Section 232.82, subsection 1, Code 1985, is amended to read as follows:

1. Notwithstanding section 561.15, if it is alleged by a person authorized to file a petition under section 232.87, subsection 2, or by the court on its own motion, that a parent, guardian, custodian, or an adult member of the household in which a child resides has committed a sexual offense with or against the child, pursuant to chapter 709 or section 726.2, the juvenile court may enter an ex parte order requiring the alleged sexual offender to vacate the child's residence upon a showing that probable cause exists to believe that the sexual offense has occurred and that substantial evidence exists to believe that the presence of the alleged sexual offender in the child's residence presents a danger to the child's life or physical, emotional, or mental health.

Sec. 7. Section 232.89, subsection 4, Code 1985, is amended to read as follows:

4. The same person may serve both as the child's counsel and as guardian ad litem. However, the court may appoint a separate guardian ad litem, if the same person cannot properly represent the legal interests of the child as legal counsel and also represent the best interest of the child as guardian ad litem.

Sec. 8. Section 232.95, subsection 2, paragraph a, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Remove the child from home and place the child in a shelter care facility or in the custody of a suitable person or agency pending a final order of disposition if the court finds that substantial evidence exists to believe that removal is necessary to avoid imminent risk to the child's life or health.

Sec. 9. Section 232.97, subsection 1, Code 1985, is amended to read as follows:

1. The court shall not make a disposition of the petition until two working days after a social report has been submitted to the court and counsel for the child and has been considered by the court. The court may waive the two-day requirement upon agreement by all the parties. The court may direct either the juvenile court officer or the department of human services or any other agency licensed by the state to conduct a social investigation and to prepare a social report which may include any evidence provided by an individual providing foster care for the child. A report prepared shall include any founded reports of child abuse.

Sec. 10. Section 232.98, subsection 1, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

Except as provided in section 232.78, subsection 4, a physical or mental examination of the child may be ordered only after the filing of a petition pursuant to section 232.87 and after a hearing to determine whether an examination is necessary to determine the child's physical or mental condition. The court may consider chemical dependency as either a physical or mental

condition and may consider a chemical dependency evaluation as either a physical or mental examination.

Sec. 11. Section 232.116, subsection 3, paragraph c, Code 1985, is amended to read as follows:

c. There is clear and convincing evidence that the parents ~~had received or~~ were offered but refused services or failed to cooperate to correct the situation which led to the abuse or that the parents had received services to correct the situation which led to the abuse but the services did not correct the abusive situation.

Sec. 12. Section 232.133, subsection 1, Code 1985, is amended to read as follows:

1. ~~Any~~ An interested party aggrieved by ~~any~~ an order or decree of the juvenile court may appeal from the court for review of questions of law or fact. However, an order adjudicating a child to have committed a delinquent act, entered pursuant to section 232.47, shall not be appealed until the court enters a corresponding dispositional order pursuant to section 232.52.

Approved May 7, 1986

CHAPTER 1187

AUTOMOTIVE FLUIDS SALES TAX EXEMPTION

S.F. 106

AN ACT to provide a specific exemption to the sales and use tax relative to gross receipts from the sale of automotive fluids and providing retroactive effect.

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

Section 1. Section 422.45, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 22. The gross receipts from the sale of automotive fluids to a retailer to be used either in providing a service which includes the installation or application of the fluids in or on a motor vehicle, which service is subject to section 422.43, subsection 11, or to be installed in or applied to a motor vehicle which the retailer intends to sell, which sale is subject to section 423.7. For purposes of this subsection, automotive fluids are all those which are refined, manufactured or otherwise processed and packaged for sale prior to their installation in or application to a motor vehicle. They include, but are not limited to motor oil and other lubricants, hydraulic fluids, brake fluid, transmission fluid, sealants, undercoatings, antifreeze and gasoline additives.

Sec. 2. This Act is retroactive to January 1, 1979.

Approved May 7, 1986

CHAPTER 1188

FIRE SERVICE INSTITUTE

S.F. 293

AN ACT creating a fire service institute.

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

Section 1. NEW SECTION. 266.40 SHORT TITLE.

This division shall be known and may be cited as the "Iowa fire service institute Act".

Sec. 2. NEW SECTION. 266.41 STATE FIRE ACADEMY – PURPOSE.

Iowa state university of science and technology shall operate a state fire academy called the Iowa fire service institute, for instructing the general public and fire protection personnel throughout the state, providing service to public and private fire departments in the state, and conducting research in the methods of maintaining and improving fire education consistent with the needs of Iowa communities.

Sec. 3. NEW SECTION. 266.42 ENROLLMENT.

Enrollment and attendance in the fire service institute programs may include persons engaged with a unit of government or a public or private fire department in the state, including volunteer, trainee, or employed fire fighters.

Sec. 4. NEW SECTION. 266.43 PROGRAMS.

Programs conducted by the institute shall include at least instruction in the subjects necessary for the certification of its students in accordance with the standards of the voluntary national professional qualification system established by the joint council of national fire service organizations and adopted by the fire service institute. The institute may develop and conduct programs which extend beyond the programs directly related to the standards or any fire service education may be conducted pursuant to chapter 28E agreements.

Sec. 5. NEW SECTION. 266.44 DUTIES.

The fire service institute shall:

1. Assist public and private fire departments in Iowa through education, training, counseling, measurement, and evaluation services.
2. Conduct statewide, regional, and local educational and training programs in Iowa which may provide opportunities to comply with the certification requirements of the professional qualifications standards pursuant to section 266.43 to fire fighters, fire department officers, and other persons.
3. Offer programs of education and instruction, conducted by a staff of full-time and part-time faculty.
4. Plan and conduct an annual state fire school and other short courses of instruction.
5. Provide applied research to support fire training and education programs.
6. Develop and distribute instructional and educational materials to support the fire training and education programs offered by the institute.
7. Develop mechanisms by which fire fighters and others may earn college credits and degrees in fire-related disciplines.
8. Develop and offer other programs and services consistent with the general purposes of the institute.
9. Cooperate with and assist all state agencies concerning fire protection matters.
10. Plan, construct, operate, and control training facilities and structures as necessary to conduct the institute.

Sec. 6. NEW SECTION. 266.45 EXECUTIVE OFFICER.

The president of Iowa state university of science and technology, or the president's designee, shall appoint the executive officer of the fire service institute and other employees of the institute.

Sec. 7. NEW SECTION. 266.46 ADVISORY COMMITTEE.

The fire service institute advisory committee is established to advise the institute. The advisory committee shall be composed of two members from each of the following organizations chosen from a list of names, submitted by each of the following organizations: Iowa firemen's association, Iowa fire chiefs' association, Iowa association of professional firefighters, Iowa association of professional fire chiefs, Iowa society of fire service instructors, hawkeye state

fire safety association, and Iowa chapter of the international association of arson investigators. The advisory committee shall be appointed by the president of Iowa state university of science and technology. The president shall appoint the chairperson of the advisory committee.

The executive officer of the institute shall not serve on the advisory committee but may designate a member of the institute staff to serve as a secretary for the advisory committee. The members of the advisory committee shall not receive per diem, but may be reimbursed by the institute for reasonable expenses incurred in carrying out their duties.

Approved May 7, 1986

CHAPTER 1189

SEMITRAILER AND WATERCRAFT USE TAX EXEMPTION

S.F. 2284

AN ACT exempting trailers and semitrailers registered under chapter 326 and ships, barges, and waterborne vessels used primarily for transporting property or cargo for hire from the state use tax.

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

Section 1. Section 423.4, subsection 10, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of this subsection, trailers and semitrailers registered under chapter 326 are deemed to be used substantially in interstate commerce and to be registered for a gross weight of thirteen tons or more.

Sec. 2. Section 423.4, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Tangible personal property used or to be used as a ship, barge, or waterborne vessel which is used or to be used primarily in or for the transportation of property or cargo for hire on the rivers bordering the state or as materials or parts of such ship, barge, or waterborne vessel.

Approved May 7, 1986

CHAPTER 1190

IOWA CONSERVATION CORPS

H.F. 2443

AN ACT to establish the Iowa conservation corps and making an appropriation.

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

Section 1. Section 7A.2, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 9. "Corps" means the Iowa conservation corps.

NEW SUBSECTION. 10. "Account" means the Iowa conservation corps account.

NEW SUBSECTION. 11. "Regulating authority" means the office for planning and programming or its successor agency or department.

Sec. 2. **NEW SECTION. 7A.14 IOWA CONSERVATION CORPS ESTABLISHED.**

1. The Iowa conservation corps is established in this state. The objectives of the corps are to provide meaningful and productive public service jobs for the young, the unemployed, the

handicapped, and the elderly. The corps shall provide opportunities in the areas of park maintenance and restoration, soil conservation, wildlife and land management, energy savings, community improvement projects, tourism, economic development, and work benefiting human service programs. The general assembly intends that participation in the corps will provide the participants with an opportunity to explore careers, gain work experience, and contribute to the general welfare of their communities and state. The corps shall provide the following programs:

- a. A full-time public service employment and training program for young adults with a program emphasis on resource and wildlife conservation, public recreation, or related areas to be known as the "young adult program".
- b. A public service employment program for disadvantaged and handicapped youth attending school to be known as the "in-school program".
- c. A summer employment program for youth of all economic classifications to be known as the "summer youth program".
- d. A youth volunteer program to be known as the "volunteer program".
- e. A program to encourage and promote meaningful and respectable employment of the elderly in conservation and outdoor recreation related fields to be known as the "green thumb program".

2. The office for planning and programming or its successor agency or department shall give priority to enrolling participants in the corps programs from areas of the state which will likely receive the greatest benefit from the employment and training activities of the corps. Work activities of the corps shall not replace existing maintenance or other full-time employment provided by a participating agency or private organization.

Sec. 3. NEW SECTION. 7A.15 ADMINISTRATION.

The office for planning and programming or its successor agency or department shall administer the corps and shall adopt rules governing its operation and eligibility for participation. The regulating authority shall cooperate with the conservation commission, the commission on aging, and the governor's committee on employment of the handicapped, or their successor agencies in delivering corps programs. The programs of the corps shall be open to both sexes. A person must be at least fourteen years of age at the time of enrollment to receive wages or stipends through the corps. Corps projects shall be funded by appropriations to the Iowa conservation corps account and cash, services, and material contributions made by other state agencies or local public and private agencies. The regulating authority shall submit an annual report on the activities of the corps to the general assembly by January 15 of each year.

Sec. 4. NEW SECTION. 7A.16 PARTICIPANT ELIGIBILITY.

1. To be eligible for participation in a corps program a person shall be a resident of this state. In addition, each corps program shall have its own eligibility requirements as follows:

a. A person participating in the "young adult program" shall be between the ages of nineteen and twenty-four at the time of entry into the program, possess work skills at or above a minimum level prescribed by the regulating authority, and be an unemployed resident of a county which is classified as economically distressed in accordance with standards adopted by the regulating authority.

b. A person participating in the "in-school program", the "summer youth program", or the "volunteer program" shall be enrolled in a secondary school or have been graduated from one no more than sixty days prior to entry into a corps program.

c. A person participating in the "green thumb program" shall be sixty years of age or older to be eligible for employment. A lower income person shall be preferred for employment. "Lower income" means a person who meets the requirements for "lower income families" described in section 8, subsection "f", of the United States Housing Act of 1937, as amended by the Housing and Community Development Act of 1974 (Public Law 93-383), section 201, subsection "a".

2. Notwithstanding the provisions of chapters 19A, 96 and 97B, persons employed through any of the corps programs shall be exempt from merit system requirements, shall not be eligible for membership in the Iowa public employees' retirement system, and shall not be eligible to receive unemployment compensation benefits.

Sec. 5. NEW SECTION. 7A.17 EMPHASIS AND CONTRIBUTIONS.

The regulating authority shall require participating state agencies and other public and private entities which would benefit from a corps project under consideration to contribute at least thirty-five percent of the total project budget. The contribution may be in the form of cash, materials, or services. Materials and services shall be intended for the project and acceptable to the regulating authority. Minimum cash contributions shall be:

1. Not less than twenty-five percent of the total project budget for the "young adult program". Cash contributions may be used to provide participation incentives described in section 7A.19.

2. Not less than fifteen percent of the total project budget for the "in-school", "summer youth", "volunteer", and "green thumb" programs.

Sec. 6. NEW SECTION. 7A.18 ACCOUNT CREATED.

The Iowa conservation corps account is established within the office of the state treasurer to be administered by the director of the regulating authority. The account shall include all appropriations made to the programs administered by the corps, and may also include moneys contributed by a private individual or organization, or a public entity for the purpose of implementing corps programs and projects.

Sec. 7. NEW SECTION. 7A.19 INCENTIVES FOR THE YOUNG ADULT PROGRAM.

The regulating authority shall cooperate with colleges and universities and lending institutions throughout the state on the development of a system of academic credit, tuition grant, and deferred loan repayment incentives for young adults to enroll and complete one year's participation in the "young adult program" of the corps. The regulating authority shall adopt rules under chapter 17A designed to implement any such incentive programs agreed upon.

Sec. 8. Iowa Acts 1985, chapter 33, section 302, subsection 1, paragraph b, is amended to read as follows:

b. In each of the four fiscal years after the allotment in paragraph "a", ten million dollars to the community economic betterment account, ~~eight~~ nine million five hundred thousand dollars to the jobs now account, and twelve million five hundred thousand dollars to the education and agriculture research and development account.

Sec. 9. Iowa Acts 1985, chapter 33, section 302, subsection 3, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. e. To the office for planning and programming or its successor agency or department, one million dollars for purposes of administration of the "young adult program" of the Iowa conservation corps, established in section 7A.14.

Sec. 10. If one million (1,000,000) dollars are appropriated to the Iowa conservation corps account for the fiscal year beginning July 1, 1986 pursuant to enactment of section 7, paragraph "b", and section 9 of House File 2412, as amended, passed, and reprinted by the House, then the appropriations made pursuant to sections 8 and 9 of this Act shall apply only to the fiscal years beginning on July 1, 1987, July 1, 1988, and July 1, 1989.

Sec. 11. Sections 7A.11, 7A.12, and 7A.13, Code 1985, are repealed.

Sec. 12. Chapter 601H, Code 1985, is repealed.

Approved May 15, 1986

CHAPTER 1191
DELINQUENT SUPPORT CASES
H.F. 2060

AN ACT relating to assignments of income in delinquent support cases and providing a penalty.

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

Section 1. Section 252D.1, subsection 3, Code Supplement 1985, is amended to read as follows:

3. If support payments ordered under section 252A.6, subsection 12, section 598.21, or section 675.25, or under a comparable statute of a foreign jurisdiction, as certified to the child support recovery unit established in section 252B.2, are not paid to the clerk of the district court pursuant to section 598.22 and become delinquent in an amount equal to the payment for one month, the clerk of upon application of a person entitled to receive the support payments, the child support recovery unit or the district court or the child support recovery unit may enter an ex parte order notifying the person, whose income is to be assigned, of the delinquent amount, of the amount of income or wages to be withheld, and of the procedure to file a motion to quash the order of assignment, and shall order an assignment of income and notify an employer, trustee, or other payor by certified mail of the order of the assignment of income requiring the withholding of specified sums to be deducted from the delinquent person's periodic earnings, trust income, or other income sufficient to pay the support obligation and, except for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, requiring the payment of such sums to the clerk of the district court. For trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the assignment of income shall require the payment of such sums to the alternate payee. The assignment of income is binding on an existing or future employer, trustee, or other payor ten days after the receipt of the order by certified mail. The amount of an assignment of income shall not exceed the amount specified in 15 U.S.C. §1673(b). The assignment of income has priority over a garnishment or an assignment for a purpose other than the support of the dependents in the court order being enforced. The clerk of the child support recovery unit or the district court or the child support recovery unit, upon the application of any party, by ex parte order, may modify the assignment of income on the full payment of the delinquency or in an instance where the amount being withheld exceeds the amount specified in 15 U.S.C. §1673(b), or may revoke the assignment of income upon the termination of parental rights, emancipation, death or majority of the child, or upon a change of custody.

Sec. 2. Section 252D.2, subsection 1, Code 1985, is amended to read as follows:

1. A petitioner under section 252D.1, subsection 3 may move to quash the order of assignment at any time by asserting that the delinquency did not occur or has been paid. A person whose income has been assigned under section 252D.1 may move to quash the order of assignment by filing the motion to quash and notice of the motion to quash with the court within ten days after the employer, trustee, or other payor delivers a copy of the order of assignment to the person under section 252D.4, subsection 1 entering of the court order of assignment under section 252D.1, subsection 3 or at any time upon a showing of a mistake of fact relating to the delinquency. The clerk of the district court shall schedule a hearing on the motion to quash for a time not later than seven days after the filing of the motion to quash and the notice of the motion to quash. The clerk shall mail to the parties copies of the motion to quash, the notice of the motion to quash, and the order scheduling the hearing.

Sec. 3. NEW SECTION. 252D.6 PENALTY FOR MISREPRESENTATION.

A person who knowingly makes a false statement or representation of a material fact or knowingly fails to disclose a material fact in order to secure an assignment of income against another person and to receive support payments or additional support payments pursuant to this chapter, is guilty, upon conviction, of a serious misdemeanor.

Approved May 15, 1986

CHAPTER 1192

EARLY RETIREMENT PROGRAM FOR PUBLIC EMPLOYEES

S.F. 2242

AN ACT to establish incentives to encourage certain state and local government employees to retire or terminate employment by receiving monetary and insurance payment incentives and to provide that the Act takes effect upon its publication.

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

Section 1. STATE EMPLOYEE RETIREMENT INCENTIVES. A state employee who will be at least sixty-two years of age by October 31, 1986 and has at least five years of continuous state employment, and sends written notification to the merit employment department, or successor agency, at any time between the effective date of this Act and July 31, 1986, of intent to retire from state employment not later than October 31, 1986, is eligible to receive retirement incentives. The merit employment department, or successor agency, shall coordinate and administer the program established in this section.

If the state employee is less than sixty-five years of age when the state employee retires, the state employee is eligible to receive one of the following:

1. A retirement bonus which is a lump sum payment equal to ten percent of the final annual salary of the employee, not to exceed five thousand dollars. The retirement bonus shall be paid from funds appropriated to the employee's department, agency, or commission for salaries, support, maintenance, and miscellaneous purposes. However, at the written request of the director of a department, agency, or commission that the director believes that the appropriations to the department, agency, or commission are insufficient to pay the retirement bonus, the governor may authorize payment from the salary adjustment fund. Section 8.39 does not apply to payments made from the salary adjustment fund under this subsection.

2. Enrollment in the retiring employee insurance incentive payment program until the employee reaches sixty-five years of age. The program includes all of the following:

a. Continuation of participation in the life insurance program to which the state makes contributions under the program in which the employee participated on the effective date of this Act with continuation of state payments at the rate paid for full-time state employees plus the addition of state payments to replace the contributions which would otherwise have been made by the employee if the employee had remained in the program and had not retired.

b. Continuation of participation in the health or medical insurance program to which the state makes contributions and the dental insurance program to which the state makes contributions under the programs in which the employee participated on the effective date of this Act with continuation of state payments at the rate paid for full-time state employees plus the addition of state payments to replace the contributions which would otherwise have been made by the employee if the employee had remained in the program and had not retired. The cost of payments under this subsection shall be made from funds appropriated to the salary adjustment fund. The employee's department, agency, or commission shall reimburse the salary adjustment fund annually from the appropriate departmental, revolving, trust, or special fund

or from federal funds unless the governor exempts an employee's department, agency, or commission from the reimbursement requirements. Section 8.39 does not apply to reimbursements made to the salary adjustment fund under this section.

If the state employee is sixty-five years of age or older when the state employee retires, the state employee is eligible to receive the retirement bonus under subsection 1. Notwithstanding the minimum age requirements specified in this section, if a state employee is fifty-nine years of age or older when the state employee retires under chapter 97A within the time limitations specified in this section, the state employee is eligible to receive the retirement bonus under subsection 1.

The incentives provided in this section are in addition to other benefits to which the employee is already entitled.

3. For the purpose of this section, state employee includes all full-time state employees of the executive, legislative, and judicial branches, except all of the following:

- a. Employees of the state board of regents.
- b. Elected members of the general assembly.
- c. State elected officials.
- d. Judicial officers subject to the judicial retirement system in chapter 602.

A full-time state employee is an employee who at the date of termination of employment receives full insurance benefits under the state's programs and is not an employee who is receiving disability payments under the state employee's disability insurance program.

For purposes of determining the length of a full-time state employee's period of continuous state service, the merit employment department, or successor agency, shall include the state employee's most recent continuous period of service in full-time county employment as full-time state employment for individuals who became full-time state employees under 1983 Iowa Acts, chapter 186.

Sec. 2. STATE EMPLOYEE TERMINATION INCENTIVES. A state employee termination incentive program is established under this section that will take effect upon the issuance of an executive order by the governor that states that the program is necessary to achieve additional goals and objectives for reduced long-term governmental expenditures. The executive order shall enumerate the anticipated short and long-term costs and cost savings of the employee termination incentive program. The issuance of the executive order by the governor triggers the implementation of the termination incentive program for state employees who are at least fifty-nine but have not yet reached sixty-two years of age. The governor may implement the program in up to three phases based upon the number of terminations and the employees' ages on June 30, 1987. The merit employment department, or successor agency, shall coordinate and administer the program established in this section. The governor may implement the program in selected departments or agencies as the goals and objectives for reduced long-term governmental needs arise.

A state employee who is at least fifty-nine but less than sixty-two years of age when the state employee terminates employment who has completed at least five years of state employment and sends written notification to the merit employment department, or successor agency, within sixty days after the issuance of the executive order, that the state employee will terminate state employment not later than June 30, 1987, is eligible to receive the following termination incentives:

1. A bonus payment for termination based upon the state employee's final annual salary, years of state employment, and age at retirement. A percent of final annual salary shall be determined under this section by adding the percent based upon years of state employment and the percent based upon age at termination together and multiplying the total percent by the final annual salary.

For an employee who has completed at least five years but less than fifteen years of state employment, the percent based upon years of state employment is five; at least fifteen but less

than twenty-five years of state employment, the percent is ten; and twenty-five or more years of state employment, the percent is fifteen.

For an employee who is fifty-nine years of age, the percent based upon age at termination is thirty-two; for an employee who is sixty years of age, thirty percent, and for an employee who is sixty-one years of age, twenty-eight percent. The bonus payment for termination shall be paid from funds appropriated to the terminating employee's department, agency, or commission for salaries, support, maintenance, or miscellaneous purposes. However, at the written request of the director of a department, agency, or commission that the director believes that the appropriations to the department, agency, or commission are insufficient to pay the bonus payment for termination, the governor may authorize payment from the salary adjustment fund. Section 8.39 does not apply to payments made from the salary adjustment fund under this subsection.

The bonus payment calculated under this subsection shall not exceed twelve thousand dollars. One-half the bonus payment shall be paid during the fiscal year beginning July 1, 1986 and the remainder of the bonus payment shall be paid in the first pay period during the fiscal year beginning July 1, 1987.

2. Enrollment in the terminating employee insurance incentive payment program until the terminating employee reaches sixty-five years of age. The program includes all of the following:

a. Continuation of participation in the life insurance program to which the state makes contributions under the program in which the employee participated on the effective date of this Act with continuation of state payments at the rate paid for full-time state employees.

b. Continuation of participation in the health or medical insurance program to which the state makes contributions and the dental insurance program to which the state makes contributions under the programs in which the employee participated on the effective date of this Act with continuation of state payments at the rate paid for full-time state employees. The cost of payments under this subsection shall be made from funds appropriated to the salary adjustment fund. The terminating employee's department, agency, or commission shall reimburse the salary adjustment fund annually from the appropriate departmental, revolving, trust, or special fund or from federal funds unless the governor exempts an employee's department, agency, or commission from the reimbursement requirements. Section 8.39 does not apply to reimbursements made to the salary adjustment fund under this section.

The incentives provided in this section are in addition to other benefits to which the employee is already entitled.

For the purpose of this section, state employee includes all full-time state employees of the executive branch except employees of the state board of regents, employees covered under the retirement system established under chapter 97A, and elected state officials.

A full-time state employee is an employee who at the date of termination of employment receives full insurance benefits under the state's programs and is not an employee who is receiving disability payments under the state employees disability insurance program.

Sec. 3. PARTICIPATION IN PROGRAMS.

1. The administrative head or supervisory employee of a department, board, or commission shall not force a state employee to participate in the state employee retirement incentive program established in section 1 of this Act or the state employee termination incentive program established in section 2 of this Act.

2. A state employee who participates in either the state employee retirement incentive program or the state employee termination incentive program is not eligible to accept further employment in which the state or a political subdivision of the state is the employer.

Sec. 4. The legislative fiscal bureau shall monitor and evaluate the state employee retirement incentives provided in section 1 of this Act and any state employee termination incentives authorized by executive order under section 2 of this Act. The merit employment

department, or its successor agency, shall cooperate with the fiscal bureau in conducting this evaluation. The legislative fiscal bureau shall report periodically to the general assembly on the short and long-term costs and cost savings associated with the programs.

Sec. 5. The state board of regents shall establish for its employees incentives for early retirement that do not affect existing programs. The benefits provided by the state board of regents for its merit system employees shall be comparable to the benefits provided in sections 1 and 2 of this Act.

Sec. 6. The board of directors of each judicial district department of correctional services established in chapter 905 shall establish for its employees retirement incentives identical to those established in section 1 of this Act. If funds of a judicial district department of correctional services are insufficient to pay the retirement bonus under section 1, subsection 1, of this Act, the Iowa department of corrections may request that the governor authorize payment from the salary adjustment fund. The cost of payments under section 1, subsection 2, of this Act shall be made from funds appropriated to the salary adjustment fund, and the Iowa department of corrections shall reimburse the salary adjustment fund annually from state funds appropriated for the establishment, operation, support, and evaluation of community-based correctional programs and services unless the governor exempts the department from the reimbursement requirements.

Sec. 7. **POLITICAL SUBDIVISION RETIREMENT INCENTIVES.** The governing board of a political subdivision may adopt a program for payment of a monetary bonus, continuation of health or medical insurance coverage, or other incentives for encouraging its employees to retire before the normal retirement date as defined in chapter 97B. The program is available only to employees between fifty-nine and sixty-five years of age who notify the board at any time between the effective date of this Act and March 1, 1987 that they intend to retire not later than June 30, 1987. An employee retiring under this section shall apply for a retirement allowance under chapter 97B or chapter 294. If the total estimated accumulated cost to a political subdivision of the bonus or other incentives for employees who retire under this section does not exceed the estimated savings in salaries and benefits for employees who replace the employees who retire under the program, the governing board may certify for levy not later than March 15, 1987 a tax on all taxable property in the political subdivision to pay the costs of the program provided in this section. The levy certified under this section is in addition to any other levy authorized for that political subdivision by law and is not subject to budget limitations otherwise provided by law. A governing board may amend its certified budget during a fiscal year to provide for payments required under this section.

Sec. 8. This Act, being deemed of immediate importance, takes effect from and after its publication in the Muscatine Journal, a newspaper published in Muscatine, Iowa, and in The Messenger, a newspaper published in Fort Dodge, Iowa.

Approved May 20, 1986

I hereby certify that the foregoing Act, Senate File 2242, was published in the Muscatine Journal, Muscatine, Iowa, on May 27, 1986, and in The Messenger, Fort Dodge, Iowa, on May 27, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1193
AGRICULTURAL DIVERSIFICATION
S.F. 2097

AN ACT relating to agricultural economic diversification.

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

Section 1. It is the intent of the General Assembly that the position of farmers market manager, who would work on organizing, developing, and operating a full-time metropolitan farmers market in Iowa, and the position of farmers market specialist, who would provide assistance in areas around the state which desire to upgrade or develop a local farmers market, be established, and that support staff be provided for a farmers market development program within the horticulture division of the department of agriculture. Any funds available to the program may also be utilized to obtain matching federal grants.

It is the intent of the General Assembly that two agricultural economic development specialist positions, who would work within the community structure in developing and coordinating the overall local centralized facilities plan, assist in pulling together financing mechanisms for the capital investments necessary for centralized facility development, and work with localized grower groups to establish and expand their markets, be established, and that support staff be provided for a centralized facilities development program within the horticulture division of the department of agriculture. Any funds available to the program may be utilized to obtain matching federal grants.

It is the intent of the General Assembly that the position of horticultural market specialist be retained and the electronic marketing program in the horticulture division of the department of agriculture be continued and expanded to develop working relationships with contacts at regional terminal markets, to integrate in-state market trading prices, to develop hookups at centralized marketing facilities within Iowa, and to update and expand the existing data base on buyers, growers, and market prices. Any funds available to the program may be utilized to obtain matching federal grants.

It is the intent of the General Assembly that the position of agricultural diversification administrator and the alternative agricultural products market evaluation program be maintained in the horticulture division of the department of agriculture and that the administrator work with other departments of agriculture, other state departments, universities, and individual entrepreneurs in order to identify market outlets, market demand, and potential areas for future economic growth, and to identify constraints that need to be overcome in order for Iowa producers to participate in the market. Any funds available to the program may be utilized to obtain matching federal grants.

It is the intent of the General Assembly that the horticulture division of the department of agriculture undertake a marketing promotions program to work with other state departments and with businesses and producers on promotional and consumer awareness activities, encouraging the purchase of Iowa grown products encompassed in the agricultural diversification program. Any funds available to the program may be utilized to obtain matching federal grants.

Approved May 20, 1986

CHAPTER 1194
TAX MODIFICATIONS
H.F. 2288

AN ACT striking a special provision relating to the apportionment of net income of a farm corporation for purposes of the corporate income tax, striking provisions prohibiting a franchise tax refund or claim and a sales, services, and use tax refund or claim for taxes voluntarily paid based upon an alleged mistake of law, and providing effective dates.

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

Section 1. Section 422.33, subsection 2, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

If the trade or business of the corporation is carried on entirely within the state, ~~or if the trade or business consists of the operation of a farm and the property is located entirely within the state,~~ the tax shall be imposed on the entire net income, but if ~~such~~ the trade or business is carried on partly within and partly without the state, ~~or if the trade or business consists of the operation of a farm and the property is located partly within and partly without the state,~~ the tax shall be imposed only on the portion of the net income reasonably attributable to the trade or business within the state, ~~said~~ with the net income attributable to the state to be determined as follows:

Sec. 2. Section 422.63, unnumbered paragraph 2, Code 1985, is amended by striking the paragraph.

Sec. 3. Section 422.73, subsection 1, unnumbered paragraph 2, Code Supplement 1985, is amended by striking the paragraph.

Sec. 4. Section 1 of this Act is retroactive to January 1, 1986 for tax years beginning on or after January 1, 1986.

Approved May 20, 1986

CHAPTER 1195
TERMINATING BEEF AND SOYBEAN ASSESSMENTS
H.F. 2378

AN ACT providing for referendums to terminate the collection of the beef and soybean assessments.

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

Section 1. Section 181.10, unnumbered paragraph 3, Code 1985, is amended by striking the unnumbered paragraph.

Sec. 2. Section 181.14, unnumbered paragraph 1, Code 1985, is amended by striking the unnumbered paragraph.

Sec. 3. Section 181.15, unnumbered paragraph 3, Code 1985, is amended by striking the unnumbered paragraph.

Sec. 4. Section 181.19, Code 1985, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. An assessment adopted following the initial referendum shall be effective for four years from its effective date and shall be either extended or terminated as provided in this section.

NEW UNNUMBERED PARAGRAPH. Upon receipt of a petition not less than one hundred fifty nor more than two hundred forty days from a four-year anniversary of the effective date of the assessment, signed within that same period by a number of producers equal to or greater than two percent of the number of producers reported in the most recent United States census of agriculture, requesting a referendum to determine whether to extend the assessment, the secretary shall call a referendum to be conducted not earlier than thirty days before the four-year anniversary date. If the secretary determines that extension of the assessment is not favored by a majority of the producers voting in the referendum, the secretary and the board shall terminate the assessment in an orderly manner as soon as practicable after the determination.

NEW UNNUMBERED PARAGRAPH. If no valid petition for extension is received by the secretary within the time period described above, or if a petition is received but the referendum to extend the assessment passes, the assessment shall continue in effect for four additional years from the anniversary of its effective date described above.

Sec. 5. Section 185.15, Code 1985, is amended to read as follows:

185.15 INITIAL MEETING.

The initial board shall meet and organize following the members' election, and the promotional order, including the assessment, shall become effective sixty days following the date of the election of the board. A promotional order shall be effective for four years from its effective date, and upon each four-year anniversary of its effective date shall be either extended or terminated as provided in this chapter.

Sec. 6. Section 185.25, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

185.25 EFFECTIVE PERIOD OF PROMOTIONAL ORDER.

An assessment adopted upon the initiation of a promotional order shall be collected during the effective period of a promotional order, and shall be of no force or effect upon termination of a promotional order. Upon adoption of an initial promotional order, that promotional order shall be effective for four years from its effective date and shall be either extended or terminated as provided in this section.

Upon receipt of a petition not less than one hundred fifty nor more than two hundred forty days from a four-year anniversary of the effective date of an initial promotional order signed within that same period by a number of producers equal to or greater than one percent of the number of producers reported in the most recent United States census of agriculture, requesting a referendum to determine whether to extend the assessment, the secretary shall call a referendum to be conducted not earlier than thirty days before the four-year anniversary date. If the secretary determines that extension of the assessment is not favored by a majority of the producers voting in the referendum, the secretary and the board shall terminate the assessment in an orderly manner as soon as practicable after the determination. If the assessment is terminated, another referendum shall not be held within one hundred eighty days. A succeeding referendum shall be called by the secretary upon the petition of a number of producers equal to or greater than one percent of the number of producers reported in the most recent United States census of agriculture requesting a referendum, who shall guarantee the costs of the referendum.

If no valid petition is received by the secretary within the time period described above, or if a petition is received but the referendum to extend the assessment passes, the promotional order shall continue in effect for four additional years from the anniversary of its effective date described above.

Approved May 20, 1986

CHAPTER 1196
COOPERATIVE ASSOCIATIONS
H.F. 2448

AN ACT relating to cooperative associations.

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

Section 1. Section 499.2, Code 1985, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. "Local deferred patronage dividends" of an association means that portion of each member's deferred patronage dividends described in section 499.30 which the board of directors of the association has determined arise from earnings of the association other than earnings which have been allocated to the association but which have not been paid in cash to the association by other cooperative organizations of which the association is a member. However, if the board of directors fails to make a determination with respect to a deceased member's deferred patronage dividends prior to the member's death, then "local deferred patronage dividends" means that portion of the member's deferred patronage dividends which is proportional to the deferred patronage dividends described in section 499.30 less the amount of undistributed net earnings which have been allocated to the association by other cooperative organizations of which the association is a member, compared to all deferred patronage dividends of the association.

NEW UNNUMBERED PARAGRAPH. "Local deferred patronage preferred stock" of an association means preferred stock, if any, of an association which has been issued in exchange for local deferred patronage dividends. If preferred stock has been issued in exchange for deferred patronage dividends prior to the time the board of directors of the association has determined the portion of each member's deferred patronage dividend which represents local deferred patronage dividends, then the board of directors may reasonably determine what portion of the preferred stock was issued in exchange for local deferred patronage dividends and the portion which was issued for other deferred patronage dividends.

Sec. 2. Section 499.30, unnumbered paragraph 3, Code 1985, is amended to read as follows:

At least ten percent of the remaining earnings must be added to surplus until surplus equals either thirty percent of the total of all capital paid in for stock or memberships, plus all unpaid patronage dividends, plus certificates of indebtedness payable upon liquidation, earnings from nonmember business, and earnings arising from the earnings of other cooperative organizations of which the association is a member, or one thousand dollars, whichever is greater. No additions shall be made to surplus ~~whenever~~ when it exceeds either fifty percent of ~~such~~ the total, or one thousand dollars, whichever is greater.

Sec. 3. Section 499.30, unnumbered paragraph 6, Code 1985, is amended to read as follows:

Notwithstanding the articles of incorporation of any association ~~now in effect~~, for each taxable year of the association beginning after December 31, 1962, all remaining net earnings shall be allocated to the account of each member, including subscribers described in section 499.16, ratably in proportion to the business the member ~~had done~~ did with the association during ~~such~~ that year. The directors shall determine, or the articles of incorporation or bylaws of the association may specify, the percentage or the amount of ~~said~~ the allocation that currently shall be paid in cash, ~~provided that so long as.~~ However, so long as there are unpaid local deferred patronage dividends of deceased members for prior years, the amount currently payable in cash shall not exceed twenty percent of ~~said~~ the allocation. All ~~said~~ the remaining allocation not ~~so~~ paid in cash shall be transferred to a revolving fund and credited to ~~said~~ the members and subscribers. ~~Such~~ The credits in the revolving fund are ~~herein~~ referred to in this chapter as deferred patronage dividends.

Sec. 4. Section 499.33, Code 1985, is amended to read as follows:
499.33 USE OF REVOLVING FUND.

The directors may use the revolving fund to pay the obligations or add to the capital of the association or retire its preferred stock. In such that event the deferred patronage dividends credited to members shall constitute a charge on the revolving fund, and on future additions thereto to the revolving fund, and on the corporate assets, subordinate to existing or future creditors and preferred stockholders then or thereafter existing. Deferred patronage dividends for any year shall have priority over those for any subsequent year years. However, prior to any other payments of deferred patronage dividends or redemption of preferred stock held by members, the directors of co-operative associations, other than those co-operative associations which are public utilities as defined in section 476.1 and other than those co-operative associations which are public utilities which are exempt from rate regulation as provided in that section, shall pay local deferred patronage dividends and redeem local deferred patronage preferred stock, of deceased natural persons who were members, and may pay deferred patronage dividends or may redeem preferred stock of deceased natural persons who were members or of members who become ineligible, without reference to the order of priority. Directors of co-operative associations which are public utilities as defined in section 476.1 and directors of co-operative associations which are public utilities exempt from rate regulation as provided in that section, may pay deferred patronage dividends and redeem preferred stock, of deceased natural persons who were members, and may pay deferred patronage dividends or redeem preferred stock of members who become ineligible without reference to priority. Payment of deferred patronage dividends or the redemption of preferred stock of ineligible members shall be carried out to the extent and in the manner specified in the bylaws of the association.

Sec. 5. Section 499.36, subsection 4, Code 1985, is amended to read as follows:

4. Directors shall be elected by districts, if the articles specify the districts, the number of directors from each district, the manner of nomination, redistricting, or reapportionment, and whether directors shall are to be directly elected by the members or by delegates chosen by them. Districts shall be ~~so~~ formed and redistricting shall be ordered, from time to time, so that the districts contain as nearly as possible an equal number of members. The bylaws shall describe the district boundaries currently in effect.

Sec. 6. Section 499.48, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

499.48 DISTRIBUTION IN LIQUIDATION.

On dissolution or liquidation, the assets of the association shall be used to pay liquidation expenses first, next the association's obligations other than patronage dividends or patronage dividend certificates which it has issued, and the remainder shall be distributed in the following priority:

1. To pay to each person the full amount originally paid by that person in cash for stock or other equity interest in the association.

2. To pay to each person in proportion to the total of each person's revolving fund, stock, or other equity interest in the association remaining after the payment under subsection 1.

In applying subsections 1 and 2, all classes of stock, all revolving funds, and all other equity interests in the association shall be treated equally based on their stated values. However, an association may establish its own method of distributing the assets remaining, after paying liquidation expenses and obligations other than patronage dividends or patronage dividend certificates which it has issued, in articles of incorporation adopted, amended, or restated after the effective date of this Act.

Sec. 7. Section 499.65, Code 1985, is amended to read as follows:

499.65 OBJECTION OF MEMBERS — PURCHASE OF SHARE.

If a voting member or voting shareholder of a co-operative association which is a party to a merger or consolidation files with the co-operative association, prior to or at the meeting of members at which the plan is submitted to a vote, a written objection to the plan of merger or consolidation, and does not vote in favor of votes in opposition to the plan, and such the member or shareholder, within twenty days after the merger or consolidation is approved by the other members, makes written demand on the surviving or new association for payment of the fair value of that member's or shareholder's interest as of the day prior to the date on which the vote was taken approving the merger or consolidation, the surviving or new association shall pay to such the member or shareholder, upon surrender of that person's certificate of membership or shares of stock, the fair value of that person's interest. Any A member or shareholder failing who fails to make demand within the twenty-day period shall be is conclusively presumed to have consented to the merger or consolidation and shall be is bound by its terms.

In the event any that a dissenting member or shareholder shall apply for membership in does business with the surviving or new association, before payment has been made for that person's membership or stock, the dissenting member or shareholder shall be is deemed to have consented to the merger or consolidation and to have waived all further rights as a dissenting member or shareholder.

Sec. 8. Section 499.66, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

499.66 VALUE DETERMINED.

1. As used in this section:

a. "Dissenting member" means a voting member who votes in opposition to the plan of merger or consolidation and who makes a demand for payment of the fair value under section 499.65.

b. "Old association" means the association in which the member owns or owned a membership.

c. "New association" means the surviving or new association after the merger or consolidation.

d. "Issue price" means the amount paid for an interest in the old association or the amount stated in a notice of allocation of patronage dividends.

e. "Fair market value" means the lesser of the cash price that would be paid by a willing buyer to a willing seller, neither being under any compulsion to buy or sell, or the issue price of the dissenting member's membership or common stock, deferred patronage dividends, and preferred stock.

2. Within twenty days after the merger or consolidation is effected, the new association shall make a written offer to each dissenting member to pay a specified sum deemed by the new association to be the fair value of that dissenting member's interest in the old association. This offer shall be accompanied by a balance sheet of the old association as of the latest available date, a profit and loss statement of the old association for the twelve-month period ending on the date of this balance sheet, and a list of the dissenting member's interests in the old association. If the dissenting member does not agree that the sum stated in this notice represents the fair value of the member's interest, then the member may file a written objection with the new association within twenty days after receiving this notice. A dissenting member who fails to file this objection within the twenty-day period is conclusively presumed to have consented to the fair value stated in the notice.

If the surviving or new association receives any objections to fair values, then within ninety days after the merger or consolidation is effected, the new association shall file a petition in the Iowa district court asking for a finding and determination of the fair value of each type of equity. The action shall be prosecuted as an equitable action.

The fair value shall be determined as of the day preceding the merger or consolidation by subtracting the old association's debts from the fair market value of the old association's assets, and dividing the remainder by the total issue price of all memberships, common stock, preferred stock, and revolving funds. The quotient from this division shall be multiplied by the total issue price of a dissenting member's membership, common stock, preferred stock, and revolving fund interest to determine the fair value of that dissenting member's interest in the old association.

3. The new association shall pay to each dissenting member in cash within sixty days after the merger or consolidation the amount paid in cash by the dissenting member for that member's interest in the old association. The new association shall pay the remainder of each dissenting member's fair value at the same time other payments of deferred patronage dividends or redemption of preferred stock are made, but in any event within fifteen years after the merger or consolidation. A dissenting member who is a natural person who dies before receiving the fair value shall have all of the person's fair value paid with the same priority as if the person was a member at the time of death.

Approved May 20, 1986

CHAPTER 1197

AGRICULTURAL GRAIN MARKETING COMPACT

H.F. 2488

AN ACT relating to agricultural grain marketing, by adopting the interstate compact on agricultural grain marketing, and providing an effective date.

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

Section 1. **NEW SECTION. 182.1 INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING.**

The interstate compact on agricultural grain marketing is enacted into law and entered into with all other states which legally join in the compact in substantially the following form:

INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING

ARTICLE I. — PURPOSE

It is the purpose of this compact to protect, preserve, and enhance:

- a. The economic and general welfare of citizens of the joining states engaged in the production and sale of agricultural grains.
- b. The economies and very existence of local communities in such states, the economies of which are dependent upon the production and sale of agricultural grains.
- c. The continued production of agricultural grains in such states in quantities necessary to feed the increasing population of the United States and the world.

ARTICLE II. — DEFINITIONS

As used in this compact:

- a. "State" means any state of the United States in which agricultural grains are produced for the markets of the nation and world.
- b. "Agricultural grains" means wheat, durum, spelt, triticale, oats, rye, corn, barley, buckwheat, flaxseed, safflower, sunflower seed, soybeans, sorghum grains, peas, and beans.

ARTICLE III. — COMMISSION

a. Organization and management

1. There is hereby created an agency of the member states to be known as the interstate agricultural grain marketing commission, hereinafter called the commission. The commission shall consist of three residents of each member state who shall have an agricultural

background and who shall be appointed as follows: One member appointed by the governor, who shall serve at the pleasure of the governor; one senator appointed in the manner prescribed by the senate of the state, except that two senators may be appointed by the governor of the state of Nebraska from the unicameral legislature of the state of Nebraska; and one member of the house of representatives appointed in the manner prescribed by the house of representatives of the state. The member first appointed by the governor shall serve for a term of one year and the senator and representative first appointed shall each serve for a term of two years. Thereafter all members appointed shall serve for two-year terms. The attorneys general of member states or assistants designated by the attorneys general shall be nonvoting members of the commission.

2. Each member shall be entitled to one vote. A member must be present to vote and no voting by proxy shall be permitted. The commission shall not act unless a majority of the voting members are present, and no action shall be binding unless approved by a majority of the total number of voting members present.

3. The commission shall be a body corporate of each member state and shall adopt an official seal to be used as it may provide.

4. The commission shall hold an annual meeting and other regular meetings as its bylaws may provide and special meetings as its executive committee may determine. The commission bylaws shall specify the dates of the annual and any other regular meetings, and shall provide for the giving of notice of annual, regular, and special meetings. Notices of special meetings shall include the reasons therefor and an agenda of the items to be considered.

5. The commission shall elect annually, from among its voting members, a chairperson, a vice chairperson, and a treasurer. The commission shall appoint an executive director who shall serve at its pleasure, and shall fix the duties and compensation of the director. The executive director shall be secretary of the commission. The commission shall make provision for the bonding of those of its officers and employees as it may deem appropriate.

6. Irrespective of the civil service, personnel, or other merit system laws of any member state, the executive director shall appoint or discharge personnel as may be necessary for the performance of the functions of the commission and shall fix, with the approval of the commission, their duties and compensation. The commission bylaws shall provide for personnel policies and programs. The commission may establish and maintain, independently of or in conjunction with any one or more of the member states, a suitable retirement system for its full-time employees. Employees of the commission shall be eligible for social security coverage in respect of old age and survivors insurance provided that the commission takes steps as may be necessary pursuant to federal law to participate in the program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in additional programs of employee benefits as may be appropriate. The commission may borrow, accept, or contract for the services of personnel from any state, the United States, or any other governmental entity.

7. The commission may accept for any of its purposes and functions any and all donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any governmental entity, and may utilize and dispose of the same.

8. The commission may establish one or more offices for the transacting of its business.

9. The commission shall adopt bylaws for the conduct of its business. The commission shall publish its bylaws in convenient form, and shall file a copy of the bylaws and any amendments thereto with the appropriate agency or officer in each of the member states.

10. The commission annually shall make to the governor and legislature of each member state a report covering its activities for the preceding year. Any donation or grant accepted by the commission or services borrowed shall be reported in the annual report of the commission, and shall include the nature, amount, and conditions, if any, of the donation, gift, grant, or services borrowed and the identity of the donor or lender. The commission may make additional reports as it may deem desirable.

b. Committees

1. The commission may establish committees from its membership as its bylaws may provide for the carrying out of its functions.

ARTICLE IV. — POWERS AND DUTIES OF COMMISSION

a. The commission shall conduct comprehensive and continuing studies and investigations of agricultural grain marketing practices, procedures, and controls and their relationship to and effect upon the citizens and economies of the member states.

b. The commission shall make recommendations for the correction of weaknesses and solutions to problems in the present system of agricultural grain marketing or the development of alternatives thereto, including the development, drafting, and recommendation of proposed state or federal legislation.

c. The commission is hereby authorized to do all things necessary and incidental to the administration of its functions under this compact.

ARTICLE V. — FINANCE

a. The commission shall submit to the governor of each member state a budget of its estimated expenditures for the period required by the laws of that state for presentation to the legislature of that state.

b. The moneys necessary to finance the general operations of the commission not otherwise provided for in carrying forth its duties, responsibilities, and powers as stated herein shall be appropriated to the commission by the member states, when authorized by the respective legislatures. Appropriations by member states for the financing of the operations of the commission in the initial biennium of the compact shall be in the amount of fifty thousand dollars for each member state. Thereafter the total amount of appropriations requested shall be apportioned among the member states in the manner determined by the commission. Failure of a member state to provide its share of financing is cause for the state to lose its membership in the compact.

c. The commission shall not incur any obligations of any kind prior to the making of appropriations adequate to meet the same, nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

d. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

e. The accounts of the commission shall be open for inspection at any reasonable time.

ARTICLE VI. — ELIGIBLE PARTIES, ENTRY INTO FORCE,
WITHDRAWAL, AND TERMINATION

a. Any agricultural grain marketing state may become a member of this compact.

b. This compact shall become effective initially when enacted into law by any five states prior to July 1, 1988, and in additional states upon their enactment of the same into law.

c. Any member state may withdraw from this compact by enacting a statute repealing the compact, but such withdrawal shall not become effective until one year after the enactment of the repealing statute and the notification of the commission thereof by the governor of the withdrawing state. A withdrawing state shall be liable for any obligations which it incurred on account of its membership up to the effective date of withdrawal, and if the withdrawing state has specifically undertaken or committed itself to any performance of an obligation extending beyond the effective date of withdrawal, it shall remain liable to the extent of that obligation.

d. This compact shall terminate one year after the notification of withdrawal by the governor of any member state which reduces the total membership in the compact to less than five states.

CHAPTER 1198**REBUTTABLE PRESUMPTION REPEAL ON TRANSMISSION LINES***S.F. 314*

AN ACT to repeal the rebuttable presumption of negligence on the part of persons operating electrical transmission lines for injuries to person or property.

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

Section 1. Section 478.16, Code 1985, is repealed.

Approved May 21, 1986

CHAPTER 1199**LOCAL OPTION TAXES***S.F. 2302*

AN ACT relating to the local option taxes and providing effective dates.

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

Section 1. Section 422A.1, unnumbered paragraph 3, Code 1985, is amended to read as follows:

A city or county shall impose a hotel and motel tax or increase the tax rate, only after an election at which a majority of those voting on the question favors imposition or increase. However, a hotel and motel tax shall not be repealed or reduced in rate if obligations are outstanding which are payable as provided in section 422A.2, unless funds sufficient to pay the principal, interest, and premium, if any, on the outstanding obligations at and prior to maturity have been properly set aside and pledged for such that purpose. The election shall be held at the time of that city's or county's general election or at the time of a special election.

Sec. 2. Section 422B.1, subsections 1 and 2, Code Supplement 1985, are amended to read as follows:

1. A ~~city or a county~~ may impose by ordinance of the ~~city council or the~~ board of supervisors local option taxes authorized by this chapter, subject to this section.

2. A local option tax shall be imposed only after an election at which a majority of those voting on the question favors imposition and shall then be imposed until repealed as provided in subsection 7, paragraph "a". ~~If the tax is a local earnings tax imposed by a city, it shall only apply within the corporate boundaries of that city and if imposed by a county, it shall only apply to unincorporated areas of that county.~~ If the tax is a local vehicle tax imposed by a county, it shall apply to all incorporated and unincorporated areas of the county. If the tax is a local sales and services tax imposed by a county, it shall only apply to those incorporated areas and the unincorporated area of that county in which a majority of those voting in the area on the tax favor its imposition. For purposes of the local sales and services tax, all cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favor its imposition.

Sec. 3. Section 422B.1, subsections 3 and 4, Code Supplement 1985, are amended by striking the subsections.

Sec. 4. Section 422B.1, subsection 6, Code Supplement 1985, is amended to read as follows:

6. The county commissioner of elections shall submit the question of imposition of a local option tax at a state general election or at a special election held at any time other than the

time of a city regular election in the case of a tax imposed by a county or at a state general election or city regular election in the case of a tax imposed by a city which may not be held sooner than sixty days after publication of notice of the ballot proposition. The ballot proposition shall specify the type and rate of tax and in the case of a vehicle tax the classes that will be exempt and in the case of a local sales and services tax the date it will be imposed. The ballot proposition shall also specify the approximate amount of local option tax revenues that will be used for property tax relief and shall contain a statement as to the specific purpose or purposes for which the revenues shall otherwise be expended. The rate of a local earnings tax shall be in increments of one percent but not in excess of four percent as set by the governing body of the city or county seeking to impose the tax. The rate of the vehicle tax shall be in increments of one dollar per vehicle as set by the petition seeking to impose the tax. The rate of a local sales and services tax shall not be more than one percent as set by the governing body. The state commissioner of elections shall establish by rule the form for the ballot proposition which form shall be uniform throughout the state.

Sec. 5. Section 422B.1, subsection 7, paragraph a, Code Supplement 1985, is amended to read as follows:

a. If a majority of those voting on the question of imposition of a local option tax favor imposition of a local option tax, the governing body of that city or that county, as applicable, shall impose the tax at the rate specified for an unlimited period. However, in the case of a local sales and services tax, the county shall not impose the tax in any incorporated area or the unincorporated area if the majority of those voting on the tax in that area did not favor its imposition. For purposes of the local sales and services tax, all cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favor its imposition. The local option tax may be repealed or the rate increased or decreased only after an election at which a majority of those voting on the question of repeal or rate change favor the repeal or rate change. The election at which the question of repeal or rate change is offered shall be called and held in the same manner and under the same conditions as provided in subsections 3, 4, 5, and 6 for the election on the imposition of the local option tax. However, in the case of a local sales and services tax where the tax has not been imposed countywide, the question of repeal or imposition shall be voted on only by the qualified electors of the areas of the county where the tax has been imposed or has not been imposed, as appropriate.

Sec. 6. Section 422B.1, subsection 9, Code Supplement 1985, is amended to read as follows:

9. Local option taxes authorized to be imposed as provided in this chapter are a local earnings tax, a local sales and services tax, and a local vehicle tax. The rate of the taxes tax shall be up to four percent in increments of one percent for the earnings tax, and in increments of one dollar per vehicle for a vehicle tax all as set by the governing body of the city or county seeking to impose the earnings tax or as set on the petition seeking to impose the vehicle tax. The rate of a local sales and services tax shall not be more than one percent as set by the governing body.

Sec. 7. Section 422B.8, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

A local sales and services tax at the rate of not more than one percent may be imposed by a county on the gross receipts taxed by the state under chapter 422, division IV. A local sales and services tax shall be imposed on the same basis as the state sales and services tax and may not be imposed on the sale of any property or on any service not taxed by the state, except the tax shall not be imposed on the gross receipts from the sale of motor fuel or special fuel as defined in chapter 324, on the gross receipts from the rental of rooms, apartments, or sleeping

quarters which are taxed under chapter 422A during the period the hotel and motel tax is imposed, on the gross receipts from the sale of natural gas or electric energy in a city or county where the gross receipts are subject to a franchise fee or user fee during the period the franchise or user fee is imposed, and on the gross receipts from the sale of a lottery ticket or share in a lottery game conducted pursuant to chapter 99E. However, notwithstanding that the gross receipts from the sale or rental of the tangible personal property described in section 422.45, subsections 26 and 27 are taxable during the period beginning July 1, 1985 and ending June 30, 1987, a local sales and services tax shall not be imposed on the sale or rental of such property. A local sales and services tax is applicable to transactions within those incorporated and unincorporated areas of the county where it is imposed and shall be collected by all persons required to collect state gross receipts taxes. All cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favor its imposition.

Sec. 8. Section 422B.10, subsection 1, Code Supplement 1985, is amended to read as follows:

1. The treasurer of state shall credit the local sales and services tax receipts and interest and penalties from a county to the county's account in the local sales and services tax fund. If the director of revenue is unable to determine from which county any of the receipts were collected, those receipts shall be allocated amongst the possible counties based on allocation rules adopted by the director of revenue.

Sec. 9. Sections 422B.5 through 422B.7, Code Supplement 1985, are repealed.

Sec. 10. In a county that has imposed a local option sales and services tax, the board of supervisors shall, notwithstanding any contrary provision of chapter 422B, repeal the local option sales and services tax in an incorporated city area in which the tax has been imposed upon receipt of a motion adopted by the governing body of that incorporated city area requesting repeal. The board of supervisors shall repeal the local option sales and services tax effective at the end of the calendar quarter during which the motion for the repeal was received.

Sec. 11. This Act being deemed of immediate importance, takes effect from and after its publication in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa, and in the West Des Moines Express, a newspaper published in Des Moines, Iowa.

Sec. 12. Sections 7 and 8 of this Act are retroactive to January 1, 1986 for local option sales and services taxes imposed on or after that date.

Sec. 13. Section 10 of this Act is repealed July 1, 1986.

Approved May 21, 1986

I hereby certify that the foregoing Act, Senate File 2302, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, on May 28, 1986, and in the West Des Moines Express, Des Moines, Iowa, on May 30, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1200
OPERATION OF COUNTY PUBLIC HOSPITALS
H.F. 2229

AN ACT relating to hospitals by permitting the sale or lease of property owned by the hospital upon approval by the board of trustees, permitting commercial use of portions of hospital property, permitting certain hospitals to sell or lease property with a public notice and a public hearing, requiring a commission which manages a county memorial hospital to request a county appropriation for the hospital from the county board of supervisors, permitting licensed practitioners and physicians to serve as county public hospital trustees, prohibiting trustees from receiving compensation from the county public hospital, and requiring the department of health to provide technical assistance to hospitals when funding is available.

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

Section 1. Section 37.9, unnumbered paragraph 1, Code 1985, is amended to read as follows:

When the proposition to erect any such building or monument has been carried by a majority vote, the board of supervisors or the city council, as the case may be, shall appoint a commission consisting of five members, in the manner and with the qualifications hereinafter provided in this chapter, which shall have charge and supervision of the erection of said the building or monument, and when erected, the management and control thereof of the building or monument.

On or before January 15 of each year, a commission which manages and controls a county memorial hospital shall prepare and submit to the county auditor a request for an appropriation for the next fiscal year from the general fund for the operation and maintenance of the county memorial hospital. On or before January 20, the county auditor shall submit the request to the county board of supervisors. The board of supervisors may adjust the commission's request and may make an appropriation for the county memorial hospital as provided in section 331.427, subsection 2, paragraph "b". For the purposes of public notice, the commission is a certifying board and is subject to the requirements of sections 24.3 through 24.5, sections 24.9 through 24.12, and section 24.16.

Sec. 2. NEW SECTION. 135B.33 TECHNICAL ASSISTANCE.

Subject to availability of funds, the state department of health shall provide technical planning assistance to local boards of health and hospital governing boards to ensure access to hospital services in rural areas. The department shall encourage the local boards of health and hospital governing boards to adopt a long-term community health services and developmental plan including the following:

1. An analysis of demographic trends in the health facility services area, affecting health facility and health-facility-related health care utilizations.
2. A review of inpatient services currently provided, by type of service and the frequency of provision of that service, and the cost-effectiveness of that service.
3. An analysis of resources available in proximate health facilities and services that might be provided through alternative arrangements with such health facilities.
4. An analysis of cooperative arrangements that could be developed with other health facilities in the area that could assist those health facilities in the provision of services.
5. An analysis of community health needs, specifically including long-term care needs, including intermediate care facility and skilled nursing facility care, pediatric and maternity services, and the health facilities potential role in facilitating the provision of services to meet these needs.
6. An analysis of alternative uses for existing health facility space and real property, including use for community health-related and human service-related purposes.

7. An analysis of mechanisms to meet indigent patient care needs and the responsibilities for the care of indigent patients.

8. An analysis of the existing tax levying of the health facilities for patient care, on a per capita basis and per hospital patient basis, and projections on future needs for tax levying to continue for the provision of care.

Providers may cooperatively coordinate to develop one long-term community health services and developmental plan for a geographic area, provided the plan addresses the issues enumerated in this section.

The health facilities may seek technical assistance or apply for matching grant funds for the plan development. The department shall require compliance with subsections 1 through 8 when the facility applies for matching grant funds.

Sec. 3. Section 347.9, Code 1985, is amended to read as follows:

347.9 TRUSTEES — APPOINTMENT — TERMS OF OFFICE.

When it has been determined by the voters of a county to establish a county public hospital, the board shall appoint seven trustees chosen from among the resident citizens of the county with reference to their fitness for such office, and not more than four of such the trustees shall be residents of the city or village at which such the hospital is located. ~~Such~~ The trustees shall hold office until the following general election, at which time their successors shall be elected, two for a term of two years, two for four years, and three for six years, and they shall determine by lot their respective terms, and thereafter their successors shall be elected for regular terms of six years each, ~~none of whom shall be physicians or licensed practitioners.~~ A person or spouse of a person with medical or special staff privileges in the county public hospital or who receives direct or indirect compensation from the county public hospital or direct or indirect compensation from a person contracting for services with the hospital shall not be eligible to serve as a trustee for that county public hospital.

Sec. 4. Section 347.28, Code 1985, is amended to read as follows:

347.28 SALE OR LEASE OF PROPERTY.

~~Any~~ A county or city hospital may lease or sell any of its property which is not needed for hospital purposes to any person ~~for use as a physician's office, medical clinic, or any other health-related purpose,~~ upon approval by the board of trustees.

Sec. 5. Section 347.29, Code 1985, is amended to read as follows:

347.29 USE OF PROPERTY FOR CLINIC.

~~Any~~ A county or city hospital may use property received by gift, devise, bequest, or otherwise, or the proceeds from the sale of such property, for the construction of facilities for lease or sale as a medical clinic or a physician's office ~~subject to the approval of the appropriate local health planning agency,~~ upon approval by the board of trustees.

Sec. 6. Section 347.30, Code 1985, is amended to read as follows:

347.30 ADVERTISE FOR BIDS NOTICE AND HEARING.

A county or city hospital shall ~~advertise for bids~~ serve notice and hold a public hearing before selling or leasing any property pursuant to sections 347.28 and 347.29. ~~The advertisement notice shall definitely describe the property, indicate the date and location of the hearing,~~ and shall be published by at least one insertion each week for two consecutive weeks in a newspaper having general circulation in the county where the property is located. ~~Bids~~ The hearing shall not be accepted ~~take place~~ prior to two weeks after the second publication ~~nor later than six months after the second publication.~~ The highest competent bid must be accepted unless all bids received are deemed inadequate and rejected.

Sec. 7. NEW SECTION. 347.31 TAX STATUS.

This chapter does not deprive any hospital of its tax exempt or nonprofit status except that portion of hospital property which is used for other than nonprofit, health-related purposes shall be subject to property tax as provided for in section 427.1, subsection 23.

Sec. 8. Section 427.1, subsection 23, Code Supplement 1985, is amended to read as follows:

23. Statement of objects and uses filed. A society or organization claiming an exemption under subsection 6 or subsection 9 of this section shall file with the assessor not later than February 1 a statement upon forms to be prescribed by the director of revenue, describing the nature of the property upon which the exemption is claimed and setting out in detail any uses and income from the property derived from the rentals, leases, or other uses of the property not solely for the appropriate objects of the society or organization. Upon the filing and allowance of the claim, the claim shall be allowed on the property for successive years without further filing as long as the property is used for the purposes specified in the original claim for exemption. When the property is sold or transferred, the county recorder shall provide notice of the transfer to the assessor. The notice shall describe the property transferred and the name of the person to whom title to the property is transferred.

PARAGRAPH DIVIDED. The assessor, in arriving at the valuation of any property of the society or organization, shall take into consideration any uses of the property not for the appropriate objects of the organization and shall assess in the same manner as other property, all or any portion of the property involved which is leased or rented and is used regularly for commercial purposes for a profit to a party or individual. If a portion of the property is used regularly for commercial purposes an exemption shall not be allowed upon property so used and the exemption granted shall be in the proportion of the value of the property used solely for the appropriate objects of the organization, to the entire value of the property.

PARAGRAPH DIVIDED. However, the board of trustees or the board of directors of a hospital, as defined in section 135B.1, subsection 1, may permit use of a portion of the hospital for commercial purposes, and the hospital is entitled to full exemption for that portion used for nonprofit health-related purposes, upon compliance with the filing requirements of this subsection. An exemption shall not be granted upon property upon or in which persistent violations of the laws of the state are permitted. A claimant of an exemption shall, under oath, declare that no violations of law will be knowingly permitted or have been permitted on or after January 1 of the year in which a tax exemption is requested. Claims for exemption shall be verified under oath by the president or other responsible head of the organization. A society or organization which ceases to use the property for the purposes stated in the claim shall provide written notice to the assessor of the change in use.

Sec. 9. Notwithstanding section 347.9, a trustee presently serving on a county public hospital board who is no longer eligible to serve on the board because of this Act may complete the term of office for which the trustee was elected but is not eligible for reelection to the board.

Sec. 10. The state department of health, in consultation with providers and consumers of rural hospital services, shall review actions taken in other states to license hospitals by service and shall specifically evaluate the potential utility and value in developing such a system as an option for licensing which may be applied to hospitals in Iowa in lieu of current licensing and accreditation systems. The department shall report its findings to the general assembly by January 1, 1987.

Approved May 21, 1986

CHAPTER 1201
RAFFLES AND GAMES OF SKILL AND CHANCE

H.F. 2349

AN ACT relating to games of skill, games of chance, and raffles and providing an effective date.

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

Section 1. Section 99B.1, subsection 6, Code 1985, is amended to read as follows:

6. "Net receipts" means gross receipts less amounts awarded as prizes and less state and local sales tax paid upon the gross receipts. Reasonable expenses, charges, fees, taxes other than the state and local sales tax, and deductions allowed by the department of revenue shall not exceed twenty-five thirty percent of net receipts.

Sec. 2. Section 99B.2, subsections 1 and 2, Code 1985, are amended to read as follows:

1. The department is the agency responsible for issuing a license required by this chapter. A license shall not be issued, except upon submission to the department of an application on forms furnished by the department, and the required license fee. A license may be issued to an eligible applicant. However, a license shall not be issued to an applicant who has been convicted of or pled guilty to a violation of this chapter, or who has been convicted of or pled guilty to a violation of chapter 123 that resulted, at any time, in revocation of a license issued to the applicant under chapter 123 or that resulted, within the twelve months preceding the date of application for a license required by this chapter, in suspension of a license issued under chapter 123. To be eligible for a two year license under section 99B.7, an organization shall have been in existence at least five years prior to the date of issuance of the license. However, an organization which has been in existence for less than five years prior to the date of issuance of the license may obtain a two-year license if either of the following conditions apply:

a. That prior to July 1, 1984, the organization was licensed under this subsection.

b. If the organization is a local chapter of a national organization and the national organization is a tax-exempt organization under one of the provisions enumerated in section 99B.7, subsection 1, paragraph "m", then the local organization is eligible for a two-year license if the national organization has been in existence at least five years.

A license also shall not be issued for a location for which a previous license issued under this chapter or chapter 123 has been revoked within the preceding two years until the period of the revocation or revocations has elapsed. A license shall not be issued to an individual whose previous license issued under this chapter or chapter 123 has been revoked until the period of revocation or revocations has elapsed. This prohibition applies even though the individual has created a different legal entity than the one to which the previous license that had been revoked was issued. Except as otherwise provided in this chapter, a license is valid for a period of two years from the date of issue. The license fee is not refundable, but shall be returned to the applicant if an application is not approved. When a bingo license has been issued by the department the licensee shall be notified by the department of the renewal date for the license ten days prior to that date.

2. A licensee other than one issued a license pursuant to section 99B.3, 99B.6 or section 99B.9 shall maintain proper books of account and records showing in addition to any other information required by the department, gross receipts and the amount of the gross receipts taxes collected or accrued with respect to gambling activities, all expenses, charges, fees and other deductions, and the cash amounts, or the cost to the licensee of goods or other noncash valuables, distributed to participants in the licensed activity. If the licensee is a qualified organization, the amounts dedicated and the date and name and address of each person to whom distributed also shall be kept in the books and records. The books of account and

records shall be made available to the department or a law enforcement agency for inspection at reasonable times, with or without notice. A failure to permit inspection is a serious misdemeanor.

Sec. 3. Section 99B.5, subsection 1, paragraphs b, d, e, and g, Code Supplement 1985, are amended to read as follows:

b. The sponsor of the fair or the qualified organization has submitted a license application and a fee of ~~fifteen~~ thirty dollars for each raffle, has been issued a license, and prominently displays the license at the drawing area of the raffle.

d. Except with respect to an annual raffle as provided in paragraph "g", the cost of each chance in or ticket to the raffle does not exceed one dollar.

e. ~~Cash~~ Except with respect to an annual raffle as provided in paragraph "g", cash prizes are not awarded and merchandise prizes are not repurchased.

g. The actual retail value of any prize does not exceed fifty dollars. If a prize consists of more than one item, unit, or part, the aggregate retail value of all items, units, or parts shall not exceed fifty dollars. However, either a fair sponsor or a qualified organization, but not both, may hold one raffle per calendar year at which a ~~merchandise~~ prize having a value not greater than ~~ten twenty~~ thousand dollars as may be offered. If the prize is merchandise, its value shall be determined by the purchase price paid by the fair may be awarded sponsor or qualified organization.

Sec. 4. Section 99B.6, subsection 1, unnumbered paragraph 1, Code 1985, as amended by 1986 Iowa Acts, House File 2017, section 1, is amended to read as follows:

Except as provided in ~~subsection~~ subsections 5 and 6, gambling is unlawful on premises for which a class "A", class "B", class "C", or class "D" liquor control license, or class "B" beer permit has been issued pursuant to chapter 123 unless all of the following are complied with:

Sec. 5. Section 99B.6, subsection 2, Code 1985, is amended to read as follows:

2. The holder of a license issued pursuant to this section ~~shall be~~ is strictly accountable for ~~maintaining compliance~~ complying with subsection 1. Proof of ~~any acts~~ an act constituting a violation ~~shall be~~ is grounds for revocation of the license issued pursuant to this section if the holder of the license permitted the violation to occur when the licensee knew or had reasonable cause to know of the ~~acts~~ act constituting the violation. ~~The holder of a license issued pursuant to this section which has its license revoked shall not be issued another license within six months of the date of revocation.~~

Sec. 6. Section 99B.6, Code 1985, as amended by 1986 Iowa Acts, House File 2017, sections 1 and 2, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A qualified organization may conduct games of skill, games of chance, or raffles pursuant to section 99B.7 in an establishment that serves or sells alcoholic beverages, wine, or beer as defined in section 123.3 if the games or raffles are conducted pursuant to this chapter or rules adopted pursuant to this chapter.

Sec. 7. Section 99B.7, subsection 1, paragraphs c, d, and m, Code Supplement 1985, are amended to read as follows:

c. Cash or merchandise prizes may be awarded in the game of bingo and shall not exceed one hundred dollars. Merchandise prizes may be awarded in the game of bingo, however, the actual retail value of the prize, or if the prize consists of more than one item, unit or part, the aggregate retail value of all items, units or parts, shall not exceed one hundred dollars. A jackpot bingo game may be conducted once during any twenty-four hour period in which the prize may be increased by not more than one hundred dollars after each day's game. However, the cost of play in a jackpot bingo game shall not be increased and the jackpot shall not amount to more than ~~five seven~~ hundred fifty dollars in cash or actual retail value of merchandise prizes. A jackpot bingo game is not prohibited by paragraph "h". A

bingo occasion shall not last for longer than four consecutive hours. A qualified organization shall not hold more than fourteen bingo occasions per month. Bingo occasions held under a limited license shall not be counted in determining whether a qualified organization has conducted more than fourteen bingo occasions per month, nor shall bingo occasions held under a limited license be limited to four consecutive hours. With the exception of a limited license bingo, no more than three bingo occasions per week shall be held within a structure or building and only one person licensed to conduct games under this section may hold bingo occasions within a structure or building.

PARAGRAPH DIVIDED. However, a qualified organization, which is a senior citizens' center or a residents' council at a senior citizen housing project or a group home, may hold more than fourteen bingo occasions per month and more than three bingo occasions per week within the same structure or building, and bingo occasions conducted by such a qualified organization may last for longer than four consecutive hours, if the majority of the patrons of the qualified organization's bingo occasions also participate in other activities of the senior citizens' center or are residents of the housing project. At the conclusion of each bingo occasion, the person conducting the game shall announce both the gross receipts received from the bingo occasion and the use permitted under subsection 3, paragraph "b", to which the net receipts of the bingo occasion will be dedicated and distributed.

d. Cash prizes shall not be awarded in games other than bingo and raffles. The actual retail value of any merchandise prizes shall not exceed fifty dollars and merchandise prizes shall not be repurchased. However, one raffle may be conducted in a twelve-month period per calendar year at which a merchandise prize having a value not greater than ten twenty thousand dollars as determined by purchase price paid by the organization or donor may be awarded. If the prize is merchandise, its value shall be determined by purchase price paid by the organization or donor.

m. The person or organization conducting the game can show to the satisfaction of the department that the person or organization is eligible for exemption from federal income taxation under either section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code of 1954, as defined in section 422.3. However, this paragraph does not apply to a political party as defined in section 43.2, to a nonparty political organization that has qualified to place a candidate as its nominee for statewide office pursuant to chapter 44, or to a candidate committee as defined in section 56.2.

Sec. 8. Section 99B.7, subsection 3, paragraph a, Code Supplement 1985, is amended to read as follows:

3. a. A person wishing to conduct games and raffles pursuant to this section as a qualified organization shall submit an application and a license fee of one hundred dollars. However, upon submission of an application accompanied by a license fee of fifteen dollars, a person may be issued a limited license which shall authorize the person to conduct all games and raffles pursuant to this section at a specified location and during a specified period of fourteen consecutive calendar days. A limited license shall not be issued more than once during any twelve-month period calendar year to the same person, or for the same location. For the purposes of this paragraph, a limited license is deemed to be issued on the first day of the fourteen-day period for which the license is issued.

Sec. 9. Section 99B.7, subsection 3, paragraph b, Code 1985, is amended to read as follows:

b. A person or the agent of a person submitting application to conduct games pursuant to this section as a qualified organization shall certify that the receipts of all games, less reasonable expenses, charges, fees, taxes, and deductions allowed by this chapter, either will be distributed as prizes to participants or will be dedicated and distributed to educational, civic, public, charitable, patriotic or religious uses in this state and that the amount dedicated and distributed will equal at least seventy-five seventy percent of the net receipts. "Educational, civic, public, charitable, patriotic, or religious uses" means uses benefiting a society for the prevention of cruelty to animals or animal rescue league, or uses benefiting an indefinite

number of persons either by bringing them under the influence of education or religion or relieving them from disease, suffering, or constraint, or by erecting or maintaining public buildings or works, or otherwise lessening the burden of government, or uses benefiting any bona fide nationally chartered fraternal or military veterans' corporation or organization which operates in Iowa a clubroom, post, dining room, or dance hall, but do not include the erection, acquisition, improvement, maintenance, or repair of real, personal or mixed property unless it is used for one or more of the uses stated. "Public uses" specifically includes dedication of net receipts to political parties as defined in section 43.2. "Charitable uses" includes uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm when the loss is uncompensated by insurance, and uses benefiting a definite number of persons suffering from a seriously disabling disease or injury, causing severe loss of income or incurring extraordinary medical expense when the loss is uncompensated by insurance.

Proceeds given to another charitable organization to satisfy the ~~seventy-five~~ seventy percent dedication requirement shall not be used by the donee to pay any expenses in connection with the conducting of bingo by the donor organization, or for any cause, deed, or activity that would not constitute a valid dedication under this section.

Sec. 10. Section 99B.8, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 4. However, an organization may sponsor one or more game nights using play money for participation by students without the organization obtaining a license otherwise required by this section if the organization obtains prior approval for the game night from the board of directors of the accredited public school or the authorities in charge of the nonpublic school accredited by the state board of education for whose students the game night is to be held.

Sec. 11. Section 99B.14, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The department shall revoke a license issued pursuant to this chapter if the licensee or an agent of the licensee violates or permits a violation of a provision of this chapter, or a departmental ~~rules~~ rule adopted pursuant to chapter 17A, or if ~~any~~ a cause exists for which the director would have been justified in refusing to issue a license, or upon the conviction of ~~any~~ a person of a violation of this chapter or ~~rules~~ a rule adopted under this chapter which occurred on the licensed premises. However, the revocation of one type of gambling license does not require the revocation of a different type of gambling license held by the same licensee.

Sec. 12. NEW SECTION. 99B.21 TAX ON PRIZES.

All prizes awarded are Iowa earned income and are subject to state and federal income tax laws. A person conducting a game of skill, game of chance, or a raffle shall deduct state income taxes from a cash prize awarded to an individual in excess of six hundred dollars. An amount deducted from the prize for payment of a state tax shall be remitted to the state department of revenue on behalf of the prize winner.

Sec. 13. Section 422.45, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 32. Gross sale* from the sale of raffle tickets for a raffle licensed pursuant to section 99B.5.

Sec. 14. This Act, being deemed of immediate importance, takes effect from and after its

*Gross "receipts" probably intended

publication in The Cascade Pioneer-Advertiser, a newspaper published in Cascade, Iowa, and in the Advocate News, a newspaper published in Wilton, Iowa.

Approved May 21, 1986

Pursuant to the authority vested in the undersigned Secretary of State of the State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1985, there being no newspaper by the name of the Advocate News, published in Wilton, Iowa, I hereby designate that House File 2349 be published in the Wilton-Durant Advocate News, a newspaper published in Wilton, Iowa.

MARY JANE ODELL, *Secretary of State*

I hereby certify that the foregoing Act, House File 2349, was published in the Wilton-Durant Advocate News, Wilton, Iowa, on May 29, 1986, and in The Cascade Pioneer-Advertiser, Cascade, Iowa, on June 12, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1202

CIVIL PENALTIES FOR VIOLATIONS OF LOCAL ORDINANCES

H.F. 2393

AN ACT authorizing cities and counties to establish civil penalties for violations of ordinances.

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

Section 1. Section 364.3, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A city shall not provide a civil penalty in excess of one hundred dollars for the violation of an ordinance which is classified as a municipal infraction or if the infraction is a repeat offense, a civil penalty not to exceed two hundred dollars for each repeat offense. A municipal infraction is not punishable by imprisonment.

Sec. 2. **NEW SECTION. 364.22 MUNICIPAL INFRACTIONS.**

1. A municipal infraction is a civil offense punishable by a civil penalty of not more than one hundred dollars for each violation or if the infraction is a repeat offense, a civil penalty not to exceed two hundred dollars for each repeat offense.

2. A city by ordinance may provide that a violation of an ordinance is a municipal infraction.

3. A city shall not provide that a violation of an ordinance is a municipal infraction if the violation is a felony or misdemeanor by state law.

4. An officer authorized by a city to enforce a city code or regulation may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service or by certified mail return receipt requested. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the clerk of the district court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

- a. The name and address of the violator.
- b. The name or description of the infraction attested to by the officer issuing the citation.
- c. The location and time of the infraction.
- d. The amount of civil penalty to be assessed or the alternate relief sought, or both.
- e. The manner, location, and time in which the penalty may be paid.
- f. The time and place of court appearance.

- g. The penalty for failure to appear in court.
5. In proceedings before the court for a municipal infraction:
 - a. The city has the burden of proof that the municipal infraction occurred and that the violator committed the infraction. The proof shall be by clear, satisfactory, and convincing evidence.
 - b. The court shall ensure that the violator has received a copy of the charges and that the violator understands the charges. The violator may question all witnesses who appear for the city and produce evidence or witnesses on the violator's behalf.
 - c. The violator may be represented by counsel of the violator's own selection and at the violator's own expense.
 - d. The violator may enter a plea admitting or denying the infraction.
 - e. The verdict of the court for a municipal infraction shall be "guilty" of the municipal infraction or "not guilty" of the municipal infraction.
6. All penalties or forfeitures collected by the court for municipal infractions shall be remitted to the city in the same manner as fines and forfeitures are remitted for criminal violations under section 602.8106. If the person named in the citation is served as provided in this section and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.
7. A person found guilty of a municipal infraction is liable for the court costs and fees. If a person is found not guilty of a municipal infraction or the action is dismissed, the city is liable for the court costs and court fees. Where the action is disposed of without payment, or provision for assessment, of court costs, the clerk shall at once enter judgment for costs against the city.
8. Seeking a civil penalty as authorized in this section, does not preclude a city from seeking alternative relief from the court in the same action.
9. When a violator has been found guilty of a municipal infraction, the court may impose a civil penalty or may grant appropriate relief to abate or halt the violation, or both, and the court may direct that payment of the civil penalty be suspended or deferred under conditions established by the court. If a violator willfully fails to pay the civil penalty or violates the terms of any other order imposed by the court, the failure is contempt.
10. A violator who has been found guilty of a municipal infraction may file a motion for a new trial or a motion for a reversal of a judgment as provided by law or rule of civil procedure.
11. This section does not preclude a peace officer of a city from issuing a criminal citation for a violation of a city code or regulation if criminal penalties are also provided for the violation. Each day that a violation occurs or is permitted to exist by the violator, constitutes a separate offense.
12. The issuance of a civil citation for a municipal infraction or the ensuing court proceedings do not provide an action for false arrest, false imprisonment, or prosecution.

Sec. 3. Section 331.302, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 15. A county shall not provide a civil penalty in excess of one hundred dollars for the violation of an ordinance which is classified as a county infraction or if the infraction is a repeat offense, a civil penalty not to exceed two hundred dollars for each repeat offense. A county infraction is not punishable by imprisonment.

Sec. 4. NEW SECTION. 331.307 COUNTY INFRACTIONS.

1. A county infraction is a civil offense punishable by a civil penalty of not more than one hundred dollars for each violation or if the infraction is a repeat offense a civil penalty not to exceed two hundred dollars for each repeat offense.
2. A county by ordinance may provide that a violation of an ordinance is a county infraction.
3. A county shall not provide that a violation of an ordinance is a county infraction if the violation is a felony or misdemeanor by state law.
4. An officer authorized by a county to enforce a county code or regulation may issue a civil

citation to a person who commits a county infraction. The citation may be served by personal service or by certified mail return receipt requested. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the clerk of the district court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

- a. The name and address of the violator.
- b. The name or description of the infraction attested to by the officer issuing the citation.
- c. The location and time of the infraction.
- d. The amount of civil penalty to be assessed or the alternate relief sought, or both.
- e. The manner, location, and time in which the penalty may be paid.
- f. The time and place of court appearance.
- g. The penalty for failure to appear in court.
5. In proceedings before the court for a county infraction:
 - a. The county has the burden of proof that the county infraction occurred and that the violator committed the infraction. The proof shall be by clear, satisfactory, and convincing evidence.
 - b. The court shall ensure that the violator has received a copy of the charges and that the violator understands the charges. The violator may question all witnesses who appear for the county and produce evidence or witnesses on the violator's behalf.
 - c. The violator may be represented by counsel of the violator's own selection and at the violator's own expense.
 - d. The violator may enter a plea admitting or denying the infraction.
 - e. The verdict of the court for a county infraction shall be "guilty" of the county infraction or "not guilty" of the county infraction.
6. Notwithstanding section 602.8106, subsection 3, penalties or forfeitures collected by the court for county infractions shall be remitted to the county in the same manner as fines and forfeitures are remitted to cities for criminal violations under section 602.8106. If the person named in the citation is served as provided in this section and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.
7. A person found guilty of a county infraction is liable for the court costs and fees. If a person is found not guilty of a county infraction or the action is dismissed, the county is liable for the court costs and court fees. Where the action is disposed of without payment, or provision for assessment, of court costs, the clerk shall at once enter judgment for costs against the county.
8. Seeking a civil penalty as authorized in this section, does not preclude a county from seeking alternative relief from the court in the same action.
9. When a violator has been found guilty of a county infraction, the court may impose a civil penalty or may grant appropriate relief to abate or halt the violation, or both, and the court may direct that payment of the civil penalty be suspended or deferred under conditions established by the court. If a violator willfully fails to pay the civil penalty or violates the terms of any other order imposed by the court, the failure is contempt.
10. A violator who has been found guilty of a county infraction may file a motion for a new trial or a motion for a reversal of a judgment as provided by law or rule of civil procedure.
11. This section does not preclude a peace officer of a county from issuing a criminal citation for a violation of a county code or regulation if criminal penalties are also provided for the violation. Each day that a violation occurs or is permitted by the violator to exist, constitutes a separate offense.
12. The issuance of a civil citation for a county infraction or the ensuing court proceedings do not provide an action for false arrest, false imprisonment, or prosecution.

CHAPTER 1203**POLICE AND FIRE RETIREMENT SYSTEMS***H.F. 2405*

AN ACT relating to the administration of the local police and fire retirement systems.

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

Section 1. Section 411.5, subsection 1, paragraph e, Code 1985, is amended to read as follows:

e. Upon Beginning with the effective date of this Act, upon the taking effect of this chapter, the mayor, with the approval of the city council, shall appoint ~~two~~ three citizens who do not hold any other public office, to serve as members of said the boards of trustees; one of whom shall serve until the first Monday in April of the second year, one until the first Monday in April of the third year, and one until the first Monday in April of the fourth year. Thereafter, every second year, one such citizen shall be so appointed for a four-year term appointments shall be made for four-year terms.

Sec. 2. Section 411.5, subsection 8, Code 1985, is amended to read as follows:

8. **LEGAL ADVISER.** The city attorney or solicitor of a city shall serve as the legal adviser of the board of trustees at the request of the board or the board of trustees may employ or retain an attorney on a per diem basis to represent the board of trustees when, in the opinion of the board of trustees, there is a conflict of interest between the board of trustees and the city council. The costs of an attorney employed or retained by the board of trustees shall be paid from the expense fund created in section 411.8.

Sec. 3. Section 411.6, subsection 7, paragraph a, unnumbered paragraph 2, Code 1985, is amended to read as follows:

A beneficiary retired under the provisions of this paragraph, in order to be eligible for continued receipt of retirement benefits, shall no later than May 15 of each year submit to the board of trustees a copy of the beneficiary's state federal individual income tax return for the preceding year.

Sec. 4. Section 411.7, subsection 2, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The board of trustees may negotiate a joint agreement under chapter 28E with another board of trustees, a utility board, a city council, or all of these, that provides for the joint investment of moneys under the control of the boards of trustees, the utility board, and the city council. The investment of the moneys is subject to this section and section 452.10 and to the limitations stated in the joint agreement.

Sec. 5. **NEW SECTION. 411.22 LIABILITY OF THIRD PARTIES – SUBROGATION.**

1. If a member receives an injury for which benefits are payable under section 411.6, subsection 5, or section 411.15 and if the injury is caused under circumstances creating a legal liability for damages against a third party other than the retirement system, the member or the member's legal representative may maintain an action for damages against the third party. If a member or a member's legal representative commences such an action, the plaintiff member or representative shall serve a copy of the original notice upon the retirement system not less than ten days before the trial of the action, but a failure to serve the notice does not prejudice the rights of the retirement system, and the following rights and duties ensue:

a. The retirement system shall be indemnified out of the recovery of damages to the extent of benefit payments made by the retirement system, with legal interest, except that the plaintiff member's attorney fees are not indemnifiable.

b. The retirement system has a lien on the damage claim against the third party and on any judgment on the damage claim for benefits for which the retirement system is liable. In order to continue and preserve the lien, the retirement system shall file a notice of the lien within thirty days after receiving a copy of the original notice in the office of the clerk of the district court in which the action is filed.

2. If a member fails to bring an action for damages against a third party within thirty days after the retirement system requests the member in writing to do so, the retirement system is subrogated to the rights of the member and may maintain the action against the third party, and may recover damages for the injury to the same extent that the member may recover damages for the injury. If the retirement system recovers damages in the action, the court shall enter judgment for distribution of the recovery as follows:

a. A sum sufficient to repay the retirement system for the amount of such benefits actually paid by the retirement system up to the time of the entering of the judgment.

b. A sum sufficient to pay the retirement system the present worth, computed at the interest rate provided in section 535.3 for court judgments and decrees, of the future payments of such benefits, for which the retirement system is liable, but the sum is not a final adjudication of the future payments which the member is entitled to receive.

c. Any balance shall be paid to the member.

3. Before a settlement is effective between a retirement system and a third party who is liable for an injury, the member must consent in writing to the settlement; and if the settlement is between the member and a third party, the retirement system must consent in writing to the settlement; or on refusal to consent, in either case, the district court in the county in which the city and the retirement system is located must consent in writing to the settlement.

4. For purposes of subrogation under this section, a payment made to an injured member or the member's legal representative, by or on behalf of a third party or the third party's principal or agent, who is liable for, connected with, or involved in causing the injury to the member, shall be considered paid as damages because the injury was caused under circumstances creating a legal liability against the third party, whether the payment is made under a covenant not to sue, compromise settlement, denial of liability, or is otherwise made.

Sec. 6. The term of the third citizen member appointed by the mayor, with the approval of the city council, that expires on June 30 shall be extended until April 30 of the following year.

Approved May 21, 1986

CHAPTER 1204

BLOOMFIELD LEGALIZING ACT

H.F. 2485

AN ACT to legalize the proceedings of the city council of Bloomfield, Iowa, to transfer certain moneys to the general fund of the city.

WHEREAS, the city of Bloomfield, Iowa has incurred a deficit in the general fund of the city in the amount of three hundred seventy-two thousand four hundred ninety dollars and ninety-eight cents; and

WHEREAS, the city council of the city desires to transfer two hundred forty-four thousand nine hundred eighty-five dollars and nineteen cents from its trust and agency fund and thirty-four thousand nine hundred sixty-two dollars and eighty-six cents from its insurance fund to reduce the amount of the deficit; and

WHEREAS, doubts have arisen concerning the legality of the transfers proposed from the trust and agency fund and the insurance fund to the general fund of the city and it is deemed advisable and necessary to put such doubts and all others that may be raised concerning the transfer to rest; NOW THEREFORE,

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

Section 1. That the transfer of two hundred seventy-nine thousand nine hundred forty-eight dollars and five cents from the trust and agency fund and the insurance fund to the general fund of the city by the city council of Bloomfield, Iowa, is hereby legalized, validated and confirmed.

Approved May 21, 1986

CHAPTER 1205**USE TAX EXEMPTION***H.F. 2478*

AN ACT relating to the exemption from the use tax of transactions subject to the sales tax.

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

Section 1. Section 423.4, subsection 1, Code Supplement 1985, is amended to read as follows:

1. Tangible personal property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed by division IV of chapter 422, and any amendments made or which may hereafter be made thereto if that tax has been paid to the department or paid to the retailer. This exemption does not include vehicles subject to registration or subject only to the issuance of a certificate of title.

Approved May 22, 1986

CHAPTER 1206**MEMBERSHIP SALES***H.F. 2480*

AN ACT relating to membership sales, by exempting cooperatives organized under chapter 499 and certain mutual or cooperative telephone companies organized under chapter 491.

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

Section 1. Section 503.2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The term "association" ~~when~~ as used in this chapter means ~~any~~ a person other than building and loan associations, state and national banks, insurance companies and associations, mutual or cooperative telephone companies organized under chapter 491 which have been determined to be exempt from taxation under section 501(c)(12) of the Internal Revenue Code of 1954, and corporations and co-operative associations subject to the provisions of chapters 497, and 498, and 499, which sell or offer for sale to the public generally memberships or certificates of membership entitling the holder to purchase merchandise, materials, equipment or services on a discount or cost-plus basis.

Approved May 22, 1986

CHAPTER 1207**ALLOCATION OF LOTTERY FUNDS***H.F. 2412*

AN ACT relating to the allocation of lottery funds and programs for which the funds may be used and providing an effective date.

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

Section 1. 1985 Iowa Acts, chapter 33, section 301, subsection 1, paragraphs a and b, are amended to read as follows:

a. The first eleven five million ~~ninety-two~~ two hundred seventeen thousand dollars to the "Jobs Now Capitals" account.

b. After the allotment in paragraph "a", ten million dollars to the "Community Economic Betterment" account, ~~eight seven~~ eight seven million five hundred fifty thousand dollars to the "Jobs Now" account, and ~~twelve eleven~~ twelve eleven million five hundred thousand dollars to the "Education and Agriculture Research and Development" account.

Sec. 2. 1985 Iowa Acts, chapter 33, section 301, subsection 2, is amended by adding after paragraph e the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. Funds for guaranteeing business loans by local development corporations as described in section 28.29.

Sec. 3. 1985 Iowa Acts, chapter 33, section 301, subsection 3, paragraph a, is amended to read as follows:

a. To the state conservation commission the sum of two million ~~five hundred thousand (2,500,000)~~ (2,000,000) dollars for the development of parks, recreation areas, forest, fish and wildlife areas, and natural areas, and for related technical services for carrying out these projects. Not more than five hundred thousand (500,000) dollars shall be set aside to match private funds available for the acquisition of natural areas with unique or unusual features. Not more than four hundred thousand (400,000) dollars shall be set aside for the acquisition of land for expansion or development of state forests, parks and recreation areas, and state fish and wildlife areas. Not more than seven hundred fifty thousand (750,000) dollars shall be set aside for use in providing grants-in-aid to county conservation boards for carrying out acquisition and development projects as provided in chapter 111A. Any of the above funds can be matched with any available federal funds or with any available federal or local funds in the case of grants-in-aid to county conservation boards.

Sec. 4. 1985 Iowa Acts, chapter 33, section 301, subsection 3, paragraph d, is amended by striking the paragraph.

Sec. 5. 1985 Iowa Acts, chapter 33, section 301, subsection 3, paragraph f is amended to read as follows:

f. To the Iowa development commission the sum of two million six hundred fifty thousand ~~(2,600,000)~~ (2,650,000) dollars for the purposes designated as follows:

- (1) Business incubators.
- (2) Satellite centers under division VI of this Act.
- (3) Federal procurement offices.
- (4) Tourism and marketing.
- (5) Iowa main street program.

(6) Foreign trade for which up to fifty thousand (50,000) dollars may be used for cooperative trade activities in conjunction with the farm progress show.

Sec. 6. 1985 Iowa Acts, chapter 33, section 301, subsection 4, paragraphs a, b, and c, are amended by striking the paragraphs.

Sec. 7. 1985 Iowa Acts, chapter 33, section 301, subsection 4, paragraph d, is amended to read as follows:

d. To the Iowa development commission the sum of ten million (10,000,000) dollars to be allocated by the Iowa development commission for economic development and research and development purposes at an institution of higher education under the control of the state board of regents or at an independent college or university of the state. The Iowa development commission shall allocate for the fiscal year beginning July 1, 1985 the first five hundred thousand (500,000) dollars, for the fiscal year beginning July 1, 1986, the first three million seven hundred fifty thousand (3,750,000) dollars, and for the fiscal year beginning July 1, 1987 and for each succeeding fiscal year the first four million two hundred fifty thousand (4,250,000)

dollars to the Iowa state university of science and technology for agricultural biotechnology research and development. From the money allocated to the Iowa state university of science and technology for agricultural biotechnology research and development the amount of fifty thousand (50,000) dollars for each of the fiscal years beginning July 1, 1986 and July 1, 1987 shall be used to develop a program in bioethics for research at the university. This program should address socioeconomic and environmental implications of biotechnology research. The institutions under control of the state board of regents may present proposals to the state board of regents for the use of the funds. The proposals may include, but are not limited to, endowing faculty chairs, conducting studies and research, establishing centers, purchasing equipment, and constructing facilities in the areas of entrepreneurial studies, foreign language translation and interpretation, management development, genetics, molecular biology, laser science and engineering, biotechnology, third crop development, and value-added projects. The proposals shall include certification from the institution, college or university that it will receive from other sources an amount equal to the amount requested in the proposal. The state board of regents shall, for institutions under its control, determine the specific proposals for which it requests funding and submit them to the Iowa development commission. An independent college or university shall submit requests directly to the Iowa development commission. The Iowa development commission shall disburse to the regents' institutions or an independent college or university the moneys for the various proposals requested unless the Iowa development commission disapproves of a specific proposal as inconsistent with the plan for economic development for this state. The applicants may submit additional proposals for those not approved by the Iowa development commission. Those funds allocated by the Iowa development commission under this paragraph that are not expended by the institution of higher education shall not revert to the commission. The Iowa development commission shall consult with the Iowa high technology council in making grants under this paragraph.

Sec. 8. 1985 Iowa Acts, chapter 33, section 301, subsection 4, paragraphs e and f, are amended by striking the paragraphs.

Sec. 9. 1985 Iowa Acts, chapter 33, section 301, subsection 5, paragraph a, is amended by striking the paragraph.

Sec. 10. 1985 Iowa Acts, chapter 33, section 301, subsection 5, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. f. To the Iowa family farm development authority the sum of three million (3,000,000) dollars for the agricultural loan assistance program provided in House File 2353 of the Seventy-first General Assembly. If House File 2353 is not enacted or the full appropriation under this paragraph is not committed for grants as provided in House File 2353, the funds appropriated or the funds not committed, whichever is appropriate, shall be transferred from the jobs now capitals account to the accounts specified in subsection 1, paragraph "b". The funds so transferred are considered as allotments made to those other accounts for the fiscal year beginning July 1, 1985.

NEW LETTERED PARAGRAPH. g. To the Iowa state university of science and technology the sum of two hundred fifty thousand (250,000) dollars for allocation to the center for industrial research and service for a hazardous waste research program and a solar energy conversion program. Of the amount allocated under this paragraph, the sum of fifty thousand (50,000) dollars shall be used for a solar energy conversion program. The hazardous waste research program shall be created within the civil engineering department. This research program shall concentrate its efforts in the cleanup of industrial hazardous waste in the state with special emphasis upon new waste disposal techniques and applications. The center for industrial research and service shall administer the research funds and report to the general assembly on the program's progress and result.

NEW LETTERED PARAGRAPH. h. To the legislative council for the use of the world trade advisory committee for the period beginning on the effective date of this Act and ending June 30, 1986, the sum of one hundred twenty-five thousand (125,000) dollars, or so much thereof as is necessary, to pay expenses of the members of the committee and other expenses approved by the committee. Any moneys expended by the committee which were paid from the general fund of the state during the period beginning on January 1, 1986 and ending on the effective date of this Act shall be repaid to the general fund of the state not later than June 30, 1986, from this appropriation. Any moneys not expended by the committee by June 30, 1986 shall not revert and shall be available for use by the committee during the next fiscal year.

Sec. 11. 1985 Iowa Acts, chapter 33, section 302, subsection 1, paragraphs a and b, are amended to read as follows:

a. In each of the fiscal years year beginning July 1, 1986 and the first three million four hundred thirty-eight thousand dollars, in the fiscal year beginning July 1, 1987 the first ten one million two hundred fifty thousand dollars, in the fiscal year beginning July 1, 1988 the first three one million two hundred fifty thousand dollars and in the fiscal year beginning July 1, 1989 the first one million dollars to the jobs now capitals account.

b. In each of the four fiscal years after the allotment in paragraph "a", ten million dollars to the community economic betterment account, eight million five hundred thousand dollars to the jobs now account, and twelve million five hundred thousand dollars to the education and agriculture research and development account. However, the allotment to the jobs now account for the fiscal year beginning July 1, 1986 shall be eight million five hundred fifty thousand dollars.

Sec. 12. 1985 Iowa Acts, chapter 33, section 302, subsection 2, is amended by adding after paragraph e the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. Funds for guaranteeing business loans by local development corporations as described in section 28.29.

Sec. 13. 1985 Iowa Acts, chapter 33, section 302, subsection 3, paragraphs a, c, and d, are amended to read as follows:

a. To the state conservation commission for the purposes designated in section 301, subsection 3, paragraph "a" of this Act. For the fiscal year beginning July 1, 1986, the amount appropriated is two million five hundred thousand (2,500,000) dollars.

c. To the office for planning and programming for the purposes designated in section 301, subsection 3, paragraphs "d" and paragraph "e" of this Act.

d. To the Iowa development commission for the purposes designated in section 301, subsection 3, paragraph "f" of this Act. For the fiscal year beginning July 1, 1986, the amount appropriated is two million six hundred thousand (2,600,000) dollars.

Sec. 14. 1985 Iowa Acts, chapter 33, section 302, subsection 3, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. e. For the fiscal year beginning July 1, 1986 only, the sum of two hundred thousand (200,000) dollars for the targeted small business loan guarantee program established pursuant to Senate File 2175 of the Seventy-first General Assembly.

NEW LETTERED PARAGRAPH. f. For the fiscal year beginning July 1, 1986 only, to the Iowa conservation corps account the sum of one million (1,000,000) dollars. Of the funds appropriated under this paragraph, five hundred thousand (500,000) dollars shall be used for a summer jobs program for young adults, as a part of the Iowa youth corps and designed to provide part-time public service employment to work on conservation-oriented projects.

Sec. 15. 1985 Acts, chapter 33, section 302, subsection 4, paragraphs a and b, are amended to read as follows:

a. To the Iowa college aid commission for the forgivable loan program established in division VII of this Act. For the fiscal year beginning July 1, 1986, the amount appropriated is seven hundred fifty thousand (750,000) dollars.

b. To the Iowa development commission for the purposes and under the conditions specified in section 301, subsection 4, paragraphs "b" and paragraph "d" of this Act. For the fiscal year beginning July 1, 1986, the amount appropriated is ten million seven hundred fifty thousand (10,750,000) dollars.

Sec. 16. 1985 Iowa Acts, chapter 33, section 302, subsection 4, paragraph c, is amended by striking the paragraph.

Sec. 17. 1985 Iowa Acts, chapter 33, section 302, subsection 5, paragraph a, is amended by striking the paragraph.

Sec. 18. 1985 Iowa Acts, chapter 33, section 302, subsection 5, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. c. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the department of public safety for the acquisition and interface with a fingerprint computer the sum of four hundred thousand (400,000) dollars. There is established an automated fingerprint identification system (AFIS) computer committee. This committee shall have the authority to prepare and implement guidelines, rules, and regulations pertaining to the placement, use, and access to the AFIS computer and any remote terminal designed to interface with the main computer located at the department of public safety. The AFIS committee will be chosen for two-year terms with four sheriffs chosen by the Iowa state sheriffs and deputies association and four chiefs of police chosen by the Iowa police executive forum. The commissioner of public safety, or the designee, will be chairperson of the AFIS committee.

After the initial committee is selected effective July 1, 1986, new members will serve staggered terms of two years. Beginning July 1, 1988, the Iowa state sheriffs and deputies association and the Iowa police executive forum will each choose two new members, who will make up the nine member AFIS committee. Thereafter, the staggered terms will take effect between the sheriffs' representatives and the police chiefs' representatives. Nothing herein shall limit the number of terms any one person may serve.

NEW LETTERED PARAGRAPH. d. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the Iowa state university of science and technology for funding for the small business development centers the sum of seven hundred thousand (700,000) dollars.

NEW LETTERED PARAGRAPH. e. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the Iowa state university of science and technology the sum of one hundred thousand (100,000) dollars for allocation to the center for industrial research and service for the hazardous waste research program.

NEW LETTERED PARAGRAPH. f. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the department of human services the sum of three hundred fifty thousand (350,000) dollars for the purchase of computer equipment for establishing a child support recovery central clearinghouse.

NEW LETTERED PARAGRAPH. g. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the department of justice the sum of three hundred twenty-five thousand (325,000) dollars for office automation and related personnel costs. The moneys appropriated under this paragraph which have not been expended by the end of the fiscal year shall not revert under section 8.33 or any other provision of law.

NEW LETTERED PARAGRAPH. h. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the department of public defense for the architect, engineering, equipment and construction of the armory in Mason City the sum of four hundred thirty-eight thousand (438,000) dollars.

NEW LETTERED PARAGRAPH. i. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the legislative council for the use of the world trade advisory committee the sum of one hundred twenty-five thousand (125,000) dollars, or so much thereof as is necessary, to pay expenses of the members of the committee and other expenses approved by the committee. Notwithstanding subsection 7, any moneys not expended under this paragraph by June 30, 1987 shall revert to the Iowa plan fund to be allotted for the fiscal year beginning July 1, 1987 to the various accounts in the Iowa plan fund.

Sec. 19. 1985 Iowa Acts, chapter 33, section 303, as amended by 1985 Iowa Acts, chapter 256, section 12, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any other provision of this section, the amount appropriated for each of the fiscal years beginning July 1, 1986, July 1, 1987, July 1, 1988, and July 1, 1989, from the allotments to be made to the community economic betterment account, jobs now account, and the education and agriculture research and development account to each of the funds, agencies, boards, or commissions for the purposes specified in subsections 2, 3, and 4 of section 302 of this Act shall be the amounts appropriated to each of those funds, agencies, boards, or commissions for the fiscal year beginning July 1, 1985 for those purposes in subsections 2, 3, and 4 of section 301 of this Act, except where a different amount is specified by the general assembly for that fiscal year.

Sec. 20. Section 99E.10, subsection 1, unnumbered paragraph 3, Code Supplement 1985, is amended to read as follows:

The Iowa plan fund for economic development, also to be known as the Iowa plan fund, is created in the office of the treasurer of state. Lottery revenue remaining after expenses are determined shall be transferred to the Iowa plan fund on a quarterly basis. Revenues generated during the last quarter of the fiscal year which are transferred to the Iowa plan fund during the following fiscal year shall be considered revenues transferred during the previous fiscal year for purposes of the allotments made to and appropriations made from the separate accounts in the Iowa plan fund for that previous fiscal year. However, upon the request of the commissioner and subject to approval by the treasurer of state, an amount sufficient to cover the foreseeable administrative expenses of the lottery for a period of twenty-one days may be retained from the lottery revenue. Prior to the quarterly transfer to the Iowa plan fund, the commissioner may direct that lottery revenue shall be deposited in the lottery fund and in interest bearing accounts designated by the treasurer of state in the financial institutions of this state or invested in the manner provided in section 452.10. Interest or earnings paid on the deposits or investments is considered lottery revenue and shall be transferred to the Iowa plan fund in the same manner as other lottery revenue. Money in the Iowa plan fund shall be deposited in interest bearing accounts in financial institutions in this state or invested in the manner provided in section 452.10. The interest or earnings on the deposits or investments shall be considered part of the Iowa plan fund and shall be retained in the fund unless appropriated by the general assembly.

Sec. 21. 1986 Iowa Acts, House File 2443, section 8, is repealed.

Sec. 22. This Act, being deemed of immediate importance, takes effect from and after its publication in the Globe-Gazette, a newspaper published in Mason City, Iowa, and in The Forest City Summit, a newspaper published in Forest City, Iowa.

Approved May 22, 1986

I hereby certify that the foregoing Act, House File 2412, was published in the Globe-Gazette, Mason City, Iowa, on May 29, 1986, and in The Forest City Summit, Forest City, Iowa, on June 4, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1208
INCOME TAX WITHHOLDING EXEMPTION
H.F. 2475

AN ACT exempting certain nonresidents engaged in feature film, television, and educational production from the state income tax withholding provisions.

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

Section 1. Section 422.16, subsection 1, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Nonresidents engaged in any facet of feature film, television, or educational production using the film or video tape disciplines in the state are not subject to Iowa withholding if the employer has applied to the department for exemption from the withholding requirement and the department has determined that any nonresident receiving wages would be entitled to a credit against Iowa income taxes paid.

Sec. 2. This Act is retroactive to January 1, 1986 for tax years beginning on or after that date.

Approved May 22, 1986

CHAPTER 1209
UNEMPLOYMENT COMPENSATION FUND TRANSFERS
H.F. 2300

AN ACT relating to the transfer of moneys in the temporary emergency surcharge fund to the unemployment compensation fund under certain circumstances.

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

Section 1. Section 96.7, subsection 15, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the department determines on June 1 that no outstanding balance of interest due has accrued on advanced moneys received from the federal government for the payment of unemployment compensation benefits, and that no outstanding balance is projected to accrue for the remainder of the calendar year, the department shall notify the treasurer of state of its determination. The treasurer of state shall immediately transfer all moneys, including accrued interest, in the temporary emergency surcharge fund to the unemployment compensation fund for the payment of benefits.

Sec. 2. Section 96.13, subsection 3, paragraph a, unnumbered paragraph 1, Code 1985, is amended to read as follows:

There is created in the state treasury a special fund to be known as the special employment security contingency fund. All interest, fines, and penalties, regardless of when they become payable, collected from employers under section 96.14 shall be paid into the fund. The moneys shall not be expended or available for expenditure in any manner which would permit their substitution for federal funds which would in the absence of the moneys be available to finance expenditures for the administration of the employment security law. However, the moneys may be used as a revolving fund to cover expenditures for which federal funds have been duly requested but not yet received, subject to the charging of the expenditures against the funds when received. The moneys may be used for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds, received for or in the employment security administration fund. The moneys in the fund are specifically made available to replace, within a reasonable time, any moneys received by this state in the form of grants from the federal government for administrative expenses which because of any action or contingency have been expended for purposes other than, or in excess of, those necessary for the proper administration of the employment security law. All moneys in the fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds in the state treasury. ~~However, interest~~ Interest earned upon moneys in the fund shall be deposited in and credited to the ~~temporary emergency surcharge fund created under section 96.7, subsection 15.~~

Sec. 3. Section 2 of this Act is not effective until the treasurer of state has transferred all moneys, including accrued interest, in the temporary emergency surcharge fund to the unemployment compensation fund as provided in section 1 of this Act.

Approved May 22, 1986

CHAPTER 1210
OVERSIZED VEHICLE MOVEMENT
S.F. 2296

AN ACT relating to the movement of vehicles of excessive size and weight.

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

Section 1. Section 321.1, subsection 43, unnumbered paragraphs 1 and 4, Code Supplement 1985, are amended to read as follows:

"Chauffeur" means a person who operates a motor vehicle, including a school bus, in the transportation of persons for wages, compensation or hire, or a person who operates a truck tractor, road tractor or any motor truck which is required to be registered at a gross weight classification exceeding five tons, or any such motor vehicle exempt from registration which would be within the gross weight classification if not so exempt. A person is not a chauffeur when the operation of the motor vehicle, other than a truck tractor, by the owner or operator is occasional and merely incidental to the owner or operator's principal business.

Subject to section 321.179, a farmer or the farmer's hired help is not a chauffeur when operating a truck, other than a truck tractor, owned by the farmer and used exclusively in connection with the transportation of the farmer's own products or property.

Sec. 2. Section 321.1, subsection 71, Code 1985, is amended to read as follows:

71. A "special truck" means a motor truck or truck tractor not used for hire with a gross weight registration of six through twenty thirty-two tons used by a person engaged in farming

to transport commodities produced only by the owner, or to transport commodities purchased by the owner for use in the owner's own farming operation or occasional use for charitable purposes. "Special truck" also means a truck tractor which is modified by removal of a fifth wheel and carries the full load on the motor truck and which by reason of its conversion becomes a motor truck. A "special truck" does not include a truck tractor operated more than seventy-five hundred miles annually.

Sec. 3. Section 321.121, Code 1985, is amended to read as follows:

321.121 SPECIAL TRUCKS FOR FARM USE.

The registration fee for a special truck shall be eighty dollars for a gross weight of six tons, one hundred dollars for a gross weight of seven tons, one hundred twenty dollars for a gross weight of eight tons, and in addition, fifteen dollars for each ton over eight tons and not exceeding eighteen tons. The registration fee for a special truck with a gross weight registration exceeding eighteen tons but not exceeding nineteen tons shall be three hundred twenty-five dollars and for a gross weight registration exceeding nineteen tons but not exceeding twenty tons the registration fee shall be three hundred seventy-five dollars. ~~Any~~ The additional registration fee for a special truck for a gross weight registration in excess of twenty tons is twenty-five dollars for each ton over twenty tons and not exceeding thirty-two tons.

PARAGRAPH DIVIDED. A person convicted of or found by audit to be using a truck motor vehicle registered as a special truck for any purpose other than permitted by section 321.1, subsection 71, shall, in addition to any other penalty imposed by law, be required to pay regular motor truck vehicle registration fees upon such truck motor vehicle.

Sec. 4. Section 321.122, subsection 1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

1. The annual registration fee for truck tractors, road tractors, and motor trucks, except motor trucks registered as special trucks, shall be based on the combined gross weight of the vehicle or combination of vehicles. All trucks, truck tractors, or road tractors shall be registered for a gross weight equal to or in excess of the unladen weight of the vehicle or combination of vehicles. The annual registration fee for such vehicles or combination of vehicles, except special trucks, shall be:

Sec. 5. Section 321.437, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding this chapter or chapter 321E, a combination of vehicles coupled together which is used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickups, boats, and recreational chassis, may permanently attach a convex-type mirror on either or both of the vertical supports, forward of the steering axle of the power unit, provided that the mirror shall not extend beyond the limit of any other rearview mirror on the vehicle.

Sec. 6. Section 321.453, Code 1985, is amended to read as follows:

321.453 EXCEPTIONS.

The provisions of this chapter governing size, weight, and load do not apply to fire apparatus, to road maintenance equipment owned by or under lease to any state or local authority, or to implements of husbandry temporarily moved upon a highway, or to implements moved between the retail seller and a farm purchaser within a fifty mile radius from the retail seller's place of business, or to indivisible implements of husbandry temporarily moved between the place of manufacture and a retail seller or a farm purchaser, or implements received and moved by a retail seller of implements of husbandry in exchange for an implement purchased, except on any part of the interstate highway system, or to a vehicle operating under the terms of a special permit issued as provided in chapter 321E.

Sec. 7. Section 321E.2, Code 1985, is amended to read as follows:

321E.2 PRIMARY ROAD EXTENSIONS PERMIT-ISSUING AUTHORITIES.

Annual permits and single-trip permits shall be issued by the authority responsible for the maintenance of such the system of highways or streets except that. However, the department shall have authority to may issue permits on primary road extensions in cities in conjunction with movements on the rural primary road system. The department may issue an all-system permit under section 321E.8 which is valid for movements on all highways or streets under the jurisdiction of either the state or those local authorities which have indicated in writing to the department those streets or highways for which an all-system permit is not valid.

Sec. 8. Section 321E.14, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The annual fee for an all-system permit is two hundred fifty dollars which shall be deposited in the road use tax fund.

Approved May 22, 1986

CHAPTER 1211

LIABILITY AND LIABILITY INSURANCE

S.F. 2265

AN ACT relating to liability and liability insurance, providing penalties, and providing for publication and effective dates.

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

Section 1. Section 18.164, subsection 2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The division may shall develop programs for the management of loss and loss exposures of governmental subdivisions which may include, but shall not be limited to, the following:

Sec. 2. Section 18.164, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 3. The division shall develop and implement a market assistance program to facilitate, arrange, or provide for the acquisition of insurance coverage for all public entities deemed to be essential to the public welfare and for which it is determined that present coverage is unavailable, unreasonable, or unacceptable.

NEW SUBSECTION. 4. The division shall provide technical advice and assistance, upon request, to governmental subdivisions and public and private entities identified under subsection 3 seeking to utilize alternative financing methods to develop a stable pool of funds with which to insure and reinsure risk exposures, including administrative and personnel support for entities seeking to utilize state financing, or combination financing under chapter 28E.

Sec. 3. Section 18.165, subsection 1, paragraph b, Code 1985, is amended to read as follows:

b. Bonding of state employees shall be re-evaluated, and uniform standards shall be adopted for the purchase of all fidelity bonds recommended for state employees. To the extent possible, all bonded state employees shall be covered under one or more blanket bonds or position schedule bonds. In carrying out the requirements of section 64.6, the state may purchase an individual or a blanket surety bond insuring the fidelity of state officers subject to the minimum surety bond requirements of section 64.6. A state officer listed in section 64.6 is deemed to have furnished surety if the officer is covered by a blanket bond purchased as provided in this paragraph. The risk management division may self-assume or self-insure fidelity exposures for state officials and employees. A state official is deemed to have furnished surety if the official has been covered by any program of insurance or self-insurance established by the risk management division.

Sec. 4. Section 18.165, subsection 2, Code 1985, is amended to read as follows:

2. The division ~~may~~ shall develop programs relating to governmental subdivisions which shall be subject to the following guidelines:

a. Participation by a governmental subdivision in any risk management program offered by the division shall be by contract or on a voluntary basis.

b. The division shall not be required to negotiate or purchase insurance coverage for any governmental subdivision, as permitted by sections 18.160 to 18.169, which fails to comply with standards adopted by the division and may cancel coverage already negotiated or purchased upon determination of such failure.

c. Risk management programs may treat loss and risk exposures of governmental subdivisions individually, or on a group basis, or both.

Sec. 5. Section 18.166, Code 1985, is amended to read as follows:

18.166 PURCHASE OF INSURANCE.

1. The department shall be the exclusive contracting agency for the purchase of insurance coverage for state loss and risk exposure except for revenue producing facilities under the state board of regents which have to comply with bond covenants.

2. The ~~department~~ division may upon request negotiate with insurers on behalf of governmental subdivisions unable to obtain reasonable or acceptable insurance coverage for the purchase of insurance coverage.

3. The department may purchase such contracts of insurance, and may contract with such insurers, as are within the standards prescribed by the risk management division. Funding for the purchase of insurance shall be provided by a specific and separate appropriation provided solely for this purpose.

4. The ~~department~~ division may acquire, facilitate, arrange, or provide for the acquisition of insurance coverage on behalf of one or more governmental subdivisions upon request. Any insurance contract negotiated by the department may include coverage or coverages for state loss or risk exposures and for the loss or risk exposures of one or more governmental subdivisions, or for any combination thereof.

5. The director of the department of general services may act as attorney in fact under section 520.2 for governmental subdivisions executing reciprocal or interinsurance contracts under chapter 520.

6. The department of general services or the division shall not charge governmental subdivisions for risk management services. ~~However, the department shall not expend state funds for the purchase of insurance coverage for any governmental subdivision, but may charge for the reimbursement of expenses incurred in facilitating, arranging, or acquiring insurance coverage.~~

Sec. 6. Section 18.168, Code 1985, is amended to read as follows:

18.168 ACCESS TO STATE RECORDS.

1. The division shall be given full assistance and co-operation by every state agency and its officers and employees. Each agency shall provide to the division all requested loss and loss exposure information, and shall comply with all standards and directives of the division and of the department relating to the administration of sections 18.160 to 18.169 except as herein provided.

2. A governmental subdivision or other public or private entity requesting the assistance of the division shall, as a prerequisite to the assistance, provide the division with full cooperation and all requested loss and loss exposure information, and shall comply with all standards and directives of the division relating to the administration of sections 18.160 through 18.169.

3. Information provided pursuant to this section shall be maintained in a separate confidential file, notwithstanding chapter 22.

Sec. 7. Section 18.169, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

18.169 ANNUAL REPORT — LONG-RANGE PLANNING.

The division shall:

1. Annually submit to the general assembly a report containing the findings and recommendations of the division, setting out the standards adopted, and making recommendations for those statutory changes which are necessary to implement or permit the implementation of standards proposed by the division. The report shall include a summary of the division's annual costs of operation, the risks covered, and the premiums paid.
2. Initiate continuing discussion and programming with public and private financing agencies and other interested entities regarding the feasibility and establishment of a continuing source of funds to serve as a reinsurance pool for public and private entities essential to the public welfare.

Sec. 8. Section 25A.14, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Any claim for financial loss based upon an act or omission in financial regulation, including but not limited to examinations, inspections, audits, or other financial oversight responsibilities, pursuant to Titles XIX through XXIII.

Sec. 9. Section 25A.14, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Subsection 11 of this section applies to all cases filed on or after July 1, 1986, and does not expand any existing cause of action or create any new cause of action against the state.

Sec. 10. Section 64.6, Code Supplement 1985, is amended by striking the section and inserting in lieu thereof the following:

64.6 STATE OFFICERS — BONDS.

State officials are not required to obtain bonds, but may be covered under a blanket bond for state employees. The blanket bond purchases shall be made in an amount and with the level of assumption of risk by the state that is determined by the risk management division of the department of general services. The state shall pay the reasonable cost of bonds under this section.

Sec. 11. Section 123.49, subsection 1, Code Supplement 1985, is amended to read as follows:

1. A person shall not sell, dispense, or give to any an intoxicated person, or one simulating intoxication, any alcoholic liquor, wine, or beer.

a. A person other than a person required to hold a license or permit under this chapter who dispenses or gives an alcoholic beverage, wine, or beer in violation of this subsection is not civilly liable to an injured person or the estate of a person for injuries inflicted on that person as a result of intoxication by the consumer of the alcoholic beverage, wine, or beer.

b. The general assembly declares that this subsection shall be interpreted so that the holding of Clark v. Mincks, 364 N.W.2d. 226 (Iowa 1985) is abrogated in favor of prior judicial interpretation finding the consumption of alcoholic beverages, wine, or beer rather than the serving of alcoholic beverages, wine, or beer as the proximate cause of injury inflicted upon another by an intoxicated person.

Sec. 12. Section 123.92, Code Supplement 1985, is amended to read as follows:

123.92 CIVIL LIABILITY FOR SALE ~~OR~~ GIFT AND SERVICE OF BEER, WINE, OR INTOXICATING LIQUOR (DRAMSHOP ACT).

~~Every husband, wife, child, parent, guardian, employer or other person~~ Any person who is injured in person or property or means of support by ~~any an~~ intoxicated person or resulting from the intoxication of ~~any a~~ person, has a right of action for all damages actually sustained, severally or jointly, against any licensee or permittee, who ~~sells or gives sold and served any~~ beer, wine, or intoxicating liquor to a the intoxicated person while the person is when the

licensee or permittee knew or should have known the person was intoxicated, or serves a who sold to and served the person to a point where the person is licensee or permittee knew or should have known the person would become intoxicated. If the injury was caused by an intoxicated person, a permittee or licensee may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the person.

Every liquor control licensee and class "B" beer permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in such amount as determined by the department.

Sec. 13. Section 147.1, subsection 6, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. e. The board of trustees of a licensed hospital when performing a function relating to the reporting required by section 147.135, subsection 3.

Sec. 14. Section 147.135, Code 1985, is amended by numbering the current unnumbered paragraph as subsection 1 and by adding the following new subsections:

NEW SUBSECTION. 2. As used in this subsection, "peer review records" means all complaint files, investigation files, reports, and other investigative information relating to licensee discipline or professional competence in the possession of a peer review committee or an employee of a peer review committee. As used in this subsection, "peer review committee" does not include examining boards. Peer review records are privileged and confidential, are not subject to discovery, subpoena, or other means of legal compulsion for release to a person other than an affected licensee or a peer review committee and are not admissible in evidence in a judicial or administrative proceeding other than a proceeding involving licensee discipline or a proceeding brought by a licensee who is the subject of a peer review record and whose competence is at issue. A person shall not be liable as a result of filing a report or complaint with a peer review committee or providing information to such a committee, or for disclosure of privileged matter to a peer review committee. A person present at a meeting of a peer review committee shall not be permitted to testify as to the findings, recommendations, evaluations, or opinions of the peer review committee in any judicial or administrative proceeding other than a proceeding involving licensee discipline or a proceeding brought by a licensee who is the subject of a peer review committee meeting and whose competence is at issue. Information or documents discoverable from sources other than the peer review committee do not become nondiscoverable from the other sources merely because they are made available to or are in the possession of a peer review committee. However, such information relating to licensee discipline may be disclosed to an appropriate licensing authority in any jurisdiction in which the licensee is licensed or has applied for a license. If such information indicates a crime has been committed, the information shall be reported to the proper law enforcement agency. This subsection shall not preclude the discovery of the identification of witnesses or documents known to a peer review committee. Any final written decision and finding of fact by a licensing board in a disciplinary proceeding is a public record. Upon appeal by a licensee of a decision of a licensing board, the entire case record shall be submitted to the reviewing court. In all cases where privileged and confidential information under this subsection becomes discoverable, admissible, or part of a court record the identity of an individual whose privilege has been involuntarily waived shall be withheld.

NEW SUBSECTION. 3. A full and confidential report concerning any final hospital disciplinary action approved by a hospital board of trustees that results in a limitation, suspension, or revocation of a physician's privilege to practice for reasons relating to the physician's professional competence or concerning any voluntary surrender or limitation of privileges for reasons relating to professional competence shall be made to the board of medical examiners by the hospital administrator or chief of medical staff within ten days of such action. The board of medical examiners shall investigate the report and take appropriate action. These reports shall be privileged and confidential as though included in and subject to the requirements for peer review committee information in subsection 2. Persons making these

reports and persons participating in resulting proceedings related to these reports shall be immune from civil liability with respect to the making of the report or participation in resulting proceedings. As used in this subsection, "physician" means a person licensed pursuant to chapter 148, chapter 150, or chapter 150A.

Sec. 15. Section 258A.6, subsection 4, unnumbered paragraph 1, Code 1985, is amended to read as follows:

In order to assure a free flow of information for accomplishing the purposes of this section, and notwithstanding section 622.10, all complaint files, investigation files, other investigation reports, and other investigative information in the possession of a licensing board or peer review committee acting under the authority of a licensing board or its employees or agents which relates to licensee discipline are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the licensee and the boards, their employees and agents involved in licensee discipline, and are not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline. However, investigative information in the possession of a licensing board or its employees or agents which relates to licensee discipline may be disclosed to the appropriate licensing authority in another authorities within this state, the appropriate licensing authority in another state, the District of Columbia, or a territory or country in which the licensee is licensed or has applied for a license. If the investigative information in the possession of a licensing board or its employees or agents indicates a crime has been committed, the information shall be reported to the proper law enforcement agency. However, a final written decision and finding of fact of a licensing board in a disciplinary proceeding, including a decision referred to in section 258A.3, subsection 4, is a public record.

Sec. 16. NEW SECTION. 147.139 EXPERT WITNESS STANDARDS.

If the standard of care given by a physician and surgeon licensed pursuant to chapter 148, or osteopathic physician and surgeon licensed pursuant to chapter 150A, or a dentist licensed pursuant to chapter 153, is at issue, the court shall only allow a person to qualify as an expert witness and to testify on the issue of the appropriate standard of care if the person's medical or dental qualifications relate directly to the medical problem or problems at issue and the type of treatment administered in the case.

Sec. 17. NEW SECTION. 148.12 VOLUNTARY AGREEMENTS.

The medical examiners, after due notice and hearing, may direct the commissioner of health to issue an order to revoke, suspend, or restrict a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy, or to issue a restricted license on application if, after a hearing, the medical examiners determine that a physician licensed to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy, or an applicant for licensure has entered into a voluntary agreement to restrict the practice of medicine and surgery, osteopathic medicine and surgery, or osteopathy in another state, district, territory, or country. A certified copy of the voluntary agreement shall be considered conclusive or prima facie evidence.

Sec. 18. NEW SECTION. 296.7 INDEBTEDNESS FOR INSURANCE AUTHORIZED - TAX LEVY.

A school district or merged area school corporation is authorized to contract indebtedness and to issue general obligation bonds or enter into insurance agreements obligating the school district or corporation to make payments beyond its current budget year to procure or provide for a policy of insurance, a self-insurance program, or a local government risk pool to protect the school district or corporation from tort liability, loss of property, or any other risk associated with the operation of the school district or corporation. Taxes for the payment of the principal, premium, or interest on such a bond, the payment of such an insurance policy,

the payment of the costs of such a self-insurance program, the payment of the costs of such a local government risk pool, and the payment of any amounts payable under any such insurance agreement may be levied in excess of any tax limitation imposed by statute. Such a self-insurance program or local government risk pool is not insurance and is not subject to regulation under chapters 505 through 523C. However, those self-insurance plans regulated pursuant to section 509A.14 shall remain subject to the requirements of section 509A.14 and rules adopted pursuant to that section.

Sec. 19. Section 331.301, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 11. A county may enter into insurance agreements obligating the county to make payments beyond its current budget year to procure or provide for a policy of insurance, a self-insurance program, or a local government risk pool to protect the county against tort liability, loss of property, or any other risk associated with the operation of the county. Such a self-insurance program or local government risk pool is not insurance and is not subject to regulation under chapters 505 through 523C. However, those self-insurance plans regulated pursuant to section 509A.14 shall remain subject to the requirements of section 509A.14 and rules adopted pursuant to that section.

NEW SUBSECTION. 12. The board of supervisors may credit funds to a reserve for the purposes authorized by section 331.301, subsection 11; section 331.424, subsection 1, paragraph "1"; and section 331.441, subsection 2, paragraph "b". Moneys credited to the reserve, and interest earned on such moneys, shall remain in the reserve until expended for purposes authorized by section 331.301, subsection 11; section 331.424, subsection 1, paragraph "1"; or section 331.441, subsection 2, paragraph "b".

Sec. 20. Section 331.424, subsection 1, paragraph 1, Code 1985, is amended by striking the paragraph and inserting in lieu thereof the following:

1. Tort liability insurance, property insurance, and any other insurance that may be necessary in the operation of the county, costs of a self-insurance program, costs of a local government risk pool, and amounts payable under any insurance agreements to provide or procure such insurance, self-insurance program, or local government risk pool.

Sec. 21. Section 331.441, subsection 2, paragraph b, Code 1985, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) The provision of insurance, or funding a self-insurance program or local government risk pool, including but not limited to the investigation and defense of claims, the payment of claims, and the administration and management of such self-insurance program or local government risk pool.

Sec. 22. Section 364.4, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Enter into insurance agreements obligating the city to make payments beyond its current budget year to procure or provide for a policy of insurance, a self-insurance program, or a local government risk pool to protect the city against tort liability, loss of property, or any other risk associated with the operation of the city. Such a self-insurance program or local government risk pool is not insurance and is not subject to regulation under chapters 505 through 523C. However, those self-insurance plans regulated pursuant to section 509A.14 shall remain subject to the requirements of section 509A.14 and rules adopted pursuant to that section.

Sec. 23. Section 384.12, subsection 18, Code Supplement 1985, is amended by striking the subsection and inserting in lieu thereof the following:

18. A tax to pay the premium costs on tort liability insurance, property insurance, and any other insurance that may be necessary in the operation of the city, the costs of a self-insurance

program, the costs of a local government risk pool and amounts payable under any insurance agreements to provide or procure such insurance, self-insurance program, or local government risk pool.

Sec. 24. Section 384.24, subsection 3, Code 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. s. The provision of insurance, or funding a self-insurance program or local government risk pool, including but not limited to the investigation and defense of claims, the establishment of reserve funds for claims, the payment of claims, and the administration and management of such self-insurance program or local government risk pool.

Sec. 25. **NEW SECTION. 384.110 INSURANCE, SELF-INSURANCE, AND RISK POOLING FUNDS.**

A city may credit funds to a fund or funds for the purposes authorized by section 364.4, subsection 5; section 384.12, subsection 18; or section 384.24, subsection 3, paragraph "s". Moneys credited to the fund or funds, and interest earned on such moneys, shall remain in the fund or funds until expended for purposes authorized by section 364.4, subsection 5; section 384.12, subsection 18; or section 384.24, subsection 3, paragraph "s".

Sec. 26. **NEW SECTION. 507D.1 SHORT TITLE.**

This Act shall be known as the "Insurance Assistance Act".

Sec. 27. **NEW SECTION. 507D.2 COLLECTION AND ANALYSIS OF INFORMATION.**

The commissioner of insurance may adopt rules pursuant to chapter 17A for the collection of necessary additional information relating to the availability, obtainability, costs, profits, and losses associated with the provision of property, casualty, product, professional, or other liability insurance within the state, and relating to the feasibility and implementation of market assistance programs, mandatory risk allocation programs, risk-sharing programs, risk management programs, or any other authorized program under section 507D.3.

The commissioner shall provide for the analysis of such information gathered pursuant to this or any other section and shall make such analysis available to the general assembly on an annual basis.

Sec. 28. **NEW SECTION. 507D.3 AUTHORIZED ASSISTANCE PROGRAMS.**

The commissioner of insurance is authorized to institute programs, order the institution of programs within the private sector, or to contract with or delegate authority to the risk management division of the department of general services for the institution of programs relating to insurance assistance including, but not limited to, the following:

1. The development and implementation of a market assistance program to facilitate, arrange, or provide for the acquisition of property, casualty, product, professional, or other liability insurance coverage for all persons or entities seeking such coverage but for which the coverage is presently unavailable or unobtainable to the person or entity.

2. The development and implementation of a mandatory risk allocation system for property, casualty, product, professional, or other liability insurance, except asbestos and environmental impairment liability, in order to assure that all persons or entities for which such insurance is essential may obtain such insurance from insurers authorized to do business within this state.

3. The development and implementation of a risk-sharing program to assist and advise persons or entities seeking property, casualty, product, professional, or other liability insurance, except asbestos and environmental impairment liability, on the most efficient manner in which to share or pool similar risks in order to obtain essential insurance coverage at the minimum cost.

4. The development and implementation of a risk management program for persons or entities to which property, casualty, product, professional, or other liability insurance is essential, such program to include at a minimum the following:

a. Assistance in developing and maintaining loss and loss exposure data on such liability risks.

b. Recommendations regarding risk reduction and risk elimination programs.

c. Recommendations of those practices which will permit protection against such losses at the lowest costs, consistent with good underwriting practices and sound risk management techniques.

5. Subsections 2 and 3 shall have no application or effect after July 1, 1991.

Sec. 29. NEW SECTION. 507D.4 FINANCING OF ASSISTANCE PROGRAMS.

The insurance commissioner may, by rule, provide for the financing, as necessary, for any or all programs under sections 507D.2 and 507D.3 by the assessment of fees to insurers authorized to write property, casualty, product, professional, or other liability insurance within this state. The commissioner of insurance may assess fees and charges against persons or entities for costs incurred in providing assistance to the person or entity pursuant to section 507D.3. Fees collected pursuant to such rules shall be used solely for the purposes of the program for which assessed, and are not to be transmitted to the general fund or used for any other purposes.

Sec. 30. NEW SECTION. 507D.5 RATE ADJUSTMENT REVIEW.

The commissioner of insurance shall conduct a rate adjustment review for all insurers authorized to write property, casualty, product, professional, or other liability insurance within this state and who make a request for rate adjustment regarding such insurance. The commissioner of insurance may employ or contract with actuarial consultants as necessary to review the request. The person conducting the review shall report to the commissioner as to the advisability of the adjustment requested.

The reasonable fees and expenses of an actuarial consultant employed or contracted by the commissioner of insurance for purposes of a rate adjustment review shall be assessed against and paid by the person requesting such rate adjustment.

Sec. 31. NEW SECTION. 507D.6 CONTINUING STUDIES.

The commissioner of insurance is authorized to conduct such further surveys, market reviews, data collection and analysis, studies of a mandatory risk allocation system and a risk-sharing program and such other studies as the commissioner deems necessary for the proper implementation of this chapter.

Sec. 32. NEW SECTION. 613.18 LIMITATION ON PRODUCTS LIABILITY OF NON-MANUFACTURERS.

1. A person who is not the assembler, designer, or manufacturer, and who wholesales, retails, distributes, or otherwise sells a product is:

a. Immune from any suit based upon strict liability in tort or breach of implied warranty of merchantability which arises solely from an alleged defect in the original design or manufacture of the product.

b. Not liable for damages based upon strict liability in tort or breach of implied warranty of merchantability for the product upon proof that the manufacturer is subject to the jurisdiction of the courts of this state and has not been judicially declared insolvent.

2. A person who is a retailer of a product and who assembles a product, such assembly having no causal relationship to the injury from which the claim arises, is not liable for damages based upon strict liability in tort or breach of implied warranty of merchantability which arises from an alleged defect in the original design or manufacture of the product upon proof that the manufacturer is subject to the jurisdiction of the courts of this state and has not been judicially declared insolvent.

3. An action brought pursuant to this section, where the claimant certifies that the manufacturer of the product is not yet identifiable, tolls the statute of limitations against such manufacturer until such time as discovery in the case has identified the manufacturer.

Sec. 33. Section 613A.4, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 9. Any claim based upon an act or omission by an officer or employee of the municipality or the municipality's governing body, in the granting, suspension, or revocation of a license or permit, where the damage was caused by the person to whom the license or permit was issued, unless the act of the officer or employee constitutes actual malice or a criminal offense.

NEW SUBSECTION. 10. Any claim based upon an act or omission of an officer or employee of the municipality, whether by issuance of permit, inspection, investigation, or otherwise, and whether the statute, ordinance, or regulation is valid, if the damage was caused by a third party, event, or property not under the supervision or control of the municipality, unless the act or omission of the officer or employee constitutes actual malice or a criminal offense.

Sec. 34. Section 613A.7, Code 1985, is amended to read as follows:

613A.7 INSURANCE.

The governing body of any municipality may purchase a policy of liability insurance insuring against all or any part of liability which might be incurred by such municipality or its officers, employees and agents under the provisions of section 613A.2 and section 613A.8 and may similarly purchase insurance covering torts specified in section 613A.4. The governing body of any municipality may adopt a self-insurance program, including but not limited to the investigation and defense of claims, the establishment of a reserve fund for claims, the payment of claims, and the administration and management of the self-insurance program, to cover all or any part of the liability. The governing body of any municipality may join and pay funds into a local government risk pool to protect itself against any or all liability. The governing body of any municipality may enter into insurance agreements obligating the municipality to make payments beyond its current budget year to provide or procure such policies of insurance, self-insurance program, or local government risk pool. The premium costs of such insurance, the costs of such a self-insurance program, the costs of a local government risk pool, and the amounts payable under any such insurance agreements may be paid out of the general fund or any available funds or may be levied in excess of any tax limitation imposed by statute. Any independent or autonomous board or commission in the municipality having authority to disburse funds for a particular municipal function without approval of the governing body may similarly enter into insurance agreements, procure liability insurance, adopt a self-insurance program, or join a local government risk pool within the field of its operation. The procurement of such insurance constitutes a waiver of the defense of governmental immunity as to those exceptions listed in section 613A.4 to the extent stated in such policy but shall have no further effect on the liability of the municipality beyond the scope of this chapter, but if a municipality adopts a self-insurance program or joins and pays funds into a local government risk pool such action does not constitute a waiver of the defense of governmental immunity as to the exceptions listed in section 613A.4. The existence of any insurance which covers in whole or in part any judgment or award which may be rendered in favor of the plaintiff, or lack of any such insurance, shall not be material in the trial of any action brought against the governing body of any municipality, or their officers, employees or agents and any reference to such insurance, or lack of same, shall be grounds for a mistrial. A self-insurance program or local government risk pool is not insurance and is not subject to regulation under chapters 505 through 523C.

Sec. 35. Section 613A.12, Code 1985, is amended to read as follows:

613A.12 OFFICERS AND EMPLOYEES — PERSONAL LIABILITY.

All officers and employees of municipalities are not personally liable for any claim claims which is are exempted under section 613A.4, except a claim claims for punitive damages, and actions permitted under section 85.20. An officer or employee of a municipality is not liable for punitive damages as a result of acts in the performance of a law enforcement or emergency duty, unless actual malice or willful, wanton and reckless misconduct is proven.

Sec. 36. NEW SECTION. 617.16 FRIVOLOUS ACTIONS.

If a party commencing an action has in the preceding five-year period unsuccessfully prosecuted three or more actions, the court may, if it deems the actions to have been frivolous, stay the proceedings until that party furnishes an undertaking secured by cash or approved sureties to pay all costs resulting to opposing parties to the action including a reasonable attorney fee.

Sec. 37. Section 619.18, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

619.18 MONEY DAMAGES NOT TO BE STATED.

In an action for personal injury or wrongful death, the amount of money damages demanded shall not be stated in the petition, original notice, or any counterclaim or cross-petition. However, a party filing the petition, original notice, counterclaim, or cross-petition shall certify to the court that the action meets applicable jurisdictional requirements for amount in controversy.

Sec. 38. NEW SECTION. 619.19 VERIFICATION NOT REQUIRED — AFFIDAVITS.

Pleadings need not be verified unless otherwise required by statute. Where a pleading is verified, it is not necessary that subsequent pleadings be verified unless otherwise required by statute.

The signature of a party, the party's legal counsel, or any other person representing the party, to a motion, pleading, or other paper is a certificate that:

1. The person has read the motion, pleading, or other paper.
2. To the best of the person's knowledge, information, and belief, formed after reasonable inquiry, it is grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.
3. It is not interposed for any improper purpose, such as to harass or cause an unnecessary delay or needless increase in the cost of litigation.

If a motion, pleading, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant.

If a motion, pleading, or other paper is signed in violation of this section, the court, upon motion or upon its own initiative, shall impose upon the person signing, the represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of the reasonable expenses incurred because of the filing of the motion, pleading, or other paper, including a reasonable attorney fee.

Sec. 39. Section 668.3, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 7. When a final judgment or award is entered, any party may petition the court for a determination of the appropriate payment method of such judgment or award. If so petitioned the court may order that the payment method for all or part of the judgment or award be by structured, periodic, or other nonlump-sum payments. Structured, periodic, or other nonlump-sum payments may include appropriate interest if such interest was not included in the determination of the initial judgment or award. However, the court shall not order a structured, periodic, or other nonlump-sum payment method if it finds that any of the following are true:

- a. The payment method would be inequitable.
- b. The payment method provides insufficient guarantees of future collectibility of the judgment or award.

c. Payments made under the payment method could be subject to other claims, past or future, against the defendant or the defendant's insurer.

Sec. 40. NEW SECTION. 668.11 DISCLOSURE OF EXPERT WITNESSES IN LIABILITY CASES INVOLVING LICENSED PROFESSIONALS.

1. A party in a professional liability case brought against a licensed professional pursuant to this chapter who intends to call an expert witness of their own selection, shall certify to the court and all other parties the expert's name, qualifications and the purpose for calling the expert within the following time period:

a. The plaintiff within one hundred eighty days of the defendant's answer unless the court for good cause not ex parte extends the time of disclosure.

b. The defendant within ninety days of plaintiff's certification.

2. If a party fails to disclose an expert pursuant to subsection 1 or does not make the expert available for discovery, the expert shall be prohibited from testifying in the action unless leave for the expert's testimony is given by the court for good cause shown.

3. This section does not apply to court appointed experts or to rebuttal experts called with the approval of the court.

Sec. 41. NEW SECTION. 668.12 LIABILITY FOR PRODUCTS — STATE OF THE ART DEFENSE.

In any action brought pursuant to this chapter against an assembler, designer, supplier of specifications, distributor, manufacturer or seller for damages arising from an alleged defect in the design, testing, manufacturing, formulation, packaging, warning, or labeling of a product, a percentage of fault shall not be assigned to such persons if they plead and prove that the product conformed to the state of the art in existence at the time the product was designed, tested, manufactured, formulated, packaged, provided with a warning, or labeled. Nothing contained in this section shall diminish the duty of an assembler, designer, supplier of specifications, distributor, manufacturer or seller to warn concerning subsequently acquired knowledge of a defect or dangerous condition that would render the product unreasonably dangerous for its foreseeable use or diminish the liability for failure to so warn.

Sec. 42. NEW SECTION. 668A.1 PUNITIVE OR EXEMPLARY AWARDS.

1. In a trial of a claim involving the request for punitive or exemplary damages, the court shall instruct the jury to answer special interrogatories or, if there is no jury, shall make findings, indicating all of the following:

a. Whether the conduct of the defendant from which the claim arose constituted willful and wanton disregard for the rights or safety of another.

b. Whether the conduct of the defendant was directed specifically at the claimant, or at the person from which the claimant's claim is derived.

2. An award for punitive or exemplary damages shall not be made unless the answer or finding pursuant to subsection 1, paragraph "a", is affirmative. If such answer or finding is affirmative, the jury, or court if there is no jury, shall fix the amount of punitive or exemplary damages to be awarded, and such damages shall be ordered paid as follows:

a. If the answer or finding pursuant to subsection 1, paragraph "b", is affirmative, the full amount of the punitive or exemplary damages awarded shall be paid to the claimant.

b. If the answer or finding pursuant to subsection 1, paragraph "b", is negative, after payment of all applicable costs and fees, an amount not to exceed twenty-five percent of the punitive or exemplary damages awarded may be ordered paid to the claimant, with the remainder of the award to be ordered paid into a civil reparations trust fund administered by the state court administrator. Funds placed in the civil reparations trust shall be under the control and supervision of the executive council, and shall be disbursed only for purposes of indigent civil litigation programs or insurance assistance programs.

3. The mere allegation or assertion of a claim for punitive damages shall not form the basis for discovery of the wealth or ability to respond in damages on behalf of the party from whom punitive damages are claimed until such time as the claimant has established that sufficient admissible evidence exists to support a prima facie case establishing the requirements of subsection 1, paragraph "a".

Sec. 43. Section 321.445, Code 1985, as amended by 1986 Iowa Acts, Senate File 499, section 2, is amended by adding the following new subsection:

NEW SUBSECTION. 4. a. The nonuse of a safety belt or safety harness by a person is not admissible or material as evidence in a civil action brought for damages in a cause of action arising prior to July 1, 1986.

b. In a cause of action arising on or after July 1, 1986, brought to recover damages arising out of the ownership or operation of a motor vehicle, the failure to wear a safety belt or safety harness in violation of this section shall not be considered evidence of comparative fault under section 668.3, subsection 1, Code 1985. However, except as provided in section 321.446, subsection 6, the failure to wear a safety belt or safety harness in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1) Parties seeking to introduce evidence of the failure to wear a safety belt or safety harness in violation of this section must first introduce substantial evidence that the failure to wear a safety belt or safety harness contributed to the injury or injuries claimed by the plaintiff.

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt or safety harness in violation of this section contributed to the plaintiff's claimed injury or injuries, and may reduce the amount of plaintiff's recovery by an amount not to exceed five percent of the damages awarded after any reductions for comparative fault.

Sec. 44. STUDY COMMISSION CREATED.

1. There is established a commission to study the issues involved in liability and liability insurance concerns. The commission shall be composed of twelve voting members and two ex officio members who shall be appointed as follows:

- a. Two members of the house of representatives, by the speaker of the house.
- b. Two members of the senate, by the senate majority leader.
- c. Two members of the house of representatives, by the house minority leader.
- d. Two members of the senate, by the senate minority leader.
- e. Four members of the public as representatives of the public or private sector for industries, professions, local governments, or other particularly affected groups, appointed by the chairperson and vice chairperson of the legislative council, in consultation with the senate and house minority leaders and with the approval of the legislative council.
- f. The attorney general or the attorney general's designee, who shall be an ex officio member.
- g. The commissioner of insurance or the commissioner's designee, who shall be an ex officio member.

2. The commission's study shall include, but is not limited to, the following:

- a. The implementation of maximum caps on liability payments.
- b. The elimination of the collateral source rule.
- c. The review of present insurance practices, including:
 - (1) A review and report on the feasibility and advisability of enacting a mandatory insurance disclosure Act.
 - (2) A review and report on the present level of industry regulation and the potential for increasing such regulation. This report should approximate the cost of any recommendations made.

(3) A review and report on the present powers, authority, and staffing of the insurance department.

(4) A review and report on the feasibility and advisability of enacting insurance assistance and risk management programs.

(5) Review and report on the advisability of implementing a claims-made form of insurance practice.

d. The review of alternative methods of litigating actions.

e. The review of alternatives to reduce nonmeritorious suits.

f. Review and report on the advisability of limiting tort liability of the state and municipalities arising from regulatory and licensing activities.

g. Review and report on the advisability of enacting a statute of repose for actions arising from improvements to real property.

h. Monitor and report on any operation savings in the insurance industry due to tort liability reform for the period from July 1, 1983 to present, including the effects of this Act, and the feasibility of mandatory rate adjustments for insurers to reflect such cost savings.

i. Other issues necessary to ensure fairness in the operation of the tort liability system.

3. The legislative council shall authorize the legislative fiscal bureau and the legislative service bureau to provide assistance to the study commission and may authorize funds for the study commission, which may be used for the following commission purposes:

a. Employment of a full-time staff person for the commission.

b. Employment of actuarial, insurance, and legal consultants.

c. Compilation, printing, and distribution of materials prepared by the commission.

d. Necessary expenses of travel, attendance, and participation in regional or national programs.

4. Public members of the study commission shall receive a per diem of forty dollars and be reimbursed for their travel and other necessary expenses actually incurred in the performance of their official duties. Public employees who are members of the study commission shall be reimbursed for travel and other expenses actually incurred in the performance of their official duties.

5. The study commission shall hold its first meeting within sixty days of its formation and shall transmit copies of its final report to the legislative council by December 15, 1986.

Sec. 45. A county which has levied a tax pursuant to section 331.424, subsection 1, paragraph "l", or a city which has levied a tax pursuant to section 384.12, subsection 18, for the fiscal year July 1, 1985 through June 30, 1986, may use any unexpended proceeds of this tax to pay the costs of a self-insurance program or the costs of a local government risk pool.

Sec. 46. Section 64.7, Code 1985, is repealed.

Sec. 47. This Act, being deemed of immediate importance, takes effect from and after its publication in *The Sioux City Journal*, a newspaper published in Sioux City, Iowa, and in the *Ad-Express and Daily Iowegian and Citizen*, a newspaper published in Centerville, Iowa, and unless otherwise specifically provided, applies to all cases filed on or after July 1, 1986.

Approved May 22, 1986

I hereby certify that the foregoing Act, Senate File 2265, was published in the *Ad-Express and Daily Iowegian and Citizen*, Centerville, Iowa, on May 28, 1986, and in *The Sioux City Journal*, Sioux City, Iowa, on June 7, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1212
ECONOMIC DEVELOPMENT BOND BANK PROGRAM
S.F. 2291

AN ACT creating an Iowa economic development bond bank program within the Iowa finance authority to provide financing for economic development and making an appropriation.

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

Section 1. Section 220.1, subsection 26, Code Supplement 1985, is amended to read as follows:

26. "Project" means real or personal property connected with a facility to be acquired, constructed, improved, or equipped, with the aid of the Iowa small business loan program as provided in sections 220.61 to 220.65. However, for purposes of section 220.93 through section 220.99 "project" means as defined in section 220.94.

Sec. 2. NEW SECTION. 220.93 LEGISLATIVE FINDINGS.

The general assembly finds and declares that:

1. Economic development and expansion of business, industry, and farming in the state is dependent upon the availability of financing of the development and expansion at affordable interest rates.

2. Private financing at low interest rates for small business under the Iowa finance authority small business loan program, for beginning farmers under the agricultural development authority beginning farmer loan program or soil conservation loan program, and for commercial, industrial, and other business enterprises pursuant to chapter 419 is severely limited because of the unattractiveness of tax exempt financing to financial institutions in the state.

3. The pooling of private financing enhances the marketability of the obligations involved and increases access to other state, regional, and national credit markets.

4. The creation of an Iowa economic development bond bank program will make the pooling of private financing available to small businesses, farmers, agricultural landowners and operators, and commercial, industrial, and other business enterprises at favorable interest rates with reduced marketing costs.

5. All of the purposes stated in this section are public purposes and uses for which public moneys may be borrowed, expended, advanced, loaned, or granted.

Sec. 3. NEW SECTION. 220.94 ESTABLISHMENT OF BOND BANK PROGRAM — BONDS AND NOTES — PROJECTS.

The authority shall assist the development and expansion of family farming, soil conservation, housing, and business in the state through the establishment of the Iowa economic development bond bank program. The authority may issue its bonds or notes, or series of bonds or notes for the purpose of defraying the cost of one or more projects and make secured and unsecured loans for the acquisition and construction of projects on terms the authority determines. For purposes of this section, projects shall include any of the following:

1. A project defined in section 220.1, subsection 26, for which loans may be made by the authority pursuant to the small business loan program.

2. The acquisition of agricultural land and improvements and depreciable agricultural property by beginning farmers for the implementation of permanent soil and water conservation practices and the acquisition of conservation farm equipment, or any other purpose for which loans may be made by the Iowa family farm development authority pursuant to chapter 175.

3. A project defined in section 419.1, subsection 2, for which bonds or notes may be issued by a city or a county.

Sec. 4. NEW SECTION. 220.95 IOWA ECONOMIC DEVELOPMENT BOND BANK PROGRAM — SPECIFIC POWERS.

In carrying out the Iowa economic development bond bank program, the authority may do any of the following:

1. Make secured and unsecured loans for both the acquisition and the construction of projects on terms the authority determines. Any loan made with respect to any project for which a loan may be made pursuant to chapter 175 shall be made only upon the request and with the consent of the agricultural development authority. The loans may be made to any person or entity including, but not limited to, a city, a county, and the agricultural development authority for projects approved by the Iowa finance authority. The Iowa finance authority may take any action which is reasonable and lawful to protect its security and to avoid losses from its loans.

2. Acquire, hold, and mortgage personal property and real estate and interests in real estate to be used as a project.

3. Purchase, construct, improve, furnish, equip, lease, option, sell, exchange, or otherwise dispose of one or more projects under the terms the authority determines. However, in the lease, sale, or loan agreement relating to a project, the authority shall provide for adequate maintenance of the project.

4. Grant a mortgage, lien, pledge, assignment, or other encumbrance on one or more projects, revenues, or reserve or other funds established in connection with obligations, or with respect to a lease, sale, or loan relating to one or more projects, or a guaranty or insurance agreement relating to one or more projects, or a secured or unsecured interest of the authority in one or more projects or parts of one or more projects.

5. Provide that the interest on obligations may vary in accordance with a base or formula authorized by the authority.

6. Contract for the acquisition, construction, or both of one or more projects or parts of one or more projects and for the leasing, subleasing, sale, or other disposition of one or more projects in a manner determined by the authority.

Sec. 5. NEW SECTION. 220.96 LOAN AGREEMENTS.

1. The authority may enter into loan agreements with one or more borrowers to finance in whole or in part the acquisition of one or more projects by construction or purchase. The repayment obligation of the borrower or borrowers may be unsecured, secured by a mortgage or security agreement, or secured by other security as the authority deems advisable. The repayment obligation may be evidenced by one or more notes of the borrower or borrowers. The loan agreements may contain terms and conditions the authority deems advisable.

2. The authority may issue its bonds and notes for the projects set forth in section 220.94 and may enter into one or more lending agreements or purchase agreements with one or more bondholders or noteholders containing the terms and conditions of the repayment of and the security for the bonds or notes. The authority and the bondholders or noteholders or a trustee or agent designated by the authority may enter into agreements to provide for any of the following:

a. That the proceeds of the bonds and notes and the investments of the proceeds may be received, held, and disbursed by the bondholders or noteholders, or by a trustee or agent designated by the authority.

b. That the bondholders or noteholders or a trustee or agent designated by the authority may collect, invest, and apply the amounts payable under the loan agreements or any other security instruments securing the debt obligations of the borrower or borrowers.

c. That the bondholders or noteholders may enforce the remedies provided in the loan agreements or security instruments on their own behalf without the appointment or designation of a trustee. If there is a default in the principal of or interest on the bonds or notes or in

the performance of any agreement contained in the loan agreements or security instruments, the payment or performance may be enforced in accordance with the loan agreement or security instrument.

d. That if there is a default in the payment of the principal or interest on a mortgage or security instrument or if there is a violation of an agreement contained in the mortgage or security instrument, the mortgage or security instrument may be foreclosed or enforced. Collateral may be sold under proceedings or actions permitted by law. A trustee under the mortgage or security agreement or the holder of any bonds or notes secured by the mortgage or security agreement may become a purchaser if the trustee or holder is the highest bidder.

e. Other terms and conditions as deemed necessary or appropriate by the authority.

Sec. 6. NEW SECTION. 220.97 SECURITY FOR BONDS — RESERVE FUNDS — VALIDITY OF PLEDGE — NONLIABILITY — IRREVOCABLE CONTRACTS.

1. The authority may provide in the resolution authorizing the issuance of its bonds or notes for the Iowa economic development bond bank program that the principal of, premium, if any, and interest on the bonds or notes are payable exclusively from any of the following:

a. The income and receipts or other money derived from the projects financed with the proceeds of the bonds or notes.

b. The income and receipts or other money derived from designated projects whether or not the projects are financed in whole or in part with the proceeds of the bonds or notes.

c. The authority's income and receipts of other assets generally, or a designated part or parts of them.

2. For the purpose of securing one or more issues of its bonds or notes, the authority may establish one or more special funds, called "capital reserve funds". The authority may pay into the capital reserve funds the proceeds of the sale of its bonds or notes and other money which may be made available to the authority from other sources for the purposes of the capital reserve funds. Except as provided in this section, money in a capital reserve fund shall be used only as required for any of the following:

a. The payment of the principal of and interest on bonds or notes or of the sinking fund payments with respect to those bonds or notes.

b. The purchase or redemption of the bonds or notes.

c. The payment of a redemption premium required to be paid when the bonds or notes are redeemed before maturity.

However, money in a capital reserve fund shall not be withdrawn if the withdrawal would reduce the amount in the capital reserve fund to less than the capital reserve fund requirement, except for the purpose of making payment, when due, of principal, interest, redemption premiums on the bonds or notes, and making sinking fund payments when other money pledged to the payment of the bonds or notes is not available for the payments. Income or interest earned by, or increment to, a capital reserve fund from the investment of all or part of the fund may be transferred by the authority to other funds or accounts of the authority if the transfer does not reduce the amount of the capital reserve fund below the capital reserve fund requirement.

3. If the authority decides to issue bonds or notes secured by a capital reserve fund, the bonds or notes shall not be issued if the amount in the capital reserve fund is less than the capital reserve fund requirement, unless at the time of issuance of the bonds or notes the authority deposits in the capital reserve fund from the proceeds of the bonds or notes to be issued or from other sources, an amount which, together with the amount then in the fund, is not less than the capital reserve fund requirement.

4. In computing the amount of a capital reserve fund for the purpose of this section, securities in which all or a portion of the fund is invested shall be valued by a reasonable method established by the authority by resolution. Valuation shall include the amount of interest earned or accrued as of the date of valuation.

5. In this section, "capital reserve fund requirement" means the amount required to be on deposit in the capital reserve fund as of the date of computation as determined by resolution of the authority.

6. To assure maintenance of the capital reserve funds, the chairperson of the authority shall, on or before July 1 of each calendar year, make and deliver to the governor the chairperson's certificate stating the sum, if any, required to restore each capital reserve fund to the capital reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor may submit to both houses printed copies of a budget including the sum, if any, required to restore each capital reserve fund to the capital reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the authority pursuant to this section shall be deposited by the authority in the applicable capital reserve fund.

7. All amounts paid to the authority by the state pursuant to this section shall be considered advances by the state to the authority and, subject to the rights of the holders of any bonds or notes of the authority that have previously been issued or will be issued, shall be repaid to the state without interest from all available operating revenues of the authority in excess of amounts required for the payment of bonds, notes, or obligations of the authority, the capital reserve fund, and operating expenses.

8. If any amount deposited in a capital reserve fund is withdrawn for payment of principal, premium, or interest on the bonds or notes or sinking fund payments with respect to bonds or notes thus reducing the amount of that fund to less than the capital reserve fund requirement, the authority shall immediately notify the general assembly of this event and shall take steps to restore the capital reserve fund to the capital reserve fund requirement for that fund from any amounts designated as being available for such purpose.

9. The authority may establish reserve funds, other than capital reserve funds, to secure one or more issues of its bonds or notes. The authority may deposit in a reserve fund established under this subsection the proceeds of the sale of its bonds or notes and other money which is made available from any other source. The authority may allow a reserve fund established under this subsection to be depleted without complying with subsection 6 or subsection 8.

10. It is the intention of the general assembly that a pledge made in respect of bonds or notes shall be valid and binding from the time the pledge is made, that the money or property so pledged and received after the pledge by the authority shall immediately be subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority whether or not the parties have notice of the lien. Neither the resolution, trust agreement, nor any other instrument by which a pledge is created needs to be recorded or filed under the Iowa uniform commercial code to be valid, binding, or effective against the parties.

11. Neither the members of the authority nor a person executing the bonds or notes are liable personally on the bonds or notes or are subject to personal liability or accountability by reason of the issuance of the bonds or notes.

12. The bonds or notes issued by the authority are not an indebtedness or other liability of the state or of a political subdivision of the state, except the authority, and are payable solely from the income and receipts or other funds or property of the authority which are designated in the resolution of the authority authorizing the issuance of the bonds or notes as being available as security for bonds or notes. The authority shall not pledge the faith or credit of the state or of a political subdivision of the state, except the authority, to the payment of a bond or note. The issuance of a bond or note by the authority does not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply money from, or levy or pledge any form of taxation whatever to the payment of the bond or note.

13. The state pledges to and agrees with the holders of bonds or notes issued under the Iowa economic development bond bank program, that the state will not limit or alter the rights and powers vested in the authority to fulfill the terms of a contract made by the authority with respect to the bonds or notes, or in any way impair the rights and remedies of the holders until the bonds and notes, together with the interest on them including interest on unpaid installments of interest, and all costs and expenses in connection with an action or proceeding by or on behalf of the holders, are fully met and discharged. The authority is authorized to include this pledge and agreement of the state, as it refers to holders of bonds or notes of the authority, in a contract with the holders.

Sec. 7. **NEW SECTION. 220.99 ADOPTION OF RULES.**

The board of directors of the authority shall adopt rules pursuant to chapter 17A to implement sections 220.93 to 220.99.

Approved May 22, 1986

CHAPTER 1213
INTERNAL REVENUE CODE UPDATE
H.F. 2472

AN ACT relating to taxation by updating references to the Internal Revenue Code, eliminating one of the net operating loss deductions in computing the state minimum tax, removing the requirement that members of an affiliated group of corporations consent in writing to the filing of a consolidated corporation income tax return, and providing an effective date.

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

Section 1. Section 18B.10, unnumbered paragraph 1, Code 1985, is amended to read as follows:

At the request of an employee through contractual agreement the board may arrange for the purchase of group or individual annuity contracts for any of its employees from any company the employee chooses that is authorized to do business in this state and through an Iowa-licensed insurance agent that the employee selects, for retirement or other purposes, and may make payroll deductions in accordance with the arrangements for the purpose of paying the entire premium due and to become due under the contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits afforded under section 403b of the Internal Revenue Code of 1954 as amended to July 1, 1983, as defined in section 422.3. The employee's rights under the annuity contract are nonforfeitable except for the failure to pay premiums.

Sec. 2. Section 218.16, Code 1985, is amended to read as follows:

218.16 ANNUITY CONTRACTS FOR EMPLOYEES.

At the request of an employee through contractual agreement, the department of human services or any institution under its jurisdiction may purchase an individual annuity contract for an employee, from ~~such an~~ insurance organization the employee chooses that is authorized to do business in this state and through an Iowa-licensed insurance agent ~~as that~~ the employee ~~may select~~ selects, for retirement or other purposes, and may make payroll deductions in accordance with ~~such the~~ arrangements for the purpose of paying the entire premium due and to become due under ~~such the~~ contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits afforded under section 403(b) of the Internal Revenue Code of 1954 ~~and amendments thereto, as defined in section 422.3~~. The employee's rights under ~~such the~~ annuity ~~contracts shall be~~ contract are nonforfeitable except for the failure to pay premiums.

Sec. 3. Section 257.10, subsection 13, Code Supplement 1985, is amended to read as follows:

13. At the request of an employee through contractual agreement the board may arrange for the purchase of group or individual annuity contracts for any of its respective employees from any company the employee ~~may choose~~ chooses that is authorized to do business in this state and through an Iowa-licensed insurance agent that the employee ~~may select~~ selects, for retirement or other purposes, and may make payroll deductions in accordance with ~~such the~~ the arrangements for the purpose of paying the entire premium due and to become due under ~~such the~~ the contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits ~~afforded~~ under section 403b of the Internal Revenue Code of 1954 ~~and amendments thereto, as defined in section 422.3~~. The employee's rights under ~~such the~~ the annuity contract ~~shall be~~ are nonforfeitable except for the failure to pay premiums. ~~Whenever~~ If an existing tax-sheltered annuity contract is to be replaced by a new contract the agent or representative of the company shall submit a letter of intent by registered mail to the company being replaced, to the insurance commissioner of the state of Iowa, and to the ~~agent~~ agent's or representative's own company at least thirty days prior to any action by registered mail. This letter of intent shall contain the policy number and description of the contract being replaced and a description of the replacement contract.

Sec. 4. Section 262.21, unnumbered paragraph 1, Code 1985, is amended to read as follows:

At the request of an employee through contractual agreement the board may arrange for the purchase of group or individual annuity contracts for any of its respective employees from any company the employee ~~may choose~~ chooses that is authorized to do business in this state, for retirement or other purposes, and may make payroll deductions in accordance with ~~such the~~ the arrangements for the purpose of paying the entire premium due and to become due under ~~such the~~ the contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits ~~afforded~~ under section 403b of the Internal Revenue Code of 1954 ~~and amendments thereto, as defined in section 422.3~~. The employee's rights under ~~such the~~ the annuity contract ~~shall be~~ are nonforfeitable except for the failure to pay premiums.

Sec. 5. Section 273.3, subsection 15, Code Supplement 1985, is amended to read as follows:

15. At the request of an employee through contractual agreement the board may arrange for the purchase of an individual annuity contract for any of its respective employees from any company the employee ~~may choose~~ chooses that is authorized to do business in this state, and through an Iowa-licensed insurance agent that the employee ~~may select~~ selects, for retirement or other purposes, and may make payroll deductions in accordance with ~~such the~~ the arrangements for the purpose of paying the entire premium due, and to become due, under the contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits ~~afforded~~ under section 403b of the Internal Revenue Code of 1954 ~~and amendments thereto, as defined in section 422.3~~. The employee's rights under ~~such the~~ the annuity contract ~~shall be~~ are nonforfeitable except for the failure to pay premiums.

Sec. 6. Section 280A.23, subsection 9, Code 1985, is amended to read as follows:

9. At the request of an employee through contractual agreement the board may arrange for the purchase of group or individual annuity contracts for any of its respective employees from any company the employee ~~may choose~~ chooses that is authorized to do business in this state and through an Iowa-licensed insurance agent that the employee ~~may select~~ selects, for retirement or other purposes, and may make payroll deductions in accordance with ~~such the~~ the arrangements for the purpose of paying the entire premium due and to become due under ~~such the~~ the contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits ~~afforded~~ under section 403b of the Internal Revenue Code of 1954 ~~and amendments thereto, as defined in section 422.3~~. The employee's rights under ~~such the~~ the annuity contract ~~shall be~~ are nonforfeitable except for the failure to pay premiums. ~~Whenever~~

If an existing tax-sheltered annuity contract is to be replaced by a new contract the agent or representative of the company shall submit a letter of intent by registered mail to the company being replaced, to the insurance commissioner of the state of Iowa, and to the agent's or representative's own company at least thirty days prior to any action by registered mail. This letter of intent shall contain the policy number and description of the contract being replaced and a description of the replacement contract.

Sec. 7. Section 294.16, Code 1985, is amended to read as follows:
294.16 ANNUITY CONTRACTS.

At the request of an employee through contractual agreement a school district may purchase group or individual annuity contracts for an employee employees, from such an insurance organization the employee chooses that is authorized to do business in this state and through an Iowa-licensed insurance agent as that the employee may select selects, for retirement or other purposes, and may make payroll deductions in accordance with such the arrangements for the purpose of paying the entire premium due and to become due under such the contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefit afforded benefits under section 403b [26 USC § 403b] of the federal internal revenue code and amendments thereto Internal Revenue Code of 1954, as defined in section 422.3. The employee's rights under such the annuity contract shall be are non-forfeitable except for the failure to pay premiums. Whenever If an existing tax-sheltered annuity contract is to be replaced by a new contract the agent or representative of the company shall submit a letter of intent by registered mail to the company being replaced, to the insurance commissioner of the state of Iowa, and to the agent's or representative's own company at least thirty days prior to any action by registered mail. This letter of intent shall contain the policy number and description of the contract being replaced and a description of the replacement contract.

Sec. 8. Section 422.3, subsection 5, Code Supplement 1985, is amended to read as follows:
5. "Internal Revenue Code of 1954" means the Internal Revenue Code of 1954, as amended to and including January 1, 1985 1986.

Sec. 9. Section 422.5, subsection 1, paragraph o, subparagraph (3), Code Supplement 1985, is amended to read as follows:

(3) Subtract the amount of the net operating loss computed in section 422.9, subsection 3, for a tax year other than the current year which was carried back or carried forward to the current year under section 422.9, subsection 3, paragraph "a", "b" or "c". However, in In the case of a net operating loss computed for a tax year beginning after December 31, 1982 which is carried back or carried forward to the current taxable year, the net operating loss shall be reduced by the amount of the items of tax preference arising in such year which was taken into account in computing the net operating loss in section 422.9, subsection 3.

Sec. 10. Section 422.37, subsection 5, Code 1985, is amended to read as follows:

5. Each member of the affiliated group shall consent to the filing by specific written authorization rules governing a consolidated return prescribed by the director at the time the consolidated return is filed, unless the director requires the filing of a consolidated return. The filing of a consolidated return shall be considered the affiliated group's consent.

Sec. 11. This Act is retroactive to January 1, 1985 for tax years beginning on or after that date.

Sec. 12. This Act, being deemed of immediate importance, takes effect from and after its publication in The Nevada Evening Journal, a newspaper published in Nevada, Iowa, and in The North Scott Press, a newspaper published in Eldridge, Iowa.

Approved May 23, 1986

I hereby certify that the foregoing Act, House File 2472, was published in The Nevada Evening Journal, Nevada, Iowa, on May 27, 1986, and in The North Scott Press, Eldridge, Iowa, on June 11, 1986.

MARY JANE ODELL, Secretary of State

CHAPTER 1214
FARM CRISIS PROGRAM
H.F. 2473

AN ACT relating to farm crisis relief, by providing for a legal assistance to farmers program, providing for the cure of a default and the appointment of a receiver in relation to a foreclosure on agricultural land, providing a procedure for the waiver of homestead exemption, providing for the ownership of agricultural land by certain nonresident aliens, providing for a farm mediation program, designating a farm crisis program coordinator, and providing an effective date.

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

Section 1. **FINDINGS.** The general assembly finds that the agricultural sector of the economy of this state is under severe financial stress due to low farm commodity prices, continuing high interest rates, and reduced net farm income. The suffering agricultural economy also adversely affects economic conditions for all other businesses in rural communities. Thousands of this state's farmers are unable to meet current payments of interest and principal on mortgages and other loan and land contracts and are threatened by the loss of their farmland, equipment, crops, and livestock through mortgage and lien foreclosures, forfeiture of real estate contracts, and other collection actions. The agricultural economic emergency requires an orderly process with state assistance to adjust agricultural indebtedness to preserve the general welfare and fiscal integrity of the state.

Sec. 2. **NEW SECTION. 13.20 AUTHORITY TO CONTRACT FOR LEGAL ASSISTANCE PROGRAM.**

The farm crisis program coordinator, provided in section 654A.2, shall contract with an eligible nonprofit organization to provide legal assistance to financially distressed farmers. The contract shall be awarded within thirty days after the effective date of this Act. The contract may be terminated by the coordinator upon written notice and for good cause.

Sec. 3. **NEW SECTION. 13.21 ELIGIBLE ORGANIZATION.**

To be eligible for a contract under section 13.20, an organization must:

1. Be a nonprofit organization chartered in the state.
2. Have attorneys admitted to practice in the Iowa supreme court and the United States district courts.
3. Have offices throughout the state of Iowa.
4. Have attorneys and staff qualified to address agricultural legal problems and agricultural credit problems affecting financially distressed farmers.

Sec. 4. **NEW SECTION. 13.22 PROGRAM REQUIREMENTS.**

A legal services provider which enters into a contract with the coordinator under authority of section 13.20 shall:

1. Offer direct representation of individual farmers in litigation and administrative cases.
2. Offer technical support to individual farmers.
3. Cooperate to the fullest extent feasible with the Iowa state university agricultural extension service so that its economic and farm management counseling services are utilized by eligible persons.
4. Utilize, to the fullest extent feasible, existing resources of accredited law schools within the state of Iowa to provide consulting assistance to attorneys in the agricultural law field.
5. Assist, to the fullest extent feasible, accredited law schools within the state of Iowa in enhancing their expertise in the area of agricultural law so that all attorneys within the state will have a resource available to provide training and experience in the agricultural law field.

6. Cooperate to the fullest extent feasible with the existing informational and referral networks among farmers, farmer advocates, and others concerned with the economic crisis in agricultural areas. The legal services provider is not a state agency for the purposes of chapters 19A, 20, and 25A.

Sec. 5. NEW SECTION. 13.23 PERSONS ELIGIBLE FOR LEGAL ASSISTANCE.

A person may obtain legal representation and legal assistance from the contracting legal services provider if the person meets all of the following criteria:

1. Is a resident of the state of Iowa.
2. Is a farmer, or a family shareholder of a family farm corporation, and has an occupation of farming.
3. Is engaged in a farm business that has a debt-to-asset ratio greater than fifty percent.
4. Has received less than twenty thousand dollars of taxable income in the last taxable year.
5. Is financially unable to acquire legal assistance.

Sec. 6. NEW SECTION. 13.24 REPORT.

1. The legal services provider which enters into a contract with the coordinator under authority of this Act shall submit to the coordinator a working plan for the accomplishment of the objectives of this Act within thirty days after the contract is awarded. The plan must establish priorities and procedures, and set forth its annual operating budget for the fiscal year including projected salaries and all anticipated expenses. This budget shall set forth the maximum obligation of financial aid proposed for payment by the state and the availability of any additional funds or resources from the federal government and other sources to meet such expenses of operation.

2. At the end of each fiscal year the contracting legal services provider shall provide to the coordinator an audited statement of actual expenses incurred. The report shall also summarize the legal services provided and make recommendations for improved services for financially distressed farmers.

3. The contract entered into pursuant to section 13.20 shall provide that any contractual payments to the legal services provider are to be made monthly.

Sec. 7. Section 554.9501, Code 1985, is amended by adding the following new subsection:

NEW SURSECTION. 6. A creditor, as defined in section 654A.1, shall not initiate a proceeding under this chapter against a borrower subject to section 654A.4 to enforce a secured interest in agricultural property, as defined in section 654A.1, which is subject to chapter 654A and which is subject to a secured debt of twenty thousand dollars or more unless the person receives a mediation release under section 654A.11, or unless the court determines after notice and hearing that the time delay required for the mediation would cause the person to suffer irreparable harm.

Sec. 8. NEW SECTION. 561.22 WAIVER.

If a homestead exemption waiver is contained in a written contract, the contract must contain a statement in substantially the following form, in boldface type of a minimum size of ten points, and be signed and dated by the person waiving the exemption at the time of the execution of the contract: "I understand that homestead property is in many cases protected from the claims of creditors and exempt from judicial sale; and that by signing this contract, I voluntarily give up my right to this protection for this property with respect to claims based upon this contract."

Sec. 9. Section 567.3, subsection 3, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

3. The restriction set forth in subsection 1 of this section does not apply to the following:
 - a. Agricultural land acquired by devise or descent.

b. A bona fide encumbrance on agricultural land taken for purposes of security.

c. Agricultural land acquired by a process of law in the collection of debts, by a deed in lieu of foreclosure, pursuant to a forfeiture of a contract for deed, or by any procedure for the enforcement of a lien or claim on the land, whether created by mortgage or otherwise. However, agricultural land so acquired shall be sold or otherwise disposed of within two years after title is transferred. Pending the sale or disposition, the land shall not be used for any purpose other than farming, the land shall not be used for farming except under lease to an individual, trust, corporation, partnership or other business entity not subject to the restriction on the increase in agricultural land holdings imposed by section 172C.4. Agricultural land which has been acquired pursuant to this paragraph shall not be acquired or utilized by the nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof, under either paragraph "d" or paragraph "e".

d. Agricultural land acquired for research or experimental purposes, if commercial sales from the agricultural land are incidental to the research and experimental objectives of the nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof, and if the agricultural land is used for the testing, development, or production of seeds, animals, or plants for sale or resale to farmers, or for incidental activities. Commercial sales are incidental to research and experimental objectives when they are less than twenty-five percent of the gross sales of the primary product of the research or experimentation.

e. An interest in agricultural land, not to exceed three hundred twenty acres, acquired for an immediate or pending use other than farming. However, a nonresident alien, foreign business or foreign government, or an agent, trustee or fiduciary thereof, who lawfully owns over three hundred twenty acres on January 1, 1980, may continue to own or hold the land, but shall not purchase or otherwise acquire additional agricultural land in this state except by devise or descent from a nonresident alien. Pending the development of the agricultural land for purpose other than farming, the land shall not be used for farming except under lease to an individual, trust, corporation, partnership or other business entity not subject to the restriction on the increase in agricultural land holdings imposed by section 172C.4.

Sec. 10. NEW SECTION. 654.2A AGRICULTURAL LAND – NOTICE, RIGHT TO CURE DEFAULT.

1. A creditor shall not initiate an action pursuant to this chapter to foreclose on a deed of trust or mortgage on agricultural land, as defined in section 172C.1, until the creditor has complied with this section.

2. A creditor who believes in good faith that a borrower on a deed of trust or mortgage on agricultural land is in default may give the borrower notice of the alleged default, and, if the borrower has a right to cure the default, shall give the borrower the notice of right to cure provided in section 654.2B. The notice is deemed received if sent by certified mail to the borrower.

3. The borrower has a right to cure the default unless the creditor has given the borrower a proper notice of right to cure with respect to two prior defaults on the obligation secured by the deed of trust or mortgage, or the borrower has voluntarily surrendered possession of the agricultural land and the creditor has accepted it in full satisfaction of any debt owing on the obligation in default. The borrower does not have a right to cure the default if the creditor has given the borrower a proper notice of right to cure with respect to a prior default within twelve months prior to the alleged default.

4. If the borrower has a right to cure a default:

a. A creditor shall not accelerate the maturity of the unpaid balance of the obligation, demand or otherwise take possession of the land, other than by accepting a voluntary surrender of it, or otherwise attempt to enforce the obligation until forty-five days after a proper notice of right to cure is given. The time period for a request for mediation pursuant to chapter 654A shall run concurrently with the period for the notice to cure under this section.

b. Until the expiration of forty-five days after notice is given, the borrower may cure the default by tendering either the amount of all unpaid installments due at the time of tender, without acceleration, plus a delinquency charge of the scheduled annual interest rate plus five percent per annum for the period between the giving of the notice of right to cure and the tender, or the amount stated in the notice of right to cure, whichever is less, or by tendering any performance necessary to cure a default other than nonpayment of amounts due, which is described in the notice of right to cure.

5. The act of curing a default restores to the borrower the borrower's rights under the obligation and the deed of trust or mortgage, except as provided in subsection 3.

6. This section does not prohibit a borrower from voluntarily surrendering possession of the agricultural land, and does not prohibit the creditor from enforcing the creditor's interest in the land at any time after compliance with this section.

Sec. 11. NEW SECTION. 654.2B REQUIREMENTS OF NOTICE OF RIGHT TO CURE.

The notice of right to cure shall be in writing and shall conspicuously state the name, address, and telephone number of the creditor to which payment is to be made, a brief identification of the obligation secured by the deed of trust or mortgage and of the borrower's right to cure the default, a statement of the nature of the right to cure the default, a statement of the nature of the alleged default, a statement of the total payment, including an itemization of any delinquency or deferral charges, or other performance necessary to cure the alleged default, and the exact date by which the amount must be paid or performance tendered.

Sec. 12. NEW SECTION. 654.2C MEDIATION NOTICE — FORECLOSURE ON AGRICULTURAL PROPERTY.

A person shall not initiate a proceeding under this chapter to foreclose a deed of trust or mortgage on agricultural property, as defined in section 654A.1, which is subject to chapter 654A and which is subject to a debt of twenty thousand dollars or more under the deed of trust or mortgage unless the person receives a mediation release under section 654A.11, or unless the court determines after notice and hearing that the time delay required for the mediation would cause the person to suffer irreparable harm.

Sec. 13. Section 654.14, unnumbered paragraph 1, Code 1985, is amended to read as follows:

In ~~any~~ an action to foreclose a real estate mortgage, ~~where~~ if a receiver is appointed to take charge of the real estate, preference shall be given to the owner or person in actual possession, subject to approval of the court, in leasing the mortgaged premises. If the real estate is agricultural land used for farming, as defined in section 172C.1, the owner or person in actual possession shall be appointed as receiver without bond, provided that all parties agree to the appointment. The rents, profits, avails, ~~and/or~~ and income derived from ~~said~~ the real estate shall be applied as follows:

Sec. 14. NEW SECTION. 654A.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Agricultural property" means agricultural land that is principally used for farming as defined in section 172C.1, and personal property that is used as security to finance a farm operation or used as part of a farm operation including equipment, crops, livestock, and proceeds of the security.

2. "Coordinator" means the farm crisis program coordinator provided in section 654A.2.

3. "Creditor" means the holder of a mortgage on agricultural property, a vendor of a real estate contract for agricultural property, a person with a lien or security interest in agricultural property, or a judgment creditor with a judgment against a debtor with agricultural property.

4. "File" means to deliver by the required date by certified mail or another method acknowledging receipt.

5. "Mediation release" means an agreement or statement signed by all parties or by less than all the parties and the mediator pursuant to section 654A.11.

Sec. 15. NEW SECTION. 654A.2 FARM CRISIS PROGRAM COORDINATOR.

The attorney general or the attorney general's designee shall serve as the farm crisis program coordinator. The coordinator has the powers and duties specified in this chapter and in chapter 13.

Sec. 16. NEW SECTION. 654A.3 FARM MEDIATION SERVICE.

The farm crisis coordinator shall contract with a nonprofit organization chartered in this state to provide farmer-creditor mediation services. The contract shall be awarded within thirty days after the effective date of this Act. The contract may be terminated by the coordinator upon written notice and for good cause. The organization awarded the contract is designated as the farm mediation service for the duration of the contract. However, the farm mediation service is not a state agency for the purposes of chapters 19A, 20, and 25A.

Sec. 17. NEW SECTION. 654A.4 APPLICABILITY OF CHAPTER.

1. This chapter applies to all creditors of a borrower described under subsection 2 with a secured debt against the borrower of twenty thousand dollars or more.

2. This chapter applies to a borrower who is any of the following:

- a. An individual operating a farm.
- b. A family farm corporation as defined in section 172C.1.
- c. An authorized farm corporation as defined in section 172C.1.

Sec. 18. NEW SECTION. 654A.5 VOLUNTARY MEDIATION PROCEEDINGS.

A borrower who owns agricultural property or a creditor of that borrower may request mediation of the indebtedness by applying to the farm mediation service. The farm mediation service shall make voluntary mediation application forms available. The farm mediation service shall evaluate each request and may direct a mediator to meet with the borrower and creditor to assist in mediation.

Sec. 19. NEW SECTION. 654A.6 MANDATORY MEDIATION PROCEEDINGS.

1. A creditor subject to this chapter desiring to initiate a proceeding to enforce a debt against agricultural property which is real estate under chapter 654, to forfeit a contract to purchase agricultural property under chapter 656, to enforce a secured interest in agricultural property under chapter 554, or to otherwise garnish, levy on, execute on, seize, or attach agricultural property, shall file a request for mediation with the farm mediation service. The creditor may not begin the proceeding subject to this chapter until the creditor receives a mediation release, or until the court determines after notice and hearing that the time delay required for the mediation would cause the creditor to suffer irreparable harm. The time period for the notice of right to cure provided in section 654.2A shall run concurrently with the time period for the mediation period provided in this section and section 654A.10.

2. Upon the receipt of a request for mediation, the farm mediation service shall conduct an initial consultation with the borrower without charge. The borrower may waive mediation after the initial consultation.

Sec. 20. NEW SECTION. 654A.7 FINANCIAL ANALYST AND LEGAL ASSISTANCE.

1. After receiving a mediation request, the farm mediation service shall refer the borrower to a financial analyst associated with the Iowa state university extension service ASSIST program. The financial analyst shall assist the borrower in the preparation of information relative to the finances of the borrower for the initial mediation meeting.

2. After receiving the mediation request, the farm mediation service shall notify the borrower that legal assistance may be available without charge through the legal assistance for farmers program provided in chapter 13.

Sec. 21. NEW SECTION. 654A.8 INITIAL MEDIATION MEETING.

1. Unless the borrower waives mediation, within twenty-one days after receiving a mediation request the farm mediation service shall send a mediation meeting notice to the borrower and to all known creditors of the borrower setting a time and place for an initial mediation meeting between the borrower, the creditors, and a mediator directed by the farm mediation service to assist in mediation. An initial mediation meeting shall be held within twenty-one days of the issuance of the mediation meeting notice.

2. If a creditor subject to this chapter receives a mediation meeting notice under subsection 1, the creditor and the creditor's successors in interest may not continue proceedings to enforce a debt against agricultural property of the borrower under chapter 654, to forfeit a real estate contract for the purchase of agricultural property of the borrower under chapter 656, to enforce a secured interest in agricultural property under chapter 554, or to otherwise garnish, levy on, execute on, seize, or attach agricultural property. Time periods under and affecting those procedures stop running until the farm mediation service issues a mediation release to the creditor.

Sec. 22. NEW SECTION. 654A.9 DUTIES OF MEDIATOR.

At the initial mediation meeting and subsequent meetings, the mediator shall:

1. Listen to the borrower and the creditors desiring to be heard.
2. Attempt to mediate between the borrower and the creditors.
3. Advise the borrower and the creditors as to the existence of available assistance programs.
4. Encourage the parties to adjust, refinance, or provide for payment of the debts.
5. Advise, counsel, and assist the borrower and creditors in attempting to arrive at an agreement for the future conduct of financial relations among them.

Sec. 23. NEW SECTION. 654A.10 MEDIATION PERIOD.

The mediator may call mediation meetings during the mediation period, which is up to forty-two days after the farm mediation service received the mediation request. However, if all parties consent, mediation may continue after the end of the mediation period.

Sec. 24. NEW SECTION. 654A.11 MEDIATION RELEASE.

1. If an agreement is reached between the borrower and the creditors, the mediator shall draft a written mediation agreement, have it signed by the creditors, and submit the agreement to the farm mediation service.

2. The borrower and the creditors who are parties to the mediation agreement may enforce the mediation agreement as a legal contract. The agreement constitutes a mediation release.

3. If the borrower waives mediation, or if a mediation agreement is not reached, the borrower and the creditors may sign a statement prepared by the mediator that mediation was waived or that the parties did not reach an agreement. If any party does not sign the statement, the mediator shall sign the statement. The statement constitutes a mediation release. Unless the borrower waives mediation, a creditor shall not receive a mediation release until the creditor has participated in at least one mediation meeting.

Sec. 25. NEW SECTION. 654A.12 EXTENSION OF DEADLINES.

Upon petition by the borrower and all known creditors, the farm mediation service may, for

good cause, extend a deadline imposed by section 654A.8 or section 654A.10 for up to thirty days.

Sec. 26. NEW SECTION. 654A.13 CONFIDENTIALITY.

1. All data regarding the finances of individual borrowers and creditors which is created, collected, and maintained by the farm mediation service are not public records under chapter 22.

2. Meetings of the farm mediation service are closed meetings and are not subject to chapter 21.

Sec. 27. NEW SECTION. 654A.14 RULES AND FORMS.

The farm mediation service shall recommend rules to the coordinator. The coordinator shall adopt rules pursuant to chapter 17A to set the compensation of mediators and to implement this chapter. The compensation of the mediators shall be no more than twenty-five dollars per hour, and all parties shall contribute an equal amount of the cost. The coordinator shall adopt voluntary mediation application and mediation request forms.

Sec. 28. NEW SECTION. 656.8 MEDIATION NOTICE.

Notwithstanding the provisions of sections 656.1 through 656.5, a person shall not initiate proceedings under this chapter to forfeit a real estate contract for the purchase of agricultural property, as defined in section 654A.1, which is subject to an outstanding obligation on the contract of twenty thousand dollars or more unless the person received a mediation release under section 654A.11, or unless the court determines after notice and hearing that the time delay required for the mediation would cause the person to suffer irreparable harm.

Sec. 29. Sections 1 through 7, 12, and 14 through 28 are repealed on July 1, 1989.

Sec. 30. This Act, being deemed of immediate importance, takes effect from and after its publication in The Messenger, a newspaper published in Fort Dodge, Iowa, and in The Mt. Pleasant News, a newspaper published in Mount Pleasant, Iowa, but not later than July 1, 1986.

Approved May 23, 1986

I hereby certify that the foregoing Act, House File 2473, was published in The Messenger, Fort Dodge, Iowa, on May 29, 1986, and in The Mt. Pleasant News, Mount Pleasant, Iowa, on May 29, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1215
SPECIAL ASSESSMENT PAYMENTS
H.F. 2477

AN ACT relating to the payment of installments of special assessments.

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

Section 1. Section 384.65, subsection 3, Code 1985, is amended to read as follows:

3. All future installments of an assessment may be paid on any date by payment of the then outstanding balance, plus interest to the next December 1, or additional annual installments may be paid after the current installment has been paid before December 1 without interest. A payment must be for the full amount of the next installment. If installments remain to be paid, the next annual installment with interest added to December 1 will be due as provided in subsection 2.

Approved May 23, 1986

CHAPTER 1216
REAL ESTATE FORECLOSURE PROCEDURES
S.F. 2270

AN ACT relating to certain loans, debts and obligations, by providing for the separate redemption of a homestead, delaying the enforceability of certain deficiency judgments or general executions related to obligations secured by agricultural land, providing for certain exemptions from execution and garnishment, providing for the eligibility of certain types of real estate for a foreclosure continuance, providing time limits for applying for a foreclosure continuance and for the term of a foreclosure continuance, providing immediate foreclosure continuance eligibility to real estate used for small business, providing an extension of time under the current declaration of economic emergency, extending the period for grants under the agricultural assistance program, and providing an effective date.

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

Section 1. LEGISLATIVE FINDINGS.

The general assembly finds and declares as follows:

1. The state of Iowa is suffering from a financial crisis in agriculture that affects the entire economic health of this state.
2. This financial crisis has grown to include the business communities which, together with the agricultural producers, form the core of the state's economy.
3. A large number of producers and farm families are being forced to leave farming and make a new start.
4. It is deemed to be in the best interest of the state to protect the business communities and the dislocated farm families affected by the financial crisis in agriculture.

Sec. 2. NEW SECTION. 654.16 SEPARATE REDEMPTION OF HOMESTEAD.

If a foreclosure sale is ordered on agricultural land used for farming, as defined in section 175.2, the mortgagor may, by a date set by the court but not later than ten days before the sale, designate to the court the portion of the land which the mortgagor claims as a homestead. The homestead may be any contiguous portion of forty acres or less of the real estate subject to the foreclosure. The homestead shall contain the residence of the mortgagor and shall be as compact as practicable.

If the homestead is not sold separately, but rather is sold in conjunction with the nonhomestead property in order to satisfy the judgment, the court shall determine the fair market value of the homestead. The court may consult with the county appraisers appointed pursuant to section 450.24 to determine the fair market value of the homestead. The mortgagor may redeem the homestead separately by tendering the fair market value of the homestead pursuant to chapter 628.

Sec. 3. Section 654.6, Code 1985, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. However, a deficiency judgment or general execution premised upon the deficiency judgment issued against the mortgagor shall not be enforceable until July 1, 1991 if all of the following apply:

1. The mortgaged property is agricultural land.
2. The mortgagor was actively engaged in farming the agricultural land upon the commencement of the action which resulted in a deficiency judgment.
3. The action was for the foreclosure of a first mortgage on the agricultural land or for the enforcement of an obligation secured by a first mortgage on the agricultural land.
4. The first mortgage secures a loan obligation, where a condition for the making of the loan was that the borrower purchase or own stock in the entity making the loan or in an entity

related to the lending entity. This requirement is satisfied if there was such a condition at the time the original loan was made.

5. The mortgagor does not exercise the exemptions provided under section 627.6 in relation to the deficiency judgment or a general execution premised upon the deficiency judgment.

NEW UNNUMBERED PARAGRAPH. The running of time periods affecting the enforceability of the deficiency judgment or general execution is suspended until July 1, 1991. Assets of the mortgagor sufficient to satisfy the deficiency judgment shall be held by the mortgagor during the period of delay provided in this section. The court shall determine which assets shall be held, and a sale, disposition, or further encumbrance of these assets is not permitted without the consent of the court. The delay may not be waived before the issuance of the deficiency judgment. After the issuance of the deficiency judgment, the mortgagor may waive the delay by filing a waiver signed by the mortgagor with the court. This section applies to actions pending on the effective date of this Act and actions commenced on or after the effective date of this Act but before July 1, 1991.

Sec. 4. Section 627.6, subsection 5, Code 1985, is amended by striking the subsection.

Sec. 5. Section 627.6, subsection 10, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

10. Any combination of the following, not to exceed a value of five thousand dollars in the aggregate:

a. Musical instruments, not including radios, television sets, or record or tape playing machines, held primarily for the personal, family, or household use of the debtor or a dependent of the debtor.

b. One motor vehicle.

c. In the event of a bankruptcy proceeding, the debtor's interest in accrued wages and in state and federal tax refunds as of the date of filing of the petition in bankruptcy, not to exceed one thousand dollars in the aggregate. This exemption is in addition to the limitations contained in sections 642.21 and 537.5105.

Sec. 6. Section 627.6, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 11. If the debtor is engaged in any profession or occupation other than farming, the proper implements, professional books, or tools of the trade of the debtor or a dependent of the debtor, not to exceed in value ten thousand dollars in the aggregate.

NEW SUBSECTION. 12. If the debtor is engaged in farming and does not exercise the delay of the enforceability of a deficiency judgment or general execution under section 654.6 in relation to the execution under which the exemption is claimed, any combination of the following, not to exceed a value of ten thousand dollars in the aggregate:

a. Implements and equipment reasonably related to a normal farming operation. This exemption is in addition to a motor vehicle held exempt under subsection 10.

b. Livestock and feed for the livestock reasonably related to a normal farming operation.

NEW SUBSECTION. 13. If the debtor is engaged in farming the agricultural land upon the commencement of an action for the foreclosure of a mortgage on the agricultural land or for the enforcement of an obligation secured by a mortgage on the agricultural land, if a deficiency judgment is issued against the debtor, and if the debtor does not exercise the delay of the enforceability of the deficiency judgment or general execution under section 654.6 in relation to the execution under which the exemption is claimed, the disposable earnings of the debtor are exempt from garnishment to enforce the deficiency judgment after two years from the entry of the deficiency judgment, sections 642.21 and 642.22 notwithstanding. However, earnings paid to the debtor directly or indirectly by the debtor are not exempt.

Sec. 7. Section 654.15, subsection 1, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An owner of a small business may apply for a continuance as provided in this subsection if the real estate subject to foreclosure is used for

the small business. The court may continue the foreclosure proceeding if the court finds that the application is made in good faith and is supported by competent evidence showing that the default in payment or inability to pay is due to the economic condition of the customers of the small business, because the customers of the small business have been significantly economically distressed as a result of drought, flood, heat, hail, storm, or other climatic conditions or due to infestation of pests. The length of the continuance shall be determined by the court, but shall not exceed two years.

Sec. 8. Section 654.15, subsection 2, Code Supplement 1985, is amended to read as follows:

2. In all actions for the foreclosure of real estate mortgages, deeds of trust of real ~~property~~ estate, and contracts for the purchase of real estate, an owner of real estate may apply for a moratorium as provided in this subsection if the governor declares a state of economic emergency. ~~The declaration by the governor of a state of economic emergency shall be valid for no more than one year for the purposes of this subsection.~~ The governor shall state in the declaration ~~whether the types of real estate eligible for a moratorium is applicable to~~ continuance, which may include real estate used for farming; designated types of real estate not used for farming, including real estate used for small business; or all real estate. Only property of ~~the a~~ a type specified in the declaration which is subject to a mortgage, deed of trust, or contract for purchase entered into before the date of the declaration is eligible for a moratorium. In an action for the foreclosure of a mortgage, deed of trust, or contract for purchase of real ~~property~~ estate eligible for a moratorium, the owner may apply for a continuation of the foreclosure if the owner has entered an appearance and filed an answer admitting some indebtedness and breach of the terms of the designated instrument. The admissions cannot be withdrawn or denied after a continuance is granted. Applications for continuance made pursuant to this subsection must be filed within one year of the governor's declaration of economic emergency. Upon the filing of an application as provided in this subsection, the court shall set a date for hearing and provide by order for notice to the parties of the time for the hearing. If the court finds that the application is made in good faith and the owner is unable to pay or perform, the court may continue the foreclosure proceeding as follows:

a. ~~If the application is made in regard to real estate used for farming, and if the default or breach of terms of the written instrument occurs on or before the first day of March of the year in which the governor declares a state of economic emergency, then the continuance shall terminate on the first day of March of the succeeding year two years from the date of the order. If the application is made in regard to real estate not used for farming, the continuance shall terminate one year from the date of the order.~~

b. Only one continuance shall be granted the applicant ~~or petitioner~~ for each written instrument or contract under each declaration. ~~Except as provided in paragraph "a", the continuance shall not exceed one year.~~

c. The court shall appoint a receiver to take charge of the property and to rent the property. ~~The owner or person in possession of the property applicant shall be given preference in the occupancy of the property. The receiver, who may be the owner or person in possession applicant, shall collect the rents and income and distribute the proceeds as follows:~~

(1) For the payment of the costs of receivership, including the required interest on the written instrument and the costs of operation.

(2) For the payment of taxes due or becoming due during the period of receivership.

(3) For the payment of insurance deemed necessary by the court including but not limited to insurance on the buildings on the premises and liability insurance.

(4) The remaining balance shall be paid to the owner of the written instrument upon which the foreclosure was based, to be credited against the deferred interest and then against the principal due on the written instrument.

d. A continuance granted under this subsection may be terminated if the court finds, after notice and hearing, all of the following:

(1) The party seeking foreclosure has made reasonable efforts in good faith to work with the applicant to restructure the debt obligations of the applicant.

(2) The party seeking foreclosure has made reasonable efforts in good faith to work with the applicant to utilize state and federal programs designed and implemented to provide debtor relief options. For the purposes of subparagraph (1) and this subparagraph, the determination of reasonableness shall take into account the financial condition of the party seeking foreclosure, and the financial strength and the long-term financial survivorship potential of the applicant.

(3) The applicant has failed to pay interest due on the written instrument.

Sec. 9. Section 654.15, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. As used in this section, "small business" means the same as defined in section 220.1.

Sec. 10. 1986 Iowa Acts, House File 2353, section 5, is amended to read as follows:

SEC. 5. There is appropriated from the general fund of the state to the Iowa family farm agricultural development authority for the fiscal year period beginning July 1, 1985 and ending June August 30, 1986, the amount of five million (5,000,000) dollars or so much thereof as is necessary, to be used for providing financial assistance to Iowa farmers under and through the agricultural loan assistance program, by providing moneys for grants under agreements subject to section 175.35 entered into on or after March 1, 1986 but before July September 1, 1986. If the grants under the agreements exceed two million dollars, the excess shall be transferred from the Iowa plan fund for economic development, notwithstanding the provisions of 1985 Acts, chapter 33. Not more than one hundred thousand (100,000) dollars, or so much thereof as is necessary, shall be used for general administration, including salaries, support, and miscellaneous purposes. Moneys appropriated by this section which are committed for grants under agreements entered into on or after March 1, 1986 but before July September 1, 1986, do not revert to the general fund or the Iowa plan fund. Moneys appropriated by this section which are committed for agreements but which are not utilized for the grants by July 1, 1987 revert on a pro rata basis to the general fund and the Iowa plan fund.

Sec. 11. Notwithstanding section 654.15, subsection 2, the declaration of economic emergency made by the governor on October 1, 1985, is in effect until March 30, 1987.

Sec. 12. Notwithstanding the provisions of the declaration of economic emergency made by the governor on October 1, 1985, real estate used for small business is eligible for a moratorium continuance after the effective date of this Act and through the remaining effective period of the declaration.

Sec. 13. This Act applies to actions filed on or after the effective date of this Act.

Sec. 14. Section 3 of this Act is repealed effective July 1, 1991.

Sec. 15. This Act, being deemed of immediate importance, takes effect from and after its publication in The Algona Upper Des Moines, a newspaper published in Algona, Iowa, and in the Audubon News-Advocate, a newspaper published in Audubon, Iowa, but not later than July 1, 1986.

Approved May 23, 1986

Pursuant to the authority vested in the undersigned Secretary of State of the State of Iowa, because of inherent and imperative need, I hereby designate that Senate File 2270 be published in the Kossuth County Advance, a newspaper published in Algona, Iowa.

I hereby certify that the foregoing Act, Senate File 2270, was published in the Audubon News-Advocate, Audubon, Iowa, on May 28, 1986, and in the Kossuth County Advance, Algona, Iowa, on May 31, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1217**RADIATION EQUIPMENT TRAINING STANDARDS***S.F. 447*

AN ACT relating to the minimum training standards imposed upon operators of radiation emitting equipment.

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

Section 1. Section 136C.3, subsection 2, Code 1985, is amended to read as follows:

2. Establish minimum training standards including continuing education requirements, and administer examinations and disciplinary procedures for operators of radiation machines and users of radioactive materials. A state of Iowa license to practice medicine, osteopathy, chiropractic, podiatry, dentistry, dental hygiene, or veterinary medicine, or certification as a physician's assistant as defined in section 148C.1, subsection 6, or certification by the board of dental examiners in dental radiography, or enrollment in a program or course of study approved by the state department of health which includes the application of radiation to humans satisfies the minimum training standards for operation of radiation machines only.

The department shall establish a technical advisory committee made up of two radiologic technologists, two physicians, including one radiologist and one private practitioner, and a representative of the department. The advisory committee shall assist the department in developing and establishing criteria for continuing education and examinations.

Sec. 2. Section 136C.10, Code 1985, is amended to read as follows:

136C.10 FEES.

The department shall establish and collect fees for the licensing and amendment of licenses for radioactive materials, the registration of radiation machines, and the periodic inspection of radiation machines and radioactive materials, and the implementation of section 136C.3, subsection 2. Fees shall be in amounts sufficient to defray the cost of administering this chapter. The license fee may include the cost of environmental surveillance activities to assess the radiological impact of activities conducted by licensees. Fees collected shall be remitted to the treasurer of state who shall deposit the funds in the general fund of the state. When a registrant or licensee fails to pay the applicable fee the department may suspend or revoke the registration or license or may issue an appropriate order. Fees for the license, amendment of a license, and inspection of radioactive material shall not exceed the fees prescribed by the United States nuclear regulatory commission.

Approved May 23, 1986

CHAPTER 1218**AUTOMOBILE LIABILITY INSURANCE PREMIUMS***S.F. 2210*

AN ACT requiring insurance companies to lower automobile liability insurance premiums to reflect the reduction in annual losses occasioned by the enactment of the mandatory seat belt bill.

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

Section 1. **NEW SECTION. 516B.1 DEFINITIONS.**

As used in this chapter, unless otherwise required by the context:

1. "Automobile liability policy" means an insurance policy issued by an insurance carrier authorized to do business in this state to or for the benefit of the person named in the policy as

insured against loss from liability imposed by law for damages arising out of ownership, maintenance, or use of an insured automobile.

2. "Commissioner" means the commissioner of insurance.

Sec. 2. NEW SECTION. 516B.2 REDUCTION IN PREMIUMS TO REFLECT REDUCTIONS IN LOSSES.

The commissioner shall require that insurance companies transacting business in this state reduce the automobile liability insurance premiums charged insureds in this state for liability insurance renewed or issued on or after July 1, 1987. The reduction in insurance premiums, on a statewide basis, shall be at whatever amount the commissioner of insurance deems appropriate as reflecting the reduction in annual losses incurred by the insurance companies with the enactment of Senate File 499 by the Seventy-first General Assembly. The commissioner of insurance may annually make adjustments to the reduction in insurance premiums as the commissioner deems appropriate considering the latest statistics available to the commissioner.

In making the determination on the amount of reduction of automobile liability insurance premiums which takes effect July 1, 1987, the commissioner may employ or contract with actuarial consultants as necessary in making the determination. The reasonable fees and expenses of an actuarial consultant employed or contracted by the commissioner for the purpose of determining the amount of the July 1, 1987 reduction shall be assessed against and paid by the affected insurance companies.

Approved May 23, 1986

CHAPTER 1219
DRUG PRESCRIPTIONS
S.F. 2248

AN ACT relating to the acquisition costs between a drug prescribed by a physician, dentist, podiatrist, or veterinarian and the drug substituted by a pharmacist.

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

Section 1. Section 155.37, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. If a physician, dentist, podiatrist or veterinarian prescribes, either in writing or orally, a drug by its brand or trade name and does not specifically state that only that designated brand or trade name drug product is to be dispensed, and if the pharmacy to which the prescription is presented or communicated has in stock one or more other drug products with the same generic name and demonstrated bioavailability as the one prescribed, the pharmacist may exercise professional judgment in the economic interest of the patient or the patient's adult representative who is purchasing the prescription by selecting a drug product generically equivalent to but of lesser cost than the one prescribed for dispensing and sale to the patient. If the pharmacist does so, the pharmacist shall inform the patient or the patient's adult representative of the savings which the patient will obtain as a result of substitution and pass on to the patient or the patient's representative the full no less than fifty percent of the difference in actual acquisition costs between the drug prescribed and the drug substituted.

Sec. 2. The drug utilization review program under the department of human services shall monitor the effects of this Act regarding any cost savings to patients or increased usage of generic drugs and the general assembly shall monitor the effects of such cost savings or increased usage. The drug utilization review program shall begin the monitoring procedure

July 1, 1986 and continue the procedure until June 30, 1989. The drug utilization review program shall report to the general assembly by January 10 of each year of the monitoring procedure, indicating any cost savings or increased usage of generic drugs.

Approved May 23, 1986

CHAPTER 1220

PENALTIES FOR OPERATION OF MOTOR VEHICLES

H.F. 2493

AN ACT relating to criminal penalties arising from the operation of motor vehicles.

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

Section 1. NEW SECTION. 321J.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Alcohol concentration" means the number of grams of alcohol per any of the following:
 - a. One hundred milliliters of blood.
 - b. Two hundred ten liters of breath.
 - c. Sixty-seven milliliters of urine.
2. "Alcoholic beverage" includes alcohol, wine, spirits, beer, or any other beverage which contains ethyl alcohol and is fit for human consumption.
3. "Arrest" includes but is not limited to taking into custody pursuant to section 232.19.
4. "Department" means the state department of transportation.
5. "Director" means the director of transportation or the director's designee.
6. "Motor vehicle license" means any license or permit issued to a person to operate a motor vehicle in this state, including but not limited to an operator, chauffeur, or motorized bicycle license and an instruction or temporary permit.
7. "Peace officer" means:
 - a. A member of the highway patrol.
 - b. A police officer under civil service as provided in chapter 400.
 - c. A sheriff.
 - d. A regular deputy sheriff who has had formal police training.
 - e. Any other law enforcement officer who has satisfactorily completed an approved course relating to motor vehicle operators under the influence of alcoholic beverages at the Iowa law enforcement academy or a law enforcement training program approved by the department of public safety.
8. "Serious injury" means a bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes protracted loss or impairment of the function of any bodily organ or major bodily member, or which causes the loss of any bodily member.

Sec. 2. NEW SECTION. 321J.2 OPERATING WHILE UNDER THE INFLUENCE OF ALCOHOL OR A DRUG OR WHILE HAVING AN ALCOHOL CONCENTRATION OF .10 OR MORE. (OWI)

1. A person commits the offense of operating while intoxicated if the person operates a motor vehicle in this state in either of the following conditions:
 - a. While under the influence of an alcoholic beverage or other drug or a combination of such substances.
 - b. While having an alcohol concentration as defined in section 321J.1 of .10 or more.
2. A person who violates this section commits:

a. A serious misdemeanor for the first offense and shall be imprisoned in the county jail for not less than forty-eight hours to be served as ordered by the court, less credit for any time the person was confined in a jail or detention facility following arrest, and assessed a fine of not less than five hundred dollars nor more than one thousand dollars. As an alternative to a portion or all of the fine, the court may order the person to perform not more than two hundred hours of unpaid community service. The court may accommodate the sentence to the work schedule of the defendant.

b. An aggravated misdemeanor for a second offense and shall be imprisoned in the county jail or community-based correctional facility not less than seven days, which minimum term cannot be suspended notwithstanding section 901.5, subsection 3 and section 907.3, subsection 2, and assessed a fine of not less than seven hundred fifty dollars.

c. A class "D" felony for a third offense and each subsequent offense and shall be imprisoned in the county jail or community-based correctional facility for not less than thirty days, which minimum term cannot be suspended notwithstanding section 901.5, subsection 3, and section 907.3, subsection 2, and assessed a fine of not less than seven hundred fifty dollars.

3. No conviction for, deferred judgment for, or plea of guilty to, a violation of this section which occurred more than six years prior to the date of the violation charged shall be considered in determining that the violation charged is a second, third, or subsequent offense. For the purpose of determining if a violation charged is a second, third, or subsequent offense, deferred judgments pursuant to section 907.3 for violations of this section and convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the one defined in this section and can therefore be considered corresponding statutes. Each previous violation shall be considered a separate previous offense without regard to whether each was complete as to commission and conviction or deferral of judgment following or prior to any other previous violation.

4. A person shall not be convicted and sentenced for more than one violation of this section if the violation is shown to have been committed by either or both of the means described in subsection 1 in the same occurrence.

5. The clerk of court shall immediately certify to the department a true copy of each order entered with respect to deferral of judgment, deferral of sentence or pronouncement of judgment and sentence for a defendant under this section.

6. This section does not apply to a person operating a motor vehicle while under the influence of a drug if the substance was prescribed for the person and was taken under the prescription and in accordance with the directions of a medical practitioner as defined in section 155.3, subsection 11, if there is no evidence of the consumption of alcohol and the medical practitioner had not directed the person to refrain from operating a motor vehicle.

7. In any prosecution under this section, evidence of the results of analysis of a specimen of the defendant's blood, breath, or urine is admissible upon proof of a proper foundation. The alcohol concentration established by the results of an analysis of a specimen of the defendant's blood, breath, or urine withdrawn within two hours after the defendant was driving or in physical control of a motor vehicle is presumed to be the alcohol concentration at the time of driving or being in physical control of the motor vehicle.

8. The court shall order a defendant convicted of or receiving a deferred judgment for a violation of this section to make restitution, in an amount not to exceed two thousand dollars, for damages resulting directly from the violation. An amount paid pursuant to this restitution order shall be credited toward any adverse judgment in a subsequent civil proceeding arising from the same occurrence. However, other than establishing a credit, a restitution proceeding pursuant to this section shall not be given evidentiary or preclusive effect in a subsequent civil proceeding arising from the same occurrence.

9. In any prosecution under this section, the results of a chemical test may not be used to prove a violation of paragraph "b" of subsection 1 if the alcohol concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the chemical test does not equal an alcohol concentration of .10 or more.

Sec. 3. NEW SECTION. 321J.3 COURT ORDERED SUBSTANCE ABUSE EVALUATION OR TREATMENT.

1. On a conviction for a violation of section 321J.2, the court may order the defendant to attend a course for drinking drivers under section 321J.22. If the defendant submitted to a chemical test on arrest for the violation of section 321J.2 and the test indicated an alcohol concentration of .20 or higher, the court shall order the defendant, on conviction, to undergo a substance abuse evaluation and the court may order the defendant to follow the recommendations proposed in the substance abuse evaluation for appropriate substance abuse treatment for the defendant. Court ordered substance abuse treatment is subject to the periodic reporting requirements of section 125.86. If a defendant is committed by the court to a substance abuse treatment facility, the administrator of the facility shall report to the court when it is determined that the defendant has received the maximum benefit of treatment at the facility and the defendant shall be released from the facility. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence. The court may prescribe the length of time for the evaluation and treatment or it may request that the area school conducting the course for drinking drivers which the person is ordered to attend or the treatment program to which the person is committed immediately report to the court when the person has received maximum benefit from the course for drinking drivers or treatment program or has recovered from the person's addiction, dependency, or tendency to chronically abuse alcohol or drugs. A person committed under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44. A defendant who fails to carry out the order of the court or who fails to successfully complete or attend a course for drinking drivers or an ordered substance abuse treatment program shall be confined in the county jail for twenty days in addition to any other imprisonment ordered by the court or may be ordered to perform unpaid community service work, and shall be placed on probation for one year with a violation of this probation punishable as contempt of court.

2. As a condition of a suspended sentence or portion of sentence for a second, third, or subsequent offense in violation of section 321J.2, the court upon hearing may commit the defendant for inpatient treatment of alcoholism or drug addiction or dependency to any hospital, institution, or community correctional facility in Iowa providing such treatment. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence. The court may prescribe the length of time for the evaluation and treatment or it may request that the hospital to which the person is committed immediately report to the court when the person has received maximum benefit from the program of the hospital or institution or has recovered from the person's addiction, dependency, or tendency to chronically abuse alcohol or drugs. A person committed under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44.

Sec. 4. NEW SECTION. 321J.4 REVOCATION OF MOTOR VEHICLE LICENSE ON CONVICTION OR COURT ORDER.

1. If a defendant is convicted of a violation of section 321J.2 and the defendant's motor vehicle license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's motor vehicle license or nonresident operating privilege for one hundred eighty days if the defendant has had no previous conviction under section 321J.2 or revocation under section

321J.9 or 321J.12 within the previous six years and for one year if the defendant has had one or more previous convictions or revocations under those sections within the previous six years.

2. If the court defers judgment pursuant to section 907.3 for a violation of section 321J.2, the court shall order the department to revoke the defendant's motor vehicle license or nonresident operating privilege for a period of not less than thirty days nor more than ninety days if the defendant's motor vehicle license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose. The court shall immediately require the defendant to surrender to it all Iowa licenses or permits held by the defendant, which the court shall forward to the department with a copy of the order deferring judgment.

3. a. Upon a plea or verdict of guilty of a third or subsequent violation of section 321J.2, the court shall order the department to revoke the defendant's motor vehicle license or nonresident operating privilege for a period of six years. The court shall require the defendant to surrender to it all Iowa licenses or permits held by the defendant, which the court shall forward to the department with a copy of the order for revocation.

b. After two years from the date of the order for revocation, the defendant may apply to the court for restoration of the defendant's eligibility for a motor vehicle license. The application may be granted only if all of the following are shown by the defendant by a preponderance of the evidence:

(1) The defendant has completed an evaluation and, if recommended by the evaluation, a program of treatment for chemical dependency and is recovering, or has substantially recovered, from that dependency on or tendency to abuse alcohol or drugs.

(2) The defendant has not been convicted, since the date of the revocation order, of any subsequent violations of section 321J.2 or 123.46, or any comparable city or county ordinance, and the defendant has not, since the date of the revocation order, submitted to a chemical test under this chapter that indicated an alcohol concentration as defined in section 321J.1 of .10 or more, or refused to submit to chemical testing under this chapter.

(3) The defendant has abstained from the excessive consumption of alcoholic beverages and the consumption of controlled substances, except at the direction of a licensed physician or pursuant to a valid prescription.

(4) The defendant's motor vehicle license is not currently subject to suspension or revocation for any other reason.

c. The court shall forward to the department a record of any application submitted under paragraph "b" and the results of the court's disposition of the application.

4. Upon a plea or verdict of guilty of a violation of section 321J.2 which involved a personal injury, the court shall determine in open court, from consideration of the information in the file and any other evidence the parties may submit, whether a serious injury was sustained by any person other than the defendant and, if so, whether the defendant's conduct in violation of section 321J.2 caused the serious injury. If the court so determines, the court shall order the department to revoke the defendant's motor vehicle license or nonresident operating privilege for a period of one year in addition to any other period of suspension or revocation. The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the order for revocation.

5. Upon a plea or verdict of guilty of a violation of section 321J.2 which involved a death, the court shall determine in open court, from consideration of the information in the file and any other evidence the parties may submit, whether a death occurred and, if so, whether the defendant's conduct in violation of section 321J.2 caused the death. If the court so determines, the court shall order the department to revoke the defendant's motor vehicle license or nonresident operating privilege for a period of six years. The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the order for revocation.

6. If a license or permit to operate a motor vehicle is revoked or denied under this section or section 321J.9 or 321J.12, the period of revocation or denial shall be the period provided for such a revocation or until the defendant reaches the age of eighteen whichever period is longer.

Sec. 5. NEW SECTION. 321J.5 PRELIMINARY SCREENING TEST.

When a peace officer has reasonable grounds to believe that a motor vehicle operator may be violating or has violated section 321J.2, or the operator has been involved in a motor vehicle collision resulting in injury or death, the peace officer may request the operator to provide a sample of the operator's breath for a preliminary screening test using a device approved by the commissioner of public safety for that purpose. The results of this preliminary screening test may be used for the purpose of deciding whether an arrest should be made and whether to request a chemical test authorized in this chapter, but shall not be used in any court action except to prove that a chemical test was properly requested of a person pursuant to this chapter.

Sec. 6. NEW SECTION. 321J.6 IMPLIED CONSENT TO TEST.

1. A person who operates a motor vehicle in this state under circumstances which give reasonable grounds to believe that the person has been operating a motor vehicle in violation of section 321J.2 is deemed to have given consent to the withdrawal of specimens of the person's blood, breath, or urine and to a chemical test or tests of the specimens for the purpose of determining the alcohol concentration or presence of drugs, subject to this section. The withdrawal of the body substances and the test or tests shall be administered at the written request of a peace officer having reasonable grounds to believe that the person was operating a motor vehicle in violation of section 321J.2, and if any of the following conditions exist:

- a. A peace officer has lawfully placed the person under arrest for violation of section 321J.2.
- b. The person has been involved in a motor vehicle accident or collision resulting in personal injury or death.
- c. The person has refused to take a preliminary breath screening test provided by this chapter.
- d. The preliminary breath screening test was administered and it indicated an alcohol concentration as defined in section 321J.1 of .10 or more.
- e. The preliminary breath screening test was administered and it indicated an alcohol concentration of less than .10 and the peace officer has reasonable grounds to believe that the person was under the influence of a drug other than alcohol or a combination of alcohol and another drug.

2. The peace officer shall determine which of the three substances, breath, blood, or urine, shall be tested. Refusal to submit to a chemical test of urine or breath is deemed a refusal to submit, and section 321J.9 applies. A refusal to submit to a chemical test of blood is not deemed a refusal to submit, but in that case, the peace officer shall then determine which one of the other two substances shall be tested and shall offer the test. If the peace officer fails to offer a test within two hours after the preliminary screening test is administered or refused or the arrest is made, whichever occurs first, a test is not required, and there shall be no revocation under section 321J.9.

3. Notwithstanding subsection 2, if the peace officer has reasonable grounds to believe that the person was under the influence of a drug other than alcohol or a combination of alcohol and another drug, a urine test may be required even after a blood or breath test has been administered. Section 321J.9 applies to a refusal to submit to a chemical test of urine requested under this subsection.

Sec. 7. NEW SECTION. 321J.7 DEAD OR UNCONSCIOUS PERSONS.

A person who is dead, unconscious, or otherwise in a condition rendering the person incapable of consent or refusal is deemed not to have withdrawn the consent provided by section 321J.6, and the test may be given if a licensed physician certifies in advance of the test that the person is dead, unconscious, or otherwise in a condition rendering that person incapable of consent or refusal.

Sec. 8. NEW SECTION. 321J.8 STATEMENT OF OFFICER.

A person who has been requested to submit to a chemical test shall be advised by a peace officer of the following:

1. If the person refuses to submit to the test, the person's license or operating privilege will be revoked by the department for the applicable period under section 321J.9.

2. If the person submits to the test and the results indicate an alcohol concentration as defined in section 321J.1 of .10 or more, the person's license or operating privilege will be revoked by the department for the applicable period under section 321J.12.

This section does not apply in any case involving a person described in section 321J.7.

Sec. 9. NEW SECTION. 321J.9 REFUSAL TO SUBMIT - REVOCATION.

If a person refuses to submit to the chemical testing, a test shall not be given, but the department, upon the receipt of the peace officer's certification, subject to penalty for perjury, that the officer had reasonable grounds to believe the person to have been operating a motor vehicle in violation of section 321J.2, that specified conditions existed for chemical testing pursuant to section 321J.6, and that the person refused to submit to the chemical testing, shall revoke the person's motor vehicle license and any nonresident operating privilege for a period of two hundred forty days if the person has no previous revocation within the previous six years under this chapter; and five hundred forty days if the person has one or more previous revocations within the previous six years under this chapter; or if the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for the same period a license or permit would be revoked, subject to review as provided in this chapter. The effective date of revocation shall be twenty days after the department has mailed notice of revocation to the person by certified mail or, on behalf of the department, a peace officer offering or directing the administration of a chemical test may serve immediate notice of intention to revoke and of revocation on a person who refuses to permit chemical testing. If the peace officer serves that immediate notice, the peace officer shall take the Iowa license or permit of the driver, if any, and issue a temporary license effective for only twenty days. The peace officer shall immediately send the person's license to the department along with the officer's certificate indicating the person's refusal to submit to chemical testing.

Sec. 10. NEW SECTION. 321J.10 TESTS PURSUANT TO WARRANTS.

1. Refusal to consent to a test under section 321J.6 does not prohibit the withdrawal of a specimen for chemical testing pursuant to a search warrant issued in the investigation of a suspected violation of section 707.5 if all of the following grounds exist:

a. A traffic accident has resulted in a death or personal injury reasonably likely to cause death.

b. There are reasonable grounds to believe that one or more of the persons whose driving may have been the proximate cause of the accident was violating section 321J.2 at the time of the accident.

2. Search warrants may be issued under this section in full compliance with chapter 808 or they may be issued under subsection 3.

3. Notwithstanding section 808.3, the issuance of a search warrant under this section may be based upon sworn oral testimony communicated by telephone if the magistrate who is asked to issue the warrant is satisfied that the circumstances make it reasonable to dispense with a written affidavit. The following shall then apply:

a. When a caller applies for the issuance of a warrant under this section and the magistrate becomes aware of the purpose of the call, the magistrate shall place under oath the person applying for the warrant.

b. The person applying for the warrant shall prepare a duplicate warrant and read the duplicate warrant, verbatim, to the magistrate who shall enter, verbatim, what is read to the

magistrate on a form that will be considered the original warrant. The magistrate may direct that the warrant be modified.

c. The oral application testimony shall set forth facts and information tending to establish the existence of the grounds for the warrant and shall describe with a reasonable degree of specificity the person or persons whose driving is believed to have been the proximate cause of the accident and from whom a specimen is to be withdrawn and the location where the withdrawal of the specimen or specimens is to take place.

d. If a voice recording device is available, the magistrate may record by means of that device all of the call after the magistrate becomes aware of the purpose of the call. Otherwise, the magistrate shall cause a stenographic or longhand memorandum to be made of the oral testimony of the person applying for the warrant.

e. If the magistrate is satisfied from the oral testimony that the grounds for the warrant exist or that there is probable cause to believe that they exist, the magistrate shall order the issuance of the warrant by directing the person applying for the warrant to sign the magistrate's name on the duplicate warrant. The magistrate shall immediately sign the original warrant and enter on its face the exact time when the issuance was ordered.

f. The person who executes the warrant shall enter the time of execution on the face of the duplicate warrant.

g. The magistrate shall cause any record of the call made by means of a voice recording device to be transcribed, shall certify the accuracy of the transcript, and shall file the transcript and the original record with the clerk. If a stenographic or longhand memorandum was made of the oral testimony of the person who applied for the warrant, the magistrate shall file a signed copy with the clerk.

h. The clerk of court shall maintain the original and duplicate warrants along with the record of the telephone call and any transcript or memorandum made of the call in a confidential file until a charge, if any, is filed.

4. Search warrants issued under this section shall authorize and direct peace officers to secure the withdrawal of blood specimens by medical personnel under section 321J.11. Reasonable care shall be exercised to ensure the health and safety of the persons from whom specimens are withdrawn in execution of the warrants. If a person from whom a specimen is to be withdrawn objects to the withdrawal of blood, and the person is capable of giving a specimen of breath, and a direct breath testing instrument is readily available, the warrant may be executed by the withdrawal of a specimen of breath for chemical testing.

5. The act of any person knowingly resisting or obstructing the withdrawal of a specimen pursuant to a search warrant issued under this section constitutes a contempt punishable by a fine not exceeding one thousand dollars or imprisonment in a county jail not exceeding one year or by both such fine and imprisonment. Also, if the withdrawal of a specimen is so resisted or obstructed, sections 321J.9 and 321J.16 apply.

6. Nonsubstantive variances between the contents of the original and duplicate warrants shall not cause a warrant issued under subsection 3 of this section to be considered invalid.

7. Specimens obtained pursuant to warrants issued under this section are not subject to disposition under section 808.9 or chapter 809.

8. Subsections 1 to 7 of this section do not apply where a test may be administered under section 321J.7.

9. Medical personnel who use reasonable care and accepted medical practices in withdrawing blood specimens are immune from liability for their actions in complying with requests made of them pursuant to search warrants or pursuant to section 321J.11.

Sec. 11. NEW SECTION. 321J.11 TAKING SAMPLE FOR TEST.

Only a licensed physician, physician's assistant as defined in section 148C.1, subsection 6, medical technologist, or registered nurse, acting at the request of a peace officer, may withdraw a specimen of blood for the purpose of determining the alcohol concentration or the

presence of drugs. However, any peace officer, using devices and methods approved by the commissioner of public safety, may take a specimen of a person's breath or urine for the purpose of determining the alcohol concentration or the presence of drugs. Only new equipment kept under strictly sanitary and sterile conditions shall be used for drawing blood.

The person may have an independent chemical test or tests administered at the person's own expense in addition to any administered at the direction of a peace officer. The failure or inability of the person to obtain an independent chemical test or tests does not preclude the admission of evidence of the results of the test or tests administered at the direction of the peace officer. Upon the request of the person who is tested, the results of the test or tests administered at the direction of the peace officer shall be made available to the person.

Sec. 12. NEW SECTION. 321J.12 TEST RESULT REVOCATION.

Upon certification, subject to penalty for perjury, by the peace officer that there existed reasonable grounds to believe that the person had been operating a motor vehicle in violation of section 321J.2, that there existed one or more of the necessary conditions for chemical testing described in section 321J.6, subsection 1, and that the person submitted to chemical testing and the test results indicated an alcohol concentration as defined in section 321J.1 of .10 or more, the department shall revoke the person's motor vehicle license or nonresident operating privilege for a period of one hundred eighty days if the person has had no revocation within the previous six years under this chapter, and one year if the person has had one or more previous revocations within the previous six years under this chapter.

The effective date of the revocation shall be twenty days after the department has mailed notice of revocation to the person by certified mail. The peace officer who requested or directed the administration of the chemical test may, on behalf of the department, serve immediate notice of revocation on a person whose test results indicated an alcohol concentration of .10 or more.

If the peace officer serves that immediate notice, the peace officer shall take the person's Iowa license or permit, if any, and issue a temporary license valid only for twenty days. The peace officer shall immediately send the person's driver's license to the department along with the officer's certificate indicating that the test results indicated an alcohol concentration of .10 or more.

The results of a chemical test may not be used as the basis for a revocation of a person's motor vehicle license or nonresident operating privilege if the alcohol concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the chemical test does not equal an alcohol concentration of .10 or more.

Sec. 13. NEW SECTION. 321J.13 HEARING ON REVOCATION — APPEAL.

1. Notice of revocation of a person's motor vehicle license or operating privilege served pursuant to section 321J.9 or 321J.12 shall include a form accompanied by a preaddressed envelope on which the person served may indicate by a checkmark if the person wishes to request a temporary restricted license only or if the person wishes a hearing to contest the revocation. The form shall clearly state on its face that the form must be completed and returned within twenty days of receipt or the person's right to a hearing to contest the revocation is foreclosed. The form shall also be accompanied by a statement of the operation of and the person's rights under this chapter.

2. The department shall grant the person an opportunity to be heard within thirty days of receipt of a request for a hearing if the request is made not later than twenty days after receipt of notice of revocation served pursuant to section 321J.9 or 321J.12. The hearing shall be before the department in the county where the alleged events occurred, unless the director and the person agree that the hearing may be held in some other county, or the hearing may be held by telephone conference at the discretion of the agency conducting the hearing. The hearing may be recorded and its scope shall be limited to the issues of whether a peace officer had reasonable grounds to believe that the person was operating a motor vehicle in violation of section 321J.2 and either of the following:

a. Whether the person refused to submit to the test or tests.
b. Whether a test was administered and the test results indicated an alcohol concentration as defined in section 321J.1 of .10 or more.

3. After the hearing the department shall order that the revocation be either rescinded or sustained. In the event that the revocation is sustained, the administrative hearing officer who conducted the hearing has authority to issue a temporary restricted license to the person whose motor vehicle license or operating privilege was revoked. Upon receipt of the decision of the department to sustain a revocation, the person contesting the revocation shall have ten days to file a request for review of the decision by the director. The director or the director's designee shall review the decision within fifteen days and shall either rescind or sustain the revocation or order a new hearing. If the director orders a new hearing, the department shall grant the person a new hearing within thirty days of the director's order.

4. A person whose motor vehicle license or operating privilege has been revoked under section 321J.9 or 321J.12 may reopen a department hearing on the revocation if the person submits a petition stating that new evidence has been discovered which provides grounds for rescission of the revocation, or if the person submits a petition stating that a criminal action on a charge of a violation of section 321J.2 filed as a result of the same circumstances which resulted in the revocation has resulted in a decision in which the court has held that the peace officer did not have reasonable grounds to believe that a violation of section 321J.2 had occurred to support a request for or to administer a chemical test or which has held the chemical test to be otherwise inadmissible or invalid. Such a decision by the court is binding on the department.

5. The department shall stay the revocation of a person's motor vehicle license or operating privilege for the period that the person is contesting the revocation under this section or section 321J.14 if it is shown to the satisfaction of the department that the new evidence is material and that there were valid reasons for failure to present it in the contested case proceeding before the department.

6. If the department fails to comply with the time limitations of this section regarding granting a hearing, review by the director or the director's designee, or granting a new hearing, and if the request for a hearing or review by the director was properly made under this section, the revocation of the motor vehicle license or operating privilege of the person who made the request for a hearing or review shall be rescinded. This subsection shall not apply in those cases in which a continuance to the hearing has been granted at the request of either the person who requested the hearing or the peace officer who requested or administered the chemical test.

Sec. 14. NEW SECTION. 321J.14 JUDICIAL REVIEW.

Judicial review of an action of the department may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of that chapter, a petition for judicial review may be filed in the district court in the county where the alleged events occurred or in the county in which the administrative hearing was held.

Sec. 15. NEW SECTION. 321J.15 EVIDENCE IN ANY ACTION.

Upon the trial of a civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating a motor vehicle in violation of section 321J.2, evidence of the alcohol concentration or the presence of drugs in the person's body substances at the time of the act alleged as shown by a chemical analysis of the person's blood, breath, or urine is admissible. If it is established at trial that an analysis of a breath specimen was performed by a certified operator using a device and methods approved by the commissioner of public safety, no further foundation is necessary for introduction of the evidence.

Sec. 16. NEW SECTION. 321J.16 PROOF OF REFUSAL ADMISSIBLE.

If a person refuses to submit to a chemical test, proof of refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating a motor vehicle in violation of section 321J.2.

Sec. 17. NEW SECTION. 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 separate fund dedicated to and used for the purposes of chapter 912, and for the operation of a missing person clearinghouse and domestic abuse registry by the department of public safety. 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. 18. NEW SECTION. 321J.18 OTHER EVIDENCE.

This chapter does not limit the introduction of any competent evidence bearing on the question of whether a person was under the influence of an alcoholic beverage or a drug, including the results of chemical tests of specimens of blood, breath or urine obtained more than two hours after the person was operating a motor vehicle.

Sec. 19. NEW SECTION. 321J.19 INFORMATION RELAYED TO OTHER STATES.

When it has been finally determined under this chapter that a nonresident's privilege to operate a motor vehicle in this state has been revoked or denied, the department shall give information in writing of the action taken to the official in charge of traffic control or public safety of the state of the person's residence and of any state in which the person has a license.

Sec. 20. NEW SECTION. 321J.20 TEMPORARY RESTRICTED LICENSE.

1. The department may, on application, issue a temporary restricted license to a person whose motor vehicle license is revoked under this chapter allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by the person's full-time or part-time employment, continuing health care or the continuing health care of another who is dependent upon the person, continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion, substance abuse treatment, and court-ordered community service responsibilities if the person's motor vehicle license has not been revoked under 321J.4, 321J.9, or 321J.12 within the previous six years and if any of the following apply:

a. The person's motor vehicle license is revoked under section 321J.4, subsection 1, 2, 4, or 6.

b. The person's motor vehicle license is revoked under section 321J.9 and the person has entered a plea of guilty on a charge of a violation of section 321J.2 which arose from the same set of circumstances which resulted in the person's motor vehicle license revocation under section 321J.9 and the guilty plea is not withdrawn at the time of or after application for the temporary restricted license.

c. The person's motor vehicle license is revoked under section 321J.12.

However, a temporary restricted license may be issued if the person's motor vehicle license is revoked under section 321J.9, and the revocation is a second revocation under this chapter, and the first three hundred and sixty days of the revocation have expired.

2. This section does not apply to a person whose license was revoked under section 321J.4, subsection 3 or 5, or to a person whose license is suspended or revoked for another reason.

3. A person holding a temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure.

Sec. 21. NEW SECTION. 321J.21 DRIVING WHILE LICENSE DENIED OR REVOKED.

A person whose motor vehicle license or nonresident operating privilege has been denied or revoked as provided in this chapter and who drives a motor vehicle upon the highways of this state while the license or privilege is denied or revoked commits a serious misdemeanor. The department, upon receiving the record of the conviction of a person under this section upon a charge of driving a motor vehicle while the license of the person was revoked or denied, shall extend the period of revocation or denial for an additional like period, and the department shall not issue a new license during the additional period.

Sec. 22. NEW SECTION. 321J.22 COURT-ORDERED DRINKING DRIVERS COURSE.

1. As used in this section, unless the context otherwise requires:

a. "Course for drinking drivers" means an approved course designed to inform the offender about drinking and driving and encourage the offender to assess the offender's own drinking and driving behavior in order to select practical alternatives.

b. "Satisfactory completion of a course" means receiving at the completion of a course a grade from the course instructor of "C" or "2.0," or better.

2. After a conviction for, or a plea of guilty of, a violation of section 321J.2, the court in addition to its power to commit the defendant for treatment of alcoholism under section 321J.3, may order the defendant, at the defendant's own expense, to enroll in, attend, and successfully complete a course for drinking drivers. The court may alternatively or additionally require the defendant to seek evaluation, treatment or rehabilitation services under section 125.33 at the defendant's expense and to furnish evidence of successful completion. A copy of the order shall be forwarded to the department.

3. The course provided in this section shall be offered on a regular basis at each area school as defined in section 280A.2. Enrollment in the courses is not limited to persons ordered to enroll, attend and successfully complete the course under subsection 2, and any person convicted of a violation of section 321J.2 who was not ordered to enroll in a course may enroll in and attend a course for drinking drivers. The course required by this section shall be taught by the area schools under the department of public instruction and approved by the department. The department of public instruction shall establish reasonable fees to defray the expense of obtaining classroom space, instructor salaries, and class materials. A person shall not be denied enrollment in a course by reason of the person's indigency.

4. An employer shall not discharge a person from employment solely for the reason of work absence to attend a course required by this section. Any employer who violates this section is liable for damages which include but are not limited to actual damages, court costs, and reasonable attorney fees. The person may also petition the court for imposition of a cease and desist order against the person's employer and for reinstatement to the person's previous position of employment.

5. The department of public instruction shall prepare a list of the locations of the courses taught under this section, the dates and times taught, the procedure for enrollment, and the schedule of course fees. The list shall be kept current and a copy of the list shall be sent to each court having jurisdiction over offenses provided in this chapter.

6. The department of public instruction shall maintain enrollment, attendance, successful and unsuccessful completion data on the persons ordered to enroll, attend and successfully complete a course for drinking drivers. This data shall be forwarded to the court.

Sec. 23. NEW SECTION. ROADBLOCKS CONDUCTED BY LAW ENFORCEMENT AGENCIES.

1. The law enforcement agencies of this state may conduct emergency vehicle roadblocks in response to immediate threats to the health, safety, and welfare of the public; and otherwise may conduct routine vehicle roadblocks only as provided in this section. Routine vehicle roadblocks may be conducted to enforce compliance with the law regarding any of the following:

a. The licensing of operators of motor vehicles.

- b. The registration of motor vehicles.
 - c. The safety equipment required on motor vehicles.
 - d. The provisions of chapters 109 and 110.
2. Any routine vehicle roadblock conducted under this section shall meet the following requirements:
- a. The location of the roadblock, the time during which the roadblock will be conducted, and the procedure to be used while conducting the roadblock, shall be determined by policymaking administrative officers of the law enforcement agency.
 - b. The roadblock location shall be selected for its safety and visibility to oncoming motorists, and adequate advance warning signs, illuminated at night or under conditions of poor visibility, shall be erected to provide timely information to approaching motorists of the roadblock and its nature.
 - c. There shall be uniformed officers and marked official vehicles of the law enforcement agency or agencies involved, in sufficient quantity and visibility to demonstrate the official nature of the roadblock.
 - d. The selection of motor vehicles to be stopped shall not be arbitrary.
 - e. The roadblock shall be conducted to assure the safety of and to minimize the inconvenience of the motorists involved.

Sec. 24. NEW SECTION. 123.151 POSTING NOTICE ON DRUNK DRIVING LAWS REQUIRED.

State liquor stores and holders of liquor control licenses, wine permits, or beer permits shall post in a prominent place in the state liquor stores or licensed premises notice explaining the operation of and penalties of the laws which prohibit the operation of a motor vehicle by a person who is intoxicated. The size, print size, location, and content of the notice shall be established by rule of the department.

Sec. 25. Section 125.44, unnumbered paragraph 6, Code 1985, is amended to read as follows:

The department is liable for the cost of care, treatment, and maintenance of a substance abuser admitted to the facility voluntarily or pursuant to section 125.75, 125.81, or 125.91 or section ~~321.281, 321.283, subsection 3, 321J.3~~ or 204.409, subsection 2 only to those facilities that have a contract with the department under this section, only for the amount computed according to and within the limits of liability prescribed by this section, and only when the substance abuser is unable to pay the costs and there is no other person, firm, corporation or insurance company bound to pay the costs.

Sec. 26. NEW SECTION. 217A.30 ASSIGNMENT TO TREATMENT FACILITIES.

1. The director of the department of corrections may assign an offender committed to the custody of the director for a felony violation of chapter 321J to a facility which meets all of the following requirements:
 - a. Is a treatment facility meeting the licensure standards of the division of substance abuse of the department of public health.
 - b. Is a facility meeting applicable standards of the American corrections association.
 - c. Is a facility which meets any other rule or requirement adopted by the department pursuant to chapter 17A.
2. The assignment of an offender pursuant to subsection 1 shall be for purposes of substance abuse treatment and education, and may include work programs for the offender at times when the offender is not in substance abuse treatment or education.
3. Offenders assigned to a facility pursuant to this section shall not be included in calculations used to determine the existence of a prison overcrowding state of emergency.
4. The director shall prepare proposed administrative rules for the consideration of the administrative rules review committee for the funding of the program by means of self contribution by the offenders, insurance reimbursement on behalf of offenders, or other forms of

funding, program structure, criteria for the evaluation of facilities and offenders for participation in the programs, and all other issues the director shall deem appropriate. Proposed rules prepared pursuant to this subsection shall be submitted to the administrative rules review committee on or before September 15, 1986.

Sec. 27. Section 307.27, subsection 5, Code 1985, is amended to read as follows:

5. Administer the provisions of chapters 321A, ~~321B~~, 321E, ~~and 321F~~, and 321J relating to motor vehicle financial responsibility, the implied consent law, the movement of vehicles of excessive size and weight and the leasing and renting of vehicles.

Sec. 28. Section 321.178, subsection 1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

An approved driver education course as programmed by the department of public instruction shall consist of at least thirty clock hours of classroom instruction, and six or more clock hours of laboratory instruction of which at least three clock hours shall consist of street or highway driving. An approved course shall include a minimum of two hours of classroom instruction concerning substance abuse as part of its curriculum. After the student has completed three clock hours of street or highway driving and has demonstrated to the instructor an ability to properly operate a motor vehicle and upon written request of a parent or guardian, the instructor may waive the remaining required laboratory instruction.

Sec. 29. Section 321.191, unnumbered paragraph 2, Code 1985, is amended to read as follows:

There shall be a fee of twenty dollars for reinstatement of a chauffeur's license or operator's license which is, after notice and opportunity for hearing, suspended or revoked pursuant to sections 321.193, 321.209 and 321.210, except subsection 4 thereof, 321.513, 321.560, 321A.6, and chapter ~~321B~~ 321J. The twenty-dollar fee shall be collected only if the person whose license was suspended or revoked was served personally with notice. If the person whose license was suspended or revoked was served notice by certified mail, the reinstatement fee shall be ten dollars.

Sec. 30. Section 321.196, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Prior to the renewal of a license pursuant to this section, the department shall issue to each applicant information on the law relating to the operation of a motor vehicle while intoxicated and statistical information relating to the number of injuries and fatalities occurring as a result of the operation of motor vehicles while intoxicated.

Sec. 31. Section 321.209, subsection 2, Code 1985, is amended by striking the subsection.

Sec. 32. Section 321.210, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall not consider or assess any points for speeding violations of ten miles per hour or less over the legal speed limit in speed zones that have a legal speed limit greater than thirty-five miles per hour in determining a license suspension under this section. This paragraph shall apply to only the first two such violations which occur within any twelve-month period.

Sec. 33. Section 321.213, Code 1985, is amended to read as follows:

321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO VIOLATIONS BY JUVENILE DRIVERS.

Upon the entering of an order at the conclusion of an adjudicatory hearing under section 232.47 that the child violated a provision of this chapter or chapter 321A or chapter 321J for which the penalty is greater than a simple misdemeanor, ~~or that the child refused to submit to~~

chemical testing under section 321B.4, the clerk of the juvenile court in the adjudicatory hearing shall forward a copy of the adjudication to the department. Notwithstanding section 232.55, a final adjudication in a juvenile court that the child violated a provision of this chapter or chapter 321A or chapter 321J constitutes a final conviction of a violation of a provision of this chapter or chapter 321A or chapter 321J for purposes of section 321.189, subsection 2, paragraph "b", and sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, and 321A.17. Notwithstanding section 232.55, the director shall revoke the license or permit of a child under section 321B.13 upon receipt of a copy of the final adjudication in a juvenile court that the child refused to submit to chemical testing under section 321B.4.

Sec. 34. Section 321.218, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

A person whose operator's or chauffeur's license or driving privilege has been denied, canceled, suspended or revoked as provided in this chapter, and who drives a motor vehicle upon the highways of this state while the license or privilege is denied, canceled, suspended, or revoked commits a simple misdemeanor. However, a person whose license or driving privilege has been revoked under section 321.209 or chapter 321B and who drives a motor vehicle upon the highways of this state while the license or privilege is revoked commits a serious misdemeanor. The sentence imposed under this section shall not be suspended by the court, notwithstanding section 907.3 or any other statute. The department, upon receiving the record of the conviction of a person under this section upon a charge of driving a motor vehicle while the license of the person was suspended or revoked, shall, except for licenses suspended under section 321.513, extend the period of suspension or revocation for an additional like period, and the department shall not issue a new license during the additional period.

Sec. 35. Section 321.228, subsection 2, Code 1985, is amended to read as follows:

2. The provisions of sections 321.261 to 321.274, ~~section and sections 321.277 and sections 321.280 to 321.282~~ shall apply upon highways and elsewhere throughout the state.

Sec. 36. Section 321.233, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

This chapter, except ~~section sections 321.277 and sections 321.280 to 321.282~~ does not apply to persons and motor vehicles and other equipment while actually engaged in work upon the surface of a highway officially closed to traffic but does apply to such persons and vehicles when traveling to or from such work. The minimum speed restriction of section 321.285, subsection 8, and the provisions of sections 321.297 and 321.298 do not apply to road workers operating maintenance equipment owned by or under lease to any state or local authority while engaged in road maintenance, road blading, snow and ice control and removal, and granular resurfacing work on a highway, whether or not the highway is closed to traffic.

Sec. 37. Section 321.555, subsection 1, paragraph b, Code 1985, is amended to read as follows:

b. Operating a motor vehicle in violation of section ~~321.281~~ 321J.2.

Sec. 38. Section 321A.17, subsection 1, Code 1985, is amended to read as follows:

1. Whenever the director, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail or revokes the license of any person pursuant to chapter ~~321B~~ 321J, the director shall also suspend the registration for all motor vehicles registered in the name of the person, except that the director shall not suspend the registration, unless otherwise required by law, if the person has previously given or immediately gives and thereafter maintains proof of financial responsibility with respect to all motor vehicles registered by the person.

Sec. 39. Section 331.653, subsection 33, Code Supplement 1985, is amended to read as follows:

33. Carry out duties relating to the enforcement of laws prohibiting the operation of a motor vehicle while under the influence of an alcoholic beverage as provided in chapter ~~321B~~ 321J.

Sec. 40. Section 602.8102, subsection 51, Code Supplement 1985, is amended to read as follows:

51. Forward to the department of transportation a copy of the record of each conviction or forfeiture of bail of a person charged with the violation of the laws regulating the operation of vehicles on public roads as provided in sections ~~321.281~~ 321J.2 and 321.491.

Sec. 41. NEW SECTION. 707.6A HOMICIDE BY VEHICLE.

1. A person commits a class "D" felony when the person unintentionally causes the death of another by either of the following means:

a. Operating a motor vehicle while under the influence of alcohol or a drug or a combination of such substances or while having an alcohol concentration of .10 or more, in violation of section 321J.2.

b. Driving a motor vehicle in a reckless manner with willful or wanton disregard for the safety of persons or property, in violation of section 321.277.

2. A person commits an aggravated misdemeanor when the person unintentionally causes the death of another by operating a motor vehicle in any of the following manners:

a. Drag racing, in violation of section 321.278.

b. Eluding or attempting to elude a pursuing law enforcement vehicle, in violation of section 321.279.

3. As used in this section, "motor vehicle" includes any vehicle defined as a motor vehicle in section 321.1.

Sec. 42. Section 804.31, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

This section does not prohibit the request for and administration of a preliminary breath screening test or the request for and administration of a chemical test of a body substance or substances under chapter ~~321B~~ 321J prior to the arrival of a qualified interpreter for a hearing impaired person who is believed to have committed a violation of section ~~321.281~~ 321J.2. However, upon the arrival of the interpreter the officer who requested the chemical test shall explain through the interpreter the reason for the testing, the consequences of the person's consent or refusal, and the ramifications of the results of the test, if one was administered.

Sec. 43. Section 902.3, Code 1985, is amended to read as follows:

902.3 INDETERMINATE SENTENCE.

When a judgment of conviction of a felony, other than a class "A" felony is entered against a person, the court, in imposing a sentence of confinement, shall commit the person into the custody of the director of the Iowa department of corrections for an indeterminate term, the maximum length of which shall not exceed the limits as fixed by section 707.3 or section 902.9 nor shall the term be less than the minimum term imposed by law, if a minimum sentence is provided. However, the court may sentence a person convicted of a class "D" felony for a violation of section 321J.2 to imprisonment for up to one year in a county jail under section 902.9, subsection 4, and the person shall not be under the custody of the director of the Iowa department of corrections.

Sec. 44. Section 902.9, subsection 4, Code 1985, is amended to read as follows:

4. A class "D" felon, not an habitual offender, shall be confined for no more than five years, and in addition may be sentenced to a fine of not more than seven thousand five hundred dollars. A class "D" felon, such felony being for a violation of section 321J.2, may be sentenced to imprisonment for up to one year in the county jail.

Sec. 45. Section 907.3, subsection 1, paragraph g, Code 1985, is amended to read as follows:
 g. The offense is a violation of section ~~321.281~~ 321J.2 and, within the previous six years, the person has been convicted of a violation of that section or the person's driver's license has been revoked pursuant to ~~that section or chapter 321B~~ section 321J.4, 321J.9, or 321J.12.

Sec. 46. Section 912.1, subsection 4, Code 1985, is amended to read as follows:

4. "Crime" means conduct that occurs or is attempted in this state, poses a substantial threat of personal injury or death, and is punishable as a felony, an aggravated misdemeanor, or a serious misdemeanor, or would be so punishable but for the fact that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this state. "Crime" does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, motorcycle, motorized bicycle, train, boat, or aircraft except for violations of section ~~321.281~~ 321J.2 or when the intention is to cause personal injury or death. A plea or verdict of guilty of a charge under section ~~321.281~~ 321J.2 or a license revocation under section ~~321B.13~~ 321J.9 or ~~321B.16~~ 321J.12 shall be considered by the department as evidence of a violation of section ~~321.281~~ 321J.2 for the purposes of this chapter.

Sec. 47. Section 321.281, Code Supplement 1985, is repealed.

Sec. 48. Section 321.282, Code 1985, is repealed.

Sec. 49. Section 321.283, Code Supplement 1985, is repealed.

Sec. 50. Chapter 321B, Code 1985 and Code Supplement 1985, is repealed.

Sec. 51. References in chapter 321J to actions which occurred previously under "this chapter" or "this section" include the preceding Code chapter or section which covers the same or substantially similar actions.

Sec. 52. This Act applies to any judicial or administrative action which arises due to violation of a section of this Act or an implementing rule, and which occurs after the effective date of this Act. This Act also applies to any judicial or administrative action which arose prior to the effective date of this Act due to a violation of a preceding Code section or implementing rule which was the same or substantially similar to a section in this Act, or an implementing rule if the defendant or defendant's counsel requests that the action proceed under this Act.

Approved May 27, 1986

CHAPTER 1221
LEGAL DRINKING AGE
S.F. 97

AN ACT establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years.

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

Section 1. Chapter 123, Code 1985, is amended by adding the following new section:
NEW SECTION. 123.47A PERSONS AGE NINETEEN AND TWENTY.

A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that the person is age nineteen or twenty. A person age nineteen or twenty shall not purchase or possess alcoholic liquor, wine, or beer. However, a person age nineteen or twenty may possess alcoholic liquor, wine, or beer given to the person within a private home with the knowledge and consent of the person's parent or guardian, and a person age nineteen or twenty may handle alcoholic liquor, wine, and

beer during the course of the person's employment by a liquor control licensee, or wine or beer permittee. A person, other than a licensee or permittee, who violates this section commits a scheduled violation of section 805.8, subsection 10. A licensee or permittee who violates this section is guilty of a simple misdemeanor punishable by a fine of not more than fifty dollars. The penalty provided under this section against a licensee or permittee who violates this section is the only penalty which shall be imposed against a licensee or permittee who violates this section.

Sec. 2. Section 1 of this Act does not apply to persons born on or before September 1, 1967.

Sec. 3. Section 805.8, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 10. ALCOHOLIC BEVERAGE VIOLATIONS. For violations of section 123.47A, the scheduled fine is fifteen dollars.

Sec. 4. If 23 U.S.C. § 158 is declared unconstitutional by the appellate court of the eighth circuit or by the supreme court of the United States, or if 23 U.S.C. § 158 is repealed by congress or otherwise invalidated, section 1 of this Act is repealed and section 123.3, subsection 33, Code 1985, is re-enacted to read as it did prior to the effective date of this Act.

Approved May 27, 1986

CHAPTER 1222

FALSE USE OF FINANCIAL INSTRUMENTS

H.F. 2067

AN ACT relating to the false use of financial instruments and providing penalties.

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

Section 1. Section 715.1, subsection 3, Code 1985, is amended to read as follows:

3. Any letter, credit card, debit card or access device used to engage in an electronic transfer of funds through a satellite terminal as defined in section 527.2, subsection 1, charge plate, or other device which is designed to identify the person tendering such device as one to whom credit may be extended, or as one to whom goods or services may be furnished and charged to the account of another.

Sec. 2. Section 715.6, unnumbered paragraph 2, Code 1985, is amended to read as follows:

False use of a financial instrument as defined in section 715.1, subsection 2, 3, or 4, is false use of a financial instrument in the first degree. False use of a financial instrument as defined in section 715.1, subsection 1, to obtain property exceeding one hundred dollars ~~or more~~ in value, is false use of a financial instrument in the first degree. False use of a financial instrument in the first degree is a class "D" felony.

Approved May 27, 1986

CHAPTER 1223
DISPOSAL OF SCHOOL CORPORATION PROPERTY
H.F. 2407

AN ACT relating to the sale, lease, or disposal of property of a school corporation.

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

Section 1. Section 297.22, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The board of directors of a school district may sell, lease, or dispose of, in whole or in part, a schoolhouse, site, or other property belonging to the district ~~for which the appraised value does not exceed twenty-five thousand dollars. If However, if~~ the appraised value exceeds twenty-five thousand dollars, the board shall ~~submit the question at an election under section 278.1, subsection 2, to authorize the sale, lease or disposal~~ hold a public hearing before the board takes final action on the property.

Sec. 2. Section 297.22, unnumbered paragraph 4, Code Supplement 1985, is amended to read as follows:

The board of directors of a school corporation may sell, lease, exchange, give, or grant, and accept any interest in real property to, with, or from ~~any a~~ county, municipal corporation, school district, or township if the real property is within the jurisdiction of both the grantor and grantee. ~~The provisions of In this case sections 297.15 to 297.20, sections 297.23 and 297.24, and the property value limitation and appraisal requirements of this section do not~~ apply to the transaction.

Sec. 3. Section 297.22, unnumbered paragraphs 6 and 7, Code Supplement 1985, are amended to read as follows:

~~The property value limitation listed in this section does not apply to the sale, lease, or disposition of real estate upon which a structure has been erected by students as part of a regular course of study.~~

The board of directors of a school corporation may lease a portion of an existing school building in which the remaining portion of the building will be used for school purposes for a period of not to exceed five years. The lease may be renewed at the option of the board. Sections 297.15 to 297.20, sections 297.23 and 297.24, and the ~~property value limitations and appraisal requirements of this section do not~~ apply to the lease of a portion of an existing school building. A school corporation shall pay out of the revenue from a lease to the state of Iowa, and to the city, school district and any other political subdivision authorized to levy taxes, an amount as determined by this section. The amount shall be determined by applying the annual tax rate of the taxing district to the assessed value of the portion of the building leased, prorated for the term of the lease during the appropriate taxing period. The provisions of this section relating to the payment of property tax because of leases shall only apply to leases to private, for-profit, entities which lease a portion of a school building for a period of thirty or more consecutive days.

Approved May 27, 1986

CHAPTER 1224
ELECTION LAW REVISIONS
H.F. 2457

AN ACT relating to elections.

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

Section 1. Section 43.16, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

43.16 RETURN OF PAPERS, ADDITIONS NOT ALLOWED.

After a nomination paper has been filed, it shall not be returned to the person who has filed the paper, nor shall any signature or other information be added to the nomination paper.

A person who has filed nomination petitions with the state commissioner may withdraw as a candidate not later than the sixty-second day before the primary election by notifying the commissioner in writing.

A person who has filed nomination papers with the commissioner may withdraw as a candidate not later than the fifty-third day before the primary election by notifying the commissioner in writing.

The name of a candidate who has withdrawn or died at a time in accordance with this section shall be omitted from the certificate furnished by the state commissioner under section 43.22 and omitted from the primary election ballot.

Sec. 2. Section 43.23, Code 1985, is amended to read as follows:

43.23 DEATH OR WITHDRAWAL OF PRIMARY CANDIDATE.

1. When any person who has filed nomination papers with the state commissioner ~~nomination papers~~ as a candidate in a primary election dies or withdraws ~~on or after the seventy-fifth day up to the sixty-second day prior to before~~ the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the state commissioner in writing by five o'clock p.m. on the sixtieth fifty-seventh day prior to before the date of the primary election. The name of any candidate so submitted shall be included in the appropriate certificate or certificates furnished by the state commissioner under section 43.22.

2. When any person who has filed nomination papers with the commissioner ~~nomination papers~~ as a candidate in a primary election dies or withdraws ~~on or after the sixtieth up to the fifty-third day prior to before~~ the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the commissioner in writing by five o'clock p.m. on the forty-ninth day prior to before the primary election. The name of any candidate so submitted shall be placed on the appropriate ballot or ballots by the commissioner.

Sec. 3. Section 43.67, unnumbered paragraph 3, Code 1985, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it receives contributions, makes expenditures, or incurs indebtedness in excess of ~~one~~ two hundred fifty dollars for the purpose of supporting my candidacy for public office.

.....
(Signed)

Sec. 4. Section 43.93, Code 1985, is amended to read as follows:

43.93 PLACE OF HOLDING CAUCUS.

Each precinct caucus shall be held in a building which is publicly owned or is suitable for and from time to time made available for holding public meetings wherever it is possible to do

so. Upon the application of the county chairperson, the person having control of a building supported by taxation under the laws of this state shall make available the space necessary to conduct the caucus without charge during presidential election years and at a charge not greater than that made for its use by other groups during other years. When using public buildings, the county chairpersons shall cooperate to attempt the collocation of the caucuses.

Sec. 5. Section 43.100, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The county central committee shall organize within ten days before or after the day of the county convention elect the officers of the committee. Each member elected to the county central committee shall receive be given written notice at least five days in advance of the time and place of the organizational any meeting scheduled for the election of officers.

Sec. 6. **NEW SECTION. 43.100A COUNTY CENTRAL COMMITTEE OFFICERS.**

The county central committee shall elect a chair, cochair, secretary, treasurer, and other officers as it may determine. The term of office of an officer begins at the time specified by the party's state constitution or bylaws and continues for two years and until the officer's successor is elected and qualified, unless the officer dies, resigns or is sooner removed by the county central committee for inattention to duty or incompetency.

Sec. 7. Section 45.1, Code 1985, is amended to read as follows:

45.1 NOMINATIONS BY PETITION.

1. Nominations for candidates for president and vice president and for state offices may be made by nomination papers signed by not less than one thousand eligible electors of the state. For candidates for president and vice president, the names and addresses of the candidates for presidential electors shall be printed on the face of or attached to each page of the nomination petition.

2. Nominations for candidates for offices filled by the voters of a county, district, or other division may be made by papers signed by eligible electors residing in the county, district, or division equal in number to at least two percent of the total vote received by all candidates for president of the United States or governor, as the case may be, at the last preceding general election in the county, district, or division; and.

3. Nominations for an office filled by the voters of a township, city or ward, may be made by papers signed by not less than twenty-five eligible electors, residents of the township, city or ward. In the case of candidates for president and vice president, the names and addresses of the candidates for presidential electors shall be printed on the face of or attached to each page of the nomination petition.

4. Nominations for candidates for elective offices in cities where the council has adopted nominations under this chapter may be submitted as follows:

a. In cities having a population of three thousand five hundred or greater according to the most recent federal decennial census, nominations may be made by nomination papers signed by not less than twenty-five eligible electors who are residents of the city or ward.

b. In cities having a population of one hundred or greater, but less than three thousand five hundred, according to the most recent federal decennial census, nominations may be made by nomination papers signed by not less than ten eligible electors who are residents of the city or ward.

c. In cities having a population less than one hundred according to the most recent federal decennial census, nominations may be made by nomination papers signed by not less than five eligible electors who are residents of the city.

Sec. 8. Section 48.3, Code 1985, is amended to read as follows:

48.3 REGISTRATION FORM.

As an alternative to the method of registration prescribed by section 48.2, a person entitled to register under that section may cause delivery of a completed voter registration form to the commissioner of registration in the person's county of residence. A registration form or the

envelope containing one or more registration forms for the use of individual registrants must be postmarked or otherwise delivered by the ~~twenty-fifth~~ fifteenth day prior to an election or the registration will not take effect for that election. A separate registration form shall be signed by each individual registrant. Within five working days after receiving a registration, the commissioner shall send the registrant a receipt of the registration by first class mail marked "do not forward". If the receipt is returned by the postal service the commissioner shall treat the registration as prescribed by section 48.31, subsection 6. An improperly addressed or delivered registration form shall be forwarded to the appropriate county commissioner of registration within two working days after it is received by any other official.

Sec. 9. Section 48.6, subsection 9, Code 1985, is amended to read as follows:

9. A certification in substantially the following form:

"I certify that I am a citizen of the United States, that I am or will be an eligible elector at any election at which I attempt to vote and that all of the information I have given upon this voter registration form is true. I authorize cancellation of any prior registration to vote in this or any other jurisdiction and my eligibility to vote in any jurisdiction where voter registration is not required. I am aware that fraudulently registering, or attempting to do so, is an aggravated misdemeanor under Iowa law." ~~At the time the registration is signed by the eligible elector it shall also be signed by a mobile registrar, employee of the commissioner's office, or other eligible elector.~~

Sec. 10. Section 48.7, subsection 1, paragraph b, Code 1985, is amended to read as follows:

b. A qualified elector may record a change of name, telephone number, or address on election day at the polling place for the precinct in which the elector currently resides, if the elector's name or former name appears on the election register of a polling place in that county or that polling place for the election being held that day. The precinct election officials shall furnish such a qualified elector a registration form of the type prescribed for use by electors registering under section 48.3. The elector shall complete the form and submit it to the precinct election officials, who shall return it to the commissioner with the election supplies. If the qualified elector is submitting a change of address from an election register in another precinct, the elector shall cast a challenged ballot as provided in section 49.81, but is not required to certify that the elector has not moved. If the qualified elector's former address and new address are in different counties, the registration form completed by the qualified elector shall be forwarded to the commissioner of the elector's current county of residence by the commissioner conducting the election.

Sec. 11. Section 49.31, subsection 2, Code 1985, is amended to read as follows:

2. The commissioner shall prepare a list of the election precincts of the county, by arranging the various townships and cities in the county in alphabetical order, and the wards or precincts in each city or township in numerical order under the name of such city or township. The commissioner shall then arrange the surnames of each political party's candidates for each office to which two or more persons are to be elected at large alphabetically for the respective offices for the first precinct on the list; thereafter, for each political party and for each succeeding precinct, the names appearing first for the respective offices in the last preceding precinct shall be placed last, so that the names that were second before the change shall be first after the change. The commissioner may also rotate the names of candidates of a political party in the reverse order of that provided in this subsection or alternate the rotation so that the candidates of different parties shall not be paired as they proceed through the rotation. The procedure for arrangement of names on ballots provided in this section shall likewise be substantially followed in elections in political subdivisions of less than a county.

Sec. 12. Section 49.31, subsection 3, Code 1985, is amended to read as follows:

3. The ballots for any city elections, ~~or school elections, or any special election, or any other election~~ at which any office is to be filled on a nonpartisan basis and the statutes governing the

office to be filled are silent as to the arrangement of names on the ballot, shall contain the names of all nominees or candidates arranged in alphabetical order by surname under the heading of the office to be filled. When a city election, school election, or special election to fill an office, or any other election at which an office is to be filled on a nonpartisan basis, is held in more than one precinct, the candidates' names shall be rotated on the ballot from precinct to precinct in the manner prescribed by subsection 2.

Sec. 13. Section 49.99, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a voter writes the name of a person more than once in the proper places on a ballot or on a voting machine for an office to which more than one person is to be elected, all but one of those votes for that person for that office are void and shall not be counted.

Sec. 14. Section 49.107, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. Serving as a member of a challenging committee under section 49.104, subsection 2, for the general election or the primary election by a member of a city council, a mayor, a member of the county board of supervisors, a county attorney, treasurer, sheriff, auditor, or recorder, or a state senator or representative during the person's term of office or while being a candidate for any of those offices.

Sec. 15. Section 50.48, subsection 1, unnumbered paragraph 2, Code 1985, is amended by striking the paragraph.

Sec. 16. Section 50.48, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. If the election is an election held by a city which is not the final election for the office in question, the recount shall progress according to the times provided by this subsection. If this subsection applies the canvass shall be held by the second day after the election, the request for a recount must be made by the third day after the election, the board shall convene to conduct the recount by the sixth day after the election, and the report shall be filed by the eleventh day after the election.

Sec. 17. Section 52.1, subsection 2, Code 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. k. "Program" means the written record of the set of instructions defining the operations to be performed by a computer in examining, counting, tabulating, and printing votes.

Sec. 18. Section 52.1, subsection 2, paragraph a, Code 1985, is amended to read as follows:

a. "Voting machine" means a mechanical or electronic device, meeting the requirements of section 52.7, designated for use in casting, registering, recording, and counting votes at an election.

Sec. 19. Section 52.5, Code 1985, is amended to read as follows:

52.5 EXAMINATION OF MACHINE.

Any A person or corporation owning or being interested in any a voting machine or electronic voting system may request that the state commissioner call upon the said board of examiners to examine and test the said machine or system, and make. Within seven days of receiving a request for examination and test, the state commissioner shall notify the board of examiners of the request in writing and set a time and place for the examination and test. The state commissioner shall formulate, with the advice and assistance of the examiners, and adopt rules governing the testing and examination of any voting machine or electronic voting system by the board of examiners. The rules shall prescribe the method to be used in determining whether the machine or system is suitable for use within the state and performance standards for voting equipment in use within the state. The rules shall include standards for

determining when recertification is necessary following modifications to the equipment or to the programs used in tabulating votes, and a procedure for rescinding certification if a system or machine is found not to comply with performance standards adopted by the state commissioner. Following the examination and testing of the voting machine or system the examiners shall report to the state commissioner describing the testing and examination of the machine or system and upon the capacity of the said machine or system to register the will of voters, its accuracy and efficiency, and with respect to its mechanical perfections and imperfections. Their report shall be filed in the office of the state commissioner and shall state whether in their opinion the kind of machine or system so examined can be safely used by such voters at elections under the conditions prescribed in this chapter. If the report states that the machine or system can be so used, it shall be deemed approved by the examiners, and machines or systems of its kind may be adopted for use at elections as herein provided in this section. Any form of voting machine or system not so approved cannot be used at any election. Prior to actual purchase by any a county of any a particular electronic voting system which has been approved for use in this state, the state commissioner shall formulate, with the advice and assistance of the examiners, and adopt rules governing the development of vote counting programs and all procedures used in actual counting of votes by means of that system.

Sec. 20. Section 52.16, Code 1985, is amended to read as follows:

52.16 DUTIES OF ELECTION OFFICERS — INDEPENDENT BALLOTS.

The election board of each precinct in which votes are to be cast by machine shall meet at the precinct polling place, at least one hour before the time set for the opening of the polls at each election, and shall proceed to arrange the furniture, stationery, and voting machine for the conduct of the election. The board shall cause at least two instruction cards to be posted conspicuously within the polling place. If not previously done, they shall arrange, in their proper place on the voting machine, the ballots containing the names of the offices to be filled at such the election, and the names of the candidates nominated therefor. If not previously done, the machine shall be so arranged as to show that no vote has been cast, and the same shall not be thereafter operated, except by electors in voting.

PARAGRAPH DIVIDED. Before the polls are open for election, the board shall carefully examine every machine and see that no vote has been cast, and the same shall be machines are subject to inspection of the election officers. If the voting machine is equipped to produce a printed record showing the status of the counters, this record shall be produced by the precinct election officials immediately before the polls are open. The inspection sheets from each machine used in the election shall be available for examination throughout election day.

PARAGRAPH DIVIDED. Ballots voted for any person whose name does not appear on the machine as a nominated candidate for office, are herein referred to in this section as independent ballots. When two or more persons are to be elected to the same office, and the machine requires that all independent ballots voted for that office be deposited in a single receptacle or device, an elector may vote in or by such the receptacle or device for one or more persons whose names do not appear upon the machine with or without the names of one or more persons whose names do so appear. With that exception, and except for presidential electors, no independent ballot shall be voted for any person for any office whose name appears on the machine as a nominated candidate for that office; any independent ballot so voted shall not be counted. An independent ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

Sec. 21. Section 52.21, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In a precinct in which only one voting machine is used and that machine can deliver, immediately upon the conclusion of voting, multiple copies

of a printed record of the votes cast and the totals for each candidate or question appearing on the face of the machine, one of the copies may be used in lieu of the tally sheet specified in this section for the canvasses provided under sections 50.1 and 50.24. The state commissioner of elections may adopt rules regarding the certification of the printed record to allow its use in lieu of the tally sheet.

Sec. 22. Section 52.21, subsection 3, Code 1985, is amended to read as follows:

"3. That the public counter was set at 000 and that we opened the rear of (the or each) machine and examined every registering counter and that each registered 000, or, if the machines used have a capability to produce a printed record, that an inspection sheet from each machine used at this election was produced immediately prior to any vote being cast upon it showing that all counters were set at 000.

Sec. 23. Section 52.23, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The inspection sheets from each machine used in the election and one copy of the printed results from each machine shall be signed by all precinct election officials and, with any paper or papers upon which write-in votes were recorded by voters, shall be securely sealed in an envelope marked with the name and date of the election, the precinct, and the serial numbers of the machines from which the enclosed results were removed. This envelope shall be preserved, unopened, for six months unless a recount is requested pursuant to section 50.48. The envelope shall be destroyed in the same manner as ballots pursuant to section 50.13. Additional copies of the results, if any, shall be delivered to the commissioner with the other supplies from the election pursuant to section 50.17.

Sec. 24. Section 52.31, Code 1985, is amended to read as follows:

52.31 PROCEDURE WHERE VOTES CAST ON SPECIAL PAPER BALLOTS.

Preparations for voting and voting at any election in a precinct where votes are to be received on special paper ballots shall be in accordance with the provisions of chapter 49 governing voting upon conventional paper ballots. However, before with the following exceptions:

1. Before entering the voting booth each voter shall be cautioned to mark the ballot only with a vote marking device provided in the booth or by the precinct election officials.

2. In each precinct where a portable vote tallying system is used and the ballots are tabulated by a device located in the precinct which is equipped with a mechanism which will not permit more than one ballot to be inserted at a time, the voter may personally insert the ballot into the tabulating device.

Sec. 25. Section 52.34, Code 1985, is amended to read as follows:

52.34 COUNTING CENTER ESTABLISHED.

Before authorizing the purchase and ordering the use of an electronic voting system under section 52.2, the county board of supervisors shall, with advice of the commissioner, determine whether counting center equipment is to be purchased as a part of the system and operated by the county, or the county will enter into an arrangement to have its ballots tabulated at a counting center maintained by another county, or whether ballots will be tabulated by devices located in each of the precincts in which the board of supervisors has ordered its use. The arrangement may be reviewed and revised, with approval of the board of supervisors, at any time. If a county acquires and operates a counting center at which ballots cast in one or more other counties are tabulated, the commissioner of the county acquiring and operating the center, or that commissioner's designee, shall be responsible for and in control of the operation of that counting center at all times, regardless of the origin of the ballots being tabulated at any particular time.

Sec. 26. Section 52.35, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Within five days prior to before the date of any election at which votes are to be cast by means of an electronic voting system and tabulated at a counting center established under section 52.34, the commissioner in charge of the counting center where votes so cast are to be tabulated shall have the automatic tabulating equipment tested to ascertain that it will correctly count the votes cast for all offices and on all public questions. The procedure for conducting the test shall be as follows:

Sec. 27. NEW SECTION. 52.38 TESTING PORTABLE TABULATING DEVICES.

All portable tabulating devices shall be tested before any election in which they are to be used following the procedure in section 52.35, subsection 2. Testing shall be completed not later than twelve hours before the opening of the polls on the morning of the election. The portable tabulating devices shall be tested at the polling place where they are to be used. The chairperson of each political party shall be notified in writing of the time the devices will be tested so that the chairperson or a representative may be present. Those present for the test shall sign a certificate which shall read substantially as follows:

The undersigned certify that we were present and witnessed the testing of the portable tabulating devices in the following precincts, that we believe the devices are in proper condition for use in the election of, 19.; that following the test the vote totals were erased from the memory of each portable tabulating device and a report was produced showing that all vote totals in the memory were set at 0000; that the devices were securely locked or sealed; and that the serial numbers and locations of the devices which were tested are listed below.

Signed
(name and political party affiliation)

.
(name and political party affiliation)

.
Voting equipment custodian

| | Dated 19. | |
|-----------|-----------------------------|---------------|
| Precinct | Location | Serial Number |
| | | |
| | | |
| | | |

Sec. 28. Section 53.2, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a request for an absentee ballot is received from an eligible elector who is not a qualified elector the commissioner shall send a registration form under section 48.3 to the eligible elector. If the registration form is properly returned by the time provided by section 48.3, the commissioner shall send the absentee ballot to the qualified elector.

Sec. 29. NEW SECTION. 53.3 SPECIAL ABSENTEE BALLOT.

1. As provided in this section, the commissioner shall provide special absentee ballots to be used for state general elections. A special absentee ballot shall only be provided to a qualified

elector who completes an application stating both of the following to the best of the qualified elector's belief:

a. The qualified elector will be residing or stationed or working outside the continental United States.

b. The qualified elector will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.

The application for a special absentee ballot shall not be filed earlier than ninety days prior to the general election. The special absentee ballot shall list the offices and measures, if known, scheduled to appear on the general election ballot. The qualified elector may use the special absentee ballot to write in the name of any eligible candidate for each office and may vote on any measure.

2. With any special absentee ballot issued under this section, the commissioner shall include a listing of any candidates who have filed before the time of the application for offices that will appear on the ballot at that general election and a list of any measures that have been referred to the ballot before the time of the application.

3. Write-in votes on special absentee ballots shall be counted in the same manner provided by law for the counting of other write-in votes. The commissioner shall process and canvass the special absentee ballots provided under this section in the same manner as other absentee ballots.

4. A qualified elector who requests a special absentee ballot under this section may also make application for an absentee ballot under section 53.2 or an armed forces absentee ballot under section 53.40. If the regular absentee or armed forces absentee ballot is properly voted and returned, the special absentee ballot is void and the commissioner shall reject it in whole when special absentee ballots are canvassed.

Sec. 30. Section 53.8, subsection 1, Code 1985, is amended to read as follows:

1. Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, it shall be the duty of the commissioner to shall mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection 3. The absentee ballot shall be enclosed in an unsealed envelope bearing a serial number and affidavit. The absentee ballot and unsealed envelope shall be enclosed in or with a carrier envelope which bears the same serial number as the unsealed envelope. The absentee ballot, unsealed envelope, and carrier envelope shall be enclosed in a third envelope to be sent to the qualified elector.

Sec. 31. Section 53.43, Code 1985, is amended to read as follows:

53.43 IDENTIFICATION ON ENVELOPE.

The envelopes used in connection with voting by absent voter's ballot by voters who are members of the armed forces of the United States, shall have stamped or printed on them the words "Armed Forces or Overseas Ballot" and a designation of the election at which said ballot is to be cast, either "Primary Election" or "General Election", as the case may be.

Sec. 32. Section 53.49, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Section 53.3 applies to qualified electors who are and who are not members of the armed forces of the United States.

Sec. 33. Section 69.14, Code 1985, is amended to read as follows:

69.14 SPECIAL ELECTION TO FILL VACANCIES.

A special election to fill a vacancy shall be held for a representative in Congress, or senator or representative in the general assembly, when the body in which such vacancy exists is in session, or will convene prior to the next general election, and the governor shall order, not later than five days from the from the date the vacancy exists, a special election, giving not

less than forty days' notice of such election. In the event the special election is to fill a vacancy in the general assembly while it is in session or within forty-five days of the convening of any session, the time limit herein provided shall not apply and the governor shall order such special election at the earliest practical time, giving at least ten days' notice thereof. Any special election called under this section must be held on a Tuesday and shall not be held on the same day as a school election within the district.

Sec. 34. Section 376.2, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. After the effective date of this Act, a petition submitted under this section to change the term of council members from two to four years shall specify if the terms are to be staggered or run concurrently. If the petition provides for concurrent terms and the changed term is approved by the voters, unnumbered paragraph 3 of this section shall not apply and the terms shall be concurrent. If valid petitions for staggered and concurrent terms are submitted, the first filed shall govern.

Sec. 35. Section 376.4, unnumbered paragraph 1, Code 1985, is amended to read as follows:

An eligible elector of a city may become a candidate for an elective city office by filing with the city clerk a valid petition requesting that the elector's name be placed on the ballot for that office. The petition must be filed not more than sixty-five seventy-two days nor less than forty forty-seven days before the date of the election, and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election, but not less than ten persons. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing.

Sec. 36. Section 376.7, unnumbered paragraph 1, Code 1985, is amended to read as follows:

If a primary election is necessary, it shall be held on the Tuesday ~~three~~ four weeks before the date of the regular city election. The county board of supervisors shall publicly canvass the tally lists of the vote cast in the primary election, following the procedures prescribed in section 50.24, at a meeting to be held beginning at one o'clock in the afternoon on the second day following the primary election.

Sec. 37. Section 376.9, unnumbered paragraph 2, Code 1985, is amended to read as follows:

Runoff elections shall be held ~~three~~ four weeks after the date of the regular city election and shall be conducted in the same manner as regular city elections.

Sec. 38. 1986 Iowa Acts, Senate File 540, section 9, is amended to read as follows:

SEC. 9. Section 56.6, subsection 3, Code 1985, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. If a person listed under paragraph "b", "d", "e", or "f" as making a contribution or loan to or purchase from a candidate's committee is related to the candidate within the third degree of consanguinity or affinity, the existence of that person's family relationship shall be indicated on the report.

NEW LETTERED PARAGRAPH. The name and mailing address of each person with whom a candidate's committee has entered into a contract during the reporting period for future or continuing performance and the nature of the performance, period of performance and total, anticipated compensation for performance. For a report filed under subsection 1, paragraph "b", this paragraph also requires the reporting of estimates of performance which the candidate's committee reasonably expects to contract for during the balance of the reporting period running until thirty days after the election.

Sec. 39. Section 43.17, Code 1985, is repealed.

Sec. 40. Section 30* becomes effective January 1, 1988; and the balance of the bill shall take effect July 1, 1986.

Approved May 27, 1986

*Section 31 probably intended

CHAPTER 1225
HANDICAPPED IDENTIFICATION DEVICES
H.F. 123

AN ACT relating to the issuance of handicapped identification devices and stickers and providing effective dates.

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

Section 1. Section 321.34, subsection 7, Code 1985, is amended to read as follows:

7. Handicapped plates. The owner of a motor vehicle subject to registration pursuant to section 321.109, subsection 1, light delivery truck, panel delivery truck or pickup who is a handicapped or paraplegic person as defined in section 601E.1, may upon written application to the department, order special registration plates designed by the department bearing the international symbol of accessibility. The special registration plates shall only be issued if the application is accompanied with a statement from a physician licensed under chapter 148, 150, or 150A, written on the physician's stationery, stating the nature of the applicant's handicap and such additional information as required by rules adopted by the department. The application shall be approved by the department and the special registration plates shall be issued to the applicant in exchange for the previous registration plates issued to the person. The fee for the special plates shall be five dollars which shall be in addition to the regular annual registration fee. 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. However, the special plates shall not be renewed without the applicant furnishing evidence to the department that the owner of the motor vehicle is still a handicapped or paraplegic person as defined in section 601E.1. The special registration plates shall be surrendered in exchange for regular registration plates when the owner of the motor vehicle no longer qualifies as a handicapped or paraplegic person as defined in section 601E.1.

Sec. 2. Section 321.166, subsection 6, Code 1985, is amended to read as follows:

6. Registration plates issued a disabled veteran under the provisions of section 321.105, shall display the alphabetical characters "DV", which shall be of the same size as the characters in the registration plate number and shall precede the registration plate number. The plates may also display a handicapped identification sticker if issued to the disabled veteran by the department under section 601E.6.

Sec. 3. Section 601E.6, subsection 1, Code 1985, is amended to read as follows:

1. A handicapped identification device may be displayed in a motor vehicle being used by a handicapped person, either as operator or passenger. The devices shall be of uniform design and fabricated of durable material, suitable for display from within the passenger compartment of a motor vehicle, and readily transferable from one vehicle to another. They shall be acquired by the department and sold at cost, not to exceed five dollars, to handicapped persons upon application on forms prescribed by the department. Before delivering a handicapped identification device to a purchaser, the department shall permanently affix to the device a unique number which may be used by the department to identify that individual purchaser.

A handicapped person who has been issued registration plates as a seriously disabled veteran under the provisions of section 321.105 may apply to the department for handicapped identification stickers to be affixed to the plates. The handicapped identification stickers shall bear the international symbol of accessibility. The handicapped identification stickers shall be acquired by the department and sold at cost, not to exceed five dollars, to eligible handicapped persons upon application on forms prescribed by the department.

PARAGRAPH DIVIDED. A handicapped identification sticker affixed to a registration plate issued to a disabled veteran under section 321.166, subsection 6, and a handicapped registration plate issued under section 321.34, subsection 7, is are also a valid handicapped identification device devices.

Sec. 4. Section 601E.6, subsection 1, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A handicapped identification device or sticker shall only be issued if the applicant files with the department a statement from a physician licensed under chapter 148, 150, or 150A, written on the physician's stationery, stating the nature of the applicant's handicap and such additional information as required by rules adopted by the department under subsection 3. This paragraph does not apply to handicapped identification devices issued to nonhandicapped individuals, government agencies, or private organizations under subsection 3, paragraph "d".

Sec. 5. Section 601E.6, subsection 3, paragraph a, Code 1985, is amended to read as follows:

a. Establishing procedure for applying to the department for issuance of a permanent or temporary handicapped identification device and handicapped identification stickers under this section.

Sec. 6. Section 601E.6, subsection 3, paragraph b, Code 1985, is amended to read as follows:

b. Requiring persons who seek permanent handicapped identification devices or handicapped identification stickers to furnish evidence upon initial application that they are permanently handicapped; and requiring persons who seek temporary handicapped identification devices to furnish evidence upon initial application that they are physically handicapped and, in addition, to furnish evidence at ~~six-month~~ three-month intervals that they remain physically handicapped.

Sec. 7. Section 601E.6, subsection 3, paragraph c, Code 1985, is amended to read as follows:

c. Governing the manner in which handicapped identification devices and stickers are to be displayed in or on motor vehicles parked in spaces designated under subsection 2.

Sec. 8. Sections 2 and 3 take effect January 1, 1987. Section 6 takes effect July 1, 1986, and with regard to the interval for persons to furnish evidence of their physical handicap applies to temporary handicapped identification devices issued on or after July 1, 1986.

Approved May 27, 1986

CHAPTER 1226

EDUCATIONAL COST EFFICIENCIES

H.F. 2462

AN ACT relating to educational cost efficiencies including the creation of school district economy task forces and area education agency economy task forces, changing certain reorganization procedures, providing for multimember director districts of school districts, providing for attendance of pupils in classes in other school districts, reducing the levy for bonded indebtedness, the additional levy, and the uniform levy in certain reorganized school districts, providing for supplementary weighting for shared administrators, providing a time limitation on supplementary weighting, continuing supplementary weighting for reorganized school districts, and making appropriations.

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

Section 1. Section 275.12, subsection 2, paragraphs b and d, Code 1985, are amended to read as follows:

b. Division of the entire school district into designated geographical single director or multi-director subdistricts on the basis of population for each director, to be known as director

districts, each of which director districts shall be represented on the school board by one director or more directors who shall be a resident residents of such the director district but who shall be elected by the vote of the electors of the entire school district. The school district shall be divided into the same number of director districts as the number of school directors the district is authorized by law. The boundaries of such the director districts and the area and population included within each district shall be such as justice, equity, and the interests of the people may require. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the annual school election. Insofar as may be practicable, the boundaries of such the districts shall follow established political or natural geographical divisions.

d. Division of the entire school district into designated geographical single director or multi-director subdistricts on the basis of population for each director, to be known as director districts, each of which director districts shall be represented on the school board by one director or more directors who shall be a resident residents of such the director district and who shall be elected by the voters of said the director district. Place of voting in such the director districts shall be designated by the commissioner of elections. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the annual school election.

Sec. 2. Section 275.15, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The area education agency board, when entering the order fixing the boundaries, shall consider all requests timely filed for boundary line changes. Each objection filed by a property owner shall be considered separately and an individual ruling made.

Sec. 3. Section 275.31, Code Supplement 1985, is amended to read as follows:

275.31 TAXES AND APPROPRIATION TO EFFECT EQUALIZATION.

If necessary to equalize the division and distribution, the board or boards may provide for the levy of additional taxes, which shall be sufficient to satisfy the mandatory levy required in section 76.2 or other liabilities of the districts, upon the property of a corporation or part of a corporation and for the distribution of the tax revenues so as to effect equalization. When the board or boards are considering the equalization levy, the division and distribution shall not impair the security for outstanding obligations of each affected corporation. Any owner of bonds of an affected corporation may bring suit in equity for adjustment of the division and distribution in compliance with this section. If the property tax levy for the amount estimated and certified to apply on principal and interest on lawful bonded indebtedness for a newly formed community school district is greater than the property tax levy for the amount estimated and certified to apply on principal and interest in the year preceding the reorganization or dissolution for a school district that is a party to the reorganization or dissolution and that had a certified enrollment of less than six hundred for the year prior to the reorganization or dissolution, the board of the newly formed district shall inform the state comptroller. The state comptroller shall pay debt service aid to the newly formed district in an amount that will reduce the rate of the property tax levy for lawful bonded indebtedness in the portion of the newly formed district where the new rate is higher, to the rate that was levied in that portion of the district during the year preceding the reorganization or dissolution.

For the school year beginning July 1, 1987 and succeeding school years, there is appropriated from the general fund of the state to the state comptroller an amount sufficient to pay the debt service aid under this section. Debt service aid shall be paid in the manner provided in section 442.26.

Not later than May 1 of each year, the state comptroller shall inform the board of the newly formed school district the amount of debt service aid that the district will receive and the rate of the property tax levy for the amount estimated and certified to apply on principal and interest on lawful bonded indebtedness in the portion of the newly formed district where the

new rate would have been higher, and for the remainder of the newly formed district. The state comptroller shall notify the county auditor of each applicable county of the amount, in dollars and cents per thousand dollars of assessed valuation, of the property tax levy in each portion of each applicable newly formed school district in the county for the amount estimated and certified to apply on principal and interest on lawful bonded indebtedness, and the boundaries of the portions within the newly formed district for which the levies shall be made. The county auditor shall spread the applicable property tax levy for each portion of a school district over all taxable property in that portion of the district.

Sec. 4. Section 279.29, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Pending audit and allowance of claims under this section, the board shall invest moneys of the corporation to the extent practicable, and the board may provide for the joint investment of moneys with one or more school corporations pursuant to a joint investment agreement.

Sec. 5. **NEW SECTION. 279.50 ADMINISTRATIVE EXPENDITURES.**

For the budget year beginning July 1, 1989 and each of the following three budget years, the board of directors of a school district in which the administrative expenditures as a percent of the school district's operating fund for a base year exceed five percent, shall reduce its administrative expenditures so that they are one-half percent less as a percent of the school district's operating fund than they were for the base year. However, a school district is not required to reduce its administrative expenditures below eight percent of its operating fund. Thereafter, a school district shall not increase the percent of its administrative expenditures compared to its operating fund. Annually, the board of directors shall certify to the department of public instruction the amounts of the school district's administrative expenditures and its operating fund. Base year and budget year mean base year and budget year as defined in section 442.6. For the purposes of this section, "administrative expenditures" means expenditures for executive administration.

Sec. 6. Section 442.2, subsection 1, Code 1985, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. However, commencing with the budget year beginning July 1, 1987, a reorganized school district shall cause a foundation property tax of four dollars and forty cents per thousand dollars of assessed valuation to be levied on all taxable property which, in the year preceding the reorganization, was within a school district affected by the reorganization as defined in section 275.1 and which had a certified enrollment of less than six hundred. In succeeding school years, the foundation property tax levy on that portion shall be increased twenty cents per year until it reaches the rate of five dollars and forty cents per thousand dollars of assessed valuation.

NEW UNNUMBERED PARAGRAPH. For purposes of this section, a reorganized school district is one in which reorganization was approved in an election pursuant to sections 275.18 and 275.20 and will take effect on or after July 1, 1986.

Sec. 7. **NEW SECTION. 442.9A SUPPLEMENTAL AID.**

Notwithstanding section 442.9, commencing with the budget year beginning July 1, 1987, if the rate of the additional property tax levy determined under section 442.9 for a budget year for a reorganized school district is higher than the rate of additional property tax levy determined under section 442.9 for the year previous to the reorganization for a school district that had a certified enrollment of less than six hundred and that was within the school districts affected by the reorganization as defined in section 275.1, the state comptroller shall reduce the rate of the additional property tax levy in the portion of the reorganized district where the new rate is higher, to the rate that was levied in that portion of the district during the year preceding the reorganization, for the five-year period provided in this section. The state

comptroller shall pay to each reorganized school district during each of the first five years of existence of the reorganized district as supplemental aid, moneys equal to the difference in revenues that would have been collected under the additional property tax levy calculated under section 442.9 and the rate determined under this section.

For the school year beginning July 1, 1987 and succeeding school years, there is appropriated from the general fund of the state to the state comptroller an amount sufficient to pay the supplemental aid to school districts under this section. Supplemental aid shall be paid in the manner provided in section 442.26.

For the purpose of the state comptroller's determination of the portion of a school district's budget that was property tax and the portion that was state aid, supplemental aid shall be considered property tax.

For purposes of this section, a reorganized school district is one in which reorganization was approved in an election pursuant to sections 275.18 and 275.20 and will take effect on or after July 1, 1986.

Sec. 8. Section 442.39, unnumbered paragraph 1, and subsection 1, Code Supplement 1985, are amended to read as follows:

In order to provide additional funds for school districts which send their resident pupils to another school district or to an area school for classes, which jointly employ and share the services of teachers under section 280.15, or which use the services of a teacher employed by another school district, or which jointly employ and share the services of school administrators under section 280.15, a supplementary weighting plan for determining enrollment is adopted as follows:

1. Pupils in a regular curriculum attending all their classes in the district in which they reside and taught by teachers employed by that district, and having administrators employed by that district, are assigned a weighting of one.

Sec. 9. Section 442.39, subsection 2, Code Supplement 1985, is amended to read as follows:

2. Pupils attending classes in another school district or an area school, attending classes taught by a teacher who is employed jointly under section 280.15, or attending classes taught by a teacher who is employed by another school district, are assigned a weighting of one plus ~~five tenths~~ five-tenths times the percent of the pupil's school day during which the pupil attends classes in another district or area school, attends classes taught by a teacher who is jointly employed under section 280.15, or attends classes taught by a teacher who is employed by another school district if the school budget review committee certifies to the state comptroller that the shared classes or teachers would otherwise not be implemented without the assignment of additional weighting. However, in lieu of the additional weighting of ~~five tenths~~ five-tenths, the school budget review committee shall assign an additional weighting of ~~one tenth~~ one-tenth times the percent of the pupil's school day in which a pupil attends classes in another district or an area school, attends classes taught by a teacher who is employed jointly under section 280.15, or attends classes taught by a teacher who is employed by another district, in districts that have a substantial number of students in any of grades seven through twelve sharing more than one class or teacher. Effective July 1, 1986, the additional weighting of one-tenth may be assigned by the school budget review committee for a maximum of five years, and thereafter, the additional weighting shall not be assigned under this section, but may be assigned under section 442.39A.

Sec. 10. Section 442.39, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Pupils enrolled in a school district in which one or more administrators are employed jointly under section 280.15 are assigned a weighting of one plus five-hundredths for each administrator who is jointly employed times the percent of the administrator's time in which the administrator is employed in the school district. However, the

total additional weighting assigned under this subsection for a budget year for a school district is fifteen.

For the purposes of this section, "administrators" includes the following:

a. Executive administrators, which includes the superintendent and such assistants as deputy, associate, and assistant superintendents who perform activities in the general direction and management of the affairs of the local school districts.

b. School administrators, which includes assistant principals, and other assistants in general supervision of the operations of the school. School administrators does not include principals.

c. Business administrators, which includes personnel associated with activities concerned with purchasing, paying for, transporting, exchanging, and maintaining goods and services for the school district.

Sec. 11. NEW SECTION. 442.39A SUPPLEMENTARY WEIGHTING AND SCHOOL REORGANIZATION.

For the school year beginning July 1, 1986 and succeeding school years, in determining weighted enrollment under section 442.4, a reorganized school district shall include, for a period of five years following the effective date of the reorganization, additional pupils added by the application of the supplementary weighting plan, as determined under section 442.39, equal to the pupils added by the application of the supplementary weighting plan in the year preceding the reorganization. However, the weighting shall be reduced by the supplementary weighting added for a pupil whose residency is not within the reorganized district. For purposes of this section, a reorganized district is one in which the reorganization was approved in an election pursuant to sections 275.18 and 275.20 and takes effect on or after July 1, 1986.

Sec. 12. ECONOMY TASK FORCES. The advisory committee appointed by the board of directors of a school district under section 280.12, subsection 2, shall serve as members of a school economy task force. In addition to the members of the advisory committee, the school economy task force shall include the following as members if the advisory committee does not include members meeting the listed criteria:

1. One member of the county board of supervisors of the county in which the school district is located or an individual designated by the county board of supervisors.

2. One member who is a member of a city council of a city located within the school district or an individual designated by such a city council.

3. One member who is a board member of a regional transit agency selected by the board of directors of the school district or a designee named by that regional transit board.

4. One member selected by the board of directors of the school district who is a certified public accountant or has an accounting background.

The superintendent and other administrative personnel appointed by the board of directors shall serve as advisers to the task force and shall prepare and distribute information requested by the task force.

The secretary of the board of directors shall serve as secretary to the task force and shall take minutes of the meetings and prepare a report of the proceedings and recommendations of the task force.

The chairperson of the advisory committee shall serve as chairperson of the task force.

Members shall serve without compensation or reimbursement for expenses.

Sec. 13. AREA EDUCATION AGENCY TASK FORCE. The board of directors of each area education agency shall appoint an area education agency school economy task force. The members shall include members of boards of directors of school districts, a member of a regional library board, a member of a county board of supervisors from a county in the area or an individual designated by a county board of supervisors, a member of a city council of a city located in the area or an individual designated by a city council, a member of a regional transit board or a designee of a regional transit board, school administrators, teachers, parents, students, and other representatives residing in the area education agency.

The area education agency economy task force shall select a chairperson from its membership.

Members of area education agency task forces shall be paid mileage for attending meetings of the task force from funds appropriated to the department of public instruction for that purpose.

The secretary of the area education agency board shall serve as secretary to the task force and shall take minutes and prepare a report of the proceedings and recommendations of the task force.

Sec. 14. SCHEDULE. Each school district and area education agency task force shall hold its organizational meeting not later than June 1, 1986. A task force shall meet as often as deemed necessary to complete its report by November 1, 1986. A task force may meet jointly with one or more task forces appointed by boards of directors of contiguous school districts or contiguous area education agencies.

Sec. 15. DUTIES. The department of public instruction shall prepare district-by-district and area-by-area comparisons of the various kinds of expenditures and activities of school districts and area education agencies and transmit the applicable information to each task force prior to the organizational meetings.

A school district task force may consider but is not limited to discussion and recommendations for implementing efficiencies in the school district relating to the following:

1. School administration.
2. Teacher utilization.
3. Building utilization.
4. Extracurricular activities.
5. Use of regional transportation systems.
6. Energy management and costs.
7. School maintenance.
8. Centralized purchasing.
9. Availability of textbooks, instructional materials, and library materials.
10. Staff development.
11. Shared programs and services.
12. Possible merger of programs and services.

An area education agency task force shall discuss recommendations for implementing efficiencies in programs and services of the area education agency.

A report of the proceedings and recommendations of each task force shall be made to the board of directors of the school district or area education agency. In addition, the report and recommendations of the task force shall be sent to the department of public instruction. The report shall also include recommendations for changes in the statutes or rules of the department of public instruction that will improve efficiency in the school district or area education agency.

Sec. 16. DEPARTMENT OF PUBLIC INSTRUCTION DUTIES. The department of public instruction shall review the reports of the school district and area education agency task forces and compile recommendations for school districts and area education agencies and for statutory and rule changes to be submitted to the general assembly. A preliminary report shall be completed by December 1, 1986 with a final draft completed by January 15, 1987. Copies of the applicable report shall also be sent to each school district and area education agency in the state.

Sec. 17. APPROPRIATION. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987, to the department of public instruction the sum of ten thousand (10,000) dollars, or as much thereof as may be necessary, to pay mileage expenses of members of area education agency school economy task forces and for reproduction and postage costs for the department of public instruction.

Sec. 18. The legislative council may appoint a joint committee consisting of five members from each house and representing both political parties to review the report of the department of public instruction relating to the recommendations of the school district and area education agency economy task forces and make recommendations to the legislative council and the general assembly meeting in 1987. The joint committee shall meet during December 1986.

Sec. 19. **NEW SECTION. 273.13 ADMINISTRATIVE EXPENDITURES.**

During the budget year beginning July 1, 1989 and the three succeeding budget years, the board of directors of an area education agency in which the administrative expenditures as a percent of the area education agency's operating fund for a base year exceed eight percent shall reduce its administrative expenditures to five percent of the area education agency's operating fund. During each of the four years, the board of directors shall reduce administrative expenditures of twenty-five percent of the reduction in administrative expenditure required by this section. Thereafter, the administrative expenditures shall not exceed eight percent of the operating fund. Annually, the board of directors shall certify to the department of public instruction the amounts of the area education agency's expenditures and its operating fund. Base year and budget year mean base year and budget year as defined in section 442.6. For the purposes of this section, "administrative expenditures" means expenditures for executive administration.

Sec. 20. Sections 12 through 15 of this Act, being deemed of immediate importance, take effect from and after publication of the Act in The New Hampton Tribune, a newspaper published in New Hampton, Iowa, and in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa.

Approved May 27, 1986

I hereby certify that the foregoing Act, House File 2462, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, on June 3, 1986, and in The New Hampton Tribune, New Hampton, Iowa, on June 5, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1227
OPERATION OF MOTORBOATS
H.F. 665

AN ACT relating to the operation of motorboats.

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

Section 1. Section 106.31, subsection 1, paragraph b, Code 1985, is amended by striking the paragraph and inserting in lieu thereof the following:

b. A motorboat equipped with any power unit mounted or carried aboard the vessel may be operated at a no-wake speed on all artificial lakes of more than one hundred acres in size under the custody of the commission. However, on Big Creek lake and lake Macbride, a motorboat with a power unit exceeding ten horsepower may be operated only when permitted by rule and the rule shall not authorize such use during the period beginning on the Friday before Memorial Day and ending on Labor Day inclusively. This paragraph does not limit motorboat horsepower on natural lakes under the custody of the commission or limit the commission's authority to establish special speed zoning regulations.

Approved May 28, 1986

CHAPTER 1228
CONFIDENTIAL SITES
H.F. 2245

AN ACT relating to the confidentiality of archaeological sites, ecologically sensitive sites, or resource information and subjecting violators to civil and criminal penalties.

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

Section 1. Section 22.7, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 21. Information concerning the nature and location of any archaeological resource or site if, in the opinion of the state archaeologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. This subsection shall not be construed to interfere with the responsibilities of the federal government or the state historical preservation officer pertaining to access, disclosure, and use of archaeological site records.

NEW SUBSECTION. 22. Information concerning the nature and location of any ecologically sensitive resource or site if, in the opinion of the director of the department of natural resources after consultation with the state ecologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. This subsection shall not be construed to interfere with the responsibilities of the federal government or the director of the department of natural resources and the state ecologist pertaining to access, disclosure, and use of the ecologically sensitive site records.

Sec. 2. **NEW SECTION. 305A.10 CONFIDENTIALITY OF ARCHAEOLOGICAL LOCATIONS AND INFORMATION.**

The state archaeologist shall comply with the requirements of section 22.7, subsection 21, regarding information pertaining to the nature and location of archaeological resources or sites. The state archaeologist shall consult with other public officers serving as lawful custodians of archaeological information to determine whether the information should be confidential or be released.

Sec. 3. **NEW SECTION. 111B.14 CONFIDENTIALITY OF ECOLOGICALLY SENSITIVE SITES AND INFORMATION.**

The director of the department of natural resources and the state ecologist shall comply with the requirements of section 22.7, subsection 22, regarding information pertaining to the nature and location of ecologically sensitive resources or sites. The director of the department of natural resources, in consultation with the state ecologist, shall consult with other public officers serving as lawful custodians of ecologically sensitive information to determine whether the information should be confidential or be released.

Approved May 28, 1986

CHAPTER 1229
HAZARDOUS WASTE CLEANUP
H.F. 2344

AN ACT relating to the cleanup of hazardous waste.

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

Section 1. 1985 Iowa Acts, chapter 79, section 1, is amended to read as follows:

SECTION 1. The department of water, air and waste management shall initiate and conduct a pilot program in at least two counties designated by the department to collect and dispose of small amounts of hazardous wastes that are being stored in residences, schools, or small businesses with five or fewer employees or on farms. The program shall be known as "Toxic Cleanup Days". The department shall promote and conduct the program and shall, or shall contract with a qualified and bonded waste handling company to, collect and properly dispose of wastes believed by the person disposing of the wastes to be hazardous. The department shall establish maximum amounts of hazardous wastes to be accepted from a person during the "Toxic Cleanup Days" program. Amounts accepted above the maximum may be subject to a fee set by the department. The department shall not assess a fee for amounts accepted below the maximum amount. The department shall designate the times and dates that wastes shall be collected. The program shall be conducted for one or two days in each county designated. The department shall cooperate with local governmental units and service organizations in promoting and conducting this program including, but not limited to, assisting the local government or service organization in obtaining grants to help defray the expenses of the program. The department shall report to the general assembly by January 15, 1986 1987 regarding the plans or results of the pilot program and the department's recommendation whether the program should be continued, expanded, or discontinued.

Sec. 2. NEW SECTION. 266.8 HAZARDOUS WASTE RESEARCH PROGRAM.

1. A hazardous waste technical research and assistance program is created at Iowa state university of science and technology. The program shall be administered by the center for industrial research and service which shall coordinate with and use the services of the civil engineering department or other university departments at Iowa state university for the purposes set forth in this section.

2. The center for industrial research and service may seek and receive grants, donations, gifts, bequests, or other moneys from public and private sources to be used for the purposes set forth in this section.

3. The hazardous waste technical research and assistance program is created specifically for and authorized to do all of the following, upon the request of a business, firm, or corporation located within Iowa or the state or a political subdivision of the state:

a. Conduct research into new techniques, methods, and applications for the proper and safe treatment or disposal of hazardous wastes.

b. Provide advice and consultation on the proper, safe, and cost-effective methods, techniques, and applications for the treatment, storage, or disposal of hazardous wastes.

c. Provide other technical or financial assistance to aid in the proper, safe, and cost-effective treatment or disposal of hazardous wastes.

4. In carrying out its responsibilities under this section, the hazardous waste technical research and assistance program shall give priority to providing research and assistance on hazardous waste sites which impair the future economic development of a particular area including but not limited to the development of infrastructure, highways, sewers, industrial sites, educational facilities, and other assets essential for the development of a city.

5. The center for industrial research and service shall report to the general assembly annually on receipt and disbursement of funds and activities conducted by the hazardous waste technical research and assistance program pursuant to this section.

6. This section shall not be construed to do any of the following:

a. Relieve any person receiving assistance under this section of any duties or liabilities otherwise created or imposed upon the person by law.

b. Transfer to the state, Iowa state university of science and technology, or any employee of the state or the university, any duty or liability otherwise imposed by law on a person receiving assistance under this section.

c. Create any liability to the state, Iowa state university of science and technology, or any employee of the state or the university for any act or omission arising from the providing of assistance or advice in cleaning up, handling, or disposal of hazardous waste. However, an individual may be liable if the act or omission results from intentional wrongdoing or gross negligence.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in the Ames Daily Tribune, a newspaper published in Ames, Iowa, and in The Sun, a newspaper published in Mount Vernon, Iowa.

Approved May 28, 1986

I hereby certify that the foregoing Act, House File 2344, was published in the Ames Daily Tribune, Ames, Iowa, on June 3, 1986, and in The Sun, Mount Vernon, Iowa, on June 5, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1230

PROPERTY TAX ASSESSMENT BOARD OF REVIEW

H.F. 2481

AN ACT relating to the size of a board of review for property tax assessments.

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

Section 1. Section 441.31, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the previous paragraph, the conference board may increase the membership of the board of review by an additional two members if it determines that as a result of the large number of protests filed or estimated to be filed the board of review will be unable to timely resolve the protests with the existing number of members. These two additional emergency members shall be appointed for a term set by the conference board but not for longer than two years. The conference board may extend the terms of the emergency members if it makes a similar determination as required for the initial appointment.

Sec. 2. Section 441.32, Code 1985, is amended to read as follows:

441.32 **TERMS — VACANCIES.**

The terms of the members of the board of review ~~shall be~~ are for six years each except for the emergency members whose terms shall be set by the conference board for a period not to exceed two years. Members of this board may be removed by the conference board but only after a public hearing upon specified charges, if a hearing is requested by such the member. ~~Subsequent appointments~~ A subsequent appointment, and an appointment to fill a vacancy, shall be made in the same way as the original selection. The board ~~shall have the power to~~ may subpoena witnesses and administer oaths.

Approved May 28, 1986

CHAPTER 1231**STATE CONSERVATION COMMISSION BONDS***H.F. 2489*

AN ACT relating to the issuance of bonds by the state conservation commission for the acquisition of real property for the development and enhancement of wildlife lands and habitat areas.

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

Section 1. Section 110.3, Code 1985, is amended to read as follows:

110.3 WILDLIFE HABITAT STAMP.

1. A resident or nonresident person required to have a hunting or fur harvester license shall not hunt or trap unless the person carries a valid wildlife habitat stamp signed in ink with the person's signature across the face of the stamp. This section shall not apply to residents who are permanently disabled or who are younger than sixteen or older than sixty-five years of age. Special wildlife habitat stamps shall be administered in the same manner as hunting and fur harvester licenses except all revenue derived from the sale of the wildlife habitat stamps shall be used within the state of Iowa for habitat development and shall be deposited in the state fish and game protection fund, except as provided in subsection 2. The revenue may be used for the matching of federal funds. The revenues and any matched federal funds shall be used for acquisition of land, leasing of land or obtaining of easements from willing sellers for use as wildlife habitats. Notwithstanding the exemption provided by section 427.1, any land acquired with the revenues and matched federal funds shall be subject to the full consolidated levy of property taxes which shall be paid from those revenues. In addition such revenue may be used for the development and enhancement of wildlife lands and habitat areas. Not less than fifty percent of all revenue from the sale of wildlife habitat stamps shall be used by the commission to enter into agreements with county conservation boards or other public agencies in order to carry out the purposes of this section. The state share of funding of those agreements provided by the revenue from the sale of wildlife habitat stamps shall not exceed seventy-five percent.

2. Up to sixty percent of the revenues from the sale of wildlife habitat stamps which are not required under subsection 1 to be used by the commission to enter into agreements with county conservation boards or other public agencies may be credited to the wildlife habitat bond fund as provided in section 110.53.

Sec. 2. NEW SECTION. 110.50 DEFINITIONS.

When used in this division, unless the context otherwise requires:

1. "Bonds" means negotiable wildlife habitat bonds of the commission issued pursuant to this division and includes all bonds, notes, and other obligations issued in anticipation of these bonds or as refunding bonds pursuant to this division.
2. "Treasurer" means the treasurer of state of the state of Iowa.
3. "Wildlife habitat bond fund" means the fund created by section 110.53.

Sec. 3. NEW SECTION. 110.51 BONDS ISSUED BY THE COMMISSION.

1. The commission may issue its negotiable bonds in principal amounts as, in the opinion of the commission, are necessary to provide funds for the acquisition of real property for the development and enhancement of wildlife lands and habitat areas, the payment of interest on its bonds and all other expenditures of the commission incident to and necessary or convenient to carry out the acquisition. However, the commission shall not have a total principal amount of bonds outstanding at any time in excess of eight million dollars. The bonds shall be deemed to be investment securities and negotiable instruments within the meaning of and for all purposes of chapter 554, the uniform commercial code.

2. Bonds issued by the commission are payable solely and only from the revenues credited to the wildlife habitat bond fund. Taxes or appropriations shall not be pledged for the payment of the bonds. Bonds are not an obligation of this state or any political subdivision of this state other than the commission within the meaning of any constitutional or statutory debt limitations, but are special obligations of the commission payable solely and only from the sources provided in this division, and the commission shall not pledge the general credit or taxing power of this state or any political subdivision of this state or make its debts payable out of any moneys except those of the wildlife habitat bond fund.

3. Bonds must be authorized by a resolution of the commission. However, a resolution authorizing the issuance of obligations may delegate to an officer of the commission the power to negotiate and fix the details of an issue of bonds or notes by an appropriate certificate of the authorized officer.

4. The bond proceedings shall provide for the purpose of the bonds, principal amount and principal maturity or maturities, the interest rate or rates or the maximum interest rate, the date of the bonds and the dates of payment of interest on the bonds, their denomination, the terms and conditions upon which parity bonds may be issued, and the establishment within or without the state of a place or places of payment of principal of and interest on the bonds. The purpose of the bonds may be stated in the bond proceedings in terms describing the general purpose or purposes to be served. The commission may cause to be issued a prospectus or official statement in connection with the offering of the bonds. Bonds may be issued in coupon or in registered form, or both. Provision may be made for the registration of bonds with coupons attached as to principal alone, or as to both principal and interest, their exchange for bonds so registered, and for the conversion or reconversion into bonds with coupons attached of any bonds registered as to both principal and interest, and for reasonable charges for registration, exchange, conversion, and reconversion. Bonds shall be sold in the manner and at the time determined by the commission. Chapter 75 and sections 23.12 through 23.16 do not apply to these bonds. The bonds are negotiable instruments. The bond proceedings may contain additional provisions as to:

a. The redemption of bonds prior to maturity at the option of the commission at the price and on the terms and conditions provided in the bond proceedings.

b. Other terms of the bonds and concerning execution and delivery of the bonds.

c. The delegation of responsibility for any act relating to the issuance, execution, sale, redemption, or other matter pertaining to the bonds to any other officer, agency of the state, or other person or body.

d. Additional agreements with the bondholders relating to the bonds.

e. Payment from the proceeds of the sale of the bonds of all legal and financial expenses incurred by the commission in the issuance, sale, delivery, and payment of the bonds.

f. Other matters, alike or different, which may in any way affect the security of the bonds and the protection of the bondholders.

5. The power to issue bonds includes the power to issue obligations in the form of bond anticipation notes or other forms of short-term indebtedness and to renew these notes by the issuance of new notes. The holders of notes or interest coupons of notes have a right to be paid solely from those revenues credited to the wildlife habitat bond fund which were pledged to the payment of the bonds anticipated, or from the proceeds of those bonds or renewal notes, or both, as the commission provides in the bond proceedings authorizing the notes. The notes may be additionally secured by covenants of the commission to the effect that the commission will do those acts authorized by this division and necessary for the issuance of the bonds or renewal notes in appropriate amount, and either exchange the bonds or renewal notes for the notes, or apply the proceeds of the notes, to the extent necessary, to make full payment of the principal of and interest on the notes at the time contemplated, as provided in the bond proceedings. For this purpose, the commission may issue bonds or renewal notes in a principal amount and upon terms as authorized by this division and as necessary to provide funds to pay

when required the principal of and interest on the outstanding notes. All provisions for and references to bonds in this division are applicable to notes authorized under this subsection to the extent not inconsistent with this subsection.

6. The commission may authorize and issue bonds for the refunding, including funding and retirement, and advance refunding with or without payment or redemption prior to maturity, of bonds previously issued by the commission. These bonds may be issued in amounts sufficient for payment of the principal amount of the prior bonds, any redemption premiums on the prior bonds, principal maturities of bonds maturing prior to the redemption of the remaining bonds on a parity with them, interest accrued or to accrue to the maturity date or dates of redemption of the bonds, and project costs including expenses incurred or to be incurred in connection with this issuance, refunding, funding, and retirement. Subject to the bond proceedings, the portion of proceeds of the sale of bonds issued under this subsection to be applied to principal of and interest on the prior bonds shall be credited to the appropriate account for the prior bonds. Bonds authorized under this subsection shall be deemed to be issued for those purposes for which the prior bonds were issued and are subject to the provisions of this division pertaining to other bonds. Refunding bonds may be issued without regard to whether or not the bonds to be refunded are payable on the same date or different dates or due serially or otherwise.

Sec. 4. NEW SECTION. 110.52 ADDITIONAL POWERS OF COMMISSION.

In connection with the issuance of the bonds or in order to secure the payment of the bonds and interest on the bonds, the commission may by resolution:

1. Provide that the bonds be secured by a first lien on the revenues and receipts received or to be received into the wildlife habitat bond fund from income from the investment of the wildlife habitat bond fund, from moneys received from the sale of bonds, and from any other moneys which are available for the payment of bond service charges.

2. Pledge for the benefit of the bondholders any part of the receipts in the wildlife habitat bond fund. The pledge shall be effective without physical delivery or further act and moneys in the fund may be applied for the purposes as pledged without the necessity of an Act of appropriation.

3. Establish, authorize, set aside, regulate, and dispose of reserves and sinking funds.

4. Provide that sufficient amounts of the proceeds of the sale of the bonds may be used to fully or partially fund any and all reserves or sinking funds set out by the bond resolution.

5. Prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of the bonds whose holders must consent thereto, and the manner in which the consent may be given.

6. Purchase bonds, out of funds available for that purpose, which shall be canceled, at a price not exceeding either of the following:

a. If the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date.

b. If the bonds are not then redeemable, the redemption price applicable on the first date after the purchase upon which the bonds become subject to redemption plus accrued interest to that date.

Sec. 5. NEW SECTION. 110.53 PAYMENT OF BONDS.

A wildlife habitat bond fund is created in the state treasury. At the direction of the commission as provided in the bond proceedings or pursuant to section 110.52, subsection 1 or 2, and as certified by the director, the treasurer of state shall credit to the wildlife habitat bond fund from the revenues received from the sale of wildlife habitat stamps a sum at least sufficient to pay interest on the bonds in each fiscal year and principal on the bonds that mature during each fiscal year. In each fiscal year after the effective date of this division and after bonds are issued, and until all the bonds issued have been retired, in order to provide for the payment of principal of the bonds issued and sold and the interest on them as the same become due and

mature, there is pledged and annually appropriated out of the revenues to be credited to the wildlife habitat bond fund an amount sufficient to pay principal and interest on the bonds issued for each of the years the bonds are outstanding. The director shall annually certify to the treasurer the amount of funds required to pay interest on the bonds in the ensuing fiscal year and the principal on the bonds that mature during the ensuing fiscal year.

Sec. 6. NEW SECTION. 110.54 NONLIABILITY OF THE STATE AND ITS OFFICIALS.

Bonds issued are special limited obligations of the commission and are not a debt or liability of the state or any other political subdivision within the meaning of any constitutional or statutory debt limitation and are not a pledge of the state's credit or taxing power within the meaning of any constitutional or statutory limitation or provision and, except as provided in this division, an appropriation shall not be made, directly or indirectly, by the state or any political subdivision of the state for the payment of bonds. The bonds are special obligations of the commission payable solely from the wildlife habitat bond fund. Funds from the general fund of the state shall not be used to pay interest or principal on the bonds if revenues deposited in the wildlife habitat bond fund are insufficient.

The members of the commission or other person executing the bonds is not personally liable for the payment of the bonds. The bonds are valid and binding obligations of the commission notwithstanding the fact that before the delivery of the bonds any of the officers whose signatures appear on the bonds cease to be officers of the state. From and after the sale and delivery of the bonds, they shall be incontestable by the commission.

Sec. 7. NEW SECTION. 110.55 BONDS AS LEGAL INVESTMENTS.

Bonds are securities in which all public officers and bodies of the state and all municipalities and political subdivisions of this state, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks, and savings associations, including savings and loan associations, building loan associations, investment companies, and other persons carrying on a banking business, all administrators, guardians, executors, trustees, and other fiduciaries and all other persons who are now or may be authorized to invest in bonds or other obligations of this state may properly and legally invest funds including capital in their control or belonging to them. The bonds are also securities which may be deposited with and may be received by all public officers and bodies of the state and all municipalities and legal subdivisions of this state for any purpose for which the deposit of bonds or other obligations of the state is now or may be authorized.

Sec. 8. NEW SECTION. 110.56 RIGHTS OF BONDHOLDERS.

The bond proceedings may provide that a holder of bonds or a trustee under the bond proceedings, except to the extent that the holder's rights are restricted by the bond proceedings, may by legal proceedings, protect and enforce any rights under the laws of this state or granted by the bond proceedings. These rights include the right to compel the performance of all duties of the commission required by this division or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any principal of or interest on bonds or in the performance of a covenant or agreement on the part of the commission in bond proceedings, to apply to a court to appoint a receiver to receive and administer the funds which are pledged to the payment of bonds or which are the subject of the covenant or agreement, with full power to pay and to provide for payment of any principal of or interest on bonds and with powers accorded receivers in general equity cases, excluding power to pledge additional funds or other income or moneys of the commission, the state, or governmental agencies of the state to the payment of the bonds.

Approved May 28, 1986

CHAPTER 1232**NET INCOME COMPUTATION ON CERTAIN GAINS OR LOSSES***H.F. 2491*

AN ACT relating to limiting the amount of taxes owed and excluding under certain conditions income or loss from certain transactions for purposes of determining the state individual income tax and providing a retroactive effective date.

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

Section 1. Section 422.5, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. The state income tax of a taxpayer whose net income includes the gain or loss from the forfeiture of an installment real estate contract, the transfer of real or personal property securing a debt to a creditor in cancellation of that debt, or from the sale or exchange of property as a result of actual notice of foreclosure where the fair market value of the taxpayer's assets exceeds the taxpayer's liabilities immediately before such forfeiture, transfer, or sale or exchange shall not be greater than such excess, including any asset transferred within one hundred twenty days prior to such forfeiture, transfer, or sale or exchange. For purposes of this subsection, in the case of married taxpayers, except in the case of a husband and wife who live apart at all times during the tax year, the assets and liabilities of both spouses shall be considered in determining if the fair market value of the taxpayer's assets exceed the taxpayer's liabilities.

Sec. 2. Section 422.7, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. Subtract the income or loss resulting from the forfeiture of an installment real estate contract, the transfer of real or personal property securing a debt to a creditor in cancellation of that debt, or from the sale or exchange of property as a result of actual notice of foreclosure if all of the following conditions are met:

a. The forfeiture, transfer, or sale or exchange was done for the purpose of establishing a positive cash flow.

b. Immediately before the forfeiture, transfer, or sale or exchange, the taxpayer's debt to asset ratio exceeded ninety percent as computed under generally accepted accounting practices.

c. The taxpayer's net worth at the end of the tax year is less than seventy-five thousand dollars. In determining a taxpayer's net worth at the end of the tax year a taxpayer shall include any asset transferred within one hundred twenty days prior to the end of the tax year without adequate and full consideration in money or money's worth. In determining the taxpayer's debt to asset ratio, the taxpayer shall include any asset transferred within one hundred twenty days prior to such forfeiture, transfer, or sale or exchange without adequate and full consideration in money or money's worth. For purposes of this subsection, actual notice of foreclosure includes, but is not limited to, bankruptcy or written notice from a creditor of the creditor's intent to foreclose where there is a reasonable belief that the creditor can force a sale of the asset. For purposes of this subsection, in the case of married taxpayers, except in the case of a husband and wife who live apart at all times during the tax year, the assets and liabilities of both spouses shall be considered for purposes of determining the taxpayer's net worth or the taxpayer's debt to asset ratio.

Sec. 3. This Act is retroactive to January 1, 1986 for tax years beginning or after that date.

Approved May 28, 1986

CHAPTER 1233
CONSIGNMENT OF WORKS OF ART
H.F. 2178

AN ACT to establish a consignment relationship between artists and art dealers for the sale of the artist's works.

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

Section 1. NEW SECTION. 556D.1 DEFINITIONS.

As used in this Act, unless the context requires otherwise:

1. "Artist" means the person who creates a work of fine art or, if such person is deceased, the person's personal representative.
2. "Fine art" means a painting, sculpture, drawing, mosaic, photograph, work of graphic art, including an etching, lithograph, offset print, silk screen, or work of graphic art of like nature, a work of calligraphy, or a work in mixed media including a collage, assemblage, or any combination of these art media which is one of a kind or is available in a limited issue or series. "Fine art" also means crafts which include work in clay, textiles, fiber, wood, metal, plastic, glass, or similar materials which is one of a kind or is available in a limited issue or series.
3. "Art dealer" means a person engaged in the business of selling works of fine art, in a shop or gallery devoted in the majority to works of fine art, other than a person engaged in the business of selling goods of general merchandise or at a public auction.
4. "Consignment" means a delivery of a work of fine art under which no title to, estate in, or right to possession superior to that of the consignor vests in the consignee, notwithstanding the consignee's power or authority to transfer and convey to a third person all of the right, title, and interest of the consignor in and to the fine art.
5. "Stated value" means the amount agreed to be paid to the consignor.

Sec. 2. NEW SECTION. 556D.2 CONSIGNMENT.

If an artist delivers or causes to be delivered a work of fine art of the artist's own creation to an art dealer in this state for the purpose of exhibition or sale on a commission, fee, or other basis of compensation, the delivery to and acceptance of the work of fine art by the art dealer is a consignment, unless the delivery to the art dealer is an outright sale for which the artist receives or has received full compensation upon delivery.

When an art dealer accepts a work of fine art for the purposes of sale or exhibition and sale to the public on a commission, fee, or other basis of compensation, there shall be a contract or agreement between the artist and art dealer which shall include the following provisions:

1. That the amount of the proceeds due the artist from the sale of the work of fine art shall be delivered to the artist at a time agreed upon by the artist and the art dealer.
2. That the art dealer shall be responsible for the stated value of the work of fine art in the event of the loss of or damage to the work of fine art while it is in the possession of the art dealer.
3. That the work of fine art shall be sold by the art dealer only for the amount agreed upon by the artist in the contract or agreement and that the art dealer will take only the commission or fee agreed upon.
4. That the work of fine art may be used or displayed by the art dealer or any other person only with the prior written consent of the artist. The artist may require that the artist be acknowledged in the use of the work of fine art.

Sec. 3. NEW SECTION. 556D.3 CONDITIONS OF CONSIGNMENT.

The following apply to consignment:

1. The art dealer, after delivery of the work of fine art, becomes an agent of the artist for the purpose of sale or exhibition of the consigned work of fine art.

2. The work of fine art shall be held in trust by the consignee for the benefit of the consignor and is not subject to claim by a creditor of the consignee.

3. The consignee is responsible for the loss of or damage to the work of fine art, unless otherwise mutually agreed upon in writing between the artist and art dealer in which case the art dealer shall be required to exercise all due diligence and care with regard to the work of fine art. In case of a waiver, the burden shall be on the dealer to demonstrate the waiver was entered into in good faith.

4. The proceeds from the sale of the work of fine art shall be held in trust by the consignee for the benefit of the artist. The proceeds shall first be applied to pay any balance due the artist unless the artist expressly agrees otherwise in writing.

Sec. 4. NEW SECTION. 556D.4 CONSIGNMENT — TRUST ARRANGEMENT.

A consignment remains trust property, even if purchased by the art dealer, until the price is paid in full to the artist. If the work is resold to a bona fide purchaser before the artist has been paid in full, the proceeds of the resale received by the art dealer constitute funds held in trust for the benefit of the artist to the extent necessary to pay any balance still due to the artist and the trusteeship continues until the fiduciary obligation of the art dealer with respect to the transaction is discharged in full.

Sec. 5. NEW SECTION. 556D.5 CONTRACT VOIDABLE.

A provision of a contract or agreement where the art dealer waives a provision of this Act is void.

Sec. 6. The provisions of this Act do not apply to a written contract executed prior to its effective date, unless either the parties agree by mutual consent that the provisions of this Act shall apply or the contract is extended or renewed after the effective date of this Act.

Approved May 28, 1986

CHAPTER 1234
VEHICLE PRICE DISCRIMINATION
S.F. 2084

AN ACT prohibiting price discrimination in the sale or lease of motor vehicles by motor vehicle manufacturers, distributors, or wholesalers and providing for enforcement and penalties.

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

Section 1. NEW SECTION. 551.12 PRICE DISCRIMINATION — SALE OR LEASE OF MOTOR VEHICLES.

1. As used in this section, unless the context otherwise requires:

a. "Motor vehicle" means a motor vehicle subject to registration under chapter 321 with a gross vehicle weight rating as defined in 49 C.F.R. 567.4(g)(3) of less than nine thousand pounds, but does not include a motor vehicle which is not a completed motor vehicle as defined in section 322.2, subsection 21, or a motor vehicle chassis, either of which is sold to a manufacturer and does not include a motor vehicle which is defined as a motor home in section 321.1, subsection 68, paragraph "d".

b. "Fleet buyer" means any person, except a rental company, which purchases and registers or leases ten or more new motor vehicles during any twelve-month period for use in the person's business.

c. "Rental company" means any person, except a dealer or dealer affiliated leasing company, in the primary business of the rental, retail lease or retail sale of motor vehicles.

d. "Retail buyer" means a person who buys a motor vehicle but does not include a fleet buyer, a rental company, or a dealer.

e. "Retail lease" means a contract for the use of a motor vehicle by any person for a term of more than sixty days but does not include sales or leases to a fleet buyer.

f. "Rental" means a contract for the use of a motor vehicle by any person for a period of sixty days or less.

g. "Dealer" means a motor vehicle dealer licensed under chapter 322.

h. "Manufacturer" means a manufacturer, distributor, or wholesaler licensed under chapter 322.

i. "Incentive" means a discount, rebate, interest assistance, option, assistance pass through, and any other benefit provided to a dealer with respect to the acquisition, sale, or lease of a motor vehicle or to a motor vehicle purchaser by a manufacturer.

j. "Price" means the dollar purchase price of a motor vehicle, including incentives.

2. A manufacturer shall not knowingly discriminate in price against Iowa purchasers or lessees of motor vehicles by selling or leasing a new motor vehicle to any dealer at a price lower than the lowest price at which the manufacturer offers to sell or lease any new motor vehicle of the same make and model similarly equipped to any other dealer.

This section does not apply to sales by manufacturers to dealers for resale to employees, retirees, officers or directors of a manufacturer or its affiliated companies, to any unit of government, to any charitable organization, or for any driver education program.

This section shall not be construed to prohibit a manufacturer from offering incentives to its dealers, dealer-affiliated leasing companies, fleet buyers or to retail buyers so long as the same or equivalent incentives are available to all dealers of the same line make on a non-discriminatory basis. If the manufacturer makes any incentive available to a dealer for resale or re-lease to a rental company, the same or equivalent incentive must be made available to dealers for resale to retail buyers.

3. A person shall not knowingly provide, induce or receive a discrimination in price which is prohibited by this section.

4. If the attorney general determines that a person has engaged in, is engaging in, or is about to engage in any practice in violation of this section, the attorney general may:

a. Require the person to file on forms as the attorney general may prescribe a statement or report in writing under oath or otherwise, as to all the facts and circumstances concerning prohibited practices by the person, and any other information the attorney general may deem necessary.

b. Examine under oath any person in connection with the prohibited activity.

c. Examine any record, book, document, account, or paper or motor vehicle as the attorney general may deem necessary.

d. Pursuant to an order of a district court, impound any record, book, document, account, paper, or motor vehicle that is produced in accordance with this section, and retain possession of same until completion of all proceedings in connection with which the same are produced.

5. a. To accomplish the objectives and to carry out the duties prescribed by this section, the attorney general, in addition to other powers conferred, may issue subpoenas to any person, administer an oath or affirmation to any person, conduct hearings in aid of any investigation or inquiry, prescribe forms and adopt rules as may be necessary.

b. Information or evidence provided the attorney general by a person pursuant to subsections 3 and 4 shall not be admitted in evidence, or used in any criminal prosecution. If a criminal prosecution under this section is initiated in a state court against a person who has provided information pursuant to subsections 4 and 5, the state shall have the burden of proof that the information so provided was not used in any manner to further the criminal investigation or prosecution.

c. In any civil action brought under this section, the attorney general shall have the right to require any defendant to give testimony, and no criminal prosecution based upon transactions

or acts about which the defendant is questioned and required to give testimony shall be brought against the defendant.

6. Service by the attorney general of any notice requiring a person to file a statement or report, or of a subpoena upon any person, shall be made personally within this state, but if it cannot be obtained, substituted service may be made in the following manner:

a. Personal service outside this state.

b. The mailing by registered mail to the last known place of business, residence, or abode within or without this state of the person for whom the same is intended.

c. As to any person other than a natural person, in the manner provided in the rules of civil procedure as if a petition had been filed.

d. The service as a district court may direct in lieu of personal service within this state.

7. If any person fails or refuses to file any statement or report, or obey any subpoena issued by the attorney general, the attorney general may, after notice, apply to a district court and, after hearing, and upon meeting customary legal standards for obtaining relief, request an order:

a. Granting injunctive relief, restraining the sale of any motor vehicle by the person.

b. Dissolving a corporation created by or under the laws of this state or revoking or suspending the certificate of authority to do business in this state of a foreign corporation or revoking or suspending any other licenses, permits, or certificates issued pursuant to law to such person which are used to further the allegedly unlawful practice.

c. Granting any other relief as may be required until the person files the statement or report, or obeys the subpoena.

8. Whenever it appears to the attorney general that a person has engaged in, is engaging in or is about to engage in any practice declared to be unlawful by this section, and the proceedings would be in the public interest, the attorney general may seek and obtain in an action in a district court an injunction prohibiting the person from continuing the practices or engaging in or doing any unlawful acts upon meeting customary legal standards for obtaining relief.

9. In any action brought under this section, the attorney general is entitled to recover costs for the use of this state.

10. A person who is injured or threatened with injury by conduct prohibited under this section may bring suit to:

a. Prevent or restrain the conduct and remove the conduct's effect by injunction or other equitable relief.

b. Recover actual damages resulting from the conduct.

c. Recover, at the court's discretion, exemplary damages which do not exceed twice the actual damages awarded under paragraph "b" of this subsection if the trier of fact determines that the prohibited conduct is willful or flagrant.

d. Recover the necessary costs of bringing suit, including a reasonable attorney fee.

Approved May 28, 1986

CHAPTER 1235
SNOWMOBILE REGISTRATION FEES
S.F. 2295

AN ACT to increase snowmobile registration fees and providing an effective date.

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

Section 1. Section 321G.4, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The owner of the snowmobile shall file an application for registration with the appropriate county recorder on forms provided by the commission. The application shall be completed and signed by the owner of the snowmobile and shall be accompanied by a fee of ~~twelve~~ twenty dollars and a writing fee. Proof of payment of Iowa sales or use tax must accompany all applications for registration. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall enter ~~the same~~ it upon the records and shall issue to the applicant a pocket-size registration certificate. The certificate shall be executed in triplicate, one copy to be delivered to the owner, one copy to the commission, and one copy to be retained on file by the county recorder. The registration certificate shall bear the number awarded to the snowmobile and the name and address of the owner. The registration certificate shall be carried either in the snowmobile or on the person of the operator of the machine when in use. The operator of a snowmobile shall exhibit the registration certificate to a peace officer upon request or to the owner or operator of another snowmobile or the owner of personal or real property when the snowmobile is involved in a collision or accident of any nature with another snowmobile or the property of another person.

Sec. 2. Section 321G.6, unnumbered paragraphs 1 and 2, Code 1985, are amended to read as follows:

Every registration certificate and number issued shall expire at midnight December 31, and renewals expire every two years thereafter unless sooner terminated or discontinued in accordance with the provisions of this chapter. After the first day of September each even-numbered year, ~~any~~ unregistered snowmobile snowmobiles and ~~renewals of registration~~ may be ~~so~~ registered for the subsequent biennium beginning January 1. ~~Any~~ A snowmobile registered between January 1 and September 1 of even-numbered years shall be registered for a fee of ~~six~~ ten dollars for the remainder of the registration period.

After the first day of September in even-numbered years an unregistered snowmobile may be registered for the remainder of the current registration period and for the subsequent registration period in one transaction. The fee shall be ~~three~~ five dollars for the remainder of the current period, in addition to the registration fee of ~~twelve~~ twenty dollars for the subsequent biennium beginning January 1, and a writing fee. Registration certificates and numbers may be renewed upon application of the owner in the same manner as provided in securing the original registration. The snowmobile registration fee is in lieu of personal property tax for each year of the registration.

Sec. 3. This Act takes effect September 1, 1986.

Approved May 28, 1986

CHAPTER 1236
INCOME TAX CREDITS AND DEDUCTIONS
S.F. 2294

AN ACT relating to the state individual and corporate income tax by limiting, modifying, eliminating, and changing certain deductions and credits in computing the tax liability, and providing an effective date.

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

Section 1. Section 56.18, subsection 1, Code Supplement 1985, is amended to read as follows:

1. ~~Any~~ A person whose state income tax liability for any taxable year is one dollar and fifty cents or more may direct that one dollar and fifty cents of such that liability be paid over to the Iowa election campaign fund when submitting the person's state income tax return to the department of revenue. In the case of a joint return of husband and wife having a state income tax liability of ~~two~~ three dollars or more, each spouse may direct that one dollar and fifty cents be paid to the fund. The director of revenue shall draft the income tax form to provide spaces on the tax return which the taxpayer may use to designate that contributions made under this section be credited to a specified political party as defined by section 43.2, or to the Iowa election campaign fund as a contribution to be shared by all such political parties in the manner prescribed by section 56.19. The form shall inform the taxpayer of the consequences of the choices provided under this section, but this information may be contained in a footnote or other suitable form if the director of revenue finds it is not feasible to place the information immediately above the signature line. The action taken by a person for the checkoff is irrevocable.

Sec. 2. Section 56.18, subsections 2 and 3 and unnumbered paragraphs 1 and 2, Code Supplement 1985, are amended by striking the subsections and unnumbered paragraphs.

Sec. 3. Section 422.5, subsection 1, paragraph o, subparagraph (1), Code Supplement 1985, is amended to read as follows:

(1) Add items of tax preference included in federal alternative minimum taxable income under section 57, except subsections (a)(8) and (a)(11), of the Internal Revenue Code of 1954. In the case of an estate or trust, the items of tax preference shall be apportioned between the estate or trust and the beneficiaries in accordance with rules prescribed by the director. For purposes of computing the items of tax preference, the gain or loss from the forfeiture of an installment real estate contract, the transfer of real or personal property securing a debt to a creditor in cancellation of that debt or from the sale or exchange of property as a result of actual notice of foreclosure shall not be taken into account in computing net capital gain if all of the following conditions are met:

Sec. 4. Section 422.5, subsection 1, paragraph o, Code Supplement 1985, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Add the amount by which the aggregate losses from all passive activities, reduced by the aggregate income from passive activities, exceed the sum of the taxpayer's cash basis in passive activities which are not tax shelters plus the lesser of the taxpayer's cash basis in passive activities which are tax shelters or fifty thousand dollars. For purposes of this subparagraph the following apply:

(a) "Tax shelter" means the same as defined in section 461(i)(3) of the Internal Revenue Code of 1954.

(b) "Passive activity" means an activity where a substantial portion of the income from the activity is from a trade or business. Rents and royalties are income from a trade or business. "Passive activity" does not include, except in the case of limited partners, an activity where the taxpayer or taxpayer's spouse materially participates in the activity or provides

substantial personal services for the activity. A loss incurred from a farming business, as defined in section 464(e) of the Internal Revenue Code of 1954, will not be considered for purposes of this subparagraph to the extent that the loss is used in computing net income under section 422.7.

(c) "Cash basis" means in the case of an interest in a partnership, the adjusted basis of the taxpayer's interest determined without regard to any liability of or amount borrowed by the partnership with respect to the partnership which was secured by any assets of the partnership, and in all other cases, the adjusted basis of the taxpayer's interest determined under principles relating to the case of a partnership.

(d) A loss from any activity shall be determined under the principles of section 465(d) of the Internal Revenue Code of 1954 except that to the extent that any deduction is an item of tax preference in this section, that deduction shall not be taken into account.

(e) A loss from an activity that is disallowed under this subparagraph shall be treated as a deduction allowable to that activity in the first succeeding tax year.

(f) If the taxpayer disposes of the taxpayer's entire interest in a passive activity during a tax year, the amount of loss attributed to the activity determined after carryovers in part (e) of this subparagraph, shall be allowed in computing alternative minimum taxable income and shall not be treated as a loss for purposes of this subparagraph.

Sec. 5. Section 422.7, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. Add the combined net losses from passive farming activity in excess of twenty-five thousand dollars that offset income from other sources. Net losses under section 165 of the Internal Revenue Code of 1954, exclusive of net gains incurred passively from the operation of a farming business, as defined in section 464(e) of the Internal Revenue Code of 1954, are to be combined from businesses, rents, partnerships, subchapter S corporations, estates or trusts except losses under sections 1211 and 1231 of the Internal Revenue Code of 1954. For purposes of this subsection the following apply:

a. "Passive activity" means an activity where the taxpayer or a member of the taxpayer's family as defined in section 2032A(e)(2) of the Internal Revenue Code of 1954 does not materially participate in the activity or provide substantial personal services to the farming business. A taxpayer who is retired or disabled as described in section 2032A(b)(4) of the Internal Revenue Code of 1954 or is a surviving spouse as described in section 2032A(b)(5) shall be treated as materially participating in the farming business.

b. A loss from an activity that is disallowed under this subsection shall be treated as a deduction allowable to that activity in the first succeeding tax year.

NEW SUBSECTION. Add the amount of intangible drilling and development costs optionally deducted in the year paid or incurred as allowed under section 263(c) of the Internal Revenue Code of 1954. This amount may be recovered through cost depletion or depreciation, as appropriate under rules prescribed by the director.

NEW SUBSECTION. Add the percentage depletion amount determined with respect to an oil, gas, or geothermal well using methods in section 613 of the Internal Revenue Code of 1954 that is in excess of the cost depletion amount determined under section 611 of the Internal Revenue Code of 1954.

Sec. 6. Section 422.12, subsection 2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A child and dependent care credit equal to ~~ten~~ forty-five percent of the ~~qualifying employment-related expenses and subject to the same limitations~~ federal child and dependent care credit provided by in section ~~44A~~ 21 of the Internal Revenue Code of 1954.

Sec. 7. Section 422.12, subsection 3, Code 1985, is amended by striking the subsection.

Sec. 8. Section 422.33, subsection 4, Code Supplement 1985, is amended to read as follows:

4. In addition to all taxes imposed under this division, there is imposed upon each corporation doing business within the state a state minimum tax for tax preference equal to seventy percent of the state's apportioned share of the federal minimum tax. The state's apportioned share of the federal minimum tax is a percent equal to the ratio of the federal minimum tax on preferences attributable to Iowa to the federal minimum tax on all preferences. The director shall prescribe rules for the determination of the amount of the federal minimum tax on preferences attributable to Iowa which shall be based as much as equitably possible on the allocation and apportionment provisions of subsections 2 and 3. For purposes of this subsection, "federal minimum tax" means the federal minimum tax for tax preferences computed under sections 55 to 58, except section 57(a)(8), of the Internal Revenue Code of 1954 for the tax year.

Sec. 9. Section 422.35, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. Add the combined net losses from passive farming activity in excess of twenty-five thousand dollars that offset income from other sources. Net losses under section 165 of the Internal Revenue Code of 1954, exclusive of net gains incurred passively from the operation of a farming business, as defined in section 464(e) of the Internal Revenue Code of 1954, are to be combined from businesses, rents, partnerships, corporations, estates or trusts except losses under sections 1211 and 1231 of the Internal Revenue Code of 1954. Farming activity is passive if the taxpayer does not materially participate in the activity nor provide substantial services to the farming business. A loss from an activity that is disallowed under this subsection shall be treated as a deduction allowable to that activity in the first succeeding tax year.

NEW SUBSECTION. Add the percentage depletion amount determined with respect to an oil, gas, or geothermal well using methods in section 613 of the Internal Revenue Code of 1954 that is in excess of the cost depletion amount determined under section 611 of the Internal Revenue Code of 1954.

Sec. 10. This Act is retroactive to January 1, 1986, for tax years beginning on or after that date.

Approved May 28, 1986

CHAPTER 1237

NONSUBSTANTIVE CODE CORRECTIONS

H.F. 2065

AN ACT relating to nonsubstantive Code corrections.

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

Section 1. Section 18.97, subsections 13 and 14, Code Supplement 1985, are amended by striking the subsections.

Sec. 2. Section 18.100, Code 1985, is amended to read as follows:
18.100 EXCHANGE.

The volumes delivered to the state law library shall be used for the purpose of effecting exchange with other states, foreign countries, and provinces, for similar reports. All books received in such exchange shall become a part of the state library.

Sec. 3. Section 69.3, Code Supplement 1985, is amended to read as follows:
69.3 POSSESSION OF OFFICE.

When a vacancy occurs in a public office, possession shall be taken of the office room, the

books, papers, and all things pertaining to the office, to be held until the qualification of a successor, as follows:

1. Of the office of the county auditor, by the county treasurer; ~~of.~~
2. Of the county treasurer, by the county auditor; ~~of.~~
3. Of any of the state officers, by the governor, or, in the absence or inability of the governor at the time of the occurrence, as follows:
 - a. Of the secretary of state, by the treasurer of state; ~~of.~~
 - b. Of the auditor of state, by the secretary of state; ~~of.~~
 - c. Of the treasurer of state, by the secretary of state and auditor of state, who shall make an inventory of the money and warrants in the office, sign ~~them~~ the inventory, and transmit the inventory it to the governor, and the secretary of state shall take the keys of the safe and desks, after depositing the books, papers, money and warrants in them, and the auditor of state shall take the key to the office room.

Sec. 4. Section 80.39, subsection 1, Code Supplement 1985, is amended to read as follows:

1. Personal property, except for ~~property subject to forfeiture~~, motor vehicles subject to sale pursuant to section 321.89, and seizable or forfeitable property subject to disposition pursuant to chapter 809A, which personal property is found or seized by, turned in to, or otherwise lawfully comes into the possession of the department of public safety and which the department does not own, shall be disposed of pursuant to this section. If by examining the property the owner or lawful custodian of the property is known or can be readily ascertained, the department shall notify the owner or custodian by certified mail directed to the owner's or custodian's last known address, as to the location of the property. If the identity or address of the owner cannot be determined, notice by one publication in a newspaper of general circulation in the area where the property was found is sufficient notice. ~~Publication A~~ published notice may contain multiple items.

Sec. 5. Section 111.11, subsection 2, Code 1985, is amended by striking the subsection.

Sec. 6. Section 123.19, subsection 2, Code Supplement 1985, is amended to read as follows:

2. At the time of applying for a certificate of compliance, each applicant shall file with the department the name and address of its authorized agent for service of process which shall remain effective until changed for another, and a list of names and addresses of all representatives, employees, or attorneys whom ~~they may have the applicant has~~ appointed in the state of Iowa to represent ~~them~~ it for any purpose. The listing of ~~such representatives, employees, or attorneys~~ shall be amended from time to time by the certificate holder as necessary to keep ~~such~~ the listing current with the department.

Sec. 7. Section 123.34, subsection 3, Code Supplement 1985, is amended to read as follows:

3. The fee for a fourteen-day liquor license, wine permit, or beer permit is ~~one-quarter one quarter~~ of the annual fee for that class of liquor license, wine permit, or beer permit. The fee for the privilege to sell on the two Sundays in the fourteen-day period is twenty percent of the price of the fourteen-day liquor license, wine permit, or beer permit.

Sec. 8. Section 154.3, subsection 7, Code Supplement 1985, is amended to read as follows:

7. ~~Persons A person~~ licensed in any state as an optometrist prior to January 1, 1986, who ~~apply applies~~ to be a therapeutically certified optometrist shall also be required to qualify as a certified licensed optometrist as defined in subsections 2, 3, and 4.

Sec. 9. Section 155.26, Code Supplement 1985, is amended to read as follows:

155.26 POSSESSION OF PRESCRIPTION DRUGS — SERIOUS MISDEMEANOR — EXCEPTIONS.

1. A person found in possession of a drug or medicine limited by law to dispensation by a prescription, unless the drug or medicine was so lawfully dispensed, is guilty of a serious misdemeanor. ~~This section~~

2. Subsection 1 does not apply to a licensed pharmacy, licensed wholesaler, physician, veterinarian, dentist, podiatrist, or therapeutically certified optometrist, or to a nurse acting under the direction of a physician, or to the board of pharmacy examiners, its officers, agents, inspectors, and representatives, ~~nor~~ or to a common carrier or messenger when transporting such a drug or medicine in the same unbroken package in which the drug or medicine was delivered to that person for transportation.

3. ~~This section~~ Subsection 1 does not apply to the possession by a certified licensed optometrist or therapeutically certified optometrist of those diagnostic or therapeutic agents which are authorized for use by certified licensed optometrists or therapeutically certified optometrists pursuant to section 154.1. The dispensing by pharmacists to certified licensed optometrists or therapeutically certified optometrists of those diagnostic or therapeutic agents which are authorized for their use pursuant to section 154.1 ~~shall be~~ is permitted.

Sec. 10. Section 220.6, subsection 4, Code 1985, is amended by striking the subsection.

Sec. 11. Section 234.9, Code Supplement 1985, is amended to read as follows:
234.9 COUNTY BOARD OF SOCIAL WELFARE.

The board of supervisors of each county shall appoint a county board of social welfare, which shall consist of three members in counties of less than thirty-three thousand population, not more than two of whom shall belong to the same political party, and both sexes shall be represented. The county board shall consist of five members in counties of ~~more than~~ thirty-three thousand or more population, not more than three of whom shall belong to the same political party, and both sexes shall be represented. At the discretion of the board of supervisors one or more of the members may be chosen from the membership of the board of supervisors. Annually the board of supervisors shall appoint the members of the county board who shall serve for one year and until their successors are appointed. If a vacancy occurs in the membership of the county board, other than by the expiration of a term, a member shall be appointed to fill the vacancy for the unexpired term. All appointments shall be made a part of the regular proceedings of the board of supervisors and shall be filed with the county auditor and with the state director.

Sec. 12. Section 236.3, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

If the plaintiff files an affidavit stating that the plaintiff does not have sufficient funds to pay the cost of filing and service, the petition shall be filed and service shall be made without payment of costs. If a petition is filed and service is made without payment of costs, the court shall determine at the hearing if the payment of costs would prejudice the ~~person's~~ plaintiff's financial ability to provide economic necessities for the plaintiff or the plaintiff's dependents. If the court finds that the payment of costs would not prejudice the ~~person's~~ plaintiff's financial ability to provide economic necessities for the plaintiff or the plaintiff's dependents, the court may order the plaintiff to pay the costs of filing and service. However, in making the determinations, the court shall not consider funds no longer available to the plaintiff as a result of the commencement of the action.

Sec. 13. Section 250.16, Code Supplement 1985, is amended to read as follows:
250.16 MARKERS FOR GRAVES.

The county commission of veteran affairs may furnish a suitable and appropriate metal marker, at a cost not exceeding fifteen dollars each, for the grave of each honorably discharged 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 county~~, 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. 14. Section 259.3, Code 1985, is amended to read as follows:

259.3 STATE AGENCY.

The state board of public instruction constituting the state board for vocational education is hereby designated as the state board for the purpose of co-operating with the secretary of health, education, and welfare education in carrying out the provisions and the purposes of said the federal Aet acts cited in sections 259.1 and 259.2, providing for the vocational rehabilitation of persons disabled in industry or otherwise and is hereby designated to discharge the duties and exercise the powers hereinafter set forth in this chapter.

Sec. 15. Section 259.4, subsections 1, 3, and 13, Code 1985, are amended to read as follows:

1. Co-operate with the secretary of health, education, and welfare education in the administration of said Aet of Congress the federal acts cited in section 259.1.

3. Appoint such assistants as may be necessary to administer the provisions of this chapter and said Aet of Congress the federal acts cited in section 259.1 in this state and fix the compensation of such persons.

13. Make such rules and regulations as may be necessary for the administration of this chapter and said Aet of Congress the federal acts cited in section 259.1 within this state.

Sec. 16. Section 259.5, Code 1985, is amended to read as follows:

259.5 PLAN OF CO-OPERATION.

It shall be is the duty of the state board for vocational education and the state labor commissioner and the state industrial commissioner as administrator of the workers' compensation law to formulate a plan of co-operation in accordance with the provisions of this chapter and said Aet of Congress, such the federal acts cited in section 259.1. The plan to become shall be effective when approved by the governor of the state.

Sec. 17. Section 275.16, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

Votes of each member of an area education agency board in attendance shall be weighted so that the total number of votes eligible to be cast by members of each board in attendance shall be equal. However, if the joint boards cast a tie vote and are unable to agree to a decision fixing the boundaries for the proposed school corporation or to a decision to dismiss the petition, the time during which actions must be taken under section 275.15 shall be extended from five ten days to fifteen days after the conclusion of the hearing under section 275.15, and the joint board shall reconvene not less than ten and not more than fifteen days after the conclusion of the hearing. At the hearing the joint board shall reconsider its action and if a tie vote is again cast it is a decision granting the petition and changing the plans of any and all of the agency boards affected by the petition and fixing the boundaries for the proposed school corporation. The agency administrator shall at once publish the decision in the same newspaper in which the original notice was published.

Sec. 18. Section 281.9, subsection 1, paragraph d, Code Supplement 1985, is amended to read as follows:

d. Children requiring special education who are severely handicapped or who have multiple handicaps are assigned to a weighting of four and four-tenths for the school year commencing July 1, 1975.

Sec. 19. Section 321.1, subsection 43, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

43. "Chauffeur" means a person who operates a motor vehicle, including a school bus, in the transportation of persons for wages, compensation, or hire, or a person who operates a truck

tractor, road tractor, or any motor truck which is required to be registered at a gross weight classification exceeding five tons, or any such motor vehicle exempt from registration which would be within the gross weight classification if not so exempt. A person is not a chauffeur when the operation of the motor vehicle by the owner or operator is occasional and merely incidental to the ~~owner~~ owner's or operator's principal business.

Sec. 20. Section 321.104, subsections 3, 4, and 5, Code Supplement 1985, are amended to read as follows:

3. ~~A person who fails~~ To fail to surrender a certificate of title, registration card, or registration plates upon cancellation, suspension, or revocation of the certificate or registration by the department and notice as prescribed in this chapter.

4. ~~Any person whoever shall~~ To purport to sell or transfer a motor vehicle, trailer, or semitrailer without delivering to the purchaser or transferee ~~thereof~~ a certificate of title or a manufacturer's or importer's certificate ~~thereto~~ duly assigned to ~~such~~ the purchaser or transferee as provided in this chapter.

5. ~~Any person whoever shall~~ To violate any of the other provisions of this chapter or any lawful rules ~~promulgated~~ adopted pursuant to the ~~provisions~~ of this chapter.

Sec. 21. Section 331.421, subsection 2, Code 1985, is amended to read as follows:

2. "Rural county services" means the services which are primarily intended to benefit those persons residing in the county outside of incorporated city areas, including secondary road services, but excluding services financed by other statutory funds.

Sec. 22. Section 331.423, subsection 2, Code 1985, is amended to read as follows:

2. For rural county services, three dollars and ninety-five cents per thousand dollars of the assessed value of taxable property in the county outside of incorporated city areas.

Sec. 23. Section 403.17, subsection 9, Code Supplement 1985, is amended to read as follows:

9. "Blighted area" means an area of a municipality within which the local governing body of the municipality determines that ~~by reason of~~ the presence of a substantial number of slum, deteriorated, or deteriorating structures, defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of these factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, or welfare in its present condition and use. A disaster area referred to in section 403.5, subsection 7, constitutes a "blighted area".

Sec. 24. Section 421.17, subsection 25, paragraph e, Code Supplement 1985, is amended to read as follows:

e. Upon notice of entitlement to a refund or rebate the clerk shall send written notification to the debtor of the clerk's assertion of its rights to all or a portion of the debtor's refund or rebate and the entitlement to recover the debt through the setoff procedure, the basis of the assertion, the opportunity to request that a joint income tax refund or rebate be divided between spouses, and the debtor's opportunity to give written notice of intent to contest the amount of the claim. The clerk shall send a copy of the notice to the department.

Sec. 25. Section 422.62, Code Supplement 1985, is amended to read as follows:

422.62 DUE AND DELINQUENT DATES.

The franchise tax is due and payable on the first day following the end of the taxable year of each financial institution, and is delinquent after the last day of the fourth month following the

due date or forty-five days after the due date of the federal tax return, excluding extensions of time to file, whichever is the later. Every financial institution shall file a return as prescribed by the director on or before the delinquency date. This section is effective for all taxable years ending on or after January 1, 1970. As to fiscal years ending prior to May 9, 1970, the time for filing a return is extended to the last day of the fourth month following that date.

Sec. 26. Section 422.73, subsection 2, unnumbered paragraph 2, Code Supplement 1985, is amended by striking the unnumbered paragraph.

Sec. 27. Section 450.3, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The tax hereby imposed shall be collected upon the net market value and shall go into the general fund of the state to be determined as herein provided, of any property passing as follows:

Sec. 28. Section 453.25, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The funds shall be used to receive and ~~disperse~~ disburse moneys pursuant to section 453.23, subsection 3, paragraph "d".

Sec. 29. Section 455B.171, subsections 26 and 28, Code Supplement 1985, are amended to read as follows:

26. "Reconstruction" of a water well means replacement or removal of all or a portion of the casing of a the water well.

28. "Construction" of a water well means the physical act or process of making a the water well including, but not limited to, siting, excavation, construction, and the installation of equipment and materials necessary to maintain and operate the well.

Sec. 30. Section 508B.1, subsection 5, Code Supplement 1985, is amended to read as follows:

5. "Policyholder" means a person, determined by the mutual company, who is ~~to~~ be the holder of a policy or annuity contract for the purposes of section 508B.3, subsection 1, 2, or 3.

Sec. 31. Section 508B.2, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

A plan of conversion may provide that a mutual company may convert into a domestic stock company, convert and merge, or convert and consolidate with a domestic stock company, as provided in chapter 491 or 496A, whichever is applicable. However, the mutual company is not required to comply with sections 491.102 through 491.105 or sections 496A.68 through 496A.70 relating to approval ~~or~~ of merger or consolidation plans by boards of directors and shareholders, if at the time of approval of the plan of conversion the board of directors approves the merger or consolidation and if at the time of approval of the plan by policyholders as provided in section 508B.6, the policyholders approve the merger or consolidation. This chapter supersedes any conflicting provisions of chapters 521 and 521A. A mutual company may convert, merge, or consolidate as part of a plan of conversion in which a majority or all of the common shares of the stock company are acquired by another corporation, which may be a corporation organized for that purpose, or in which the new stock company consolidates with a stock company to form another stock company.

Sec. 32. Section 508B.9, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

When the commissioner approves and the policyholders approve the conversion plan as provided in this chapter, the commissioner shall issue a new certificate of authority to the reorganized company effective on the date specified in the plan. The reorganized company is a continuation of the mutual life insurance company and the conversion shall not annul or modify

any of the mutual company's existing suits, contracts, or liabilities except as provided in the approved conversion plan. All rights, franchises, and interests of the mutual company in and to property, assets, and other interests shall be transferred to and shall vest in the reorganized company and the reorganized company shall assume all obligations and liabilities of the mutual company.

Sec. 33. Section 508B.15, Code Supplement 1985, is amended to read as follows:
508B.15 DUTIES OF SECRETARY OF STATE.

After approval of the conversion plan by the commissioner and the policyholders, the secretary of state shall accept for filing a verified copy of the amended articles of incorporation.

Sec. 34. Section 536.13, subsection 1, paragraph a, Code Supplement 1985, is amended to read as follows:

a. Classify regulated loans by a ~~regulation~~ rule according to a system of differentiation which will reasonably distinguish the classes of loans for the purposes of this chapter.

Sec. 35. Section 554.9404, subsection 1, Code Supplement 1985, is amended to read as follows:

1. If a financing statement covering consumer goods is filed on or after January 1, 1975, then within one month or within ten days following written demand by the debtor after there is no outstanding secured obligation and no commitment to make advances, incur obligations, or otherwise give value, the secured party must file with each filing officer with whom the financing statement was filed, a termination statement to the effect that the secured party no longer claims a security interest under the financing statement, which shall be identified by file number. If a financing statement covering farm products is filed, then within sixty days, or within ten days following written demand by the debtor, after there is no outstanding secured ~~objection~~ obligation and no commitment to make advances, incur obligations, or otherwise give value, the secured party shall file with each filing officer with whom the financing statement was filed, a termination statement to the effect that the secured party no longer claims a security interest under the financing statement, which shall be identified by file number. In other cases ~~whenever~~ if there is no outstanding secured obligation and no commitment to make advances, incur obligations, or otherwise give value, the secured party must on written demand by the debtor send the debtor, for each filing officer with whom the financing statement was filed, a termination statement to the effect that the secured party no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record complying with section 554.9405, subsection 2, including payment of the required fee. If the affected secured party fails to file ~~such~~ a termination statement as required by this subsection, or to send such a termination statement within ten days after proper demand ~~therefor~~ for it, the affected secured party shall be is liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by ~~such~~ the failure.

Sec. 36. Section 557A.11, subsection 1, paragraph a, subparagraph 4, Code Supplement 1985, is amended to read as follows:

(4) The filing of this document with the commission does not constitute approval of the sale or lease, or offer for sale or lease, by the state, commission, or any officer thereof, or indicate that the state, commission, or any officer thereof has in any way passed upon the merits of the offering."

Sec. 37. Section 649.5, Code 1985, is amended to read as follows:
649.5 DEMAND FOR QUITCLAIM — ATTORNEY'S FEES.

If a party, twenty days or more before bringing suit to quiet a title to real estate, ~~shall request~~ requests of the person holding an apparent adverse interest or right therein the execution of a quitclaim deed thereto, and ~~shall also tender~~ tenders to the person one dollar and

twenty-five cents to cover the expense of the execution and delivery of the deed, and if the person ~~shall refuse~~ refuses or ~~neglect~~ neglects to comply ~~therewith~~, the filing of a disclaimer of interest or right shall not avoid the costs in an action afterwards brought, and the court may, in its discretion, if the plaintiff succeeds, ~~tax assess~~, in addition to the ordinary costs of court, an attorney's fee for plaintiff's attorney, not exceeding twenty-five dollars if there is but a single tract not exceeding forty acres in extent, or a single lot in a city, involved, and forty dollars, if but a single tract exceeding forty acres and not more than eighty acres; ~~in~~. In cases in which two or more tracts are included that may not be embraced in one description, or single tracts covering more than eighty acres, or two or more city lots, a reasonable fee may be ~~taxed assessed~~, not exceeding, ~~however~~, proportionately, those ~~hereinbefore~~ provided for in this section.

Sec. 38. Section 650.16, Code 1985, is amended to read as follows:
650.16 COSTS.

The costs in the proceeding shall be ~~taxed assessed~~ as the court ~~shall think~~ deems just, and shall be a lien on the land or interest therein owned by the party or parties against whom they are ~~taxed assessed~~, so far as such land is involved in the proceeding.

Sec. 39. Section 651.4, Code 1985, is amended to read as follows:
651.4 COSTS ATTENDING TRANSCRIPT.

The costs of making and recording such transcript shall be ~~taxed assessed~~ as part of the costs in the case.

Sec. 40. Section 663.44, unnumbered paragraph 1, Code 1985, is amended to read as follows:

If the plaintiff is discharged, the costs shall be ~~taxed assessed~~ to the defendant, unless the defendant is an officer holding the plaintiff in custody under a commitment, or under other legal process, in which case the costs shall be ~~taxed assessed~~ to the county. If the plaintiff's application is refused, the costs shall be ~~taxed assessed~~ against the plaintiff, and, in the discretion of the court, against the person who filed the petition in the plaintiff's behalf.

Sec. 41. Section 656.2, subsection 1, paragraph d, Code 1985, is amended to read as follows:

d. Specify the amount of attorney fees claimed by the ~~vendee~~ vendor pursuant to section 656.7 and state that payment of the attorney fees is not required to comply with the notice and prevent forfeiture.

Sec. 42. Section 692.15, unnumbered paragraph 1, Code 1985, is amended to read as follows:

When it comes to the attention of a sheriff, police department, or other law enforcement agency that a public offense has been committed in its jurisdiction, it shall be the duty of the law enforcement agency to report information concerning such crimes to the bureau on a form to be furnished by the bureau not more than thirty-five days from the time the crime first comes to the attention of such law enforcement agency. These reports shall be used to generate crime statistics. The bureau shall submit statistics to the governor, legislature and ~~crime commission~~ criminal and juvenile justice planning agency on a quarterly and yearly basis.

Sec. 43. Section 714.22, subsections 1 and 2, Code Supplement 1985, are amended to read as follows:

1. File a bond or a bond is filed on their behalf by a parent corporation with the commissioner of public instruction as required by section 714.18, ~~subsection 2~~.

2. File an annual sworn statement, or such statement is filed on their behalf by a parent corporation, certified by a certified public accountant, showing all assets and liabilities of the trade or vocational school and the assets of a any parent corporation. The statement shall show the trade or vocational school's net worth, or the net worth of the parent corporation, to be not less than five times the amount of the bond required by section 714.18, ~~subsection 2~~. ~~In the event that~~ If a parent corporation files ~~such~~ the statement or its net worth is included ~~therein in the statement~~ to comply with this subsection, ~~such~~ the parent corporation shall appoint a registered agent and otherwise ~~be~~ is subject to section 714.18, subsection 2 and ~~shall be~~ is liable for the breach of any contract or agreement with students as well as liable for any fraud in connection ~~therewith~~ with the contract or agreement or for any violation of section 714.16 by ~~such~~ the trade or vocational school or any of its agents or salespersons.

Sec. 44. Section 805.6, subsection 6, Code Supplement 1985, is amended by striking the subsection.

Sec. 45. Section 816.3, Code 1985, is amended by adding the following new unnumbered paragraph preceding subsection 1:

NEW UNNUMBERED PARAGRAPH. A prosecution is not barred:

Sec. 46. Sections 322.26 and 327F.38, Code 1985, are repealed.

Approved May 29, 1986

CHAPTER 1238

CODE AND REORGANIZATION CORRECTIONS

H.F. 2066

AN ACT relating to Code corrections which adjust and correct earlier omissions and inaccuracies, remove inconsistencies, and reflect or alter current practices, and providing penalties.

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

Section 1. Section 14.21, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

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 of ~~civil procedure, rules of criminal procedure, rules of appellate procedure, and supreme court 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 ~~jointly~~ by the legislative council and ~~rules review committee~~ 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 16.

Sec. 2. Section 17.22, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The publications listed in this section shall be sold at a price to be established by dividing the total cost of printing, binding, distribution, and paper stock by the total number printed of each edition, and increasing the figure obtained by an amount, which represents all or any portion of compilation and editing labor costs, to be determined by the legislative council and ~~rules review committee~~ in consultation with the state printer.

Sec. 3. Section 41.1, subsection 10, paragraph b, Code 1985, is amended to read as follows:
b. Pocahontas county, except Cummins, Powhatan, Des Moines, Roosevelt, Garfield, Clinton, and Lake townships.

Sec. 4. Section 48.30, Code 1985, is amended to read as follows:

48.30 NOTIFICATION OF CHANGES IN REGISTRATION.

The clerk of the district court shall promptly notify the county commissioner of registration of changes of name and of convictions of infamous crimes or felonies, as defined in section 701.7, of legal declarations of incompetence made after a proceeding held pursuant to section 229.27, and of diagnosis of severe or profound mental retardation of persons of voting age. The clerk of the district court shall also notify the county commissioner of registration of the restoration of citizenship of a person who has been convicted of an infamous crime or a felony and of the finding that a person is of good mental health. The notice will not restore voter registration. The county commissioner of registration shall notify the person whose citizenship has been restored or who has been declared to be in good mental health that the person's registration to vote was canceled and the person must register again to become a qualified elector.

Sec. 5. Section 48.31, subsection 4, Code 1985, is amended to read as follows:

4. The clerk of district court sends notification of an elector's conviction of an infamous crime or a felony, as defined in section 701.7.

Sec. 6. Section 117.42, Code 1985, is amended to read as follows:

117.42 LIST OF LICENSEES.

The commission shall at least annually prepare a list of the names and addresses of all licensees licensed by it under the provisions of this chapter, and of all persons whose licenses have been suspended or revoked within one year; together with such other information relative to the enforcement of the provisions of this chapter as it may deem deems of interest to the public. One of such lists shall be mailed to the clerk of the district court in each county of the state and shall be held by said clerk of the district court as a public record. Such The lists shall also be mailed by the commission to any person in this state upon request.

Sec. 7. Section 148A.1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

As used in this chapter, physical therapy is that branch of science that deals with the evaluation and treatment of human capabilities and impairments. Physical therapy uses the affective effective properties of physical agents including, but not limited to, mechanical devices, heat, cold, air, light, water, electricity, and sound, and therapeutic exercises, and rehabilitative procedures to prevent, correct, minimize, or alleviate a physical impairment. Physical therapy includes the interpretation of performances, tests, and measurements, the establishment and modification of physical therapy programs, treatment planning, consultative services, instructions to the patients, and the administration and supervision attendant to physical therapy facilities. Physical therapy evaluation of biomechanics may be rendered by a physical therapist without a prescription or referral from a physician or dentist. Physical therapy treatment shall be rendered by a physical therapist only under prescription or referral from a physician, podiatrist, or dentist, or referral from a chiropractor.

Sec. 8. Section 179.6, Code Supplement 1985, is amended to read as follows:

179.6 RECORDS OF PRODUCERS, FIRST PURCHASERS.

Every producer shipping milk to a first purchaser outside of Iowa who is not by agreement with the commission collecting the tax imposed by this chapter, and every first purchaser within the state, and every producer distributing milk directly to the consumer, shall keep a complete and accurate record of all milk produced or purchased by the person during the period for which an excise tax levy is imposed under this chapter. The records shall be in the form and contain the information prescribed by the commission, shall be preserved by the person charged with their making for a period of two years, and shall be offered or submitted for inspection at any time upon written or oral request by the commission or its duly authorized agent or employee.

Sec. 9. Section 179.7, Code Supplement 1985, is amended to read as follows:
179.7 RETURNS FILED WITH COMMISSION.

Every person charged by this chapter or by agreement with the commission with the keeping of records provided for in this chapter shall at the times the commission may by rule require, file with the commission a return on forms to be prescribed and furnished by the commission. Producers shall state the quantity of milk produced. First purchasers shall state the quantity of milk handled, bottled, processed, distributed, delivered to, or purchased by the person from the producers of dairy products or their agents in the state, and as a result of a referendum. Returns shall contain other information as the commission may require, and shall be made in triplicate, one copy of which shall be for the files of the person making the return, one copy available at the office of the person for the use of the person's patrons, and the original filed with the commission.

Sec. 10. Section 192A.13, unnumbered paragraph 1, Code 1985, is amended to read as follows:

No processor or distributor shall give, offer to give, furnish, finance, or otherwise make available any free goods to any person, directly or indirectly, in connection with the sale of dairy products or to any other person doing business with such person, or give, offer to give, furnish, finance, or otherwise make available any payments, gifts, or grants of anything of value to any retailer. Nothing in this section shall However, this section does not prevent the use in advertisements or otherwise of "cents-off" purchase price coupons or "refund" coupons or the redeeming of the coupons from a retailer, and does not prevent transactions with retailers of any of the following:

Sec. 11. Section 232.75, Code 1985, is amended by adding the following new subsection:
NEW SUBSECTION. 3. A person who reports or causes to be reported to the department of human services false information regarding an alleged act of child abuse, knowing that the information is false or that the act did not occur, commits a simple misdemeanor.

Sec. 12. Section 277.29, Code 1985, is amended to read as follows:
277.29 VACANCIES.

Failure to elect at the proper election or to appoint within the time fixed by law or the failure of the officer elected or appointed to qualify within the time prescribed by law; the incumbent ceasing for any reason to be a resident of the district or removing residence from the subdistrict; the resignation or death of incumbent or of the officer-elect; the removal of the incumbent from, or forfeiture of, the office, or the decision of a competent tribunal declaring the office vacant; the conviction of incumbent of an infamous crime a felony, as defined in section 701.7, or of any public offense involving the violation of the incumbent's oath of office, shall constitute a vacancy.

Sec. 13. Section 321.1, subsection 40, Code Supplement 1985, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. "Final Stage Manufacturer" means a person who performs such manufacturing operations on an incomplete vehicle that it becomes a completed vehicle. A final stage manufacturer shall furnish to the department a document which identifies that the vehicle was incomplete prior to that manufacturing operation. The identification shall include the name of the incomplete vehicle manufacturer, the date of manufacture, and the vehicle identification number to ascertain that the document applies to a particular incomplete vehicle.

NEW UNNUMBERED PARAGRAPH. "Incomplete Vehicle" means an assemblage, as a minimum, consisting of a frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be a part of the completed vehicle, that requires further manufacturing operations, other than the addition of readily attachable equipment, components, or minor finishing operations.

Sec. 14. Section 321.236, subsection 1, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

Parking meter and overtime parking violations which are denied shall be charged and proceed before a court the same as other traffic violations and court costs shall be assessed as provided in section 805.6, subsection 1, paragraph "a" for parking violation cases. Parking violations which are admitted:

Sec. 15. Section 325.26, subsection 1, Code 1985, as amended by Senate File 505, is amended to read as follows:

1. Passenger motor carriers.

a. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of ~~sixteen~~ fifteen persons or less for bodily injury or death resulting therefrom as a result of any one accident or other cause, twenty-five thousand dollars for any recovery by one person and subject to the limit for one person, one hundred fifty thousand dollars for more than one person.

b. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of ~~sixteen~~ fifteen persons or less for damage to or destruction of any property other than that of or in charge of the assured, as a result of any one accident or other cause, ten thousand dollars.

c. To cover the assured's legal liability as a motor carrier operating a motor vehicle with a seating capacity of ~~sixteen~~ fifteen persons or less for loss of or damage to property of passengers as a result of any one accident or any other cause, one thousand dollars.

d. Unless the authority department determines, after an investigation and hearing, and adopts rules based on that determination, that lesser levels of financial responsibility will protect the public interest, a regular route motor carrier of passengers and a charter carrier operating a motor vehicle with a seating capacity of sixteen or more persons shall have the minimum levels of financial responsibility established under 49 U.S.C. § 10927(a)(1).

e. A common carrier of passengers coming under this chapter, furnishing satisfactory proofs as to the carrier's solvency and financial ability to cover the assured's legal liability as provided for in this chapter and make payments to persons entitled thereto as a result of that legal liability, or depositing with the authority department surety satisfactory to it as guarantee for such payments, is relieved of the provisions of this section requiring liability insurance, surety bond or certificate of insurance; but shall, from time to time, furnish additional proof of solvency and financial ability to pay as required by the authority department.

Sec. 16. Section 327H.18, Code 1985, is amended to read as follows:

327H.18 RAILROAD ASSISTANCE FUND ESTABLISHED.

There is established a railroad assistance fund in the office of the treasurer of state. Moneys in this fund shall be expended for providing assistance for the restoration, conservation, ~~and improvement~~ and construction of railroad main lines, branch lines, switching yards and sidings. Any unencumbered funds appropriated by the general assembly for branch line railroad assistance shall be deposited in the railroad assistance fund. However, not more than twenty percent of the funds appropriated to the railroad assistance fund from the general fund of the state in any fiscal year shall be used for restoration, conservation, ~~and improvement~~ and construction of railroad main lines, switching yards and sidings. Any moneys received by the department by agreements, grants, gifts, or other means from individuals, companies, business entities, cities or counties for the purposes of this section shall be credited to the railroad assistance fund.

Sec. 17. Section 331.756, subsection 5, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If professional collection services are procured, the county attorney shall enter on the appropriate record of the clerk of the district court an indication of the satisfaction of each obligation to the full extent of all moneys collected in satisfaction of that obligation, including all fees and compensation retained by the collection service incident to the collection and not paid into the office of the clerk.

Sec. 18. Section 422.7, subsection 18, paragraph a, Code Supplement 1985, is amended to read as follows:

a. A handicapped individual domiciled in this state at the time of the hiring who meets any of the following conditions:

Sec. 19. Section 422.27, subsection 1, Code Supplement 1985, is amended to read as follows:

1. A final account of a personal representative, as defined in section 450.1, shall not be allowed by any court until thirty days after written notice is given to the department of the proposed discharge of the personal representative and unless the account shows, and the judge of the court finds, that all taxes imposed by this division upon the personal representative, which have become payable, have been paid, and that all taxes which may become due are secured by bond, deposit or otherwise. The certificate of the director and the receipt for the amount of the tax certified shall be conclusive as to the payment of the tax to the extent of the certificate.

Sec. 20. Section 422.35, subsection 7, paragraph a, Code 1985, is amended to read as follows:

a. A handicapped individual domiciled in this state at the time of the hiring who meets any of the following conditions:

Sec. 21. Section 422.45, subsection 2, Code Supplement 1985, is amended to read as follows:

2. The gross receipts from the sales, furnishing, or service of transportation service except the rental of recreational vehicles, or recreational boats, or and except the rental of motor vehicles subject to registration which are registered for a gross weight of thirteen tons or less for a period of sixty days or less.

Sec. 22. Section 467A.62, subsection 2, Code 1985, is amended by striking the subsection.

Sec. 23. Section 565A.2, subsection 1, paragraph c, Code 1985, is amended to read as follows:

c. If the subject of the gift is money, by paying or delivering it to a broker or a bank for credit to an account in the name of the donor, another adult person or a bank with fiduciary powers, ~~following followed~~, in substance, by the words: "as custodian for (Name of minor) under the Iowa Uniform Gifts to Minors Act".

Sec. 24. Section 602.8105, subsection 1, paragraph s, Code Supplement 1985, is amended by striking the paragraph.

Sec. 25. **NEW SECTION. 631.17 PROHIBITED PRACTICES.**

1. The district court, after due notice and hearing, may bar a person from appearing on the person's own behalf in any court governed by this chapter on a cause of action purchased by or assigned for collection to that person for any of the following:

a. Falsely holding oneself out as an attorney at law.

b. Repeatedly filing claims for costs allowed under section 625.22 which have been found by the court to have been exaggerated or without merit.

c. A pattern of conduct in violation of article 7 of chapter 537.

2. A person barred pursuant to subsection 1 shall not derive any benefit, directly or indirectly, from any case brought pursuant to this chapter within the purview of the order of bar issued by the district court.

3. The district court shall dismiss any pending case based on a cause of action purchased or assigned for collection brought on the person's own behalf by a person barred pursuant to subsection 1, and shall assess the costs against that person.

4. The district court shall dismiss any case subsequently brought directly or indirectly by a person subject to a bar pursuant to subsection 1 in violation of that subsection and shall assess all costs to that person, and the court shall assess a further civil fine of one hundred dollars against that person for each such case dismissed.

5. The district court shall retain jurisdiction over a person barred pursuant to subsection 1 and may punish violations of the court's order of bar as a matter of criminal contempt.

Sec. 26. Section 642.22, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Expiration of the execution does not affect a garnishee's duties and liabilities respecting property already withheld pursuant to the garnishment.

Sec. 27. Section 657A.10, subsection 2, Code Supplement 1985, is amended to read as follows:

2. The receiver appointed under this section ~~chapter~~ is not civilly or criminally liable for actions pursuant to this section ~~chapter~~ taken in good faith.

Sec. 28. Section 708.7, subsection 5, Code 1985, is amended by striking the subsection.

Sec. 29. Section 710.10, subsection 1, Code Supplement 1985, is amended to read as follows:

1. A person commits a class "D" felony when, without authority and with the intent to commit an illegal act upon the child, the person entices away a minor child.

Sec. 30. Section 719.4, subsection 3, Code 1985, is amended to read as follows:

3. A person who has been committed to an institution under the control of the Iowa department of corrections, or to a jail or correctional institution, who knowingly and voluntarily leaves is absent from a place where the person is required to be, commits a serious misdemeanor.

Sec. 31. Section 805.6, subsection 1, paragraph a, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The commissioner of public safety and the state conservation director, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by section 805.8 to be scheduled violations. The court costs in cases of parking violation cases violations which are denied, and charged and collected pursuant to section 321.236, subsection 1, are eight dollars per court appearance, regardless of the number of parking violations considered at that court appearance. The court costs in scheduled violation cases where a court appearance is not required are ten dollars. The court costs in scheduled violation cases where a court appearance is required are fifteen dollars. This subsection does not prevent the charging of any of those violations by information, by private complaint filed under chapter 804, or by a simple notice of fine where permitted by section 321.236, subsection 1. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. The court shall forward the copy of the uniform citation and complaint in accordance with section 321.207 when applicable.

Sec. 32. Section 809.13, subsection 5, paragraph b, as enacted by 1986 Iowa Acts, House File 2460, section 15, is amended to read as follows:

b. A weapon or ammunition shall be deposited with the department of public safety to be disposed of in accordance with the rules of the department. All weapons or ammunition may be held for use in law enforcement, testing, or comparison by the criminalistics laboratory, or destroyed. Ammunition and firearms which are not illegal and are not offensive weapons as defined by section 724.1 may be sold by the department as provided in section 809.21.

Sec. 33. NEW SECTION. 809.21 SALE OF CERTAIN AMMUNITION AND FIREARMS.

Ammunition and firearms which are not illegal and which are not offensive weapons as defined by section 724.1 may be sold by the department of public safety at public auction. The sale of ammunition or firearms pursuant to this section shall be made only to federally licensed firearms dealers or to persons who have a permit to purchase the firearms. Persons who have not obtained a permit may bid on firearms at the public auction. However, persons who bid without a permit must post a fifty percent of purchase price deposit with the commissioner of public safety on any winning bid. No transfer of firearms may be made to a person bidding without a permit until such time as the person has obtained a permit. If the person is unable to produce a permit within two weeks from the date of the auction, the person shall forfeit the fifty percent deposit to the department of public safety. All proceeds of a public auction pursuant to this section, less department expenses reasonably incurred, shall be deposited in the general fund of the state. The department of public safety shall be reimbursed from the proceeds for the reasonable expenses incurred in selling the property at the auction.

Sec. 34. 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, shall be paid out of the state treasury from the general fund in case of the institution, are waived 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. An award of attorney fees to a court-appointed attorney incurred in these cases shall be paid out of the state treasury from the general fund if the prosecution fails or if the person liable to pay the attorney fees cannot pay them. 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.~~

Sec. 35. 1986 Iowa Acts, Senate File 2175, is amended by adding the following:

SEC. _____. Notwithstanding that section 803 of this Act specifies that the number of voting members of the Iowa economic development board shall be nine, for the period beginning July 1, 1986 and ending April 30, 1987 the number of voting members shall be eleven consisting of the nine members of the Iowa development commission whose terms were not scheduled to expire by July 1, 1986, the secretary of agriculture, and one member appointed by the governor.

Sec. 36. 1986 Iowa Acts, Senate File 2303, section 7, is amended to read as follows:

SEC. 7. 1986 Iowa Acts, Senate File 2175, is amended by adding after new section 15.256 the following new section:

NEW SECTION. 15.257 EFFECTIVE DATE.

All Job Training Partnership Act of 1982, section 123 funds authorized for the fiscal year beginning July 1, 1985 which have not been spent by the end of the fiscal year shall be available for funding this part for the fiscal year beginning July 1, 1986. The provisions for funding this part in section 15.255, except ~~subsection~~ subsections 1 and 6, shall be implemented by July 1, 1987. Section 15.255, subsections 1 and 6 take effect July 1, 1986.

Sec. 37. The Code editor shall codify as a separate division of chapter 99E, 1985 Iowa Acts, chapter 33, sections 301 through 303, as amended by the Acts of the Seventy-first General Assembly, 1985 and 1986 Sessions. In the codification required under this section the Code editor has those powers and duties specified in section 14.13.

Sec. 38. 1986 Iowa Acts, Senate File 2175, section 215, is amended by striking the section and inserting in lieu thereof the following:

SEC. 215. Section 19A.14, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

19A.14 MERIT APPEALS.

1. **EMPLOYEE DISCIPLINE.** A merit system employee, excluding any employee covered under a collective bargaining agreement which provides otherwise, who is discharged, suspended, demoted, or otherwise reduced in pay, except during the employee's probationary period, may appeal to the appointing authority for a review of the action. If not satisfied, the employee may, within thirty calendar days following the date of the discharge, suspension, demotion, or reduction in pay, file an appeal with the public employment relations board for hearing. The employee has the right to a hearing closed to the public, but the employee may request a public hearing. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of just cause. If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause, the employee may be reinstated without loss of pay or benefits for the elapsed period or the public employment relations board may fashion other appropriate remedies. Decisions by the public employment relations board constitute final agency action.

2. **EMPLOYEE GRIEVANCES.** A merit system employee, excluding any employee covered under a collective bargaining agreement which provides otherwise, who has exhausted all available steps of the uniform grievance procedure of the department of personnel may, within thirty calendar days following the date a decision was received or should have been received by the employee at the second step of the grievance procedure, file an appeal with the director. The director may grant the relief sought, and that decision constitutes final agency action. However, if the director does not grant the relief sought, the employee may, within thirty calendar days following the date of filing of the appeal, file the appeal with the public employment relations board for hearing. The hearing shall be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of substantial compliance with this chapter and the rules of the department of personnel. Decisions by the public employment relations board constitute final agency action.

Sec. 39. 1986 Iowa Acts, Senate File 2175, section 229, is amended by striking the section and inserting in lieu thereof the following:

SEC. 229. Section 20.1, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The general assembly declares that the purposes of the public employment relations board established by this chapter are to implement the provisions of this chapter and adjudicate and conciliate employment-related cases involving the state of Iowa and other public employers and employee organizations. For these purposes the powers and duties of the board include but are not limited to the following:

1. Determining appropriate bargaining units and conducting representation elections.
2. Adjudicating prohibited practice complaints and fashioning appropriate remedial relief for violations of this chapter.

3. Adjudicating and serving as arbitrators regarding state merit system grievances and, upon joint request, grievances arising under collective bargaining agreements between public employers and certified employee organizations.

4. Providing mediators, fact finders, and arbitrators to resolve impasses in negotiations.

5. Collecting and disseminating information concerning the wages, hours, and other conditions of employment of public employees.

6. Assisting the attorney general in the preparation of legal briefs and the presentation of oral arguments in the district court and the supreme court in cases affecting the board.

Sec. 40. 1986 Iowa Acts, Senate File 2175, section 655, is amended by striking the section.

Sec. 41. Section 467D.2, subsection 1, Code 1985, as amended by 1986 Iowa Acts, Senate File 2175, section 662, is amended to read as follows:

1. "Watershed planning Water resource district" means one of the six watershed planning water resource districts established by section 467D.3.

Sec. 42. Section 467D.3, unnumbered paragraph 1, Code 1985, as amended by 1986 Iowa Acts, Senate File 2175, section 664, is amended to read as follows:

In furtherance of the policy set forth in section 467D.1, the entire area of the state of Iowa shall be divided into six watershed planning water resource districts, and the same are hereby established as political subdivisions of the state of Iowa, as follows:

Sec. 43. Section 15.104, subsection 2, as enacted by 1986 Iowa Acts, Senate File 2175, section 804, is amended to read as follows:

2. Prepare a five-year strategic plan for state economic growth to implement the specific comprehensive goals, objectives, and policies of the state. All other state agencies involved in economic development activities shall annually submit to the board for its review and potential inclusion in the strategic plan their specific strategic plans and programs. The five-year strategic plan for state economic growth shall be updated annually.

Sec. 44. Section 15.108, subsection 7, the second paragraph c and paragraphs d through g, as enacted by 1986 Iowa Acts, Senate File 2175, section 808, are amended to read as follows:

e d. If determined necessary by the board, provide training for bank loan officers to increase their level of expertise in regard to business loans.

d e. To the extent feasible, cooperate with the department of employment services to establish a program to educate existing employers and new or potential employers on the rates and workings of the state unemployment compensation program and the state workers' compensation program.

e f. Study the feasibility of reducing the total number of state licenses, permits, and certificates required to conduct small businesses.

f g. Encourage and assist small businesses to obtain state contracts and subcontracts by cooperating with the directors of purchasing in the department of general services, the state board of regents, and the department of transportation in performing the following functions:

(1) Developing a uniform small business vendor application form which can be adopted by all agencies and departments of state government to identify small businesses and targeted small businesses which desire to sell goods and services to the state. This form shall also contain information which can be used to determine certification as a targeted small business pursuant to paragraph "c", subparagraph (4).

(2) Compiling and maintaining a comprehensive source list of small businesses.

(3) Assuring that responsible small businesses are solicited on each suitable purchase.

(4) Assisting small businesses in complying with the procedures for bidding and negotiating for contracts.

(5) Simplifying procurement specifications and terms in order to increase the opportunities for small business participation.

(6) When economically feasible, dividing total purchases into tasks or quantities to permit maximum small business participation.

(7) Preparing timely forecasts of repetitive contracting requirements by dollar volume and types of contracts to enhance the participation of responsible small businesses in the public purchasing process.

(8) Developing a mechanism to measure and monitor the amount of participation by small businesses in state procurement.

g h. In addition, the department may establish a small business advisory council to:

(1) Advise and consult with the board and the department with respect to matters which are of concern to small business.

(2) Submit recommendations to the board relating to actual or proposed activities concerning small business.

(3) Submit recommendations for legislative or administrative actions.

(4) Review and monitor small business programs and agencies in order to determine their effectiveness and whether they complement or compete with each other, and to coordinate the delivery of programs and services aimed at small business.

(5) Initiate special small business economic studies as deemed necessary, including but not limited to analyses of trends and growth opportunities relative to small business.

(6) Provide other information or perform other duties which would be of assistance to small business.

Sec. 45. 1986 Iowa Acts, Senate File 2175, section 817, is amended by striking the section and inserting in lieu thereof the following:

SEC. 817. NEW SECTION. 15.252 PURPOSE.

The purpose of this part is to establish through the regional satellite centers, as stated in chapter 28.101, a statewide network of regional offices to help coordinate job training programs with statewide, regional, and local economic development initiatives, and to promote the economic growth of this state.

Sec. 46. 1986 Iowa Acts, Senate File 2175, section 913, is amended by striking the section and inserting in lieu thereof the following:

SEC. 913. Section 86.24, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The decision of the industrial commissioner is final agency action and an appeal of the decision shall be made directly to the supreme court.

Sec. 47. 1986 Iowa Acts, Senate File 2175, is amended by adding the following after section 913:

SEC. 86.26. Section 86.26, Code 1985, is amended to read as follows:

86.26 JUDICIAL REVIEW.

Judicial review of decisions or orders of the industrial commissioner ~~may be sought in accordance with the terms of chapter 17A. Notwithstanding the terms of~~ shall not be to the district court but shall be made directly to the supreme court, notwithstanding chapter 17A, ~~petitions the Iowa administrative procedure Act. Petitions for judicial review may be filed in the district court of the county in which the hearing under section 86.17 was held shall be filed with the clerk of the supreme court as are other actions for appeal or review. Such a review proceeding shall be accorded priority over other matters pending before the district court. The supreme court may transfer the action to the court of appeals.~~

Sec. 48. Section 86.29, Code 1985, is amended to read as follows:

86.29 THE JUDICIAL REVIEW PETITION.

~~Notwithstanding chapter 17A, in a~~ In the petition for judicial review of a final agency decision of the industrial commissioner in a contested case under this chapter or chapter 85, 85A, 85B, or 87, the opposing party shall be named the respondent, and the agency shall not be named as a respondent.

Sec. 49. Section 86.32, Code 1985, is amended to read as follows:

86.32 COSTS OF JUDICIAL REVIEW.

In proceedings for judicial review of compensation cases the clerk of the supreme court shall charge no fee for any service rendered except the filing fee and docketing fees and transcript fees when the transcript of a judgment the contested case proceeding is required. The taxation of costs on judicial review shall be in the discretion of the supreme court.

Sec. 50. Section 86.39, Code 1985, is amended to read as follows:

86.39 FEES — APPROVAL — LIEN.

All fees or claims for legal, medical, hospital, and burial services rendered under this chapter and chapters 85, 85A, 85B, and 87 shall be subject to the approval of the industrial commissioner, and no lien for such service shall be enforceable without the approval of the amount thereof of the lien by the industrial commissioner. For services rendered in the district court and or appellate courts court, the attorney's fee shall be subject to the approval of a judge of the district court.

Sec. 51. Section 86.42, Code 1985, is amended to read as follows:

86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

Any party in interest may present a certified copy of an order or decision of the commissioner, from which a timely petition for judicial review has not been filed or if judicial review has been filed, which has not had execution or enforcement stayed as provided in section 17A.19, subsection 5, or an order or decision of a deputy commissioner from which a timely appeal has not been taken within the agency and which has become final by the passage of time as provided by rule and section 17A.15, or an agreement for settlement approved by the commissioner, and all papers in connection therewith, to the district court where judicial review of the agency action may be commenced of the county in which the hearing under section 86.17 was held, of Polk county, or of the county in which the petitioner resides or has its principal place of business. The court shall render a decree or judgment and cause the clerk to notify the parties. The decree or judgment, in the absence of a petition for judicial review or if judicial review has been commenced, in the absence of a stay of execution or enforcement of the decision or order of the industrial commissioner, or in the absence of an act of any party which prevents a decision of a deputy industrial commissioner from becoming final, has the same effect and in all proceedings in relation thereto is the same as though rendered in a suit duly heard and determined by the court.

Sec. 52. Section 303.1C, subsection 2, as enacted by 1986 Iowa Acts, Senate File 2175, section 1303, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. i. Buy or receive by other means historical materials including, but not limited to, artifacts, art, books, manuscripts, and images. Such materials are not personal property under section 18.12 and shall be received and cared for under the rules of the department. The historical division may sell or otherwise dispose of those materials according to the rules of the department and be credited for any revenues credited by the disposal less the costs incurred.

Sec. 53. 1986 Iowa Acts, Senate File 2175, section 1308, is repealed.

Sec. 54. Section 303.16, as enacted by 1986 Iowa Acts, Senate File 2175, section 1314, is amended by adding the following new subsections:

NEW SUBSECTION. 3. The following persons are eligible to receive historical resource grants and loans:

- a. County and city governments that are certified local governments by the historic preservation officer.
- b. Nonprofit corporations.
- c. Private corporations and businesses.

d. Individuals.

NEW SUBSECTION. 4. Grants and loans may be made for the following categories of purposes:

- a. Acquisition and development of historical properties.
- b. Preservation and conservation of historical properties.
- c. Interpretation of historical resources.

Not less than twenty percent nor more than fifty percent of the funds in a single grant cycle shall be allocated to any one category.

NEW SUBSECTION. 5. Grants and loans are subject to the following restrictions:

- a. Grants shall not be given to or received by any state agency, institution or its representative or agent.
- b. Grants or loan funds shall not be used to support operating expenses or programs as defined by the department's rules.
- c. Grant or loan funds shall not be used to support publications, public relations, or marketing expenses.
- d. Grant or loan funds shall not support or partially support salaries or benefits of anyone employed directly by the recipient. This restriction does not prohibit the recipient from contracting with individuals for specific work of limited duration, under federal internal revenue service guidelines for contract work.
- e. Not more than fifty thousand dollars or twenty percent of the annual appropriation, whichever is more, shall be granted to recipients within any single county in any given grant cycle.
- f. Not more than twenty-five thousand dollars or ten percent of the annual appropriation, whichever is more, may be granted or loaned to any single recipient within a single fiscal year.
- g. Grants or loans under this program may be given only after review by the state historical board.
- h. All grant or loan funds must be expended by employing individuals or businesses located within the state of Iowa.

NEW SUBSECTION. 6. For each dollar of grant funds the following recipients must provide the following matching cash and in kind resources:

- a. For county and city governments and nonprofit corporations, fifty cents of which at least twenty-five cents must be in cash.
- b. For other private corporations and businesses, one dollar of which at least seventy-five cents must be in cash.
- c. For individuals, seventy-five cents of which at least fifty cents must be in cash.

NEW SUBSECTION. 7. The department may use twenty-five thousand dollars for administration of the grant and loan program.

NEW SUBSECTION. 8. a. The department may establish a historical resource revolving loan fund composed of any money appropriated by the general assembly for that purpose, and of any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in that fund. Each loan made under this section shall be for a period not to exceed ten years, shall bear interest at a rate determined by the state historical board, and shall be repayable to the revolving loan fund in equal yearly installments due March 1 of each year the loan is in effect. The interest rate upon loans for which payment is delinquent shall accelerate immediately to the current legal usury limit. Applicants shall be eligible for no more than twenty-five thousand dollars in loans outstanding at any time under this program.

b. The department may:

(1) Contract, sue and be sued, and promulgate administrative rules necessary to carry out the provisions of this section, but the department shall not in any manner directly or indirectly pledge the credit of the state of Iowa.

(2) Authorize payment from the revolving loan fund, from fees and from any income received by investments of money in the fund for costs, commissions, attorney fees and other

reasonable expenses related to and necessary for making and protecting direct loans under this section, and for the recovery of moneys loaned or the management of property acquired in connection with such loans.

Sec. 55. 1986 Iowa Acts, Senate File 2175, section 1489, is repealed.

Sec. 56. Section 297.26, Code 1985, as amended by 1986 Iowa Acts, Senate File 2175, section 1984, is amended to read as follows:

297.26 SALE BY DEPARTMENT.

Any school building or any school site, the title of which is vested in the state of Iowa by reason of it having been provided by state mining camp funds for schools in mining camps, shall be sold by the department when the department director of education determines it is no longer needed for school purposes.

Sec. 57. 1986 Iowa Acts, Senate File 2175, section 1992, is amended by striking the section and inserting the following:

SEC. 1992. Sections 19.16 and 29A.59, Code 1985, are repealed.

Sec. 58. Notwithstanding section 4.8, the provisions of this Act which amend 1986 Iowa Acts, Senate File 2175, or which amend provisions added, amended, or repealed by 1986 Iowa Acts, Senate File 2175, prevail over Senate File 2175 and are contingent upon the enactment of Senate File 2175.

Sec. 59. 1986 Iowa Acts, Senate File 2175, section 2046, is amended by striking the section and inserting the following:

SEC. 2046. Section 421.31, subsection 3, in its requirement that the government's accounts be in accordance with generally accepted accounting principles, takes effect with the fiscal year beginning July 1, 1992.

The governor, auditor of state and the department of management shall phase in the implementation of generally accepted accounting principles, as defined by the governmental accounting standards board, which includes fund reclassifications, revenue recognition, and recognition of all appropriate liabilities beginning with the fiscal year beginning July 1, 1987.

The fiscal impact to the state general fund of implementing fund reclassifications, and recognizing additional liabilities shall be phased in according to the following schedule for the fiscal years beginning July 1:

| | |
|------|---------------------|
| 1987 | ten percent |
| 1988 | twenty percent |
| 1989 | forty percent |
| 1990 | sixty percent |
| 1991 | eighty percent |
| 1992 | one hundred percent |

Sec. 60. 1986 Iowa Acts, Senate File 2175, section 2065, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The validity of any official administrative or judicial pleading, claim, rate filing, motion, information, or other official document filed prior to the effective date of this Act shall not be affected by any statutory name changes made in this Act or by any administrative rule name changes made pursuant to this Act, and refile of any such document shall not be required.

Sec. 61. In sections 455.223, 455B.280, 467A.3, 467A.7, 467A.13, 467A.53, 467B.1, 467B.2, 467B.3, 467B.5, 467B.10, 467D.2, 467D.3, 467D.4, 467D.5, 467D.6, 467D.7, 467D.8, 467D.10, 467D.11, 467D.12, 467D.13, 467D.14, 467D.15, 467D.16, 467D.17, 467D.18, 467D.19, 467D.21, 467D.22, 467D.23, 467D.24, Code 1985, and section 467D.20, Code Supplement 1985, the Code editor may change references to the "conservancy districts" and "conservancy district" to "water resource districts" and "water resource district".

CHAPTER 1239
SCHOOL REORGANIZATION PROCEDURES
H.F. 2167

AN ACT relating to petitions, notice of termination, and the collective bargaining process because of reorganization of school districts.

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

Section 1. Section 275.15, unnumbered paragraph 3, Code Supplement 1985, is amended to read as follows:

If the petition is not dismissed and the board determines that additional information is required in order to fix boundary lines of the proposed school corporation, the board may continue the hearing for no more than thirty days. The date of the continued hearing shall be announced at the original meeting. Additional objections in the form required in section 275.14 may be considered if filed with the administrator within five days, not including Saturdays, Sundays, or holidays, after the date of the original board hearing. If the hearing is continued, the area education agency administrator may conduct one or more meetings with the boards of directors of the affected districts. Notice of any such meeting must be given at least forty-eight hours in advance by the area education agency administrator in the manner provided in section 21.4. The area education agency board may request that the administrator make alternative recommendations regarding the boundary lines of the proposed school corporation. The area education agency board shall make a decision on the boundary lines within ten days following the conclusion of the continued hearing.

Sec. 2. Section 275.25, subsection 4, Code Supplement 1985, is amended to read as follows:

4. The board of the newly formed district shall organize within fifteen days after the special election upon the call of the area education agency administrator. The new board shall have control of the employment of personnel for the newly formed district for the next following school year under section 275.33. Following the ~~organization~~ first organizational meeting of the board of the newly formed district, the board may establish policy, organize curriculum, enter into contracts, complete planning, and take action as necessary for the efficient management of the newly formed community school district.

Sec. 3. Section 275.33, subsection 2, Code Supplement 1985, is amended to read as follows:

2. The collective bargaining agreement of the district with the largest basic enrollment, as defined in section 442.4, in the new district shall serve as the base agreement and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the ~~contract~~ contracts for the following ~~year~~ years without further action by the public employment relations board. If only one collective bargaining agreement is in effect among the districts which are party to the reorganization, then that agreement shall serve as the base agreement, and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the ~~contract~~ contracts for the following ~~year~~ years without further action by the public employment relations board. The board of the newly formed district, using the base agreement as its existing contract, shall bargain with the combined employees of the existing districts for the school year beginning with the effective date of the reorganization. The bargaining shall be completed by March 15 prior to the school year in which the reorganization becomes effective or within one hundred ~~twenty~~ eighty days after the organization of the new board, whichever is later. If a bargaining agreement was already concluded by the board and employees of the existing district with the contract serving as the base agreement for the school year beginning with the effective date of the reorganization, that agreement shall be void. However, if the base agreement contains multiyear provisions affecting school years subsequent to the effective date of the reorganization, the base agreement shall remain in effect as specified in the agreement.

The provisions of the base agreement shall apply to the offering of new contracts, or continuation, modification, or termination of existing contracts as provided in subsection 1 of this section.

Sec. 4. Section 279.15, subsection 1, Code 1985, is amended to read as follows:

1. The superintendent or the superintendent's designee shall notify the teacher not later than March 15 that the superintendent will recommend in writing to the board at a regular or special meeting of the board held not later than March 31 that the teacher's continuing contract be terminated effective at the end of the current school year. However, if the district is subject to reorganization under chapter 275, the notification shall not occur until after the first organizational meeting of the board of the newly formed district.

Approved May 29, 1986

CHAPTER 1240
HUNTING AND FISHING
H.F. 2414

AN ACT relating to hunting and fishing.

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

Section 1. Section 110.1, subsection 1, paragraphs c* and d*, Code 1985, are amended by striking those paragraphs and inserting in lieu thereof the following:

c. Three-day license for residents and nonresidents \$ 5.50

Sec. 2. Section 110.6, Code 1985, is amended to read as follows:

110.6 TROUT LICENSE STAMP.

Any person required to have a fishing license shall not possess trout unless that person has at that time on the person an unexpired special trout license stamp validated by that person's signature written across the face of the stamp in ink, a receipt, or other evidence showing that such trout was lawfully acquired. The proceeds from the sale of this stamp shall be used exclusively to restock trout waters designated by the state conservation commission. The commission may grant a permit to a community event in which trout will be stocked in water which is not designated trout water and a person may catch and possess trout during the period and from the water covered by the permit without having a special trout license stamp.

Sec. 3. NEW SECTION. 110.7 WILD TURKEY LICENSE AND TAG.

1. A resident hunting wild turkey who is required to have a license must have a resident hunting license or combined hunting and fishing license or fur, fish and game license and a wildlife habitat stamp in addition to the wild turkey hunting license.

2. The wild turkey hunting license shall be accompanied by a tag designed to be used only once and separable into two parts. If a wild turkey is taken, the wild turkey shall be tagged with one part of the tag and both parts of the tag should be dated.

Sec. 4. Section 110.8, Code 1985, is amended to read as follows:

110.8 DEER LICENSE AND TAG.

1. A resident hunting deer who is required to have a hunting license must have a resident hunting license or resident combined hunting and fishing license or a fur, fish and game license and a wildlife habitat stamp in addition to the deer hunting license.

2. The deer hunting license shall be accompanied by a tag designed to be used only once and separable into two parts. When a deer is taken, the deer shall be tagged with one part of the tag and both parts of the tag shall be dated.

*Paragraph "d" and "e" intended; see Attorney General opinion, July 8, 1986

Sec. 5. Section 110.24, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. As used in this section a "farm unit" is all the parcels of land, not necessarily contiguous, which are operated as a unit for agricultural purposes and which are under the lawful control of the landowner or tenant, and a "tenant" is a person, other than the landowner or landowner's family, who resides on the farm unit and is actively engaged in the operation of the farm unit.

Sec. 6. Section 110.24, unnumbered paragraphs 1, 2, and 5, Code Supplement 1985, are amended to read as follows:

Owners or tenants of land, and their juvenile children, may hunt, fish or trap upon such lands and may shoot by lawful means ground squirrels, gophers, or woodchucks upon adjacent roads without securing a license so to do; except, special licenses to hunt deer and wild turkey shall be required of owners and tenants but they shall not be required to have a special wild turkey hunting license to hunt wild turkey on a game breeding and shooting preserve licensed under chapter 110A.

Upon written application to the state conservation commission, one of the following persons who resides upon the farm unit shall be issued a one deer or a one wild turkey hunting license or both during a calendar year:

1. The owner of a farm unit; or.
2. One member of the family of the farm owner; or.
3. The tenant residing on the farm unit; or.
4. One member of the family of the tenant; who resides on the farm unit.

Deer or and wild turkey hunting licenses issued under this section shall be are subject to all other provisions of the laws and regulations pertaining to the taking of deer and wild turkey. The deer license and turkey license shall be the equivalent of the least restrictive license issued under section 109.38.

Sec. 7. Section 110.24, unnumbered paragraph 8, Code Supplement 1985, is amended to read as follows:

No A resident of the state under sixteen years of age shall be is not required to have a hunting license to hunt game if accompanied by the minor's parent or guardian or in company with any other competent adult with the consent of the said minor's parent or guardian, if the said person accompanying said the minor shall possess possesses a valid hunting license; providing, however, that there is must be one licensed adult accompanying each person under sixteen years of age. The minor must have a deer hunting license to hunt deer and a wild turkey hunting license to hunt wild turkey.

Sec. 8. Section 110.27, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The initial hunter safety certificate shall be issued without cost. A duplicate certificate shall be issued at a cost of three dollars.

Sec. 9. Section 110.32, Code Supplement 1985, is amended to read as follows:
110.32 PUBLIC NUISANCE.

Any device, contrivance, or material used to violate any regulation a rule adopted by the commission, or any other provision of this chapter, is hereby declared to be a public nuisance, and it shall be the duty of the state conservation director and the director's officers, or any peace officer, to shall seize such devices, contrivances, or materials so used, without warrant or process, and to deliver them to some a magistrate having jurisdiction. Provided, however, no gun, fishing rod, fishing tackle or An automobile shall not be construed to be a public nuisance under this section.

Sec. 10. Section 110.36, Code 1985, is amended to read as follows:

110.36 MANNER OF CONVEYANCE.

No person, except as permitted by law, shall have or carry ~~any~~ a gun in or on ~~any~~ a vehicle on ~~any~~ a public highway, unless ~~such~~ the gun ~~be~~ is taken down or totally contained in a securely fastened case, and the its barrels and magazines thereof be are unloaded.

Sec. 11. NEW SECTION. 110.38 FREE FISHING DAYS.

The commission may designate one period of the year of not more than three days as free fishing days and during that period the residents may fish and lawfully possess fish without a license.

Sec. 12. Section 110.42, Code 1985, is amended to read as follows:

110.42 PENALTIES.

~~Whoever shall violate any of the provisions~~ A person who violates a provision of this chapter shall be is guilty of a simple misdemeanor and shall be fined not less than ten dollars for each cited offense.

Sec. 13. Section 110.25, Code 1985, is repealed.

Approved May 29, 1986

CHAPTER 1241

TAXATION

H.F. 2471

AN ACT relating to taxation, by amending administrative requirements of taxpayers, taxpayers' representatives, and public and taxing authorities, including nonsubstantive and technical corrections and making certain provisions of the Act retroactive.

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

Section 1. Section 98.13, subsection 2, Code 1985, is amended to read as follows:

2. **ISSUANCE.** The department shall issue state permits to distributors, wholesalers, and cigarette vendors subject to the conditions provided in this division. Cities may issue retail permits to dealers within their respective limits. County boards of supervisors may issue retail permits to dealers in their respective counties, outside of the corporate limits of cities. ~~Upon issuance of a retail permit by a city council or board of supervisors, the council or board shall forthwith certify to the department the action taken.~~

Sec. 2. Section 98.22, subsection 1, Code 1985, is amended to read as follows:

1. If ~~any~~ a person holding a permit issued by the department under this division, including a retailer permit for railway car, has willfully violated ~~the provisions of section 98.2,~~ the department shall revoke the permit issued to the person upon notice and hearing. If the person violates any other provision of this division, or any rule ~~promulgated~~ adopted under this division, the department may revoke the permit issued to the person, after giving the permit holder an opportunity to be heard upon ten days' written notice stating the reason for the contemplated revocation and the time and place at which the person may appear and be heard. The hearing shall be held in the county of the permit holder's place of business, or in a county in or through which it transacts business. The notice shall be given by mailing a copy ~~by certified mail~~ to the permit holder's place of business as ~~the same it~~ appears on the application for a permit. If, upon hearing, the department finds that the violation has occurred, the department may revoke the permit.

Sec. 3. Section 98.29, Code 1985, is amended to read as follows:

98.29 NOTICE AND APPEAL.

The department shall notify any person assessed pursuant to section 98.28 by sending a written notice of ~~such the~~ determination and assessment by certified mail to the principal place of business of ~~such the~~ person as shown on the person's application for permit, if any, and ~~in case if no such~~ application was filed by ~~such the~~ person, to the person's last known address. Judicial review of action of the department may be sought in accordance with the terms of the Iowa administrative procedure Act and section 422.29.

Sec. 4. Section 98.29, Code 1985, as amended by House File 764, enacted by the Seventy-first General Assembly, 1986 Session, section 8, is amended to read as follows:

98.29 NOTICE AND APPEAL.

The department shall notify any person assessed pursuant to section 98.28 by sending a written notice of the determination and assessment by certified mail to the principal place of business of the person as shown on the person's application for permit, if any, and ~~in case if no~~ application was filed by the person, to the person's last known address. A determination by the department of the amount of tax, penalty, and interest due, or the amount of refund for excess tax paid, is final unless the person aggrieved by the determination appeals to the director for a revision of the determination within thirty days from the postmark date of the notice of determination of tax, penalty, and interest or refund owing. The director shall grant a hearing and upon the hearing, the director shall determine the correct tax, penalty, and interest or refund due and notify the appellant of the decision by certified mail. Judicial review of action of the director may be sought in accordance with the terms of the Iowa administrative procedure Act and section 422.29.

Sec. 5. Section 98.48, subsection 2, Code 1985, is amended to read as follows:

2. ~~Every~~ A hearing conducted under this division shall be preceded by ten days' notice in writing of the subject of the hearing, including, in the case of suspension or revocation, of a license, a statement of the nature of the charges against the licensee. The notice shall be sent by registered mail to the last known address of the licensee or other person involved in the hearing, and the service shall be complete upon mailing. After every hearing the director shall make the director's findings and order in writing. The findings and order shall be filed in the office of the director, and a copy sent by mail or otherwise to the person to whom the notice was directed.

Sec. 6. Section 324.18, Code 1985, is amended to read as follows:

324.18 REFUND PERMIT.

~~No~~ A person ~~may shall not~~ claim a refund under section 324.17 or section 324.21 until the person ~~shall have~~ has obtained a refund permit from the department of revenue ~~and paid the fee therefor~~. A special permit shall be obtained by applicants claiming a refund under the provisions of this chapter on account of motor fuel used for the purpose of operating aircraft or used to blend gasohol. Application for a refund permit shall be made to the department of revenue on a form provided by the department of revenue, shall be certified by the applicant under penalty for false certificate and shall contain among other things, the name, ~~the~~ address, and occupation of the applicant, the nature of the applicant's business, and a sufficient description for identification of the machines and equipment in which is to be used motor fuel for which refund may be claimed under the permit. Each permit shall bear a separate number and each claim for refund shall bear the number of the permit under which it is made. The department of revenue shall keep a permanent record of all permits issued and a cumulative record of the amount of refund claimed and paid under each. ~~A fee of one dollar shall be collected by the department of revenue from each person to whom a refund permit is issued.~~ A refund permit shall continue in effect until it is revoked or until the claimant ~~shall have moved from the county with which the claimant's refund permit is identified~~ becomes invalid.

Sec. 7. Section 324.19, unnumbered paragraph 2, Code 1985, is amended to read as follows:

A person whose refund permit is revoked for cause (~~except nonuse~~) may not obtain another refund permit for a period of one year after the revocation. A refund permit under which no refund is claimed for a period of one year ~~from date of issuance~~ or a refund permit whose holder has moved from the county ~~wherein~~ in which the holder resided at the time of application for said the permit shall be revoked by the department of revenue is invalid subject to reinstatement or issuance of a new permit upon application as provided in section 324.18.

Sec. 8. Section 324.68, unnumbered paragraph 1, Code 1985, is amended to read as follows:

If a licensee files a false report of the data or information required by this chapter, or fails, refuses, or neglects to file a report required by this chapter, or to pay the full amount of fuel tax as required by this chapter, then after ten days' written notice by ~~registered~~ mail directed to the last known address of the licensee setting a time and place at which the licensee may appear and show cause why the license should not be canceled, and if the licensee fails to appear or if upon the hearing it is shown by a preponderance of the evidence that the failure to correctly report or pay was with intent to evade the tax, the appropriate state agency may cancel the license and shall notify the licensee of the cancellation by ~~registered~~ mail to the licensee's last known address.

Sec. 9. Section 384.50, unnumbered paragraph 3, Code 1985, is amended to read as follows:

Not less than fifteen days before the hearing, the clerk shall send a copy of the notice by ~~certified~~ mail to each property owner whose property is subject to assessment for the improvement at the address as shown by the records of the county auditor. If a property is shown to be in the name of more than one owner at the same mailing address, a single notice may be mailed addressed to all owners at that address. Failure to receive a mailed notice is not a defense to the special assessment.

Sec. 10. Section 384.51, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The council shall meet as specified in the published notice, and after hearing all objections and endorsements from property owners and other persons having an interest in the matter, and after considering all filed, written objections, may adopt or amend and adopt the proposed resolution of necessity, or may defer action until a subsequent meeting. A resolution of necessity requires for passage the vote of three-fourths of all the members of the council, or, in cities having but three members of the council, the vote of two members, and where a remonstrance has been filed with the clerk, signed by the owners subject to seventy-five percent of the amount of the proposed assessments for the entire public improvement included in the resolution of necessity, a resolution of necessity requires a unanimous vote of the council.

PARAGRAPH DIVIDED. An amendment which extends the boundaries of a district, increases the amount to be assessed against a lot, or adds additional public improvements, is not effective until an amended plat, schedule, and estimate have been prepared and adopted, a notice published and mailed by ~~certified~~ mail to all affected property owners, and hearing held in the same manner as the original proceedings, or until all affected property owners agree in writing to the change. The adoption of a resolution of necessity is a legislative determination that the improvement is expedient and proper and that property assessed will be specially benefited ~~thereby~~ by the improvement and this determination of the council is conclusive. Ownership of property to be assessed by ~~any~~ an improvement ~~shall~~ does not, except for fraud or bad faith, disqualify a council member from voting on any measure.

Sec. 11. Section 384.56, subsection 3, Code 1985, is amended to read as follows:

3. When any portion of the cost of a public improvement is to be paid by the state under this section, the clerk shall ~~send~~, at the time of publication of the notice required by section 384.50, mail a copy of the notice to the secretary of the executive council by ~~restricted certified~~ mail.

Sec. 12. Section 384.60, unnumbered paragraph 2, Code 1985, is amended to read as follows:

On or before the second publication of the notice, the clerk shall send by certified mail to each property owner whose property is subject to assessment for the improvement, as shown by the records in the office of the county auditor, a copy of the notice. The notice shall also include a statement in substance that assessments may be paid in full or in part without interest within thirty days after the date of the first notice of the final assessment schedule, and thereafter all unpaid special assessments bear interest at the rate specified by the council, but not exceeding that permitted by chapter 74A, computed to the December 1 next following the due dates of the respective installments as provided in section 384.65, subsection 3, and each installment will be delinquent on September 30 following its due date, and will draw additionally the same delinquent interest and the same penalties as ordinary taxes. The notice shall also state substantially that property owners may elect to pay any installment semiannually in advance. If a property is shown by the records to be in the name of more than one owner at the same mailing address, a single notice may be mailed to all owners at that address. Failure to receive a mailed notice is not a defense to the special assessment.

Sec. 13. Section 384.63, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The council shall, by resolution, provide that the deficiencies for the lots specially benefited by a public improvement shall be certified to the county treasurer, who shall record them in a separate book entitled "Special Assessment Deficiencies", and to the appropriate city official charged with the responsibility of issuing building permits, who shall notify the council when a private improvement is subsequently constructed on any lot subject to a deficiency. Certification to the county treasurer shall include a legal description of each lot. The period of amortization for a public improvement for which there are deficiencies shall commence with the adoption of the resolution of necessity and extend for the same period for which installments of assessments for the project are made payable. Deficiencies may be assessed only during the period of amortization, which shall also be certified to the county treasurer and the city official charged with the responsibility of issuing building permits. Certification to the county treasurer shall include a legal description of each lot.

PARAGRAPH DIVIDED. When a private improvement is constructed on a lot subject to a deficiency, during the period of amortization, the council shall, by resolution, assess a pro rata portion of the deficiency on that lot, in the same proportion to the total deficiency on that lot as the number of future installments of special assessments remaining to be paid is to the total number of installments of assessments for the project, subject to the twenty-five percent limitation of section 384.62. A deficiency assessment becomes a lien on the property and is payable in the same manner, and subject to the same interest and penalties as the other special assessments. The council shall direct the clerk to certify a deficiency assessment to the county treasurer, and to send a notice of the deficiency assessment by certified mail to each owner, as provided in section 384.60, subsection 5, but publication of the notice is not required.

PARAGRAPH DIVIDED. An owner may appeal from the amount of the assessment within thirty days of the date notice is mailed. County officials shall collect a deficiency assessment, commencing in the year following the assessment, in the manner provided for the collection of other special assessments. Upon collection, the county treasurer shall make the appropriate credit entries in the "Special Assessment Deficiencies" book, and shall credit the amounts collected as provided for other special assessments on the same public improvement, or to the city, to the extent that the deficiency has been previously paid from other city funds.

Sec. 14. Section 422.7, subsections 9 and 11, Code Supplement 1985, are amended to read as follows:

9. Subtract the amount of the work incentive programs credit allowable for the taxable year under section 49 or the jobs tax credit allowable for the tax year under section 44B 51 of the Internal Revenue Code of 1954 to the extent that the credit increased federal adjusted gross income.

11. Subtract the amount of the alcohol fuel credit allowable for the tax year under section 44E 40 of the Internal Revenue Code of 1954 to the extent that the credit increased federal adjusted gross income.

Sec. 15. Section 422.12, subsections 2 and 3, Code 1985, are amended to read as follows:

2. A child and dependent care credit equal to ten percent of the qualifying employment-related expenses and subject to the same limitations provided by section 44A 21 of the Internal Revenue Code of 1954.

Married taxpayers electing to file separate returns or filing separately on a combined return must allocate the child and dependent care credit to each spouse in the proportion that each spouse's respective net income bears to the total combined net income. Taxpayers affected by the allocation provisions of section 422.8 shall be permitted a deduction for the credit only in the amount as is fairly and equitably allocable to Iowa under rules prescribed by the director.

3. A political contributions credit equal to five percent of the first one hundred dollars donated as a political contribution as defined in section 41(e) 24(c) of the Internal Revenue Code of 1954. In the case of a married couple filing a joint return, a political contributions credit equal to five percent of the first two hundred dollars donated shall be allowed.

Sec. 16. Section 422.16, subsections 1 and 11, Code 1985, are amended to read as follows:

1. Every withholding agent and every employer as defined in this chapter and further defined in the Internal Revenue Code of 1954, with respect to income tax collected at source, making payment of wages to either a resident employee or employees, or a nonresident employee or employees, working in Iowa, or to a resident employee, shall deduct and withhold from the wages an amount which will approximate the employee's annual tax liability on a calendar year basis, calculated on the basis of tables to be prepared by the department and schedules or percentage rates, based on the wages, to be prescribed by the department. Every employee or other person shall declare to the employer or withholding agent the number of the employee's or other person's personal exemptions and dependency exemptions or credits to be used in applying the tables and schedules or percentage rates; provided that. However, no more greater number of personal or dependency exemptions or credits may be declared by the employee or other person than the number to which the employee or other person is entitled except as allowed under section 3204(m)(1) 3402(m)(1) of the Internal Revenue Code of 1954. The claiming of exemptions or credits in excess of entitlement is a serious misdemeanor.

11. a. Every person or married couple filing a joint return shall make a declaration of estimated tax payments if the person's or their couple's Iowa income tax attributable to income other than wages subject to withholding can reasonably be expected to amount to fifty dollars or more for the taxable year, except that, in the cases of farmers and fishermen, the exceptions provided in the Internal Revenue Code of 1954 with respect to such declarations making estimated payments shall apply. The declaration provided for herein shall be filed on or before the last day of the fourth month of the taxpayer's tax year for which such declaration is filed, in such form as the director may require by regulations. The estimated tax shall be paid in quarterly installments. The first installment shall be paid at the time of filing the declaration on or before the last day of the fourth month of the taxpayer's tax year for which the estimated payments apply. The other installments shall be paid on or before June 30, September 30, and January 31. However, at the election of the person or married couple filing

jointly, any installment of the estimated tax may be paid prior to the date prescribed for its payment. ~~Whenever~~ If a person or married couple filing a ~~joint~~ return ~~have~~ has reason to believe that the person's or ~~their~~ couple's Iowa income tax may increase or decrease, either for purposes of meeting the requirement to file a ~~declaration of~~ make estimated tax ~~payments~~ or for the purpose of increasing or decreasing ~~such~~ declaration, ~~an amended estimate~~ estimated tax payments, shall be filed by the person or them to reflect such increase or decrease in any subsequent estimated Iowa income tax payments accordingly.

b. In the case of persons or married couples filing jointly, the total balance of the tax payable after credits for taxes paid through withholding, as provided in subsection 1 of this section, or through ~~declaration and~~ payment of estimated tax, or a combination of ~~such~~ withholding and ~~declaration of~~ estimated tax payments, as ~~provided herein~~, shall be ~~is~~ due and payable on or before April 30, ~~next~~ following the close of the calendar year, or if the return ~~should~~ is to be made on the basis of a fiscal year, then on or before the last day of the fourth month ~~next~~ following the close of ~~such the~~ fiscal year.

e. ~~The declaration provided for in this section may be filed or amended during the taxable year under regulations prescribed by the director.~~

~~d c.~~ If a taxpayer is unable to make the taxpayer's own ~~declaration~~ estimated tax payments, the ~~declaration~~ payments may be made by a duly authorized agent, or by the guardian or other person charged with the care of the person or property of ~~such the~~ taxpayer.

e d. Any amount of ~~tax paid on a declaration of~~ estimated tax shall be paid is a credit against the amount of tax found payable on a final, completed return, as provided in subsection 9, relating to the credit for the tax withheld against the tax found payable on a return properly and correctly prepared under the ~~provisions of section~~ sections 422.5, ~~to and including section~~ through 422.25, and any overpayment of one dollar or more shall be refunded to the taxpayer ~~and the return shall constitute~~ constitutes a claim for refund for this purpose. Amounts less than one dollar shall ~~not be refunded to the taxpayer only upon written application in accordance with section 422.74, but only if the application is filed within twelve months after the due date for the return.~~ The method provided by the Internal Revenue Code of 1954 for determining what is applicable to the addition to tax for underpayment of the tax payable applies to persons required to ~~file declarations and~~ make payments of estimated tax under this section except the amount to be added to the tax for underpayment of estimated tax shall be ~~is~~ an amount determined at the rate in effect under section 421.7. This addition to tax specified for underpayment of the tax payable is not subject to waiver provisions relating to reasonable cause, ~~except as provided in the Internal Revenue Code of 1954.~~ Underpayment of estimated tax shall be determined in the same manner as provided under the Internal Revenue Code of 1954 and the exceptions ~~therein in the Internal Revenue Code of 1954~~ also apply.

f e. In lieu of claiming a refund, the taxpayer may elect to have the overpayment shown on the taxpayer's final, completed return for the taxable year credited to the taxpayer's tax liability for the following taxable year.

Sec. 17. Section 422.17, Code 1985, is amended to read as follows:

422.17 CERTIFICATE ISSUED BY DEPARTMENT TO MAKE PAYMENTS WITHOUT WITHHOLDING.

Any nonresident whose Iowa income is not subject to section 422.16, subsection 1, in whole or in part, and who elects to be governed by subsection 12 of ~~said~~ that section to the extent that the nonresident ~~makes such~~ declaration and pays the entire amount of tax properly estimated ~~thereunder~~ on or before the last day of the fourth month of the nonresident's tax year, for ~~such the~~ year, may for ~~each such the~~ year of ~~each such the~~ election and ~~such~~ payment, be granted a certificate from the department authorizing each ~~withholding agent, the income from whom the nonresident has included~~ considered in the ~~nonresident's~~ declaration of ~~estimate~~ payment of estimated tax and to the extent ~~such the~~ income is included in ~~such~~

~~declaration of the estimate, to make payments of income to such the nonresident without withholding such tax from such those payments. Withholding agents, whenever such if payments exceed the amount tax liability estimated by such the nonresident upon the nonresident's declaration of estimate, as indicated upon such the certificate, shall proceed to withhold tax in accordance with subsection 12 of section 422.16.~~

Sec. 18. Section 422.23, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The judge of the district court in which the estate of the decedent is probated may, upon application being filed by the executor or administrator setting forth the income received by ~~said the estate~~, fix a time and place for hearing upon ~~said the application~~ and prescribe the notice to be given to the director and may upon hearing determine whether or not the ~~said estate~~ is subject to income tax and, if the facts warrant ~~such a that finding~~, enter an order relieving ~~said the executor or administrator~~ from making an income tax report and order that the ~~said estate~~ is not subject to the payment of income tax. ~~Such The order shall is not become final until thirty days after the same it has been filed with the clerk of the district court and a copy of the order entered by the judge shall be immediately mailed to the director by said the executor or administrator by registered mail and a return filed showing the mailing of the same order.~~

Sec. 19. Section 422.25, subsection 1, Code 1985, is amended to read as follows:

1. Within three years after the return is filed or within three years after the return became due, including any extensions of time for filing, whichever time is the later, the department shall examine it and determine the correct amount of tax, and the amount determined by the department ~~shall be is~~ the tax. However, if the taxpayer omits from income an amount as ~~which will~~, under the Internal Revenue Code of 1954, extend the statute of limitations for assessment of federal tax to six years under the federal law, the period for examination and determination is six years. In addition to the applicable period of limitation for examination and determination, the department may make an examination and determination at any time within six months from the date of receipt by the department of written notice from the taxpayer of the final disposition of any matter between the taxpayer and the internal revenue service with respect to the particular tax year. In order to begin the running of the six-months' period, the notice shall be in writing in any form sufficient to inform the department of the final disposition with respect to that year, and a copy of the federal document showing the final disposition or final federal adjustments shall be attached to the notice.

PARAGRAPH DIVIDED. The period for examination and determination of the correct amount of tax is unlimited in the case of a false or fraudulent return made with the intent to evade tax or in the case of a failure to file a return. In lieu of the period of limitation for any prior year for which an overpayment of tax or an elimination or reduction of an underpayment of tax due for that prior year results from the carryback to that prior year of a net operating loss or net capital loss, the period is the period of limitation for the taxable year of the net operating loss or net capital loss which results in the carryback. The burden of proof of additional tax owing under the six-year period, or unlimited period, is on the department. If the tax found due is greater than the amount paid, the department shall compute the amount due, together with interest and penalties as provided in subsection 2, and shall notify the taxpayer by certified mail of the total, which shall be computed as a sum certain if paid on or before the last day of the month in which the notice is postmarked, or on or before the last day of the following month if the notice is postmarked after the twentieth day of any month. The notice shall also inform the taxpayer of the additional interest and penalty which will be added to the total due if not paid on or before the last day of the applicable month.

Sec. 20. Section 422.27, subsection 1, Code Supplement 1985, is amended to read as follows:

1. A final account of a personal representative shall not be allowed by any court until thirty days after written notice is given to the department of the proposed discharge of the personal representative and unless the account shows, and the judge of the court finds, that all taxes imposed by this division upon the personal representative, which have become payable, have been paid, and that all taxes which may become due are secured by bond, deposit, or otherwise. The certificate of the director and the receipt for the amount of the tax certified shall be are conclusive as to the payment of the tax to the extent of the certificate.

Sec. 21. Section 422.28, Code 1985, as amended by House File 764, enacted by the Seventy-first General Assembly, 1986 Session, is amended to read as follows:

422.28 REVISION OF TAX.

A taxpayer may appeal to the director for revision of the tax, interest or penalties assessed at any time within ~~thirty~~ sixty days from the date of the notice of the assessment of tax, additional tax, interest or penalties. The director shall grant a hearing and if, upon the hearing, the director determines that the tax, interest or penalties are excessive or incorrect, the director shall revise them according to the law and the facts and adjust the computation of the tax, interest or penalties accordingly. The director shall notify the taxpayer by registered mail of the result of the hearing and shall refund to the taxpayer the amount, if any, paid in excess of the tax, interest or penalties found by the director to be due, with interest after sixty days from the date of payment by the taxpayer at the rate in effect under section 421.7 for each month or a fraction of a month. The director may, on the director's own motion at any time, abate any portion of tax, interest or penalties which the director determines is excessive in amount, or erroneously or illegally assessed. The director shall prepare quarterly reports, which shall be included in the annual statistical reports required under section 422.75, summarizing each case in which an abatement of tax, interest or penalties was made under this section, but a report shall not disclose the identity of the taxpayer.

Sec. 22. Section 422.33, subsection 4, Code Supplement 1985, is amended to read as follows:

4. In addition to all taxes imposed under this division, there is imposed upon each corporation doing business within the state a state minimum tax for tax preference equal to seventy percent of the state's apportioned share of the federal minimum tax. The state's apportioned share of the federal minimum tax is a percent equal to the ratio of the federal minimum tax on preferences attributable to Iowa to the federal minimum tax on all preferences. The director shall prescribe rules for the determination of the amount of the federal minimum tax on preferences attributable to Iowa which shall be based as much as equitably possible on the allocation and apportionment provisions of subsections 2 and 3. For purposes of this subsection, "federal minimum tax" means the federal minimum tax for tax preferences computed under ~~sections 55 to 58~~ section 56 of the Internal Revenue Code of 1954 for the tax year.

Sec. 23. Section 422.35, subsections 6 and 8, Code 1985, are amended to read as follows:

6. Subtract the amount of the ~~work incentive programs credit~~ credit allowable for the tax year under section 40 or the jobs tax credit allowable for the tax year under section ~~44B~~ 51 of the Internal Revenue Code of 1954 to the extent that the credit increased federal taxable income.

8. Subtract the amount of the alcohol fuel credit allowable for the tax year under section ~~44E~~ 40 of the Internal Revenue Code of 1954 to the extent that the credit increased federal taxable income.

Sec. 24. Section 422.42, unnumbered paragraph 3, Code Supplement 1985, is amended by striking the unnumbered paragraph.

Sec. 25. Section 422.45, subsection 27, paragraph a, subparagraph (1), Code Supplement 1985, is amended to read as follows:

(1) "Insurance company" means an insurer organized or operating under chapters 508, 514, 515, 518, 519, 520 or authorized to do business in Iowa as an insurer and having fifty or more persons employed in this state excluding licensed insurance agents.

Sec. 26. Section 422.53, subsection 5, Code 1985, is amended to read as follows:

5. If the holder of a permit fails to comply with any of the provisions of this division or any orders order or rules rule of the department adopted under this division, the director upon hearing after giving ten days' notice of the time and place of the hearing to show cause why the permit should not be revoked, may revoke the permit. The director shall send notice by mail to a permit holder informing that person of the director's intent to revoke the permit and of the permit holder's right to a hearing on the matter. If the permit holder petitions the director for a hearing on the proposed revocation, after giving ten days' notice of the time and place of the hearing in accordance with section 17A.18, subsection 3, the matter may be heard and a decision rendered. The director may restore permits after revocation. The director shall adopt rules setting forth the period of time a retailer must wait before a permit may be restored or a new permit may be issued. The waiting period shall not exceed ninety days from the date of the revocation of the permit.

Sec. 27. Section 422.57, subsection 1, Code 1985, is amended to read as follows:

1. Any A notice authorized or required under the provisions of this division may be given by mailing the same notice to the person for whom it is intended by certified mail, addressed to such that person at the address given in the last return filed by the person pursuant to the provisions of this division, or if no return has been filed, then to such any address as may be obtainable. The mailing of such the notice shall be is presumptive evidence of the receipt of the same notice by the person to whom addressed. Any period of time which is determined according to the provisions of this division by the giving of notice shall commence commences to run from the date of registration and posting of such the notice.

Sec. 28. Section 422.60, unnumbered paragraph 2, Code 1985, is amended to read as follows:

In addition to all taxes imposed under this division, there is imposed upon each financial institution doing business within the state a state minimum tax for tax preference items equal to seventy percent of the state's apportioned share of the federal minimum tax. The state's apportioned share of the federal minimum tax is a percent equal to the ratio of the federal minimum tax on preferences attributable to Iowa to the federal minimum tax on all preferences. The director shall prescribe rules for the determination of the amount of the federal minimum tax on preferences attributable to Iowa which shall be based as much as equitably possible on the allocation and apportionment provisions of section 422.63. For purposes of this subsection, "federal minimum tax" means the federal minimum tax for tax preferences computed and paid or payable under sections 55 to 58 section 56 of the Internal Revenue Code of 1954.

Sec. 29. Section 422.110, unnumbered paragraph 1, Code 1985, is amended to read as follows:

In lieu of the fuel tax refund provided in sections 324.17 to 324.19, each a person or corporation subject to taxation under divisions II or III of this chapter, except those persons or corporations licensed under section 324.4 or 324.36, may elect to receive an income tax credit for tax years beginning on or after January 1, 1975. The person or corporation which elects to receive an income tax credit shall cancel its refund permit obtained under section 324.18 within thirty days after the first day of its tax year or the permit becomes invalid at that time. For the purposes of this section the term, "person" includes a person claiming a tax

credit based upon the person's pro rata share of the earnings from a partnership or corporation which ~~corporation or partnership as a business entity~~ is not subject to a tax under division II or III of this chapter as a partnership or corporation. ~~When~~ If the election to receive an income tax credit has been made, it remains effective for at least one tax year, and for subsequent tax years unless a change is requested and a new refund permit applied for within thirty days after the first day of the person's or corporation's tax year. The income tax credit shall be the amount of the Iowa fuel tax paid on fuel purchased by the person or corporation and used as follows:

Sec. 30. Section 422A.1, unnumbered paragraph 2, Code 1985, is amended to read as follows:

A local hotel and motel tax shall be imposed on January 1, April 1, July 1, or October 1, following the notification of the director of revenue. Once imposed, the tax shall remain in effect at the rate imposed for a minimum of one year. A local hotel and motel tax shall terminate only on March 31, June 30, September 30, or December 31. At least sixty days prior to the tax being effective or prior to a revision in the tax rate, or prior to the repeal of the tax, a city or county shall provide notice by ~~certified~~ mail of such action to the director of revenue.

Sec. 31. Section 423.7, Code 1985, is amended to read as follows:

423.7 VEHICLES SUBJECT TO REGISTRATION OR ONLY TO THE ISSUANCE OF TITLE.

The tax imposed upon the use of vehicles subject to registration or subject only to the issuance of a certificate of title shall be paid by the owner of the vehicle to the county treasurer or the state department of transportation from whom the registration receipt or certificate of title is obtained. A registration receipt for a vehicle subject to registration or certificate of title shall not be issued until the tax has been paid. The county treasurer or the state department of transportation shall require every applicant for a registration receipt for a vehicle subject to registration or certificate of title to supply information as the county treasurer or the director deems necessary as to the time of purchase, the purchase price, and other information relative to the purchase of the vehicle. On or before the tenth day of each month the county treasurer or the state department of transportation shall remit to the department the amount of the taxes collected during the preceding month, ~~accompanied by a copy of each registration receipt issued in conjunction with the certificate of title issued for each vehicle.~~

Sec. 32. Section 425.3, unnumbered paragraph 4, Code 1985, is amended to read as follows:

The county auditor shall forward the claims to the board of supervisors. The board shall allow or disallow the claims. If the board disallows a claim, it shall send written notice, by ~~certified~~ mail, to the claimant at the claimant's last known address. The notice shall state the reasons for disallowing the claim for the credit.

Sec. 33. Section 425.33, unnumbered paragraph 1, Code 1985, is amended to read as follows:

If upon petition by a claimant the department of revenue determines that a landlord has increased the claimant's rent primarily because the claimant is eligible for reimbursement under this division, the department of revenue shall request the landlord by ~~certified~~ mail to reduce the rent appropriately.

Sec. 34. Section 425.34, Code 1985, is amended to read as follows:

425.34 HEARINGS AND APPEALS.

If the department of revenue orders a landlord to reduce rent to a claimant, then upon the request of the landlord the department of revenue shall hold a prompt hearing of the matter, to be conducted in accordance with the rules of the department. The department of revenue shall give notice of the decision by ~~certified~~ mail to the claimant and to the landlord.

The claimant and the landlord shall have the rights of appeal and review as provided in section 425.31.

Sec. 35. Section 427.1, subsection 26, Code Supplement 1985, is amended to read as follows:

26. REVOKING EXEMPTION. Any taxpayer or any taxing district may make application to the director of revenue for revocation for any exemption, based upon alleged violations of the provisions of this chapter. The director of revenue may also on the director's own motion set aside any exemption which has been granted upon property for which exemption is claimed under this chapter. The director of revenue shall give notice by certified mail to the societies or organizations claiming an exemption upon property, exemption of which is questioned before or by the director of revenue, and any order made by the director of revenue revoking or modifying such an exemption shall be is subject to judicial review in accordance with the terms of the Iowa administrative procedure Act. Notwithstanding the terms of said that Act, petitions for judicial review may be filed in the district court having jurisdiction in the county in which such the property is located, and must be filed within thirty days after any order revoking such an exemption is made by the director of revenue.

Sec. 36. Section 427.6, unnumbered paragraph 4, Code 1985, is amended to read as follows:

The county auditor shall forward the claims to the board of supervisors. The board shall allow or disallow the claims. If the board disallows a claim, it shall send written notice, by certified mail, to the claimant at the claimant's last known address. The notice shall state the reasons for disallowing the claim for the exemption.

Sec. 37. Section 429.1, Code 1985, is amended to read as follows:

429.1 NOTICE OF ASSESSMENT.

The director of revenue shall, at the time of making the assessment of property as provided in chapters 428, 433, 434, 436, 437, and 438, inform the person assessed, by certified mail, of the valuation put upon the taxpayer's property. The notice shall contain a notice of the taxpayer's right of appeal to the state board of tax review as provided in section ~~429.3~~ 429.2.

Sec. 38. Section 435.6, unnumbered paragraph 3, Code 1985, is amended to read as follows:

If the tax due is greater than the amount paid, the department shall compute the amount due, together with interest and penalties as provided in section 435.5, and shall notify the taxpayer by certified mail of the total if paid on or before the last day of the month in which the notice is postmarked.

Sec. 39. Section 437.4, Code 1985, is amended to read as follows:

437.4 ADDITIONAL STATEMENT.

Upon receipt of said the statements from the several companies, the director of revenue shall examine such the statements, and if the director shall deem same deems them insufficient, and that further information is requisite required, the director shall require the company making same the statements to make such other or further statement as the director may desire deems necessary, notifying such the company thereof by certified mail.

Sec. 40. Section 437.5, Code 1985, is amended to read as follows:

437.5 FAILURE TO FURNISH.

In case of the total failure or refusal to make any statement required by sections 437.2 and 437.4 to be made by May 1 in any year, or of failure or refusal to make such other or further statement within thirty days from the time the certified mail notice thereof is received by said the company that the same additional statement is required by the director of revenue, such the company shall forfeit and pay to the state, one hundred dollars for each day the total failure or refusal to make any report is continued beyond the said first day of May of the year in which it is required, or in case of any such other or further report required by the director for each day the same it is delayed beyond thirty days from the receipt of the notice by said the company that same the additional report is required, such. The forfeiture to shall be sued for and recovered in any proper form of action in the name of the state and on relation of the director of revenue of the state, and such the penalty, when collected, shall be paid into the general fund of the state.

Sec. 41. Section 441.65, Code 1985, is amended to read as follows:

441.65 PLATTING FOR ASSESSMENT AND TAXATION BY AUDITOR.

Whenever if a lot or subdivision of land is owned by two or more persons in severalty, and the description of one or more of the different parts or parcels thereof cannot, in the judgment of the county auditor or the assessor, be made sufficiently certain and accurate for the purposes of assessment and taxation without noting the metes and bounds of the same property, or whenever if the proprietor of any a subdivision of land has sold or conveyed any part thereof of it, or invested the public with any rights therein in it, and has failed to file for record a plat as provided in chapter 409, the county auditor by certified mail shall notify all of the owners by mail, and demand compliance. If the owners fail to execute and file the plat within sixty days after the issuance of such the notice to execute and file said the plat for record, the auditor shall ~~cause~~ make a plat to be made as the auditor deems appropriate in accordance with the provisions of chapter 409. The auditor may contract for the services of a registered land surveyor as necessary to comply with this section.

PARAGRAPH DIVIDED. Every conveyance of land in this state shall be is deemed to be a warranty that the description therein contained in the conveyance is sufficiently definite and accurate to enable the auditor to enter the same it on the plat book required to be kept; and ~~when~~. When there is presented for entry on the transfer book any a conveyance in which the description is not sufficiently definite and accurate, the auditor shall note such fact on the deed, with that of the entry for transfer, and shall notify the person presenting it that the land therein is not sufficiently described, and that it must be platted within sixty days thereafter. If the grantor in the conveyance shall neglect neglects for sixty days thereafter to file for record a plat thereof of the property, then the auditor shall proceed as is provided in this section, and ~~cause~~ make the plat to be made in accordance with the provisions of chapter 409 and recorded record the plat in the office offices of the auditor, and the office of the county recorder, and ~~in the office~~ of the assessor.

Sec. 42. Section 443.7, Code 1985, is amended to read as follows:

443.7 NOTICE.

Before assessing and listing for taxation any omitted property, the assessor or auditor shall notify by certified mail the person, ~~firm, corporation, or administrator or other person~~ in whose name the property is taxed, to appear before the assessor or auditor at the assessor's or auditor's office within ten days from the time date of said the notice and show cause, if any there be, why such the correction or assessment should not be made.

Sec. 43. Section 447.9, Code 1985, is amended to read as follows:

447.9 NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION.

After two years and nine months from the date of sale, or after nine months from the date of a sale made under the provisions of section 446.18, 446.38 or 446.39, the holder of the certificate of purchase may cause to be served upon the person in possession of the real estate, and also upon the person in whose name the real estate is taxed, if the person resides in the county where the land is situated, in the manner provided for the service of original notices, a notice signed by the certificate holder or the certificate holder's agent or attorney, stating the date of sale, the description of the property sold, the name of the purchaser, and that the right of redemption will expire and a deed for the land be made unless redemption is made within ninety days from the completed service of the notice. When the notice is given by a county as a holder of a certificate of purchase the notice shall be signed by the county treasurer, and when given by a city, it shall be signed by the city officer designated by resolution of the council. When the notice is given by the Iowa housing finance authority or a city or county agency holding the property as part of an Iowa homesteading project, it shall be signed on behalf of the agency or authority by one of its officers, as authorized in rules of the agency or authority.

or county agency holding the property as part of an Iowa homesteading project, it shall be signed on behalf of the agency or authority by one of its officers, as authorized in rules of the agency or authority.

PARAGRAPH DIVIDED. Service of the notice shall also be made by certified mail on any mortgagee or assignee of record, whether resident or nonresident of the county, if the mortgagee's or assignee's address is disclosed by the recorded instrument or by a certificate showing the address of the mortgagee or assignee duly filed with the recorder, or having a lien upon the real estate, a vendor of the real estate under a recorded contract of sale, a lessor who has a recorded lease or memorandum of a recorded lease, and any other person who has an interest of record, at the person's last known address, and on the state of Iowa in case of an old-age assistance lien by service upon the state department of human services. The notice shall also be served on any city where the real estate is situated.

Sec. 44. Section 450.58, Code Supplement 1985, is amended to read as follows:

450.58 FINAL SETTLEMENT TO SHOW PAYMENT.

The final settlement of the account of a personal representative shall not be accepted or allowed until thirty days after written notice is given to the department of the proposed discharge of the personal representative and unless it shows, and the court finds, that all taxes imposed by this chapter upon any property or interest in property that is made payable by the personal representative and to be settled by the account, has been paid, and that the receipt of the department of revenue for the tax has been obtained as provided in section 450.64. Any order contravening this section is void.

Sec. 45. Section 450.94, subsection 3, Code Supplement 1985, is amended to read as follows:

3. If the amount paid is greater than the correct tax, penalty, and interest due, the department shall refund the excess, with interest after sixty days from the date of payment at the rate in effect under section 421.7, under the rules prescribed by the director. However, the director shall not allow a claim for refund or credit that has not been filed with the department within three years after the tax payment upon which a refund or credit is claimed became due, or one year after the tax payment was made, whichever time is the later. A determination by the department of the amount of tax, penalty, and interest due, or the amount of refund for excess tax paid, is final unless the person aggrieved by the determination appeals to the director for a revision of the determination within ninety days from the postmark date of the notice of determination of tax, penalty, and interest due or refund owing. The director shall grant a hearing, and upon the hearing the director shall determine the correct tax, penalty, and interest or refund due, and notify the appellant of the decision by certified mail. The decision of the director is final unless the appellant seeks judicial review of the director's decision under section 450.59 within sixty days after the postmark date of the notice of the director's decision.

Sec. 46. Section 450A.2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A tax is hereby imposed on the transfer of any property, included in a generation skipping transfer occurring at the same time as, or after, the death of the deemed transferor, equal to the amount of the maximum federal credit allowable under section ~~2602(e)(5)~~ 2602(c)(5)(B) of the Internal Revenue Code of 1954, for that portion of state estate, inheritance, legacy, or succession tax paid in respect of any property included in the generation skipping transfer.

Sec. 47. Section 451.6, Code 1985, is amended to read as follows:

451.6 PAYMENT OF TAX.

The tax imposed by this chapter shall be paid by the personal representative to the department of revenue within twelve months from the date of on or before the last day of the ninth month after the death of such the decedent, or in case such decedent died more than twelve months prior to April 12, 1929, then within six months after the effective date hereof.

- Sec. 48. Section 428A.14, Code 1985, is repealed.
- Sec. 49. Sections 434.2, 434.3, 434.4, and 434.5, Code 1985, are repealed.
- Sec. 50. Sections 20 and 44 are effective for final reports of personal representatives filed on or after July 1, 1985 and to this extent these sections are retroactive.
- Sec. 51. Sections 13, 15, 16, 17, 22, 23, 28, 46, and 48 are retroactive to January 1, 1986 for tax years beginning on or deemed transferors dying on or after January 1, 1986.
- Sec. 52. Section 46 is effective for estates of decedents dying on or after July 1, 1986.
- Sec. 53. Section 4 is effective January 1, 1987.

Approved May 29, 1986

CHAPTER 1242
COMPENSATION OF PUBLIC OFFICIALS
H.F. 2492

AN ACT relating to compensation for department directors and other public officials by specifying salary ranges, providing for compensation adjustments, and making corresponding amendments to the Code.

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

Section 1. **GENERAL SALARY RANGES — EXCEPTIONS.** The salary ranges in effect for the fiscal year beginning July 1, 1984, and subsequent fiscal years as provided in 1983 Iowa Acts, chapter 205, section 7 for appointed nonelected persons shall apply to all positions held by the appointed nonelected persons or their successors in the executive branch of state government for the fiscal year beginning July 1, 1986, except for the following:

- 1. Department directors whose salary ranges are specified in section 2 of this Act.
- 2. Full-time members of the state board of parole who shall be compensated within salary range 4.
- 3. The industrial commissioner who shall be compensated within salary range 4.
- 4. The members of the employment appeal board who shall be compensated within salary range 3.

The salary ranges referred to in subsections 2 through 4 mean the salary ranges specified in 1983 Iowa Acts, chapter 205, section 7.

Sec. 2. **DEPARTMENTAL DIRECTOR'S SALARY RANGES.**

1. The salary ranges for department directors are effective for the fiscal year beginning July 1, 1986, and the salary ranges shall remain in effect until otherwise provided by law:

| | <u>Fiscal Year</u> | |
|---|--------------------|----------------|
| | <u>Minimum</u> | <u>Maximum</u> |
| a. Department director's salary range 1 | \$33,000 | \$44,000 |
| b. Department director's salary range 2 | \$42,000 | \$55,000 |
| c. Department director's salary range 3 | \$48,000 | \$64,000 |

2. The following are department director's salary range 1 positions: department of inspections and appeals, and department of human rights.

3. The following are department director's range 2 positions: department of cultural affairs, department of elder affairs, department of general services, department of public safety, department of public health, department of personnel, department of commerce, department of corrections, and department of employment services.

4. The following are department director's range 3 positions: department of management, department of education, department of revenue and finance, department of economic development, department of human services, department of transportation, executive secretary of the state board of regents, and department of natural resources.

Sec. 3. COMPENSATION ADJUSTMENTS. Except as otherwise provided by law, the governor shall establish a salary for appointed nonelected persons in the executive branch of state government holding a position enumerated in sections 1 and 2 of this Act and in 1983 Iowa Acts, chapter 205, section 7 within the salary ranges provided for the positions. The conditions and considerations specified in 1983 Iowa Acts, chapter 205, section 6 shall apply when individual salaries are established and to the appointed nonelected incumbents receiving the salaries.

Sec. 4. APPROPRIATIONS. All statutory salaries established by the governor or as otherwise provided by law shall be paid from the appropriations made to the departments.

Sec. 5. Section 14.13, subsection 1, paragraphs c and d, Code Supplement 1985, are amended to read as follows:

c. ~~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 compile a list maintain a record of the corrections made under this paragraph in Code editor's notes to the edition of the Code in which the corrections are made. This list~~ The record shall be available to the public.

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

Sec. 6. Section 14.13, subsections 2 and 3, Code Supplement 1985, are amended to read as follows:

2. The Code editor or designee, in carrying out the duties specified in this chapter relating to publication of the Code and the Iowa administrative code, shall edit ~~the Code~~ them in order that words which designate one gender will be 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. The Code editor or designee shall seek direction from the senate committee on judiciary and the house committee on judiciary and law enforcement when making any Code changes, and 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. The Code editor or designee shall maintain a record of the changes made under this subsection. The record shall be available to the public.

3. The effective date of all editorial changes in an edition of the Code or supplement to the Code is the date the legislative council approves the printing contract for 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. 7. REPEALER. 1985 Iowa Acts, chapter 253, section 1 is repealed.

Approved May 29, 1986

CHAPTER 1243
PUBLIC RETIREMENT SYSTEMS
H.F. 2483

AN ACT relating to administration and benefits for public retirement systems in this state and making an appropriation.

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

Section 1. Section 97A.6, subsection 4, Code 1985, is amended to read as follows:

4. **ALLOWANCE ON ORDINARY DISABILITY RETIREMENT.** Upon retirement for ordinary disability a member shall receive an ordinary disability retirement allowance which shall consist of a pension which shall equal ~~forty~~ fifty percent of the member's average final compensation except if the member has not had ~~five~~ or more years of membership service, the member shall receive a pension equal to one-fourth of the member's average final compensation.

Sec. 2. Section 97A.6, subsection 8, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

8. a. Upon the receipt of proof of the death of a member in service, or a member not in service who has completed fifteen or more years of service as provided in subsection 1, paragraph "b", there shall be paid to the person designated by the member to the board of trustees as the member's beneficiary if the member has had one or more years of membership service and no pension is payable under subsection 9, an amount equal to fifty percent of the compensation earned by the member during the year immediately preceding the member's death if the member is in service, or an amount equal to fifty percent of the compensation earned by the member during the member's last year of service if the member is not in service.

b. In lieu of the payment specified in paragraph "a", a beneficiary meeting the qualifications of paragraph "c" may elect to receive a pension equal to forty percent of the average final compensation of the member, but not less than fifty dollars if the member was in service at the time of death. For a member not in service at the time of death, the pension shall be reduced as provided in subsection 1, paragraph "b".

For a member not in service at the time of death, the pension shall be paid commencing when the member would have attained the age of fifty-five except that if there is a child of the member, the pension shall be paid commencing with the member's death until the children reach the age of eighteen, or twenty-two if applicable. The pension shall resume commencing when the member would have attained the age of fifty-five.

For a member in service at the time of death, the pension shall be paid commencing with the member's death. In addition to the pension, there shall also be paid for each child of a member, a monthly pension equal to six percent of the monthly earnable compensation payable to an active member having the rank of senior patrol officer of the Iowa highway safety patrol.

For the purpose of this chapter, a senior patrol officer is a person who has completed ten years of service in the Iowa highway safety patrol.

c. The pension under paragraph "b" may be selected only by the following beneficiaries:

- (1) The spouse, to continue so long as the spouse remains unmarried.
- (2) If there is no spouse, or if the spouse dies or remarries and there is a child of a member, then the guardian of the member's child or children, divided as the board of trustees determines, to continue as a joint and survivor pension until every child of the member dies or attains the age of eighteen, or twenty-two if applicable.
- (3) If there is no surviving spouse or child, then the member's dependent father or mother, or both, as the board of trustees determines, to continue until remarriage or death.

d. If there is no nomination of beneficiary, the benefits provided in this subsection shall be paid to the member's estate.

Sec. 3. Section 97B.8, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The board shall consist of ~~seven~~ eight members. ~~Five~~ Six of the members shall be appointed by the governor, one of whom shall be an executive of a domestic life insurance company, one an executive of a state or national bank operating within the state of Iowa, one an executive of a major industrial corporation located within the state of Iowa, and ~~two~~ three shall be active members of the system, one of whom shall be an active member who is an employee of a school district, area education agency, or merged area, ~~and one of whom shall be an active member who is not be an employee of a school district, area education agency, or merged area, and one of whom is a retired member of the system.~~ The president of the senate shall appoint one member from the membership of the senate and the speaker of the house of representatives shall appoint one member from the membership of the house. The two members appointed by the president of the senate and the speaker of the house of representatives and the two active members of the system appointed by the governor are ex officio members of the board.

Sec. 4. Section 97B.41, subsection 1, paragraph b, subparagraph (8), Code 1985, is amended to read as follows:

(8) For each calendar year from January 1, 1988 and thereafter, except as provided in subparagraph (9), wages not in excess of twenty-four thousand dollars.

Sec. 5. Section 97B.41, subsection 1, paragraph b, Code 1985, is amended by adding after subparagraph (8) the following new subparagraph (9) and renumbering the remaining subparagraphs:

NEW SUBPARAGRAPH. (9) For each calendar year thereafter, the department shall increase the covered wages limitation by one thousand dollars if the annual actuarial valuation of the assets and liabilities of the retirement system indicates that the cost of the increase in covered wages can be absorbed within the employer and employee contribution rates in effect under section 97B.11. However, covered wages shall not exceed forty thousand dollars for a calendar year.

Sec. 6. Section 97B.41, subsection 11, Code 1985, is amended to read as follows:

11. "Retired member" means a member who ~~had~~ has applied for and commenced receiving the member's retirement allowance. A member has not established a bona fide retirement if the member accepts other employment as defined in this section before qualifying for at least one calendar month's retirement benefits under this chapter.

Sec. 7. Section 97B.41, subsection 13, paragraph c, Code 1985, is amended to read as follows:

c. The termination at the end of the school year of the contract of employment of an employee ~~who is a teacher~~ in the public schools of the state of Iowa, provided the employee enters into a further contract of employment as a ~~teacher~~ in the public schools of the state of Iowa for the next succeeding school year.

Sec. 8. Section 97B.41, subsection 19, Code 1985, is amended to read as follows:

19. "~~Five-year~~ Three-year average covered wage" means a member's covered wages averaged for the highest ~~five~~ three years of the member's service. ~~If the member has less than five years of service, then the average shall be computed using the actual number of years as a member.~~ The highest ~~five~~ three years of a member's covered wages shall be determined using calendar years. However, if a member's final quarter of a year of employment does not occur at the end of a calendar year, the department may determine the wages for the ~~fifth~~ third year by combining the wages from the highest quarter or quarters not being used in the selection of the ~~four~~ two highest years with the final quarter or quarters of the member's service to create a full year. If the ~~five-year~~ three-year average covered wage of a member exceeds the highest maximum covered wages in effect for a calendar year during the member's period of service, the ~~five-year~~ three-year average covered wage of the member shall be reduced to the highest maximum covered wages in effect during the member's period of service.

Sec. 9. Section 97B.45, Code 1985, is amended to read as follows:

97B.45 RETIREMENT AGE AT SIXTY-FIVE.

A member's normal retirement date shall be the is any of the following, whichever is applicable to the member:

1. The first of the month in which a member attains the age of sixty-five years if the member has not completed thirty years of membership service.

2. The first of the month in which the member attains the age of sixty-two years if the member has completed thirty years of membership service.

3. The first of any month in which the member has completed thirty years of membership service if the member has attained the age of sixty-two years but is not yet sixty-five years of age.

PARAGRAPH DIVIDED. A member may retire after the member's sixty-fifth birthday except as otherwise provided in section 97B.46. A member retiring on or after the normal retirement date, as provided in section 97B.46, shall submit a written notice to the department setting forth the date the retirement is to become effective, ~~provided that such~~. The date shall be after the member's last day of service and not before the first day of the sixth calendar month preceding the month in which the notice is filed, except that credit for service shall ~~cease~~ ceases when contributions cease as provided in section 97B.11.

Sec. 10. Section 97B.49, subsection 5, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

For each active member retiring ~~between January 1, 1976 and June 30, 1982 on or after July 1, 1986, with four or more complete years of service, a monthly benefit shall be computed which is equal to one-twelfth of an amount equal to forty-seven~~ fifty percent of the ~~five-year three-year average covered wage multiplied by a fraction of years of service. For each member retiring on or after July 1, 1982, with four or more complete years of service, the percent used in computing the monthly benefit is fifty.~~ For the purposes of this subsection, "fraction of years of service" means a number, not to exceed one, equal to the sum of the years of membership service and the number of years of prior service divided by thirty years.

Sec. 11. Section 97B.49, subsection 7, Code Supplement 1985, is amended to read as follows:

7. 7. a. Notwithstanding other provisions of this chapter, a member who is or has been employed as a conservation peace officer under section 107.13 and who retires ~~between July 1, 1978 and June 30, 1982 on or after July 1, 1986, and at the time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as a conservation peace officer, may elect to receive, in lieu of the receipt of any benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of forty-seven~~ fifty percent of the member's ~~five-year three-year average covered wage as a conservation peace officer, with benefits payable during the member's lifetime. For each conservation peace officer eligible for benefits under this subsection who retires on or after July 1, 1982, the percent used in computing the monthly retirement allowance is fifty.~~

b. A conservation peace officer who retires on or after July 1, 1986 and has not completed twenty-five years of membership service as required under this subsection is eligible to receive a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as a conservation peace officer multiplied by a fraction of years of service as a conservation peace officer. For the purpose of this subsection, "fraction of years of service" means a number, not to exceed one, equal to the sum of the years of membership service as a conservation peace officer, divided by twenty-five years. On or after July 1, 1986, if the conservation peace officer has not reached sixty years of age at retirement, the monthly retirement allowance shall be reduced by five-tenths of one percent per month for each month that the conservation peace officer's retirement precedes the date on which the conservation peace officer attains sixty years of age.

The annual contribution necessary to pay for the additional benefits provided in this paragraph, shall be paid by the employer and employee in the same proportion that employer and employee contributions are made under section 97B.11.

PARAGRAPH DIVIDED. c. There is appropriated from the general fund of the state to the Iowa department of job service from funds not otherwise appropriated an actuarially-determined amount sufficient to pay eight and forty-three hundredths percent of the covered wages of each conservation peace officer, for the additional benefits provided in paragraph "a" and for the employer portion of the benefits provided in paragraph "b". The amount is in addition to the contribution paid by the employer under section 97B.11, to finance increased benefits to conservation peace officers under this subsection.

Sec. 12. Section 97B.49, subsection 8, paragraph a, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

Notwithstanding other provisions of this chapter, a member who is or has been employed as a county sheriff, as defined in section 39.17, or as a deputy sheriff appointed pursuant to section 341.1, Code 1981, or section 331.903, and who retires between January 1, 1978 and June 30, 1982 peace officer and who retires on or after July 1, 1986, and at the time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as a county sheriff or deputy sheriff peace officer, may elect to receive, in lieu of the benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of forty-seven fifty percent of the member's five-year three-year average covered wage as a sheriff or deputy sheriff peace officer, with benefits payable during the member's lifetime. For each sheriff and deputy sheriff eligible for benefits under this subsection who retires between July 1, 1982 and June 30, 1983, the percent used in computing the monthly retirement allowance is fifty.

Sec. 13. Section 97B.49, subsection 8, paragraph a, unnumbered paragraph 2, Code Supplement 1985, is amended by striking the unnumbered paragraph.

Sec. 14. Section 97B.49, subsection 8, paragraph a, unnumbered paragraph 3, Code Supplement 1985, is amended to read as follows:

A peace officer who retires on or after July 1, 1984 1986 and has not completed twenty-five years of membership service as required under this subsection is eligible to receive a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as a peace officer multiplied by a the fraction of years of service as a peace officer. For the purpose of this subsection, "fraction of years of service" means a number, not to exceed one, equal to the sum of the years of membership service as a peace officer, divided by twenty-five years. On or after July 1, 1984, if the peace officer has not reached sixty years of age at retirement, the monthly retirement allowance shall be reduced by five-tenths of one percent per month for each month that the peace officer's retirement precedes the date on which the peace officer attains sixty years of age.

Sec. 15. Section 97B.49, subsection 10, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

Notwithstanding sections of this chapter relating to eligibility for and determination of retirement benefits, a vested member who is or has been employed as a correctional officer by the Iowa department of corrections and who retires on or after July 1, 1983 1986 and at the time of retirement is at least sixty years of age and has completed at least thirty years of membership service as a correctional officer, may elect to receive, in lieu of the receipt of benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of fifty percent of the member's five-year three-year average covered wages wage as a correctional officer, with benefits payable during the member's lifetime.

Sec. 16. Section 97B.49, subsection 10, unnumbered paragraph 3, Code Supplement 1985, is amended to read as follows:

The Iowa department of corrections shall pay to the Iowa department of job service, from funds appropriated to the Iowa department of corrections, an actuarially-determined amount sufficient to pay one and seventy-one hundredths percent of the covered wages of each correctional officer, for the additional benefits provided in this subsection. The amount is in addition to the employer contributions required in section 97B.11 to pay for the lower retirement age for correctional officers provided in this subsection.

Sec. 17. Section 97B.49, subsection 13, Code Supplement 1985, is amended to read as follows:

13. a. Each member who retired from the system between January 1, 1976 and June 30, 1982, or a contingent annuitant or beneficiary of such a member, shall receive with the November 1984 1986 and the November 1985 1987 monthly benefit payments a retirement dividend equal to fifty percent of the monthly benefit payment the member received for the preceding June. The retirement dividend does not affect the amount of a monthly benefit payment.

b. Each member who retired from the system between July 4, 1953 and December 31, 1975, or a contingent annuitant or beneficiary of such a member, shall receive with the November 1984 1986 and the November 1985 1987 monthly benefit payments a retirement dividend equal to seventy-five percent of the monthly benefit payment the member received for the preceding June. The retirement dividend does not affect the amount of a monthly benefit payment.

c. Notwithstanding the determination of the amount of a retirement dividend under paragraph "a" or "b", a retirement dividend shall not be less than twenty-five dollars.

Sec. 18. Section 97B.49, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 14. Notwithstanding other provisions of this chapter, a member who is or has been employed by the office of disaster services as an airport firefighter who retires on or after July 1, 1986, and at the time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as an airport firefighter, may elect to receive, in lieu of the receipt of any benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as an airport firefighter, with benefits payable during the member's lifetime.

An airport firefighter who retires on or after July 1, 1986 and has not completed twenty-five years of membership service as required under this subsection is eligible to receive a monthly retirement allowance equal to one-twelfth of fifty percent of the member's three-year average covered wage as an airport firefighter multiplied by a fraction of years of service as an airport firefighter. For the purpose of this subsection, "fraction of years of service" means a number, not to exceed one, equal to the sum of the years of membership service as an airport firefighter, divided by twenty-five years. On or after July 1, 1986, if the airport firefighter has not reached sixty years of age at retirement, the monthly retirement allowance shall be reduced by five-tenths of one percent per month for each month that the airport firefighter's retirement precedes the date on which the airport firefighter attains sixty years of age.

The employer and each employee eligible for benefits under this subsection shall annually contribute an actuarially determined amount specified by the department, as a percentage of covered wages, that is necessary to pay for the additional benefits provided by this subsection. The annual contribution in excess of the employer and employee contributions required in section 97B.11 shall be paid by the employer and the employee in the same proportion that the employer and employee contributions are made under section 97B.11.

There is appropriated from the general fund of the state to the department from funds not otherwise appropriated an amount sufficient to pay the employer share of the cost of the additional benefits provided in this subsection.

Sec. 19. Section 97B.50, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. For a member who is less than sixty-two years of age and has not completed thirty years of membership service, by five-tenths of one percent per month for each month that the member's early retirement date precedes the normal retirement date.

Sec. 20. Section 97B.50, subsection 1, paragraph b, Code 1985, is amended to read as follows:

b. For a member who is at least sixty-two years of age and less than sixty-five years of age and who has not completed thirty-five thirty years of membership service and prior service, by twenty-five hundredths of one percent per month for each month that the early retirement date precedes the normal retirement date.

Sec. 21. Section 97B.50, subsections 2, 3, and 4, Code 1985, are amended to read as follows:

2. A member who has completed thirty or more years of service who retires from the system due to disability and commences receiving disability benefits pursuant to the United States Social Security Act (42 U.S.C.), as amended to July 1, 1978, who is eligible for early retirement, but has not reached the normal retirement date, shall receive full benefits under section 97B.49 and shall not have benefits reduced upon retirement as required under subsection 1 of this section. This section takes effect July 1, 1986 for a member meeting the requirements of this subsection who retired from the system at any time between July 4, 1953 and June 30, 1978.

3. A member who has not completed thirty years of service who retires from the system due to disability and commences receiving disability benefits pursuant to the United States Social Security Act (42 U.S.C.), as amended to July 1, 1978, who is eligible for early retirement, but has not reached the normal retirement date, shall upon retirement have benefits received under section 97B.49 reduced by twenty-five hundredths of one percent per month for each month that the early retirement date precedes the normal retirement date. This section takes effect July 1, 1986 for a member meeting the requirements of this subsection who retired from the system at any time between July 4, 1953 and June 30, 1978.

4. A member who is at least sixty-two years of age and less than sixty-five years of age who has completed thirty-five thirty or more years of membership service and prior service shall receive full benefits under section 97B.49 determined as if the member had attained sixty-five years of age. For a member who is at least fifty-nine but less than sixty-two years of age who has completed at least thirty years of service, the monthly retirement allowance shall be reduced by twenty-five hundredths percent per month for each month that the member's retirement date precedes the member's sixty-second birthday. For a member who is at least fifty-five years of age and less than fifty-nine years of age who has completed thirty years of membership service, the monthly retirement allowance shall be reduced by five-tenths percent per month for each month that the member's retirement date precedes the member's normal retirement date.

Sec. 22. Section 97B.51, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Each member shall have ~~has~~ the right at any time prior to the member's retirement date to elect to have the member's retirement allowance payable under one of the options hereinafter set forth in this section in lieu of the retirement allowance otherwise payable to the member upon retirement under any of the provisions of the retirement system. The amount of any the optional retirement allowance shall be the actuarial equivalent of the amount of ~~such~~ the retirement allowance otherwise payable to the member. The member shall make ~~such~~ an election by written request to the department and ~~such an~~ the election ~~will be~~ is subject to the approval of the department. If the member is married, election of an option under this section requires the written acknowledgement of the member's spouse.

Sec. 23. NEW SECTION. 97B.72A FORMER LEGISLATIVE MEMBERS AND EMPLOYEES.

A vested member of the system who was a member or temporary employee of the general assembly prior to July 1, 1986 but was not eligible under this chapter to elect coverage under the system for all or a portion of the period of service as a member of the general assembly, or period of employment as a temporary employee of the general assembly, at any time on or after July 4, 1953, may make contributions to the system for all or a portion of that period of service or employment. The contributions shall be equal to the accumulated contributions as defined in section 97B.41, subsection 12, which would have been made if the member or employee of the general assembly had been a member of the system during the period of service elected. The member of the system shall submit proof to the department of membership or employment in the general assembly. The department shall credit the member of the system with the period of membership service for which contributions are made.

There is appropriated from the general fund of the state to the department an amount sufficient to pay the contributions of the employer based on the period of service of members of the general assembly or employment of employees of the general assembly for which the member paid accumulated contributions under this section. The amount appropriated is equal to the employer contributions which would have been made if the members of the system who made employee contributions had been members of the system during the period for which they made employee contributions under this section plus two percent interest plus the interest dividend rate applicable for each year compounded annually.

Sec. 24. NEW SECTION. 97B.76 PUBLIC RETIREMENT SYSTEMS COMMITTEE ESTABLISHED.

1. A public retirement systems committee is established. The committee consists of five members of the senate appointed by the majority leader of the senate in consultation with the minority leader and five members of the house of representatives appointed by the speaker of the house in consultation with the minority leader. The committee shall elect a chairperson and vice chairperson. Meetings may be called by the chairperson or a majority of the members.

Members shall be appointed prior to January 31 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. A vacancy shall be filled in the same manner as the original appointment and shall be for the remainder of the unexpired term of the vacancy.

2. The members of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of their duties and shall be paid forty dollars for each day in which they 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.

3. The committee shall:

a. Develop and recommend retirement standards and a coherent state policy on public retirement systems.

b. Continuously survey pension and retirement developments in other states and in industry and business and periodically review the state's policy and standards in view of these developments and changing economic and social conditions.

c. Review the provisions in the public retirement systems in effect in this state.

d. Review individually sponsored bills relating to the public retirement systems.

e. Review proposals from interested associations and organizations recommending changes in the state's retirement laws.

f. Study the feasibility of adopting a consolidated retirement system for the public employees of this state.

g. Make recommendations to the general assembly.

4. The committee may contract for actuarial assistance deemed necessary, and the costs of actuarial studies are payable from funds appropriated in section 2.12, subject to the approval of the legislative council. The committee may administer oaths, issue subpoenas, and cite for contempt with the approval of the general assembly when the general assembly is in session and with the approval of the legislative council when the general assembly is not in session.

Administrative assistance shall be provided by the legislative service bureau and the legislative fiscal bureau.

Sec. 25. The public retirement systems committee may direct the department of personnel to conduct a study of the public retirement systems established in this state and to provide to the committee by March 1, 1987, an analysis of its findings and recommendations concerning modification to or consolidation of the existing systems. If the committee directs the department of personnel to conduct the study, there is appropriated from the Iowa public employees' retirement system fund an amount sufficient to pay the costs of the study. The department of personnel shall determine the portion of the cost of the study to be allocated to each public retirement system in this state and shall notify the governing boards of each public system. Each governing board shall reimburse the Iowa public employees' retirement system fund for its share of the cost from moneys available to the governing boards.

Sec. 26. Section 410.6, subsections 1 and 2, Code 1985, are amended to read as follows:

1. ~~As of the first of July each year~~ On each July 1 and January 1, the monthly pension authorized in this chapter payable to each retired member and to each beneficiary, except children, of a deceased member shall be recomputed. The applicable formulas authorized in this chapter which were used to compute the retired member's or beneficiary's pension at the time of retirement or death shall be used in the recomputation except the earnable compensation payable on each July 1 or January 1 to an active member having the same or equivalent rank or position as was held by such retired or deceased member at the time of retirement or death, shall be used in lieu of the final compensation which the retired or deceased member was receiving at the time of retirement or death. At no time shall the monthly pension or payment to the beneficiary be less than the amount which was paid at the time of such member's retirement or death.

2. All monthly pensions adjusted as provided in this section shall be payable beginning on July 1 or January 1 of the year which the adjustment is made and shall continue in effect until the next ~~following July 1~~ adjustment at which time the monthly pension shall again be recomputed and all monthly pensions adjusted in accordance with the computations.

Sec. 27. Section 411.6, subsection 4, Code 1985, is amended to read as follows:

4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT. Upon retirement for ordinary disability a member shall receive an ordinary disability retirement allowance which shall consist of a pension which shall equal ~~forty~~ fifty percent of the member's average final compensation except if the member has not had five or more years of membership service the member shall receive a pension equal to one-fourth of the member's average final compensation.

Sec. 28. Section 411.6, subsection 8, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

8. a. Upon the receipt of proof of the death of a member in service, or a member not in service who has completed fifteen or more years of service as provided in subsection 1, paragraph "b", there shall be paid to the person designated by the member to the board of trustees as the member's beneficiary if the member has had one or more years of membership service and no pension is payable under subsection 9, an amount equal to fifty percent of the compensation earnable by the member during the year immediately preceding the member's death if the member is in service, or an amount equal to fifty percent of the compensation earned by the member during the member's last year of service if the member is not in service.

b. In lieu of the payment specified in paragraph "a", a beneficiary meeting the qualifications of paragraph "c" may elect to receive a pension equal to forty percent of the average final compensation of the member, but not less than seventy-five dollars if the member was in service at the time of death. For a member not in service at the time of death, the pension shall be reduced as provided in subsection 1, paragraph "b".

For a member not in service at the time of death, the pension shall be paid commencing when the member would have attained the age of fifty-five except that if there is a child of the member, the pension shall be paid commencing with the member's death until the children reach the age of eighteen, or twenty-two if applicable. The pension shall resume commencing when the member would have attained the age of fifty-five.

For a member in service at the time of death, the pension shall be paid commencing with the member's death. In addition to the pension, there shall also be paid for each child of a member, a monthly pension equal to six percent of the monthly earnable compensation paid to an active member holding the highest grade in the rank of fire fighter, for a child of a deceased member of a fire department, or the highest grade in the rank of police patrol officer, for a child of a deceased member of a police department.

c. The pension under paragraph "b" may be selected only by the following beneficiaries:

(1) The spouse, to continue so long as the spouse remains unmarried.
 (2) If there is no spouse, or if the spouse dies or remarries and there is a child of a member, then the guardian of the member's child or children, divided as the board of trustees determines, to continue as a joint and survivor pension until every child of the member dies or attains the age of eighteen, or twenty-two if applicable.

(3) If there is no surviving spouse or child, then the member's dependent father or mother, or both, as the board of trustees determines, to continue until remarriage or death.

d. If there is no nomination of beneficiary, the benefits provided in this subsection shall be paid to the member's estate.

Sec. 29. Section 411.9, Code 1985, is amended to read as follows:

411.9 MILITARY SERVICE EXCEPTIONS.

Any A member who is absent while serving in the armed services of the United States or its allies and is discharged or separated therefrom from the armed services under honorable conditions shall have any such the period or periods of absence while serving in such the armed services on other than a voluntary basis and one such period of absence, not in excess of four years unless any period in excess of four years is at the request and for the convenience of the federal government, while serving in such armed forces on a voluntary basis included as part of the member's period of service in the department. Such The member shall not be required to continue the contributions required of the member under section 411.8 during such the period of military service, provided that if the member shall, within six months after the member has been discharged or separated under honorable conditions from such military service, return and resume returns and resumes duties in the department, and provided further, that such if the member shall be is declared physically capable of resuming such duties upon examination by the medical board. A period of absence may exceed four years at the request and for the convenience of the federal government.

Sec. 30. NEW SECTION. 411.30 TRANSFER OF MEMBERSHIP.

Upon the written approval of the applicable county board of supervisors and city council, to the Iowa public employees' retirement system, a vested member of the Iowa public employees' retirement system on June 30, 1986 who meets all of the following requirements shall become a member of a retirement system under this chapter on the effective date of this Act:

1. Was a vested member of the retirement system established in this chapter on June 30, 1973.

2. Was an elected bailiff of a municipal court on June 30, 1973.

3. Became a deputy sheriff on July 1, 1973 and pursuant to 1972 Iowa Acts, chapter 1124, section 43, continued coverage under a retirement system under this chapter.

4. Upon election as a county sheriff, was transferred from membership under this chapter to membership in a retirement system established in chapter 97B.

The Iowa public employees' retirement system shall transfer to the board of trustees of the applicable retirement system under this chapter an amount equal to the total of the accumulated contributions of the member as defined in section 97B.41, subsection 12, together with the employer contribution for that period of service plus the interest that accrued on the contributions for that period equal to two percent plus the interest dividend rate applicable for each year. The board of trustees of the applicable retirement system under this chapter shall credit the member whose contributions are transferred under this section with membership service under this chapter for the period for which the member was covered under the Iowa public employees' retirement system. If the amount of the accumulated contributions as defined in section 97B.41, subsection 12, transferred is less than the amount that would have been contributed under section 411.8, subsection 1, paragraph "f", at the rates in effect for the period for which contributions were made plus the interest that would have accrued on the amount, the member shall pay the difference together with interest that would have accrued on the amount.

If the amount of the employer contributions transferred is less than the amount that would have been contributed by the employer under section 411.5, subsection 12, paragraph "b", plus the interest that would have accrued on the contributions, the board of trustees of the applicable retirement system under this chapter shall determine the remaining contribution amount due. The board of trustees shall notify the county board of supervisors of the county in which the sheriff was elected of the remaining amount to be paid to the retirement system under this chapter.

The county board of supervisors shall forthwith pay to the board of trustees of the applicable retirement system the remaining amount to be paid from moneys in the county general fund.

From the effective date of this Act, the county board of supervisors of the county in which the sheriff was elected shall deduct the contribution required of the member under section 411.8, subsection 1, paragraph "f", from the member's earnable compensation and the county shall pay from the county general fund an amount equal to the normal rate of contribution multiplied by the member's earnable compensation to the applicable retirement system for the period in which the member remains sheriff or deputy sheriff of that county.

Sec. 31. Section 453.4, Code 1985, is amended to read as follows:

453.4 LOCATION OF DEPOSITORIES.

Deposits by the treasurer of state shall be in depositories located in this state; by a county officer or county public hospital officer or merged area hospital officer, in depositories located in the county or in an adjoining county within this state; by a memorial hospital treasurer, in a depository located within this state which shall be selected by the memorial hospital treasurer and approved by the memorial hospital commission; by a city treasurer or other city financial officer, in depositories located in the county in which the city is located or in an adjoining county, but if there is no depository in the county in which the city is located or in an adjoining county then in any other depository located in this state which shall be selected as a depository by the city council; by a school treasurer or by a school secretary in a depository within this state which shall be selected by the board of directors or the trustees of the school district; by a township clerk in a depository located within this state which shall be selected by the township clerk and approved by the trustees of the township. However, deposits may be made in depositories outside of Iowa for the purpose of paying principal and interest on bonded indebtedness of any municipality when the deposit is made not more than ten days before the date the principal or interest becomes due. Further, the treasurer of state may maintain an account or accounts outside the state of Iowa for the purpose of providing custodial services for the state and state retirement fund accounts.

Sec. 32. Section 509A.13, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This section applies to employees who retired on or after January 1, 1981.

Sec. 33. Section 422.7, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 21. Add the four percent of the basic salary of a judge, who is a member of the judicial retirement system established in chapter 602, article 9, which is exempt from federal income tax under the Internal Revenue Code of 1954.

Sec. 34. Section 602.1611, subsections 1 and 2, Code 1985, are amended to read as follows:

1. ~~Justices Judges of the supreme court, judges of the and court of appeals, and district judges, and district associate judges are members of the judicial retirement system as determined under established in article 9, part 1, and are not members of the public employees' retirement system established in chapter 97B, except as provided in paragraphs "a" and "b".~~

a. District associate judges who exercised the election under section 602.1115, subsection 1, are members of the public employees' retirement system and are not members of the judicial retirement system. District associate judges who exercised the election under section 602.1115, subsection 2, are members of the judicial retirement system and are inactive members of the public employees' retirement system.

b. District associate judges appointed after June 30, 1984, judges of the supreme court and court of appeals, and district judges, who were vested members of the public employees' retirement system at the time they became members of the judicial retirement system, and whose contributions in the public employees' retirement system were not refunded to them prior to the repeal of section 97B.69, are members of the judicial retirement system and are inactive vested members of the public employees' retirement system until they become qualified to receive retirement benefits from the judicial retirement system and become retired members of the public employees' retirement system or voluntarily withdraw their contributions from the public employees' retirement system.

2. ~~District associate judges are members of the judicial retirement system under article 9, part 1, or the Iowa public employees' retirement system. Alternate district associate judges whose appointment is authorized under section 602.6303 are not members of either the judicial retirement system or the Iowa public employees' retirement system.~~

Sec. 35. Section 602.9104, Code 1985, is amended to read as follows:

602.9104 DEPOSIT BY JUDGE — DEDUCTIONS FROM JUDGES' SALARIES — CONTRIBUTIONS BY GOVERNING BODY STATE.

1. Each judge coming within the purview of this article shall, on or before retirement, pay to the court administrator for deposit with the treasurer of state to the credit of a fund to be known as the "judicial retirement fund", hereinafter called the "fund", a sum equal to four percent of the judge's basic salary for services as such judge for the total period of service as a judge of a municipal, superior, district or supreme court, or the court of appeals, including district associate judges, before the date of said notice, and after the date of the notice there shall be deducted and withheld from the basic salary of each judge coming within the purview of this article a sum equal to four percent of such basic salary. Provided that the maximum amount which any judge shall be required to contribute for past service shall not exceed for municipal or superior or district associate judges thirty-five hundred dollars, for district judges four thousand dollars, for court of appeals judges four thousand five hundred dollars, and for supreme court judges five thousand dollars. A judge to whom this article applies, shall be paid an amount equal to ninety-six percent of the basic salary of the judge as set by the general assembly. An amount equal to four percent of the basic salary of the judge as set by the general assembly is designated as the judge's contribution to the judicial retirement fund, and shall be paid by the state in the manner provided in subsection 2.

2. The amounts so deducted and withheld from the basic salary of each said judge The amount designated in subsection 1 as the judge's contribution to the judicial retirement fund shall be paid by the state comptroller from the general fund of the state to the court administrator for deposit with the treasurer of state to the credit of the judicial retirement fund, and said. Moneys in the fund is hereby are appropriated for the payment of annuities, refunds, and allowances herein provided by this article, except that the amount of such the appropriations affecting payment of annuities, refunds, and allowances to judges of the municipal and superior court shall be is limited to that part of said the fund accumulated for their benefit as hereinafter provided in this article. The corpus and income of the fund shall be used only for the exclusive benefit of the judges covered under this article or their survivors.

3. The judges of the municipal, superior, district and supreme court, and the court of appeals, including district associate judges, coming within the provisions of A judge covered under this article shall be is deemed to consent and agree to the deductions from reduction in basic salary as provided herein and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such judges during the period covered by such payment, except the right to the benefits to which they shall be entitled under the provisions of this article in subsection 1.

4. The state shall contribute a sum not exceeding an amount equal to three percent of the basic salary of all judges of the district and supreme court for the years 1949 and 1950 and thereafter covered under this article, or such sums as may be necessary over the amount contributed by the district and supreme court judges to finance the system, but only to the extent that the system applies to them. After June 30, 1973, the state shall contribute such sums as may be necessary over the amount contributed by district associate judges to finance the system as to them for the portion of their tenure after July 1, 1973, and thereafter such sums as may be necessary over the amount contributed by the district associate judges to finance the system, but only to the extent the system applies to them. After July 1, 1976, the state shall contribute such sums as may be necessary over the amount contributed by judges of the court of appeals to finance the system, but only to the extent the system applies to them.

Sec. 36. Section 602.9107, Code 1985, is amended to read as follows:

602.9107 AMOUNT OF ANNUITY.

1. The annual annuity of a judge under this system shall be is an amount equal to three percent of the judge's average annual basic salary for the judge's last three years as a judge of one or more of the courts included in this article, multiplied by the judge's years of service as a judge of one or more of such the courts, but no such for which contributions were made to the system. However, an annual annuity shall not exceed an amount equal to fifty percent of the basic annual salary that which the judge is receiving at the time the judge becomes separated from such service. Forfeitures shall not be used to increase the annuities a judge or survivor would otherwise receive under the system.

2. A judge shall not receive under this article in any calendar year an annuity benefit which, if received in the form of a straight life annuity with no ancillary benefits, exceeds the lesser of the following:

a. A dollar limitation of ninety thousand dollars adjusted each January 1 to the dollar limitation determined by the federal commissioner of internal revenue pursuant to section 415(d) of the United States Internal Revenue Code of 1954, as amended.

b. A compensation limit of one hundred percent of the average compensation paid to the judge during those three consecutive calendar years as a judge of one or more of the courts included in this article which give the highest average.

The limitations of this subsection do not apply to an annuity benefit which is less than ten thousand dollars.

3. The limitations in subsection 2 shall be adjusted as follows:

a. If the annuity begins prior to the sixty-second birthday of the judge, the dollar limitation shall be equal to an annual annuity benefit which is equal to the actuarial equivalent of an annuity benefit commencing on the sixty-second birthday of the judge, but not below seventy-five thousand dollars.

b. If the annuity begins after the sixty-fifth birthday of the judge, the dollar limitation shall be equal to an annual annuity benefit which is the actuarial equivalent of an annuity benefit commencing on the sixty-fifth birthday of the judge.

c. If the annuity begins prior to the judge having ten years of creditable service, the dollar limitation, the one hundred percent of average compensation limitation, and the exception for an annuity benefit which is less than ten thousand dollars, shall be reduced by a fraction, the numerator of which is the total years and months of creditable service, and the denominator of which is ten.

For purposes of the limitations of this subsection, the actuarial equivalent shall be determined from actuarial tables using the 1983 group annuity table for males and five percent interest compounded annually. The value of the joint and survivorship feature of an annuity shall not be taken into account in applying the limitations of this section.

4. This section is intended to meet the requirements of section 415 of the United States Internal Revenue Code and shall be construed in accordance with that section, and shall, by this reference, incorporate any subsequent changes to that section which apply to the judicial retirement system.

Sec. 37. Section 602.9108, Code 1985, is amended to read as follows:

602.9108 INDIVIDUAL ACCOUNTS – REFUNDING.

The amounts deducted and withheld from the basic salary of each judge of the municipal, superior, district or supreme court, or court of appeals, including district associate judges, for the credit of amount designated as the judge's contribution to the judicial retirement fund in section 602.9104, subsection 1, and all amounts paid into such the fund by each a judge shall be credited to the individual account of such the judge. In the event If a judge of the municipal, superior, district or supreme court, or court of appeals, including district associate judges, covered under this article becomes separated from service as such a judge before the judge completes an aggregate of six years of service as a judge of one or more of such the courts, the total amount of the judge's contribution to the fund in the judge's individual account shall be returned to said the judge or the judge's legal representatives, and in the event within one year of the separation. If a judge, who is covered under this article and who has completed an aggregate of six years or more of service as a judge of one or more of such the courts, dies before retirement, without a survivor, the total amount of the judge's contribution to the fund in the judge's individual account shall be paid in one sum to the judge's legal representatives, and in the event within one year of the judge's death. If an annuitant under this section dies without a survivor, and without having received in annuities an amount equal to the total amount remaining to the annuitant's credit in the judge's individual account at the time of separation from service, the amount remaining to the annuitant's credit shall be paid in one sum to the annuitant's legal representatives within one year of the annuitant's death.

Sec. 38. Section 602.9114, Code 1985, is amended to read as follows:

602.9114 FORFEITURE OF BENEFITS – REFUND.

In the event If a judge of the supreme, district or municipal court including a district associate judge, or a judge of the court of appeals, covered under this part is removed for cause other than permanent disability the judge and the judge's survivor shall forfeit the right to any retirement benefits under the system but the total amount of the judge's contribution to the fund in the judge's individual account shall be returned to the judge or the judge's legal representative representatives within one year of the removal.

Sec. 39. Section 602.9115, Code 1985, is amended to read as follows:

602.9115 ANNUITY FOR SURVIVOR OF ANNUITANT.

The survivor of a judge who was qualified for retirement compensation under the system at the time of the judge's death, is entitled to receive an annuity of one-half of the amount of the annuity the judge was receiving or would have been entitled to receive at the time of the

judge's death, or if the judge died before age sixty-five, then one-half of the amount the judge would have been entitled to receive at age sixty-five based on the judge's years of service for which contributions were made to the system. The annuity shall begin on the judge's death or upon the survivor's reaching age sixty, whichever is later. However, a survivor less than sixty years old may elect to receive a decreased retirement annuity to begin on the judge's death by filing a written election with the state court administrator. The election is subject to the approval of the state court administrator. The amount of the decreased retirement annuity shall be the actuarial equivalent of the amount of the annuity otherwise payable to the survivor under this section.

For the purposes of this article "survivor" means the surviving spouse of a person who was a judge, if married to the judge for at least five years next one year preceding the judge's death, but does not include a surviving spouse who remarries.

~~In the event~~ If the judge dies leaving a survivor but without receiving in annuities an amount equal to the judge's credit, the balance shall be credited to the account of the judge's survivor, and if the survivor dies without remarrying and without receiving in annuities an amount equal to said the balance, the amount then remaining shall be paid to the survivor's legal representative representatives within one year of the survivor's death.

Sec. 40. NEW SECTION. 602.9115A OPTIONAL ANNUITY FOR JUDGE AND SURVIVOR.

In lieu of the annuities and refunds provided for judges and judges' survivors under sections 602.9107, 602.9108, 602.9115, 602.9204, 602.9208, and 602.9209, judges may elect to receive an optional retirement annuity during the judge's lifetime and have the optional retirement annuity, or a designated fraction of the optional retirement annuity, continued and paid to the judge's survivor after the judge's death and during the lifetime of the survivor.

The judge shall make the election request in writing to the state court administrator prior to retirement. The election is subject to the approval of the state court administrator. The judge may revoke the election prior to retirement by written request to the state court administrator, but cannot revoke the election after retirement.

The optional retirement annuity shall be the actuarial equivalent of the amounts of the annuities payable to judges and survivors under sections 602.9107, 602.9115, 602.9204, 602.9208, and 602.9209. The actuarial equivalent shall be based on the mortality and interest assumptions set out in section 602.9107, subsection 3.

If the judge dies without a survivor, prior to retirement or prior to receipt in annuities of an amount equal to the total amount remaining to the judge's credit at the time of separation from service, the election is null and void and the refunding provisions of section 602.9108 apply.

If the judge dies with a survivor prior to retirement, the election remains valid and the survivor is entitled to receive the annuity beginning at the death of the judge.

If the judge dies with a survivor and the survivor subsequently dies prior to receipt in annuities by both the judge and the survivor of an amount equal to the total amount remaining to the judge's credit at the time of separation from service, the election remains valid and the refunding provision of section 602.9115 applies.

Sec. 41. Section 602.9204, Code 1985, is amended to read as follows:

602.9204 ANNUITY OF SENIOR JUDGE AND RETIRED SENIOR JUDGE.

A senior judge or a retired senior judge shall not be paid a salary. A senior judge or retired senior judge shall be paid an annuity under the judicial retirement system in the manner provided in section 602.9109, but computed under this section in lieu of section 602.9107, as follows: The annuity paid to a senior judge or retired senior judge shall be an amount equal to three percent of the current base basic salary, as of the time each payment is made, of the office in which the senior judge last served as a judge before retirement as a judge or senior judge, multiplied by the judge's years of service prior to retirement as a judge of one or more

of the courts included under this ~~chapter~~ article, for which contributions were made to the system, except the annuity of the senior judge or retired senior judge shall not exceed fifty percent of such ~~the~~ current base basic salary.

Sec. 42. A member of the peace officers' retirement system employed by the department of public safety as an arson investigator on the effective date of this Act who became a member of the peace officers' retirement system on July 1, 1976 shall receive credit for membership service under the peace officers' retirement system for the member's period of employment as an arson investigator prior to July 1, 1976.

Sec. 43. Section 1 of this Act takes effect July 1, 1986 for members receiving an ordinary disability retirement allowance prior to the effective date of this Act.

Sec. 44. Section 602.9105, Code 1985, is repealed. Section 602.9103, Code Supplement 1985, is repealed.

Sec. 45. The Iowa public employees' retirement system division of the department of personnel is directed to conduct a study during the 1986 legislative interim to develop various alternatives for payment of death benefits to spouses of deceased active members and of deceased retired members, to determine the cost of vested buybacks, to determine the cost of providing earlier retirement benefits for motor vehicle enforcement officers employed by the department of transportation, and to make recommendations to the general assembly meeting in 1987.

Approved May 29, 1986

CHAPTER 1244

REORGANIZATION COORDINATING AMENDMENTS

S.F. 2303

AN ACT relating to restoring provisions of legislation relating to appropriations which had been removed from the comprehensive legislation on the subject of state government reorganization.

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

Section 1. Section 2.12, unnumbered paragraphs 1, 2, and 3, Code Supplement 1985, are amended to read as follows:

There is hereby appropriated out of any funds in the state treasury not otherwise appropriated a sum sufficient to pay for legislative printing and all current and miscellaneous expenses of the general assembly, authorized by either the senate or the house, and the ~~state comptroller is hereby authorized and directed to~~ director of revenue and finance shall issue warrants for such items of expense upon requisition of the ~~president~~ majority leader and secretary of the senate or the speaker and chief clerk of the house.

There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, such sums as ~~may be~~ are necessary, for each house of the general assembly for the payment of any unpaid expense of the general assembly incurred during or in the interim between sessions of the general assembly, including but not limited to salaries and necessary travel and actual expenses of members, ~~and expenses of standing and interim committees or subcommittees, and per diem or expenses for members of the general assembly who serve on statutory boards, commissions, or councils for which per diem or expenses are authorized by law.~~ The state ~~comptroller is hereby authorized and directed to~~ director of revenue and finance shall issue warrants for such items of expense upon requisition of the ~~president~~ majority leader and secretary of the senate for senate expense or the speaker and chief clerk of the house for house expense.

There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, such sums as may be ~~are~~ necessary for the renovation, remodeling, or ~~preparations~~ preparation of the legislative chambers, legislative offices, or other areas or facilities used or to be used by the legislative branch of government, and for the purchase of such legislative equipment and supplies deemed necessary to properly carry out the functions of the general assembly. ~~The state comptroller is hereby authorized and directed to~~ director of revenue and finance shall issue warrants for such items of expense, whether incurred during or between sessions of the general assembly, upon requisition of the ~~president~~ majority leader and secretary of the senate for senate expense or the speaker and chief clerk of the house for house expense.

Sec. 2. Section 2.13, Code 1985, is amended to read as follows:

2.13 ISSUANCE OF WARRANTS.

The ~~state comptroller~~ director of revenue and finance shall also issue to each officer and employee of the general assembly, during legislative sessions or interim periods, upon vouchers signed by the ~~president~~ majority leader and secretary of the senate or the speaker and chief clerk of the house, warrants for the amount due for services rendered. ~~Such~~ The warrants shall be paid out of any moneys in the treasury not otherwise appropriated.

Sec. 3. Section 8.6, Code Supplement 1985, is amended by striking subsections 1, 2, 3, 5, 6, 7, 8, 9, and 19.

Sec. 4. Section 8.32, unnumbered paragraph 6, Code 1985, is amended to read as follows:

The provisions of this chapter shall not be construed to prohibit the state fair board from creating an emergency or sinking fund out of the receipts of the state fair and state appropriation for the purpose of taking care of any emergency that might arise beyond the control of the board of not to exceed three hundred thousand dollars, ~~provided, however, that any expenditure from said fund shall be subject to the approval of the executive council.~~ Neither shall the provisions of this chapter be construed to prohibit the state fair board from retaining an additional sum of not to exceed three hundred fifty thousand dollars to be used in carrying out the provisions of chapter 173.

Sec. 5. **NEW SECTION. 15.241 IOWA "SELF-EMPLOYMENT LOAN PROGRAM".**

The department shall establish, contingent upon the availability of funds authorized for the program, a "self-employment loan program," to be conducted in coordination with the job training partnership program and other programs administered under section 15.108, subsection 6, paragraph "c". The department may contract with local community action agencies or other local entities in administering the program, and shall work with the department of employment services and the department of human services in developing the program.

The self-employment loan program shall administer a low-interest loan program to provide loans to low-income persons for the purpose of establishing or expanding small business ventures. The terms of the loans shall be determined by the department, but shall not be in excess of five thousand dollars to any single applicant or at a rate to exceed five percent simple interest per annum. A self-employment loan program revolving loan fund shall be established within the department. The department shall maintain records of all loans approved and the effectiveness of those loans in establishing or expanding small business ventures.

Sec. 6. Section 15.255, 1986 Iowa Acts, Senate File 2175, is amended by adding the following new subsections:

NEW SUBSECTION. 3. If a cooperative agreement is not reached between the department of education and the department or between the department of education and the local educational agencies in compliance with this part, the funds allotted to the state under section 123 of the Job Training Partnership Act of 1982 shall revert to section 121 of the Job Training Partnership Act of 1982. Funds reverted to section 121 shall be used by the department to further the purposes of this part. To the extent feasible, the department will work with local educational agencies to implement the use of the reverted funds.

NEW SUBSECTION. 4. The department of education shall to the extent possible make available for the financing of this network funds appropriated through the Carl D. Perkins Vocational Education Act, Pub. L. No. 98-524.

NEW SUBSECTION. 5. The department of employment services shall cooperate with the department in the development of this network. To the extent possible, the department of employment services shall use funds available to it through section 7(b) of the Wagner-Peyser Act as amended by section 501 of the Job Training Partnership Act of 1982, to assist in the financing of either direct or indirect services to the network.

NEW SUBSECTION. 6. In order to assist with the development of this network and to help conduct the management and planning responsibilities associated with chapter 280B, the department may charge, within thirty days following the sale of certificates under chapter 280B, the board of directors of the merged area a fee of up to one percent of the gross sale amount of the certificates issued. The amount of this fee shall be deposited into the jobs now account within the Iowa plan fund for economic development created in section 99E.10 and may be used by the department to cover the costs of providing support services for this network and for the management of chapter 280B. Funds deposited under this subsection into the jobs now account during a fiscal year which are not expended by the department in that fiscal year are available for use by the department under this subsection for subsequent fiscal years.

NEW SUBSECTION. 7. In order to finance the equipment purchases needed by the merged area schools to support the activities of the network, the merged area schools shall use a portion of their share of the equipment funds appropriated to them under 1985 Iowa Acts, chapter 33, section 301, subsection 5, paragraph "d" or section 302, subsection 5, paragraph "b".

Sec. 7. 1986 Iowa Acts, Senate File 2175, is amended by adding after new section 15.256 the following new section:

NEW SECTION. 15.257 EFFECTIVE DATE.

All Job Training Partnership Act of 1982, section 123 funds authorized for the fiscal year beginning July 1, 1985 which have not been spent by the end of the fiscal year shall be available for funding this part for the fiscal year beginning July 1, 1986. The provisions for funding this part in section 15.255, except subsection 1, shall be implemented by July 1, 1987.

Sec. 8. Section 18A.5, Code 1985, is amended to read as follows:

18A.5 COMPENSATION AND EXPENSES.

The members of the commission shall be reimbursed for their actual and necessary expenses and shall be paid a forty-dollar per diem while in attendance at any meeting of the commission held at the seat of government and shall be reimbursed for their expenses for going to and from the seat of government to attend a meeting. Members may also be eligible for compensation as provided in section 7E.3. All per diem and expense moneys paid to the nonlegislative commissioners shall be paid from funds appropriated to the commission. Service of the director of the department of general services upon this commission shall be is an additional duty conferred by statute. Legislative members of the commission shall receive payment pursuant to section 2.10 and section 2.12.

Sec. 9. Section 19A.8, unnumbered paragraph 4, Code 1985, is amended to read as follows:

The director shall quarterly render a statement to ~~those covered departments~~ each department or agency which operate in whole or in part from other than general fund appropriations for a pro rata share of the cost of administration of the ~~merit employment department of personnel.~~ The expense shall be paid by the state departments or agencies department or agency in the same manner as other expenses of ~~such that department or agency~~ are paid and the all moneys received shall be deposited in the general fund of the state.

Sec. 10. NEW SECTION. 19A.32 WORKERS' COMPENSATION CLAIMS.

The director of the department of personnel shall employ appropriate staff to handle and adjust claims of state employees for workers' compensation benefits pursuant to chapters 85, 85A, 85B, and 86, or with the approval of the executive council contract for the services or purchase workers' compensation insurance coverage for state employees or selected groups of state employees. The director shall quarterly determine an appropriate amount, based upon the cost of workers' compensation insurance, that shall be collected from the agencies, departments, or divisions which have not received an appropriation for the payment of workers' compensation insurance and which operate from moneys other than from the general fund, and the amounts collected shall be deposited in the general fund.

Sec. 11. Section 28.89, Code Supplement 1985, is amended to read as follows:
28.89 IOWA PRODUCT DEVELOPMENT CORPORATION FUND.

There is created an "Iowa product development corporation fund". All funds of the corporation including the proceeds from the issuance of notes or sale of bonds under this division, any funds appropriated ~~from the general fund~~ to the corporation, and ~~other~~ income derived ~~from other sources~~ from the exercise of powers granted to the corporation under this division shall be paid into the Iowa product development corporation fund notwithstanding section 12.10. The money in the Iowa product development corporation fund, except moneys held by a trustee or a depository pursuant to a bond resolution or indenture relating to the issuance of bonds or notes pursuant to sections 28.90 or 28.91, shall be paid out on the order of the person authorized by the corporation. The money in the Iowa product development corporation fund shall be used for repayment of notes and bonds issued under this division and the extension of financial aid granted by the corporation under this division, and the amount remaining may be used for the payment of the administrative and overhead costs of the corporation to the extent required. Notwithstanding section 8.33, no part of this fund shall revert at or after the close of a fiscal year unless otherwise provided by the general assembly, but shall remain in the fund and appropriated for the purposes of this division. The board shall seek to repay the state for ~~general fund~~ appropriations by recommending to the general assembly reversions from income received from successful ventures. The board shall recommend such action at any time when the revenue available to the board is deemed sufficient to continue existing operations.

Sec. 12. Section 29A.14, subsection 1, Code 1985, is amended to read as follows:

1. The adjutant general ~~with the approval of the executive council~~ may operate or lease any of the national guard facilities at Camp Dodge. Any income or revenue derived from the operation or leasing shall be deposited with the treasurer of state and credited to the national guard facilities improvement fund. The balance in the national guard facilities improvement fund is limited to a maximum of two million dollars. Any amount exceeding the limit shall be credited to the general fund of the state.

Sec. 13. Section 79.1, unnumbered paragraph 4, Code Supplement 1985, is amended to read as follows:

Payments authorized by this section shall be approved by the department subject to rules of the department of personnel and paid from the appropriation or fund of original certification of the claim.

Sec. 14. Section 88.2, subsection 5, Code 1985, is amended to read as follows:

5. The commissioner, the governor, and the state comptroller ~~are hereby authorized to may~~ obtain and accept federal grants to the state to be used in connection with the funds appropriated for the administration of this chapter and federal funds ~~in addition thereto~~ available to the division.

Sec. 15. Section 91.4, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The ~~bureau of labor~~ division of labor services may sell documents printed by the ~~bureau of~~

labor division at cost according to rules established by the bureau, which rules shall be subject labor commissioner pursuant to chapter 17A. Receipts from such the sale shall be deposited to the credit of the bureau of labor division and may be used by the bureau division for administrative expenses.

Sec. 16. Section 93.14, Code 1985, is amended to read as follows:

93.14 ENERGY RESEARCH AND DEVELOPMENT FUND.

There is created within the council an An energy research and development fund is created in the state treasury. Moneys deposited in the fund shall be used for the research and development of selected projects designated to improve Iowa's energy situation by developing improved methods of energy conservation, by enabling Iowans to better manage available energy resources, or through the increased development and use of Iowa's renewable or nonrenewable energy resources. The moneys credited to the fund under section 556.18 shall be used only for the weatherization or energy assistance program administered by the council for energy conservation or alternative energy resource projects or for both purposes. The projects will be selected by the council with the advice of knowledgeable persons appointed by the council to provide assistance. The projects shall be selected by the director. Selection criteria for funded projects shall include consideration of indirect restitution to those persons in this state in the utility customer classes and the utility service territories affected by unclaimed utility refunds or deposits. The projects funded from the energy research and development fund shall be administered by the department.

Sec. 17. Section 93.15, Code 1985, is amended to read as follows:

93.15 PETROLEUM OVERCHARGE FUND.

There is created as a separate account in the state treasury a petroleum overcharge fund. Notwithstanding section 453.7, interest and earnings on investments from the funds in the petroleum overcharge fund shall be credited to the petroleum overcharge fund. The state of Iowa acting on behalf of itself, its citizens and its political subdivisions accepts any funds awarded or allocated to it, its citizens and political subdivisions as a result of petroleum overcharge cases. The funds shall be deposited in the petroleum overcharge fund and shall be expended only upon appropriation of the general assembly for programs which will benefit citizens who may have suffered economic penalties resulting from the alleged petroleum overcharges. However, petroleum overcharge case funds received pursuant to claims filed on behalf of the state, its institutions, departments, agencies, or any political subdivision shall be deposited in the general fund of the state to be disbursed directly to the appropriate claimants in accordance with federal guidelines and subject to the approval of the attorney general and the executive council. Attorneys' fees and expenses incurred by the state to obtain these funds to be deposited in the petroleum overcharge fund shall be paid by the state comptroller from the petroleum overcharge fund subject to the approval of the attorney general and the executive council.

Sec. 18. Section 93.23, Code 1985, is amended to read as follows:

93.23 PROGRAM CREATED.

There is created the Iowa comprehensive solar energy program under the direction of the council. The director of energy policy shall administer the program and may accept, receive and administer and may expend with the approval of the council, any gifts, grants or other public or private funds for the program. The director shall co-operate with and use the facilities and resources of existing state agencies, public and private educational institutions, business, civic associations, industrial and professional representatives and local governments in carrying out the provisions of this division.

Sec. 19. Section 97.52, Code 1985, is amended to read as follows:

97.52 ADMINISTRATION AGREEMENTS.

The Iowa department of job service is authorized to personnel may enter into arrangements with the appropriate federal agency agreements whereby services performed by the department and its employees both under sections 97.50 to 97.53 and under the Iowa employment security chapter chapters 97, 97B, and 97C shall be equitably apportioned between among the funds provided for the administration of said those chapters. The money spent for personnel, rentals, supplies, and equipment used by the department in administering both the chapters shall be equitably apportioned and charged against said the funds.

Sec. 20. Section 97B.8, unnumbered paragraph 3, Code Supplement 1985, 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 shall be paid their actual expenses incurred in performance of their duties and shall receive in addition the sum of forty dollars for each day of service not exceeding forty days per year. Legislative members shall receive the sum of forty dollars 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, vacation, 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. 21. Section 99E.10, subsection 1, Code Supplement 1985, is amended to read as follows:

1. Upon receipt of any revenue, the commissioner shall deposit the moneys in the lottery fund created pursuant to section 99E.20. As nearly as is practicable, fifty percent of the projected annual revenue, after deduction of the amount of the sales tax and repayment to the general fund of the loan for start-up purposes of the Iowa lottery, computed on a year-round average basis for each type of lottery game accruing from the sale of tickets or shares is appropriated for payment of prizes to the holders of winning tickets. After the payment of prizes, all of the following shall be deducted from lottery revenue prior to disbursement:

a. An amount equal to one half of one percent of the gross lottery revenue shall be deposited in a gamblers assistance fund in the office of the treasurer of state. Moneys in the fund shall be administered by the commissioner of human services and used to provide assistance and counseling to individuals and families experiencing difficulty as a result of gambling losses and to promote awareness of gamblers anonymous and similar assistance programs.

b. An amount equal to four percent of the gross sales price of each ticket or share sold shall be deducted as the sales tax on the sale of that ticket or share, remitted to the treasurer of state and deposited into the state general fund.

c. The expenses of conducting the lottery including the reasonable expenses incurred by the attorney general's office in enforcing this chapter.

d. The contractual expenses required in this paragraph. The division of criminal investigation shall be the primary state agency responsible for investigating criminal violations of the law under this chapter. The commissioner shall contract with the department of public safety for investigative services, including the employment of special agents and support personnel, and procurement of necessary equipment to carry out the responsibilities of the division of criminal investigation under the terms of the agreement and this chapter.

Lottery agency expenses for marketing, educational, and informational material shall not exceed four percent of the lottery revenue.

The Iowa plan fund for economic development, also to be known as the Iowa plan fund, is created in the office of the treasurer of state. Lottery revenue remaining after expenses are determined shall be transferred to the Iowa plan fund on a quarterly basis. However, upon the request of the ~~commissioner~~ director and subject to approval by the treasurer of state, an amount sufficient to cover the foreseeable administrative expenses of the lottery for a period of twenty-one days may be retained from the lottery revenue. Prior to the quarterly transfer to the Iowa plan fund, the ~~commissioner~~ director may direct that lottery revenue shall be deposited in the lottery fund and in interest bearing accounts designated by the treasurer of state in the financial institutions of this state or invested in the manner provided in section 452.10. Interest or earnings paid on the deposits or investments is considered lottery revenue and shall be transferred to the Iowa plan fund in the same manner as other lottery revenue. Money in the Iowa plan fund shall be deposited in interest bearing accounts in financial institutions in this state or invested in the manner provided in section 452.10. The interest or earnings on the deposits or investments shall be considered part of the Iowa plan fund and shall be retained in the fund unless appropriated by the general assembly.

Sec. 22. Section 107.16, unnumbered paragraph 5, Code Supplement 1985, is amended to read as follows:

The general assembly shall appropriate annually from the state fish and game protection fund the amount credited to the fund from the checkoff to the fish and wildlife division of fish and game of the commission department for the purposes pursuant to specified in this section.

Sec. 23. Section 107.17, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The state fish and game protection fund, except as otherwise provided, consists of all moneys accruing from license fees and all other sources of revenue arising under the fish and wildlife division of fish and game. Notwithstanding section 453.7, subsection 2, interest or earnings on investments or time deposits of the funds in the state fish and game protection fund and the public outdoor recreation and resources fund shall be credited to those funds respectively.

Sec. 24. Section 109.22, unnumbered paragraphs 3 and 5, Code 1985, are amended to read as follows:

Such permits may be issued by the director of the state conservation commission department upon proper application and the payment of a fee of two dollars for each trial held. A representative of the commission department shall attend all such trials and enforce the laws and regulations governing same.

Before any birds are released under this section, they must each have attached a tag provided by the conservation commission department and attached by a representative of the conservation commission department at a cost of not more than ten cents for each tag. All tags are to remain attached to birds until prepared for consumption.

Sec. 25. Section 111.32, Code 1985, is amended to read as follows:

111.32 SALE OF PARK LANDS — CONVEYANCES TO CITIES OR COUNTIES.

The executive council may, upon a majority recommendation of the commission, may sell or exchange such parts of public lands under the jurisdiction of the commission as in its judgment may be undesirable for conservation purposes, excepting state-owned meandered lands already surveyed and platted at state expense as a conservation plan and project tentatively adopted and now in the process of rehabilitation and development authorized by a special legislative Act. ~~Such~~ The sale or exchange shall be made upon ~~such~~ the terms, conditions or considerations as the commission may recommend and that may be approved by the executive council approve, whereupon the secretary of state shall issue a patent therefor in the manner provided by law in other cases. The proceeds of any such sale or exchange shall become a part of the funds to be expended under the provisions of this chapter.

Upon request by resolution of any city or county or any legal agency thereof, the executive council may, upon majority recommendation of the state conservation commission, convey without consideration to such city or county or legal agency thereof, such public lands under the jurisdiction of the commission as in its judgment may be desirable for city or county parks. Conveyance shall be in the name of the state, with the great seal of the state attached and shall contain a provision that when such lands cease to be used as public park by said city or county such lands revert to the state, and such park shall, within one year after such land has reverted to the state, be restored, as nearly as possible, to the condition it was in when acquired by such city, county or legal agency thereof at the expense of such city, county or legal agency.

The state may require that the city, county or legal agency thereof file a notice of intention every three years.

Sec. 26. Section 135D.22, unnumbered paragraph 5, Code 1985, is amended to read as follows:

The amounts due each county shall be paid by the ~~state comptroller~~ department of revenue and finance on December 15 of each year, drawn upon warrants payable to the respective county treasurers. The county treasurer in each county shall apportion the payment in accordance with section 135D.25.

Sec. 27. Section 170A.5, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The license fees paid by a food service establishment to the department shall be reduced by fifty percent of the amount of any license fees paid to the department by the food service establishment for a food establishment license for the same premises.

Sec. 28. Section 173.14, subsection 9, Code 1985, is amended to read as follows:

9. ~~With the approval of the executive council, purchase~~ Purchase real estate adjacent to the state fairgrounds for use in conjunction with the state fairgrounds. A purchase of real estate may be made by written contract providing for payment over a period of years. The obligations of the contract shall constitute a debt or charge against the state fair board but not against the general fund of the state. The title to real estate acquired under this subsection and any improvements erected on the real estate shall be taken and held in the name of the state of Iowa and shall be under the custody and control of the state fair board. The state comptroller shall transfer moneys to the appropriate agencies in order to carry out the intent of this section.

Sec. 29. Section 218.94, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The commissioner of the department of human services shall have full power, ~~subject to the approval of the executive council~~ to secure options to purchase real estate, to acquire and sell real estate, and to grant utility easements, for the proper uses of said institutions. Real estate shall be acquired and sold and utility easements granted, upon such terms and conditions as the commissioner may recommend ~~subject to the approval of the executive council~~ determine. Upon sale of ~~such the~~ real estate, the proceeds thereof shall be deposited with the treasurer of state and credited to the general fund of the state. There is hereby appropriated from the general fund of the state a sum equal to the proceeds so deposited and credited to the general fund of the state to the department of human services, which ~~with the prior approval of the executive council~~ may be used to purchase other real estate or for capital improvements upon property under ~~such the~~ commissioner's control.

Sec. 30. Section 220.95, 1986 Iowa Acts, Senate File 2175, is amended by adding the following new subsections:

NEW SUBSECTION. 2. The authority, in consultation with the director of the department of economic development, shall establish, contingent upon the availability of funds authorized for the program, a targeted small business loan guarantee program, to provide for guarantees with respect to loans made to beginning and existing targeted small businesses. The program shall provide guarantees not to exceed seventy-five percent for loans made by qualified lenders. The authority shall establish a loan reserve account from funds provided for this program, from which any default on a guaranteed loan under this section shall be paid. In administering the program the authority shall not guarantee loan values in excess of the amount credited to the reserve account and only moneys set aside in the loan reserve account may be used for the payment of a default.

NEW SUBSECTION. 3. All moneys designated for the targeted small business loan guarantee program shall be credited to the loan reserve account. The authority shall also establish an administrative account from which the operating costs of the program shall be paid. The authority may transfer moneys between the reserve and the administrative accounts. The authority shall determine what is the actuarially sound reserve requirement for the amount of guaranteed loans outstanding.

NEW SUBSECTION. 4. A default is not eligible for payment until the lender has satisfied all administrative and legal remedies for settlement of the loan and the loan has been reduced to judgment by the lender. After the default has been reduced to judgment and the guarantee paid from the loan reserve account, the authority, on behalf of the state, is entitled to an assignment of the judgment. The attorney general shall take all appropriate action to enforce the judgment or may enter into an agreement with the lender to provide for enforcement. Upon collection of the amount guaranteed, any excess collected shall be paid to the lender.

Sec. 31. Section 246.317, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The director, subject to the approval of the board and executive council, may secure options to purchase real estate and acquire and sell real estate for the proper uses of the institutions. Real estate shall be acquired and sold upon terms and conditions the director recommends subject to the approval of the board and the executive council. Upon sale of the real estate, the proceeds shall be deposited with the treasurer of state and credited to the general fund of the state. There is appropriated from the general fund of the state to the department a sum equal to the proceeds so deposited and credited to the general fund of the state which, with the prior approval of the executive council, may be used to purchase other real estate or for capital improvements upon property under the director's supervision.

Sec. 32. **NEW SECTION. 256.14 PERMANENT REVOLVING FUND.**

1. A permanent revolving fund is established for the department. Expenses incurred by the department from this fund shall be paid subject to reimbursement by the federal government.

2. There is appropriated from the general fund of the state to the department of education the sum of one hundred twenty-five thousand dollars for the purpose of establishing the fund created by subsection 1. If any surplus accrues to the revolving fund in excess of the original appropriation for which there is no anticipated need or use, the governor shall order the surplus to be transferred to the general fund.

Sec. 33. Section 281.12, Code Supplement 1985, is amended to read as follows:

281.12 CHILDREN PLACED BY DISTRICT COURT.

Notwithstanding the provisions of section 282.27, a child who has been identified as requiring special education, who has been placed in a facility or home by the district court, and for whom parental rights have been terminated by the district court, shall receive be provided special education programs and services on the same basis as the programs and services are

provided for children requiring special education who are residents of the school district in which the child has been placed. The special education instructional costs shall be certified to the commissioner of ~~public instruction~~ education not later than September 1 of each year for the preceding fiscal year by the area education agency director of special education of the district in which the child has been placed. The ~~state board of public instruction~~ commissioner of education shall review the costs and submit a requisition to the state comptroller. The amount due shall be paid by the treasurer of state to the school district or agency providing the program from any funds in the general fund of the state not otherwise appropriated upon warrants drawn and signed by the state comptroller.

Sec. 34. Section 282.19, Code Supplement 1985, is amended to read as follows:

282.19 CHILD LIVING IN FOSTER CARE FACILITY.

A child who is living in a licensed child foster care facility as defined in section 237.1 in this state which is located in a school district other than the school district in which the child resided before receiving foster care may enroll in and attend an ~~approved~~ accredited school in the school district in which the child is living. If a child does not require special education and was not counted in the basic enrollment of a school district for a budget year under section 442.4, the tuition and transportation, when required by law, shall be paid by the treasurer of state from funds in the state treasury not otherwise appropriated, and upon warrants drawn by the state comptroller upon requisition of the commissioner of public instruction.

Sec. 35. Section 282.27, Code Supplement 1985, is amended to read as follows:

282.27 PAYMENT FOR CERTAIN CHILDREN.

When a child requiring special education is living in a state-supported institution, charitable institution, or licensed boarding home as defined in this chapter which does not maintain a school, and the residence of the child requiring special education is in a school district other than the school district in which the state-supported institution, charitable institution, or licensed boarding home is located, the child is eligible for special education programs and services provided for children requiring special education who are residents of the school district in which the institution or boarding home is located. The special education instructional costs shall be computed by means of weighted enrollment for that child under the provisions of chapters 273, 281, and 442 as if that child were a resident of the school district in which the institution or boarding home is located, but the child shall be included in the enrollment count in the district of residence in the manner provided in sections 281.9 and 442.4. The costs as computed shall be paid by the district of residence. ~~No~~ A child requiring special education shall not be denied special education programs and services because of a dispute over determination of residence of that child. If there is a dispute over the residence of the child, the ~~state board of public instruction~~ commissioner of education shall determine the residence of the child. However, if the special education instructional costs incurred on behalf of the child exceed the amount which would be allowed if the child were provided the programs and services in the district of residence, the treasurer of the school district of residence shall make payment at the maximum amount allowed in that district for a child requiring special education who is similarly handicapped. If the child requiring special education is not counted in the weighted enrollment of any district under section 281.9, and payment is not made by any district, the district in which the institution or boarding home is located may certify the special education instructional costs to the commissioner of ~~public instruction~~ education not later than September 1 of each year for the preceding fiscal year. The ~~state board of public instruction~~ commissioner of education shall review the costs and submit a requisition to the state comptroller. The amount due shall be paid by the treasurer of state to the district in which the institution or licensed boarding home is located from any funds in the general fund of the state not otherwise appropriated upon warrants drawn and signed by the state comptroller. For the purposes of this section, the term "district of residence of the child" means the residence of the parent or legal guardian, or the location of the district court if the district court is the legal guardian, of the child.

Sec. 36. Section 303.9, Code 1985, is amended to read as follows:

303.9 FUNDS RECEIVED BY STATE HISTORICAL DEPARTMENT.

1. All funds received by the state historical department, including but not limited to gifts, endowments, funds from the sale of memberships in the state historical society, funds from the sale of mementos and other items relating to Iowa history as authorized under subsection 2, interest generated by the life membership trust fund, and fees, except entrance fees for the Montauk governor's mansion, shall be credited to the account of the state historical department and are appropriated to the state historical department to be invested or used for programs and purposes under the authority of the state historical board department. Interest earned on funds credited to the department, except funds appropriated to the department from the general fund of the state, shall be credited to the department. Section 8.33 does not apply to funds credited to the state historical department under this section.

2. The department may sell mementos and other items relating to Iowa history and historic sites on the premises of property under control of the department and at the state capitol. Notwithstanding sections 18.12 and 18.16, the department may directly and independently enter into rental and lease agreements with private vendors for the purpose of selling mementos. All fees and income produced by the sales and rental or lease agreements shall be credited to the account of the department. The mementos and other items sold by the department or vendors under this subsection are exempt from section 18.6. The department is not a retailer under chapter 422 and the sale of such mementos and other items by the department is not a retail sale under chapter 422 and is exempt from the sales tax.

Sec. 37. Section 303.11, Code 1985, is amended to read as follows:

303.11 GIFTS.

The state historical board department may accept gifts and bequests which shall be used in accordance with the desires of the donor if expressed. Funds contained in an endowment fund for either the department of history and archives or the state historical society existing on July 1, 1974 shall remain an endowment of the department. Gifts shall be accepted only on behalf of the state historical department, and gifts to a division part, branch, or section of the department are presumed to be gifts to the department.

~~In instances where~~ If publication of a book is financed by the endowment fund, ~~nothing in this chapter shall~~ does not prevent the return of moneys from sales of the book to the endowment fund.

Sec. 38. NEW SECTION. 303.81 CAPITAL EQUIPMENT REPLACEMENT REVOLVING FUND.

1. The board may provide noncommercial production or reproduction services for other public agencies, nonprofit corporations or associations organized under state law, or other nonprofit organizations, and may collect the costs of providing the services from the public agency, corporation, association, or organization, plus a separate equipment usage fee in an amount determined by the board and based upon the equipment used. The costs shall be deposited to the credit of the board. The separate equipment usage fee shall be deposited in the capital equipment replacement revolving fund.

2. The board may establish a capital equipment replacement revolving fund into which shall be deposited equipment usage fees collected under subsection 1 and funds from other sources designated for deposit in the capital equipment replacement revolving fund. The board may expend moneys from the capital equipment replacement revolving fund to purchase technical equipment for operating the educational radio and television facility.

Sec. 39. NEW SECTION. 307.44 USE OF FEDERAL MONEYS.

If funds are allotted or appropriated by the government of the United States for the improvement of streets and highways in this state, and the federal statutes or the rules and regulations of the federal government provide or contemplate that the work shall be under the

supervision of the director, the director may let the necessary contracts for the construction work, supervise and direct the construction work, comply with the federal statutes and rules, and cooperate with the federal government in the expenditure of the federal funds.

In order to avoid delays, payment for the street and highway projects or improvements constructed in cooperation with the federal government may be advanced from the primary road fund.

Sec. 40. NEW SECTION. 307.45 STATE-OWNED LANDS – ASSESSMENT.

Cities and counties may assess the cost of a public improvement against the state when the improvement benefits property owned by the state and under the jurisdiction and control of the department's administrator of highways. The director shall pay from the primary road fund the portion of the cost of the improvement which would be legally assessable against the land if privately owned.

Assessments against property under the jurisdiction of the department's administrator of highways shall be made in the same manner as those made against private property, except that the city or county making the assessment shall cause a copy of the public notice of hearing to be mailed to the director by certified mail.

Assessments against property owned by the state and not under the jurisdiction and control of the department's administrator of highways shall be made in the same manner as those made against private property and payment shall be made by the executive council from any funds of the state not otherwise appropriated.

However, an assessment in excess of twenty thousand dollars is not valid unless it is provided for by or contained within a capital appropriation by the general assembly.

Sec. 41. NEW SECTION. 307.47 MATERIALS AND EQUIPMENT REVOLVING FUND.

The highway materials and equipment revolving fund is created from moneys appropriated out of the primary road fund. From this fund shall be paid all costs for materials and supplies, inventoried stock supplies, maintenance and operational costs of equipment, and equipment replacements incurred in the operation of centralized purchasing under the supervision of the department's administrator of highways. Direct salaries and expenses properly chargeable to direct salaries shall be paid from the fund. For each month the director shall render a statement to each unit under the supervision of the administrator of highways for the actual cost of materials and supplies, operational and maintenance costs of equipment, and equipment depreciation used. The expense shall be paid by the administrator of highways in the same manner as other interdepartmental billings are paid and when the expense is paid by the administrator of highways, the sum paid shall be credited to the highway materials and equipment revolving fund. If surplus accrues to the revolving fund in excess of one hundred thousand dollars for which there is no anticipated need or use, the governor shall order that surplus reverted to the primary road fund. When the units under the supervision of the administrator of highways share equipment with other administrative units of the department, the director shall prorate the costs of the equipment among the administrative units using the equipment.

Sec. 42. Section 322A.6, Code 1985, is amended to read as follows:

322A.6 APPLICATION FILED WITH AUTHORITY THE DEPARTMENT.

~~In the event that~~ If a franchiser seeks to terminate or not continue any a franchise, or seeks to enter into a franchise establishing an additional motor vehicle dealership of the same line-make, the franchiser shall file an application with the ~~authority~~ department for permission to terminate or not continue the franchise, or for permission to enter into a franchise for additional representation of the same line-make in that community.

An applicant seeking permission to enter into a franchise for additional representation of the same line-make in a community shall deposit with the authority department at the time the application is filed, an amount of money to be determined by the authority department to secure the payment of the costs and expenses of the hearing. The applicant shall pay the costs of the hearing.

Sec. 43. Section 334A.2, Code 1985, is amended to read as follows:

334A.2 DISTRIBUTION OF FUNDS.

On or before December 15 of each fiscal year the ~~state comptroller~~ director of revenue and finance shall distribute the funds in the county government assistance fund to each county in the state in the proportion that the population residing in the unincorporated area of each county is to the total population residing in the unincorporated areas of all of the counties.

For purposes of this section "population" shall be based on the most recent federal census.

Sec. 44. Section 405.1, unnumbered paragraph 2, Code 1985, is amended to read as follows:

On or before December 15 of each fiscal year, the ~~state comptroller~~ director of revenue and finance shall distribute the moneys in the municipal assistance fund to each city in the state in the proportion that the population of each city is to the total population of all cities in the state. However, the comptroller shall in no event distribute in any year to any city an amount in excess of one-half the amount to be collected from property tax levies by that city for that year. Any moneys remaining in the municipal assistance fund shall remain in the fund and be available for distribution the following year.

Sec. 45. Section 411.20, subsection 2, unnumbered paragraph 4, Code 1985, is amended to read as follows:

For the fiscal year commencing July 1, 1979 and each fiscal year thereafter, the ~~state comptroller~~ director of revenue and finance shall pay to each city an amount equal to the ratio of payroll computed for a retirement system times the payroll of the active members employed under that system for the fiscal year.

Sec. 46. Section 421.31, 1986 Iowa Acts, Senate File 2175*, is amended by adding the following new subsections:

NEW SUBSECTION. 2. COLLECTION AND PAYMENT OF FUNDS — MONTHLY PAYMENTS. To control the payment of all moneys into the treasury, and all payments from the treasury by the preparation of appropriate warrants, or warrant checks, directing such collections and payment, and to advise the state treasurer monthly in writing of the amount of public funds not currently needed for operating expenses. Whenever the state treasury includes state funds that require distribution to counties, municipalities, or other political subdivisions of this state, and the counties, municipalities, and other political subdivisions certify to the director that warrants will be stamped for lack of funds within the thirty-day period following certification, the director may partially distribute the funds on a monthly basis. Whenever the law requires that any funds be paid by a specific date, the comptroller shall prepare a final accounting and shall make a final distribution of any remaining funds prior to that date.

NEW SUBSECTION. 5. PREAUDIT SYSTEM. To establish and fix a reasonable imprest cash fund for each state department and institution for disbursement purposes where needed. These revolving funds shall be reimbursed only upon vouchers approved by the state comptroller. It is the purpose of this subdivision to establish a preaudit system of settling all claims against the state, but the preaudit system is not applicable to the institutions under the control of the state board of regents or to the state fair board.

Sec. 47. Section 421.40, 1986 Iowa Acts, Senate File 2175, is amended by adding the following new unlettered paragraphs:

*Section 424 probably intended

NEW UNLETTERED PARAGRAPH. Vouchers for postage, stamped envelopes, and postal cards may be audited as soon as an order for them is entered.

NEW UNLETTERED PARAGRAPH. The departments, the general assembly, and the courts shall pay their claims in a timely manner. If a claim for services, supplies, materials, or a contract which is payable from the state treasury remains unpaid after sixty days following the receipt of the claim or the satisfactory delivery, furnishing, or performance of the services, supplies, materials, or contract, whichever date is later, the state shall pay interest at the rate of one percent per month on the unpaid amount of the claim. This paragraph does not apply to claims against the state under chapters 25 and 25A or to claims paid by federal funds. The interest shall be charged to the appropriation or fund to which the claim is certified. The director of the department of revenue and finance shall adopt rules under chapter 17A relating to the administration of this paragraph.

Sec. 48. Section 422.100, Code 1985, is amended to read as follows:

422.100 ALLOCATION TO MONEYS AND CREDITS REPLACEMENT FUND IN EACH COUNTY.

There is created a permanent fund in the office of the treasurer of state to be known as the "moneys and credits replacement fund". The director shall determine the percentage which the aggregate taxable value for the year 1965 of the property described in and subject to taxation under section 429.2, Code 1966, owned or held by individuals, administrators, executors, guardians, conservators, trustees or an agent or nominee thereof, and the aggregate taxable value for the year 1965 of the property described in and subject to taxation under section 431.1, Code 1966, for the year 1965 but not subject to taxation under that section for the year 1966, in each county bears to the total aggregate taxable value of such property reported from all of the counties in the state and shall certify the percentage for each county to the state comptroller prior to January 1, 1967. In July of each year, the ~~state comptroller~~ director shall apply that percentage to the money in the moneys and credits tax replacement fund prior to that July and determine the amount due to each county. The ~~state comptroller~~ director shall draw warrants on the moneys and credits tax replacement fund in such amounts payable to the county treasurer of each county and transmit them. The county treasurer shall apportion these amounts as follows: For the amounts received in January 1972, and all previously collected amounts, twenty percent to the county general fund, fifty percent to the school general fund, and the remaining thirty percent to cities and towns in the proportion that the taxable values for each city and town for 1965 of property subject to taxation in 1965 under sections 429.2, Code 1966, and 431.1, Code 1966, is to the total of such taxable values for all cities and towns within the county; for the amounts received in January 1973, and all subsequently collected amounts, forty percent to the county, and the remaining sixty percent to cities and towns in the proportion that the taxable values for each city and town for the year 1965 under sections 429.2 and 431.1, Code 1966, is to the total of such taxable values for all the cities and towns within the county.

Sec. 49. Section 422A.1, unnumbered paragraph 4, Code 1985, is amended to read as follows:

The director of revenue and finance shall administer ~~the provisions of~~ a local hotel and motel tax as nearly as possible in conjunction with the administration of the state sales tax law. The director shall provide appropriate forms, or provide on the regular state tax forms, for reporting local hotel and motel tax liability. All moneys received or refunded one hundred eighty days after the date on which a city or county terminates its local hotel and motel tax shall be deposited in or withdrawn from the state general fund.

Sec. 50. Section 425.1, subsection 1, Code 1985, is amended to read as follows:

1. A homestead credit fund is created. There is ~~hereby~~ appropriated annually from the general fund of the state to the department of revenue and finance to be credited to the homestead credit fund, ~~which fund is hereby created,~~ an amount sufficient to ~~carry out the provisions of~~ implement this chapter.

The director of revenue and finance shall ~~requisition the state comptroller to~~ issue warrants on the homestead credit fund payable to the county treasurers of the several counties of the state under the provisions of this chapter.

Sec. 51. Section 425.39, Code 1985, is amended to read as follows:

425.39 FUND CREATED — APPROPRIATION.

The extraordinary property tax credit and reimbursement fund is created. There is appropriated annually from the general fund of the state to the department of revenue and finance to be credited to the extraordinary property tax credit and reimbursement fund, ~~which fund is hereby created,~~ from funds not otherwise appropriated, an amount sufficient to carry out the provisions of implement this division.

Sec. 52. Section 426.7, Code 1985, is amended to read as follows:

426.7 WARRANTS DRAWN BY ~~COMPTROLLER~~ DIRECTOR.

After receiving from the county auditors the certifications provided for in section 426.6, and during the following fiscal year, the ~~state comptroller~~ director of revenue and finance shall draw warrants on the agricultural land credits fund created in section 426.1, payable to the county treasurers in the amount certified by the county auditors of the respective counties and mail the warrants to the county auditors on August 15 of each year taking into consideration the relative budget and cash position of the state resources. However, if the agricultural land credits fund is insufficient to pay in full the total of the amounts certified to the ~~state comptroller~~ director of revenue and finance, the ~~state comptroller~~ director shall prorate the fund to the county treasurers and notify the county auditors of the pro rata percentage on or before August 1.

Sec. 53. Section 426A.4, Code 1985, is amended to read as follows:

426A.4 CERTIFICATION BY DIRECTOR OF REVENUE AND FINANCE.

Sums distributable from the military service tax credit fund shall be allocated annually to the counties of the state. On September 15 annually the director of revenue and finance shall certify to the ~~comptroller the total credits claimed by each county.~~ Upon receipt of the certification from the director of revenue, the ~~comptroller shall~~ and draw warrants to the treasurer of each county payable from the military service tax credit fund in the amount claimed. However, if the amount of money in the fund is insufficient to pay the credits claimed in full, the claims shall be paid on a pro rata basis. Payments shall be made to the treasurer of each county not later than September 30 of each year. The ~~state comptroller~~ director of revenue and finance shall transfer any funds in the military service tax credit fund on May 31 of each year not necessary for the payment of claims to the general fund.

Sec. 54. Section 427.17, subsection 4, Code 1985, is amended to read as follows:

4. The amounts due each taxing district shall be paid on warrants payable to the respective county treasurers by the ~~state comptroller~~ director of revenue and finance on July 15 of each year. The county treasurer shall apportion the proceeds to the various taxing districts in the county.

Sec. 55. Section 427.17, unnumbered paragraph 1, Code 1985, is amended to read as follows:

There is appropriated from the general fund of the state of Iowa to the ~~state comptroller~~ department of revenue and finance for the fiscal year beginning July 1, 1973, and ending June 30, 1974, the sum of four million dollars, or so much thereof as ~~may be~~ necessary, and for each succeeding fiscal year the sum of eight million dollars, or so much thereof as ~~may be~~ necessary, to carry out the provisions of this section.

Sec. 56. Section 427B.13, Code 1985, is amended to read as follows:

427B.13 APPROPRIATION.

There is appropriated annually from the general fund of the state to the state comptroller department of revenue and finance an amount sufficient to carry out the provisions of sections 427B.10 to 427B.14.

Sec. 57. Section 442.13, subsections 1, 9, 11, 12, 14, and 15, Code Supplement 1985, are amended to read as follows:

1. The school budget review committee may recommend the revision of any rules, regulations, directives, or forms relating to school district budgeting and accounting, confer with local school boards or their representatives and make recommendations relating to any budgeting or accounting matters, and may direct the commissioner of public instruction the department of education or the state comptroller director of the department of management to make studies and investigations of school costs in any school district.

9. When the committee makes a decision under subsections 3 to 8, it shall make all necessary changes in the district cost, budget, and tax levy. It shall give written notice of its decision, including all such changes, to the school board through the state comptroller director of the department of management.

11. Failure by any school district to provide information or appear before the committee as requested for the accomplishment of review or hearing ~~shall constitute~~ is justification for the committee to instruct the state comptroller director of the department of management to withhold any state aid to that district until the committee's inquiries are satisfied completely.

12. The committee shall review the recommendations of the commissioner of public instruction the department of education relating to the special education weighting plan, and shall establish a weighting plan for each school year after the school year commencing July 1, 1975, and report the plan to the commissioner of public instruction the department of education.

14. ~~For the budget school year beginning July 1, 1983 and succeeding school years, as~~ As soon as possible following June 30 of the base year, the school budget review committee shall determine for each school district the balance of funds, whether positive or negative, raised for special education instruction programs under the special education weighting plan established in section 281.9. The committee shall certify the balance of funds for each school district to the state comptroller director of the department of management.

In determining the balance of funds of a school district under this subsection, the committee shall subtract the amount of any reduction in state aid that occurred as a result of a reduction in allotments made by the governor with the concurrence of the executive council under section 8.31.

a. If the amount certified for a school district to the state comptroller director of the department of management under this subsection for the base year is positive, the state comptroller director of the department of management shall subtract the amount of the positive balance from the amount of state aid remaining to be paid to the district during the budget year. If the positive amount exceeds the amount of state aid that remains to be paid to the district, the school district shall pay the remainder on a quarterly basis prior to June 30 of the budget year to the state comptroller director of the department of management from other funds received by the district. The state comptroller director of the department of management shall determine the amount of the positive balance that would have been local property tax revenues and shall increase the district's total state school aids available under this chapter for the next following budget year by the amount so determined and shall reduce the district's tax levy computed under section 442.9 for the next following budget year by the amount necessary to compensate for the increased state aid.

b. If the amount certified for a school district to the state comptroller director of the department of management under this subsection for the base year is negative, the state comptroller director of the department of management shall determine the amount of the deficit that would have been state aid and the amount that would have been property taxes for each eligible school district.

For the budget school year beginning July 1, 1982 and each subsequent school year, there is appropriated from the general fund of the state to the school budget review committee an amount equal to the state aid portion of five percent of the receipts for special education instruction programs in each district that has a positive balance determined under paragraph "a" for the base year, or the state aid portion of the positive balance determined under paragraph "a" for the base year, whichever is less, totaled on a statewide basis, to be used for supplemental aid payments to school districts. Except as otherwise provided in this paragraph, supplemental aid paid to a district is equal to the state aid portion of the district's deficit balance. The school budget review committee shall direct the state comptroller director of the department of management to make the payments to school districts under this paragraph.

A school district is eligible to receive supplemental aid payments during the budget year if the school district certifies to the school budget review committee that for the year following the budget year it will request the school budget review committee to instruct the state comptroller director of the department of management to increase the district's allowable growth and will fund the allowable growth increase either by using moneys from its unexpended cash balance to reduce the district's property tax levy or by using cash reserve moneys to equal the amount of the deficit that would have been property taxes and any part of the state aid portion of the deficit not received as supplemental aid. The state comptroller director of the department of management shall make the necessary adjustments to the school district's budget to provide the additional allowable growth and shall make the supplemental aid payments.

If the amount appropriated under this paragraph is insufficient to make the supplemental aid payments, the state comptroller director of the department of management shall prorate the payments on the basis of the amount appropriated.

15. Annually the school budget review committee shall review the amount of property tax levied by each school district for a cash reserve authorized in section 298.10. If in the committee's judgment, the amount of a district's cash reserve levy is unreasonably high, the committee shall instruct the state comptroller director of the department of management to reduce that district's tax levy computed under section 442.9 for the following budget year by the amount the cash reserve levy is deemed excessive. A reduction in a district's property tax levy for a budget year under this subsection does not affect the district's authorized budget.

Sec. 58. Section 467A.71, subsection 1, Code Supplement 1985, is amended to read as follows:

1. The state soil conservation committee division may establish a conservation practices revolving loan fund composed of any money appropriated by the general assembly for that purpose, and of any other moneys available to and obtained or accepted by the committee from the federal government or private sources for placement in that fund. Except as otherwise provided by subsection 3, the assets of the conservation practices revolving loan fund shall be used only to make loans directly to owners of land in this state for the purpose of establishing on that land any new permanent soil and water conservation practice which the commissioners of the soil conservation district in which the land is located have found is necessary or advisable to meet the soil loss limits established for that land. A loan shall not be made for establishing a permanent soil and water conservation practice on land that is subject to the restriction on state cost-sharing funds of section 467A.65. Revolving loan funds and public cost-sharing funds shall not be used in combination for funding a particular soil and water conservation practice. Each loan made under this section shall be for a period not to exceed ten years, shall bear no interest, and shall be repayable to the conservation practices revolving loan fund in equal yearly installments due March 1 of each year the loan is in effect. The interest rate upon loans for which payment is delinquent shall accelerate immediately to the current legal usury limit. Applicants shall be are eligible for no more than ten thousand

dollars in loans outstanding at any time under this program. "Permanent soil and water conservation practices" has the same meaning as defined in section 467A.42 and those established under this program are subject to the requirements of section 467A.7, subsection 16. Loans made under this program shall come due for payment upon sale of the land on which those practices are established.

Sec. 59. Section 475A.3, subsection 3, Code 1985, is amended to read as follows:

3. Salaries, expenses, and appropriation. The salary of the consumer advocate shall be fixed by the attorney general within the salary range set by the general assembly, notwithstanding 1981 Iowa Acts, chapter 9, sections 6 and 7 and subsequent amendments to those sections. The salaries of employees of the consumer advocate and the reimbursement of expenses for the employees and the consumer advocate are as provided by law. The appropriation for the office of consumer advocate shall be a separate line item contained in the appropriation for from the Iowa state commerce commission utility trust fund created pursuant to section 476.10.

In establishing salaries and benefits for employees the consumer advocate shall provide for an affirmative action plan which shall be based upon guidelines provided by the Iowa state civil rights commission. In addition, when establishing salaries and benefits the consumer advocate shall not discriminate in the employment or pay between employees on the basis of gender by paying wages to employees at a rate less than the rate at which wages are paid to employees of the opposite gender for work of comparable worth. As used in this section "comparable worth" means the value of work as measured by the composite of the skill, effort, responsibility, and working conditions normally required in the performance of work.

The consumer advocate shall make a report to the legislative council which shall contain a copy of the affirmative action plan adopted and details regarding the manner in which compliance is made for establishing salaries and benefits based on comparable worth. The report shall be made to the legislative council as soon as possible after July 1, 1983 but not later than August 1, 1983, unless the legislative council shall extend the date for making the report.

Sec. 60. Section 475A.7, Code 1985, as amended by 1986 Iowa Acts, Senate File 2175, is amended to read as follows:

475A.7 CONSUMER ADVISORY PANEL.

The attorney general shall appoint five members and the governor shall appoint four members to a consumer advisory panel to meet at the request of the consumer advocate for consultation regarding public utility regulation. A member shall be appointed from each congressional district with the appointee residing within the congressional district at the time of appointment. The remaining appointees shall be members at large. No more than five members shall belong to the same political party as provided in section 69.16. Not more than a simple majority of the members shall be of the same gender. The members appointed by the attorney general shall serve four-year terms at the pleasure of the attorney general and their appointments are not subject to confirmation. The members appointed by the governor shall serve four-year terms at the pleasure of the governor and their appointments are not subject to confirmation. The governor or attorney general shall fill a vacancy in the same manner as the original appointment for the unexpired portion of the member's term. Members of the consumer advisory panel shall serve without compensation, but shall be reimbursed for actual expenses from funds appropriated to the consumer advocate division.

Sec. 61. NEW SECTION. 601K.102 COMMISSION DUTIES.

The commission shall:

1. Prepare and maintain a complete register of the blind of the state which shall describe the condition, cause of blindness, ability to receive education and industrial training, and other facts the commission deems of value.

2. Assist in marketing of products of blind workers of the state.

3. Ameliorate the condition of the blind by promoting visits to them in their homes for the purpose of instruction and by other lawful methods as the commission deems expedient.

4. Make inquiries concerning the causes of blindness to ascertain what portion of cases are preventable, and cooperate with the other organized agents of the state in the adoption and enforcement of proper preventive measures.

5. Provide for suitable vocational training if the commission deems it advisable and necessary. The commission may establish workshops for the employment of the blind, paying suitable wages for work under the employment. The commission may provide or pay for, during their training period, the temporary lodging and support of persons receiving vocational training. The commission may use receipts or earnings that accrue from the operation of workshops as provided in this chapter, but a detailed statement of receipts or earnings and expenditures shall be made monthly to the executive director of the office of management.

6. Establish, manage, and control a special training, orientation, and adjustment center or centers for the blind. Training in the centers shall be limited to persons who are sixteen years of age or older, and the division shall not provide or cause to be provided any academic education or training to children under the age of sixteen except that the commission may provide library services to these children. The commission may provide for the maintenance, upkeep, repair, and alteration of the buildings and grounds designated as centers for the blind including the expenditure of funds appropriated for that purpose. Nonresidents may be admitted to Iowa centers for the blind as space is available, upon terms determined by rule.

7. Establish and maintain offices for the division and commission.

8. Accept gifts, grants, devises, or bequests of real or personal property from any source for the use and purposes of the division. Notwithstanding sections 8.33 and 453.7, the interest accrued from moneys received under this section shall not revert to the general fund of the state.

9. Provide library services to blind and physically handicapped persons.

10. Act as a bureau of information and industrial aid for the blind, such as assisting the blind in finding employment.

11. Pursuant to section 601K.2, be responsible for the budgetary and personnel decisions for the division and commission.

Approved May 29, 1986

CHAPTER 1245
STATE GOVERNMENT REORGANIZATION
S.F. 2175

AN ACT relating to the organization and structure of state government, including the areas of education, personnel, management, natural resources, agriculture, cultural affairs, public services, corrections, public defense, public safety, general services, commerce, audits and appeals, economic development, labor, and transportation; altering the duties and powers of certain executive branch agencies and positions; establishing, altering, and repealing agencies in the legislative and judicial branches; making specified coordinating amendments to the Code; subjecting certain violators to certain penalties; abolishing and creating certain state agencies and repealing and modifying provisions of law relating to such agencies; and providing transition principles, directions, and procedures related to state government organization and structure.

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

INTRODUCTORY PROVISIONS
CHAPTER 7E
EXECUTIVE ORGANIZATION

Section 1. **NEW SECTION. 7E.1 POLICY — PURPOSES.**

1. **DECLARATION OF POLICY: THREE BRANCHES OF GOVERNMENT.** The separation of powers within state government among the legislative, the executive, and the judicial branches of the government is a traditional American concept. The legislative branch has the broad objective of determining policies and programs and review of program performance for programs previously authorized, the executive branch carries out the programs and policies, and the judicial branch has the responsibility for adjudicating any conflicts which might arise from the interpretation or application of the laws.

2. **GOALS OF EXECUTIVE BRANCH ORGANIZATION.**

a. The governor, as the chief executive officer of the state, should be provided with the facilities and the authority to carry out the functions of the governor's office efficiently and effectively within the policy limits established by the legislature.

b. The administrative agencies which comprise the executive branch should be consolidated into a reasonable number of departments, consistent with executive capacity to administer effectively at all levels.

c. The executive branch shall be organized on a functional basis, so that programs can be coordinated.

d. Each agency in the executive branch should be assigned a name commensurate with the scope of its responsibilities, and should be integrated into one of the departments of the executive branch as closely as the goals of administrative integration and responsiveness to the legislature and citizenry permit.

3. **GOALS OF CONTINUING REORGANIZATION.** Structural reorganization should be a continuing process through careful executive and legislative appraisal of the placement of proposed new programs and the coordination of existing programs in response to changing emphasis or public needs, and should be consistent with the following goals:

a. The organization of state government should assure its responsiveness to popular control. It is the goal of reorganization to improve legislative policymaking capability and to improve the administrative capability of the executive to carry out the policies.

b. The organization of state government should facilitate communication between citizens and government. It is the goal of reorganization, through coordination of related programs in function-oriented departments, to improve public understanding of government programs and policies and to improve the relationships between citizens and administrative agencies.

c. The organization of state government should assure efficient and effective administration of the policies established by the legislature. It is the goal of reorganization to promote efficiency by improving the management and coordination of state services and by eliminating overlapping activities.

Sec. 2. NEW SECTION. 7E.2 OFFICES, DEPARTMENTS AND INDEPENDENT AGENCIES.

The constitutional and statutory offices, administrative departments, and independent agencies which comprise the executive branch of state government are structured as follows:

1. **SEPARATE CONSTITUTIONAL OFFICES.** The elective constitutional and statutory officers who do not head operating departments each head a staff to be termed the "office" of the respective elective officer, but the office of the governor shall be known as the "executive office".

2. **PRINCIPAL ADMINISTRATIVE UNITS.** The principal administrative unit of the executive branch is a "department" and there may be one or more "independent agencies".

3. **INTERNAL STRUCTURE.**

a. The director of each department, subject to applicable statute, approval by the governor, and the provisions of subsection 4 of this section, may establish the internal structure within the office of the director so as to best suit the purposes of the department.

b. For field operations, departments may establish district or area offices which may cut across divisional lines of responsibility.

c. For their internal structure, all departments shall adhere to the following standard terms unless otherwise specified by law, and independent agencies are encouraged to review their internal structure and to adhere as much as possible to the following standard terms:

(1) The principal subunit of the department is the "division". Each division shall be headed by an "administrator".

(2) The principal subunit of the division is the "bureau". Each bureau shall be headed by a "chief".

(3) If further subdivision is necessary, bureaus may be divided into subunits which shall be known as "sections" and which shall be headed by "supervisors" and sections may be divided into subunits which shall be known as "units" and which shall be headed by "unit managers".

4. **INTERNAL ORGANIZATION AND ALLOCATION OF FUNCTIONS.** Subject to applicable law, the head of each department or independent agency shall, subject to the approval of the governor, establish the internal organization of the department or independent agency and allocate and reallocate duties and functions not assigned by law to an officer or any subunit of the department or independent agency to promote economic and efficient administration and operation of the department or independent agency.

5. **ATTACHMENT FOR LIMITED PURPOSES.** Any commission, board, or other unit attached under this section to a department or independent agency, or a specified division of one, shall be a distinct unit of that department, independent agency, or specified division. Any commission, board, or other unit so attached shall exercise its powers, duties, and functions as may be prescribed by law, including rulemaking, licensing and regulation, and operational planning within the area of program responsibility of the commission, board, or other unit independently of the head of the department or independent agency, but budgeting, program coordination, and related management functions shall be performed under the direction and supervision of the head of the department or independent agency, unless otherwise provided by law.

Sec. 3. NEW SECTION. 7E.2A HEADS OF DEPARTMENTS AND INDEPENDENT AGENCIES — POWERS AND DUTIES.

Each head of a department or independent agency shall, except as otherwise provided by law:

1. **SUPERVISION.** Plan, direct, coordinate, and execute the functions vested in the department or independent agency.

2. **BUDGET.** Annually compile a comprehensive program budget which reflects all fiscal matters related to the operation of the department or independent agency and each program, subprogram, and activity in the department or agency.

3. **ADVISORY BODIES.** In addition to any councils specifically created by law, create by rule and appoint such councils or committees as the operation of the department or independent agency requires. Members of councils and committees created under this general authority shall serve without compensation, but may be reimbursed for their expenses.

4. **ANNUAL REPORT.** Unless otherwise provided by law, submit a report in November of each year to the governor and the legislature on the operation of the department or independent agency during the fiscal year concluded on the preceding June 30, and projecting the goals and objectives of the department or independent agency as developed in the program budget report for the fiscal year under way. Any department or independent agency may issue such additional reports on its findings and recommendations as its operations require.

Sec. 4. NEW SECTION. 7E.2B DEFINITIONS AND TERMINOLOGY FOR EXECUTIVE BRANCH ORGANIZATION.

In statutory references and administrative usage, the following terminology and definitions shall be used as guidelines for the terminology applicable to state governmental structure and organization to the extent practicable:

1. "Department" means a principal administrative agency within the executive branch of state government, but does not include independent agencies.

2. "Division", "bureau", "section", and "unit" mean the subunits of a department, whether specifically created by law or created by the head of the department for the more economic and efficient administration and operation of the programs assigned to the department.

3. "Independent agency" is an administrative unit which, because of its unique operations, does not fit into the general pattern of operating departments.

4. "Authority" means a body with independent power to issue and sell bonds.

5. "Head of the department" means the elective officer, director, or other official in charge of a department.

6. "Commission" means a policymaking body that has rulemaking powers.

7. a. "Board" means a policymaking body that has the power to hear contested cases.

b. A policymaking body that has powers for both rulemaking and hearing contested cases shall be termed a "board".

8. "Examining board" means a body which sets standards of professional competence and conduct for the profession or occupation under its supervision, which may prepare and grade the examinations of prospective new practitioners when authorized by law, which may issue licenses when authorized by law, which investigates complaints of alleged unprofessional conduct, and which performs other functions assigned to it by law.

9. "Council" means an advisory body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government.

10. "Committee" means a part-time body appointed to study a specific problem and to recommend a solution or policy alternative with respect to that problem, and intended to terminate on the completion of its assignment.

Sec. 5. NEW SECTION. 7E.2C PRINCIPAL DEPARTMENTS AND PRIMARY RESPONSIBILITIES.

1. The principal central departments of the executive branch as established by law are listed in this section for central reference purposes as follows:

a. The department of management, created in section 8.4, which has primary responsibility for coordination of state policy planning, management of interagency programs, economic reports, and program development.

b. The department of personnel, created in section 19A.1, which has primary responsibility for personnel management.

c. The department of general services, created in section 18.2, which has primary responsibility for property and records management, risk management, purchasing, printing, and data processing.

d. The department of revenue and finance, created in section 421.2, which has primary responsibility for revenue collection and revenue law compliance, financial management and assistance, and the Iowa lottery.

e. The department of inspections and appeals, created in section 10A.102, which has primary responsibility for coordinating the conducting of various inspections, investigations, appeals, hearings, and audits.

f. The department of agriculture and land stewardship, created in section 159.2, which has primary responsibility for encouraging, promoting, and advancing the interests of agriculture and allied industries. The secretary of agriculture is the director of the department of agriculture and land stewardship.

g. The department of commerce, created in section 546.2, which has primary responsibility for business and professional regulatory, service, and licensing functions.

h. The department of economic development, created in section 15.104, which has primary responsibility for programs for carrying out the economic development policies of the state.

i. The department of employment services, created in section 84A.1, which has primary responsibility for administering the laws relating to unemployment compensation insurance, job placement and training, employment safety, labor standards, workers' compensation, and related matters.

j. The department of human services, created in section 217.1, which has primary responsibility for services to individuals to promote the well-being and the social and economic development of the people of the state.

k. The department of public health, created in section 134.102, which has primary responsibility for supervision of public health programs, promotion of public hygiene and sanitation, treatment and prevention of substance abuse, and enforcement of related laws.

l. The department of elder affairs, created in section 249D.21, which has primary responsibility for leadership and program management for programs which serve the senior citizens of the state.

m. The department of cultural affairs, created in section 303.1A, which has primary responsibility for managing the state's interests in the areas of the arts, history, libraries, and other cultural matters.

n. The department of education, created in section 256.1, which has primary responsibility for supervising public education at the elementary and secondary levels and for supervising the merged area schools.

o. The department of corrections, created in section 246.102, which has primary responsibility for corrections administration, corrections institutions, prison industries, and the development, funding, and monitoring of community-based corrections programs.

p. The department of public safety, created in section 80.1, which has primary responsibility for statewide law enforcement and public safety programs that complement and supplement local law enforcement agencies and local inspection services.

q. The department of public defense, created in section 29.1, which has primary responsibility for state military forces, disaster services, and veterans affairs.

r. The department of natural resources, created in section 455A.2, which has primary responsibility for state parks and forests, protecting the environment, and managing energy, fish, wildlife, and land and water resources.

s. The department of transportation, created in section 307.2, which has primary responsibility for development and regulation of highway, railway, and air transportation throughout the state, including public transit.

t. The department of human rights, created in section 601K.1, which has primary responsibility for services relating to Spanish-speaking people, children, youth, and families, women, persons with disabilities, community action agencies, deaf, and blind persons.

u. In the area of higher education, an agency headed by the state board of regents and including all the institutions administered by the state board of regents, which has primary responsibility for state involvement in higher education.

2. a. There is a civil rights commission, a public employment relations board, an interstate cooperation commission, campaign finance disclosure commission, and an Iowa law enforcement academy.

b. The listing of additional state agencies in this subsection is for reference purposes only and is not exhaustive.

3. The responsibilities listed for each department and agency in this section are generally descriptive of the department's or agency's duties, are not all-inclusive, and do not exclude duties and powers specifically prescribed for by statute, or delegated to, each department or agency.

OFFICE OF MANAGEMENT

Sec. 101. Section 7A.3, unnumbered paragraph 1, Code 1985, is amended to read as follows:

~~The primary responsibility of the office for planning and programming is to~~ department of economic development shall coordinate the development of state and local government programs in order to promote efficient and economic use of federal, state, local, and private resources. To carry out this responsibility, the office ~~The department shall:~~

Sec. 102. Section 7A.3, subsections 2 through 5 and 7 through 9, Code 1985, are amended by striking the subsections.

Sec. 103. Section 8.4, Code 1985, is amended to read as follows:

8.4 STATE COMPTROLLER — SALARY — BOND DEPARTMENT OF MANAGEMENT.

~~There is created an office of state comptroller~~ The department of management is created, which ~~shall be~~ is directly attached to the office of the governor and ~~be~~ under the general direction, supervision, and control of the governor. ~~Such~~ The office shall be is in immediate charge of an officer to be known as "~~state comptroller~~ the executive director", who shall be appointed by the governor, subject to confirmation by the senate, and shall hold office at the governor's pleasure and shall receive a salary as ~~fixed by the general assembly set by the governor.~~ Before entering upon the discharge of duties, the state comptroller executive director shall take the constitutional oath of office and give a surety bond in such the penalty as fixed by the governor, payable to the state, which shall not be less than twenty-five thousand dollars, conditioned upon the faithful discharge of the state comptroller's executive director's duties. The premium on the bond shall be paid out of the state treasury.

Sec. 104. Section 8.6, subsection 20, Code Supplement 1985, is amended by striking the subsection.

Sec. 105. Section 8.6, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 21. TARGETED SMALL BUSINESSES. To assist the director of the department of economic development as requested in the establishment and implementation of the Iowa targeted small business procurement Act and the targeted small business loan guarantee program.

NEW SUBSECTION. 22. STATE PROGRAMS FOR EQUAL OPPORTUNITY. To perform specific powers and duties as provided in chapter 19B and other provisions of law with respect to oversight and the imposition of sanctions in connection with state programs emphasizing equal opportunity through affirmative action, contract compliance policies, and procurement set-aside requirements.

Sec. 106. NEW SECTION. 8.52 PLANNING RESPONSIBILITY.

The department of management shall:

1. Provide coordination of state policy planning, and management of interagency programs of the state, and recommend policies to the governor and the general assembly.
2. Maintain and make available demographic and other information useful for state and local planning.
3. Prepare and submit economic reports appraising the economic condition, growth, and development of the state.
4. Analyze the quality and quantity of services required for the orderly growth of the state, taking into consideration the relationship of activities, capabilities, and future plans of private enterprise, the local, state, and federal governments, and regional units established under state or federal legislation, and shall make recommendations to the governor and the general assembly for the establishment and improvement of such services.
5. Inquire into methods of planning and program development, and the conduct of affairs of state government; prescribe adequate systems of records for planning and programming; establish standards for effective planning and programming; and exercise all other powers necessary in discharging the powers and duties of this chapter.

Sec. 107. Section 24.26, Code 1985, is amended to read as follows:

24.26 STATE APPEAL BOARD.

There is hereby created to administer this Act a state board to be known as the The state appeal board, which state board shall consist in the department of management consists of the following:

1. Comptroller, The executive director of the department of management.
2. Auditor The auditor of state, and.
3. Treasurer The treasurer of state, each of whom shall personally serve as a member of the state board during the person's tenure of office. At its first meeting, which shall be held within thirty days after July 4, 1987, and at each annual meeting held thereafter, the state board shall organize by the election, from their own number, its members of a chairperson and a vice chairperson; and by appointing a secretary. Two members of the state board shall constitute a quorum for the transaction of any business. The state board may, from time to time, as such services are required, appoint one or more competent and specially qualified persons as deputies, to appear and act for it at initial hearings as hereinafter provided. The annual meeting of the state board shall be held on the second Tuesday of January in each year. Each deputy appointed by the state board shall be is entitled to receive the amount of the deputy's traveling and other necessary expenses actually incurred while engaged in the performance of the deputy's official duties as hereinafter set out. Such The expenses to shall be audited and approved by the state board and proper receipts filed therefor for them. The expenses of the state board shall be paid from the funds appropriated to the department of management.

Sec. 108. Section 24.48, unnumbered paragraphs 4 and 7, Code 1985, are amended to read as follows:

The city finance committee shall have officially notified any city of its approval, modification or rejection of the city's appeal of the decision of the director of the department of management regarding a city's request for a suspension of the statutory property tax levy limitation prior to thirty-five days before March 15.

For the purpose of this section, the city finance committee shall be the state appeal board when the political subdivision is a city, the director of the department of management, and the city finance committee on appeal of the director's decision, shall be the state appeal board.

Sec. 109. Section 28C.5, Code 1985, is amended to read as follows:

28C.5 STAFF – FACILITIES.

1. The commission may accept technical and operational assistance from the staff of the ~~office department for planning and programming of management~~, other state and federal agencies, units of local governments, or any other public or private source. The executive director of the ~~office department for planning and programming shall of management may~~ assign professional, technical, legal, clerical, or other staff, as necessary and authorized for continued operation of the commission. However, the technical and operational assistance shall be provided within appropriations made to the ~~office department~~ to carry out its powers and duties under ~~chapter 7A~~ and additional staff shall not be employed to provide the technical and operational assistance.

2. The ~~executive~~ director of the ~~office department for planning and programming of management~~ may also provide available facilities and equipment as requested by the commission.

3. The members of the commission are entitled to reimbursement for travel and other necessary expenses incurred in the performance of official duties. ~~Each member may also be eligible to receive compensation as provided in 7E.3.~~ The expenses shall be paid from funds appropriated to the ~~office department for planning and programming of management~~.

Sec. 110. Section 80C.1, Code 1985, is amended to read as follows:

80C.1 CRIMINAL AND JUVENILE JUSTICE PLANNING AGENCY CREATED.

The criminal and juvenile justice planning agency is a ~~separate independent agency~~ created in the ~~office department of the governor management~~. The agency is responsible for coordinating criminal and juvenile justice activities in the state including planning, research, program implementation, and the administration of grants and other funds. The agency is under the direct supervision of the ~~governor, and shall be responsible only to the governor or the general assembly~~ executive director of the ~~department of management~~. The ~~governor executive director~~ shall appoint the ~~executive director administrator~~ of the agency who shall serve at the pleasure of the governor. As used in this section and sections 80C.2 to 80C.4, unless the context otherwise requires, "agency" means the criminal and juvenile justice planning agency created in this section.

Sec. 111. Section 80C.2, Code Supplement 1985, is amended to read as follows:

80C.2 ADVISORY COUNCIL.

The criminal and juvenile justice advisory council is created to advise the governor and legislature and ~~direct advise~~ the agency in the performance of its duties and to perform other duties as required by law. The council consists of twelve members. The governor shall appoint seven members each for a four-year term beginning and ending as provided in section 69.19 and subject to confirmation by the senate as follows:

1. Three persons each of whom is either a county supervisor, county sheriff, a mayor, city chief of police, or a county attorney.

2. Two persons ~~who~~ shall represent the general public and shall not be employed in any law enforcement, judicial, or corrections capacity.

3. Two persons who are knowledgeable about Iowa's juvenile justice system.

The commissioner of the department of human services, the director of the Iowa department of corrections, the commissioner of public safety, the attorney general, and the chief justice of the supreme court shall each designate a person to serve on the council.

Members of the council shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties. ~~Public members shall also receive forty dollars per diem.~~ Members may also be eligible to receive compensation as provided in section 7E.3. As used in this section and sections 80C.3 and 80C.4, unless the context

otherwise requires, "council" means the criminal and juvenile justice advisory council created in this section.

Sec. 112. Section 232A.1, Code 1985, is amended to read as follows:

232A.1 DEFINITIONS DEFINITION.

For purposes of this chapter, "agency" means the criminal and juvenile justice planning agency established in chapter 80C.

Sec. 113. Section 331.403, subsections 1 and 3, Code 1985, are amended to read as follows:

1. Not later than October 1 of each year, a county shall prepare an annual financial report showing for each county fund the financial condition as of June 30 and the results of operations for the year then ended. Copies of the report shall be maintained as a public record at the auditor's office and shall be furnished to the county finance committee executive director of the department of management and to the auditor of state. A summary of the report, in a form prescribed by the county finance committee executive director, shall be published by each county not later than October 1 of each year in one or more newspapers which meet the requirements of section 618.14.

3. The county finance committee executive director of the department of management may waive the application of subsection 2 to a county for a one-year period, if evidence is presented that substantial progress is being made towards removing the cause for the need of the waiver. The committee executive director shall not grant a waiver for more than three successive years to the same county.

Sec. 114. Section 331.434, subsections 1 and 3, Code 1985, are amended to read as follows:

1. The budget shall show the amount required for each class of proposed expenditures, a comparison of the amounts proposed to be expended with the amounts expended for like purposes for the two preceding years, the revenues from sources other than property taxation, and the amount to be raised by property taxation, in the detail and form prescribed by the committee executive director of the department of management.

3. The board shall set a time and place for a public hearing on the budget before the final certification date and shall publish notice of the hearing not less than ten nor more than twenty days prior to the hearing in one or more newspapers which meet the requirements of section 618.14. A summary of the proposed budget, in the form prescribed by the committee executive director of the department of management, shall be included in the notice. Proof of publication shall be filed with and preserved by the auditor. A levy is not valid unless and until the notice is published and filed.

Sec. 115. Section 331.435, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The board shall prepare and adopt a budget amendment in the same manner as the original budget, as provided in section 331.434, and the amendment is subject to protest as provided in section 331.436, except that the committee executive director of the department of management may by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest. A county budget for the ensuing fiscal year shall be amended by May 31 to allow time for a protest hearing to be held and a decision rendered before June 30. An amendment of a budget after May 31 which is properly appealed but without adequate time for hearing and decision before June 30 is void.

Sec. 116. Section 333A.2, subsection 1, unnumbered paragraph 1, and paragraph b, Code 1985, are amended to read as follows:

There is created a county finance committee consisting of nine eight members. The members of the committee shall be:

b. ~~The state comptroller or a designee of the state comptroller.~~

Sec. 117. Section 333A.3, subsections 1 and 3, Code 1985, are amended to read as follows:

1. The committee is located for administrative purposes within the office of state comptroller department of management. The state comptroller director shall provide office space, staff assistance, and necessary supplies and equipment for the committee. The state comptroller director shall budget funds to pay the compensation and expenses of the committee.

3. The committee shall select its own officers ~~except that the state comptroller or a designee of the state comptroller shall serve as chairperson and meet at the call of the director of the department of management.~~

Sec. 118. Section 384.13, unnumbered paragraph 1, and subsections 2, 4, and 5, Code 1985, are amended to read as follows:

As used in this division, unless the context otherwise requires, "committee" means the city finance committee and "director" means the director of the department of management. A ~~ten-member~~ nine-member city finance committee is created. Members of the committee are:

2. ~~The state comptroller or the state comptroller's designee.~~

4. Five city officials who are regularly involved in budget preparation. One official must be from a city with a population of not over two thousand five hundred, one from a city with a population of over two thousand five hundred but not over fifteen thousand, one from a city with a population of over fifteen thousand but not over fifty thousand, one from a city with a population of over fifty thousand and one from any size city. The governor shall select and appoint ~~subject to confirmation by the senate,~~ the city officials.

5. One certified public accountant experienced in city accounting, to be selected and appointed by the governor, ~~subject to confirmation by the senate.~~

Sec. 119. Section 384.14, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The committee is located for administrative purposes within the office of ~~the state comptroller management~~. The comptroller executive director of the office of management shall provide office space, and staff assistance, and shall budget funds to cover expenses of the committee.

Sec. 120. Section 384.15, subsection 2, and subsection 7, unnumbered paragraph 1, Code 1985, are amended to read as follows:

2. Select its officers, ~~except that the state comptroller or a designee of the state comptroller shall serve as chairperson and meet at the call of the director of the department of management or upon an appeal of the director's decision.~~

~~Administer~~ Adopt rules for the administration of a law enforcement officer training reimbursement program by the director of the department of management. A decision of the director may be appealed by a city or county to the committee. The program shall provide reimbursement to a city or county for necessary and actual expenses incurred in training a law enforcement officer who resigns from law enforcement service with the city or county within four years after completion of the law enforcement training. The reimbursable training expenses include mileage, food, lodging, tuition, replacement of an officer while the officer is in training if the replacement officer is a temporary employee hired for that purpose only or is on overtime status, and salary costs of the officer while in training. The law enforcement training eligible for reimbursement is the minimum law enforcement officer training required under chapter 80B and, if funding is available, approved advanced law enforcement training. The committee shall adopt rules prescribing application forms, expense documentation, and procedures necessary to administer the reimbursement program.

Sec. 121. Section 602.1301, subsection 2, paragraph b, Code Supplement 1985, is amended to read as follows:

b. Before December 1, the supreme court shall submit to the state comptroller director of management an estimate of the total expenditure requirements of the judicial

department. The director of management shall submit this estimate received from the supreme court to the governor for inclusion without change in the governor's proposed budget for the succeeding fiscal year. The estimate shall also be submitted to the chairpersons of the committees on appropriations.

Sec. 122. The Code editor shall transfer the following sections as indicated regardless of whether the sections are amended by this bill:

1. Sections 7A.3 and 7A.8 to chapter 28.

Sec. 123. Sections 7A.1, 7A.2, 7A.4 through 7A.6, 7A.41 through 7A.49, 18.141 through 18.143, and 333A.5, Code 1985, and section 18.136, Code Supplement 1985, are repealed.

DEPARTMENT OF PERSONNEL

Sec. 201. Section 19A.1, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

19A.1 CREATION OF DEPARTMENT OF PERSONNEL.

1. A department of personnel is created.
2. The department is the central agency responsible for state personnel management, including the following:
 - a. Policy development, planning, and research.
 - b. Employment activities and transactions, including recruitment, testing, and certification of personnel seeking employment or promotion.
 - c. Compensation and benefits, including position classification, wages and salaries, and employee benefits. Employee benefits include, but are not limited to, group medical, life, and long-term disability insurance, workers' compensation, unemployment benefits, sick leave, deferred compensation, holidays and vacations, tuition reimbursement, and educational leaves. Employee benefits include the Iowa department of public safety peace officers' retirement, accident, and disability system and the Iowa public employees' retirement system, which are maintained as distinct and independent systems within the department.
 - d. Equal employment opportunity and affirmative action programs.
 - e. Education and training.
 - f. Personnel records and administration, including the preaudit of all personnel-related documents.
 - g. Employment relations, including the negotiation and administration of collective bargaining agreements on behalf of the executive branch of the state and its departments and agencies as provided in chapter 20. However, the state board of regents, for the purposes of implementing and administering collective bargaining pursuant to chapter 20, shall act as the exclusive representative of the state with respect to its faculty, scientific, and other professional staff.
3. The following part-time boards and commissions are within the department:
 - a. The personnel commission, created by section 19A.4.
 - b. The board of trustees of the public safety peace officers' retirement, accident, and disability system, created by section 97A.5.
 - c. The investment board of the Iowa public employees' retirement system created by section 97B.8.
 - d. The affirmative action task force created pursuant to executive order, or its successor.
4. Specific powers and duties of the department, its director, and the boards and commissions within the department are set forth in this chapter, chapters 79, 97A, 97B, and other provisions of law. Section 8.23 applies to the department.
5. The personnel management powers and duties of the department do not extend to the legislative branch or the judicial branch of state government, except for functions related to administering compensation and benefit programs.

Sec. 202. NEW SECTION. 19A.1A DIRECTOR OF DEPARTMENT.

1. The chief administrative officer of the department is the director. The director shall be

appointed by the governor, subject to confirmation by the senate. The director serves at the pleasure of the governor and is subject to reconfirmation after four years in office. The person appointed shall be professionally qualified by education and experience in the field of public personnel administration, including the application of merit principles in public employment, and the appointment shall be made without regard for political affiliation. The director shall not be a member of any local, state, or national committee of a political party, an officer or member of a committee in any partisan political club or organization, or hold or be a candidate for a paid elective public office. The director is subject to the restrictions on political activity provided in section 19A.18 for employees in the classified service. The governor shall set the salary of the director within a range established by the general assembly.

2. The director shall plan, direct, coordinate, and execute the powers, duties, and functions of the department. The director's powers and duties include those specifically set forth in this chapter and other provisions of law.

3. The director may establish by rule divisions and other subunits as necessary for the organization of the department. The director may also establish regional field service offices staffed by employees of the executive departments in which they are located. The functions and staffs of the regional offices are subject to policies set by the director of the department of personnel.

Sec. 203. Section 19A.2, subsections 1, 2, 3, and 5, Code 1985, are amended to read as follows:

1. "Department" means the Iowa merit employment department of personnel.
2. "Director" means the director of the Iowa merit employment department of personnel.
3. "Commission" means the Iowa merit employment personnel commission.
5. "Appointing authority" means the chairperson or person in charge of divisions any agency of the state government including, but not limited to, boards, bureaus, commissions, and departments, and other divisions or an employee designated to employ persons by such act for an appointing authority.

Sec. 204. NEW SECTION. 19A.2A PURPOSE AND APPLICABILITY OF CHAPTER.

The general purpose of this chapter is to establish for the state of Iowa a system of personnel administration based on merit principles and scientific methods to govern the appointment, promotion, welfare, transfer, layoff, removal, and discipline of its civil employees, and other incidents of state employment. It is also the purpose of this chapter to promote the coordination of personnel rules and policies with collective bargaining agreements negotiated under chapter 20.

All appointments and promotions to positions in the state merit system shall be made solely on the basis of merit and fitness, to be ascertained by competitive examinations, except as otherwise specified in this chapter.

Provisions of this chapter pertaining to qualifications, examination, competitive appointment, probation, and just cause hearings apply only to the merit system.

Sec. 205. Section 19A.3, Code Supplement 1985, is amended by striking the section and inserting in lieu thereof the following:

19A.3 APPLICABILITY — EXCEPTIONS.

The merit system shall apply to all employees of the state and to all positions in state government now existing or hereafter established except the following:

1. The general assembly, employees of the general assembly, other officers elected by popular vote, and persons appointed to fill vacancies in elective offices.
2. All judicial officers and court employees.
3. The staff of the governor.

4. All board members and commissioners whose appointments are provided for by the Code.

5. All presidents, deans, directors, teachers, professional and scientific personnel, and student employees under the jurisdiction of the state board of regents. The state board of regents shall adopt rules not inconsistent with the objectives of this chapter for all of its employees not cited specifically in this subsection. The rules are subject to approval by the director of the department of personnel. If at any time the director determines that the board of regents merit system does not comply with the intent of this chapter, the director may direct the board to correct the rules. The rules of the board are not in compliance until the corrections are made.

6. All appointments which are by law made by the governor.

7. All personnel of the armed services under state jurisdiction.

8. Part-time persons who are paid a fee on a contract-for-services basis.

9. Seasonal employees appointed during the period of April 15 through October 15.

10. Residents, patients, or inmates employed in state institutions, or persons on parole employed in work experience programs for a period no longer than one year.

11. Professional employees under the supervision of the attorney general, the appellate defender, the auditor of state, the treasurer of state, and the public employment relations board. However, employees of the consumer advocate division of the department of justice, other than the consumer advocate, are subject to the merit system.

12. Production and engineering personnel under the jurisdiction of the Iowa public broadcasting board.

13. Members of the Iowa highway safety patrol and other peace officers employed by the department of public safety. The commissioner of public safety shall adopt rules not inconsistent with the objectives of this chapter for the persons described in this subsection.

14. Professional employees of the arts division of the department of cultural affairs.

15. The chief deputy administrative officer and each division head of each executive department not otherwise specifically provided for in this section, and physicians not otherwise specifically provided for in this section. As used in this subsection, "division head" means a principal administrative position designated by a chief administrative officer and approved by the department of personnel or as specified by law.

16. All confidential employees.

17. Other employees specifically exempted by law.

The director of the department of personnel shall negotiate agreements with the administrator of the division for the blind of the department of human rights and with the director of the department of education concerning the applicability of the merit system to the professional employees of their respective agencies.

Sec. 206. Section 19A.4, Code 1985, is amended to read as follows:

19A.4 MERIT EMPLOYMENT DEPARTMENT PERSONNEL COMMISSION CREATED.

There is hereby established a department of merit employment to be known as the "Iowa merit employment department," the executive head of which shall be the director of merit employment. In in the department there shall be a merit employment personnel commission of five members with the powers and duties hereinafter enumerated in this chapter. The provisions of section 8.23 shall apply to this department.

Sec. 207. Section 19A.6, subsections 2 and 5, Code 1985, are amended to read as follows:

2. The governor shall appoint members of the merit employment personnel commission. Members appointed to the commission are subject to confirmation by the senate. Members shall be appointed to staggered terms of six years beginning and ending as provided in section 69.19. Where a vacancy exists, the governor shall appoint for the unexpired portion of the term.

5. The commission shall elect one of its members as chairperson. It shall meet at ~~such the~~ time and place as shall be specified by call of the chairperson ~~or the director~~. ~~At least one meeting shall be held bimonthly~~. All meetings shall be open to the public. Notice of each meeting shall be given in writing to each member ~~by the director~~ at least three days in advance of the meeting. Three commissioners shall constitute a quorum for the transaction of business.

Sec. 208. Section 19A.7, subsection 4, Code 1985, is amended by striking the subsection.

Sec. 209. Section 19A.8, subsection 2, Code 1985, is amended by striking the subsection.

Sec. 210. Section 19A.8, subsections 3, 6, 7, and 8, and unnumbered paragraphs 2, and 3, Code 1985, are amended to read as follows:

3. To establish and maintain a roster of all employees in the ~~state merit system executive branch of state government, excluding employees of the state board of regents, in which there shall be set forth, as to each employee, the class title, pay or status, and other pertinent data.~~

6. To encourage and exercise leadership in the development of effective personnel administration within the several departments in the ~~state merit system of state government~~, and to make available the facilities of the department of ~~merit employment personnel~~ to this end.

7. To investigate the operation and effect of this ~~law chapter~~ and of the rules made ~~thereunder under it~~ and to report semiannually the director's findings and recommendations to the ~~commission~~ governor.

8. To make an annual report to the ~~commission~~ governor regarding the work of the department and ~~such special reports as the director may consider~~ considers desirable.

The director shall designate, ~~with the approval of the commission~~, an employee of the department to act for the director in the director's absence or inability from any cause to discharge the powers and duties of this office.

The director shall utilize appropriate persons, including officers and employees in the ~~state merit system executive branch of state government~~, to assist in the preparation and rating of tests. The director shall confer with agency personnel to assist in preparing examinations for professional and technical classes. An appointing authority may excuse any employee ~~in~~ under the appointing authority's division jurisdiction from the employee's regular duties for the time required for work as an examiner. ~~Such These~~ officers and employees ~~shall are~~ not be entitled to extra pay for their services as examiners but shall be paid their necessary traveling and other expenses.

Sec. 211. Section 19A.9, unnumbered paragraph 1 and subsections 1, 2, 13, 18, 19, and 23, Code Supplement 1985, are amended to read as follows:

The ~~merit employment personnel~~ commission shall adopt and may amend rules for the administration and implementation of this chapter in accordance with chapter 17A. The director shall prepare and submit proposed rules to the commission. Rulemaking shall be carried out with due regard to the terms of collective bargaining agreements. A rule shall not supersede a provision of a collective bargaining agreement negotiated under chapter 20. The rules shall provide:

1. For the preparation, maintenance, and revision of a position classification plan from a schedule by separate department for each position and type of employment not otherwise provided for by law in state government ~~as approved by the executive council~~ for all positions in the ~~merit system executive branch, excluding positions under the state board of regents~~, based upon duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class, in the same geographical area. After ~~such the~~ classification has been approved by the commission, the director shall allocate the position of every employee in the ~~merit system executive branch, excluding employees of the state board of regents~~, to one

of the classes in the plan. Any employee or agency officials affected by the allocation of a position to a class shall, after filing with the director a written request for reconsideration thereof in such the manner and form as the director may prescribe prescribes, be given a reasonable opportunity to be heard thereon by the director. An appeal may be made to the commission or to a qualified classification committee appointed by the commission. No An allocation or reallocation of a position by the director to a different classification shall not become effective if such the allocation or reallocation may result in the expenditure of funds in excess of the total amount budgeted for the department of the appointing authority until approval has been obtained from the state comptroller.

~~Whenever~~ When the public interest may require requires a diminution or increase of employees in any position or type of employment not otherwise provided by law, or the creation or abolishment of any such position or type of employment, the governor with the approval of the executive council, acting in good faith, shall so notify the commission. Thereafter such the position or type of employment shall stand abolished or created and the number of employees therein reduced or increased. Schedules of positions and type types of employment not otherwise provided for by law shall be reviewed at least once each year by the governor and submitted to the executive council for continuing approval.

2. For a pay plan plans within the purview of an appropriation made by the general assembly and not otherwise provided by law for all employees in the merit system executive branch of state government, excluding employees of the state board of regents, after consultation with the governor and appointing authorities with due regard to the results terms of a collective bargaining agreement agreements negotiated under chapter 20 and after a public hearing held by the commission. The pay plan becomes effective only after it has been approved by the executive council after submission from the commission. Review of the pay plan for revisions shall be made in the same manner at the discretion of the director, but not less than annually. The annual review by the director shall be made available to the governor a sufficient time in advance of collective bargaining negotiations to permit its recommendations to be considered during the negotiations. Each employee in the executive branch, excluding employees of the state board of regents, shall be paid at one of the rates set forth in the pay plan for the class of position in which employed and, unless otherwise designated by the commission, shall begin employment at the first step of the established range for the employee's class. Unless otherwise established by law, the governor, with the approval of the executive council, shall establish a pay plan for all exempt positions in the executive branch of government except for employees of the governor, the board of regents, the Iowa department of public broadcasting, the commissioner of public instruction and members of the professional staff of the department of public instruction, appointed under section 257.24, who possess a current, valid teacher's certificate or who are assigned to vocational activities or programs, the commission for the blind, members of the Iowa highway safety patrol and other peace officers, as defined in section 97A.1, employed by the department of public safety, and officers and enlisted personnel of the armed services under state jurisdiction.

13. For establishing in co-operation with the appointing authorities a system of service records of all employees in the classified service executive branch of state government, excluding employees of the state board of regents, which service records shall be considered in determining salary increases provided in the pay plan; as a factor in promotion tests; as a factor in determining the order of layoffs because of lack of funds or work and in reinstatement; as a factor in demotions, discharges, or transfers; and for the regular evaluation, at least annually, of the qualifications and performance of all those employees in the classified service.

18. For attendance regulations, and special leaves of absence, with or without pay, or reduced pay, in the various classes of positions in the classified service executive branch, excluding positions under the state board of regents. Employees who are subject to contracts negotiated under chapter 20 which include leave of absence provisions shall be governed by the contract provisions. Annual sick leave and vacation time shall be granted in accordance with section 79.1.

19. For the development and operation of programs to improve the work effectiveness and morale of employees in the ~~merit system~~ executive branch, excluding employees of the state board of regents, including training, safety, health, welfare, counseling, recreation, and employee relations.

23. For the establishment of work test appointments for positions of unskilled labor, attendants, aides, janitors, food service workers, laundry workers, porters, elevator operators, or custodial or similar types of employment when the character of the work makes it impracticable to supply the needs of the service effectively by written or other type of competitive examination. If this subsection conflicts with any other provisions of this chapter, the provisions of this subsection ~~shall~~ govern the positions to which it applies. All persons appointed to the positions specified in this subsection shall serve a probationary period in accordance with this chapter, may acquire permanent status, and are subject to the same rules as other classified employees. Such persons shall be required to pass promotional examinations as prescribed by this chapter and the rules adopted by the ~~merit employment~~ personnel commission before they may be promoted to a higher classification.

Sec. 212. Section 19A.9, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 24. For the establishment of a career executive program whereby interested permanent merit system employees qualified by education and experience to fill upper level executive positions are designated for a career executive pool. The career executive pool may be used as a source of candidates for vacant executive level positions in the exempt service. The rules shall provide that an employee accepting an appointment to an exempt position under the career executive program may return to the employee's last merit service status within six months after the date of appointment to the exempt position.

Sec. 213. Section 19A.11, Code 1985, is amended to read as follows:

19A.11 AID BY STATE EMPLOYEES – RECORDS AND INFORMATION.

All officers and employees of the state shall comply with and aid in all proper ways in carrying out the provisions of this chapter and the rules and orders ~~thereunder~~ under it. All officers and employees shall furnish any records or information which the director ~~or the commission may require~~ requires for any purpose of this chapter. The director may institute and maintain any action or proceeding at law or in equity that the director considers necessary or appropriate to secure compliance with this chapter and the rules and orders ~~thereunder~~ under it.

The director may, ~~with the approval of the commission~~, delegate to a person ~~under the merit system~~ in any department, agency, board, commission, or installation thereof, located away from the seat of government, any of the duties ~~herein~~ imposed by this chapter upon the director.

Sec. 214. Section 19A.13, unnumbered paragraph 1, Code 1985, is amended to read as follows:

No A state disbursing or auditing officer shall not make or approve or take part in making or approving any a payment for personal service to any person ~~holding a position in the merit system~~ unless the payroll voucher or account of ~~such~~ the pay bears the certification of the director, or of the director's authorized agent, that the persons named ~~therein~~ have been appointed and employed in accordance with the ~~provisions~~ of this chapter and the rules and orders ~~thereunder~~ under it, and that funds are available for the payment of the persons.

Sec. 215. Section 19A.14, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

19A.14 MERIT APPEALS.

1. **EMPLOYEE DISCIPLINE.** A merit system employee who is discharged, suspended, demoted, or otherwise reduced in pay, except during the employee's probationary period, may appeal to the appointing authority for a review of the action. If not satisfied, the employee may, within thirty calendar days following the date of the discharge, suspension, demotion, or reduction in pay, file an appeal with the public employment relations board for hearing. The employee has the right to a hearing closed to the public, but the employee may request a public hearing. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of just cause. If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause, the employee may be reinstated without loss of pay or benefits for the elapsed period or the public employment relations board may fashion other appropriate remedies. Decisions by the public employment relations board constitute final agency action.

2. **EMPLOYEE GRIEVANCES.** A merit system employee who has exhausted all available steps of the uniform grievance procedure of the department of personnel may, within thirty calendar days following the date a decision was received or should have been received by the employee at the second step of the grievance procedure, file an appeal with the director. The director may grant the relief sought, and that decision constitutes final agency action. However, if the director does not grant the relief sought, the employee may, within thirty calendar days following the date of filing of the appeal, file the appeal with the public employment relations board for hearing. The hearing shall be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of substantial compliance with this chapter and the rules of the department of personnel. Decisions by the public employment relations board constitute final agency action.

Sec. 216. Section 19A.17, Code 1985, is amended to read as follows:

19A.17 OATHS AND SUBPOENAS.

~~The commission, each member of the commission, and the director shall have power to may~~ administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by this chapter. ~~Any A~~ A person who ~~shall fail~~ fails to appear in response to a subpoena or produce ~~any~~ books or papers pertinent to ~~any such~~ the investigation or hearing or who ~~shall knowingly give~~ gives false testimony therein shall be is guilty of a simple misdemeanor.

Sec. 217. Section 19A.18, unnumbered paragraph 7, Code 1985, is amended to read as follows:

The commission shall adopt any rules necessary for further restricting political activities of persons holding positions in the classified service, but only to the extent necessary to comply with federal standards ~~in order that the present Iowa merit system council shall be absorbed by the Iowa merit employment department. In any event all employees shall.~~ Employees retain the right to vote as they please and to express their opinions on all subjects.

Sec. 218. Section 19A.19, unnumbered paragraph 4, Code 1985, is amended to read as follows:

A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in a merit system administered by, or subject to approval of, the ~~Iowa merit employment commission~~ director as a reprisal for a disclosure of information by

that employee to a member of the general assembly, the legislative service bureau, the legislative fiscal bureau, or the respective caucus staffs of the general assembly, or a disclosure of information which the employee reasonably believes evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. This subsection does not apply if the disclosure of that information is prohibited by statute.

Sec. 219. NEW SECTION. 19A.30 ANNUITY CONTRACTS.

At the request of an employee of a state agency through contractual agreement, the director may arrange for the purchase of group or individual annuity contracts for any of the employees of that agency from any company the employee chooses that is authorized to do business in this state and through an Iowa-licensed insurance agent that the employee selects for retirement or other purposes, and may make payroll deductions in accordance with the arrangements for the purpose of paying the entire premium due and to become due under the contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits afforded under section 403b of the Internal Revenue Code of 1954, as defined in section 422.3. The employee's rights under the annuity contract are non-forfeitable except for the failure to pay premiums.

Whenever an existing tax-sheltered annuity contract is to be replaced by a new contract the agent or representative of the company shall send a letter of intent by registered mail at least thirty days prior to any action to the company being replaced, to the insurance commissioner of the state of Iowa, to the agent's own company and to the director. The letter of intent shall contain the policy number and description of the contract being replaced and a description of the replacement contract.

Sec. 220. NEW SECTION. 19B.1 DEFINITION.

As used in this chapter unless the context otherwise requires:

1. "Affirmative action" means action appropriate to overcome the effects of past or present practices, policies, or other barriers to equal employment opportunity.
2. "State agency" means an office, bureau, division, department, board, or commission in the executive branch of state government.

Sec. 221. NEW SECTION. 19B.2 EQUAL OPPORTUNITY IN STATE EMPLOYMENT — AFFIRMATIVE ACTION.

It is the policy of this state to provide equal opportunity in state employment to all persons. An individual shall not be denied equal access to state employment opportunities because of race, creed, color, religion, national origin, sex, age, or physical or mental disability. It also is the policy of this state to apply affirmative action measures to correct deficiencies in the state employment system where those remedies are appropriate. This policy shall be construed broadly to effectuate its purposes.

It is the policy of this state to permit special appointments by bypassing the usual testing procedures for any applicant for whom the division of vocational rehabilitation of the department of education or the commission for the blind of the department of human rights has certified the applicant's disability and competence to perform the job. The department of personnel, in cooperation with the commission for the blind and the division of vocational rehabilitation, shall develop appropriate certification procedures. This paragraph should not be interpreted to bar promotional opportunities for blind and physically or mentally disabled persons. If this paragraph conflicts with any other provisions of this chapter, the provisions of this paragraph govern.

Sec. 222. NEW SECTION. 19B.3 ADMINISTRATIVE RESPONSIBILITIES OF DEPARTMENT OF PERSONNEL AND BOARD OF REGENTS.

1. The department of personnel is responsible for the administration and promotion of equal opportunity and affirmative action efforts in the recruitment, appointment, assignment,

and advancement of personnel by all state agencies except the state board of regents and the institutions under its jurisdiction. In carrying out this responsibility the department shall do all of the following with respect to state agencies other than the state board of regents and its institutions:

- a. Designate a position as the state affirmative action administrator.
- b. Propose affirmative action standards applicable to each state agency based on the population of the community in which the agency functions, the population served by the agency, or the persons that can be reasonably recruited.
- c. Gather data necessary to maintain an ongoing assessment of affirmative action efforts in state agencies.
- d. Monitor accomplishments with respect to affirmative action remedies identified in affirmative action plans of state agencies.
- e. Conduct studies of preemployment and postemployment processes in order to evaluate employment practices and develop improved methods of dealing with all employment issues related to equal employment opportunity and affirmative action.
- f. Establish a state recruitment coordinating committee to assist in addressing affirmative action recruitment needs, with members appointed by the director of the department of personnel.
- g. Address equal opportunity and affirmative action training needs of all state agencies by:
 - (1) Providing appropriate training for managers and supervisors.
 - (2) Insuring that all state agencies make training available for all staff members whose duties relate to personnel administration.
 - (3) Investigating means for training in the area of career development.
- h. Coordinate and develop equal employment opportunity reports, including the initiation of the processes necessary for the completion of the annual EEO-4 report required by the federal equal employment opportunity commission.
- i. Address equal opportunity and affirmative action policies with respect to employee benefits and leaves of absence.
- j. Adopt equal employment opportunity and affirmative action rules in accordance with chapter 17A.

2. The state board of regents is responsible for the administration and promotion of equal opportunity and affirmative action efforts in the recruitment, appointment, assignment, and advancement of personnel by the board and the institutions under its jurisdiction. In carrying out this responsibility the board shall do all of the following with respect to the board and its institutions:

- a. Designate a position as the regents' affirmative action coordinator.
- b. Propose affirmative action standards applicable to the board and each institution under its jurisdiction.
- c. Gather data necessary to maintain an ongoing assessment of affirmative action efforts.
- d. Monitor accomplishments with respect to affirmative action remedies identified in affirmative action plans.
- e. Conduct studies of preemployment and postemployment processes in order to evaluate employment practices and develop improved methods of dealing with all employment issues related to equal employment opportunity and affirmative action.
- f. Establish an equal employment committee to assist in addressing affirmative action needs, including recruitment.
- g. Address equal opportunity and affirmative action training needs by:
 - (1) Providing appropriate training for managers and supervisors.

(2) Insuring that the board and its institutions make training available for all staff members whose duties relate to personnel administration.

(3) Investigating means for training in the area of career development.

h. Require development of equal employment opportunity reports, including the initiation of the processes necessary for the completion of the annual EEO-6 reports required by the federal equal employment opportunity commission.

i. Address equal opportunity and affirmative action policies with respect to employee benefits and leaves of absence.

j. Adopt equal employment opportunity and affirmative action rules in accordance with chapter 17A.

Sec. 223. NEW SECTION. 19B.4 STATE AGENCY AFFIRMATIVE ACTION PLANS – PROGRAMS.

1. Each state agency, including the state board of regents and its institutions, shall annually prepare an affirmative action plan. State agencies other than the state board of regents and its institutions shall submit their plans to the department of personnel. Institutions under the jurisdiction of the state board of regents shall submit their plans to that board. The plans shall be submitted between December 15 and December 31 each year. Each plan shall contain a clear and unambiguous written program containing goals and time specifications related to personnel administration.

2. Each state agency, including the state board of regents and its institutions, shall conduct programs of job orientation and provide organizational structure and training for upward mobility of employees. Emphasis shall be placed upon fair practices in employment.

Sec. 224. NEW SECTION. 19B.5 ANNUAL REPORTS.

1. The head of each state agency other than the state board of regents and its institutions is personally responsible for submitting an annual report of the affirmative action accomplishments of that agency to the department of personnel between December 15 and December 31 each year.

2. The department of personnel shall submit a report on the condition of affirmative action programs in state agencies covered by subsection 1 by January 31 of each year to the department of management.

3. The state board of regents shall submit an annual report of the affirmative action accomplishments of the board and its institutions by January 31 of each year to the department of management.

Sec. 225. NEW SECTION. 19B.6 RESPONSIBILITIES OF DEPARTMENT OF MANAGEMENT – AFFIRMATIVE ACTION.

The department of management shall oversee the implementation of sections 19B.1 through 19B.5 and shall work with the governor to ensure compliance with those sections, including the attainment of affirmative action goals and timetables, by all state agencies, including the state board of regents and its institutions.

Sec. 226. NEW SECTION. 19B.7 STATE CONTRACTS AND SERVICES – STATE-ASSISTED PROGRAMS – RESPONSIBILITIES OF OFFICE OF MANAGEMENT – REGENTS.

1. Except as otherwise provided in subsection 2, the office of management is responsible for the administration and promotion of equal opportunity in all state contracts and services and the prohibition of discriminatory and unfair practices within any program receiving or benefiting from state financial assistance in whole or in part. In carrying out these responsibilities the office of management shall:

a. Establish for all state agencies a contract compliance policy, applicable to state contracts and services and to programs receiving or benefiting from state financial assistance, to assure:

(1) The equitable provision of services within state programs.

(2) The utilization of minority, women's, and disadvantaged business enterprises as sources of supplies, equipment, construction, and services.

(3) Nondiscrimination in employment by state contractors and subcontractors.

b. Adopt administrative rules in accordance with chapter 17A to implement the contract compliance policy.

c. Monitor the actions of state agencies to ensure compliance.

d. Report results under the contract compliance policy to the governor and the general assembly on an annual basis. The report shall detail specific efforts to promote equal opportunity through state contracts and services and efforts to promote, develop, and stimulate the utilization of minority, women's, and disadvantaged business enterprises in programs receiving or benefiting from state financial assistance.

e. Do other acts necessary to carry out the contract compliance policy described in this section.

2. The state board of regents is responsible for administering the provisions of this section for the institutions under its jurisdiction.

Sec. 227. NEW SECTION. 19B.7A SANCTIONS.

The department of management may impose appropriate sanctions on individual state agencies, including the state board of regents and its institutions, in order to ensure compliance with state programs emphasizing equal opportunity through affirmative action, contract compliance policies, and requirements for procurement set-asides for targeted small businesses.

Sec. 228. NEW SECTION. 19B.8 SCHOOL DISTRICTS, AREA EDUCATION AGENCIES, AND MERGED AREA SCHOOLS – DUTIES OF COMMISSIONER OF EDUCATION.

1. It is the policy of this state to provide equal opportunity in school district, area education agency, and merged area school employment to all persons. An individual shall not be denied equal access to school district or area education agency employment opportunities because of race, creed, color, religion, national origin, sex, age, or physical or mental disability.

2. The commissioner of education shall actively promote fair employment practices for all school district, area education agency, and merged area school employees and shall inform school districts, area education agencies, and merged area schools concerning their efforts to accomplish this goal. The commissioner shall consult with the department of personnel in the performance of duties under this section.

3. Each school district, area education agency, and merged area school in the state shall submit to the commissioner of education an annual report of the accomplishments and programs of the district, agency, or merged area school in carrying out its duties under this section. The report shall be submitted between December 15 and December 31 each year. The commissioner shall prescribe the form and content of the report.

4. The commissioner of education shall prepare a compilation of the reports required by subsection 3 and shall submit this compilation, together with a report of the commissioner's accomplishments and programs pursuant to this section, to the office of management by January 31 of each year.

Sec. 229. Section 20.1, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The general assembly declares that the purposes of the public employment relations board established by this chapter are to implement the provisions of this chapter and adjudicate and conciliate employment-related cases involving the state of Iowa and other public employers and employee organizations. For these purposes the powers and duties of the board include but are not limited to the following:

1. Determining appropriate bargaining units and conducting representation elections.

2. Adjudicating prohibited practice complaints and fashioning appropriate remedial relief for violations of this chapter.

3. Adjudicating and serving as arbitrators regarding state merit system grievances and grievances arising under collective bargaining agreements between public employers and certified employee organizations.

4. Providing mediators, fact finders, and arbitrators to resolve impasses in negotiations.

5. Collecting and disseminating information concerning the wages, hours, and other conditions of employment of public employees.

6. Assisting the attorney general in the preparation of legal briefs and the presentation of oral arguments in the district court and the supreme court in cases affecting the board.

Sec. 230. Section 20.4, subsection 10, Code 1985, is amended by striking the subsection.

Sec. 231. Section 79.1, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

All employees of the state shall earn two weeks' vacation per year during the first year of employment and through the fourth year of employment, and three weeks' vacation per year during the fifth and through the eleventh year of employment, and four weeks' vacation per year during the twelfth year through the nineteenth year of employment, and four and four-tenths weeks' vacation per year during the twentieth year through the twenty-fourth year of employment, and five weeks' vacation per year during the twenty-fifth year and all subsequent years of employment, with pay. One week of vacation shall be equal to the number of hours in the employee's normal work week. Vacation allowances shall be accrued according to the provisions of chapter 91A as provided by the rules of the Iowa merit employment department of personnel. The vacations shall be granted at the discretion and convenience of the head of the department, agency, or commission, except that an employee shall not be granted vacation in excess of the amount earned by the employee. Vacation leave earned under this paragraph shall not be cumulated to an amount in excess of twice the employee's annual rate of accrual. The head of the department, agency, or commission shall make every reasonable effort to schedule vacation leave sufficient to prevent any loss of entitlements. In the event that If the employment of an employee of the state is terminated the provisions of chapter 91A relating to the termination shall apply.

Sec. 232. Section 79.1, unnumbered paragraphs 7 and 8, Code Supplement 1985, are amended to read as follows:

State employees, excluding state board of regents' faculty members with nine-month appointments, and employees covered under a collective bargaining agreement negotiated with the public safety bargaining unit who are eligible for accrued vacation benefits and accrued sick leave benefits, who have accumulated thirty days of sick leave, and who do not use sick leave during a full month of employment may elect to accrue up to one-half day of additional vacation. The accrual of additional vacation time by an employee for not using sick leave during a month shall be is in lieu of the accrual of up to one and one-half days of sick leave for that month. The state comptroller personnel commission may promulgate adopt the necessary rules and procedures for the implementation of this program for all state employees except employees of the state board of regents. The state board of regents may promulgate adopt necessary rules for the implementation of this program for its employees.

The head of any department, agency, or commission, subject to rules of the department of personnel, may grant an educational leave to employees for whom the head of the department, agency, or commission is responsible pursuant to section 79.25 and funds appropriated by the general assembly may be used for such purposes this purpose. The head of such the department, agency, or commission shall notify the legislative council and the state comptroller director of the department of personnel of all educational leaves granted within fifteen days of the granting of the educational leave. If the head of a department, agency or commission fails to notify the legislative council and state comptroller the director of the department of personnel of an educational leave, the expenditure of funds appropriated by the general assembly for the educational leave shall not be allowed.

Sec. 233. Section 79.16, subsection 2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A state employee who is reassigned shall be reimbursed for moving expenses incurred in accordance with rules adopted by the ~~state comptroller~~ personnel commission when all of the following circumstances exist:

Sec. 234. **NEW SECTION. 79.19 DURATION OF STATE PAYROLL DEDUCTION FOR DUES OF EMPLOYEE ORGANIZATION MEMBER.**

A state employee who elects a payroll deduction for membership dues to an employee organization pursuant to the provisions of a collective bargaining agreement negotiated under the provisions of chapter 20 shall maintain the deduction for a period of one year or until the expiration of the collective bargaining agreement, whichever occurs first. A state employee who transfers employment to a position covered by a different collective bargaining agreement or who becomes a management employee is not subject to this requirement. With respect to state employees, this section supersedes the provisions of section 20.9 allowing termination of a dues checkoff at any time but does not supersede the requirement for thirty days' written notice of termination.

Sec. 235. Section 79.20, unnumbered paragraph 1, Code 1985, is amended to read as follows:

~~There is created a~~ A state employees disability insurance program is created, which shall be administered by the ~~executive council~~ director of the department of personnel and which shall provide disability benefits in an amount and for the employees as provided in this section. The monthly disability benefits shall provide twenty percent of monthly earnings if employed less than one year, forty percent of monthly earnings if employed one year or more but less than two years, and sixty percent of monthly earnings thereafter, reduced by primary and family social security determined at the time social security disability payments commence, workers' compensation if applicable, and any other state sponsored sickness or disability benefits payable. ~~No subsequent~~ Subsequent social security increases shall not be used to further reduce the insurance benefits payable. State employees shall receive credit for the time they were continuously employed prior to and on July 1, 1974. The following provisions shall apply to the employees disability insurance program:

Sec. 236. Section 79.24, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The state and any political subdivisions of the state shall grant employees leave from employment to participate in olympic competition sanctioned by the United States olympic committee. Any leave granted shall not exceed the time required for actual participation in the competition, plus a reasonable time for travel to and return from the site of the competition, and a reasonable time for precompetition training at the site. The state or political subdivision shall compensate the employee at the employee's regular rate of pay during any leave granted. Pay for each week of leave shall not exceed the amount the employee would receive for a normal work week, and the employee shall not be paid for any day spent in olympic competition for which the employee would not ordinarily receive pay as part of the employee's regular employment. The maximum leave granted per fiscal year under this section shall not exceed ninety days. Employees with approved leave shall retain all employment benefits throughout the leave of absence. The ~~director of the Iowa merit employment commission~~ personnel commission shall ~~promulgate~~ adopt rules for the implementation of this section.

Sec. 237. Section 79.25, subsection 2, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The ~~state comptroller~~ director of the department of personnel shall not allow the payment of expenses for courses unless the department, agency, or commission can demonstrate a relationship between the employee's job responsibilities and the courses to be taken or that the employee is required to learn new skills for which the department, agency, or commission has a need.

Sec. 238. Section 79.25, subsection 3, paragraphs a, b, and c, Code Supplement 1985, are amended to read as follows:

a. The ~~state comptroller~~ director of the department of personnel shall periodically and at least annually review the implementation of educational leave and educational assistance programs by state agencies.

b. The head of each state agency, department, or commission shall report to the ~~state comptroller~~ director of the department of personnel and the legislative council not later than October 1 of each year the direct and indirect costs to the agency of educational leave and educational assistance granted to agency employees during the preceding fiscal year. The report shall include an estimate of costs saved by the state agency, department, or commission through the use of educational leave and educational assistance. As used in this subsection, "indirect costs" includes but is not limited to, adjustments in employee work assignments and agency operations necessitated by educational leave or assistance.

c. The report to the ~~state comptroller~~ director of the department of personnel and legislative council shall identify the relationship of each course to the employee who is granted educational leave and how the course may improve the employee's job performance or the task to be accomplished within the agency.

Sec. 239. Section 79.25, subsection 3, paragraph d, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The report to the ~~state comptroller~~ director of the department of personnel and the legislative council shall also include:

Sec. 240. NEW SECTION. 79.37 COLLECTIVE BARGAINING AGREEMENTS.

Administrative rules adopted by the director of the department of personnel pursuant to this chapter shall not supersede provisions of collective bargaining agreements negotiated under chapter 20.

Sec. 241. Section 80.15, Code 1985, is amended to read as follows:

80.15 EXAMINATION — OATH — PROBATION — DISMISSAL.

~~No~~ An applicant for membership in the department of public safety, except clerical workers and special agents appointed under section 80.7, shall not be appointed as a member until the applicant has passed a satisfactory physical and mental examination. In addition, ~~such~~ the applicant must be a citizen of the United States, of good moral character, and be not less than twenty-two years of age. The mental examination shall be conducted under the direction or supervision of the commissioner of public safety and may be oral or written or both. Each applicant shall take an oath on becoming a member of the force, to uphold the laws and Constitution of the United States and of the state of Iowa. During the period of twelve months after appointment, any member of the department of public safety, except members of the present Iowa highway safety patrol who have served more than six months, ~~shall be~~ is subject to dismissal at the will of the commissioner. After the twelve months' service, ~~no~~ a member of the department, who ~~shall have been~~ was appointed after having passed the ~~before mentioned~~ examinations, ~~shall be~~ is not subject to dismissal unless charges have been filed with the ~~secretary of the executive council~~ department of audits and appeals and a hearing held ~~before by the executive council~~ employment appeal board created by section 10A.601, if requested by

said the member of the department, at which the member shall have has an opportunity to present a defense to such the charges. The decision of the executive council by majority vote shall be appeal board is final, subject to the right of judicial review in accordance with the terms of the Iowa administrative procedure Act. All rules, except employment provisions negotiated pursuant to chapter 20, regarding the enlistment, appointment, and employment affecting the personnel of the department shall be established by the commissioner in consultation with the director of the department of personnel, subject to approval of by the governor.

Sec. 242. Section 97.51, subsection 1, unnumbered paragraph 1, and paragraph c, and subsection 3, Code 1985, are amended to read as follows:

The treasurer of state is hereby made the custodian and trustee of this fund and shall administer the same fund in accordance with the directions of the Iowa department of job service personnel. It shall be is the duty of the trustee:

c. Disburse such To disburse the trust funds upon warrants drawn by the comptroller pursuant to the order of the department of job service personnel.

3. The Iowa department of job service shall be vested with authority to personnel shall administer the Iowa old-age and survivors' insurance liquidation fund and shall also administer all other provisions of this chapter.

Sec. 243. Section 97A.1, subsection 4, Code 1985, is amended to read as follows:

4. "Board of trustees" shall mean means the board provided for created in section 97A.5 to administer direct the administration of the Iowa department of public safety peace officers' retirement, accident, and disability system.

Sec. 244. Section 97A.2, Code 1985, is amended to read as follows:

97A.2 CREATION OF SYSTEM - PURPOSE - NAME.

There is hereby created and established a retirement or pension system to be known as the The Iowa department of public safety peace officers' retirement, accident, and disability system is created. It is the intent and purpose of this chapter to provide certain retirement and other benefits for the peace officers of the Iowa department of public safety herein named in this chapter, or benefits to their dependents, in amounts and under terms and conditions hereinafter set forth. Such in this chapter. The system shall be administered under the management direction of the board of trustees hereinafter described, and shall transact all of its business, invest all of its funds, and hold all of its cash and security and other property in the name of the Iowa department of public safety peace officers' retirement, accident, and disability system. The retirement system so created shall begin operation on the effective date of this chapter.

Sec. 245. Section 97A.5, subsection 1, Code 1985, is amended to read as follows:

1. BOARD OF TRUSTEES. A board of trustees of the Iowa department of public safety peace officers' retirement, accident, and disability system is created. The general administration and the responsibility for the proper operation of the system and for making effective the provisions of this chapter are hereby is vested in a the board of trustees to administer the system. Such The board of trustees shall be is constituted as follows: The commissioner of public safety, who shall be is chairperson of said the board, the state treasurer of state, and an actively engaged member of the system, to be chosen by secret ballot by the members thereof of the system for a term of two years.

Sec. 246. Section 97A.5, subsection 5, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

5. STAFF. The department of personnel shall provide administrative services to the board of trustees. Investments shall be administered through the office of the treasurer of state.

Sec. 247. Section 97A.5, subsection 6, Code 1985, is amended to read as follows:

6. DATA — RECORDS — REPORTS. ~~The board of trustees department of personnel shall keep in convenient form such the data as shall be necessary for actuarial valuation of the various funds of the system and for checking the expense of the system. The secretary of the board director of the department of personnel shall keep a record of all the acts and proceedings taken by said of the board, which records shall be open to public inspection, and the secretary shall keep a complete record of the names of all of the members, their ages and length of service, the salary of each member, together with such and other facts as may be necessary in the administration of the provisions of this chapter, and for the purpose of obtaining such facts, the secretary director of personnel shall have access to the records of the various departments of the state. The board of trustees shall biennially make a report to the state legislature showing the fiscal transactions of the system for the preceding biennium, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the system.~~

Sec. 248. Section 97A.7, subsection 4, Code 1985, is amended to read as follows:

4. ~~No trustee and no A member of the board of trustees or an employee of the board of trustees department of personnel shall not have any a direct interest in the gains or profits of any investment made by the board of trustees. No A trustee shall not receive any pay or emolument for the trustee's services except as secretary. No A trustee or employee of the board of trustees department of personnel shall not directly or indirectly for the trustee or employee or as agent in any manner use the assets of the system except to make such current and necessary payments as are authorized by the board of trustees, nor shall any a trustee or employee of the board department of personnel become an endorser or surety or become in any manner an obligor for moneys loaned by or borrowed from the board of trustees.~~

Sec. 249. Section 97B.1, Code 1985, is amended to read as follows:

97B.1 SYSTEM CREATED — ORGANIZATIONAL DEFINITIONS.

1. ~~A public employees' retirement system is hereby created and established to become effective as of July 4, 1953, and to be known as the The "Iowa Public Employees' Retirement System" hereinafter called the "system" is created. The system is within the department of personnel.~~

2. ~~As used in this chapter unless the context requires otherwise:~~

- a. ~~"Administrator" means the chief administrative officer of the system.~~
- b. ~~"Board" means the investment board created by section 97B.8.~~
- c. ~~"Department" means the department of personnel.~~
- d. ~~"Director" means the director of the department of personnel.~~
- e. ~~"System" means the Iowa public employees' retirement system.~~

Sec. 250. Section 97B.3, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

97B.3 ADMINISTRATOR.

1. The chief administrative officer of the system is the administrator. The administrator shall be appointed by the director as provided in subsection 2.

2. The department of personnel shall provide to the investment board a list of eligible applicants for the position of administrator prepared in accordance with the rules of the department. The board shall recommend to the director candidates from this list and the director shall appoint the administrator from among the recommended candidates.

3. The administrator shall serve at the pleasure of the director.

Sec. 251. Section 97B.4, Code 1985, is amended to read as follows:

97B.4 POWERS AND DUTIES — IMMUNITY.

~~It shall be the duty of the The department to, through the administrator, shall administer this chapter; and it shall have power and authority to. The department may adopt, amend, or~~

rescind such rules, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as it deems necessary or suitable to that end for the administration of the system. Such The rules shall be effective upon complying compliance with chapter 17A. Not later than the fifteenth day of December of each year, the department shall submit to the governor a report covering the administration and operation of this chapter during the preceding fiscal year and shall make such recommendations for amendments to this chapter as the department deems proper. Such The report shall include a balance sheet of the moneys in the Iowa public employees' retirement fund.

The department, members of the investment board, and the treasurer of state are not personally liable for actions under this chapter.

Sec. 252. Section 97B.5, Code 1985, is amended to read as follows:

97B.5 OFFICERS AND EMPLOYEES STAFF.

Subject to other provisions of this chapter, the department is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, actuaries, and other persons as may be necessary in the performance of its duties may employ personnel as necessary for the administration of the system. The department shall classify its positions and shall establish salary schedules and minimum personnel standards for the positions so classified. All positions shall be filled by persons selected and appointed on the basis of competency and fitness for the position to be filled. The staff shall be appointed pursuant to chapter 19A. The department shall not appoint or employ any a person who is an officer or committee member of any a political party organization or who holds or is a candidate for any an elective public office. The department shall establish and enforce fair and reasonable regulations based upon ratings of efficiency and fitness and for terminations for cause. The department may employ attorneys and contract with attorneys and legal firms for the provision of legal counsel and advice in the administration of this chapter, chapter 97C, and chapter 12A. The department may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this chapter, and may in its discretion bond any person handling moneys or signing checks hereunder under this chapter. The department is authorized to enter into arrangements with the federal bureau of employment security whereby services performed by the department and its employees both under this chapter and under the Iowa employment security chapter shall be equitably apportioned between the funds provided for the administration of said chapters. That money spent for rentals, supplies and equipment used by both agencies shall be equitably apportioned and charged against said funds.

Sec. 253. Section 97B.7, subsection 2, paragraph b, unnumbered paragraphs 1, 2, and 3, Code Supplement 1985, are amended to read as follows:

Invest, subject to chapter 12A, the portion of the retirement fund which in the judgment of the department is not needed for current payment of benefits under this chapter. The department shall determine execute the disposition and investment of moneys in the retirement fund in accordance with the investment policy and goal statement established by the investment board. In the investment of the fund, the department and investment board shall exercise the judgment and care, under the circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs as provided in section 633.123, subsection 1.

The department and investment board shall give appropriate consideration to those facts and circumstances that the department knows and investment board know or should know are relevant to the particular investment involved, including the role the investment plays in the total value of the retirement fund.

For the purposes of this paragraph, appropriate consideration includes, but is not limited to, a determination by the department and investment board that the particular investment is reasonably designed to further the purposes of the retirement system, taking into consideration the risk of loss and the opportunity for gain or other return associated with the investment and consideration of the following factors as they relate to the retirement fund:

Sec. 254. Section 97B.8, unnumbered paragraphs 1 and 2, Code Supplement 1985, are amended to read as follows:

97B.8 ADVISORY INVESTMENT BOARD.

A board is established to be known as the "Advisory Investment Board of the Iowa Public Employees' Retirement System", hereinafter called referred to in this chapter as the "board", whose duties are to advise and confer with establish policy for the department in matters relating to the investment of the trust funds of the Iowa public employees' retirement system. At least annually the board shall review the investment policies and procedures used by the department under section 97B.7, subsection 2, paragraph "b", and shall hold a public meeting on the investment policies and investment performance of the fund. Following its review and the public meeting, the board shall make recommendations to the department establish an investment policy and goal statement which shall direct the investment activities of the department. The powers of the board are advisory and the department is not bound in the making of an investment, or adoption of an investment policy or procedure, by the recommendations of the board. The development of the investment policy and goal statement and its subsequent execution shall be performed cooperatively between the board and the department. In accordance with section 97B.3, the board shall recommend to the director a set of candidates for selection as the administrator.

The board shall consist consists of seven eight members. Five of the members shall be appointed by the governor, one of whom. One member shall be an executive of a domestic life insurance company, one an executive of a state or national bank operating within the state of Iowa, one an executive of a major industrial corporation located within the state of Iowa, and two shall be active members of the system, one of whom shall be an employee of a school district, area education agency, or merged area, and one of whom shall not be an employee of a school district, area education agency, or merged area. The president majority leader of the senate shall appoint one member from the membership of the senate and the speaker of the house of representatives shall appoint one member from the membership of the house. The two members appointed by the president majority leader of the senate and the speaker of the house of representatives and the two active members of the system appointed by the governor are ex officio members of the board. The director of the department of personnel is an ex officio, nonvoting member of the board.

Sec. 255. Section 97B.25, Code 1985, is amended to read as follows:

97B.25 APPLICATIONS FOR BENEFITS.

A representative designated by the director administrator and hereinafter referred to in this chapter as a benefits deputy, shall promptly examine applications for retirement benefits and on the basis of facts found by the deputy shall either determine whether or not such the claim is valid and if valid, the month with respect to which benefits shall commence, the monthly benefit amount payable, and the maximum duration thereof. The deputy shall promptly notify the applicant and any other interested party of the decision and the reasons therefor. Unless the applicant or other interested party, within thirty calendar days after such the notification was mailed to the applicant's or party's last known address, files an appeal from such decision, to a hearing officer as provided in section 97B.26 in the department of audits and appeals, such the decision shall be is final and benefits shall be paid or denied in accord therewith with the decision.

Sec. 256. Section 97B.26, Code 1985, is amended to read as follows:

97B.26 HEARING OFFICER.

~~Unless such appeal is~~ If an appeal is filed and is not withdrawn, a hearing officer ~~to be designated by the department for this purpose in the department of audits and appeals~~, after affording the parties reasonable opportunity for fair hearing, shall affirm, ~~or modify, or reverse the findings of fact and decision of the benefits deputy.~~ The hearing shall be recorded by mechanical means and a transcript of the hearing shall be made. The said transcript shall then be made available for use by the employment appeal board and by the courts at subsequent judicial review proceedings under the Iowa administrative procedure Act, if any. The parties shall be duly notified of the hearing officer's decision, together with the hearing officer's reasons therefor, ~~which shall be deemed to be the final decision of the department.~~ The decision is final unless, within thirty days after the date of notification or mailing of such the decision, further appeal review by the employment appeal board is initiated pursuant to section 97B.27.

Sec. 257. Section 97B.27, Code 1985, is amended to read as follows:

97B.27 REVIEW OF DECISION.

Anyone aggrieved by the decision of the hearing officer may, at any time before the hearing officer's decision becomes final, petition the department of audits and appeals for review ~~before by the employment appeal board established in section 96.6 of the hearing officer's decision 10A.601.~~ The appeal board shall review the record made before the hearing officer, but no additional evidence shall be heard. On the basis of ~~such the record~~ the appeal board shall either affirm, modify, or reverse the decision of the hearing officer and shall determine the rights of the appellant ~~on the basis of such record.~~ It shall promptly notify the appellant and any other interested party by written decision.

Sec. 258. Section 97C.2, subsection 5, Code 1985, is amended to read as follows:

5. The term "state agency" means the Iowa department of job service personnel.

Sec. 259. Section 97C.19, Code 1985, is amended to read as follows:

97C.19 APPORTIONMENT OF EXPENSE.

The Iowa department of job service is authorized to enter into arrangements with the federal bureau of employment security whereby services performed by the job service department and its employees both under this chapter and under the Iowa employment security chapter shall be equitably apportioned between the funds provided for the administration of said chapters. The money spent for personnel, rentals, supplies, and equipment used by the job service department state agency in administering both chapters 97, 97B, and 97C shall be equitably apportioned and charged against said the funds provided for the administration of those chapters.

Sec. 260. Section 218.10, Code 1985, is amended to read as follows:

218.10 SUBORDINATE OFFICERS AND EMPLOYEES.

The division director in charge of a particular institution, with the consent and approval of the commissioner of the department of human services, shall determine the number and ~~compensation~~ of subordinate officers and employees for each institution. Subject to the provisions of this chapter, ~~such the officers and employees shall be appointed and discharged by the chief executive officer or business manager pursuant to chapter 19A.~~ Such The officer shall keep, in the record of each subordinate officer and employee, the date of employment, the compensation, and the date of each discharge, and the reasons therefor for discharge.

Sec. 261. Section 257.10, subsection 13, Code Supplement 1985, is amended by striking the subsection.

Sec. 262. Section 294.15, unnumbered paragraphs 2 and 3, Code Supplement 1985, are amended to read as follows:

However, a person receiving retirement allowance payments under this section may elect in

writing to the Iowa department of job service personnel to continue to receive two hundred dollars per month.

Application for ~~such~~ these retirement allowance payments shall be made to the department of job service personnel under ~~such rules as the commission may prescribe~~ prescribed by the director of that department. ~~Eligible persons shall be~~ An eligible person is entitled to receive such the retirement allowance payments effective from the date of application to the commission, provided such department, if the application is approved, and such the payments shall be continued on the first day of each month thereafter during the lifetime of any such the person.

Sec. 263. Section 601A.16, subsection 1, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

A person claiming to be aggrieved by an unfair or discriminatory practice must initially seek an administrative relief by filing a complaint with the commission in accordance with section 601A.15. This provision also applies to persons claiming to be aggrieved by an unfair or discriminatory practice committed by the state or an agency or political subdivision of the state, notwithstanding the terms of the Iowa administrative procedure Act. A complainant after the proper filing of a complaint with the commission, may subsequently commence an action for relief in the district court if all of the following conditions have been satisfied:

Sec. 264. Sections 18B.10, 19A.5, 218.13, and 218.16, Code 1985, are repealed.

DEPARTMENT OF GENERAL SERVICES

Sec. 301. Section 2.43, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The legislative council in co-operation with the officers of the senate and house shall have the duty and responsibility for preparing for each session of the general assembly. Pursuant to such duty and responsibility, the legislative council ~~may~~ shall assign the use of areas in the state capitol or other state buildings except for the areas used by the governor and the courts as of January 1, 1986 and, in consultation with the director of the department of general services and the capitol planning commission, may assign areas in other state office buildings for use of the general assembly or legislative agencies. The legislative council may authorize the renovation, remodeling and preparation of the physical facilities used or to be used by the general assembly or legislative agencies subject to the jurisdiction of the legislative council and award contracts pursuant to such authority to carry out such preparation. The legislative council may purchase supplies and equipment deemed necessary for the proper functioning of the legislative branch of government.

Sec. 302. Section 2.46, subsection 5, Code 1985, is amended to read as follows:

5. INFORMATION NEEDS DETERMINATION. Determine the information needs of the general assembly and report them to the ~~state comptroller~~ director of the department of general services who shall consider such needs in establishing the operating policies for a data base management system.

Sec. 303. Section 18.3, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Providing architectural services, contracting for construction and construction oversight for state agencies except for the board of regents, department of transportation, national guard, and conservation commission. Capital funding appropriated to state agencies, except the board of regents, department of transportation, national guard, and conservation commission, for property management shall be transferred for administration and control to the director of the department of general services.

Sec. 304. Section 18.6, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 9. When the estimated total cost of construction, erection, demolition, alteration or repair of a public improvement exceeds twenty-five thousand dollars,

the department shall advertise for bids on the proposed improvement by two publications in a newspaper published in the county in which the work is to be done. The first advertisement for bids shall be not less than fifteen days prior to the date set for receiving bids. The department shall let the work to the lowest responsible bidder submitting a sealed proposal. However, if the department considers the bids received not to be acceptable, all bids may be rejected and new bids requested. A bid shall be accompanied, in a separate envelope, by a deposit of money or a certified check or credit union certified share draft in an amount to be named in the advertisement for bids as security that the bidder will enter into a contract for the doing of the work. The department 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, share drafts or deposits of money of the unsuccessful bidders shall be returned as soon as the successful bidder is determined, and the check, share draft or deposit of money of the successful bidder shall be returned upon execution of the contract documents. This section does not apply to the construction, erection, demolition, alteration or repair of a public improvement when the contracting procedure for the doing of the work is provided for in another provision of law.

Sec. 305. Section 18.8, unnumbered paragraph 5, Code 1985, is amended to read as follows:

The Except for buildings and grounds described in section 601B.6, subsection 9, and section 2.43, unnumbered paragraph 1, the director shall assign office space in at the capitol building, other state buildings, except the buildings and grounds referred to in section 601B.6, subsection 9, and elsewhere in the city of Des Moines, for all executive and judicial state agencies. Assignments may be changed at any time. The various officers to whom rooms have been so assigned may control the same while the assignment to them is in force. Official apartments shall be used only for the purpose of conducting the business of the state. The term "capitol" or "capitol building" as used in the Code shall be descriptive of all buildings upon the capitol grounds. The capitol building itself is reserved for the operations of the general assembly, the governor and the courts and the assignment and use of physical facilities for the general assembly shall be pursuant to section 2.43.

Sec. 306. Section 18.11, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The director shall establish, publish, and enforce rules regulating, restricting, or prohibiting the use by state officials, state employees, and the public, of motor vehicle parking facilities at the state capitol complex. The assignment of legislative parking spaces shall be under the control of the legislative council. The rules established by the director may establish fines for violations and a procedure for payment of the fines. The director may order payment of a fine and enforce the order in the district court.

Sec. 307. Section 18.12, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Coordinate the leasing of buildings and office space by state agencies throughout the state and develop cooperative relationships with the state board of regents to promote the collocation of state agencies.

Sec. 308. Section 18.133, subsection 1, Code 1985, is amended to read as follows:

1. "State communications" means a system refers to the transmission of voice, data, video, the written word or other visual signals by electronic means to serve communications the needs of state agencies but does not include communications activities exempt under section 18.135, subsection 3 and of the state board of regents, radio and television facilities under the Iowa department division of public broadcasting, department of transportation distributed data processing and mobile radio network, or law enforcement communications systems.

Sec. 309. NEW SECTION. 18.134 LIMITATION OF COMMUNICATIONS.

The department of general services shall not provide or resell communications services to entities other than state agencies. A political subdivision receiving communications services from the state as of April 1, 1986 may continue to do so until January 1, 1988. The rates charged to the political subdivision shall be the same as the rates charged to state agencies.

Sec. 310. Section 18.135, subsections 2 and 3, Code 1985, are amended by striking the subsections.

Sec. 311. Section 23.1, subsection 2, Code Supplement 1985, is amended to read as follows:

2. "Municipality" as used in this chapter means township, school corporation, state fair board, and state board of regents, state department of human services and Iowa department of corrections.

Sec. 312. Section 47.5, subsection 3, Code 1985, is amended to read as follows:

3. The procedure for purchasing data processing services in connection with administration of elections ~~shall be~~ is the same as prescribed in subsection 2, except that the required copy of the bid specifications shall be filed with the registrar rather than the state commissioner. The specifications for data processing contracts relative to voter registration records shall be specified by the registration commission. The registrar shall, not later than the final date for submission of bids, inform the commissioner in writing whether the ~~state comptroller's department of general services~~ data processing facilities are currently capable of furnishing the services the county proposes to purchase, and if so the cost to the county of so obtaining the services as determined in accordance with the standard charges ~~therefor~~ adopted by the registration commission. The commissioner, with approval of the board of supervisors, may reject all bids and enter into an arrangement with the registrar for the services to be furnished by the state. The commissioner may recommend and the board of supervisors may approve purchasing the needed services from the lowest responsible bidder; however, if the needed services could be obtained through the registrar at a lower cost, the board shall publish notice twice in a newspaper of general circulation in the county of its intent to accept such bid and of the difference in the amount of the bid and the cost of purchasing the needed services from the ~~state comptroller's department of general services~~ data processing facilities through the registrar. Each contract for the furnishing of data processing services, necessary in connection with the administration of elections, by any person other than the registrar or an employee of the county, shall be executed with the contractor by the board of supervisors of the county purchasing the services, but only after the contract has been reviewed and approved by the registration commission. ~~Such~~ The contract shall be of not more than one year's duration. Each county exercising the option to purchase such data processing services from a provider other than the registrar shall provide the registrar, at the county's expense, original and updated voter registration lists in a form and at times prescribed by rules ~~promulgated~~ adopted by the registration commission.

Sec. 313. Section 47.7, subsections 1 and 2, Code 1985, are amended to read as follows:

1. The senior administrator of data processing services in the ~~office of the state comptroller~~ department of general services is designated the state registrar of voters, and shall regulate the preparation, preservation, and maintenance of voter registration records, the preparation of precinct election registers for all elections administered by the commissioner of any county, and the preparation of other data on voter registration and participation in elections ~~as shall be which is~~ requested and purchased at actual cost of preparation and production by a political party or any resident of this state. The registrar shall maintain a log, which ~~shall be~~ is a public record, showing all lists and reports which have been requested or generated or which are capable of being generated by existing programs of the data processing services in the ~~office of the state comptroller~~ department of general services. In the execution of the duties provided by this chapter, the state registrar of voters and the state commissioner of elections shall provide the maximum public access to the electoral process permitted by law.

2. The registrar shall offer to each county in the state the opportunity to arrange for performance of all functions referred to in subsection 1 by the data processing facilities of the ~~state comptroller's office~~ department of general services, commencing at the earliest practicable

time, at a cost to the county determined in accordance with the standard charges for those services adopted by the registration commission. A county may accept this offer without taking bids under section 47.5.

Sec. 314. Section 218.58, Code 1985, is amended to read as follows:

218.58 CONSTRUCTION, REPAIR, AND IMPROVEMENT PROJECTS – EMERGENCIES – RULES.

The department shall work with the department of general services to accomplish the following responsibilities:

1. The department shall prepare and submit to the state comptroller, as provided in section 8.23, a multiyear construction program including estimates of the expenditure requirements for the construction, repair, or improvement of buildings, grounds, or equipment at the institutions listed in section 218.1.

2. The commissioner shall have plans and specifications prepared by the department of general services for authorized construction, repair, or improvement projects costing over twenty-five thousand dollars. An appropriation for a project shall not be expended until the department of general services has adopted plans and specifications and has completed a detailed estimate of the cost of the project, prepared under the supervision of a registered architect or registered professional engineer. Plans and specifications shall not be adopted and a project shall not proceed if the project would require an expenditure of money in excess of the appropriation.

~~The commissioner may employ a registered architect or registered professional engineer, and other technical staff necessary to complete authorized projects. The commissioner may secure consultant architectural or engineering services required to complete authorized projects.~~

3. ~~The commissioner~~ department of general services shall let all contracts under chapter 23 18 for authorized construction, repair, or improvement of departmental buildings, grounds, or equipment. ~~The department may advertise in a newspaper published at the seat of government in lieu of advertising in a newspaper in the county in which a project is located.~~

4. If the commissioner determines and the director of the department of general services determine that emergency repairs or improvements estimated to cost more than twenty-five thousand dollars are necessary to assure the continued operation of a departmental institution, the requirements of subsections 2 and 3 for preparation of plans and specifications and competitive procurement procedures are waived. ~~The commissioner's~~ A determination of necessity for waiver by the commissioner and the director of the department of general services shall be in writing and shall be entered in the project record for emergency repairs or improvements. Emergency repairs or improvements shall be accomplished using plans and specifications and competitive procurement procedures to the greatest extent possible, considering the necessity for rapid completion of the project. A waiver of the requirements of subsections 2 and 3 does not authorize an expenditure in excess of an amount otherwise authorized for the repair or improvement.

5. A claim for payment relating to a project shall be itemized on a voucher form pursuant to section 8.15, certified by the claimant and the architect or engineer in charge, and audited and approved by the department of general services. Upon approval by the department of general services, the voucher shall be forwarded to the state comptroller, who shall draw a warrant to be paid by the treasurer of state from funds appropriated for the project. A partial payment made before completion of the project does not constitute final acceptance of the work or a waiver of any defect in the work.

6. Subject to the prior approval of the director in control of a departmental institution, minor projects costing five thousand dollars or less may be authorized and completed by the executive head of the institution through the use of day labor. A contract is not required if a minor project is to be completed with the use of resident labor.

7. The department shall adopt rules pursuant to chapter 17A for construction, repair, and improvement projects, relating to programming and design, the bidding and letting of contracts, procurement and construction management operations, consultant services, and emergency repairs and improvements.

Sec. 315. Section 246.108, subsection 5, Code Supplement 1985, is amended to read as follows:

5. The director may obtain assistance for the department ~~including construction, facility planning, data processing and project accomplishment, for construction, facility planning, and project accomplishment with the department of general services and by contracting under chapter 28E for data processing with the department of human services or the department of general services.~~

Sec. 316. Section 246.314, Code Supplement 1985, is amended to read as follows:

246.314 PLANS AND SPECIFICATIONS FOR IMPROVEMENTS.

The director shall cause plans and specifications to be prepared by the department of general services for all improvements authorized and costing over twenty-five thousand dollars. An appropriation for any improvement costing over twenty-five thousand dollars shall not be expended until the adoption of suitable plans and specifications, prepared by a competent architect and accompanied by a detailed statement of the amount, quality, and description of all material and labor required for the completion of the improvement.

A plan shall not be adopted, and an improvement shall not be constructed, which contemplates an expenditure of money in excess of the appropriation.

Sec. 317. Section 246.315, Code Supplement 1985, is amended to read as follows:

246.315 CONTRACTS FOR IMPROVEMENTS.

The director of the department of general services shall, in writing, let all contracts for authorized improvements costing in excess of twenty-five thousand dollars to the lowest responsible bidder, after advertisement for bids as the director deems proper in order to secure full competition under chapter 18. The director may reject all bids and readvertise. A preliminary deposit of money, bank check, or certified check, or a bid bond as provided in section 23.20, in an amount the director prescribes shall be required as an evidence of good faith, upon all proposals for the construction of improvements. The deposit, bank check, or certified check shall be held under the direction of the director. Upon prior authorization by the director, improvements costing five thousand dollars or less may be made by the superintendent of any institution.

Contracts are not required for improvements at any a state institution where the labor of inmates is to be used.

Sec. 318. Section 246.316, Code Supplement 1985, is amended to read as follows:

246.316 PAYMENT FOR IMPROVEMENTS.

The director of the department of general services shall not authorize payment for construction purposes until satisfactory proof has been furnished to the director of the department of general services by the proper officer or supervising architect, that the contract has been complied with by the parties. Payments shall be made in a manner similar to that in which the current expenses of the institutions are paid.

DEPARTMENT OF REVENUE AND FINANCE

Sec. 401. Section 98.1, subsections 10 and 23, Code 1985, are amended to read as follows:

10. "Director" shall mean means the director of revenue and finance or the director's duly authorized assistants and employees.

23. "Department" means the department of revenue and finance.

Sec. 402. Section 98.42, subsection 12, Code 1985, is amended to read as follows:

12. "Director" means the ~~state tax commission or~~ the director of the department of revenue and finance.

Sec. 403. Section 99E.2, subsection 2, Code Supplement 1985, is amended to read as follows:

2. "Director" means the director of each of the three divisions of the lottery agency operating under the commissioner the department of revenue and finance.

Sec. 404. Section 99E.3, subsections 1 and 3, Code Supplement 1985, are amended to read as follows:

1. A state agency lottery division is established to be known as the Iowa lottery agency under the department of revenue and finance. Except as provided in section 99E.9, subsection 3, paragraph "b", the Iowa lottery agency division is subject to chapter 17A. It is a separate agency of state government whose The head of the lottery division is the commissioner.

3. The commissioner may employ, with the approval of the director, clerks, stenographers, inspectors, agents, and other employees pursuant to chapter 19A as necessary to carry out this chapter, except as provided in section 99E.14, subsection 2.

Sec. 405. Section 99E.4, subsection 2, Code Supplement 1985, is amended to read as follows:

2. The commissioner, with the approval of the director, shall employ personnel necessary to implement this chapter. The commissioner director may require lottery agency division employees to give bond in an amount the commissioner director determines. Each bond when fully executed and approved shall be filed in the office of the secretary of state. The cost of each bond given shall be part of the necessary expenses of the lottery. The commissioner director may obtain a blanket bond to cover personnel of the lottery agency division for which the commissioner director requires a bond.

Sec. 406. Section 99E.7, Code Supplement 1985, is amended to read as follows:

99E.7 BOARD MEETINGS.

The board shall hold at least one meeting each month quarterly and as often as necessary. The board shall select a chairperson from its membership at the first regular meeting of the board and shall thereafter select a chairperson at the first regular meeting of each fiscal year. Written notice of the time and place of each meeting shall be given to each member of the board. A majority of the board constitutes a quorum.

Sec. 407. Section 99E.8, Code Supplement 1985, is amended to read as follows:

99E.8 EXPENSES - SALARY.

Members of the board shall be compensated at a rate of six thousand dollars per year. Members shall also be allowed the actual and necessary expenses incurred in the performance of their duties. Each member of the board may also be eligible to receive compensation as provided in section 7E.3. The expenses incurred by members of the board and the salaries paid to members of the board are part of the necessary expenses of the lottery agency division.

Sec. 408. Section 99E.9, subsection 3, paragraphs d and g, Code Supplement 1985, are amended to read as follows:

d. The number and size of the prizes on the winning tickets or shares, including but not limited to prizes of free tickets or shares in lottery games conducted by the lottery and merchandise prizes. The lottery agency division shall maintain and make available for public inspection at its offices during regular business hours a detailed listing of the estimated number of prizes of each particular denomination that are expected to be awarded in any game that is

on sale or the estimated odds of winning the prizes and, after the end of the claim period, shall maintain and make available a listing of the total number of tickets or shares sold in a game and the number of prizes of each denomination which were awarded.

g. The frequency of selection of winning tickets or shares. Drawings shall be held in public. Drawings shall be witnessed by an independent certified public accountant. Equipment used to select winning tickets or shares or participants for prizes shall be examined by lottery agency division employees and an independent certified public accountant prior to and after each public drawing.

Sec. 409. Section 99E.9, subsection 3, paragraph n, subparagraph (1), Code Supplement 1985, is amended to read as follows:

(1) The payment of costs incurred in the operation and administration of the lottery and the lottery agency division, including the expenses of the lottery and the cost resulting from contracts entered into for consulting or operational services, or for marketing.

Sec. 410. Section 99E.9, subsection 5, Code Supplement 1985, is amended to read as follows:

5. Whenever possible when the lottery agency division awards a contract under subsection 2, for the lease, purchase, or servicing of a machine to be used in the conducting of a lottery game including, but not limited to, a video lottery machine or machine used in lotto, the lottery agency division shall give preference to awarding the contract to a person whose primary place of business is in Iowa.

Sec. 411. Section 99E.11, Code Supplement 1985, is amended to read as follows:
99E.11 REPORTS.

1. The commissioner shall report quarterly to the director, the governor, the treasurer of state, and the general assembly. The quarterly report shall include the total lottery revenue, prize disbursements, and other expenses for the preceding quarter. The fourth quarter report shall be included in the annual report made pursuant to subsection 2.

2. The commissioner also shall report annually to the director, the governor, the treasurer of state, and the general assembly. The annual report shall include a complete statement of lottery revenues, prize disbursements, and other expenses, and recommendations for changes in the law which the commissioner deems necessary or desirable. The annual report shall be submitted within ninety days after the close of a fiscal year.

3. The commissioner shall report immediately to the director, the governor, the treasurer of state, and the general assembly any matters that require immediate changes in the law in order to prevent abuses or evasions of this chapter or rules adopted or to rectify undesirable conditions in connection with the administration or operation of the lottery.

Sec. 412. Section 99E.13, subsections 1, 2, 3, 4, and 7, Code Supplement 1985, are amended to read as follows:

1. A member of the board, the director, the commissioner, or an employee of the lottery shall not directly or indirectly, individually, as a member of a partnership or other association, or as a shareholder, director, or officer of a corporation have an interest in a business which contracts for the operation and marketing of the lottery as authorized by section 99E.9, subsection 2.

2. A member of the board, the director, the commissioner, an employee of the lottery, or a member of their immediate family shall not ask for, offer to accept, or receive a gift, gratuity, or other thing of more than fifty dollars in value from a person contracting or seeking to contract with the state to supply gaming equipment or materials for use in the operation of a lottery or from an applicant for a license to sell tickets or shares in the lottery or from a licensee.

3. A person contracting or seeking to contract with the state to supply gaming equipment or materials for use in the operation of a lottery, an applicant for a license to sell tickets or

shares in the lottery, or a licensee shall not offer a member of the board, the director, the commissioner, an employee of the lottery, or a member of their immediate family a gift, gratuity, or other thing of more than fifty dollars in value.

4. A board member, director, commissioner, or employee of the lottery who violates a provision of this section, or if a member of their immediate family violates a provision of this section, shall be immediately removed from the office or position.

7. Enforcement of this section against a board member or the director or commissioner shall be by the attorney general who upon finding a violation shall initiate an action to remove the board member or the director or commissioner.

Sec. 413. Section 99E.14, Code Supplement 1985, is amended by striking the section and inserting in lieu thereof the following:

99E.14 LOTTERY ADMINISTRATORS.

The commissioner shall designate three administrative positions within the division which require specific areas of expertise relating to the operation of the lottery. These three administrative positions are exempt from the provisions of chapter 19A. The commissioner shall designate one of these three administrators to serve as acting commissioner in the commissioner's absence.

Departments, boards, commissions or other agencies of this state shall provide reasonable assistance to the lottery upon the request of the commissioner with the approval of the director.

Sec. 414. Section 324.2, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 8. "Department" means the department of revenue and finance.

NEW SUBSECTION. 9. "Director" means the director of revenue and finance.

Sec. 415. Section 324.33, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 9. "Department" means the department of revenue and finance.

NEW SUBSECTION. 10. "Director" means the director of revenue and finance.

Sec. 416. Section 324.57, subsection 6, Code 1985, is amended to read as follows:

6. "Department of revenue and finance" ~~shall include~~ includes the director of revenue and finance or the director's authorized representative.

Sec. 417. Section 324A.2, subsection 2, Code Supplement 1985, is amended to read as follows:

2. "Department" means the department of revenue and finance.

Sec. 418. Section 421.1, unnumbered paragraph 6, Code 1985, is amended to read as follows:

The members of the state board shall be allowed a ~~per diem of forty dollars~~ and their necessary travel and expenses while engaged in their official duties. Each member of the board may also be eligible to receive compensation as provided in section 7E.3. They shall organize the board and select one of their members as chairperson.

Sec. 419. Section 421.2, Code 1985, is amended to read as follows:

421.2 DEPARTMENT OF REVENUE AND FINANCE.

~~There is created a~~ A department of revenue and finance is created. The department shall be administered by a director of revenue and finance who shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. If the office of the director becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment. The director may establish, abolish, and consolidate departments within the department of revenue and finance when necessary for the efficient performance of the various functions and duties of the department of revenue and finance.

Sec. 420. Section 421.4, Code 1985, is amended to read as follows:

421.4 DEPUTIES.

The director may appoint deputy directors and may designate one or more of the deputies as acting director. Any A deputy designated to serve in the absence of the director shall have has all of the powers possessed by the director. The director may employ certified public accountants, engineering and technical assistants, and such other employees necessary to protect the interests of the state and any political subdivision. The director shall create a separate property tax division for which the director shall appoint a deputy director who shall administer all functions of the department of revenue relating to the assessment, levy and collection of property taxes as provided by law. All independent contracts and fees provided for in this section shall be are subject to the approval of the governor.

Sec. 421. Section 421.9, subsection 3, Code 1985, is amended by striking the subsection.

Sec. 422. Section 421.17, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 27. Administer chapter 99E.

NEW SUBSECTION. 28. Assume the accounting functions of the state comptroller's office.

Sec. 423. Section 421.30, subsections 2, 5, 6, and 8, Code 1985, are amended to read as follows:

2. ~~There is created a reassessment expense fund committee composed of the director of revenue, the state comptroller, and the chairperson of the state board of tax review. The committee director of revenue and finance shall maintain and administer the reassessment expense fund created pursuant to subsection 1.~~

5. If the notice to the conference board and the assessor states that the director has determined that the proposal will result in compliance with the reassessment order, the conference board may, if it lacks the financial resources to comply in all respects with the reassessment order, file with the committee director an application for a loan from the reassessment expense fund. The loan to the conference board may be for all or part of the funds required to comply with the reassessment order. The committee director shall approve, amend and approve, or reject each application and notify the conference board and assessor of its decision. If the application is amended or rejected, the notice shall contain the committee's director's reasons for the amendment or rejection.

6. Upon the committee's director's approval of the advancement of funds from the reassessment expense fund, the committee director shall certify to the appropriate conference board and assessor a schedule for disbursing the loan to the assessing jurisdiction's appraiser fund authorized by section 441.50. The schedule shall provide for the disbursement of funds over the period of the reassessment project, except that ten percent of the funds shall not be disbursed until the project is completed. The conference board shall at its next opportunity levy pursuant to section 441.50 sufficient funds for purposes of repaying the loan made from the reassessment expense fund. The amount levied shall be sufficient to repay the loan in semiannual installments during the course of the reappraisal project as specified by a repayment schedule established by the committee director. The repayment schedule shall provide for repayment of the loan not later than one year following the completion of the reassessment. Semiannual repayments of the proceeds of the loan shall be made on or before December 1 and May 1 of each year.

8. The assessor of each assessing jurisdiction receiving funds under this section shall submit to the director, in the form and manner prescribed by the director, reports showing the progress of the reassessment. If the director determines that a reassessment undertaken with funds provided in this section is not being conducted in accordance with the proposal submitted pursuant to subsection 3, the director shall notify the appropriate conference board and

assessor and the committee of the director's determination. The notice shall contain an explanation as to how the deficiencies in the reassessment may be corrected. If the deficiencies noted by the director are not corrected within sixty days of the date the assessor and conference board are notified of their existence, the committee director shall suspend payments from the reassessment expense fund until the director notifies the committee that the deficiencies have been corrected.

Sec. 424. NEW SECTION. 421.31 POWERS AND DUTIES.

In addition to the powers and duties transferred to the director of revenue and finance, the director has the following powers and duties:

1. **AUDIT OF CLAIMS.** To audit all demands by the state, and to preaudit all accounts submitted for the issuance of warrants.

2. **CONTRACTS.** To certify, record, and encumber all formal contracts to prevent overcommitment of appropriations and allotments.

3. **ACCOUNTS.** To keep the central budget and proprietary control accounts of the state government in accordance with generally accepted accounting principles. Budget accounts are those accounts maintained to control the receipt and disposition of all funds, appropriations, and allotments. Proprietary accounts are those accounts relating to assets, liabilities, income, and expense.

4. **FAIR BOARD AND BOARD OF REGENTS.** To control the financial operations of the state fair board and the institutions under the state board of regents:

a. By charging all warrants issued to the respective educational institutions and the state fair board to an advance account to be further accounted for and not as an expense which requires no further accounting.

b. By charging all collections made by the educational institutions and state fair board to the respective advance accounts of the institutions and state fair board, and by crediting all such repayment collections to the respective appropriations and special funds.

c. By charging all disbursements made to the respective allotment accounts of each educational institution or state fair board and by crediting all such disbursements to the respective advance and inventory accounts.

d. By requiring a monthly abstract of all receipts and of all disbursements, both money and stores, and a complete account-current each month from each educational institution and the state fair board.

5. **CUSTODY OF RECORDS.** To have the custody of all books, papers, records, documents, vouchers, conveyances, leases, mortgages, bonds, and other securities appertaining to the fiscal affairs and property of the state, which are not required to be kept in some other office.

6. **APPORTIONMENT OF INTEREST.** To apportion the interest of the permanent school fund on the first Monday of March of each year, among the area education agencies of this state as provided in section 302.13.

7. **DEPARTMENT OF HUMAN SERVICES.** Assign an employee of the department of revenue and finance to check and audit all claims against the administrators of the divisions of the department of human services controlling state institutions, before the claims are approved by the human services administrators. The director of the department of revenue and finance shall keep all records and accounts relating to the expenditures of the human services administrators. The employee, in the checking and auditing of claims against the human services directors and keeping the records and accounts of the human services administrators, is under the direction and supervision of the director of the department of revenue and finance, and acts as an agent of that director. The director of the department of human services shall furnish the employee of the director of the department of revenue and finance with office space and help and assistance as necessary to properly perform the duties specified in this subsection.

Sec. 425. NEW SECTION. 421.32 ACCOUNTING.

The director of the department of revenue and finance may at any time require any person receiving money, securities, or property belonging to the state, or having the management, disbursement, or other disposition of them, an account of which is kept in the department of revenue and finance, to render statements thereof and information in reference thereto.

Sec. 426. NEW SECTION. 421.33 STATING ACCOUNT.

If an officer who is accountable to the treasury for any money or property neglects to render an account to the director of the department of revenue and finance within the time prescribed by law, or, if no time is so prescribed, within twenty days after being required so to do by the director of the department of revenue and finance, the director of the department of revenue and finance shall state an account against the officer from the books of the officer's office, charging ten percent damages on the whole sum appearing due, and interest at the rate of six percent per annum on the aggregate from the time when the account should have been rendered; all of which may be recovered by action brought on the account, or on the official bond of the officer.

Sec. 427. NEW SECTION. 421.34 COMPELLING PAYMENT.

If an officer fails to pay into the treasury the amount received by the officer within the time prescribed by law, or, having settled with the director of the department of revenue and finance, fails to pay the amount found due, the director of the department of revenue and finance shall charge the officer with twenty percent damages on the amount due, with interest on the aggregate from the time it became due at the rate of six percent per annum, and the whole may be recovered by an action brought on the account, or on the official bond of the officer, and the officer shall forfeit the officer's commission.

Sec. 428. NEW SECTION. 421.35 DEFENSE TO CLAIM.

The penal provisions in sections 421.33 and 421.34 are subject to any legal defense which the officer may have against the account as stated by the director of the department of revenue and finance, but judgment for costs shall be rendered against the officer in the action, whatever its result, unless the officer rendered an account within the time named in those sections.

Sec. 429. NEW SECTION. 421.36 REQUESTED CREDITS — OATH REQUIRED.

When a county treasurer or other receiver of public money seeks to obtain credit on the books of the department of revenue and finance for payment made to the treasurer, before giving such credit the director of the department of revenue and finance shall require that person to take and subscribe an oath that the person has not used, loaned, nor appropriated any of the public money for the person's private benefit, nor for the benefit of any other person.

Sec. 430. NEW SECTION. 421.37 REQUISITION FOR INFORMATION.

In those cases where the director of the department of revenue and finance is authorized to call upon persons or officers for information, or statements, or accounts, the comptroller may issue a requisition therefor in writing to the person or officer called upon, allowing reasonable time, which, having been served and return made to the director of the department of revenue and finance, as a notice in a civil action, is evidence of the making of the requisition.

Sec. 431. NEW SECTION. 421.38 LIMITS ON CLAIMS.

The director of the department of revenue and finance is limited in authorizing the payment of claims, as follows:

1. **THREE MONTHS LIMIT.** A claim shall not be allowed by the department of revenue and finance if the claim is presented after the lapse of three months from its accrual. However, claims by state employees for benefits pursuant to chapters 85, 85A, and 86 are subject to limitations provided in those chapters.

2. **CONVENTION EXPENSES.** No claims for expenses in attending conventions, meetings, conferences, or gatherings of members of any association or society organized and existing as a quasi-public association or society outside the state of Iowa shall be allowed at public expense, unless authorized by the executive council; and claims for such expenses outside of the state shall not be allowed unless the voucher is accompanied by so much of the minutes of the executive council, certified to by its secretary, showing that the expense was authorized by the council. This section does not apply to claims in favor of the governor, attorney general, Iowa state commerce commissioners, or to trips referred to in section 217.20.

3. **PAYMENT FROM FEES.** No claims for per diem and expenses payable from fees shall be approved for payment in excess of those fees if the law provides that such expenditures are limited to the special funds collected and deposited in the state treasury.

Sec. 432. NEW SECTION. 421.39 **CLAIMS — APPROVAL.**

The director of the department of revenue and finance before approving a claim shall determine:

1. That the creation of the claim is clearly authorized by law.
2. That the claim has been authorized by an officer or official body having legal authority to so authorize and that the fact of authorization has been certified to the director of the department of revenue and finance by such officer or official body.
3. That all legal requirements have been observed, including notice and opportunity for competition, if required by law.
4. That the claim is in proper form as the state comptroller may provide.
5. That the charges are reasonable, proper, and correct and no part of the claim has been paid.

Sec. 433. NEW SECTION. 421.40 **VOUCHERS — INTEREST.**

Before a warrant or its equivalent is issued for a claim payable from the state treasury, the department shall file an itemized voucher showing in detail the items of service, expense, thing furnished, or contract for which payment is sought. The claimant's original invoice shall be attached to a department's approved voucher. The director of the department of revenue and finance shall adopt rules specifying the form and contents for invoices submitted by a vendor to a department. The requirements apply to acceptance of an invoice by a department. A department shall not impose additional or different requirements on submission of invoices than those contained in rules of the director of the department of revenue and finance unless the director exempts the department from the invoice requirements or a part of the requirements upon a finding that compliance would result in poor accounting or management practices.

Sec. 434. NEW SECTION. 421.41 **WARRANTS — FORM.**

Each warrant shall bear on its face the signature or its facsimile of the director of the department of revenue and finance, or the signature or its facsimile of an assistant in case of a vacancy in the office of the director; a proper number, date, amount, and name of payee; a reference to the law under which it is drawn; whether for salaries or wages, services, or supplies, and what kind of supplies; and from what office or department, or for what other general or special purposes; or in lieu thereof, a coding system may be used, which particulars shall be entered in a warrant register kept for that purpose in the order of issuance; and as soon as practicable after issuing a warrant register, the director shall certify a duplicate of it to the treasurer.

Sec. 435. NEW SECTION. 421.42 **REQUIRED PAYEE.**

All warrants shall be drawn to the order of the person entitled to payment or compensation, except that when goods or material are purchased in foreign countries, warrants may be drawn upon the treasurer of state, payable to bearer for the net amount of invoice and current exchange, and the treasurer of state shall furnish a foreign draft payable to the order of the person from whom purchase is made.

Sec. 436. NEW SECTION. 421.43 PROHIBITED PAYEE.

In no case shall warrants be drawn in the name of the certifying office, department, board, or institution, or in the name of an employee of it, except for personal service rendered or expense incurred by the employee, unless there is express statutory authority therefor.

Sec. 437. NEW SECTION. 421.44 CLAIMS EXCEEDING APPROPRIATIONS.

No claim shall be allowed when the claim will exceed the amount specifically appropriated for it.

Sec. 438. NEW SECTION. 421.45 CANCELLATION OF STATE WARRANTS.

The director of the department of revenue and finance, as of March 31, June 30, September 30, and December 31 of each year shall cancel and request the treasurer of state to stop payment on all state warrants which have been outstanding and unredeemed by the state treasurer for one year or longer.

Sec. 439. Section 422.3, subsections 2 and 4, Code Supplement 1985, are amended to read as follows:

2. "Department" means the department of revenue and finance.
4. "Director" means the director of revenue and finance.

Sec. 440. Section 422B.6, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The director of revenue and finance shall administer ~~the provisions of~~ a local earnings tax as nearly as possible in conjunction with the administration of state income tax laws. The director shall provide appropriate forms, or provide on the regular state tax forms, for reporting local earnings tax.

Sec. 441. Section 422B.9, unnumbered paragraph 3, Code Supplement 1985, is amended to read as follows:

The director of revenue and finance shall administer a local sales and services tax as nearly as possible in conjunction with the administration of state gross receipts tax laws. The director shall provide appropriate forms or provide on the regular state tax forms for reporting local sales and services tax liability.

Sec. 442. Section 426.6, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The agricultural land tax credit allowed each year shall be computed as follows: On or before the first of June the county auditor shall list by school districts all tracts of agricultural lands which they are entitled to credit ~~hereunder~~, together with the taxable value for the previous year, together with the budget from each school district for the previous year, and the tax rate determined for the general fund of the district in the manner prescribed in section 444.3 for the previous year, and if such tax rate is in excess of five dollars and forty cents per thousand dollars of assessed value, the auditor shall multiply the tax levy which is in excess of five dollars and forty cents per thousand dollars of assessed value by the total taxable value of the agricultural lands entitled to credit ~~hereunder~~ in the district, and on or before the first of June certify the amount thereof to the state ~~comptroller~~ department of revenue and finance.

Sec. 443. Section 426.8, Code 1985, is amended to read as follows:

426.8 APPORTIONMENT BY AUDITOR.

Upon receiving the pro rata percentage from the state ~~comptroller~~ director of revenue and finance, the county auditor shall determine the amount thereof to be credited to each tract of agricultural land, and shall enter upon tax lists as a credit against the tax levied on each tract of agricultural land on which there has been made an allowance of credit before delivering said tax lists to the county treasurer. Upon receipt of the ~~comptroller's~~ director's warrant by the county auditor, the auditor shall deliver said warrant to the county treasurer for apportionment. The county treasurer shall show on each tax receipt the amount of tax credit for each tract of agricultural land. In case of change of ownership the credit shall follow the title.

Sec. 444. Section 426.10, Code 1985, is amended to read as follows:

426.10 RULES PRESCRIBED.

The ~~state comptroller~~ director of revenue and finance shall have the power and authority to prescribe forms and rules, not inconsistent with the provisions of this chapter, necessary to carry out and effectuate its purposes.

Sec. 445. Section 427.17, subsection 3, Code 1985, is amended to read as follows:

3. On or before January 15, 1974, the county auditor of each county shall prepare a statement listing for each taxing district in the county the assessed or taxable values of all livestock assessed for taxation as of January 1, 1973. The statement shall also show the tax rates of the various taxing districts and the total amount of taxes which in the absence of this section would have been levied upon livestock assessed as of January 1, 1973. The county auditor shall certify and forward copies of the statement to the director of revenue and finance not later than January 15, 1974. The director of revenue and finance shall compute the applicable tax credit and certify to the ~~state comptroller~~ the amount due to each taxing district, which amount shall be the dollar amount which would be payable if all livestock so assessed were taxed, based upon those assessed as of January 1, 1973.

Sec. 446. Section 427A.6, Code 1985, is amended to read as follows:

427A.6 LISTING BY AUDITOR.

On or before July 1 of each year, the auditor of each county shall prepare a statement listing for each taxing district in the county all personal property upon which taxes shall not be collected due to the tax credit granted in this chapter. The statement shall show the tax rates of the various taxing districts and the total amount of taxes which shall not be collected in each district because of the tax credit. The auditor shall certify and forward one copy of the statement to the ~~state comptroller~~ department of revenue and finance on or before July 15 of each year. The department of revenue and finance shall have the responsibility of auditing audit credits allowed in all counties in the state and the assessed values and assessment practices which affect the amounts of credits and the audit shall be completed within twenty-four months from July 1 of the year the claims were filed. A copy of the audit containing disallowed credits shall be sent to the county auditor, and the county treasurer and ~~state comptroller~~, and the individuals these officers shall be directed to correct their books and records accordingly. A written notice of a disallowance shall be mailed by ordinary mail to the claimant at the claimant's last known address. The amount of any erroneous credit shall be charged to the county by the ~~state comptroller~~. The director of revenue and finance shall disallow any claim where if the audit or investigation revealed that the claimant was not entitled to the credit claimed. Persons and business enterprises Claimants may appeal any disallowed personal property credit to the state board of tax review.

Sec. 447. Section 427B.11, unnumbered paragraph 3, Code 1985, is amended to read as follows:

The county auditor shall certify and forward one copy of the statement to the ~~state comptroller~~ department of revenue and finance not later than July 1 of each year.

Sec. 448. Section 435.1, subsections 6 and 7, Code 1985, are amended to read as follows:

6. "Director" means the director of revenue and finance.

7. "Department" means the department of revenue and finance.

Sec. 449. Section 441.8, Code 1985, is amended to read as follows:

441.8 TERM - FILLING VACANCY.

The term of office of an assessor appointed under this chapter shall be for six years. Appointments for each succeeding term shall be made in the same manner as the original appointment except that not less than ninety days before the expiration of the term of the assessor the conference board shall hold a meeting to determine whether or not it desires to reappoint the incumbent assessor to a new term.

Effective January 1, 1980, the conference board shall have the power to reappoint the incumbent assessor only if the incumbent assessor has satisfactorily completed the continuing education program provided for in this section.

The ~~commission~~ established by this section director of revenue and finance shall develop and administer a program of continuing education which shall emphasize assessment and appraisal procedures, and the assessment laws of this state, and which shall include the subject matter specified in section 441.5.

There is created a ~~commission~~ consisting of the director of revenue, two Iowa assessors appointed by the executive board of the Iowa state association of assessors, and one member appointed by the state board of tax review, and three lay persons appointed by the governor to four-year terms beginning and ending as provided by section 69.19 subject to confirmation by the senate. A majority of the members of the board constitutes a quorum. The lay persons appointed to the ~~commission~~ who are not public employees shall be paid a forty dollar per diem and shall be reimbursed for actual and necessary expenses incurred while on official ~~commission~~ business. All compensation and reimbursements shall be paid by the department of revenue from the appropriation made to it for the fiscal year in which the claim for per diem or expenses is made.

The ~~commission~~ director of revenue and finance shall establish, designate, or approve courses, workshops, seminars, or symposiums to be offered as part of the continuing education program, the content of these courses, workshops, seminars, or symposiums and the number of hours of classroom instruction for each. At least once each year the ~~commission~~ director of revenue and finance shall meet to evaluate the continuing education program and make necessary changes in the program.

Upon the successful completion of courses, workshops, seminars, or symposiums contained in the program of continuing education, as demonstrated by attendance at sessions of the courses, workshops, seminars or symposiums and, in the case of a course designated by the ~~commission~~ director of revenue and finance, attaining a grade of at least seventy percent on an examination administered at the conclusion of the course, the assessor or deputy assessor shall receive credit equal to the number of hours of classroom instruction contained in those courses, workshops, seminars, or symposiums. An assessor or deputy assessor shall not be allowed to obtain credit for a course, workshop, seminar, or symposium for which the assessor or deputy assessor has previously received credit during the current term or appointment except for those courses, workshops, seminars, or symposiums designated by the commission. The examinations shall be confidential to the ~~commission~~ and persons designated by the ~~commission~~ to have access to the examinations.

Upon receiving credit equal to one hundred fifty hours of classroom instruction during the assessor's current term of office of which at least ninety of the one hundred fifty hours are from courses requiring an examination upon conclusion of the course, the ~~commission~~ director of revenue and finance shall certify to the assessor's conference board that the assessor is eligible to be reappointed to the position. For assessors whose present terms of office expire before six years from January 1, 1979, or who are appointed to complete an unexpired term, the number of credits required to be certified as eligible for reappointment shall be prorated according to the amount of time remaining in the present term of the assessor.

Within each six-year period following January 1, 1980 or the appointment of a deputy assessor appointed after January 1, 1979, the deputy assessor shall comply with this section except that upon the successful completion of ninety hours of classroom instruction of which at least sixty of the ninety hours are from courses requiring an examination upon conclusion of the course the deputy assessor shall be certified by the ~~commission~~ director of revenue and finance as being eligible to remain in the position. If a deputy assessor fails to comply with this section, the deputy assessor shall be removed from the position. If a deputy is appointed to the office of assessor, the hours of credit obtained as deputy pursuant to this section shall be

certified by the ~~commission~~ director of revenue and finance as being eligible to remain in the position. If a deputy assessor fails to comply with this section, the deputy assessor shall be removed from the position. If a deputy is appointed to the office of assessor, the hours of credit obtained as deputy pursuant to this section shall be credited to that individual as assessor and for the individual to be reappointed at the expiration of the term as assessor, that individual must obtain the credits which are necessary to total the number of hours for re-appointment.

Each conference board shall include in the budget for the operation of the assessor's office funds sufficient to enable the assessor and any deputy assessor to obtain certification as provided in this section. The conference board shall also allow the assessor and any deputy assessor sufficient time off from their regular duties to obtain certification. The ~~commission~~ director of revenue and finance shall adopt rules pursuant to chapter 17A to implement and administer the ~~provisions~~ of this section.

If the incumbent assessor is not reappointed as above provided, then not less than sixty days before the expiration of the term of said assessor, a new assessor shall be selected as provided in section 441.6.

In the event of the removal, resignation, death, or removal from the county of the said assessor, the conference board shall proceed to fill the vacancy by appointing an assessor to serve the unexpired term in the manner provided in section 441.6. Until the vacancy is filled, the chief deputy shall act as assessor, and in the event there be no deputy, in the case of counties the auditor shall act as assessor and in the case of cities having an assessor the city clerk shall act as assessor.

Sec. 450. Section 450A.1, subsections 4 and 8, Code 1985, are amended to read as follows:

4. "Director" means the director of the department of revenue and finance.

8. "Department" means the department of revenue and finance.

Sec. 451. Sections 8.7, 8.8, 8.9, 8.10, 8.11, 8.12, 8.13, 8.14, 8.15, 8.16, 8.17, 8.18, 8.19, and 8.20, Code 1985, are repealed.

DEPARTMENT OF INSPECTIONS AND APPEALS

ARTICLE I

ORGANIZATION

Sec. 501. NEW SECTION. 10A.101 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Department" means the department of inspections and appeals.

2. "Director" means the director of inspections and appeals.

3. "Administrators" means the chief hearing officer, chief inspector, chief investigator, and chief auditor.

Sec. 502. NEW SECTION. 10A.102 DEPARTMENT ESTABLISHED.

The department of inspections and appeals is established. The director of the department shall be appointed by the governor to serve at the pleasure of the governor subject to confirmation by the senate no less frequently than every four years, whether or not there has been a new director appointed during that time. If the office becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment.

Sec. 503. NEW SECTION. 10A.103 PURPOSE OF THE DEPARTMENT.

The department is created for the purpose of coordinating and conducting various audits, appeals, hearings, inspections, and investigations related to the operations of the executive branch of state government.

Sec. 504. NEW SECTION. 10A.104 POWERS AND DUTIES OF THE DIRECTOR.

The director or designees of the director shall:

1. Coordinate the internal operations of the department and develop and implement policies and procedures designed to ensure the efficient administration of the department.
2. Employ the administrators of the divisions within the department and all additional personnel, except the appellate defender and assistant appellate defender, deemed necessary for the administration of this chapter in accordance with chapter 19A. The administrators of the divisions are not exempt from the merit system.
3. Prepare an annual budget for the department.
4. Develop and recommend legislative proposals deemed necessary for the continued efficiency of department functions, and review legislative proposals generated outside of the department which are related to matters within the department's purview.
5. Adopt rules deemed necessary for the implementation and administration of this chapter in accordance with chapter 17A, including rules governing hearing and appeal proceedings.
6. Issue subpoenas, administer oaths, and take depositions in connection with audits, appeals, investigations, inspections, and hearings conducted by the department. If a person refuses to obey a subpoena issued by the department or otherwise fails to cooperate in proceedings of the department, the director may enlist the assistance of a court of competent jurisdiction in requiring the person's compliance. Failure to obey orders of the court renders the person in contempt of the court and subject to penalties provided for that offense.
7. Enter into contracts for the receipt and provision of services as deemed necessary. The director and the governor may obtain and accept federal grants and receipts to or for the state to be used for the administration of this chapter.

Sec. 505. NEW SECTION. 10A.105 CONFIDENTIALITY.

In those circumstances when disclosure would plainly and seriously jeopardize an investigation, information received by the department through filed reports, inspections, audits, investigations, or other means pursued in carrying out the provisions of this chapter shall not be disclosed publicly in a manner which identifies individual persons, corporations, or institutions prior to the issuance of the results of any hearing, appeal, inspection, audit, or investigation conducted by the department, except in a proceeding involving the denial, suspension, or revocation of a license. Hospital records, medical records, or the condition, diagnosis, care, or treatment of a patient or former patient or counselee, or former counselee, including outpatient, shall not be disclosed to the general public. This shall not be construed to prohibit the division from releasing the minimal amount of information necessary in its judgment to conduct audits, inspections, investigations, appeals and hearings, and shall not prohibit the introduction of such information as evidence at any hearing conducted by the department. The department may provide the information to the governmental entity for which it is conducting the hearing, appeal, inspection, audit, or investigation prior to the publication of the results.

The director, administrators, and their designees shall have access to all records deemed by the department to be pertinent to a hearing, appeal, audit, investigation, inspection, or other related function assigned under this chapter.

Sec. 506. NEW SECTION. 10A.106 DIVISIONS OF THE DEPARTMENT.

The department is comprised of the following divisions:

1. Appeals and fair hearings division.
2. Audits division.
3. Investigations division.
4. Inspections division.

ARTICLE II
APPEALS AND FAIR HEARINGS DIVISION

Sec. 507. NEW SECTION. 10A.201 DEFINITIONS.

As used in this article, unless the context otherwise requires:

1. "Administrator" means the chief hearing officer, who shall coordinate the administration of this division.
2. "Division" means the appeals and fair hearings division of the department of inspections and appeals.

Sec. 508. NEW SECTION. 10A.202 RESPONSIBILITIES.

1. The administrator shall coordinate the division's conduct of appeals and hearings as otherwise provided for by law including but not limited to the following:

a. Hearings and appeals relative to foster care facilities, child day care facilities, administration of the state medical assistance program, administration of the state supplementary assistance program, administration of the food stamps program, and administration of the aid to dependent children program and other programs administered by the department of human services. Decisions of the division in these areas are subject to review by the department of human services.

b. Hearings and appeals relative to occupational safety and health regulations and the state elevator code. Decisions of the division in these areas are subject to review by the employment appeal board.

c. Hearings and appeals relative to administration of the department of general services. Decisions of the division in this area are subject to review by the department of general services.

d. Hearings and appeals relative to administration of the department of transportation. Decisions of the division in this area are subject to review by the department of transportation.

e. Appeals relative to professional and occupational license denials, suspensions, revocations, and other matters involving professional and occupational discipline except those within the jurisdiction of the board of medical examiners, the board of pharmacy examiners, the board of dental examiners, and the board of nursing.

Judicial review of the division's actions in these areas may be sought in accordance with the terms of chapter 17A.

f. Hearings and appeals relative to administration of the department of elder affairs. Decisions of the division in this area are subject to review by the department of elder affairs.

g. Hearings and appeals relative to the licensure or certification of hospitals, hospices, and health care facilities. Decisions of the division in this area are subject to review by the department of inspections and appeals.

h. Hearings and appeals relative to the administration of the department of public health. Decisions of the division in this area are subject to review by the department of public health.

i. Hearings and appeals relative to administration of the department of public safety. Decisions of the division in this area are subject to review by the department of public safety.

j. Hearings and appeals relative to the administration of the department of personnel except those cases within the jurisdiction of the public employment relations board. Decisions of the division in this area shall be determined by the employment appeal board, and the appeal board's decisions shall be considered final agency action under chapter 17A, except for reduction in force appeals which shall be subject to review by the director of the department of personnel.

k. Hearings and appeals relative to the administration of the department of cultural affairs. Decisions of the division in this area are subject to review by the department of cultural affairs.

l. Hearings and appeals relative to administration of the department of natural resources. Decisions of the division in this area are subject to review by the department of natural resources.

2. The administrator shall coordinate the division's conduct of all nonstatutory administrative hearings and appeals provided for in the Iowa administrative code and bulletin.

ARTICLE III AUDITS DIVISION

Sec. 509. NEW SECTION. 10A.301 DEFINITIONS.

As used in this article, unless the context otherwise requires:

1. "Administrator" means the chief auditor, who shall coordinate the administration of this division.
2. "Division" means the audits division of the department of inspections and appeals.

Sec. 510. NEW SECTION. 10A.302 RESPONSIBILITIES.

The administrator shall coordinate the division's conduct of various audits as otherwise provided for by law, except those conducted by the state auditor's office, including but not limited to the following:

1. Audits of real estate broker trust accounts.
2. Audits relative to the administration of hospitals and health care facilities.
3. Audits relative to the administration and disbursement of funds under the state supplemental assistance program and the state medical assistance program.
4. Audits relative to the administration and disbursement of funds from the energy research and development fund designated for the weatherization program or the energy assistance program.

ARTICLE IV INVESTIGATIONS DIVISION

Sec. 511. NEW SECTION. 10A.401 DEFINITIONS.

As used in this article, unless the context otherwise requires:

1. "Administrator" means the chief investigator who shall coordinate the administration of this division.
2. "Division" means the investigations division of the department of inspections and appeals.

Sec. 512. NEW SECTION. 10A.402 RESPONSIBILITIES.

The administrator shall coordinate the division's conduct of various investigations as otherwise provided for by law including but not limited to the following:

1. Investigations relative to the practice of regulated professions and occupations, except those within the jurisdiction of the board of medical examiners, the board of pharmacy examiners, the board of dental examiners, and the board of nursing.
2. Investigations relative to proposed sales within the state of subdivided land situated outside of the state.
3. Investigations relative to applications for beer and liquor licenses.
4. Investigations relative to the standards and practices of hospitals, hospices, and health care facilities.
5. Investigations relative to the liquidation of overpayment debts owed to the department of human services.
6. Investigations relative to the operations of the department of elder affairs.
7. Investigations relative to the administration of the state supplemental assistance program, the state medical assistance program, the food stamp program, and the aid to dependent children program.
8. Investigations relative to the internal affairs and operations of agencies and departments within the executive branch of state government, except for institutions governed by the state board of regents.

ARTICLE V
INSPECTIONS DIVISION

Sec. 513. NEW SECTION. 10A.501 DEFINITIONS.

As used in this article, unless the context otherwise requires:

1. "Administrator" means the chief inspector, who shall coordinate the administration of this division.
2. "Division" means the inspections division of the department of inspections and appeals.

Sec. 514. NEW SECTION. 10A.502 RESPONSIBILITIES.

The administrator shall coordinate the division's conduct of various inspections as otherwise provided for by law including but not limited to the following:

1. Inspections of land situated outside of the state which is proposed for sale within the state.
2. Inspections of food establishments, including restaurants, hotels, food and beverage vending machines, state educational, charitable, correctional, and penal institutions, and sanitation inspections in any locality of the state upon the written petition of five or more residents of a particular locality.
3. Inspections and other licensing procedures relative to the hospice program, hospitals, and health care facilities. The division shall be the sole designated licensing authority for these programs and facilities.
4. Inspections relative to hospital and health care facility construction projects and licensing boards established within the department of health, except the board of medical examiners, the board of pharmacy examiners, the board of dental examiners, and the board of nursing.
5. Inspections of child foster care facilities and private institutions for the care of dependent, neglected, and delinquent children.

ARTICLE VI
EMPLOYMENT APPEAL BOARD

Sec. 515. NEW SECTION. 10A.601 EMPLOYMENT APPEAL BOARD — CREATED — DUTIES.

1. A full-time employment appeal board is created within the department of inspections and appeals to hear and decide contested cases under chapters 19A, 80, 88, 96, 97B, and 104.
2. The employment appeal board is composed of three members appointed by the governor, subject to confirmation by the senate, to six-year staggered terms beginning and ending as provided in section 69.19. One member shall be qualified by experience and affiliation to represent employers, one member shall be qualified by experience and affiliation to represent employees, and one member shall represent the general public. No more than two members shall be members of the same political party. A vacancy in membership shall be filled in the same manner as the original appointment. A member of the appeal board may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office. The members of the employment appeal board shall receive an annual salary as set by the governor.
3. The members of the appeal board shall select a chairperson and vice chairperson from their membership. The appeal board shall meet at least once per month but may meet as often as necessary. Meetings shall be set by a majority of the appeal board or upon the call of the chairperson, or in the chairperson's absence, upon the call of the vice chairperson. The employment appeal board, subject to the approval of the director, may appoint personnel necessary for carrying out its functions and duties.

4. The appeal board may on its own motion affirm, modify, or set aside a decision of a hearing officer on the basis of the evidence previously submitted in the contested case, or direct the taking of additional evidence, or may permit any of the parties to the decision to initiate further appeals before the appeal board. The appeal board shall permit further appeal by any of the parties interested in a decision of a hearing officer and by the representative whose decision has been overruled or modified by the hearing officer. The appeal board shall review the case pursuant to rules adopted by the appeal board. The appeal board shall promptly notify the interested parties of its findings and decision.

5. The appeal board may order testimony to be taken by deposition, and may compel persons to appear and testify and to produce books, papers, and documents in the same manner as witnesses may be deposed and compelled to appear and testify and produce documentary evidence before the district court. In the discharge of the duties imposed by this chapter, the chairperson of the appeal board and any duly authorized representative designated by the appeal board, may administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas. Persons deposed or compelled to testify or produce documentary evidence shall be allowed the same fees and traveling expenses as allowed witnesses in the district court.

6. The appeal board shall adopt rules pursuant to chapter 17A to establish the manner in which contested cases are to be presented, reports are to be required from the parties, and hearings and appeals are to be conducted. The appeal board shall keep a full and complete record of all proceedings in connection with a contested case. All testimony at a hearing shall be recorded, but need not be transcribed unless the contested case is further appealed. The appeal board shall retain the record for at least sixty days following the final date for appeal of a contested case. A decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court. Any party to a contested case may appeal the decision to the district court.

7. An application for rehearing before the appeal board shall be filed pursuant to section 17A.16, unless otherwise provided in chapter 19A, 80, 88, 96, 97B, or 104. A petition for judicial review of a decision of the appeal board shall be filed pursuant to section 17A.19. The appeal board may be represented in any such judicial review by an attorney who is a regular salaried employee of the appeal board or who has been designated by the appeal board for that purpose, or at the appeal board's request, by the attorney general. Notwithstanding the petitioner's residency requirement in section 17A.19, subsection 2, a petition for judicial review may be filed in the district court of the county in which the petitioner was last employed or resides, provided that if the petitioner does not reside in this state, the action shall be brought in the district court of Polk county, Iowa, and any other party to the proceeding before the appeal board shall be named in the petition. Notwithstanding the thirty-day requirement in section 17A.19, subsection 6, the appeal board shall, within sixty days after filing of the petition for judicial review or within a longer period of time allowed by the court, transmit to the reviewing court the original or a certified copy of the entire records of a contested case. The appeal board may also certify to the court, questions of law involved in any decision by the appeal board. Petitions for judicial review and the questions so certified shall be given precedence over all other civil cases except cases arising under the workers' compensation law of this state. No bond shall be required for entering an appeal from any final order, judgment, or decree of the district court to the supreme court.

Sec. 516. Section 13B.2, Code 1985, is amended to read as follows:

13B.2 CREATION OF OFFICE.

The office position of state appellate defender is established within the department of inspections and appeals. The governor shall appoint the state appellate defender, who shall serve at the pleasure of the governor, subject to confirmation by the senate no less frequently than once every four years, whether or not there has been a new appellate defender appointed during that time, and shall establish the appellate defender's salary.

Sec. 517. Section 13B.6, subsection 2, Code 1985, is amended to read as follows:

2. ~~The criminal and juvenile justice planning agency department of inspections and appeals shall provide internal accounting and related fiscal services for the office of the appellate defender as requested by the appellate defender.~~

Sec. 518. Section 17A.16, subsection 2, Code 1985, is amended to read as follows:

2. Any party may file an application for rehearing, stating the specific grounds therefor and the relief sought, within twenty days after the issuance of any final decision by the agency in a contested case. A copy of such application shall be timely mailed by the ~~applicant~~ presiding agency to all parties of record not joining therein. Such an application for rehearing shall be deemed to have been denied unless the agency grants the application within twenty days after its filing.

Sec. 519. Section 88.1, subsection 3, Code 1985, is amended to read as follows:

3. Authorizing the labor commissioner to set mandatory occupational safety and health standards applicable to businesses, and by creating an ~~occupational safety and health review commission~~ employment appeal board within the department of inspections and appeals for carrying out adjudicatory functions under the chapter.

Sec. 520. Section 88.3, subsections 1 and 2, Code 1985, are amended to read as follows:

1. "Appeal board" means the employment appeal board created under section 10A.601.

~~1 2. "Commissioner" means the labor commissioner of the state of Iowa appointed pursuant to section 91.2.~~

~~2. "Commission" means the occupational safety and health review commission established under this chapter.~~

Sec. 521. Section 88.5, subsection 1, paragraph b, Code 1985, is amended to read as follows:

b. Before ~~promulgating~~ adopting, modifying, or revoking any standard by rule pursuant to this section, the commissioner shall hold a public hearing on the subject matter of the proposed ~~promulgation~~ adoption, modification, or revocation. ~~Any An~~ interested person may appear and be heard at ~~such~~ the hearing, in person or by agent or counsel. ~~The commissioner shall maintain a mailing list for hearings, and at least thirty days before the hearing the commissioner shall mail a notice of the hearing by ordinary mail to each person on the mailing list. Such notice shall include a copy of the proposed promulgation, modification, or revocation. When the commissioner receives a written request from any person to be placed on the mailing list for hearings, the commissioner shall add such person to the mailing list. At the end of each calendar year, the commissioner may remove any person from the mailing list if the commissioner has not received from such person during the last three months of such calendar year a written request to be placed on the mailing list for the following year. The commissioner shall cause to be published a notice of each hearing in one or more newspapers in the state having a statewide circulation. The provisions of this section are in addition to the requirements of chapter 17A.~~

Sec. 522. Section 96.6, subsection 3, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Appeals from the initial determination shall be heard by a hearing officer employed by the department of job service. A hearing officer's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

Sec. 523. Section 96.6, subsections 4, 5, 6, 7, and 8, Code 1985, are amended by striking the subsections.

Sec. 524. Section 96.11, subsection 7, paragraph f, Code Supplement 1985, is amended to read as follows:

f. ~~Any~~ An employee of the department, a hearing officer, or a member of the appeal board who violates any provision of this section shall be guilty of a serious misdemeanor.

Sec. 525. Section 96.19, Code 1985, is amended by adding the following new subsection:
NEW SUBSECTION. 39. "Appeal board" means the employment appeal board created under section 10A.601.

Sec. 526. Section 104.10, subsection 2, Code 1985, is amended to read as follows:

2. If the owner does not make the changes necessary for compliance as required in subsection 1 within the period specified by the commissioner, the commissioner, upon notice and hearing, may suspend or revoke the operating permit, or may refuse to issue the operating permit for the facility. The commissioner shall notify the owner of any action to suspend, revoke, or refuse to issue an operating permit and the reason ~~therefor~~ for the action by certified mail. ~~Any~~ An owner may appeal the commissioner's initial decision. The appeal shall be heard by a hearing officer of the department of inspections and appeals. An owner who, after a hearing before the commissioner a hearing officer, is aggrieved by a suspension, revocation, or refusal to issue an operating permit may appeal to the occupational safety and health review commission established under chapter 88 employment appeal board created under section 10A.601. Notice of appeal shall be filed with the ~~occupational safety and health review commission appeal board~~ within thirty calendar days from receipt of the notice of the commissioner's action.

PARAGRAPH DIVIDED. Any A party adversely affected or aggrieved by an order of the ~~occupational safety and health review commission appeal board~~ issued under this subsection may obtain a review of ~~such the~~ order in the district court of the county in which the facility is located by filing in ~~such the~~ court within sixty days following the issuance of ~~such the~~ order a written petition that the order be modified or set aside. A copy of ~~such the~~ petition shall be forthwith transmitted by the clerk of the district court to the ~~occupational safety and health review commission appeal board~~ and to all other parties, and ~~thereupon the occupational safety and health review commission appeal board~~ shall promptly file in the court the transcript of record in the proceedings. Upon filing of the petition, the court ~~shall have~~ has jurisdiction of the proceedings and of the questions to be determined therein, and shall have power to may grant such temporary relief or a restraining order as it deems just and proper, and to may make and enter upon the pleadings, testimony, and proceedings set forth in such the record a decree affirming, modifying, or setting aside in whole or in part, the order of the occupational safety and health review commission appeal board and enforcing the same order to the extent that such the order is affirmed, modified, or denied.

PARAGRAPH DIVIDED. No proceedings before the commissioner or the commissioner's agents, a hearing officer, the ~~occupational safety and health review commission appeal board~~, or any district court of this state shall be deemed to deny any owner an operating permit until there is a final adjudication of the matter. No objection which has not been urged before the ~~occupational safety and health review commission appeal board~~ shall be considered by the court, unless the failure or neglect to urge ~~such the~~ objection shall be excused because of extraordinary circumstances. The findings of the ~~occupational safety and health review commission appeal board~~ with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, ~~shall be~~ are conclusive. The ~~occupational safety and health review commission's appeal board's~~ copy of the testimony shall be available to all parties for examination at all reasonable times, without cost, and for the purpose of judicial review of the ~~occupational safety and health review commission's appeal board's~~ orders. Upon the filing of the record with it, the jurisdiction of the court shall be is exclusive and its judgment and decree shall be is final, except that ~~the same shall be~~ it is subject to review by the Iowa supreme court.

Sec. 527. Section 135B.10, Code 1985, is amended to read as follows:

135B.10 HOSPITAL LICENSING BOARD.

The governor shall appoint five individuals appointed by the governor to the hospital advisory council as individuals of who possess recognized ability in the field of hospital administration, who shall function as and be the hospital licensing board within the department of inspections and appeals.

Sec. 528. Section 135B.11, subsection 2, Code 1985, is amended to read as follows:

2. To review and approve such rules and standards authorized hereunder under this chapter prior to their promulgation adoption by the department of health as specified herein.

~~The members Each member of the board shall be paid a forty-dollar per diem and shall be reimbursed for actual and necessary expenses incurred as members may also be eligible to receive compensation as provided in section 7E.3. All per diem moneys paid to the members shall be paid from funds appropriated to the state department of health.~~

Sec. 529. Section 170.1, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 3. "Retail food store sanitation code" means the retail food store sanitation code recommended by the food and drug administration in 1982.

NEW SUBSECTION. 4. "Department" means the department of inspections and appeals.

NEW SUBSECTION. 5. "Director" means the director of the department of inspections and appeals.

Sec. 530. Section 170.2, Code 1985, is amended to read as follows:

170.2 LICENSE REQUIRED.

~~No A person shall not open or operate a food establishment until a license has been obtained from the department of agriculture inspections and appeals. Each A license shall expire one year from date of issue. A license is renewable. This section shall does not require the licensing of establishments exclusively engaged in the processing of meat and poultry which are licensed pursuant to section 189A.3.~~

Sec. 531. Section 170.4, Code 1985, is amended to read as follows:

170.4 OPERATION WITHOUT INSPECTION OR LICENSE.

~~No A person shall not open or operate a food establishment until inspection has been made by the department of agriculture inspections and appeals. Inspections shall be conducted according to the standards of the retail food store sanitation code.~~

Sec. 532. Section 170.4, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A food establishment under section 170.2 which is also considered a food service establishment under section 170A.2 shall be inspected by the department, or a local board of health which has contracted with the department, for both purposes at the same time.

Sec. 533. Section 170.5, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The department of agriculture inspections and appeals shall collect the following fees for licenses:

Sec. 534. Section 170.46, Code 1985, is amended to read as follows:

170.46 ANNUAL REGULAR INSPECTION.

The department shall inspect provide for the inspection of each food establishment in the state at least once each calendar year in accordance with the standards of the retail food store sanitation code. The inspector may enter the food establishment at any reasonable hour to make the inspection. The management shall afford free access to every part of the premises and render all aid and assistance necessary to enable the inspector to make a thorough and complete inspection.

Sec. 535. NEW SECTION. 170.55 AUTHORITY TO ENFORCE THE RETAIL FOOD STORE SANITATION CODE.

The director has sole and exclusive authority to regulate, license, and inspect food establishments and to enforce the retail food store sanitation code in Iowa. Municipal corporations shall not regulate, license, inspect, or collect license fees from food establishments except as provided for in agreements entered into between the director and the municipal corporations.

If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the retail food store sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the director. The director may enter into such an agreement if the director finds that the local board of health has adequate resources to perform the required functions.

Sec. 536. Section 170A.2, subsections 2, 3, 5, and 10, Code 1985, are amended to read as follows:

2. "Secretary Director" means the secretary of agriculture director of the department of inspections and appeals or the chief inspector of the inspections division of the department of inspections and appeals.

3. "Department" means the department of agriculture inspections and appeals.

5. "Food service establishment" means any a place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service and food service operations in schools and summer camps. The term does not include private homes where food is prepared or stored for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles, and retail food stores except grocery stores and convenience stores which include delicatessen-type operations or otherwise prepare food which is intended for individual portion service. The term does not include child day care facilities, and food service facilities subject to inspection by other agencies of the state and located in nursing homes, health care facilities, or hospitals.

10. "Regulatory authority" means the state department of agriculture or a local board of health that has entered into an agreement with the secretary of agriculture director pursuant to section 170A.4 for authority to enforce the Iowa food service sanitation code in its jurisdiction.

Sec. 537. Section 170A.3, unnumbered paragraph 1, Code 1985, is amended to read as follows:

As soon as practicable, the secretary director shall adopt the food service sanitation ordinance, [section 170A.2(42)], subsection 12, by rule as part of the Iowa food service sanitation code with the following exceptions:

Sec. 538. Section 170A.4, unnumbered paragraphs 1 through 4, Code 1985, are amended to read as follows:

The secretary has sole and exclusive authority to director shall regulate, license, and inspect food service establishments and to enforce the Iowa food service sanitation code in Iowa. Municipal corporations shall not regulate, license, inspect, or collect license fees from food service establishments except as provided for in the Iowa food service sanitation code.

If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the Iowa food service sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the secretary director. The secretary director may enter into such an agreement if the secretary director finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only

enter into an agreement to enforce the Iowa food service sanitation code if it also agrees to enforce the Iowa hotel sanitation code pursuant to section 170B.3 and to enforce the food and beverage vending machine laws pursuant to section 191A.14. To avoid duplication of inspection, the department, not a local board of health, shall inspect a food service establishment located within a food establishment, unless a local board of health has contracted with the department for inspections of food establishments and food service establishments.

If the secretary director enters into an agreement with a municipal corporation as provided by this section, the secretary director shall cause the inspection practices of a municipal corporation to be spot checked on a regular basis.

Each A local board of health that is responsible for enforcing the Iowa food service sanitation code within its jurisdiction pursuant to an agreement shall make an annual report to the secretary director providing the following information:

Sec. 539. Section 170A.4, subsection 4 and unnumbered paragraph 5, Code 1985, are amended to read as follows:

4. Other information the secretary director requests.

The secretary director shall monitor local boards of health to determine if they are enforcing the Iowa food service sanitation code within their respective jurisdictions. If the secretary director determines that the Iowa food service sanitation code is enforced by a local board of health, such enforcement shall be accepted in lieu of enforcement by the department in that jurisdiction. If the secretary director determines that the Iowa food service sanitation code is not enforced by a local board of health, the secretary director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the secretary director shall assume responsibility for enforcement in the jurisdiction involved.

Sec. 540. Section 170A.4, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A food service establishment under section 170A.2 which is also considered a food establishment under section 170.2 shall be inspected by the department for both purposes at the same time.

Sec. 541. Section 170B.2, subsections 1, 2, and 7, Code 1985, are amended to read as follows:

1. "Secretary Director" means the secretary of agriculture director of the department of inspections and appeals or the chief inspector of the inspections division of the department of inspections and appeals.

2. "Department" means the department of agriculture inspections and appeals.

7. "Regulatory authority" means the state department of agriculture or a local board of health that has entered into an agreement with the secretary director pursuant to section 170B.3 for authority to enforce the Iowa hotel sanitation code in its jurisdiction.

Sec. 542. Section 170B.3, unnumbered paragraphs 1, 2, and 3, Code 1985, are amended to read as follows:

The secretary has sole and exclusive authority to director shall regulate, license, and inspect hotels and to enforce the Iowa hotel sanitation code in Iowa. Municipal corporations shall not regulate, license, inspect, or collect license fees from hotels except as provided for in the Iowa hotel sanitation code.

If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the Iowa hotel sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the secretary director. The secretary director may enter into the agreement if the secretary director finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the Iowa hotel sanitation code if it also agrees to enforce the Iowa food service sanitation code pursuant to section 170A.4 and to enforce the food and beverage vending machine laws pursuant to section 191A.14.

Each A local board of health that is responsible for enforcing the Iowa hotel sanitation code within its jurisdiction, pursuant to an agreement, shall make an annual report to the secretary director providing the following information:

Sec. 543. Section 170B.3, subsection 4 and unnumbered paragraph 4, Code 1985, are amended to read as follows:

4. Other information the secretary director requests.

The secretary director shall monitor local boards of health to determine if they are enforcing the Iowa hotel sanitation code within their respective jurisdictions. If the secretary director determines that the Iowa hotel sanitation code is enforced by a local board of health, such enforcement shall be accepted in lieu of enforcement by the department in that jurisdiction. If the secretary director determines that the Iowa hotel sanitation code is not enforced by a local board of health, the secretary director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the secretary director shall assume responsibility for enforcement in the jurisdiction involved.

Sec. 544. Section 191A.1, subsections 2, 3, and 10, Code 1985, are amended to read as follows:

2. "Secretary Director" means the secretary of agriculture director of the department of inspections and appeals or the chief inspector of the inspections division of the department of inspections and appeals.

3. "Department" means the department of agriculture inspections and appeals.

10. "Regulatory authority" means the state department of agriculture or a local board of health that has entered into an agreement with the secretary of agriculture director pursuant to section 191A.14 for authority to enforce the food and beverage vending machine laws in its jurisdiction.

Sec. 545. Section 191A.3, Code 1985, is amended to read as follows:

191A.3 APPLICATION.

An application for a vending machine operator's license shall be made upon a form furnished by the regulatory authority. The application form shall provide for obtaining information relating to ownership of commissaries, location of commissaries, location of shops and other servicing centers, and the total number of licensable vending machines by general product type owned and operated by the applicant and other information required by the secretary director. The operator shall agree in the application to maintain within the jurisdiction of the regulatory authority a complete list of all vending machines and machine locations operated by the applicant and to make the list available to the regulatory authority at the time of inspection or auditing.

Sec. 546. Section 191A.7, Code 1985, is amended to read as follows:

191A.7 DISCIPLINARY ACTION.

A license issued under this chapter may be revoked by the regulatory authority for violation by the licensee of a provision of this chapter or an applicable rule of the department. In lieu of license revocation, the regulatory authority may require the immediate discontinuance of operation of a vending machine or commissary whenever if it finds unsanitary conditions or other conditions which constitute a substantial hazard to the public health. The order shall apply only to the vending machines, commissary, or product involved. A person whose license is revoked, or who is ordered to discontinue the operation of a vending machine or commissary, may appeal that decision to the secretary director. The secretary director or the secretary's designee chief hearing officer of the department shall schedule and hold a hearing upon the appeal not later than thirty days from the time of revocation or the order of discontinuance. The secretary director or the chief hearing officer shall issue a decision immediately following the hearing. Judicial review may be sought in accordance with the terms of the Iowa administrative procedure Act.

Sec. 547. Section 191A.14, Code 1985, is amended to read as follows:

191A.14 AUTHORITY TO ENFORCE THE FOOD AND BEVERAGE VENDING MACHINE LAWS.

The secretary has sole and exclusive authority to director shall regulate, license, and inspect food and beverage vending machines and operators and to otherwise enforce the food and beverage vending machine laws. Municipal corporations shall not regulate, license, inspect, or collect license fees for food and beverage vending machines or their operation except pursuant to this section.

If a municipal corporation wants its local board of health to enforce the food and beverage vending machine laws within its jurisdiction, the municipal corporation may enter into an agreement to do so with the secretary director. The secretary director may enter into such an agreement if the secretary director finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the food and beverage vending machine laws if it also agrees to enforce the Iowa food service sanitation code pursuant to section 170A.4 and to enforce the Iowa hotel sanitation code pursuant to section 170B.3.

Each A local board of health that is responsible for enforcing the food and beverage vending machine laws within its jurisdiction pursuant to an agreement shall make an annual report to the secretary director providing the following information:

1. The total number of food or beverage vending machine operator's licenses granted or renewed during the year.
2. The amount of money collected in license fees during the year.
3. Other information the secretary director requests.

The secretary director shall monitor local boards of health to determine if they are enforcing the food and beverage vending machine laws within their respective jurisdictions. If the secretary director determines that the food and beverage vending machine laws are enforced by a local board of health, the secretary director shall accept such enforcement in lieu of enforcement by the department in that jurisdiction. If the secretary director determines that the food and beverage vending machine laws are not enforced by a local board of health, the secretary director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the secretary director shall assume responsibility for enforcement in the jurisdiction involved.

Sec. 548. The department shall develop and adopt procedures and guidelines for contract agreements with local boards of health under section 170.55 no later than January 1, 1987.

Sec. 549. Section 237.16, Code 1985, is amended to read as follows:

237.16 STATE FOSTER CARE REVIEW BOARD.

The state foster care review board is created within the department of inspections and appeals. The state board consists of seven members appointed by the governor, subject to confirmation by the senate and directly responsible to the governor and shall not be located within a current department or agency of the state. Vacancies on the state board shall be filled in the same manner as original appointments are made.

The members of the state board shall annually select a chairperson, vice chairperson, and other officers the members deem necessary. The members shall not receive per diem but shall receive reimbursement for actual and necessary expenses incurred in their duties as members. Each member of the board may also be eligible to receive compensation as provided in section 7E.3. The state board shall meet at least twice a year.

An employee of the department of inspections and appeals, the department, an employee or board member of a child-placing agency, an employee of an agency with which the department contracts for services for children under foster care, a foster parent providing foster care, or an employee of the district court is not eligible to serve on the state board.

Sec. 550. Sections 88.10 and 135A.5, Code 1985, are repealed.

DEPARTMENT OF AGRICULTURE
AND LAND STEWARDSHIP

Sec. 601. Section 83.2, subsections 2 and 3, Code 1985, are amended to read as follows:

2. "Department Division" means the department division of soil conservation within the department of agriculture and land stewardship.

3. "Director Administrator" means the administrative officer division administrator of the department division of soil conservation or a designee.

Sec. 602. Section 83A.2, subsections 1 and 5, Code Supplement 1985, are amended to read as follows:

1. "Administrator" means the administrative officer division administrator of the department responsible for administration or enforcement of this chapter or that officer's division of soil conservation or a designee.

5. "Department Division" means the department division of soil conservation within the department of agriculture and land stewardship.

Sec. 603. Sections 83A.4 and 83A.5, Code 1985, are repealed. Sections 83A.3 and 83A.6, Code Supplement 1985, are repealed.

Sec. 604. Section 159.1, subsections 1 and 2, Code 1985, are amended to read as follows:

1. "Secretary" ~~shall mean~~ means the secretary of agriculture.

2. "Department" ~~shall mean~~ means the Iowa department of agriculture and land stewardship and wherever such if the department is required or authorized to do an act, unless otherwise provided, it shall be construed as authorizing performance the act may be performed by an officer, regular assistant, or duly authorized agent of such the department.

Sec. 605. Section 159.2, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. To encourage a relationship between people and the land that recognizes land as a resource to be managed in a manner that avoids irreparable harm.

3. To develop and implement policies that inspire public confidence in the long-term future of agriculture as an economic activity as well as a way of life.

Sec. 606. Section 159.3, Code 1985, is amended to read as follows:

159.3 CO-OPERATION COOPERATION.

The department of agriculture and the Iowa State University state university of science and technology shall ~~co-operate~~ cooperate in all ways that may be beneficial to the agricultural interests of the state, but without duplicating research or educational work conducted by said the university. ~~Nothing herein contained shall be construed to~~ This section does not subordinate either the department or the university in their several spheres of action.

The department of agriculture is hereby authorized to ~~co-operate~~ may cooperate with the United States department of agriculture as the Iowa department ~~may deem~~ deems wise and just.

Sec. 607. Section 159.5, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The secretary of agriculture ~~shall be~~ is the head of the department of agriculture and land stewardship which shall:

Sec. 608. Section 159.5, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 2B. Establish and maintain a division of soil conservation. The division administrator shall be appointed by the secretary and shall serve at the pleasure of the secretary.

Sec. 609. Section 159.6, Code 1985, is amended by adding the following new subsections:

- 12A. Coal mining and mines as set forth in chapters 83 and 83A.
13. Soil and water conservation as set forth in chapters 467A through 467D.
14. Grain dealers as set forth in chapter 542.
15. Grain bargaining agents as set forth in chapter 542A.
16. Bonded warehouses for agricultural products as set forth in chapter 543.

Sec. 610. Section 159.20, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

159.20 POWERS OF DIVISION.

A farm commodity division, hereinafter referred to as the division, is created within the Iowa department of agriculture and land stewardship. It is the duty of the division to do or cause to be done those things designed to lead to more advantageous marketing of Iowa farm commodities. To implement this purpose the division is authorized to:

1. Investigate the subject of marketing farm commodities.
2. Promote their sales, distribution and merchandising.
3. Furnish information and assistance concerning farm commodities to the public.
4. Cooperate with the college of agriculture of the Iowa state university of science and technology in its farm marketing education and research.
5. Gather and diffuse useful information concerning all phases of the marketing of Iowa farm commodities in cooperation with other public or private agencies and, in that context, establish a farm commodity informational data base.
6. Investigate methods and practices in connection with the processing, handling, grading, classifying, sorting, weighing, packing, transportation, storage, inspection, and merchandising of farm commodities within this state.
7. Ascertain sources of supply of Iowa farm commodities, and prepare and periodically publish lists of names and addresses of producers and consignors of farm commodities, to be available upon request.
8. Perform inspection or grading, or both, of any farm commodity if requested by the person engaged in the production, marketing, or processing of the farm commodity, except that the person shall pay for the services as provided by the rules of the department.
9. Cooperate with the department of economic development to avoid duplication of efforts between the division and the agricultural marketing program operated by the department of economic development.

The division shall have a division administrator appointed by the secretary of agriculture.

As used in this division of this chapter, "farm commodity" means any unprocessed agricultural product, including animals, agricultural crops, and forestry products grown, raised, produced, or fed in Iowa for sale in commercial channels. "Commercial channels" means the processes of sale of a farm commodity or unprocessed product from the farm commodity to any person, public or private, who resells the farm commodity for breeding, processing, slaughter, or distribution.

Sec. 611. Section 162.2, subsection 10, Code 1985, is amended by striking the subsection.

Sec. 612. Section 163.26, subsections 1 and 2, Code 1985, are amended by striking the subsections.

Sec. 613. Section 163.35, subsection 2, Code 1985, is amended by striking the subsection.

Sec. 614. Section 163A.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. 615. Section 164.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. 616. Section 165.2, unnumbered paragraph 2, Code 1985, is amended to read as follows:

~~It shall be the duty of each and every~~ An owner of dairy or breeding cattle in the state ~~to shall conform to and abide by the rules laid down by the state department and the~~

federal departments department of agriculture and follow their instructions designed to suppress the disease, prevent its spread, and avoid reinfection of the herd.

Sec. 617. Section 165.15, Code 1985, is amended to read as follows:

165.15 ACCREDITED VETERINARIAN.

An accredited veterinarian is one who has successfully passed an examination set by the state department and the federal departments department of agriculture and is authorized to may make tuberculin tests of accredited herds of cattle under the uniform methods and rules governing accredited herd work which are approved by the United States department of agriculture.

Sec. 618. Section 166A.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. 619. Section 166B.1, subsection 3, Code 1985, is amended by striking the subsection.

Sec. 620. Section 166C.2, subsections 1 and 2, Code 1985, are amended by striking the subsections.

Sec. 621. Section 168.1, subsection 2, Code 1985, is amended by striking the subsection.

Sec. 622. Section 172.1, subsection 4, Code 1985, is amended by striking the subsection.

Sec. 623. Section 172A.1, subsections 5 and 6, Code 1985, are amended by striking the subsections.

Sec. 624. Section 172B.1, subsection 4, Code 1985, is amended by striking the subsection.

Sec. 625. Section 173.1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The Iowa state fair board is created within the department of agriculture and land stewardship. The Iowa state fair board shall consist of:

Sec. 626. Section 173.1, subsections 1 and 4, Code 1985, are amended by striking the subsections and inserting in lieu thereof the following:

1. The governor of the state, the secretary of agriculture, and the president of the Iowa state university of science and technology or their qualified representatives, who shall serve as nonvoting members of the board.

4. A secretary appointed by the secretary of agriculture from a list of three candidates nominated by the voting members of the board. The secretary of the board is a nonvoting member of the board.

5. A treasurer elected by the voting members of the board, who is a nonvoting member of the board.

Sec. 627. Section 173.9, unnumbered paragraph 1, Code 1985, is amended by striking the paragraph and inserting in lieu thereof the following:

The secretary of the board shall serve at the pleasure of the secretary of agriculture. However, the voting members of the board shall make an annual recommendation to the secretary of agriculture as to whether the secretary of the board should be retained. The secretary of the board shall:

Sec. 628. Section 175.2, subsection 3, Code Supplement 1985, is amended to read as follows:

3. "Authority" means the Iowa family farm agricultural development authority established in section 175.3.

Sec. 629. Section 175.3, subsection 1, Code Supplement 1985, is amended to read as follows:

1. The Iowa family farm agricultural development authority is established, and within the department of agriculture and land stewardship. The authority is constituted a public instrumentality and agency of the state exercising public and essential governmental

functions. The authority is established to undertake programs which assist beginning farmers in purchasing agricultural land and agricultural improvements and depreciable agricultural property for the purpose of farming, and programs which provide financing to farmers for permanent soil and water conservation practices on agricultural land within the state or for the acquisition of conservation farm equipment. The powers of the authority are vested in and exercised by a board of eleven members with nine members appointed by the governor subject to confirmation by the senate. The treasurer of state or the treasurer's designee and the secretary of agriculture or the secretary's designee are ex officio nonvoting members. No more than five appointed members shall belong to the same political party. As far as possible the governor shall include within the membership persons who represent financial institutions experienced in agricultural lending, the real estate sales industry, farmers, beginning farmers, average taxpayers, local government, and other persons specially interested in family farm development.

Sec. 630. Section 175.7, subsection 1, Code 1985, is amended to read as follows:

1. The ~~governor, subject to confirmation by the senate, secretary of agriculture~~ shall appoint an executive director of the authority, who shall serve at the pleasure of the ~~governor secretary~~. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affiliation. The executive director shall not, directly or indirectly, exert influence to induce any other officers or employees of the state to adopt a political view, or to favor a political candidate for office.

Sec. 631. Section 182.1, subsection 8, Code Supplement 1985, is amended by striking the subsection.

Sec. 632. Section 183A.1, subsection 7, Code Supplement 1985, is amended by striking the subsection.

Sec. 633. Section 185.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. 634. Section 185C.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. 635. Section 187.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. 636. Section 189.1, subsections 2 and 3, Code 1985, are amended to read as follows:

2. "Department" ~~shall mean~~ means the department of agriculture, and land stewardship, and, ~~wherever said if the department is required or authorized to do an act, it shall be construed as authorizing performance the act may be performed~~ by a regular assistant or a duly authorized agent of ~~said the~~ department.

3. "Secretary" ~~shall mean~~ means the secretary of agriculture.

Sec. 637. Section 189A.2, subsections 1 and 2, Code 1985, are amended by striking the subsections.

Sec. 638. Section 192A.1, subsections 2 and 3, Code 1985, are amended by striking the subsections.

Sec. 639. Section 194.3, subsection 1, Code 1985, is amended by striking the subsection.

Sec. 640. Section 195.3, subsection 1, Code 1985, is amended by striking the subsection.

Sec. 641. Section 196A.1, subsection 7, Code 1985, is amended by striking the subsection.

Sec. 642. Section 198.3, subsection 1, Code 1985, is amended by striking the subsection.

Sec. 643. Section 206.2, subsections 9 and 10, Code 1985, are amended by striking the subsections.

Sec. 644. Section 214A.1, subsection 2, Code Supplement 1985, is amended by striking the subsection.

Sec. 645. Section 467A.2, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

467A.2 DECLARATION OF POLICY.

It is hereby declared to be the policy of the legislature to integrate the conservation of soil and water resources into the production of agricultural commodities to insure the long-term protection of the soil and water resources of the state of Iowa, and to encourage the development of farm management and agricultural practices that are consistent with the capability of the land to sustain agriculture, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist and maintain the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands and promote the health, safety and public welfare of the people of this state.

Sec. 646. Section 467A.3, subsection 3, Code 1985, is amended to read as follows:

3. "Department" or "~~department of soil conservation~~" means the agency created by section ~~467A.4~~ department of agriculture and land stewardship.

Sec. 647. Section 467A.3, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. "Division" means the division of soil conservation created within the department.

Sec. 648. Section 467A.4, subsections 1, 2, and 3, Code Supplement 1985, are amended to read as follows:

1. ~~There is established, to serve as an agency of the state and The soil conservation division is established within the department to perform the functions conferred upon it in this chapter, the department of soil conservation chapters 83, 83A, and 467A through 467D. The department division shall be administered in accordance with the policies of the state soil conservation committee, which shall advise the division and which shall approve administrative rules proposed by the department division for the administration of chapters 83, 83A, and 467A through 467D before the rules are adopted pursuant to chapter 17A. The state soil conservation committee shall consist consists of a chairperson and twelve ten other members. The following shall serve as ex officio nonvoting members of the committee: The director of the state agricultural Iowa cooperative extension service in agriculture and home economics, or the director's designee, the secretary of agriculture or the secretary's designee, the director of the state conservation commission or the director's designee, and the executive director of the department of water, air and waste management natural resources or the executive director's designee. Eight Nine voting members shall be appointed by the governor subject to confirmation by the senate. Six of the appointive members shall be persons engaged in actual farming operations, one of whom shall be a resident of each of the six conservancy districts established by section 467D.3, and no more than one of whom shall be a resident of any one county. The seventh, and eighth, and ninth appointive members shall be chosen by the governor from the state at large with one appointed to be a representative of cities and, one appointed to be a representative of the mining industry, and one appointee who is a farmer actively engaged in tree farming operations. The committee may invite the secretary of agriculture of the United States to appoint one person to serve with the above-mentioned other members, and the president of the Iowa county engineers association may designate a member of the association to serve in the same manner, but these persons shall have no vote and shall serve in an advisory capacity only. The committee shall adopt a seal, which seal shall be judicially noticed, and may perform acts, hold public hearings, and adopt rules as provided in chapter 17A as necessary for the execution of its functions under this chapter.~~

2. The state soil conservation committee may employ an administrative officer and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The committee or department division may call

upon the attorney general of the state for such necessary legal services as either may require. The committee shall have authority to may delegate to its chairperson, to one or more of its members, or to one or more agents or employees, such powers and duties as it may deem deems proper. Upon request of the committee, for the purpose of carrying out any of the functions assigned the committee or the department by law, the supervising officer of any state agency, or of any state institution of learning shall, insofar as may be possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign or detail the request to the department members of the staff or personnel of such the agency or institution of learning, and make such the special reports, surveys, or studies as the committee may request requests.

3. The committee shall designate its chairperson, and may change the designation. The members appointed by the governor shall serve for a period of six years. Members shall be appointed in each odd-numbered year to succeed members whose terms expire as provided by section 69.19. Appointments may be made at other times and for other periods as necessary to fill vacancies on the committee. Members shall not be appointed to serve more than two complete six-year terms. Members designated to represent the secretary of agriculture, director of the state conservation commission, or the executive director of the department of water, air and waste management natural resources and the director of the Iowa cooperative extension service in agriculture and home economics shall serve at the pleasure of the officer making the designation. A majority of the voting members of the committee constitutes a quorum, and the concurrence of a majority of the voting members of the committee in any matter within their duties is required for its determination. The chairperson and members of the committee, not otherwise in the employ of the state, or any political subdivision, shall receive forty dollars per diem as compensation for their services in the discharge of their duties as members of the committee. The committee shall determine the number of days for which any committee member may draw per diem compensation, but the total number of days for which per diem compensation is allowed for the entire committee shall not exceed four hundred days per year. They Members are also entitled to actual expenses, including traveling expenses, necessarily incurred in the discharge of their duties as members of the committee. The per diem and expenses paid to the committee members shall be paid from funds appropriated to the committee department. Each member of the committee may also be eligible to receive compensation as provided in section 7E.3. The committee shall provide for the execution of surety bonds for all employees and officers who are entrusted with funds or property, shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted, and shall provide for an annual audit of the accounts of receipts and disbursements.

Sec. 649. Section 467A.4, subsection 4, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

In addition to the other duties and powers hereinafter conferred upon the department division of soil conservation, it the division shall have has the following duties and powers:

Sec. 650. Section 467A.4, subsection 4, paragraph n, Code Supplement 1985, is amended by striking the paragraph.

Sec. 651. Section 467A.7, subsection 16, Code 1985, is amended to read as follows:

16. The commissioners shall, as a condition for the receipt of any state cost-sharing funds for permanent soil conservation practices, require the owner of the land on which the practices are to be established to covenant and file, in the office of the soil conservation district of the county in which the land is located, an agreement identifying the particular lands upon which the practices for which state cost-sharing funds are to be received will be established, and providing that the project will not be removed, altered, or modified so as to lessen its effectiveness without the consent of the commissioners, obtained in advance and based on

guidelines drawn up by the state soil conservation committee, for a period of twenty years after the date of receiving payment. The commissioners shall assist the state soil conservation committee division in the enforcement of this subsection. The agreement shall does not create a lien on the land, but shall be is a charge personally against the owner of the land at the time of removal, alteration, or modification if an administrative order is made under section 467A.61, subsection 3.

Sec. 652. Section 467A.10, Code 1985, is amended to read as follows:
467A.10 DISCONTINUANCE OF DISTRICTS.

At any time after five years after the organization of a district under the provisions of this chapter, any twenty-five owners of land lying within the boundaries of such the district, but in no case less than twenty percent of the owners of land lying within such the district, may file a petition with the state soil conservation committee praying division asking that the operations of the district be terminated and the existence of the district discontinued. The committee may conduct such public meetings and public hearings upon such the petition as may be necessary to assist in the consideration thereof of the petition. Within sixty days after such a petition has been received by the committee division, the department division shall give due notice of the holding of a referendum, and shall supervise such the referendum, and shall issue appropriate regulations rules governing the conduct thereof of the referendum, the question to be submitted by ballots upon which the words "For terminating the existence of the (name of the soil conservation district to be here inserted)" and "Against terminating the existence of the (name of the soil conservation district to be here inserted)" shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of said the propositions as the voter may favor favors or oppose opposes discontinuance of such the district. All owners of lands lying within the boundaries of the district shall be are eligible to vote in such the referendum. Only such landowners shall be eligible to vote. No informalities in the conduct of such the referendum or in any matters relating thereto shall to the referendum invalidate said the referendum or the result thereof of the referendum if notice thereof shall have been was given substantially as herein provided in this section and said if the referendum shall have been was fairly conducted.

When sixty-five percent of the landowners vote to terminate the existence of such the district, the state soil conservation committee division shall advise the commissioners to terminate the affairs of the district. The commissioners shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of such the sale to be covered deposited into the state treasury. The commissioners shall thereupon then file an application, duly verified, with the secretary of state for the discontinuance of such the district, and shall transmit with such the application the certificate of the state soil conservation committee division setting forth the determination of the committee division that the continued operation of such the district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as provided in this section provided, and shall set forth a full accounting of such the properties and proceeds of the sale. The secretary of state shall issue to the commissioners a certificate of dissolution and shall record such the certificate in an appropriate book of record in the secretary of state's office.

Upon issuance of a certificate of dissolution under the provisions of this section, all ordinances and regulations theretofore previously adopted and in force within such the districts shall be are of no further force and effect. All contracts theretofore previously entered into, to which the district or commissioners are parties, shall remain in force and effect for the period provided in such the contracts. The state soil conservation committee shall be division is substituted for the district or commissioners as party to such the contracts. The committee shall be division is entitled to all benefits and subject to all liabilities under such

the contracts and ~~shall have~~ has the same right and liability to perform, to require performance, and to sue and be sued ~~thereon~~, and to modify or terminate ~~such~~ the contracts by mutual consent or otherwise, as the commissioners of the district would have had.

The ~~state soil conservation committee~~ division shall not entertain petitions for the discontinuance of any district nor conduct referenda upon ~~such~~ discontinuance petitions nor make determinations pursuant to ~~such~~ the petitions in accordance with the provisions of this chapter, more often than once in five years.

Sec. 653. Section 467A.11, Code 1985, is amended to read as follows:

467A.11 REPORT TO GOVERNOR.

The ~~committee~~ division shall submit to the governor, no later than January 1 next preceding each biennial legislative session, a report which shall state the following: The number and acreage of districts in existence or in process of organization, together with an estimate of the number and probable acreage of the districts which may be organized during the ensuing biennial fiscal period, and a statement of the balances of funds, if any, available to the ~~committee~~ as to the sums needed division for its administrative and other expenses arising from this chapter, and for allocation among the several districts during the ensuing biennial fiscal period.

Sec. 654. Section 467A.12, Code 1985, is amended to read as follows:

467A.12 STATEMENT TO COMPTROLLER.

On or before September 1 next preceding each ~~biennial annual~~ legislative session, the ~~state soil conservation committee~~ division shall submit to the state comptroller, on official estimate blanks furnished for ~~such~~ those purposes, statements and estimates of the expenditure requirements for each fiscal year of the ensuing biennium, and a statement of the balance of funds, if any, available to the ~~committee~~ division, and the estimates of the ~~committee~~ division as to the sums needed for the administrative and other expenses of the ~~committee and department~~ division for the purposes of this chapter.

Sec. 655. Section 467A.42, subsection 1, Code 1985, is amended to read as follows:

1. "Soil loss limit" means the maximum amount of soil loss due to erosion by water or wind, expressed in terms of tons per acre per year, which the commissioners of the respective soil conservation districts shall determine is acceptable in order to meet the objectives expressed in section 467D.1, Code 1985.

Sec. 656. Section 467A.42, subsection 2, paragraphs a and b, Code 1985, are amended to read as follows:

a. "Permanent soil and water conservation practices" means planting of perennial grasses, legumes, shrubs, or trees, the establishment of grassed waterways, and the construction of terraces, or other permanent soil and water practices approved by the ~~state soil conservation committee~~ division.

b. "Temporary soil and water conservation practices" means planting of annual or biennial crops, use of strip-cropping, contour planting, or minimum or mulch tillage, and any other cultural practices approved by the ~~state soil conservation committee~~ division.

Sec. 657. Section 467A.44, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The commissioners of each soil conservation district shall, with approval of and within time limits set by administrative order of the ~~state soil conservation committee~~ division, adopt ~~such~~ reasonable regulations as are deemed necessary to establish a soil loss limit or limits for the district and provide for the implementation of the limit or limits, and may subsequently amend or repeal their regulations as they deem necessary. The ~~state soil conservation committee~~ division shall review the soil loss limit regulations adopted by the soil conservation districts at least once every five years, and shall recommend any changes in the regulations of any a soil conservation district which the ~~state committee~~ division deems necessary to assure that the district's soil loss limits are reasonable and attainable. The commissioners may:

Sec. 658. Section 467A.45, Code 1985, is amended to read as follows:

467A.45 SUBMISSION OF RULES TO COMMITTEE DIVISION — HEARING.

Regulations which the commissioners propose to adopt, amend, or repeal shall be submitted to the state soil conservation committee division, in such a form as the committee shall prescribe prescribed by the division, for its approval. The committee division may approve the regulations as submitted, or with such amendments as it deems necessary. The commissioners shall thereafter, after approval, publish notice of hearing on the proposed regulations, as approved, in a newspaper of general circulation in the district, setting a date and time not less than ten nor more than thirty days after such the publication when a hearing on the proposed regulations will be held at a specified place. The notice shall include the full text of the proposed regulations or shall state that the proposed regulations are on file and available for review at the office of the affected soil conservation district.

Sec. 659. Section 467A.46, Code 1985, is amended to read as follows:

467A.46 CONDUCT OF HEARING.

At the hearing, the commissioners or their designees shall explain, in reasonable detail, the reasons why adoption, amendment, or repeal of the regulations is deemed necessary or advisable. Any landowner, or any occupant of land who would be affected by the regulations, shall be afforded an opportunity to be heard for or against the proposed regulations. At the conclusion of the hearing, the commissioners shall announce and enter of record their decision whether to adopt or modify the proposed regulations. Any modification must be approved by the state soil conservation committee division, which may at its discretion order the commissioners to republish the regulations and hold another hearing in the manner prescribed by this chapter.

Sec. 660. Section 467A.48, subsections 1 and 2, Code 1985, are amended to read as follows:

1. An owner or occupant of land in this state is not required to establish any new permanent or temporary soil and water conservation practice unless public or other cost-sharing funds have been specifically approved for that land and actually made available to the owner or occupant. The amount of cost-sharing funds made available shall not exceed seventy-five percent of the estimated cost as established by the commissioners of a permanent soil and water conservation practice, or seventy-five percent of the actual cost, whichever is less, or an amount set by the state soil conservation committee division for a temporary soil and water conservation practice, except as otherwise provided by law with respect to land classified as agricultural land under conservation cover. The commissioners shall establish the estimated cost of permanent soil and water conservation practices in the district based upon one and two-tenths of the average cost of the practices installed in the district during the previous year. The average costs shall be reviewed and approved by the commissioners each calendar year.

2. The state soil conservation committee division shall review these requirements once each year, and may authorize soil conservation district commissioners to make the mandatory establishment of any specified soil and water conservation practice in any particular case conditional on a higher proportion of public cost-sharing than is required by this section. When the commissioners have been so authorized, they shall, in determining the amount of cost-sharing for establishment of a specified soil and water conservation practice to comply with an administrative order issued pursuant to section 467A.47, consider the extent to which the practice will contribute benefits to the public in relation to the benefits that will accrue to the individual owner or occupant of the land on which the practice is to be established. Evidence that an application for public or other cost-sharing funds, from a source or sources having authority to pay a portion of the cost of work needed to comply with an administrative order issued pursuant to section 467A.47, has been submitted to the proper officer or agency constitutes commencement of the work within the meaning of sections 467A.43 to through 467A.53.

Sec. 661. Section 467A.71, subsection 3, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The state soil conservation committee division may:

Sec. 662. Section 467D.2, subsection 1, Code 1985, is amended to read as follows:

1. "Conservancy Watershed planning district" means one of the six conservancy watershed planning districts established by section 467D.3.

Sec. 663. Section 467D.2, subsection 4, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Division" means the division of soil conservation established within the department of agriculture and land stewardship.

Sec. 664. Section 467D.3, unnumbered paragraph 1, Code 1985, is amended to read as follows:

In furtherance of the policy set forth in section 467D.1, the entire area of the state of Iowa shall be divided into six conservancy watershed planning districts, and the same are hereby established as political subdivisions of the state of Iowa, as follows:

Sec. 665. Section 467D.12, Code 1985, is amended to read as follows:

467D.12 BUDGET.

In each even-numbered year the board shall prepare a budget for the biennium beginning July 1 of the succeeding calendar year, setting forth all proposed expenditures by the conservancy district during such the biennium, and stating the amounts which it is anticipated will be available to the conservancy district during such the biennium from sources other than state appropriations. The board shall submit its budget to the state soil conservation committee department on or before August 1 of each even-numbered year.

Sec. 666. Section 467D.13, Code 1985, is amended to read as follows:

467D.13 REVIEW BY STATE COMMITTEE DEPARTMENT.

The committee department shall review the proposed biennial budget of each of the conservancy districts, and may revise any such budget. The committee department shall prepare a consolidated list of the appropriations requested for administration, operation, and maintenance of each conservancy district for each year of the ensuing biennium, and of capital appropriations requested, if any, for each conservancy district, and shall forward the consolidated list to the state comptroller as a part of the committee's department's estimates of expenditure requirements submitted pursuant to section 8.23.

Sec. 667. Section 467D.17, Code 1985, is amended to read as follows:

467D.17 PLAN PRESENTED TO COMMITTEE, DEPARTMENT, DEPARTMENT OF WATER, AIR AND WASTE MANAGEMENT NATURAL RESOURCES, AND SOIL CONSERVATION DISTRICTS.

The board shall tentatively adopt the plan by resolution and shall present the plan to the committee department and the department of water, air and waste management natural resources for review. The department of water, air and waste management natural resources shall within ninety days review the plan as presented and make recommendations it deems necessary to bring the conservancy district's plan into conformity with the comprehensive water allocation plan established by the department of water, air and waste management pursuant to section 455B.263. The recommendations of the department of water, air and waste management natural resources shall be submitted to the board for incorporation into the plan. The plan shall then be submitted to the soil conservation districts located entirely or partially within the conservancy district. The soil conservation districts shall review, comment and record a vote within ninety days indicating their support of or opposition to the plan in the same manner provided in section 467D.5, subsection 1. The committee department shall inform the soil conservation districts of the votes of the districts within the conservancy

district. The committee department shall review the plan as presented, give consideration to the comments and votes of the soil conservation districts, give final approval or disapproval of the plan within ninety days, and provide a written statement detailing the basis of its decision.

A subsequent major change in the plan, as determined by the conservancy board, is not effective until approved by the process provided in this section for approval of the original plan.

Sec. 668. Effective July 1, 1988, section 455B.280 and chapter 467D, Code 1985, are repealed, and section 467A.4, subsection 4, paragraphs "g" through "m", Code Supplement 1985, are amended by striking the paragraphs.

Sec. 669. Section 542.1, subsection 1, Code Supplement 1985, is amended to read as follows:

1. "Commission Department" means the Iowa state commerce commission department of agriculture and land stewardship.

Sec. 670. Section 542A.1, Code 1985, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. As used in this chapter, "department" means the department of agriculture and land stewardship.

Sec. 671. Section 543.1, subsection 1, Code 1985, is amended to read as follows:

1. "Commission Department" shall mean means the Iowa state commerce commission department of agriculture and land stewardship.

DEPARTMENT OF COMMERCE

Sec. 701. NEW SECTION. 546.1 DEFINITIONS.

When used in this chapter, unless the context otherwise requires:

1. "Department" means the department of commerce.
2. "Director" means the director of the department of commerce.

Sec. 702. NEW SECTION. 546.2 DEPARTMENT OF COMMERCE.

1. A department of commerce is created to coordinate and administer the various regulatory, service, and licensing functions of the state relating to the conducting of business or commerce in the state.

2. The chief administrative officer of the department is the director. The director shall be appointed by the governor, subject to the confirmation of the senate, and shall serve at the pleasure of the governor. The director is subject to reconfirmation after four years in office. The director shall be appointed on the basis of executive and administrative abilities but shall not have been an officer or employee of any bank, credit union, savings and loan association, or insurance company. The salary shall be fixed by the governor within a range established by the general assembly.

3. The department is administratively organized into the following divisions:

- a. Banking.
- b. Credit union.
- c. Savings and loan.
- d. Gaming.
- e. Utilities.
- f. Insurance.
- g. Alcoholic beverages.
- h. Professional licensing and regulation.

4. The director shall have the following responsibilities:

a. To establish general operating policies for the department to provide general uniformity among the divisions while providing for necessary flexibility.

b. To assemble a department structure and strategic plan that will provide optimal decentralization of responsibilities and authorities with sufficient coordination for appropriate growth and development.

c. To coordinate personnel services and shared administrative support services to assure maximum support and assistance to the divisions.

d. To coordinate the development of an annual budget which quantifies the operational plans of the divisions.

e. To identify and, with the chief administrative officers of each division, facilitate the opportunities for consolidation and efficiencies within the department.

f. To maintain monitoring and control systems, procedures, and policies which will permit each level of responsibility to quickly and precisely measure its results with its plan and standards.

5. The chief administrative officer of each division shall have the following responsibilities:

a. To make rules pursuant to chapter 17A except to the extent that rulemaking authority is vested in a policymaking commission.

b. To hire, allocate, develop, and supervise employees of the division necessary to perform duties assigned to the division by law.

c. To supervise and direct personnel and other resources to accomplish duties assigned to the division by law.

d. To establish fees assessed to the regulated industry except to the extent this power is vested in a policymaking commission.

6. Each division is responsible for policymaking and enforcement duties assigned to the division under the law. Except as provided in section 546.11, subsection 3:

a. Each division shall adopt rules pursuant to chapter 17A to implement its duties.

b. Decisions by the divisions are final agency actions pursuant to chapter 17A.

Sec. 703. NEW SECTION. 546.3 BANKING DIVISION.

The banking division shall regulate and supervise banks under chapter 524, regulated loan companies under chapter 536, industrial loan companies under chapter 536A, and the industrial loan thrift guaranty corporation of Iowa under chapter 536B, and shall perform other duties assigned to the division by law. The division is headed by the superintendent of banking who shall be appointed pursuant to section 524.201. The state banking board shall perform duties within the division as prescribed by law.

Sec. 704. NEW SECTION. 546.4 CREDIT UNION DIVISION.

The credit union division shall regulate and supervise credit unions under chapter 533. The division is headed by the superintendent of credit unions who shall be appointed pursuant to section 533.55. The credit union review board shall perform duties within the division as prescribed in chapter 533.

Sec. 705. NEW SECTION. 546.5 SAVINGS AND LOAN DIVISION.

The savings and loan division shall regulate and supervise savings and loan associations and savings banks under chapter 534. The division is headed by the superintendent of savings and loan associations who shall be appointed pursuant to section 534.401.

Sec. 706. NEW SECTION. 546.6 GAMING DIVISION.

The gaming division shall combine and coordinate the supervision of pari-mutuel betting and the conducting of games of skill, games of chance, or raffles in the state. The division shall enforce and implement chapters 99B and 99D. The division is headed by the administrator of gaming who shall be appointed pursuant to section 99D.6. The state racing commission shall perform duties within the division as prescribed in chapter 99D.

Sec. 707. NEW SECTION. 546.7 UTILITIES DIVISION.

The utilities division shall regulate and supervise public utilities operating in the state. The division shall enforce and implement chapters 476, 476A, 478, and 479 and shall perform other duties assigned to it by law. The division is headed by the administrator of public utilities who shall be appointed by the governor pursuant to section 474.1.

Sec. 708. NEW SECTION. 546.8 INSURANCE DIVISION.

The insurance division shall regulate and supervise the conducting of the business of insurance in the state. The division shall enforce and implement Title XX, insurance, chapters 505 through 523C, and chapters 502, 503, and 535C, and shall perform other duties assigned to the division by law. The division is headed by the commissioner of insurance who shall be appointed pursuant to section 505.2.

Sec. 709. NEW SECTION. 546.9 ALCOHOLIC BEVERAGES DIVISION.

The alcoholic beverages division shall enforce and implement chapter 123. The division is headed by the administrator of alcoholic beverages who shall be appointed pursuant to section 123.10. The alcoholic beverages commission shall perform duties within the division pursuant to chapter 123.

Sec. 710. NEW SECTION. 546.10 PROFESSIONAL LICENSING AND REGULATION DIVISION.

1. The professional licensing and regulation division shall administer and coordinate the licensing and regulation of several professions by bringing together the following licensing boards:

a. The commission of engineering and land surveying examiners created pursuant to chapter 114.

b. The commission of accountancy created pursuant to chapter 116.

c. The real estate commission created pursuant to chapter 117.

d. The commission of architectural examiners created pursuant to chapter 118.

e. The commission of landscape architectural examiners created pursuant to chapter 118A.

2. The division is headed by the administrator of professional licensing and regulation who shall be appointed by the governor subject to confirmation by the senate and shall serve a four-year term that begins and ends as provided in section 69.19. A vacancy shall be filled for the unexpired portion of the term in the same manner as a full-term appointment is made. The administrator shall appoint and supervise staff and shall coordinate activities for the commissions within the division. The administrator shall act as a staff person to one or more of the commissions.

3. The licensing and regulation commissions included in the division pursuant to subsection 1 retain the powers granted them pursuant to the chapters in which they are created, except for budgetary and personnel matters which shall be handled by the administrator. Each commission shall adopt rules pursuant to chapter 17A. Decisions by a commission are final agency actions for purposes of chapter 17A.

Sec. 711. Section 99B.1, subsection 16, Code 1985, is amended to read as follows:

16. "Department Division" means the gaming division of the department of revenue commerce.

Sec. 712. Section 99B.2, subsection 1, Code 1985, is amended to read as follows:

1. The ~~department~~ is the agency responsible for issuing a license ~~division shall issue the licenses required by this chapter. A license shall not be issued, except upon submission to the department division of an application on forms furnished by the department division, and the required license fee. A license may be issued to an eligible applicant. However, a license shall not be issued to an applicant who has been convicted of or pled guilty to a violation of this chapter, or who has been convicted of or pled guilty to a violation of chapter 123 that resulted, at any time, in revocation of a license issued to the applicant under chapter 123 or that resulted, within the twelve months preceding the date of application for a license required by this chapter, in suspension of a license issued under chapter 123. To be eligible for a two year ~~two year~~ license under section 99B.7, an organization shall have been in existence at least five years prior to the date of issuance of the license. A license also shall not be issued for a location for which a previous license issued under this chapter or chapter 123 has been revoked~~

within the preceding two years. Except as otherwise provided in this chapter, a license is valid for a period of two years from the date of issue. The license fee is not refundable, but shall be returned to the applicant if an application is not approved. When if a bingo license has been issued by the department division, the licensee shall be notified by the department division of the renewal date for the license ten days prior to that date.

Sec. 713. Section 99D.5, subsection 1, Code 1985, is amended to read as follows:

1. There is created a A state racing commission is created within the department of commerce consisting of five members who shall be appointed by the governor subject to confirmation by the senate, and who shall serve not to exceed a three-year term at the pleasure of the governor. The term of each member shall begin and end as provided in section 69.19.

Sec. 714. Section 99D.5, subsection 4, Code 1985, is amended to read as follows:

4. Commission members shall are each entitled to receive an annual salary of six three thousand dollars until June 30, 1987, and thereafter are entitled to forty dollars per diem for each day actually spent in performing commission duties. Members shall also be reimbursed for necessary travel and actual expenses incurred in the performance of their duties to a maximum of six thousand dollars per year for the commission each member. Each member shall post a bond in the amount of ten thousand dollars, with sureties to be approved by the governor, to guarantee the proper handling and accounting of moneys and other properties required in the administration of this chapter. The premiums on the bonds shall be paid as other expenses of the commission.

Sec. 715. Section 99D.6, Code 1985, is amended to read as follows:

99D.6 CHAIRPERSON — ADMINISTRATOR — EMPLOYEES — DUTIES — BOND.

The commission shall elect in July of each year one of its members chairperson for the succeeding year. The commission may employ a secretary and shall appoint an administrator of the gaming division of the department of commerce subject to confirmation by the senate. The administrator shall serve a four-year term. The term shall begin and end in the same manner as set forth in section 69.19. A vacancy shall be filled for the unexpired portion of the term in the same manner as a full-term appointment is made. The administrator may hire other assistants and employees as necessary to carry out its the division's duties. Some or all of the information required of applicants in section 99D.8A, subsections 1 and 2, may also be required of employees of the commission division if the commission deems it necessary. The secretary administrator shall keep a record of the proceedings of the commission, and preserve the books, records, and documents entrusted to the secretary's administrator's care, and perform other duties as the commission prescribes. The commission shall require the secretary administrator to post a bond in a sum it may fix, conditioned upon the faithful performance of the secretary's administrator's duties. Subject to the approval of the governor, the commission shall fix the compensation of its secretary the administrator within salary range five as set by the general assembly. The commission shall also fix the compensation of its other employees, subject to the approval of the governor. The commission division shall have its headquarters in the city of Des Moines, and shall meet in July of each year and at other times and places as it finds necessary for the discharge of its duties.

Sec. 716. Section 114.3, Code 1985, is amended to read as follows:

114.3 ESTABLISHMENT OF BOARD COMMISSION.

There is established the state board A commission of engineering and land surveying examiners which shall consist is created within the professional licensing and regulation division of the department of commerce. The commission consists of four members who are registered professional engineers, one member who is a registered land surveyor or a professional engineer who is also a registered land surveyor, and two members who are not registered professional engineers or land surveyors and who shall represent the general public. Members shall be appointed by the governor subject to confirmation by the senate. A registered member shall be actively engaged in the practice of engineering or land surveying and shall have been so engaged for five years preceding the appointment, the last two of which shall

have been in Iowa. ~~No two~~ Not more than one registered ~~members~~ member of the ~~board commission~~ shall be from the same branch of the profession of engineering. Professional associations or societies composed of registered engineers or registered land surveyors may recommend the names of potential ~~board commission~~ members whose profession is representative of that association or society to the governor, ~~but~~. ~~However~~, the governor ~~shall is not be~~ bound by the recommendations. A ~~board commission~~ member shall not be required to be a member of any professional association or society composed of professional engineers or land surveyors.

Sec. 717. Section 114.8, Code 1985, is amended to read as follows:

114.8 COMPENSATION AND EXPENSES — COMPENSATION.

Members of the ~~board~~ shall set their own per diem compensation at a rate not exceeding ~~forty dollars per day for the time actually spent in traveling to and from, and in attending duly authorized functions of the board and its committees, and shall commission are entitled to receive all necessary traveling and incidental actual expenses incurred in the discharge of their duties within the limits of funds appropriated to the board commission. Each member of the commission may also be eligible to receive compensation as provided in section 7E.3.~~

Sec. 718. Section 114.9, Code 1985, is amended to read as follows:

114.9 ORGANIZATION OF THE BOARD — MEETINGS — QUORUM COMMISSION — STAFF.

The ~~board commission~~ shall elect annually from its members a chairperson and a vice chairperson. The ~~board~~ shall employ a secretary whose salary shall be established by the governor with the approval of the executive council pursuant to section 19A.9, subsection 2, under the pay plan for exempt positions in the executive branch of government. The ~~administrator of the professional licensing and regulation division of the department of commerce shall hire and provide staff to assist the commission in implementing this chapter. The board commission shall hold at least one meeting at the seat of government, and meetings shall be called at other times by the secretary administrator at the request of the chairperson or four members of the board. At any meeting of the board commission, a majority of members shall constitute constitutes a quorum. The board shall have power to employ such legal, technical and clerical assistants and incur such expense as may be necessary to properly carry out the provisions of this chapter within the limits of funds appropriated to the board.~~

Sec. 719. Section 116.3, subsection 1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

~~There is established a board~~ A commission of accountancy is created within the professional licensing and regulation division of the department of commerce. The ~~board of accountancy shall consist commission consists~~ of eight members, five of whom shall be certified public accountants, one of whom shall be from the accounting practitioner advisory ~~committee council~~, and two of whom shall not be certified public accountants or licensed accounting practitioners and who shall represent the general public. A certified or licensed member shall be actively engaged in practice as a certified public accountant or accounting practitioner and shall have been so engaged for five years preceding appointment, the last two of which shall have been in Iowa. Professional associations or societies composed of certified public accountants may recommend the names of potential ~~board commission~~ members to the governor, ~~but~~. ~~However~~, the governor ~~shall is not be~~ bound by the recommendations. A ~~board commission~~ member shall not be required to be a member of any professional association or society composed of certified public accountants. Members, except the member from the accounting practitioner advisory ~~committee council~~, shall be appointed by the governor to staggered terms, subject to confirmation by the senate. The ~~board commission~~ member from the accounting practitioner advisory ~~committee council~~ shall serve a one-year term and must be the most senior member of the accounting practitioner advisory ~~committee council~~ who has not

served a term on the ~~board of accountancy commission~~ in the previous two years. "Board" as As used in this chapter, "commission" means the board commission of accountancy established by this section. Upon the expiration of each of the terms and of each succeeding term, except that of the member from the accounting practitioner advisory committee council, a successor shall be appointed for a term of three years beginning and ending as provided in section 69.19. Members, except the member from the accounting practitioner advisory committee council, shall serve a maximum of three terms or nine years, whichever is less. Vacancies occurring in the membership of the board commission for any cause shall be filled in the same manner as original appointments are made by the governor, for the unexpired term and are subject to senate confirmation. The public members of the board commission of accountancy shall be allowed to participate in administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 720. Section 116.3, subsection 2, unnumbered paragraph 6, Code 1985, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The administrator of the professional licensing and regulation division of the department of commerce shall hire and provide for staff to assist the commission with implementing this chapter.

Sec. 721. Section 116.3, subsection 2, unnumbered paragraph 7, Code 1985, is amended to read as follows:

Each A member of the board shall commission is entitled to be paid a per diem set by the board in an amount not to exceed forty dollars per day for each day the member is performing official duties and shall be reimbursed for actual and necessary expenses, including travel, incurred in the discharge of official duties. Each member of the commission may also be eligible to receive compensation as provided in section 7E.3.

Sec. 722. Section 117.8, Code 1985, is amended to read as follows:

117.8 COMMISSION ESTABLISHED CREATED - STAFF.

There is established the Iowa A real estate commission which shall consist is created within the professional licensing and regulation division of the department of commerce. The commission consists of three members licensed under this chapter and two members not licensed under this chapter and who shall represent the general public. At least one of the licensed members shall be a licensed real estate salesperson, except that if the licensed real estate salesperson becomes a licensed real estate broker during a term of office, that person may complete the term, but is not eligible for reappointment on the commission as a licensed real estate salesperson. A licensed member shall be actively engaged in the real estate business and shall have been so engaged for five years preceding the appointment, the last two of which shall have been in Iowa. Professional associations or societies of real estate brokers or real estate salespersons may recommend the names of potential commission members to the governor, but. However, the governor is not bound by their recommendations. A commission member is shall not be required to be a member of any professional association or society composed of real estate brokers or salespersons. Commissioners shall be appointed by the governor subject to confirmation by the senate. Appointments shall be for three-year terms and shall commence and end as provided in section 69.19. A commissioner shall serve no more than three terms or nine years, whichever is less. No more than one commissioner shall be appointed from a county. A commissioner shall not hold any other elective or appointive state or federal office. Vacancies shall be filled for the unexpired term by appointment of the governor and are subject to senate confirmation. A majority of the commissioners constitutes a quorum. The administrator of the professional licensing and regulation division shall hire and provide staff to assist the commission with implementing this chapter.

Sec. 723. Section 117.12, Code 1985, is amended to read as follows:

117.12 EXPENSES – COMPENSATION OF COMMISSIONERS.

Members of the commission shall set their own per diem compensation at a rate not exceeding forty dollars per day for each day actually engaged in the discharge of their duties and are entitled to be reimbursed for their actual and necessary expenses in the performance of duties pertaining to their office within the limits of the funds appropriated to the commission. Each member of the commission may also be eligible to receive compensation as provided in section 7E.3.

Sec. 724. Section 117.14, Code 1985, is amended to read as follows:

117.14 FEES AND EXPENSES.

All fees and charges collected by the commission under the provisions of this chapter shall be paid into the general fund in the state treasury. All expenses incurred by the commission under the provisions of this chapter, including compensation to the director, clerks and assistants of staff assigned to the commission, shall be paid out of the general fund in the state treasury.

Sec. 725. Section 118.1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

There is established the board The commission of architectural examiners which shall consist is created within the professional licensing and regulation division of the department of commerce. The commission consists of five members who possess a certificate of registration issued under section 118.9 and who have been in active practice of architecture for not less than five years, the last two of which shall have been in Iowa, and two members who do not possess a certificate of registration issued under section 118.9 and who shall represent the general public. Members shall be appointed by the governor subject to confirmation by the senate.

Sec. 726. Section 118.5, Code 1985, is amended to read as follows:

118.5 DUTIES.

The board commission shall enforce the provisions of this chapter and may incur such expense as shall be necessary within the limit of funds appropriated to the board, and, shall make rules for the examination of applicants for the certificate of registration provided by this chapter, and shall, after due public notice, hold meetings each year for the purpose of examining applicants for registration and the transaction of business pertaining to the affairs of the board commission. Examinations shall be given as often as deemed necessary, but not less than one time per year annually. No action Action at any a meeting can shall not be taken without the affirmative votes of a majority of the members of the board commission. The administrator of the professional licensing and regulation division of the department of commerce shall hire and provide staff to assist the commission with implementing this chapter.

Sec. 727. Section 118.12, Code 1985, is amended to read as follows:

118.12 PAYMENT OF EXPENSES – COMPENSATION.

The members of the board shall set their own per diem compensation at a rate not exceeding forty dollars per day for each day actually engaged in the discharge of their duties, and shall commission are entitled to be reimbursed for the actual expenses incurred in attending the meetings of the board and for office supplies, printing, and clerical hire, and other necessary expenses incurred in carrying out the provisions of this chapter commission, within the limits of the funds appropriated to the board commission. Warrants for payments of expenses of the board shall be issued by the state comptroller and paid by the treasurer of state upon presentation of vouchers regularly drawn by the president and secretary of the board and authorized by the board. Each member of the commission may also be eligible to receive compensation as provided in section 7E.3.

Sec. 728. Section 118A.3, unnumbered paragraph 1, Code 1985, is amended to read as follows:

There is established a board A commission of landscape architectural examiners which shall consist is created within the professional licensing and regulation division of the department of commerce. The commission consists of five members who are registered landscape architects and two members who are not registered landscape architects and who shall represent the general public. Members shall be appointed by the governor, subject to confirmation by the senate. A registered member shall be actively engaged in the practice of landscape architecture or the teaching of landscape architecture in an accredited college or university, and shall have been so engaged for five years preceding appointment, the last two of which shall have been in Iowa. Professional associations or societies composed of registered landscape architects may recommend the names of potential board members to the governor, ~~but.~~ However, the governor is not bound by the recommendations. A ~~board~~ commission member ~~is shall~~ not be required to be a member of any professional association or society composed of professional landscape architects.

Sec. 729. Section 118A.5, Code 1985, is amended to read as follows:
118A.5 DUTIES.

The ~~board~~ commission shall enforce the provisions of sections ~~118A.1 to 118A.21~~ and may employ technical and clerical assistants and incur such expense as may be necessary within the limits of funds appropriated to the board. The board may employ a secretary whose salary shall be established by the governor with the approval of the executive council pursuant to section ~~19A.9, subsection 2,~~ under the pay plan for exempt positions in the executive branch of government. ~~The board~~ this chapter, shall make rules for the examination of applicants for the certificate of registration, and shall, after public notice, shall conduct examinations of applicants for registration. The ~~board~~ commission shall keep a record of its proceedings. The ~~board~~ commission shall adopt and have an official seal which shall be affixed to all certificates of registration granted and the board. The commission may make such other rules, not inconsistent with law, as necessary for the proper performance of its duty duties. The ~~board~~ commission shall maintain a roster showing the name, place of business, and residence, and the date and number of the certificate of registration of every registered landscape architect in this state. The administrator of the professional licensing and regulation division of the department of commerce shall hire and provide staff to assist the commission in implementing this chapter.

Sec. 730. Section 118A.7, Code 1985, is amended to read as follows:
118A.7 COMPENSATION AND EXPENSES — COMPENSATION.

Members of the board shall set their own per diem compensation at a rate not exceeding forty dollars per day for the time actually spent in traveling to and from, and in attending meetings of the board and its committees, and shall receive all necessary traveling and incidental ~~commission~~ are entitled to receive reimbursement of actual expenses incurred in the discharge of their duties within the limits of funds appropriated to the ~~board~~ commission. Warrants for payments of expenses of the board shall be issued by the state comptroller and paid by the treasurer of state upon presentation of vouchers signed by the chairperson or vice chairperson and secretary and authorized by the board. Each member of the commission may also be eligible to receive compensation as provided in section 7E.3.

Sec. 731. Section 123.4, Code Supplement 1985, is amended to read as follows:
123.4 DEPARTMENT DIVISION CREATED — PLACE OF BUSINESS.

An Iowa beer and liquor control department alcoholic beverages division is created within the department of commerce to administer and enforce the laws of this state concerning beer, wine, and alcoholic liquor. The principal place of business of the department shall be provided the department by the authority designated by law to provide such quarters or offices to state departments or agencies.

Sec. 732. Section 123.5, Code 1985, is amended to read as follows:

123.5 COUNCIL COMMISSION CREATED.

There is hereby created within the department an Iowa beer and liquor council, An alcoholic beverages commission is created within the division. The commission is composed of five members, not more than three of whom shall belong to the same political party. The council shall be held strictly accountable for the enforcement of the provisions of this chapter.

Sec. 733. Section 123.6, Code Supplement 1985, is amended to read as follows:

123.6 APPOINTMENT - TERM - QUALIFICATIONS EXPENSES - COMPENSATION.

Appointments shall be for five-year staggered terms beginning and ending as provided by section 69.19 and shall be made by the governor, subject to confirmation by the senate. Members of the council commission shall be chosen on the basis of managerial ability and experience as business executives. One member of the council commission may be the holder of or have an interest in a permit or license to manufacture alcoholic liquor, wine, or beer or to sell alcoholic liquor, wine, or beer at wholesale or retail. Members A member may be reappointed for one additional term. Each member appointed shall is entitled to receive compensation for the member's services of forty dollars per diem in addition to reasonable and necessary reimbursement of actual expenses incurred while attending meetings. Each member of the commission may also be eligible to receive compensation as provided in section 7E.3.

Sec. 734. Section 123.8, Code 1985, is amended to read as follows:

123.8 SURETY BONDS.

Each council commission member shall post a bond, at the expense of the state, in such an amount and with such sureties as the executive council shall approve approves, to guarantee to the state the proper handling and accounting of such the moneys, and merchandise, and other properties as may be required in the administration of this chapter. It shall be the duty of the director to The administrator shall secure from all employees of the department division holding positions of trust a bond with such sureties as the beer and liquor control council shall approve alcoholic beverages commission approves adequate to guarantee to the state the proper handling and accounting of all moneys, merchandise, and other properties.

Sec. 735. Section 123.10, unnumbered paragraph 1, Code 1985, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The governor shall appoint the administrator of the alcoholic beverages division, subject to confirmation by the senate, to a four-year term. A vacancy in an unexpired term shall be filled in the same manner as a full-term appointment is made. The administrator shall not be a member of the commission. The administrator's salary shall be fixed by the general assembly. The administrator shall be qualified to perform the administrator's duties by managerial ability and experience as a business executive. The administrator shall post a bond paid from the state general fund in an amount established by the governor to insure proper discharge of the administrator's duties.

Sec. 736. Section 123.15, Code Supplement 1985, is amended to read as follows:

123.15 HEARING BOARD CREATED.

A three-member hearing board is created for the purpose of conducting departmental division hearings relating to controversies concerning the issuance, suspension, or revocation of special liquor permits, liquor control licenses, wine permits, and beer permits authorized under this chapter. One member shall be appointed by the council commission from its membership, which member may be periodically replaced by appointment of another council commission member; one member shall be the attorney general or the attorney general's designee; and one member shall be the commissioner of public safety or the commissioner's designee. The hearing board shall establish and adopt rules and procedures for conducting departmental division hearings under this chapter.

Sec. 737. Section 123.16, subsection 1, Code Supplement 1985, is amended to read as follows:

1. The ~~council~~ shall commission, in addition to the duties specifically enumerated in this chapter, shall act as a department division policy-making body and serve in an advisory capacity to the director administrator. The director administrator shall be responsible for supervising supervise the daily operations of the department division and shall execute the policies of the department division as determined by the council commission.

Sec. 738. Section 123.20, subsection 1, Code Supplement 1985, is amended to read as follows:

1. To purchase alcoholic liquors and wine for resale by the department division in the manner set forth in this chapter.

Sec. 739. Section 123.21, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The ~~director~~ may administrator, with the approval of the council commission and subject to the provisions of chapter 17A, make such may adopt rules as are necessary to carry out the provisions of this chapter. Such The administrator's authority shall extend extends to, but is not be limited to, the following:

Sec. 740. Section 474.1, Code 1985, is amended to read as follows:

474.1 MEMBERS CREATION OF DIVISION — ORGANIZATION.

The ~~Iowa state commerce commission~~ shall be A utilities division is created within the department of commerce. The policymaking body for the division is the utilities board which is created within the division. The board is composed of three members appointed by the governor and subject to confirmation by the senate, not more than two of whom shall be from the same political party, and each commissioner. Each member appointed shall serve for six-year staggered terms beginning and ending as provided by section 69.19. Vacancies shall be filled for the unexpired portion of the term in the same manner as full-term appointments are filled made.

On the second Tuesday of July of each year, the Iowa state commerce commission The utilities board shall organize by electing one of its members as chairperson, and appointing an executive secretary, who shall take the same oath as the commissioners members. The commission board shall set the salary of the executive secretary within the limits of the pay plan for exempt positions provided for in section 19A.9, subsection 2, unless otherwise provided by the general assembly. The commission board may employ additional personnel as it may find finds necessary. Subject to confirmation by the senate, the governor shall appoint a member as the chairperson of the board. The chairperson shall be the administrator of the utilities division. The appointment as chairperson shall be for a two-year term which begins and ends as provided in section 69.19.

As used in this chapter and chapter chapters 475A, the words 476, 476A, 478, and 479, "commission division" and "commerce commission utilities division" mean the Iowa state commerce commission utilities division of the department of commerce.

Sec. 741. Section 474.10, Code 1985, is amended to read as follows:

474.10 GENERAL COUNSEL.

The ~~commission board~~ shall employ a competent attorneys attorney to serve as the its general counsel, and assistants to the general counsel as it finds necessary for the full and efficient discharge of its duties. The general counsel shall be is the attorney for, and legal advisor of, the commission board and shall be is exempt from chapter 19A. Assistants to the general counsel shall be are subject to chapter 19A. The general counsel or an assistant to the general counsel shall provide the necessary legal advice to the commission board in all matters and represent the commission board in all actions instituted in a state or federal court challenging the validity of any rule, regulation, or order of the commission board. The general counsel

shall also represent the grain warehouse division in all administrative proceedings before the commission brought under chapters 542, 542A, and 543. The existence of a fact which disqualifies a person from election or from acting as state commerce commissioner utilities board member disqualifies the person from employment as general counsel or assistant general counsel. The general counsel shall devote the counsel's entire full time of employment to the duties of the office; and during. During employment the counsel shall not be a member of a political committee, contribute to a political campaign fund other than through the income tax checkoff for contributions to the Iowa election campaign fund and the presidential election campaign fund, participate in a political campaign, or be a candidate for a political office.

Sec. 742. Section 475A.1, subsection 1, Code 1985, is amended to read as follows:

1. APPOINTMENT. ~~After the general assembly convenes in 1983, and every four years thereafter, the governor~~ The attorney general shall appoint a competent attorney to the office of consumer advocate, subject to confirmation by the senate, in accordance with section 2.32. The consumer advocate is the chief administrator of the consumer advocate division of the department of justice. The advocate's term of office is for four years. The term begins and ends as provided in the same manner as set forth in section 69.19.

Sec. 743. Section 475A.1, subsection 5, Code 1985, is amended to read as follows:

5. REMOVAL. The governor attorney general may remove the consumer advocate for malfeasance or nonfeasance in office, or for any cause which renders the advocate ineligible for appointment, or incapable or unfit to discharge the duties of the advocate's office; and the advocate's removal, when so made, is final.

Sec. 744. Section 475A.3, subsections 1 and 2, Code 1985, are amended to read as follows:

1. OFFICE. The office of consumer advocate is at the seat of the government shall be a separate division of the department of justice and located at the same location as the Iowa state commerce commission utilities division of the department of commerce. Administrative support services shall be provided to the consumer advocate division by the utilities division of the department of commerce.

2. EMPLOYEES. The consumer advocate may employ attorneys, legal assistants, secretaries, clerks, and other employees the consumer advocate finds necessary for the full and efficient discharge of the duties and responsibilities of the office. The consumer advocate may employ consultants as expert witnesses or technical advisors pursuant to contract in any proceeding in which the consumer advocate division is a party. Employees of the consumer advocate division, other than the consumer advocate, are subject to merit employment except as provided in section 19A.3.

Sec. 745. Section 505.1, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

505.1 INSURANCE DIVISION CREATED.

An insurance division is created within the department of commerce to regulate and supervise the conducting of the business of insurance in the state. The commissioner of insurance is the chief executive officer of the division. As used in this chapter, the rest of the insurance title, and chapters 502, 503, and 535C, "division" means the insurance division.

Sec. 746. Section 475A.7, Code 1985, is amended to read as follows:

475A.7 CONSUMER ADVISORY PANEL.

The ~~governor~~ attorney general shall appoint nine five members and the governor shall appoint four members to a consumer advisory panel to meet at the request of the consumer advocate for consultation regarding public utility regulation. A member shall be appointed from each congressional district with the appointee residing within the congressional district at the time of appointment. The remaining appointees shall be members at large. No more than five members shall belong to the same political party as provided in section 69.16. The members

appointed by the attorney general shall serve four-year terms at the pleasure of the governor attorney general and their appointments are not subject to confirmation. The members appointed by the governor shall serve four-year terms at the pleasure of the governor and their appointments are not subject to confirmation. The governor or attorney general shall fill a vacancy in the same manner as the original appointment for the unexpired portion of the member's term. Members of the consumer advisory panel shall serve without compensation, but shall be reimbursed for actual expenses from funds appropriated to the office of consumer advocate.

Sec. 747. Section 524.205, subsection 3, Code 1985, is amended to read as follows:

3. A member of the state banking board, other than the superintendent, shall not receive no a salary but shall be allowed and paid the sum of forty dollars per day for each day or any part thereof in which the member is engaged in the performance of the member's duties together with is entitled to reimbursement for actual and necessary expenses incurred by the member in connection with such the member's duties. Each member of the board may also be eligible to receive compensation as provided in section 7E.3.

Sec. 748. Section 524.206, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

524.206 BANKING DIVISION CREATED.

The banking division is created within the department of commerce.

Sec. 749. Section 524.208, Code 1985, is amended to read as follows:

524.208 ASSISTANTS, EXAMINERS, AND OTHER EMPLOYEES.

The superintendent may appoint such assistants, examiners, and other employees as the superintendent may deem deems necessary to the proper discharge of the duties imposed upon the superintendent by the laws of this state. The merit system as established by chapter 19A, shall apply to all employees of the department of banking, except the superintendent, deputy superintendent and one stenographer or secretary. The salary of such stenographer or secretary shall be fixed by the state banking board. Pay plans shall be established for employees subject to the merit system, other than clerical, who examine the accounts and affairs of state banks and who examine the accounts and affairs of other persons, subject to supervision and regulation by the superintendent, which are substantially equivalent to those paid by the Federal Deposit Insurance Corporation and other federal supervisory agencies in this area of the United States.

Sec. 750. Section 533.51, subsection 3, Code 1985, is amended to read as follows:

3. "Administrator Superintendent" means the administrator superintendent of credit unions appointed by the governor to direct and regulate credit unions pursuant to this chapter.

Sec. 751. Section 533.52, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

533.52 CREDIT UNION DIVISION CREATED.

A credit union division of the department of commerce is created to administer this chapter.

Sec. 752. Section 533.53, subsection 4, Code 1985, is amended to read as follows:

4. Each member of the board shall receive actual and necessary expenses incurred in the discharge of official duties. Each member of the board may also be eligible to receive compensation as provided in section 7E.3.

Sec. 753. Section 533.55, Code 1985, is amended to read as follows:

533.55 ADMINISTRATOR SUPERINTENDENT.

1. The administrator superintendent shall be appointed by the governor, subject to confirmation by the senate, and must shall possess a minimum of five years credit union experience.

2. The administrator superintendent may employ special assistants, examiners, and other employees as are necessary to carry out the provisions of this chapter. The administrator shall superintendent, subject to approval by the board, shall establish salaries for the persons employed.

3. The administrator superintendent may ~~make further~~ adopt rules as necessary or appropriate to implement this chapter, subject to the prior approval of the rules by the board.

Sec. 754. Section 533.56, Code 1985, is amended to read as follows:

533.56 DEPUTY ADMINISTRATOR SUPERINTENDENT.

1. The administrator superintendent shall appoint a deputy administrator superintendent who shall assist the administrator superintendent in the performance of the administrator's office superintendent's duties and who shall perform the duties of the administrator superintendent as directed by the administrator superintendent during the absence or inability of the administrator superintendent.

2. The deputy administrator superintendent shall serve at the pleasure of the administrator superintendent. If the office of the administrator superintendent becomes vacant, the deputy administrator shall have superintendent has all powers and duties of the administrator superintendent until a new administrator superintendent is appointed by the governor in accordance with the provisions of this chapter.

3. The deputy administrator superintendent shall receive a salary to be fixed by the board.

Sec. 755. Section 533.57, Code 1985, is amended to read as follows:

533.57 EXPENSES.

The administrator superintendent, deputy administrator superintendent, assistants, examiners, and other employees of the credit union department division are entitled to receive reimbursement for expenses incurred in the performance of their duties subject to approval by the board. The administrator superintendent, and when specifically authorized by the administrator superintendent, the deputy administrator superintendent, assistants, examiners, and other employees of the credit union department division, are entitled to receive reimbursement for expenses incurred while attending conventions, meetings, conferences, schools, or seminars relating to the performance of their duties.

Sec. 756. Section 534.401, subsection 1, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

1. SUPERINTENDENT OF SAVINGS AND LOAN ASSOCIATIONS. A savings and loan association division is created within the department of commerce. The superintendent of savings and loan associations is the chief administrative officer of the division. The governor shall appoint the superintendent subject to confirmation by the senate. The superintendent shall serve a four-year term. The term begins and ends as provided in section 69.19. A vacancy in an unexpired term shall be filled in the same manner as a full-term appointment is made. The superintendent shall have at least five years' practical experience in savings and loan management, examination, or supervision. The superintendent's salary shall be set by the governor within a range set by the general assembly. The superintendent is entitled to actual expenses incurred in the performance of the superintendent's duties.

Sec. 757. Section 536A.2, subsection 4, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Superintendent" means the superintendent of banking within the banking division of the department of commerce.

Sec. 758. Section 536A.3, Code 1985, is amended to read as follows:

536A.3 LICENSE – FACE-TO-FACE SOLICITATION.

With respect to a loan other than a consumer loan, ~~no~~ a person shall not engage in the business of operating an “Industrial Loan Company” industrial loan company in the ~~this~~ state of Iowa without first having obtained a license from the auditor of the state of Iowa superintendent. With respect to a consumer loan, ~~no~~ a person required by section 537.2301 to have a license ~~shall be~~ is not authorized to engage in the business of operating an “Industrial Loan Company” industrial loan company without first obtaining a license from the auditor of the state of Iowa superintendent. A person ~~which that~~ enters into less than ten supervised loans per year in this state and ~~which that~~ neither has an office physically located in this state nor engages in face-to-face solicitation in this state may contract for and receive the rate of interest permitted in this chapter for licensees ~~hereunder in this chapter~~. A “consumer loan” ~~shall be means the same as defined in section 537.1301.~~

Sec. 759. Section 536A.6, Code 1985, is amended to read as follows:

536A.6 ADMINISTRATION BY SUPERINTENDENT.

The auditor of the state of Iowa is hereby invested with the power, authority and duty to ~~superintendent shall supervise the operation of industrial loan companies in the this state of Iowa in accordance with the provisions of this chapter.~~

Sec. 760. Section 536B.2, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. “Superintendent” means the superintendent of banking within the banking division of the department of commerce.

Sec. 761. Section 536B.6, Code 1985, is amended to read as follows:

536B.6 RULES OF AUDITOR SUPERINTENDENT.

The ~~auditor superintendent shall~~ adopt rules pursuant to chapter 17A which ~~may be~~ are necessary or advisable to accomplish the purposes of this chapter. Rules adopted by the ~~auditor superintendent shall~~ continue in force until either modified by subsequent rule or superseded by a plan submitted by the guaranty corporation and approved by the ~~auditor superintendent.~~

Sec. 762. Section 117.11, Code 1985, is repealed.

Sec. 763. It is the intent of the general assembly that sections 701 through 799* shall have temporary effect only, that chapter 546 is repealed on July 1, 1988 other than to implement the winding down of the operations of the department of commerce. The amendments in sections 711 through 799* made in this Act shall be stricken when chapter 546 is repealed.

DEPARTMENT OF ECONOMIC DEVELOPMENT
ARTICLE I
ORGANIZATION

Sec. 801. **NEW SECTION. 15.101 MISSION.**

The mission of the Iowa department of economic development is to enhance the economic development of the state and provide for job creation and increased prosperity and opportunities for the citizens of the state by providing direct financial and technical assistance and training to businesses and individuals and by coordinating other state, local, and federal economic development programs.

Sec. 802. **NEW SECTION. 15.102 DEFINITIONS.**

As used in this chapter, unless the context otherwise requires:

1. “Board” means the Iowa economic development board.
2. “Department” means the Iowa department of economic development.
3. “Director” means the director of the department or the director’s designee.

*According to enrolled Act

4. "Small business" means any enterprise which is located in this state, which is operated for profit and under a single management, and which has either fewer than twenty employees or an annual gross income of less than three million dollars computed as the average of the three preceding fiscal years. This definition does not apply to any program or activity for which a definition for small business is provided for the program or activity by federal law or regulation or other state law.

5. "Targeted small business" means a small business which is fifty-one percent or more owned, operated, and actively managed by one or more women or minority persons. As used in this subsection, "minority person" means an individual who is a Black, Hispanic, Asian or Pacific Islander, or American Indian or Alaskan native.

Sec. 803. NEW SECTION. 15.103 ECONOMIC DEVELOPMENT BOARD.

The Iowa economic development board is created, consisting of nine voting members appointed by the governor and seven ex officio nonvoting members. The ex officio nonvoting members are four legislative members and the presidents, or their designees, of the university of northern Iowa, the state university of Iowa and the Iowa state university of science and technology. The legislative members are two state senators, one appointed by the majority and one appointed by the minority leaders of the state senate from their respective parties, and two state representatives, one appointed by the speaker and one appointed by the minority leader of the state house of representatives from their respective parties. Not more than five of the voting members shall be from the same political party. The secretary of agriculture shall be one of the voting members. The governor shall appoint the remaining eight voting members of the board for a term of four years beginning and ending as provided by section 69.19, subject to confirmation by the senate, and the governor's appointments shall include persons knowledgeable of the various elements of the department's responsibilities.

A vacancy on the board shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term.

The board shall meet in May of each year for the purpose of electing one of its voting members as chairperson. The board shall meet at the call of the chairperson or when any five members of the board file a written request with the chairperson for a meeting. Written notice of the time and place of each meeting shall be given to each member of the board. A majority of the voting members constitutes a quorum.

Members of the board, the director, and other employees of the department shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses shall be paid from appropriations for those purposes and the department is subject to the budget requirements of chapter 8. Each member of the board may also be eligible to receive compensation as provided in section 7E.3.

If a member of the board has an interest, either direct or indirect, in a contract to which the department is or is to be a party, the interest shall be disclosed to the board in writing and shall be set forth in the minutes of a meeting of the board. The member having the interest shall not participate in action by the board with respect to the contract. This paragraph does not limit the right of a member of the board to acquire an interest in bonds, or limit the right of a member to have an interest in a bank or other financial institution in which the funds of the department are deposited or which is acting as trustee or paying agent under a trust indenture to which the department is a party.

Sec. 804. NEW SECTION. 15.104 DUTIES OF THE BOARD.

The board shall:

1. Develop and coordinate the implementation of a twenty-year comprehensive economic development plan of specific goals, objectives, and policies for the state. This plan shall be updated annually and revised as necessary. All other state agencies involved in economic development activities shall annually submit to the board for its review and potential inclusion in the plan their goals, objectives, and policies.

2. Prepare a five-year strategic plan for state economic growth to implement the specific comprehensive goals, objectives, and policies of the state. All other state agencies involved in economic development activities shall annually submit to the board for its review and inclusion in the strategic plan their specific strategic plans and programs. The five-year strategic plan for state economic growth shall be updated annually.

3. Develop a method of evaluation of the attainment of goals and objectives from pursuing the policies of the five-year and twenty-year plans.

4. Implement the requirements of chapter 73.

5. Approve the budget of the department as prepared by the director.

6. Establish guidelines, procedures, and policies for the awarding of grants or contracts administered by the department.

7. Review grants or contracts awarded by the department, with respect to the department's adherence to the guidelines and procedures and the impact on the five-year strategic plan for economic growth.

8. Adopt all necessary rules recommended by the director or administrators of divisions prior to their adoption pursuant to chapter 17A.

Sec. 805. NEW SECTION. 15.105 DEPARTMENT OF ECONOMIC DEVELOPMENT – DIRECTOR.

The Iowa department of economic development is created. The department shall be administered by a director who shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. If the office of the director becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment.

Sec. 806. NEW SECTION. 15.106 DUTIES OF THE DIRECTOR.

The director shall:

1. Manage the internal operations of the department and establish guidelines and procedures to promote the orderly and efficient administration of the department.

2. Employ personnel as necessary to carry out the duties and responsibilities of the department, consistent with chapter 19A for nonprofessional employees. Professional staff of the department are exempt from chapter 19A.

3. Prepare a budget for the department, subject to the approval of the board, and prepare reports required by law or by the board.

4. Appoint the administrators of the divisions of the department.

5. Review and submit to the board legislative proposals necessary to maintain current state economic development and tourism laws.

6. Recommend rules to the board for the implementation of this chapter.

7. Report to the board, on at least a quarterly basis, on grants and contracts awarded by the department.

8. Seek to implement the plans approved by the board under section 15.104, subsections 1 and 2.

9. Have management authority over, prepare the budgets of, and have responsibility over the Iowa high technology council and the Iowa product development corporation.

10. Implement the requirements of chapter 73.

Sec. 807. NEW SECTION. 15.107 DIVISIONS.

The director may establish administrative divisions within the department in order to most efficiently and effectively carry out the department's responsibilities, subject to the following:

1. That, initially, there exist a finance division and a job training and entrepreneurship assistance division among the department's divisions.

2. That any creation or modification of departmental divisions be set in place only after consultation with the board.

Sec. 808. NEW SECTION. 15.108 PRIMARY RESPONSIBILITIES.

The department has the following areas of primary responsibility:

1. **FINANCE.** To provide for financial assistance to businesses, local governments, and educational institutions through loans and grants of state and federal funds to enable them to promote and achieve economic development within the state. To carry out this responsibility, the department shall:

a. Expend federal funds received as community development block grants as provided in section 8.41.

b. Provide staff assistance to the corporation formed under authority of sections 28.11 to 28.16 to receive and disburse funds to further the overall development and well-being of the state.

c. Provide financial assistance to local development corporations as provided for in sections 28.25 to 28.29.

d. Provide staff support and assistance to the Iowa high technology council established in sections 28.51 to 28.55.

e. Provide administration for the Iowa product development corporation created in sections 28.81 to 28.94.

f. Administer the funds appropriated from the community economic betterment account of the Iowa plan fund for economic development as provided in 1985 Iowa Acts, chapter 33, section 302, subsection 2, as amended.

g. Administer the funds appropriated from the jobs now account of the Iowa plan fund for economic development, except those for the community cultural grants program, as provided in 1985 Iowa Acts, chapter 33, section 302, subsection 3, paragraphs "c" and "d", as amended.

h. Administer the funds appropriated from the education and agriculture research and development account of the Iowa plan fund for economic development as provided in 1985 Iowa Acts, chapter 33, section 302, subsection 4, paragraph "b", as amended.

2. **MARKETING.** To coordinate, develop, and make available technical services on the state and local levels in order to aid businesses in their start-up or expansion in the state. To carry out this responsibility, the department shall:

a. Establish within the department a federal procurement office staffed with individuals experienced in marketing to federal agencies.

b. Aid in the promotion and development of manufacturing in Iowa. The department may adopt, subject to the approval of the board, a label or trademark identifying quality Iowa products together with any other appropriate design or inscription and this label or trademark shall be registered in the office of the secretary of state.

(1) The department may register or file the label or trademark under the laws of the United States or any foreign country which permits registration, making the registration as an association or through an individual for the use and benefit of the department.

(2) The department shall establish guidelines for granting authority to use the label or trademark to persons or firms who make a satisfactory showing to the department that the products meet the guidelines as constituting bona fide, quality Iowa products. The trademark or label use shall be registered with the department.

(3) A person shall not use the label or trademark or advertise it, or attach it on any manufactured article or agricultural product except as provided in this subsection.

c. Promote an import substitution program to encourage the purchase of domestically produced Iowa goods by identifying and inventorying potential purchasers and the firms that can supply them, contacting the suppliers to determine their interest and ability in meeting the potential demand, and making the buyers aware of the potential suppliers.

d. Aid in the promotion and development of the agricultural processing industry in the state.

3. LOCAL GOVERNMENT AND SERVICE COORDINATION. To coordinate the development of state and local government economic development-related programs in order to promote efficient and economic use of federal, state, local, and private resources.

a. To carry out this responsibility, the department shall:

(1) Provide the mechanisms to promote and facilitate the coordination of management and technical assistance services to Iowa businesses and industries and to communities by the department, by the merged area schools, and by the state board of regents institutions, including the small business development centers, the center for industrial research and service, and extension activities. In order to achieve this goal, the department may establish periodic meetings with representatives from the merged area schools and the state board of regents institutions to develop this coordination. The merged area schools and the state board of regents institutions shall cooperate with the department in seeking to avoid duplication of economic development services through greater coordinating efforts in the utilization of space, personnel, and materials and in the development of referral and outreach networks. The department shall annually report on the degree to which economic development activities have been coordinated and the degree to which there are future coordination needs, and the merged area schools and the state board of regents institutions shall be given an opportunity to review and comment on this report prior to its printing or release. The department shall also establish a registry of applications for federal funds related to management and technical assistance programs.

(2) Establish, manage, and administer the activities of the primary research and marketing center and the satellite centers as provided in section 28.101.

(3) Provide office space and staff assistance to the city development board as provided in section 368.9.

(4) Provide technical and financial assistance to local and regional government organizations in Iowa, analyze intergovernmental relations in Iowa, and recommend policies to state agencies, local governments, the governor, and the general assembly as these pertain to economic development.

(5) Train field experts in local development and through them provide continuing support to small local organizations.

b. In addition to the duties specified in paragraph "a", the department may:

(1) Perform state and interstate comprehensive planning and related activities.

(2) Perform planning for metropolitan or regional areas or areas of rapid urbanization including interstate areas.

(3) Provide planning assistance to cities, other municipalities, counties, groups of adjacent communities, metropolitan and regional areas, and official governmental planning agencies.

(4) Assist public or private universities and colleges and urban centers to:

(a) Organize, initiate, develop, and expand programs which will provide special training in skills needed for economic and efficient community development.

(b) Support state and local research that is needed in connection with community development.

4. EXPORTING. To promote and aid in the marketing and sale of Iowa industrial and agricultural products and services outside of the state. To carry out this responsibility, the department shall:

a. Establish and carry out the purposes of the Iowa export trading company as provided in sections 28.106 to 28.108.

b. Prepare a report for the governor and the general assembly indicating the areas of export development in which this state could be more actively involved and how this involvement could occur. The initial report shall be available to the governor and members of the general assembly by December 1, 1986. Subsequent reports may be submitted as deemed necessary. The report shall include, but is not limited to:

(1) Information on the financial requirements of export trade activity and the potential roles for state involvement in export trade financing.

(2) Information on financing of export trade activity undertaken by other states and the results of this activity.

(3) Recommendations for a long-term export trade policy for the state.

(4) Recommendations regarding state involvement in export trade financing requirements.

(5) Other findings and recommendations deemed relevant to the understanding of export trade development.

c. Perform the duties and activities specified for the agricultural marketing program under sections 15.201 and 15.202.

d. Perform the duties and activities specified for the industrial and business export trade plan under section 15.231.

e. To the extent deemed feasible and in coordination with the board of regents and the area community colleges, work to establish a conversational foreign language training program.

f. To the extent deemed feasible, promote and assist in the creation of one or more international currency and barter exchanges.

g. Seek assistance and advice from the export advisory board appointed by the governor and the Iowa district export council which advises the United States department of commerce. The governor is authorized to appoint an export advisory board.

h. To the extent deemed feasible, develop a program in which graduates of Iowa institutions of higher education or former residents of the state who are residing in foreign countries and who are familiar with the language and customs of those countries are utilized as cultural advisors for the department and for Iowa businesses participating in trade missions and other foreign trade activities, and in which foreign students studying at Iowa institutions of higher education are provided means to establish contact with Iowa businesses engaged in export activities, and in which foreign students returning to their home countries are used as contacts for trading purposes.

5. TOURISM. To promote Iowa's public and private recreation and tourism opportunities to Iowans and out-of-state visitors and aid promotional and development efforts by local governments and the private sector. To carry out this responsibility, the department shall:

a. Build general public consensus and support for Iowa's public and private recreation, tourism, and leisure opportunities and needs.

b. Recommend high quality site management and maintenance standards for all public and private recreation and tourism opportunities.

c. Coordinate and develop with the state department of transportation, the state department of natural resources, the state department of cultural affairs, and other state agencies public interpretation and education programs which encourage Iowans and out-of-state visitors to participate in recreation and leisure opportunities available in Iowa.

d. Coordinate with other divisions of the department to add Iowa's recreation, tourism, and leisure resources to the agricultural and other images which characterize the state on a national level.

e. Consolidate and coordinate the many existing sources of information about local, regional, statewide, and national opportunities into a comprehensive, state-of-the-art information delivery system for Iowans and out-of-state visitors.

f. Formulate and direct marketing and promotion programs to specific out-of-state market populations exhibiting the highest potential for consuming Iowa's public and private tourism products.

g. Provide ongoing long-range planning on a statewide basis for improvements in Iowa's public and private tourism opportunities.

h. Provide the private sector and local communities with advisory services including analysis of existing resources and deficiencies, general development and financial planning, marketing guidance, hospitality training, and others.

i. Measure the change in public opinion of Iowans regarding the importance of recreation, tourism, and leisure.

j. Provide annual monitoring of tourism visitation by Iowans and out-of-state visitors to Iowa attractions, public and private employment levels, and other economic indicators of the recreation and tourism industry and report predictable trends.

k. Identify new business investment opportunities for private enterprise in the recreation and tourism industry.

l. Cooperate with and seek assistance from the state department of cultural affairs.

m. Seek coordination with and assistance from the state department of natural resources in regard to the Mississippi river parkway under chapter 308 for the purposes of furthering tourism efforts.

6. **JOB TRAINING AND ENTREPRENEURIAL ASSISTANCE.** To develop job training strategies which will promote economic growth and the creation of new job opportunities and to administer related programs including the federal Job Training Partnership Act. To carry out this responsibility, the department shall:

a. Coordinate and perform the duties specified under the job training partnership program in chapter 7B, the Iowa industrial new jobs training Act in chapter 280B, and the Iowa small business new jobs training Act in chapter 280C. In performing these duties, the department shall:

(1) Develop a job training delivery system which will minimize administrative costs through a single delivery system, maximize the use of public and private resources for job training initiatives, and assume the coordination of services and activities with other related programs at both the state and local level.

(2) Manage a job training program reporting and evaluation system which will measure program performance, identify program accomplishments and service levels, evaluate how well job training programs are being coordinated among themselves and with other related programs, and show areas where job training efforts need to be improved.

(3) Maintain a financial management system, file appropriate administrative rules, and monitor the performance of agencies and organizations involved with the administration of job training programs assigned to the department.

b. Develop job training strategies which will promote economic growth and the creation of new job opportunities. Specifically, the department shall:

(1) Work closely with representatives of business and industry, labor organizations, and educational institutions to determine the job training needs of Iowa employers, and where possible, provide for the development of industry-specific training programs.

(2) Promote Iowa job training programs to potential and existing Iowa employers and to employer associations.

(3) Develop annual goals and objectives which will identify both short-term and long-term methods to improve program performance, create employment opportunities for residents, and enhance the delivery of services.

(4) Develop job training and technical assistance programs which will promote entrepreneurial activities, assist small businesses, and help generate off-farm employment opportunities for persons engaged in farming.

(5) Coordinate job training activities with other economic development finance programs to stimulate job growth.

(6) Develop policies and plans under the youth program provisions of appropriate programs which will emphasize employing Iowa youth on projects designed to improve Iowa parks and recreation areas, restore historical sites, and promote tourism. The department shall coordinate its youth program efforts with representatives of educational institutions to promote the understanding by youth of career opportunities in business and industry.

c. To the extent feasible, develop from available state and federal job training program resources an entrepreneurship training program to help encourage the promotion of small businesses within the state. The department of education and the state board of regents shall

cooperate with the department on this program. The entrepreneurship training program shall coordinate its activities with other financial and technical assistance efforts within the department.

d. Administer the Iowa youth corps under sections 15.221 to 15.223.

e. Administer the Iowa "self-employment loan program" under section 15.241.

f. To the extent feasible, provide assistance to the department of human services in obtaining a waiver to provide self-employment opportunities to recipients of aid to families with dependent children.

g. Provide assistance to workers seeking economic conversion of closed or economically distressed plants located in the state including, but not limited to, the following:

(1) Evaluating the feasibility and economic viability of proposed employee-owned businesses.

(2) Working with the small business development centers to provide technical assistance and counseling services including, but not limited to, legal, tax, management, marketing, labor, and contract assistance to persons who seek to form employee-owned businesses.

(3) Assisting persons in obtaining financing for the purchase and operation of employee-owned businesses.

7. SMALL BUSINESS. To provide assistance to small business, targeted small business, and entrepreneurs creating small businesses to ensure continued viability and growth. To carry out this responsibility, the department shall:

a. Receive and review complaints from individual small businesses that relate to rules or decisions of state agencies, and refer questions and complaints to a governmental agency where appropriate.

b. Establish and administer the regulatory information service provided for in section 28.17.

c. Aid in the development and implementation of the Iowa targeted small business procurement Act established in sections 73.15 through 73.21 and the targeted small business loan guarantee program of the Iowa finance authority established in section 220.95. The duties of the director under this paragraph include the following:

(1) The director, in conjunction with the director of the department of management, shall publicize the procurement set-aside program to targeted small businesses and to agencies of state government, attempt to locate targeted small businesses able to perform set-aside awards, and encourage program participation. The director may request the cooperation of the department of general services, the department of transportation, the state board of regents, or any other agency of state government in publicizing this program.

(2) The director, in conjunction with the director of the department of management, shall publicize the loan guarantee program of the Iowa finance authority to targeted small businesses.

(3) When the director determines, or is notified by the head of another agency of state government, that a targeted small business is unable to perform procurement set-aside awards, the director shall assist the small business in attempting to remedy the causes of the inability to perform. In assisting the small business, the director may use any management or financial assistance programs available through state or governmental agencies or private sources.

The director, in conjunction with the director of the department of management and jointly with the universities under the jurisdiction of the state board of regents, the area community colleges, and the area vocational schools, shall develop and make available in all areas of the state, programs to offer and deliver concentrated, in-depth advice and services to assist targeted small businesses. The advice and services shall extend to all areas of business management in its practical application, including but not limited to accounting, engineering, drafting, grant writing, obtaining financing, locating bond markets, market analysis, and projections of profit and loss.

(4) The director shall establish by rule standards and procedures for certifying that targeted small businesses are eligible to participate in the procurement set-aside program. The procedure for determination of eligibility shall not include self-certification by a business. Rules and guidelines adopted pursuant to this section are subject to review and approval by the director of the department of management. The director shall maintain a current directory of targeted small businesses which have been certified pursuant to this subparagraph.

(5) The director shall submit an annual report to the governor and the general assembly relating progress toward realizing the goals and objectives of the procurement set-aside program and the loan guarantee program of the Iowa finance authority during the preceding fiscal year. The Iowa finance authority and the director of the department of management shall assist in compiling the data to be included in the report. The report shall include the following information:

(a) The total dollar value and number of potential set-aside awards identified and the percentage of total state procurements this reflects.

(b) The total dollar value and number of set-aside contracts awarded to targeted small businesses with appropriate designation as to the total number and value of set-aside contracts awarded to each small business, and the percentages of the total state procurements the figures of total dollar value and the number of set-asides reflects.

(c) The number of contracts which were designated and set aside pursuant to sections 73.15 through 73.21, but which were not awarded to a targeted small business, the estimated total dollar value of these awards, the lowest offer or bid on each of these awards made by the small business and the price at which these contracts were awarded pursuant to the normal procurement procedures.

(d) The efforts undertaken to identify targeted small businesses and to publicize and encourage participation in the set-aside and loan guarantee programs during the preceding year.

(e) The efforts undertaken to develop technical assistance programs and to remedy the inability of targeted small businesses to perform on potential set-asides.

(f) Information about the number of applications received and processed by the Iowa finance authority under the loan guarantee program, the value of loans guaranteed, and follow-up information on targeted small businesses which have been awarded loan guarantees.

(g) The director's recommendations for strengthening the set-aside program and delivery of services to targeted small businesses. The director of the department of management shall provide recommendations to the director regarding strengthening contract compliance activities by state agencies.

(h) The department of general services, the department of transportation, the state board of regents, and all other agencies of state government shall provide all relevant information requested by the director for the preparation of the annual report.

c. If determined necessary by the board, provide training for bank loan officers to increase their level of expertise in regard to business loans.

d. To the extent feasible, cooperate with the department of employment services to establish a program to educate existing employers and new or potential employers on the rates and workings of the state unemployment compensation program and the state workers' compensation program.

e. Study the feasibility of reducing the total number of state licenses, permits, and certificates required to conduct small businesses.

f. Encourage and assist small businesses to obtain state contracts and subcontracts by cooperating with the directors of purchasing in the department of general services, the state board of regents, and the department of transportation in performing the following functions:

(1) Developing a uniform small business vendor application form which can be adopted by all agencies and departments of state government to identify small businesses and targeted small businesses which desire to sell goods and services to the state. This form shall also contain information which can be used to determine certification as a targeted small business pursuant to paragraph "c", subparagraph (4).

- (2) Compiling and maintaining a comprehensive source list of small businesses.
- (3) Assuring that responsible small businesses are solicited on each suitable purchase.
- (4) Assisting small businesses in complying with the procedures for bidding and negotiating for contracts.
- (5) Simplifying procurement specifications and terms in order to increase the opportunities for small business participation.
- (6) When economically feasible, dividing total purchases into tasks or quantities to permit maximum small business participation.
- (7) Preparing timely forecasts of repetitive contracting requirements by dollar volume and types of contracts to enhance the participation of responsible small businesses in the public purchasing process.
- (8) Developing a mechanism to measure and monitor the amount of participation by small businesses in state procurement.
 - g. In addition, the department may establish a small business advisory council to:
 - (1) Advise and consult with the board and the department with respect to matters which are of concern to small business.
 - (2) Submit recommendations to the board relating to actual or proposed activities concerning small business.
 - (3) Submit recommendations for legislative or administrative actions.
 - (4) Review and monitor small business programs and agencies in order to determine their effectiveness and whether they complement or compete with each other, and to coordinate the delivery of programs and services aimed at small business.
 - (5) Initiate special small business economic studies as deemed necessary, including but not limited to analyses of trends and growth opportunities relative to small business.
 - (6) Provide other information or perform other duties which would be of assistance to small business.

8. MISCELLANEOUS. To provide other necessary services, the department shall:

- a. Collect and assemble, or cause to have collected and assembled, all pertinent information available regarding the industrial, agricultural, and public and private recreation and tourism opportunities and possibilities of the state of Iowa, including raw materials and products that may be produced from them; power and water resources; transportation facilities; available markets; the availability of labor; the banking and financing facilities; the availability of industrial sites; the advantages of the state as a whole, and the particular sections of the state, as industrial locations; the development of a grain alcohol motor fuel industry and its related products; and other fields of research and study as the board deems necessary. This information, as far as possible, shall consider both the encouragement of new industrial enterprises in the state and the expansion of industries now existing within the state, and allied fields to those industries.
- b. Apply for, receive, contract for, and expend federal funds and grants and funds and grants from other sources.
- c. Except as otherwise provided in sections 19.33, 28.82, 28.87, 262.9, and 280A.23, provide that an inventor whose research is funded in whole or in part by the state shall assign to the state a proportionate part of the inventor's rights to a letter patent resulting from that research. Royalties or earnings derived from a letter patent shall be paid to the treasurer of state and credited by the treasurer to the general fund of the state. However, the department in conjunction with other state agencies, including the board of regents, shall provide incentives to inventors whose research is funded in whole or in part by the state for having their products produced in the state. These incentives may include taking a smaller portion of the inventor's royalties or earnings than would otherwise occur under this paragraph or other provisions of the law.
- d. Administer or oversee federal rural economic development programs in the state.

ARTICLE II
ACTIVITIES

Part 1

Sec. 809. NEW SECTION. 15.201 AGRICULTURAL MARKETING PROGRAM.

The department shall operate an agricultural marketing program designed to lead to more advantageous marketing of Iowa agricultural products. The department may develop and carry out activities to implement this program, and shall:

1. Investigate the subject of marketing agricultural products and recommend efficient and economical methods of marketing.
2. Promote the sales, distribution, and merchandising of agricultural products.
3. Furnish information and assistance to the public concerning the marketing of agricultural products.
4. Cooperate with the division of agriculture of the Iowa state university of science and technology in farm marketing education and research and avoid unnecessary duplications.
5. Gather and diffuse useful information concerning all phases of the marketing of Iowa farm products in cooperation with other public or private agencies.
6. Ascertain sources of supply of Iowa agricultural products, and prepare and publish from time to time lists of names and addresses of producers and consignors and furnish the lists to persons applying for them.
7. Aid in the promotion and development of the agricultural processing industry in the state.

Sec. 810. NEW SECTION. 15.202 GRANTS AND GIFTS.

The department may, with the approval of the director, accept grants and allotments of funds from the federal government and enter into cooperative agreements with the secretary of agriculture of the United States for projects to effectuate any of the purposes of the agricultural marketing program; and may accept grants, gifts, or allotments of funds from any person for the purpose of carrying out the agricultural marketing program. The department shall make an itemized accounting of such funds to the director at the end of each fiscal year.

Sec. 811. NEW SECTION. 15.202A AGRICULTURAL PRODUCTS ADVISORY COUNCIL.

The department shall establish, in consultation with the department of agriculture and land stewardship, an agricultural products advisory council for the purpose of advising the two departments in relation to the sales, promotion, marketing, export of agricultural commodities, and value-added agricultural products processed in Iowa and for the purpose of assisting in the coordination of the respective agricultural marketing programs of the two departments. The council shall consist of one member from each of the following associations, appointed by the secretary of agriculture: Iowa pork producers association, Iowa beef cattle producers association, Iowa sheep and wool promotion board, Iowa egg council, Iowa dairy industry commission, Iowa turkey marketing council, Iowa soybean promotion board, Iowa corn promotion board, Iowa wood industry association, and state horticulture society and up to an additional ten members, appointed by the director, who are experienced in exporting agricultural products, financing the export of agricultural products, and adding value to and processing of agricultural products.

The agricultural products advisory council shall submit recommendations to the departments of economic development and agriculture and land stewardship, the governor, and the general assembly.

Part 2

Sec. 812. NEW SECTION. 15.221 IOWA YOUTH CORPS ESTABLISHED.

An Iowa youth corps is established in this state. The objectives of the youth corps are to provide meaningful and productive public service jobs for youth, assist youth in securing unsubsidized employment, and develop opportunities for youth to engage in volunteer community service activities. The general assembly intends that participation in the youth corps will

provide youth with an opportunity to explore careers, gain needed work experience, and contribute to the general welfare of their communities and state. The youth corps shall provide the following programs:

1. A public service employment program for disadvantaged and handicapped youth attending school.
2. A summer employment program for youth of all economic classifications.
3. A youth volunteer program.

Sec. 813. NEW SECTION. 15.222 ADMINISTRATION.

The department shall administer the Iowa youth corps and adopt rules governing its operation and eligibility for participation. The programs of the Iowa youth corps shall be open to both sexes. A person must be at least fourteen years of age and not older than nineteen years six months at the time of enrollment to receive wages or stipends through the youth corps. The department shall submit an annual report to the general assembly on the Iowa youth corps by January 15 of each year.

Sec. 814. NEW SECTION. 15.223 EMPHASIS AND CONTRIBUTIONS.

The Iowa youth corps shall give emphasis in its employment and volunteer programs to projects related to soil conservation, land management, energy savings, community improvement activities, economic development, and work benefiting human service programs. The department may require participating nonprofit private or public agencies operating a youth corps project to contribute at least thirty-five percent of the total project budget. The contribution may be in the form of cash or services.

Part 3

Sec. 815. NEW SECTION. 15.231 INDUSTRIAL AND BUSINESS EXPORT TRADE PLAN.

The department shall establish an industrial and business export trade plan, with trade related programs in the following areas:

1. Education and training programs, such as seminars and workshops, publications, and training and recruiting, directed at businesses engaged in exporting and businesses with the potential to become involved in exporting.
2. Marketing and promotion programs including market research that focuses on sectors and markets that have promising growth potentials for the state; strengthening Iowa's overseas markets in which overseas representation would be desirable; continuing overseas trade missions which emphasize advance planning and postmission assistance; and serving as a catalyst or broker to facilitate the development of joint exporting ventures between Iowa businesses.
3. Trade financing programs combining public and private sources and supporting the private sector in educating businesses as to sources of financing within and outside the state.
4. Sales programs not involving the department in direct sales but encouraging the development of the middleman structure necessary for the small and medium-sized businesses to consummate sales and support and expand overseas sales through the department's marketing functions.

Part 5*

Sec. 816. NEW SECTION. 15.251 TITLE.

This part shall be known as the "Iowa Business-Industry Information and Training Network Act".

Sec. 817. NEW SECTION. 15.252 PURPOSE.

The purpose of this part is to establish through the merged areas a statewide network of regional offices to help coordinate job training programs with statewide, regional, and local economic development initiatives, and to promote the economic growth of this state.

*No Part 4 in enrolled Act

Sec. 818. NEW SECTION. 15.253 ACTIVITIES.

The activities of the network may include activities which foster the development of statewide programs designed to improve the coordination of job training programs with local and regional economic development efforts, provide technical assistance and information services to local and regional economic development organizations, promote the development of regional and local labor-management cooperative programs, and improve the quality and availability of business-industry and entrepreneurial training programs through the development of public and private partnerships.

Sec. 819. NEW SECTION. 15.254 COORDINATION.

The network shall be coordinated through the department in cooperation with the departments of education and employment services. Each regional office of the network shall be part of the satellite centers established under section 28.101. The department shall develop the coordination criteria to be used by the regional network offices.

Sec. 820. NEW SECTION. 15.255 FUNDING.

It is intended that multiple federal and state funding sources be used to help finance this network. To facilitate this cooperative funding strategy the following apply:

1. Under the terms of section 123 of the Job Training Partnership Act of 1982, Pub. L. No. 97-300, the department and the department of education shall enter into a cooperative agreement as a condition to providing funds under that section. The cooperative agreement shall focus on how section 123 funds will be used to enhance the following activities:

a. Providing financial assistance for special programs and services designed to meet the needs of rural areas outside major labor market areas.

b. Industry-wide training.

c. Activities under Title III of the Job Training Partnership Act of 1982.

d. Developing and providing to service delivery areas information on a state and local area basis regarding economic, industrial, and labor market conditions.

e. Providing preservice and inservice training for planning, management, and delivery staffs of administrative entities and private industry councils, as well as contractors for state supported programs.

f. Providing services to populations with special needs as identified by the state job training coordinating council.

2. The department of education shall prepare cooperative agreements with local education agencies reflecting the terms of the cooperative agreement between the department of education and the department of economic development.

Sec. 821. NEW SECTION. 15.256 RULES.

The department shall adopt rules pursuant to chapter 17A to implement this part.

Sec. 822. Section 7B.4, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. Services under this section shall be available for assisting employee-owned businesses and employee-ownership groups which intend to start up an employee-owned business.

Sec. 823. Section 12.1, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The treasurer is responsible for reporting on the bonding activities of all political subdivisions, instrumentalities, and agencies of the state and shall make recommendations to the general assembly and the governor on modification in the bonding authority. The treasurer shall notify each political subdivision, instrumentality, and agency of the state to report to the treasurer the amount of bonds outstanding and each new bond issue. The treasurer shall adopt rules and establish forms for carrying out this

provision. Each political subdivision, instrumentality, and agency of the state shall provide all the information required by the treasurer under this provision.

Sec. 824. NEW SECTION. 12.30 COORDINATION OF BONDING ACTIVITIES.

1. As used in this section, unless the context otherwise requires:

a. "Authority" means a department, or public or quasi-public instrumentality of the state including, but not limited to, the authority created under chapter 175, 175A, 220, 261A, 307B, or 442A, which has the power to issue obligations, except that "authority" does not include the state board of regents.

b. "Obligations" means notes, bonds, including refunding bonds, and other evidences of indebtedness of an authority.

2. Notwithstanding any other provision of the Code the treasurer shall coordinate the issuance of obligations by authorities. The treasurer, or the treasurer's designee, shall serve as ex officio nonvoting member of each authority. Prior to the issuance of obligations, an authority shall notify the treasurer of its intention to do so. The treasurer shall:

a. Select and fix the compensation for, in consultation with the respective authority, through a competitive selection procedure, attorneys, accountants, financial advisors, banks, underwriters, insurers, and other employees and agents which in the treasurer's judgment are necessary to carry out the authority's intention. Prior to the initial selection, the treasurer shall, after consultation with the authorities, establish a procedure which provides for a fair and open selection process including, but not limited to, the opportunity to present written proposals and personal interviews. The treasurer shall maintain a list of firms which have requested to be notified of requests for proposal. The selection criteria shall take into consideration, but is not limited to, compensation, expenses, experience with similar issues, scheduling, ability to provide the services of individuals with specific knowledge in the relevant subject matter and length of the engagement. The treasurer may waive the requirements for a competitive selection procedure for any specific employment upon written notice to the executive council stating why the waiver is in the public interest. Upon selection by the treasurer, the authority shall promptly employ the individual or firm and be responsible for payment of costs.

b. Submit an account to the respective authority for all costs incurred in each transaction. The treasurer will charge an authority for costs of administration. The authority shall disburse to the treasurer the amounts set forth in the account.

c. Direct the investment or deposit of the proceeds of the sale of the obligations, in accordance with the language of the documents drafted to effectuate issuance of the obligations, except for the proceeds necessary to fund the ongoing operations of the authority. This paragraph does not apply to proceeds of obligations issued before the effective date of this section.

d. Collect from an authority and other sources, any statistical and financial information necessary to draft an offering document or prepare a presentation necessary for the issuance or marketing of the obligations.

3. Each respective authority shall consult with the treasurer on the following:

a. Amount, terms, and conditions of the obligations to be issued by the authority including other provisions deemed necessary by the treasurer or the authority.

b. The documents or instruments necessary to effectuate issuance of the obligation.

c. Presentations to rating agencies and marketing activities. The treasurer may choose to participate in these presentations.

4. Professional services, including but not limited to attorneys, accountants, financial advisors, banks, underwriters, insurers, and other employees employed by a project sponsor may be selected by the project sponsor, if the obligation is issued in behalf of the project sponsor and the purchaser of the obligation does not have recourse to the authority or state.

5. The treasurer may delay implementation of this section for up to six months following the effective date of this section for an authority to facilitate an orderly transition.

Sec. 825. Section 28.51, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The Iowa high technology council, hereafter referred to as the "council" is created. The council shall be administratively integrated into the Iowa development commission for staff support and assistance. The council shall be an advisory body to the Iowa department of economic development. The department may provide staff support and assistance.

Sec. 826. Section 28.52, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The purpose of the council shall be to encourage the development of and advise the Iowa department of economic development regarding high technology industries and research in Iowa which will establish net new employment opportunities for Iowa workers or assist in improving the efficiency, productivity, and viability of family farm operations and which will improve the quality of life in an environmentally sound manner. For high technologies consistent with this purpose, the council shall advise the department on how to:

Sec. 827. Section 28.53, Code 1985, is amended to read as follows:

28.53 GRANTS, GIFTS, AND BEQUESTS.

The council may receive and expend shall advise the department on the receipt and expenditure of grants, gifts, and bequests, including but not limited to appropriations, federal funding, and other funding available for the purposes pursuant to section 28.52.

Sec. 828. Section 28.55, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A public investment in commercial development by the ~~council~~ Iowa department of economic development may be made only in Iowa and in conjunction with private investment and shall be reflected in a public ownership interest in the commercial entity which is established. The public ownership interest shall be negotiated with the other investing parties, including but not limited to, educational institutions, inventors, and private investors. A provision relating to the terms of ownership and the circumstances of disposal of the public ownership interest shall be made at the time of investment.

Sec. 829. Section 28.83, subsections 3 and 6, Code 1985, are amended to read as follows:

3. The board of directors shall annually elect one member as chairperson and one member as secretary. The board may elect other officers of the corporation as necessary. ~~Members are entitled to receive forty dollars per diem for each day spent in performance of duties and shall be reimbursed for necessary expenses incurred in the performance of duties from funds appropriated to the Iowa department of economic development commission.~~

6. The corporation shall be a part of the Iowa department of economic development commission for administrative purposes only which shall provide all staff and administrative assistance. The corporation shall submit to the department for its approval all plans, programs, initiatives and budgets.

Sec. 830. Section 28.86, Code 1985, is amended to read as follows:

28.86 PRESIDENT.

The board of directors director of the department of economic development shall appoint a president of the corporation who shall serve at the pleasure of the board director and shall receive the compensation determined by the board director. The president is a state employee. The president shall not be a member of the board of directors. The president is the chief administrative and operational officer of the corporation and shall direct and supervise the administrative affairs and the general management of the corporation subject to the direction and oversight of the director. The president may employ other employees as designated

by the board. The president shall provide copies of all minutes, documents, and other records of the corporation and shall provide a certificate which attests to truthfulness of the copies, if requested. Persons dealing with the corporation may rely upon the certificates. The president shall keep a record of all proceedings, documents, and papers filed with the corporation.

Sec. 831. NEW SECTION. 73.15 TITLE AND DEFINITIONS.

1. Sections 73.15 through 73.21 may be cited as the "Iowa targeted small business procurement Act."

2. As used in sections 73.15 through 73.21, unless the context requires otherwise, "small business" and "targeted small business" mean as defined in section 15.102.

Sec. 832. NEW SECTION. 73.16 PROCUREMENTS FROM SMALL BUSINESSES AND TARGETED SMALL BUSINESSES – SET-ASIDE REQUIREMENTS.

Notwithstanding any provision of law or rule relating to competitive bidding procedures:

1. Every agency, department, commission, board, committee, officer or other governing body of the state shall purchase goods and services supplied by small businesses and targeted small businesses in Iowa. In addition to the other provisions of this section relating to set-asides for targeted small businesses, all purchasing authorities shall assure that a proportionate share of small businesses and targeted small businesses identified under the uniform small business vendor application program of the department of economic development are given the opportunity to bid on all solicitations issued by agencies and departments of state government.

2. The director of each agency or department of state government having purchasing authority shall designate and set aside for awarding to certified targeted small businesses identified pursuant to section 15.108, subsection 7, paragraph "c", at least two percent, and should set a goal of up to ten percent, of the value of anticipated procurements of goods and services, including construction, but not including utility services, each fiscal year. The director of each department and agency of state government shall cooperate with the director of the department of economic development and the director of the department of management and do all acts necessary to carry out the provisions of sections 73.15 through 73.21.

Sec. 833. NEW SECTION. 73.17 TARGETED SMALL BUSINESS SET-ASIDE – PRELIMINARY PROCEDURES.

Quarterly the director of each agency and department of state government shall review the agency's or department's anticipated purchasing requirements. The directors shall notify the director of the department of economic development of their anticipated purchases and recommended set-asides not later than August 15 of each fiscal year and quarterly thereafter. The directors may divide the procurements so designated into contract award units of economically feasible production runs to facilitate offers or bids from targeted small businesses. In designating set-aside procurements, the directors may vary the included procurements so that a variety of goods and services produced by different targeted small businesses may be set aside each year. The director of the department of economic development, in conjunction with the director of the department of management, shall review the information submitted and may require modifications from the agencies and departments.

Sec. 834. NEW SECTION. 73.18 NOTICE OF SOLICITATION FOR BIDS – IDENTIFICATION OF TARGETED SMALL BUSINESSES.

The director of each agency or department releasing a solicitation for bids or request for proposal under the set-aside program shall notify the director of the department of economic development prior to or upon release of the solicitation. The director of the department of economic development shall notify the soliciting agency or department of any targeted small businesses which have been certified pursuant to section 15.108, subsection 7, paragraph "c", subparagraph (4), and which may be qualified to bid.

Sec. 835. NEW SECTION. 73.19 NEGOTIATED PRICE OR BID CONTRACT.

In awarding a contract under the targeted small business set-aside program, a director of an agency or department having purchasing authority may use either a negotiated price or bid contract procedure. The amount of an award shall not exceed by more than five percent that director's estimated price for the goods or services if they were to be purchased on the open market or under the competitive bidding procedures of any provisions of law or rules relating to competitive bidding procedures, and not under this set-aside program. The director of the department of economic development or the director of the department of management may assist in the negotiation of a contract price under this section. Surety bonds guaranteed by the United States small business administration are acceptable security for a construction award under this section.

Sec. 836. NEW SECTION. 73.20 DETERMINATION OF ABILITY TO PERFORM.

Before announcing the set-aside award, the purchasing authority shall evaluate whether the targeted small business scheduled to receive the award is able to perform the set-aside contract. This determination shall include consideration of production and financial capacity and technical competence. If the purchasing authority determines that the targeted small business may be unable to perform, the director of the department of economic development shall be notified and shall assist the targeted small business pursuant to section 15.108, subsection 7, paragraph "c", subparagraph (3).

Sec. 837. NEW SECTION. 73.21 OTHER PROCUREMENT PROCEDURES.

All laws and rules pertaining to solicitations, bid evaluations, contract awards, and other procurement matters apply to procurement set-asides for targeted small businesses to the extent there is no conflict. If sections 73.15 through 73.21 conflict with other laws or rules, then sections 73.15 through 73.21 govern.

Sec. 838. Section 176A.2, Code 1985, is amended to read as follows:

176A.2 DECLARATION OF POLICY.

It is hereby declared to be the policy of the legislature to provide for aid in disseminating among the people of Iowa useful and practical information on subjects relating to agriculture, home economics, and rural and community life and economic development, and to encourage the application of the same information in the several counties of the state through extension work to be carried on in co-operation cooperation with Iowa State University state university of science and technology and the United States department of agriculture as provided in the Act of Congress May 8, 1914, as amended by Public Law 83 of the Eighty-third Congress.

Sec. 839. Section 176A.9, subsection 1, Code 1985, is amended to read as follows:

1. The extension council shall have has for its sole purpose the dissemination of information, the giving of instruction and practical demonstrations on subjects relating to agriculture, home economics, rural and community life and economic development, and the encouragement of the application of the same information, instruction, and demonstrations to and by all persons in the extension district, and the imparting to such the persons of information on said those subjects through field demonstrations, publications, or other media.

Sec. 840. Section 220.1, subsection 28, Code Supplement 1985, is amended by adding after paragraph c the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "Small business" includes an employee-owned business which has been an employee-owned business for less than three years or which meets the conditions of paragraphs "a" through "c".

Sec. 841. Section 220.10, subsection 1, Code 1985, is amended to read as follows:

1. All moneys Moneys declared by the authority to be surplus moneys which are not required to service bonds and notes issued by the authority, to pay administrative expenses of the authority, or to accumulate necessary operating or loss reserves, shall be used by the

authority to provide loans to the Iowa family farm development authority in connection with the programs authorized in the Iowa family farm development Act or to provide grants, subsidies, and services to lower income families and very low income families through any of the programs authorized in this chapter, or to provide funds for the residential mortgage interest reduction program established pursuant to section 220.81.

Sec. 842. NEW SECTION. 220.95 TARGETED SMALL BUSINESS LOAN GUARANTEE PROGRAM.

1. As used in this section:

a. "Small business" means any enterprise which is located in this state, which is operated for profit and under a single management, and which has either fewer than twenty employees or an annual gross income of less than three million dollars computed as the average of the three preceding fiscal years. This definition does not apply to any program or activity for which a definition for small business is provided for the program or activity by federal law or regulation or other state law.

b. "Targeted small business" means a small business, as defined in paragraph "a", which small business is fifty-one percent or more owned, operated, and actively managed by one or more women or minority persons. As used in this subsection, "minority person" means an individual who is a Black, Hispanic, Asian or Pacific Islander, or American Indian or Alaskan native.

2. The director of the department of economic development, in conjunction with the director of the department of management, may organize one or more advisory groups composed of representatives of women, minority persons, the business and financial community, and others interested in the loan guarantee program to serve on a volunteer basis in advising the authority concerning the implementation of this section. The authority shall consult with the director of the department of economic development and the director of the department of management to determine whether targeted small businesses which have expressed an interest in doing business with agencies of state government under the provisions of sections 73.15 through 73.21 should be considered for application for guarantees under this section.

3. The authority may require an applicant for a loan guarantee under this section to consult with a designated small business assistance program as described in section 15.108, subsection 7, paragraph "c", subparagraph (3), prior to approval of the loan guarantee.

4. The authority shall adopt rules as necessary for the administration of the loan guarantee program under this section. Rules and guidelines adopted pursuant to this section are subject to review and approval by the director of the department of management.

5. The general assembly is not obligated to appropriate any moneys to pay for any defaults or to appropriate any moneys to be credited to the loan reserve account. The loan guarantee program does not obligate the state except to the extent provided in this section, and the authority in administering the program shall not give or lend the credit of the state of Iowa.

Sec. 843. Section 261A.6, Code 1985, is amended by adding the following new subsection:
NEW SUBSECTION. All employees of the authority are exempt from chapters 19A and 97B.

Sec. 844. Section 262.9, Code 1985, is amended by adding the following new subsection:
NEW SUBSECTION. In issuing bonds or notes under this chapter, chapter 262A, chapter 263A, or other provision of law, select and fix the compensation for, through a competitive selection procedure, attorneys, accountants, financial advisors, banks, underwriters, insurers, and other employees and agents which in the board's judgment are necessary to carry out the board's intention. Prior to the initial selection, the board shall establish a procedure which provides for a fair and open selection process including, but not limited to, the opportunity to present written proposals and personal interviews. The board shall maintain a list of firms which have requested to be notified of requests for proposal. The selection criteria shall take

into consideration, but are not limited to, compensation, expenses, experience with similar issues, scheduling, ability to provide the services of individuals with specific knowledge in the relevant subject matter and length of engagement. The board may waive the requirements for a competitive selection procedure for any specific employment upon adoption of a resolution of the board stating why the waiver is in the public interest and shall provide the executive council with written notice of the granting of any such waiver.

Sec. 845. Section 368.7, unnumbered paragraph 2, Code 1985, is amended to read as follows:

An application for annexation of territory not within the urbanized area of a city other than the city to which the annexation is directed must be approved by resolution of the council which receives the application. Upon receiving approval of the council, the city clerk shall file a copy of the resolution, map, and legal description of the territory involved with the state department of transportation. The city clerk shall also file a copy of the map and resolution with the county recorder, ~~and secretary of state, and the board.~~ The annexation is completed upon acknowledgment by the ~~board~~ secretary of state that ~~it the secretary of state has received the map and resolution and a certification by the city clerk that copies of the map and resolution have been filed with the county recorder and secretary of state and that copies of the resolution, map, and legal description of the territory involved have been filed with the state department of transportation.~~

Sec. 846. Section 368.8, Code 1985, is amended to read as follows:

368.8 VOLUNTARY SEVERING OF TERRITORY.

Any territory may be severed upon the unanimous consent of all owners of the territory and approval by resolution of the council of the city in which the territory is located. The council shall provide in the resolution for the equitable distribution of assets and equitable distribution and assumption of liabilities of the territory as between the city and the severed territory. The city clerk shall file a copy of the resolution, map, and a legal description of the territory involved with the state department of transportation. The city clerk shall also file a copy of the map and resolution with the county recorder, ~~and secretary of state, and the board.~~ The severance is completed upon acknowledgment by the ~~board~~ secretary of state that ~~it the secretary of state has received the map and resolution and a certification by the city clerk that copies of the map and resolution have been filed with the county recorder and secretary of state and that copies of the resolution, map, and a legal description of the territory involved have been filed with the state department of transportation.~~

Sec. 847. Section 368.9, Code 1985, is amended to read as follows:

368.9 BOARD CREATED.

A city development board is created. ~~The office for planning and programming department of economic development shall provide office space, and staff assistance, and shall budget funds to cover expenses and compensation of the board and committees.~~ The board consists of three members appointed by the governor subject to confirmation by the senate. The appointments must be for six-year staggered terms beginning and ending as provided by section 69.19, or to fill an unexpired term in case of a vacancy. Members are eligible for reappointment, but no member shall serve more than two complete six-year terms.

Each member is entitled to receive from the state actual and necessary expenses ~~and forty dollars compensation for each day spent in performance of board duties and may also be eligible to receive compensation as provided in section 7E.3.~~

Sec. 848. Section 404.2, subsection 3, Code 1985, is amended by striking the subsection.

Sec. 849. Section 404.2, subsection 6, paragraph a, Code 1985, is amended by striking the paragraph.

Sec. 850. NEW SECTION. ORGANIZATIONAL STRUCTURE.

For organizational purposes only, the following apply:

1. The Iowa finance authority and the Iowa economic protective and investment authority shall be considered parts of the Iowa department of economic development. The Iowa department of economic development may provide staff assistance and administrative support to the authorities.

2. The agricultural development authority shall be considered part of the department of agriculture. The department of agriculture may provide staff assistance and administrative support to the authority.

3. The Iowa higher education loan authority shall be attached to the college aid commission.

4. The Iowa railway finance authority shall be considered part of the department of transportation. The department of transportation may provide staff assistance and administrative support to the authority.

5. The Iowa advance funding authority shall be considered part of the department of education. The department of education may provide staff assistance and administrative support to the authority.

Sec. 851. NEW SECTION. UNDERWRITERS DOING BUSINESS IN IOWA.

An underwriter employed to assist in the issuance of obligations by an authority, as defined in section 12.30, state board of regents, or other political subdivision, instrumentality, or agency of the state, shall meet the requirements for doing business in Iowa sufficient to be subject to tax under rules of the department of revenue.

Sec. 852. Chapter 387 and sections 7A.11 through 7A.13, 28.1 through 28.6, 28.8 through 28.10, 28.41 through 28.46, 28.61 through 28.66, 159.21, and 159.25 through 159.27, Code 1985, and sections 28.7 and 18.175 through 18.180, Code Supplement 1985, are repealed.

DEPARTMENT OF EMPLOYMENT SERVICES**Sec. 901. NEW SECTION. 84A.1 DEPARTMENT OF EMPLOYMENT SERVICES — DIRECTOR — DIVISIONS — CREATED.**

1. The department of employment services is created to administer the laws of this state relating to unemployment compensation insurance, job placement and training, employment safety, labor standards, and workers' compensation.

2. The chief executive officer of the department is the director who shall be appointed by the governor, subject to confirmation by the senate. The director shall serve at the pleasure of the governor. The director shall be subject to reconfirmation by the senate, under the confirmation procedures of section 2.32, during the regular session of the general assembly convening in January if the director will complete the director's fourth year in office on or before the following April 30. The governor shall set the salary of the director within the applicable salary range established by the general assembly. The director shall be selected solely on the ability to administer the duties and functions granted to the director and the department and shall devote full time to the duties of the director. If the office of director becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.

The director of the department of employment services shall prepare, administer, and control the budget of the department and its divisions and shall approve the employment of all personnel of the department and its divisions.

3. The department shall include the division of job service, the division of labor services, and the division of industrial services.

Sec. 902. NEW SECTION. 84A.2 DEPARTMENT AND DIVISION RESPONSIBILITIES.

1. The division of job service is responsible for the administration of unemployment compensation benefits and for the collection of employer contributions under chapter 96. The division is responsible for the administration of the free public employment offices established

pursuant to chapter 96, other job placement and training programs established pursuant to section 84A.3, and the administration of the offices of the division located throughout the state and for the personnel attached to those offices. The executive head of the division is the job service commissioner, appointed pursuant to section 96.10.

2. The division of labor services is responsible for the administration of the laws of this state relating to occupational health and safety, the inspection of amusement rides, the removal and encapsulation of asbestos, the inspection of boilers, wage payment collection, child labor, employment agency licensing, boxing and wrestling, inspection of elevators, and hazardous chemical risks under chapters 88, 88A, 88B, 89, 91, 91A, 91B, 92, 94, 95, 99C, 104, and 455D, and section 327F.37. The executive head of the division is the labor commissioner, appointed pursuant to section 91.2.

3. The division of industrial services is responsible for the administration of the laws of this state relating to workers' compensation under chapters 85, 85A, 85B, 86, and 87. The executive head of the division is the industrial commissioner, appointed pursuant to section 86.1.

4. The director shall form a coordinating committee composed of the job service commissioner, the labor commissioner, and the industrial commissioner. The committee shall monitor federal compliance issues relating to coordination of functions among the divisions.

Sec. 903. NEW SECTION. 84A.3 JOB PLACEMENT AND TRAINING PROGRAMS.

1. The job service commissioner, in coordination with the department of economic development, may provide, with or without reimbursement, intake, client eligibility, and a significant portion of job placement services to individuals participating in the job training partnership program established under chapter 7B. The department of employment services and the department of economic development shall work together to develop policies encouraging coordination between job training, labor exchange, and economic development activities.

2. The job service commissioner, in cooperation with the department of elder affairs, shall establish an experimental retired Iowan employment program. The program shall encourage and promote the meaningful employment of retired citizens of the state.

3. The job service commissioner, in cooperation with the department of human rights, shall establish a program to provide job placement and training to persons with disabilities.

Sec. 904. Section 17.3, subsections 8 and 10, Code Supplement 1985, are amended by striking the subsections.

Sec. 905. Section 85A.20, Code 1985, is amended to read as follows:

85A.20 MEDICAL BOARD INVESTIGATION.

~~There is hereby created a medical board for occupational diseases which shall consist of The industrial commissioner may designate the industrial hygiene physician of the state department of health and two physicians selected by the dean of the college of medicine of the state University university of Iowa, from the staff of said the college, who shall be qualified to diagnose and report on occupational diseases. The medical board For the purpose of investigating occupational diseases, the physicians shall have the use, without charge, of all necessary laboratory and other facilities of the college of medicine and of the university hospital at the state University university of Iowa, and of the state department of health in performing its duties prescribed herein.~~

Sec. 906. Section 85A.21, Code 1985, is amended to read as follows:

85A.21 CONTROVERTED MEDICAL QUESTIONS.

~~Controversial medical questions may be referred by the industrial commissioner to the medical board physicians designated in section 85A.20 for investigation and report to the industrial commissioner when agreed to by the parties or on the commissioner's own motion. No award shall be made in any case where controversial medical questions have been referred to the board physicians until the board shall physicians have duly investigated the case and made its a report with respect to all such medical questions. The date of disablement, if in dispute, shall be deemed a medical question.~~

Sec. 907. Section 85A.22, Code 1985, is amended to read as follows:

85A.22 EXAMINATION OF EMPLOYEE BY MEDICAL BOARD PHYSICIANS.

The ~~medical board~~ physicians designated in section 85A.20, upon reference to ~~it~~ ~~them~~ by the industrial commissioner of a claim for occupational disease, shall notify the claimant or claimants and the employer or the employer's insurance carrier to appear before the ~~medical board~~ physicians at a time and place stated in the notice. If the employee ~~be living is alive~~, the employee shall appear before the ~~medical board~~ physicians at the time and place specified to submit to such clinical and X-ray examinations as the ~~medical board~~ physicians may require. The claimant and the employer shall each be entitled, at the claimant's or employer's own expense, to have present at all examinations conducted by the ~~medical board~~ physicians, a physician admitted to practice in the state, who shall be given every reasonable facility opportunity for participating in ~~every such examination all examinations~~. If a physician admitted to practice in the state ~~shall certify certifies~~ that the employee is physically unable to appear at the time and place ~~designated by the medical board~~ specified, ~~such board the physicians~~ shall, on notice to the parties, change the time and place of examination to ~~such other~~ another time and place as may reasonably facilitate the examination of the employee. Proceedings shall be suspended and no compensation ~~shall~~ be payable for any period during which the employee ~~may refuse~~ refuses to submit to such examination.

Sec. 908. Section 85A.23, Code 1985, is amended to read as follows:

85A.23 MEDICAL BOARD'S REPORT — DATE OF DISABLEMENT.

The ~~medical board~~ physicians designated in section 85A.20 shall, as soon as practicable after ~~it has~~ the physicians have completed its consideration of the case, report in writing ~~its~~ the findings and conclusions on every medical question in controversy. If the date of disablement is controverted and cannot be fixed exactly, the ~~medical board~~ physicians shall fix the most probable date ~~having regard to~~ in light of all the circumstances of the case. The ~~medical board~~ physicians shall also include in ~~its~~ the report the name and address of the physician or physicians, if any, who appeared before ~~it~~ the physicians and ~~what if any~~ the medical reports and X rays, ~~if any, which~~ were considered by ~~it~~ the physicians.

Sec. 909. Section 85A.24, Code 1985, is amended to read as follows:

85A.24 FINDINGS AND REPORT.

The ~~medical board~~ physicians designated in section 85A.20 shall file ~~its~~ the report in triplicate with the industrial commissioner who shall mail or deliver a certified copy ~~thereof~~ of the report to the claimant and to the employer. The report ~~of the medical board~~ shall become a part of the record of the case. The industrial commissioner shall make the decision or award in the case based upon the entire record. The report of the ~~medical board~~ physicians in any case may be ~~remanded~~ returned by the commissioner to the ~~board~~ physicians for reconsideration and further report. The ~~members of the medical board~~ physicians shall not be prohibited from testifying before the industrial commissioner, board of arbitration, or any other person, commission, or court as to the results of the examination or the condition of any employee examined ~~by the board~~.

Sec. 910. Section 85A.25, unnumbered paragraph 2, Code 1985, is amended to read as follows:

In cases of dispute as to the existence of the disease the controversy may be referred to the industrial commissioner who shall decide the matter and who may, upon the commissioner's own motion or by agreement of the parties, submit the controverted question to the ~~medical board~~ provided herein physicians designated in section 85A.20 for its investigation and report, and ~~said board~~ the physicians shall immediately proceed with the investigation and with the examination of the employee and forthwith make ~~its~~ the report to the industrial commissioner. ~~Said~~ The examination shall be made and the investigation conducted in the same manner as is provided ~~herein~~ in this chapter as to other controverted medical questions. The industrial commissioner shall then make the decision on the matter, and ~~said~~ the decision shall have the same force and effect and be subject to all the other provisions of law applicable the same as any other decision of the industrial commissioner.

Sec. 911. Section 86.8, Code 1985, is amended to read as follows:

86.8 DUTIES.

It shall be the duty of the The commissioner shall:

1. ~~To establish~~ Adopt and enforce all necessary rules ~~not in conflict with the provisions of~~ necessary to implement this chapter and chapters 85, 85A, 85B, and 87 ~~for carrying out the purposes thereof.~~

2. ~~To prepare~~ Prepare and distribute the necessary blanks relating to computation, adjustment, and settlement of compensation ~~arising thereunder.~~

3. ~~To prepare~~ Prepare and publish statistical reports and analyses regarding the cost, occurrence, and sources of employment injuries.

4. ~~To administer~~ Administer oaths, and examine books and records of parties subject to ~~such provisions the workers' compensation laws.~~

5. ~~In general to do all things not inconsistent with law in carrying out said provisions according to their true intent and purpose.~~

6 ~~5~~. ~~To provide~~ Provide a seal for the authentication of orders and records and for ~~such~~ other purposes as required.

~~In carrying out the duties and responsibilities under this chapter, the industrial~~ Subject to the approval of the director of the department of employment services, the commissioner may enter into contracts with any state agency, with or without reimbursement, for the purpose of obtaining the services, facilities, and personnel of such the agency and with the consent of any state agency or any political subdivision of the state, accept and use the services, facilities, and personnel of any the agency of the state or political subdivision, and employ experts and consultants or organizations in order to expeditiously, efficiently, and economically effectuate the purposes of this chapter. The provisions of agreements under this paragraph are subject to approval by the executive council where if approval is required by law.

Sec. 912. Section 86.9, Code 1985, is amended to read as follows:

86.9 REPORTS.

~~The director of the department of employment services, in consultation with the commissioner, shall, at the time provided by law, make a biennial an annual report to the governor setting forth in appropriate form the business and expense of the office division of industrial services for the two preceding years year, the number of claims before processed by the agency division and the disposition of the claims, and other matters pertaining to the office division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 85, 85A, 85B, and 87, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.~~

~~The commissioner, after consultation with the director of the department of employment services, may make compile an annual report setting forth the final decisions, rulings, and orders of the office division for the preceding year and setting forth other matters or information that which the commissioner considers desirable for publication. These annual reports may be distributed by the state on request to public officials as set forth in chapter 17. Members of the public may obtain the annual report upon payment of its cost as set by the commissioner.~~

Sec. 913. Section 86.24, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The decision of the industrial commissioner is final agency action and an appeal of the decision shall be made directly to the district court.

Sec. 914. Section 88.2, subsections 1 and 4, Code 1985, are amended to read as follows:

1. ~~The bureau of labor, established in chapter 91, is designated to labor commissioner, appointed pursuant to section 91.2, and the division of labor services of the department of employment services created in section 84A.1 shall administer this chapter.~~

4. In carrying out responsibilities of the commissioner under this chapter, the Subject to the approval of the director of the department of employment services, the labor commissioner is authorized to ~~may~~ enter into contracts with any state agency, with or without reimbursement, for the purpose of obtaining the services, facilities, and personnel of ~~such~~ the agency, and with the consent of any state agency or any political subdivision of the state, accept and use the services, facilities, and personnel of ~~any~~ the agency of the state or political subdivision, and employ experts and consultants or organizations, in order to expeditiously, efficiently, and economically effectuate the purposes of this chapter. The provisions of agreements under this subsection are subject to approval of the executive council where if approval is required by law.

Sec. 915. Section 88A.1, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. "Division" means the division of labor services of the department of employment services created under section 84A.1.

Sec. 916. Section 88B.1, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. "Division" means the division of labor services of the department of employment services created under section 84A.1.

Sec. 917. Section 88B.3, subsections 1 and 4, Code 1985, are amended to read as follows:

1. ~~The bureau of labor commissioner~~ shall administer this chapter.

4. At least once a year, during an actual asbestos project, ~~the bureau division~~ shall conduct an on-site inspection of each licensee's procedures for removing and encapsulating asbestos.

Sec. 918. Section 91.1, Code 1985, is amended to read as follows:

91.1 LABOR COMMISSIONER.

The bureau division of labor shall be services of the department of employment services, created under section 84A.1, is under the control of a labor commissioner, who shall have an office at the seat of government and shall devote the commissioner's entire time to the duties of the office.

Sec. 919. Section 91.2, Code 1985, is amended to read as follows:

91.2 APPOINTMENT.

The governor shall appoint ~~in each odd-numbered year~~, subject to confirmation by the senate, a labor commissioner who shall serve for a period of ~~two~~ six years beginning and ending as provided in section 69.19.

Sec. 920. Section 91.4, subsection 5, Code 1985, is amended to read as follows:

5. Report to the governor biennially on all matters pertaining to the bureau of labor. The director of the department of employment services, in consultation with the labor commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of labor services for the preceding year, the number of disputes or violations processed by the division and the disposition of the disputes or violations, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 88, 88A, 88B, 89, 91A, 91B, 92, 94, 95, 99C, 104, and 455D, and in section 327F.37, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

Sec. 921. Section 91.5, subsection 3, Code 1985, is amended to read as follows:

3. All laws relating to ~~the state free employment bureau and~~ employment agencies.

Sec. 922. Section 92.5, subsection 11, Code 1985, is amended to read as follows:

11. ~~Such other~~ Other work as may be approved by the ~~committee on child labor established by section 92.21~~ rules adopted pursuant to chapter 17A by the labor commissioner.

Sec. 923. Section 92.6, subsection 7, Code 1985, is amended to read as follows:

7. ~~Any occupations found and declared to be hazardous by the committee on child labor~~ Occupations prohibited by rules adopted pursuant to chapter 17A by the labor commissioner.

Sec. 924. Section 92.8, subsection 21, Code 1985, is amended to read as follows:

21. ~~Occupations deemed by the committee on child labor to be hazardous to life or limb prohibited by rules adopted pursuant to chapter 17A by the labor commissioner.~~

Sec. 925. Section 92.16, Code 1985, is amended to read as follows:

92.16 FORMS FOR PERMITS FURNISHED.

The proper forms for the work permit, the employer's agreement, the school record, the certificate of age, and the physician's certificate shall be formulated by the ~~committee on child labor and shall be furnished by the labor commissioner and furnished to the issuing authorities.~~

Sec. 926. Section 92.21, Code Supplement 1985, is amended to read as follows:

92.21 COMMITTEE ON CHILD LABOR RULES AND ORDERS OF LABOR COMMISSIONER.

There is hereby established a ~~committee on child labor.~~ The committee shall consist of the labor commissioner who shall act as chairperson, the commissioner of public instruction or a designee, director of the Iowa department of job service or a designee, and two persons representing the public and interested in child labor, to be appointed by the governor, without regard to political affiliation. The public representatives shall serve for a term of four years from July 1, 1970, and until their successors are appointed and qualify. The governor shall fill any public member's vacancy for any unexpired term. Public members shall receive a per diem of thirty dollars and actual and necessary expenses incurred in the performance of their official duties.

The committee shall adopt rules of procedure for its meetings and activities.

It shall be the duty of the committee to hold public hearings, to formulate ~~The labor commissioner may adopt rules to more specifically defining~~ define the occupations and equipment permitted or prohibited herein in this chapter, to determine occupations for which work permits shall be are required, and to issue general and special orders prohibiting or allowing the employment of persons under eighteen years of age in any place of employment defined in this chapter as hazardous to the health, safety, and welfare of such the persons as defined in this chapter.

Sec. 927. Section 94.2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

It shall be the duty of the director of the department of ~~The~~ job service commissioner, through the free employment service ~~to,~~ shall:

Sec. 928. Section 94.4, Code 1985, is amended to read as follows:

94.4 SERVICE FREE.

No A fee or compensation shall not be received, either directly or indirectly, from persons applying to the ~~bureau~~ free employment service for employment or help.

Sec. 929. Section 95.1, Code 1985, is amended to read as follows:

95.1 LICENSE.

Every A person, firm, or corporation who shall ~~keep~~ keeps or ~~carry~~ carries on an employment agency for the purpose of procuring or offering to procure help or employment, or the

giving of information as to where help or employment may be procured either directly or through some other person or agency, and ~~where~~ if a fee, privilege, or other thing of value is exacted, charged, or received either directly or indirectly, for procuring, or assisting, or promising to procure employment, work, engagement, or situation of any kind, or for procuring or providing help or promising to provide help for any person, whether ~~such~~ the fee, privilege, or other thing of value is collected from the applicant for employment or the applicant for help, shall before transacting any such business ~~whatsoever~~ procure a license from a ~~commission, consisting of the secretary of state, the industrial commissioner, and the labor commissioner, all of whom shall serve without compensation,~~ appointed pursuant to section 91.2.

Sec. 930. Section 95.2, Code 1985, is amended to read as follows:

95.2 APPLICATION.

Application for a license shall be made in writing to the ~~commission provided in section 95.1 labor commissioner.~~ It shall The application must contain the name of the applicant, and if the applicant is a firm, the names of the members, and if it is a corporation, the names of the officers; and the name, number, and address of the building and place where the employment agency is to be conducted. ~~It shall~~ The application must be accompanied by the affidavits of at least two reputable citizens of the state in no way connected with the applicant, certifying to the good moral character and reliability of the applicant, or, if a firm or corporation, of each of the members or officers, and that the applicant is a citizen of the United States, if a natural person; also a surety company bond in the sum of twenty thousand dollars when an employee is required to contribute to the payment of fees, to be approved by the labor commissioner and conditioned to pay any damages that may accrue to any person because of a wrongful act, or violation of law, on the part of the applicant in the conduct of the business. ~~There shall also be filed with the~~ The application must be accompanied by a schedule of fees to be charged for services rendered to patrons, which schedule shall not be changed during the term of license without consent being first given by the ~~commission~~ labor commissioner.

~~Any~~ A person, firm, or corporation applying for a license, as provided in this chapter, to operate an employment agency for furnishing or procuring of employment shall furnish the ~~commission~~ labor commissioner with its contract form, which form shall distinctly provide that no fee or other thing of value in excess of one dollar shall be collected in advance of the procuring of employment and no license shall be issued unless ~~such~~ the contract form contains ~~such~~ the provision. ~~Thereafter, any~~ If a person, firm, or corporation to whom a license has been issued ~~that licensed under this chapter violates this provision of its contract,~~ the labor commissioner shall have cancel the person's license canceled.

Sec. 931. Section 95.3, Code 1985, is amended to read as follows:

95.3 ISSUANCE OR REFUSAL.

The ~~commission~~ labor commissioner shall fully investigate all applicants for the license required by section 95.1, and shall not issue ~~any~~ a license earlier than one week after the application ~~therefor~~ is filed, ~~provided, however, that the commission.~~ However, the labor commissioner shall either grant or refuse ~~such~~ a license within thirty days from the date of the filing of the application. All licenses issued under the ~~provisions of this chapter shall expire on June 30 next succeeding their issuance.~~

Sec. 932. Section 95.5, Code 1985, is amended to read as follows:

95.5 REVOCATION OF LICENSE.

The ~~commission~~ labor commissioner may revoke at any time ~~any such~~ a license issued by it upon good cause shown and when there has been a substantial violation of ~~any of the provisions of law regulatory of such~~ regulating the business has occurred.

Sec. 933. Section 96.10, Code 1985, is amended to read as follows:

96.10 DEPARTMENT DIVISION OF JOB SERVICE.

There is established an Iowa department of job service. The chief executive officer of the division of job service of the department of employment services is the director of job service commissioner who shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The commissioner shall be subject to reconfirmation by the senate, under the confirmation procedures of section 2.32, during the regular session of the general assembly convening in January if the commissioner will complete the commissioner's fourth year in office on or before the following April 30. The director commissioner shall be selected solely on the ability to administer the duties and functions granted to the department division and shall devote full time to the duties of director commissioner. If the office of director commissioner becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.

The salary of the director commissioner shall be set by the governor within the applicable salary range established by the general assembly.

The director of the department may establish, consolidate, and abolish divisions of the department when necessary for the efficient performance of the department.

Sec. 934. Section 96.11, subsection 4, unnumbered paragraph 1, Code Supplement 1985, is amended by striking the unnumbered paragraph.

Sec. 935. Section 96.19, Code 1985, is amended by adding the following new subsections:
NEW SUBSECTION. 39. "Department" means the department of employment services created in section 84A.1.

NEW SUBSECTION. 40. "Commissioner" means the job service commissioner of the division of job service of the department of employment services appointed pursuant to section 96.10.

Sec. 936. Section 99C.2, Code 1985, is amended to read as follows:

99C.2 STATE COMMISSIONER.

There is hereby created a The labor commissioner, appointed pursuant to section 91.2, shall also serve as the state commissioner of athletics to be appointed by the governor. The commissioner shall serve at the pleasure of the governor, and shall serve until the commissioner's successor is appointed and qualified. The commissioner shall receive such compensation and expenses as may be approved by the governor.

Sec. 937. Section 104.1, subsections 3, 4, 15, 16, and 17, Code 1985, are amended to read as follows:

3. "Division" means the elevator safety division of labor services of the department of employment services created by this chapter as a part of the bureau of labor under section 84A.1.

4. "Commissioner" means the labor commissioner, appointed pursuant to section 91.2, or the labor commissioner's designee.

15. "Inspector" means an inspector employed by the bureau of labor division for the purpose of administering this chapter.

16. "Special inspector" means an inspector licensed by the labor commissioner, and not employed by the bureau of labor division.

17. "Provisions of this chapter" includes rules adopted by the labor commissioner pursuant to this chapter.

Sec. 938. Section 241.3, subsection 2, Code 1985, is amended to read as follows:

2. The department shall consult and co-operate with the department division of job service of the department of employment services, the United States commissioner of social security administration, the ~~commissioner~~ division of the status of women of the department of human

rights, the representative of the administrative agency administering the job training partnership Act, the state department of public instruction education and other persons in the executive branch of the state government as the department considers appropriate to facilitate the co-ordination of multipurpose service programs established under this chapter with existing programs of a similar nature.

Sec. 939. Section 455D.3, subsection 1, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Division" means the division of labor services of the department of employment services created under section 84A.1.

Sec. 940. Section 455D.8, subsections 2 and 4, Code 1985, are amended to read as follows:

2. The bureau division of labor services shall administer this division of the chapter. The bureau division may exercise the enforcement powers set out in chapter 88 and the rules adopted pursuant to chapter 88 to enforce this division of the chapter.

4. In addition to the chemical information required to be reported under federal hazard communication standard 29 C.F.R. sec. 1910.1200(d), the bureau labor commissioner may adopt by rule additional hazardous chemical information to be regulated, if the interagency council recommends such action pursuant to section 455D.17.

Sec. 941. Section 455D.12, subsection 2, Code 1985, is amended to read as follows:

2. The bureau division of labor services shall receive and handle requests for information and complaints under this division of this chapter which involve employer information covered under division II of this chapter. The bureau labor commissioner shall adopt rules pursuant to chapter 17A regarding requests for information and the investigation and adjudication of complaints.

Sec. 942. Section 455D.15, subsection 1, Code 1985, is amended to read as follows:

1. At the same time that an employer provides the information to employees required under division II, the employer shall submit to the local fire department a list of hazardous chemicals which are consistently generated by, used by, stored at, or transported from the employer's facility. The information shall be provided in sufficient specificity that the local fire department is informed of the nature of the hazardous chemicals, the hazards presented by the chemicals, and the appropriate response in dealing with an emergency involving the hazardous chemicals. The information shall conform to guidelines adopted by the bureau from recommendations of the interagency council under section 455D.19 labor commissioner. The employer shall send the information by certified mail. The bureau labor commissioner shall adopt rules exempting employers from this requirement when buildings or structures do not contain significant amounts of a hazardous chemical.

Sec. 943. Section 601H.5, Code 1985, is repealed.

Sec. 944. CODIFICATION. In the codification of this Act, the Code editor may:

1. Transfer chapters 90 and 93A to chapter numbers less than 85 or greater than 97.

2. Transfer chapters 97C, 99C, 104, and 455D to chapter numbers between 84A and 97.

However, if the Code arrangement required by this section is not feasible or is not satisfactory to the Code editor, the Code editor may rearrange the affected chapters as necessary.

DEPARTMENT OF ELDER AFFAIRS

DIVISION I

FINDINGS, DECLARATIONS, POLICY, AND DEFINITIONS

Sec. 1001. NEW SECTION. 249D.1 SHORT TITLE.

This chapter, entitled the "Elder Iowan's Act", sets forth the state's commitment to its elders, their dignity, independence, and rights.

Sec. 1002. NEW SECTION. 249D.2 LEGISLATIVE FINDINGS AND DECLARATION.

The general assembly finds and declares that:

1. Iowa's elders constitute a fundamental resource which has been undervalued, and the means must be found to recognize and use the competence, wisdom, and experience of our elders for the benefit of all Iowans.

2. The number of persons in this state age sixty and older is increasing rapidly, and of these elders, the number of women, minorities, and persons eighty-five years of age or older is increasing at an even greater rate.

3. The social and health problems of older people are compounded by a lack of access to existing services and by the unavailability of a complete range of services in all areas of the state.

4. The ability of older people to maintain self sufficiency and to live their lives with dignity, productivity, and creativity is a matter of profound importance and concern for this state.

Sec. 1003. NEW SECTION. 249D.3 STATE POLICY AND OBJECTIVES.

The general assembly declares that it is the policy of the state to work toward attainment of the following objectives for Iowa's elders:

1. An adequate income in retirement.

2. Access to physical and mental health care without regard to economic status.

3. Suitable housing, appropriate to the special needs of older people.

4. Full restorative services for those who require institutional care, and a comprehensive array of community-based, long-term care services adequate to sustain older people in their communities and, whenever possible, in their homes.

5. Pursuit of meaningful activity within the widest range of civic, cultural, educational, recreational, and employment opportunities.

6. Suitable community transportation systems to assist in the attainment of independent movement.

7. Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives.

Sec. 1004. NEW SECTION. 249D.4 DEFINITIONS.

For purposes of this chapter, unless the context otherwise requires:

1. "Comprehensive and coordinated system" means a system for providing all necessary supportive services, including nutrition services, in a manner designed to:

a. Facilitate accessibility to, and utilization of, all supportive services and nutrition services provided within the geographic area served by the system by any public or private agency or organization.

b. Develop and make the most efficient use of supportive services and nutrition services in meeting the needs of elders.

c. Use available resources efficiently and with a minimum of duplication.

2. "Information and referral source" means a location where a department of elder affairs or any public or private agency or organization:

a. Maintains current information with respect to the opportunities and services available to elders, and develops current lists of elders in need of services and opportunities.

b. Employs, where feasible, a specially trained staff to assess the needs and capacities of elders, and to inform elders of the opportunities and services.

3. "Legal assistance" means legal advice and representation by an attorney including, but not limited to, counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney, and includes counseling or representation by a person who does not possess a juris doctorate, where permitted by law, of elders with economic or social needs.

4. "Elder" means an individual who is sixty years of age or older. "Elderly" means individuals sixty years of age or older.

5. "Multipurpose senior center" means a community facility for the organization and provision of a broad spectrum of services, which shall include, but not be limited to, health, social, nutritional, and educational services and the provision of facilities for recreational activities for elders.

6. "Focal point" means a facility established to encourage the maximum collocation and coordination of services for elders.

7. "Greatest economic need" means the need resulting from an income level at or below the poverty threshold established by the bureau of the census.

8. "Greatest social need" means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threatens the elder's capacity to live independently.

9. "Equivalent support" means in-kind contributions of services, goods, volunteer support time, administrative support, or other support reasonably determined by the commission as equivalent to a dollar amount.

10. "Federal Act" means the Older Americans Act of 1965, 42 U.S.C. §§ 3001 et seq., as amended to and including February 1, 1986.

11. "Commission" means the commission of elder affairs.

12. "Executive director" means the director of the department of elder affairs.

13. "Administrative action" means an action or decision made by an owner, employee, or agent of a long-term care facility, or by a governmental agency, which affects the service provided to residents covered in this chapter.

14. "Long-term care facility" means a long-term care unit of a hospital, a licensed hospice program, a foster group home, a group living arrangement, or a facility licensed under section 135C.1 whether the facility is public or private.

15. "Resident's advocate program" means the state long-term care resident's advocate program operated by the commission of elder affairs and administered by the long-term care resident's advocate.

16. "Department" means the department of elder affairs.

DIVISION II COMMISSION OF ELDER AFFAIRS

Sec. 1005. NEW SECTION. 249D.11 COMMISSION ESTABLISHED.

The commission of elder affairs is established which shall consist of eleven members. Two members shall be appointed by the majority leader of the senate from the members of the senate to serve as ex officio nonvoting members with no more than one member being appointed from the same political party. Two members shall be appointed by the speaker of the house of representatives from the members of the house to serve as ex officio nonvoting members with no more than one member being appointed from the same political party. Seven members shall be appointed by the governor subject to confirmation by the senate. Not more than a simple majority of the governor's appointees shall belong to the same political party. At least four of the seven members appointed by the governor shall be fifty-five years of age or older when appointed.

Sec. 1006. NEW SECTION. 249D.12 TERMS.

All members of the commission shall be appointed for terms of four years, with staggered expiration dates. The terms of office shall commence on the first day of July. Any vacancy on the commission shall be filled for the unexpired term of the vacancy in the same manner as the original appointment. If a legislative member ceases to be a member of the general assembly the legislative member may continue to serve until a successor is appointed.

Sec. 1007. NEW SECTION. 249D.13 MEETINGS — OFFICERS.

Members of the commission shall elect from the commission's membership a chairperson, and other officers as commission members deem necessary, who shall serve for a period of two years. The commission shall meet at regular intervals at least six times each year and may hold special meetings at the call of the chairperson or at the request of a majority of the commission membership. The commission shall meet at the seat of government or such other place as the commission may designate. Members shall be paid forty dollars per diem and shall receive reimbursement for actual expenses for their official duties.

Sec. 1008. NEW SECTION. 249D.14 COMMISSION DUTIES AND AUTHORITY.

The commission is the policymaking body of the sole state agency responsible for administration of the Older Americans Act of 1965, as amended. The commission shall:

1. Approve state and area plans on aging.
2. Adopt policies to coordinate state activities related to the purposes of this chapter.
3. Serve as an effective and visible advocate for elders by establishing policies for reviewing and commenting upon all state plans, budgets, and policies which affect elders and for providing technical assistance to any agency, organization, association, or individual representing the needs of elders.
4. Divide the state into distinct planning and service areas after considering the geographical distribution of elders in the state, the incidence of the need for supportive services, nutrition services, multipurpose senior centers, and legal services, the distribution of elders who have low incomes residing in such areas, the distribution of resources available to provide such services or centers, the boundaries of existing areas within the state which are drawn for the planning or administration of supportive services programs, the location of units of general purpose, local government within the state, and any other relevant factors.
5. Designate for each planning and service area a public or private nonprofit agency or organization as the area agency on aging for that area.
6. Adopt policies to assure that the department will take into account the views of recipients of supportive services or nutrition services, or elders using multipurpose senior centers in the development of policy.
7. Adopt a formula for the distribution of federal Older Americans Act funds taking into account, to the maximum extent feasible, the best available data on the geographic distribution of elders in the state, and publish the formula for review and comment.
8. Adopt policies to assure that preference will be given to providing services to elders with the greatest economic or social needs, with particular attention to low-income minority elders, and include methods of carrying out the preference in the state plan.
9. Adopt policies to administer state programs authorized by this chapter.

The commission shall adopt administrative rules pursuant to chapter 17A to implement the duties specified in this chapter.

DIVISION III
DEPARTMENT OF ELDER AFFAIRS

Sec. 1009. NEW SECTION. 249D.21 DEPARTMENT OF ELDER AFFAIRS.

An Iowa department of elder affairs is established which shall administer this chapter under the policy direction of the commission of elder affairs. The department of elder affairs shall be administered by an executive director.

Sec. 1010. NEW SECTION. 249D.22 EXECUTIVE DIRECTOR.

The governor, subject to confirmation by the senate, shall appoint an executive director of the department of elder affairs who shall, subject to chapter 19A, employ and direct staff as necessary to carry out the powers and duties created by this chapter. The executive director shall serve at the pleasure of the governor. However, the executive director is subject to reconfirmation by the senate as provided in section 2.32, subsection 8. The governor shall set the salary for the executive director within the range set by the general assembly.

The executive director shall have the following qualifications and training:

1. Training in the field of gerontology, social work, public health, public administration, or other related fields.
2. Direct experience or extensive knowledge of programs and services related to elders.
3. Demonstrated understanding and concern for the welfare of elders.
4. Demonstrated competency and recent working experience in an administrative, supervisory, or management position.

Sec. 1011. NEW SECTION. 249D.23 DEPARTMENT OF ELDER AFFAIRS – DUTIES AND AUTHORITY.

The department of elder affairs executive director shall:

1. Develop and administer a state plan on aging.
2. Assist the commission in the review and approval of area plans.
3. Pursuant to commission policy, coordinate state activities related to the purposes of this chapter.
4. Advocate for elders by reviewing and commenting upon all state plans, budgets, and policies which affect elders and by providing technical assistance to any agency, organization, association, or individual representing the needs of the elders.
5. Assist the commission in dividing the state into distinct planning and service areas.
6. Assist the commission in designating for each area a public or private nonprofit agency or organization as the area agency on aging for that area.
7. Pursuant to commission policy, take into account the views of elder Iowans.
8. Assist the commission in adopting a formula for the distribution of funds available from the federal Act.
9. Assist the commission in assuring that preference will be given to providing services to elders with the greatest economic or social needs, with particular attention to low-income minority elders.
10. Assist the commission in developing, adopting, and enforcing administrative rules, by issuing necessary forms and procedures.
11. Apply for, receive, and administer grants and gifts to conduct projects consistent with the purposes of this chapter.
12. Administer state authorized programs.

**DIVISION IV
PLANNING AND SERVICE DELIVERY**

Sec. 1012. NEW SECTION. 249D.31 STATE PLAN ON AGING.

The department of elder affairs shall develop, and submit to the commission of elder affairs for approval, a multiyear state plan on aging. The state plan on aging shall meet all applicable federal requirements and shall:

1. Be based upon area plans developed by area agencies on aging and submitted in a uniform format prepared and distributed by the department.
2. Require that each area agency on aging develop and submit to the commission for approval an area plan which complies with federal law.
3. Evaluate the need for supportive services, including legal assistance, nutrition services, and multipurpose senior centers within the state, and determine the extent to which existing public or private programs meet those needs.
4. Adopt methods for effective and efficient administration of the state and area plans.
5. Adopt methods for periodic evaluation of activities and projects carried out under the state plan.
6. Prohibit the direct provision of supportive services or nutrition services by the department of elder affairs or an area agency on aging unless necessary to assure an adequate supply of such services, or unless the services are directly related to the department of elder affairs or area agency on aging's administrative functions, or unless services of comparable quality can be provided more economically by the department of elder affairs or area agency on aging.

Sec. 1013. NEW SECTION. 249D.32 CRITERIA FOR DESIGNATION OF AREA AGENCIES ON AGING.

1. The commission shall designate thirteen area agencies on aging, the same of which existed on July 1, 1985. The commission shall continue the designation until an area agency's on aging designation is removed for cause as determined by the commission or until the agency voluntarily withdraws as an area agency on aging. In that event, the commission shall then proceed with subsections 2 and 3.

2. The commission shall designate an area agency to serve each planning and service area, after consideration of the views offered by the political subdivisions in the area. An area agency may be:

a. An established office of aging which is operating within a planning and service area designated by the commission.

b. Any office or agency of a unit of a political subdivision, which is designated for the purpose of serving as an area agency by the chief elected official of such unit.

c. Any office or agency designated by the appropriate chief elected officials of any combination of political subdivisions to act on behalf of the combination for such purpose.

d. Any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the department of elder affairs and which can engage in the planning or provision of a broad range of supportive services or nutrition services within the planning and service area.

Each area agency shall provide assurance, determined adequate by the commission, that the area agency has the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. In designating an area agency on aging within the planning and service area, the commission shall give preference to an established office of aging, unless the commission finds that no such office within the planning and service area has the capacity to carry out the area plan.

3. When the commission designates a new area agency on aging the commission shall give the right of first refusal to a political subdivision if:

a. Such unit can meet the requirements of subsection 1.

b. The boundaries of such a unit and the boundaries of the area are reasonably contiguous.

Sec. 1014. NEW SECTION. 249D.33 AREA AGENCIES ON AGING DUTIES.

Each area agency on aging shall:

1. Develop and administer an area plan on aging.

2. Assess the types and levels of services needed by older persons in the planning and service area, and the effectiveness of other public or private programs serving those needs.

3. Enter into subgrants or contracts to provide all services under the plan.

4. Provide technical assistance as needed, prepare written monitoring reports at least quarterly, and provide a written report of an annual on-site assessment of all service providers funded by the area agency.

5. Coordinate the administration of its plan with federal programs and with other federal, state, and local resources in order to develop a comprehensive and coordinated service system.

6. Establish an advisory council.

7. Give preference in the delivery of services under the area plan to elders with the greatest economic or social need.

8. Assure that elders in the planning and service area have reasonably convenient access to information and referral services.

9. Provide adequate and effective opportunities for elders to express their views to the area agency on policy development and program implementation under the area plan.

10. Designate community focal points.

11. Contact outreach efforts, with special emphasis on the rural elderly, to identify elders with greatest economic or social needs and inform them of the availability of services under the area plan.

12. Develop and publish the methods that the agency uses to establish preferences and priorities for services.

13. Attempt to involve the area lawyers in legal assistance activities.

14. Submit all fiscal and performance reports in accordance with the policies of the commission.

15. Monitor, evaluate, and comment on policies, programs, hearings, levies, and community actions which significantly affect the lives of elders.

16. Conduct public hearings on the needs of elders.

17. Represent the interests of elders to public officials, public and private agencies, or organizations.

18. Coordinate activities in support of the statewide long-term care resident's advocate program.

19. Coordinate planning with other agencies and organizations to promote new or expanded benefits and opportunities for elders.

20. Coordinate planning with other agencies for assuring the safety of elders in a natural disaster or other safety threatening situation.

DIVISION V LONG-TERM CARE RESIDENT'S ADVOCATE

Sec. 1015. NEW SECTION. 249D.41 PURPOSE.

The purpose of this division is to establish the long-term care resident's advocate program operated by the Iowa commission of elder affairs in accordance with the requirements of the Older Americans Act of 1965, and to adopt the supporting federal regulations and guidelines for its implementation. In accordance with chapter 17A, the commission of elder affairs shall adopt and enforce rules for the implementation of this division.

Sec. 1016. NEW SECTION. 249D.42 LONG-TERM CARE RESIDENT'S ADVOCATE — DUTIES.

The Iowa commission of elder affairs, in accordance with section 3027(a)(12) of the federal Act, shall establish the office of long-term care resident's advocate within the commission. The long-term care resident's advocate shall:

1. Investigate and resolve complaints about administrative actions that may adversely affect the health, safety, welfare, or rights of elderly in long-term care facilities.

2. Monitor the development and implementation of federal, state, and local laws, regulations, and policies that relate to long-term care facilities in Iowa.

3. Provide information to other agencies and to the public about the problems of elderly in long-term care facilities.

4. Train volunteers and assist in the development of citizens' organizations to participate in the long-term care resident's advocate program.

5. Carry out other activities consistent with the resident's advocate provisions of the federal Act.

6. Administer the care review committee program.

7. Report annually to the general assembly on the activities of the resident's advocate office.

The resident's advocate shall have access to long-term care facilities, private access to residents, access to residents' personal and medical records, and access to other records maintained by the facilities or governmental agencies pertaining only to the person on whose behalf a complaint is being investigated.

Sec. 1017. NEW SECTION. 249D.43 AUTHORITY AND RESPONSIBILITIES OF THE COMMISSION.

To ensure compliance with the federal Act the commission of elder affairs shall establish the following:

1. Procedures to protect the confidentiality of a resident's records and files.
2. A statewide uniform reporting system.
3. Procedures to enable the long-term care resident's advocate to elicit, receive, and process complaints regarding administrative actions which may adversely affect the health, safety, welfare, or rights of elderly in long-term care facilities.

Sec. 1018. NEW SECTION. 249D.44 CARE REVIEW COMMITTEE.

1. The care review committee program is administered by the long-term care resident's advocate program.
2. The responsibilities of the care review committee are in accordance with the rules adopted by the commission pursuant to chapter 17A. When adopting the rules, the commission shall consider the needs of residents of each category of licensed health care facility as defined in chapter 135C.1, subsection 4, and the services each facility may render. The commission shall coordinate the development of rules with the mental health and mental retardation commission to the extent the rules would apply to a facility primarily serving persons who are mentally ill, mentally retarded, or developmentally disabled. The commission shall coordinate the development of appropriate rules with other state agencies.

DIVISION VI
PROGRAMS

Sec. 1019. NEW SECTION. 249D.51 SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM (SCSEP), TITLE V OF THE OLDER AMERICANS ACT.

The department will direct and administer the senior community service employment program (SCSEP) as authorized by the federal Act in coordination with the department of job service and the department of economic development.

The purpose of the senior community service employment program is to foster and promote useful part-time opportunities in community service activities for unemployed, low-income persons who are fifty-five years old or older.

Funds appropriated to the department from the United States department of labor shall be distributed to local projects in accordance with federal requirements.

The department shall require such uniform reporting and financial accounting by area agencies on aging and local projects as may be necessary to fulfill the purposes of this section.

Sec. 1020. NEW SECTION. 249D.52 RETIRED IOWANS COMMUNITY EMPLOYMENT PROGRAM (RICEP).

The department shall establish the retired Iowans community employment program in coordination with the department of job service to encourage and promote the meaningful employment of older citizens in the state.

Funds appropriated to the department for this purpose shall be distributed statewide according to administrative rules by the commission.

The department shall require such uniform reporting and financial accounting by area agencies on aging and local projects as may be necessary to fulfill the purposes of this section.

Sec. 1021. NEW SECTION. 249D.53 COORDINATION WITH JOB TRAINING PARTNERSHIP ACT.

The employment and training program administered by the department shall be coordinated with the training program for older individuals administered by the department of economic development under the job training partnership Act.

A proposed annual plan for coordinating these programs shall be developed jointly by the department of elder affairs, the department of economic development, the department of

education, and the division of job service of the department of employment services for submittal to the state job training coordinating council. The state job training coordinating council shall take the proposed plan under advisement in preparing a final annual plan for coordinating these programs which will be submitted to the governor.

After the end of each annual planning period, the department of elder affairs, the department of economic development, the department of education, and the division of job service of the department of employment services shall submit a joint report to the state job training coordinating council describing the services provided to elderly Iowans, assessing the extent to which coordination of programs was achieved, and making recommendations for improving coordination.

Sec. 1022. NEW SECTION. 249D.54 ELDERLAW EDUCATION PROGRAM.

The department shall establish a program of financial support for law school clinic programs in Iowa to provide legal assistance to elders and to provide training and experience to law students in serving elders. Funds appropriated for this purpose shall be instituted based on administrative rules adopted by the commission. The department shall require such records as needed to implement this section.

Sec. 1023. NEW SECTION. 249D.55 RETIRED SENIOR VOLUNTEER PROGRAMS.

The department shall establish a program of financial support for local retired senior volunteer programs to provide basic administrative support through block grants and to provide for program expansion through discretionary grants. Funds appropriated for this purpose shall be distributed in accordance with administrative rules adopted by the commission. The department shall require such records of local projects as needed to implement this section.

Sec. 1024. NEW SECTION. 249D.56 ELDERLY SERVICES PROGRAM.

The department shall establish an elderly services program to reduce institutionalization and encourage community involvement to help the elderly remain in their own homes. Funds appropriated for this purpose shall be instituted based on administrative rules adopted by the commission. The department shall require such records as needed to implement this section.

Sec. 1025. NEW SECTION. 249D.57 COORDINATION OF ADVOCACY.

The department shall establish a program for the coordination of information and assistance provided within the state to assist elders in obtaining and protecting their rights and benefits. The division of insurance, office of the attorney general, the citizens' aide/ombudsman, and other state and local agencies providing information and assistance to elders in seeking their rights and benefits shall cooperate with the department in developing and implementing this program. The program shall include review of health insurance policies marketed to elders and other health-related written material distributed to elders for marketing purposes.

Sec. 1026. NEW SECTION. 249D.58 LONG-TERM CARE COORDINATING UNIT.

1. A long-term care coordinating unit is created within the department of elder affairs. The membership of the coordinating unit consists of:

- a. The commissioner of human services.
- b. The executive director of the department of elder affairs.
- c. The director of public health.

2. The long-term care coordinating unit shall:

- a. Develop, for legislative review, the mechanisms and procedures necessary to implement, utilizing current personnel, a case-managed system of long-term care based on a uniform comprehensive assessment tool.

b. Develop common intake and release procedures for the purpose of determining eligibility at one point of intake and determining eligibility for programs administered by the departments of human services, public health, and elder affairs, such as the medical assistance program, federal food stamp program, and homemaker-home health aid programs.

c. Develop common definitions for long-term care services.

d. Develop procedures for coordination at the local and state level among the providers of long-term care, including when possible co-campusing of services. The director of the department of general services shall give particular attention to this section when arranging for office space pursuant to section 18.12 for these three departments.

e. Prepare a long-range plan for the provision of long-term care services within the state.

f. Propose rules and procedures for the development of a comprehensive long-term care and community-based services program.

g. Submit a report of its activities to the governor and general assembly on January 15 of each year.

Sec. 1027. Section 135C.25, subsection 2, Code 1985, is amended to read as follows:

2. Each care review committee shall periodically review the needs of each individual resident of the facility and shall perform the functions pursuant to sections 135C.38 and ~~249B.35~~ 249D.44.

Sec. 1028. Section 145.2, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The commission consists of the executive director of the department of elder affairs, the commissioners of health, insurance, and human services, the director of public health, one state senator and one state representative who shall not be of the same party, shall be non-voting members, and shall be appointed each year by the president of the senate and speaker of the house, respectively, and the chairperson of the board of directors of the corporation or the head of the association or other entity providing staff for the commission as provided by section 145.3 who shall be a nonvoting member. The ~~commissioner~~ commissioners, director, and executive director members shall annually select the chairperson of the commission from among the ~~three~~ four voting ~~commissioner~~ commission members. A majority of the ~~six~~ seven members including at least two voting members constitute a quorum.

Sec. 1029. Section 145.3, subsection 4, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. f. The commissioner of human services, the director of public health, and the executive director of the department of elder affairs collect and analyze long-term care data.

Sec. 1030. The members of the commission on the aging shall continue in office as members of the commission of elder affairs until their terms expire.

Sec. 1031. Chapter 249B, Code 1985, is repealed.

DEPARTMENT OF PUBLIC HEALTH

Sec. 1101. Section 135.1, subsections 1 and 2, Code 1985, are amended to read as follows:

1. "~~Commissioner~~ Director" shall mean the ~~commissioner~~ director of public health.

2. "State department" or "department" shall mean the ~~state~~ Iowa department of public health.

Sec. 1102. Section 135.2, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

135.2 APPOINTMENT OF DIRECTOR.

The governor shall appoint the director of the department, subject to confirmation by the senate. The director shall serve at the pleasure of the governor. The director is exempt from chapter 19A. The governor shall set the salary of the director within the range established by the general assembly.

The director shall possess education and experience in public health.

Sec. 1103. Section 135.6, Code 1985, is amended to read as follows:

135.6 ASSISTANTS AND EMPLOYEES.

The ~~commissioner~~ director shall employ such assistants and employees as may be authorized by law, and the persons thus appointed shall perform such duties as may be assigned to them by the commissioner, but the head of the division of examinations and licenses shall not be a person who has been licensed to practice any of the professions for which a license must be obtained from the department to practice the same in this state director.

Sec. 1104. Section 135.11, Code 1985, is amended to read as follows:

135.11 POWERS AND DUTIES.

The ~~commissioner~~ director of public health shall be the head of the "State Iowa Department of Public Health", which shall:

1. Exercise general supervision over the public health, promote public hygiene and sanitation, prevent substance abuse and unless otherwise provided, enforce the laws relating to the same.

2. Conduct campaigns for the education of the people in hygiene and sanitation.

3. Issue monthly health bulletins containing fundamental health principles and other health data deemed of public interest.

4. Make investigations and surveys in respect to the causes of disease and epidemics, and the effect of locality, employment, and living conditions upon the public health. For this purpose the department may use the services of the experts connected with the state hygienic laboratory at the state University of Iowa.

5. Make inspections of the sanitary conditions in the educational, charitable, correctional, and penal institutions in the state. However, the secretary of agriculture shall make inspections for sanitation of the areas where food is prepared or served in the adult penal and correctional facilities and the juvenile facilities as provided in section 159.5, subsection 14.

6. Make inspections of the sanitary conditions in any locality of the state upon written petition of five or more citizens from said locality, and issue directions for the improvement of the same, which shall be executed by the local board.

7. Establish, publish, and enforce a code of rules governing the installation of plumbing in cities and amend the same when deemed necessary in the manner prescribed in section 135.12.

8. Exercise general supervision over the administration of the housing law and give aid to the local authorities in the enforcement of the same, and it shall institute in the name of the state such legal proceedings as may be necessary in the enforcement of said law.

9. Establish stations throughout the state for the distribution of antitoxins and vaccines to physicians, druggists, and other persons, at cost. All antitoxin and vaccine thus distributed shall be labeled "Iowa State Department of Public Health."

10. Exercise general supervision over the administration and enforcement of the venereal disease law, chapter 140.

11. Exercise sole jurisdiction over the disposal and transportation of the dead bodies of human beings and prescribe the methods to be used in preparing such bodies for disposal and transportation.

12. Exercise general supervision over the administration and enforcement of the vital statistics law, chapter 144.

13. Enforce the law relative to the "Practice of Certain Professions Affecting the Public Health," Title VIII.

14. Establish and maintain such divisions in the department as are necessary for the proper enforcement of the laws administered by it, including a division of contagious and infectious diseases, a division of venereal diseases, a division of housing, a division of sanitary engineering, and a division of vital statistics, and a division of examinations and licenses; but the various services of the department shall be so consolidated as to eliminate unnecessary personnel and make possible the carrying on of the functions of the department under the most economical methods.

15 13. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of this title and chapter 125 and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

16 14. Establish standards for, issue permits, and exercise control over the distribution of venereal disease prophylactics distributed by methods not under the direct supervision of a physician licensed under chapter 148, 150 or 150A, or a pharmacist licensed under chapter 147. Any person selling, offering for sale, or giving away any venereal disease prophylactics in violation of the standards established by the department shall be fined not exceeding five hundred dollars, and the department shall revoke their permit.

17 15. Administer the statewide public health nursing and homemaker-home health aide programs by approving grants of state funds to the local boards of health and the county boards of supervisors and by providing guidelines for the approval of the grants and allocation of the state funds.

18 16. Establish, publish, and enforce rules not inconsistent with the law as necessary to obtain from persons licensed or regulated by the department the data required pursuant to section 145.3 by the state health data commission.

17. Administer chapters 125, 135A, 135B, 135C, 135D, 136A, 136C, 139, 140, 142, 144, and 147A.

18. Issue an annual report to the governor by October 1 of each year.

19. Administer the statewide maternal and child health program and the crippled children's program by conducting mobile and regional child health specialty clinics and conducting other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential handicapping conditions and chronic illnesses in accordance with the requirements of Title V of the Social Security Act.

Sec. 1105. NEW SECTION. 135.11A PROFESSIONAL LICENSURE DIVISION.

There shall be a professional licensure division within the department of public health. Each board of examiners specified under chapter 147 or under the administrative authority of the department, except the state board of nursing, state board of medical examiners, state board of dental examiners, and state board of pharmacy examiners, shall receive administrative and clerical support from the division and may not employ its own support staff for administrative and clerical duties.

Sec. 1106. Section 135.15, Code 1985, is amended to read as follows:

135.15 PLUMBING CODE FUND.

Cities licensing plumbers shall pay to the treasurer of state one dollar for each license issued and twenty-five cents for each renewal thereof. The fee so received shall be kept by the treasurer of the state in a separate fund to be known as the plumbing code fund. Such fund shall be used in paying the claims arising under section 135.14 and in paying the cost of printing the code of rules governing the installation of plumbing, plumbers' license and application blanks.

Sec. 1107. NEW SECTION. 135.31 LOCATION OF BOARDS.

The offices for the state board of medical examiners, the state board of pharmacy examiners, the state board of nursing examiners, and the state board of dental examiners shall be located within the department of public health. The individual boards shall have policymaking and rulemaking authority.

Sec. 1108. Section 135.39, Code 1985, is amended to read as follows:

135.39 FEDERAL AID.

The state department of public health is hereby authorized to accept financial aid from the government of the United States for the purpose of assisting in carrying on public health work or substance abuse responsibility in the state of Iowa.

Sec. 1109. Section 135.62, subsection 2, paragraph c, Code 1985, is amended to read as follows:

c. MEETINGS. The council shall hold an organizational meeting in July of each odd-numbered year, or as soon thereafter as the new appointee or appointees are confirmed and have qualified. Other meetings shall be held at least once each month, and may be held more frequently if necessary to enable the council to expeditiously discharge its duties. Meeting dates shall be set upon adjournment or by call of the chairperson upon five days' notice to the other members. Each member of the council shall receive a salary as fixed by the general assembly and an annual salary of three thousand dollars and reimbursement for necessary travel and actual expenses while engaged in official duties.

Sec. 1110. Section 135.63, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. This division shall not be construed to be applicable to a health care facility operated by and for the exclusive use of members of a religious order, which does not admit more than two individuals to the facility from the general public, and which was in operation prior to the effective date of this Act. However, this division is applicable to such a facility if the facility is involved in the offering or developing of a new or changed institutional health service on or after the effective date of this Act.

Sec. 1111. Section 135.91, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The hospice program shall meet the criteria pursuant to section 135.95 before a license is issued. The department of inspections and appeals is responsible to provide the necessary personnel to inspect the hospice program, the home care and inpatient care provided and the hospital or facility used by the hospice to determine if the hospice complies with necessary standards before a license is issued. Hospices that are certified as medicare hospice providers by the department of inspections and appeals or are accredited as hospices by the joint commission for accreditation of hospitals, shall be licensed without inspection by the department of inspections and appeals.

Sec. 1112. Section 135.94, Code 1985, is amended to read as follows:

135.94 INSPECTION.

The department of audits and appeals shall make or be responsible for inspections of the hospice program, the home care and the inpatient care provided in the hospice program, and the hospital or facility before a license is issued. The department of audits and appeals shall inspect the hospice program periodically after initial inspection.

Sec. 1113. Section 135C.6, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A health care facility operated by and for the exclusive use of members of a religious order, which does not admit more than two individuals to the facility from the general public, may be operated without obtaining a license under this chapter and shall not be deemed to be licensed by the state.

Sec. 1114. Section 135D.1, subsection 2, unnumbered paragraph 3, Code 1985, is amended to read as follows:

A mobile home park must be classified as to whether it is a residential mobile home park or a recreational mobile park or both. Sections 135D.14 and 135D.15 shall apply only to recreational mobile home parks. The mobile home park residential landlord tenant Act shall only apply applies to residential mobile home parks.

Sec. 1115. Section 135D.24, subsection 3, Code Supplement 1985, is amended to read as follows:

3. Each mobile home park licensee owner shall notify monthly the county treasurer concerning any mobile home or manufactured home arriving in or departing from the park

without a tax clearance statement. The records of the licensee owner shall be open to inspection by a duly authorized representative of any law enforcement agency. Any property owner, manager or tenant shall report to the county treasurer mobile homes parked upon any property owned, managed, or rented by that person.

Sec. 1116. Section 331.304, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A county shall not adopt or enforce any ordinance imposing any registration or licensing system or registration or license fees for owner-occupied mobile homes including the lots or lands upon which they are located. A county shall not adopt or enforce any ordinance imposing any registration or licensing system, or registration or license fees, or safety or sanitary standards for rental mobile homes unless similar registration or licensing system, or registration or license fees, or safety or sanitary standards are required for other rental properties intended for human habitation. This subsection does not preclude the investigation and abatement of a nuisance or the enforcement of a tiedown system, or the enforcement of any regulations of the state or local board of health if those regulations apply to other rental properties or to owner-occupied housing intended for human habitation.

Sec. 1117. Section 331.756, subsection 28, Code 1985, is amended by striking the subsection.

Sec. 1118. Section 364.3, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A city shall not adopt or enforce any ordinance imposing any registration or licensing system or registration or license fees for owner-occupied mobile homes including the lots or lands upon which they are located. A city shall not adopt or enforce any ordinance imposing any registration or licensing system, or registration or license fees, or safety or sanitary standards for rental mobile homes unless similar registration or licensing system, or registration or license fees, or safety or sanitary standards are required for other rental properties intended for human habitation. This subsection does not preclude the investigation and abatement of a nuisance or the enforcement of a tiedown system, or the enforcement of any regulations of the state or local board of health if those regulations apply to other rental properties or to owner-occupied housing intended for human habitation.

Sec. 1119. Section 136.1, Code 1985, is amended to read as follows:

136.1 COMPOSITION OF BOARD.

The state board of health shall consist of the following members: Nine ~~Five~~ members learned in health-related disciplines and four ~~members representing the general public~~.

The ~~commissioner~~ director of public health shall serve as secretary of the board.

Sec. 1120. Section 136.3, subsection 7, Code 1985, is amended to read as follows:

7. Adopt, promulgate, amend, and repeal rules and regulations consistent with law for the protection of the public health and prevention of substance abuse, and for the guidance of the department. All rules which have been or are hereafter adopted by the department shall be subject to approval by the board. However, rules adopted by the commission on substance abuse for section 125.7, subsections 1 and 7 are not subject to approval by the board of health.

Sec. 1121. Section 136.9, Code 1985, is amended to read as follows:

136.9 COMPENSATION AND EXPENSES.

The members of the board shall be ~~paid a forty-dollar per diem and shall be reimbursed for actual and necessary~~ expenses for each day employed in the discharge of their duties. All ~~per diem and~~ expense moneys paid to the members shall be paid from funds appropriated to the state department of public health. Each member of the board may also be eligible to receive compensation as provided in section 7E.3.

Sec. 1122. Section 125.2, subsections 4 and 6, Code 1985, are amended to read as follows:

4. "Department" means the Iowa department of substance abuse public health.

6. "Director" means the director of the Iowa department of substance abuse public health.

Sec. 1123. Section 125.3, Code 1985, is amended to read as follows:

125.3 ESTABLISHED.

There is established the The Iowa department of substance abuse public health shall include a program which shall develop, implement and administer a comprehensive substance abuse program pursuant to sections 125.1 to 125.43. There is established within the department a A commission on substance abuse is created to establish certain policies governing the performance of the department in the discharge of duties imposed on it by this chapter and advise the department on other policies. The commission shall consist of nine members appointed by the governor. Appointments shall be made on the basis of interest in and knowledge of substance abuse, however two of the members shall be persons who, in their regular work, have direct contact with substance abuse clients. Only eligible electors of the state of Iowa shall be appointed.

Sec. 1124. Section 125.5, Code 1985, is amended to read as follows:

125.5 MEETINGS.

The commission shall organize annually and shall select from its membership a chairperson and a vice chairperson. The commission shall meet at least ~~six~~ four times a year. Other meetings shall be called by the chairperson or upon written request of a majority of the members of the commission. The chairperson shall preside at all meetings or in the chairperson's absence the vice chairperson shall preside. Five members of the commission shall constitute a quorum but the concurrence of a majority of the commission shall be required to determine any matter relating to its duties.

Sec. 1125. Section 125.6, Code 1985, is amended to read as follows:

125.6 COMPENSATION.

Each member of the commission on substance abuse shall receive forty dollars per day for each day spent in performance of the duties of the commission. Each member shall also receive actual necessary expenses incurred in the performance of the member's duties. Each member of the commission may also be eligible to receive compensation as provided in section 7E.3.

Sec. 1126. Section 125.7, Code 1985, is amended to read as follows:

125.7 DUTIES OF THE COMMISSION.

The commission shall:

~~1. Act as the sole agency to allocate state, federal, and private funds which are appropriated or granted to, or solicited by the department.~~

~~2 1. Approve the comprehensive substance abuse program, and the funding therefor, developed by the department pursuant to sections 125.1 to 125.43.~~

~~3 2. Establish Advise the department on policies governing the performance of the department in the discharge of any duties imposed on it by law.~~

~~4 3. Establish policies governing the performance of the director in the discharge of the director's duties regarding subsections 1 and 7.~~

~~5 4. Advise or make recommendations to the governor and the general assembly relative to substance abuse treatment, intervention and education and prevention programs in this state.~~

~~6 5. Promulgate rules for subsections 1 and 7 and review other rules necessary to carry out the provisions of this chapter, subject to review in accordance with the provisions of chapter 17A.~~

~~7 6. Investigate the work of the department relating to substance abuse, and for this purpose it shall have access at any time to all books, papers, documents and records of the department.~~

~~8. Submit to the governor and the general assembly an annual report covering the activities of the department.~~

9 7. Consider and approve or disapprove all applications for a license and all cases involving the renewal, denial, suspension or revocation of a license.

8. Act as the appeal board regarding funding decisions made by the department.

Sec. 1127. Section 125.8, Code 1985, is amended to read as follows:

125.8 DEPUTY DIRECTOR APPOINTED DUTY.

The director of the department shall be appointed by the governor for a four-year term beginning and ending as provided in section 69.19 subject to confirmation by the senate. The director shall be a qualified person who has training or experience in handling substance abuse problems and the ability to organize and otherwise supervise delivery systems providing treatment, intervention and education and prevention services to persons suffering from substance abuse problems. The deputy director shall serve as secretary to the commission.

Sec. 1128. Section 125.9, subsection 3, Code 1985, is amended to read as follows:

3. Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to co-operate with the federal government or any of its agencies and the commission department in making an application for any grant.

Sec. 1129. Section 125.12, subsections 1, 4, and 7, Code 1985, are amended to read as follows:

1. The commission shall establish review a comprehensive and co-ordinated program for the treatment of substance abusers and intoxicated persons. Subject to the approval review of the commission, the director shall divide the state into appropriate regions for the conduct of the program and establish standards for the development of the program on the regional level. In establishing the regions, consideration shall be given to city and county lines, population concentrations and existing substance abuse treatment services. In determining the regions, the director shall not be required to follow the regional map as prepared by the former office for planning and programming.

4. The director shall maintain, supervise and control all facilities operated by the director pursuant to this chapter. The administrator of each facility shall make a report of the activities of the facility to the commission in the form and manner the commission specifies.

7. The director may contract for the use of a facility if the director, subject to the policies of the commission and pursuant to section 125.44, considers this to be an effective and economical course to follow.

Sec. 1130. Section 125.15, Code 1985, is amended to read as follows:

125.15 INSPECTION OF LICENSEES.

The department shall at least annually inspect the facilities and review the procedures utilized by each licensed program. The examination and review may include case record audits and interviews with staff and patients, consistent with the confidentiality safeguards of state and federal law.

Sec. 1131. Section 125.18, Code 1985, is amended to read as follows:

125.18 HEARING BEFORE COMMISSION.

If a licensee under this chapter makes a written request for a hearing within thirty days of suspension, revocation or refusal to renew a license, a hearing before the commission shall be expeditiously arranged by the department of audits and appeals whose decision is subject to review by the commission. If the role of a commission member is inconsistent with the member's job role or function, or if any commission member feels unable for any reason to disinterestedly weigh the merits of the case before the commission, the member shall not participate in the hearing and shall not be entitled to vote on the case. The commission shall issue a written statement of its findings within thirty days after conclusion of the hearing upholding

or reversing the proposed suspension, revocation or refusal to renew a license. ~~No action~~ Action involving suspension, revocation or refusal to renew a license shall not be taken by the commission unless a quorum of five of the nine members are is present at the meeting. A copy of the decision shall be promptly transmitted to the affected licensee who may, if aggrieved by the decision, seek judicial review of the actions of the commission in accordance with the terms of the Iowa administrative procedure Act chapter 17A.

Sec. 1132. Section 125.20, Code 1985, is amended to read as follows:
125.20 RULES.

The ~~commission~~ department shall establish rules pursuant to chapter 17A requiring facilities to use reasonable accounting and reimbursement systems which recognize relevant cost-related factors for substance abuse patients. A facility shall not be licensed nor shall any payment be made under this chapter to a facility which fails to comply with those rules or which does not permit inspection by the department or examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the ~~commission~~ department deems relevant to the establishment of such a system. However, rules issued pursuant to this paragraph shall not apply to any facility referred to in section 125.13, subsection 2 or section 125.43.

Sec. 1133. Section 125.25, Code 1985, is amended to read as follows:
125.25 APPROVAL OF FACILITY BUDGET.

1. Before making any allocation of funds to a local substance abuse program, the ~~commission on substance abuse~~ department shall require the following to be submitted for each program:

a. A detailed line item budget clearly indicating the funds received from each revenue source for the fiscal year for which the funds are requested on forms provided by the department of substance abuse.

b. A certified statement from the auditor of each county participating in the program as to the amount of county resources committed to the program for the fiscal year for which the funds are requested.

2. The ~~commission~~ department shall adopt rules governing the approval of line item budgets for the operation of facilities. The rules shall include provisions for the approval of a facility's budget by the counties funding the facility and by the department. The rules shall also include provisions for appeal to the commission by any county which disagrees with the amount of a facility's budget approved by the department.

Sec. 1134. Section 125.32, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The ~~commission~~ department shall adopt and may amend and repeal rules for acceptance of persons into the treatment program, subject to ~~the provisions of~~ chapter 17A, considering available treatment resources and facilities, for the purpose of early and effective treatment of substance abusers and intoxicated persons. In establishing the rules the ~~commission~~ department shall be guided by the following standards:

Sec. 1135. Section 125.33, subsection 2, Code 1985, is amended to read as follows:

2. Subject to rules adopted by the ~~commission~~ department, the administrator in charge of a facility may determine who shall be admitted for treatment or rehabilitation. If a person is refused admission, the administrator, subject to rules adopted by the ~~commission~~ department, shall refer the person to another facility for treatment if possible and appropriate.

Sec. 1136. Section 125.38, subsections 1 and 2, Code 1985, are amended to read as follows:

1. Subject to reasonable rules regarding hours of visitation which the ~~commission~~ department may adopt, a patient in a facility shall be granted an opportunity for adequate consultation with counsel, and for continuing contact with family and friends consistent with an effective treatment program.

2. Neither mail nor other communication to or from a patient in a facility may be intercepted, read or censored, except that the ~~commission~~ department may adopt reasonable rules regarding the use of telephones by patients in facilities and the delivery of chemical substances.

Sec. 1137. Section 125.44, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The director may, consistent with the comprehensive substance abuse program, enter into written agreements with a facility as defined in section 125.2 to pay for seventy-five percent of the cost of the care, maintenance and treatment of a substance abuser, except that the state's liability shall be one hundred percent of the total cost of care, maintenance and treatment when a substance abuser is a state patient. All payments for state patients shall be made in accordance with the limitations of this section. Such contracts shall be for a period of no more than one year. ~~The commission shall review and evaluate at least once each year all such agreements and determine whether or not they shall be continued.~~

Sec. 1138. Section 125.45, subsection 1, Code 1985, is amended to read as follows:

1. Except as provided in section 125.43, each county shall pay for the remaining twenty-five percent of the cost of the care, maintenance, and treatment under this chapter of residents of that county. ~~The commission department shall establish guidelines for use by the counties in estimating the amount of expense which the county will incur each year. The facility shall certify to the county of residence once each month twenty-five percent of the unpaid cost of the care, maintenance, and treatment of a substance abuser. However, the approval of the board of supervisors is required before payment is made by a county for costs incurred which exceed a total of five hundred dollars for one year for treatment provided to any one substance abuser, except that approval is not required for the cost of treatment provided to a substance abuser who is detained pursuant to section 125.91. A facility may, upon approval of the board of supervisors, submit to a county a billing for the aggregate amount of all care, maintenance, and treatment of substance abusers who are residents of that county for each month. The board of supervisors may demand an itemization of billings at any time or may audit them.~~

Sec. 1139. Section 135E.7, Code 1985, is amended to read as follows:

135E.7 ORGANIZATION OF BOARD.

The board shall elect from its membership a chairperson, vice chairperson, and secretary-treasurer, and shall adopt rules to govern its proceedings. ~~Members of the board shall set their own per diem compensation at a rate not exceeding forty dollars per day for each day actually engaged in the discharge of their duties receive reimbursement for actual expenses incurred in carrying out their duties. Each member of the board may also be eligible to receive compensation as provided in section 7E.3. The board shall hold at least one meeting per year at the seat of government. All members shall be allowed necessary travel expenses, as may be approved by the board, which shall be payable in the same manner as travel expenses of other state officials.~~

Sec. 1140. Section 135F.13, Code Supplement 1985, is amended to read as follows:

135F.13 ADVISORY COMMITTEE.

A respiratory care advisory committee is established to provide advice to the department regarding approval of continuing education programs and drafting of rules pursuant to section 135F.6.

The members of the advisory committee shall include two licensed physicians with recognized training and experience in respiratory care, two respiratory care practitioners, and one public member. Not more than a simple majority of the advisory committee shall be of one gender. Members shall be appointed by the governor, subject to confirmation by the senate, and shall serve three-year terms beginning and ending in accordance with section 69.19. ~~Members shall also be compensated for their actual and necessary expenses incurred in the performance of their duties. All per diem and expense Expense moneys paid to the members shall be paid from funds appropriated to the department. Each member of the committee may also be eligible to receive compensation as provided in section 7E.3.~~

Sec. 1141. Section 147.24, Code 1985, is amended to read as follows:

147.24 COMPENSATION.

Members of an examining board shall, in addition to necessary traveling and receive actual expenses, set their own per diem compensation at a rate not exceeding forty dollars per day for each day actually engaged in the discharge of their duties and for a reasonable number of days for the preparation of examination questions and the reading of papers, as a member of the examining board. Each member of each board may also be eligible to receive compensation as provided in section 7E.3. The funds shall be appropriated to the department and allocated to each examining board or funds appropriated to an examining board within the limits of funds.

Sec. 1142. Section 147A.1, subsections 6, 7, and 8, Code 1985, are amended to read as follows:

6. "Council" means the advanced emergency medical care council established by this chapter.

7 6. "Commissioner" "Director" means the commissioner director of the Iowa department of public health.

8 7. "Department" means the state Iowa department of public health.

Sec. 1143. Section 147A.4, Code 1985, is amended to read as follows:

147A.4 RULEMAKING AUTHORITY.

1. The department, with the advice and assistance of the council, shall promulgate adopt rules required or authorized by this chapter pertaining to the operation of ambulance services and rescue squad services which have received authorization under section 147A.5 to utilize the services of certified advanced EMTs or paramedics. These rules shall include, but need not be limited to, requirements concerning physician supervision, necessary equipment and staffing, and reporting by ambulance services and rescue squad services which have received the authorization pursuant to section 147A.5.

2. The board, with the advice and assistance of the council, shall promulgate adopt rules required or authorized by this chapter pertaining to the examination and certification of advanced EMTs and paramedics. These rules shall include, but need not be limited to, requirements concerning prerequisites, training, and experience for advanced EMTs and paramedics and procedures for determining when individuals have met these requirements.

The board shall establish the fee for the examination of the advanced EMTs and paramedics to cover the administrative costs of the examination program.

Sec. 1144. Section 147A.5, subsections 2 and 3, Code 1985, are amended to read as follows:

2. The department, with the advice and consent of the council, shall approve an application submitted in accordance with subsection 1 when the council department is satisfied that the program proposed by the application will be operated in compliance with this chapter and the rules adopted pursuant to this chapter.

3. The department may deny an application for authorization to establish a program utilizing the services of certified advanced EMTs or paramedics, or may place on probation, or suspend, or revoke existing authorization if the council department finds reason to believe the program has not been or will not be operated in compliance with this chapter and the rules adopted pursuant to this chapter, or that there is insufficient assurance of adequate protection for the public. The denial, or period of probation, suspension, or revocation shall be effected, and may be appealed as provided by section 17A.12.

Sec. 1145. Section 148C.5, Code Supplement 1985, is amended to read as follows:

148C.5 ADVISORY COMMITTEE CREATED.

There is established an An advisory committee on physicians' assistant programs is created 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 personnel programming, one physician, and one registered nurse. Each member of the committee shall receive a per diem and actual expenses within the limits prescribed by section 147.24. Each member of the committee may also be eligible to receive compensation as provided in section 7E.3. Per diem and expense Expense payments shall be made from the state board of medical examiners fund.

Sec. 1146. Section 154A.7, Code 1985, is amended to read as follows:

154A.7 MEETINGS AND EXPENSES.

The members of the board shall set their own per diem compensation at a rate not exceeding forty dollars per day for the time actually spent in traveling to and from, and attending duly authorized functions of the board and its committees, and shall receive all necessary traveling and incidental actual expenses incurred in the discharge of their duties within the limits of funds appropriated to the board. Each member of the board may also be eligible to receive compensation as provided in section 7E.3. The board shall meet at least one time per year at the seat of government and may hold additional meetings as deemed necessary. Additional meetings shall be held at the call of the chairperson or a majority of the members of the board. At any meeting of the board, a majority of the members shall constitute a quorum.

Sec. 1147. Section 154A.17, subsection 1, Code 1985, is amended to read as follows:

1. Per diem, Actual expenses, and travel and compensation of members of the board.

Sec. 1148. Sections 135.12, 135.13, 135.14, 135.37, 135D.2 through 135D.8, 135D.11 through 135D.17, 135D.19 through 135D.21, 147A.2, 147A.3, Code 1985, are repealed.

Sec. 1149. Notwithstanding section 136.1, the governor shall appoint one member to the state board of health representing the general public in 1987, two members representing the general public in 1988, and one member representing the general public in 1989.

Sec. 1150. Chapter 136B, Code 1985, is repealed.

**DEPARTMENT OF HUMAN RIGHTS
PART 1
ADMINISTRATION**

Sec. 1201. NEW SECTION. 601K.1 DEPARTMENT OF HUMAN RIGHTS.

A department of human rights is created, with the following divisions:

1. Division of Spanish-speaking people.
2. Division of children, youth, and families.
3. Division of the status of women.
4. Division of persons with disabilities.
5. Division of community action agencies.
6. Division of deaf services.
7. Division for the blind.

Sec. 1202. NEW SECTION. 601K.2 APPOINTMENT OF DEPARTMENT COORDINATOR AND ADMINISTRATORS.

The governor shall appoint a department coordinator of the department of human rights, subject to confirmation by the senate. The department coordinator shall serve at the pleasure of the governor. The department coordinator shall:

1. Approve personnel decisions for the department, as submitted by the commissions.
2. Receive budgets submitted by each commission and reconcile the budgets among the divisions. The department coordinator shall submit a budget for the department, subject to the budget requirements pursuant to chapter 8.

The governor shall appoint the administrators of each of the divisions subject to confirmation by the senate. Each administrator shall serve at the pleasure of the governor and is exempt from chapter 19A. The governor shall set the salary of the division directors within the ranges set by the general assembly.

Sec. 1203. NEW SECTION. 601K.3 HUMAN RIGHTS COUNCIL.

1. A human rights policy-coordinating council composed of seven members is created within the department of human rights. The council is composed of the administrators within the department.

2. The council shall meet periodically to:

a. Identify areas where the divisions within the department might coordinate efforts or share administrative or other support functions to provide greater efficiencies in operation including, but not limited to, accounting, recordkeeping, and administrative support functions.

b. Develop cooperative arrangements and shared services between the divisions to achieve greater efficiencies, and may establish contracts and agreements between or among the divisions to provide for shared services.

c. Transfer funds within the divisions agreeing to shared services for the implementation of the contracts or agreements between divisions.

d. Make recommendations to the governor and general assembly regarding additional consolidation and coordination that would require legislative action.

e. Advise the department coordinator regarding actions by and for the department.

Sec. 1204. NEW SECTION. 601K.4 DEFINITIONS.

For purposes of this chapter, unless the context otherwise requires:

1. "Department" means the department of human rights.

2. "Department coordinator" means the department coordinator of the department of human rights.

PART 2

DIVISION OF SPANISH-SPEAKING PEOPLE

Sec. 1205. NEW SECTION. 601K.20 DEFINITIONS.

For purposes of this part, unless the context otherwise requires:

1. "Commission" means the commission of Spanish-speaking people.

2. "Division" means the division of Spanish-speaking people of the department of human rights.

3. "Administrator" means the administrator of the division of Spanish-speaking people of the department of human rights.

Sec. 1206. NEW SECTION. 601K.21 COMMISSION CREATED — TERMS — COMPENSATION.

A commission of Spanish-speaking people which shall consist of nine members, appointed by the governor from a list of nominees submitted by the governor's Spanish-speaking peoples task force. The members of the commission shall be appointed during the month of June and shall serve for terms of two years commencing July 1 of each odd-numbered year. Members appointed shall continue to serve until their respective successors are appointed. Vacancies in the membership of the commission shall be filled by the original appointing authority and in the manner of the original appointments. Members shall receive actual expenses incurred while serving in their official capacity. Members may also be eligible to receive compensation as provided in section 7E.3.

Sec. 1207. NEW SECTION. 601K.22 ORGANIZATION.

The commission shall select from its membership a chairperson and other officers as it deems necessary and shall meet not less than six times a year. A majority of the members of the commission shall constitute a quorum.

Sec. 1208. NEW SECTION. 601K.23 COMMISSION EMPLOYEES.

The commission may employ personnel who shall be qualified by experience to assume the responsibilities of their several offices. The administrator shall be the administrative officer of the commission and shall serve the commission by gathering and disseminating information, forwarding proposals and evaluations to the governor, the general assembly, and state agencies, carrying out public education programs, conducting hearings and conferences, and performing other duties necessary for the proper operation of the commission. The administrator shall carry out programs and policies as determined by the commission.

Sec. 1209. NEW SECTION. 601K.24 DUTIES.

The commission shall:

1. Coordinate, assist, and cooperate with the efforts of state departments and agencies to serve the needs of Spanish-speaking persons in the fields of education, employment, health, housing, welfare, and recreation.
2. Develop, coordinate, and assist other public organizations which serve Spanish-speaking persons.
3. Evaluate existing programs and proposed legislation affecting Spanish-speaking persons, and propose new programs.
4. Stimulate public awareness of the problems of Spanish-speaking persons by conducting a program of public education and encouraging the governor and the general assembly to develop programs to deal with these problems.
5. Conduct training programs for Spanish-speaking persons to enable them to assume leadership positions on the community level.
6. Conduct a survey of the Spanish-speaking people in Iowa in order to ascertain their needs.
7. Work to establish a Spanish-speaking information center in the state of Iowa.
8. Pursuant to section 601K.2, be responsible for budgetary and personnel decisions for the commission and division.
9. Maintain information on the qualifications of Spanish language interpreters and maintain and provide a list of those deemed qualified to Iowa courts or administrative agencies, as requested.

Sec. 1210. NEW SECTION. 601K.25 POWERS.

The commission shall have all powers necessary to carry out the functions and duties specified in this division, including, but not limited to the power to establish advisory committees on special studies, to solicit and accept gifts and grants, adopt rules according to chapter 17A for the commission and division, and to contract with public and private groups to conduct its business. All departments, divisions, agencies and offices of the state shall make available upon request of the commission information which is pertinent to the subject matter of the study and which is not by law confidential.

Sec. 1211. NEW SECTION. 601K.26 REPORT.

The commission shall make a detailed report of its activities, studies, findings, conclusions and recommendations to the general assembly not later than February 15 of each odd-numbered year.

PART 3

DIVISION OF CHILDREN, YOUTH, AND FAMILIES

Sec. 1212. NEW SECTION. 601K.30 DEFINITIONS.

For purposes of this part, unless the context otherwise requires:

1. "Commission" means the commission on children, youth, and families.
2. "Division" means the division of children, youth, and families of the department of human rights.
3. "Administrator" means the administrator of the division of children, youth, and families of the department of human rights.

Sec. 1213. NEW SECTION. 601K.31 POLICY FOR CHILDREN, YOUTH, AND FAMILIES.

It is the policy of the state of Iowa to promote the best interests of children, youth, and families. To further this policy there is created a division of children, youth, and families and the commission on children, youth, and their families. The division of children, youth, and families shall:

1. Promote coordination of federal, state and local services by developing a plan to streamline delivery of services and making recommendations to the governor and general assembly by December 1 of each year.
2. Work with state agencies in an advisory capacity to help plan needed services for children, youth, and their families.
3. Provide the administrator, general assembly and governor with recommendations and information to improve services for children, youth, and their families by December 1 of each year.
4. Identify state and federal resources that can be used in local areas; and
5. Provide information to parents to assist and support them in their parenting roles.

The commission shall examine the following issues related to the cycle of dependency which some families have on services, including, but not limited to, child care, chemical dependency, child welfare, youth employment, parent education, health, and education.

Sec. 1214. NEW SECTION. 601K.32 COMMISSION ON CHILDREN, YOUTH, AND FAMILIES.

1. The commission on children, youth, and families is established.
2. The following persons or a designee are members of the commission:
 - a. The commissioner of the department of human services.
 - b. The director of the department of public health.
 - c. The commissioner of the department of education.
 - d. The director of the department of corrections.
3. The following members of the commission shall be appointed by the governor:
 - a. A member of a county board of supervisors.
 - b. A member of the board of directors of a school corporation.
 - c. One citizen, who shall be a professional family counselor.
 - d. Seven citizens who have expertise in the areas of child care, child welfare, youth employment, maternal and child health, chemical dependency, education, or law.
 - e. A person sixteen through eighteen years of age at the time of appointment.
4. The following shall be nonvoting members of the commission:
 - a. Two members of the senate, not more than one from any political party, appointed by the president of the senate.
 - b. Two members of the house of representatives, not more than one from any political party, appointed by the speaker of the house.
 - c. A district court judge appointed by the governor.
5. The members of the commission appointed by the governor shall be appointed to terms of four years beginning July 1. Legislative members shall be appointed to terms of two years beginning January 1 of odd-numbered years. However, members appointed under subsections 3 and 4 shall cease to be members if they no longer hold the office from which they were appointed. Not more than seven of the members appointed under subsection 3 shall belong to the same political party at the time of appointment. A person designated under subsection 2 is appointed for a term of four years beginning July 1 and must be an assistant director, or head of a division, section, or bureau of that agency whose function relates to children, youth, or families while serving on the commission. Vacancies shall be filled in the same manner as the original appointment. Not more than nine of the voting members of the commission shall be of the same gender.

Sec. 1215. NEW SECTION. 601K.33 MEETINGS AND OFFICERS.

The members of the commission shall appoint from the commission's voting membership a chairperson of the commission. The commission shall meet at regular intervals at least six times each year and may hold special meetings at the call of the chairperson or at the request of a majority of the voting members.

Sec. 1216. NEW SECTION. 601K.34 PURPOSE.

The purpose of the commission is to promote coordination of state, local and private programs, resources and services to meet the needs of children, youth, and families. The commission shall work to identify unmet needs and to develop a plan to meet those needs and to improve coordination of efforts. It shall serve as an advocate for Iowa's children, youth, and families to decision-making bodies and to the public. The commission shall make an annual report to the governor and general assembly by December 1 of its activities and legislative recommendations. The commission shall adopt rules pursuant to chapter 17A for the division and commission.

Sec. 1217. NEW SECTION. 601K.35 ADMINISTRATOR.

The administrator shall serve as executive officer of the commission and be exempt from chapter 19A. The administrator shall be responsible to the commission and, pursuant to section 601K.2, with the approval of the commission shall employ and supervise the commission's staff and be responsible for implementing policy set by the commission. The administrator shall carry out programs and policies as determined by the commission.

Sec. 1218. NEW SECTION. 601K.36 EXPENSES.

Members of the commission, while engaged in their official duties, shall be reimbursed for their actual expenses. Members may also be eligible to receive compensation as provided in section 7E.3.

Sec. 1219. NEW SECTION. 601K.37 GRANTS AND GIFTS RECEIVED.

The commission may receive federal funds or any grants or gifts on behalf of the state for the purposes within its jurisdiction. All federal funds, grants, and gifts shall be deposited with the state treasurer and used only for the purposes agreed upon as conditions for receipt of the funds, grants, or gifts.

Sec. 1220. NEW SECTION. 601K.38 RESPONSIBILITY.

Pursuant to section 601K.2, the commission shall have the responsibility of budgetary decisions for the commission and division.

PART 4

DIVISION OF THE STATUS OF WOMEN

Sec. 1221. NEW SECTION. 601K.40 DEFINITIONS.

For purposes of this part, unless the context otherwise requires:

1. "Commission" means the commission on the status of women.
2. "Division" means the division of the status of women of the department of human rights.
3. "Administrator" means the administrator of the division of the status of women of the department of human rights.

Sec. 1222. NEW SECTION. 601K.41 ESTABLISHMENT.

There is established a commission on the status of women to consist of twenty-four members, appointed by the governor and representing a cross section of the citizens of Iowa. No more than a simple majority of the commission shall be of the same political party. The members of the commission shall appoint one of the members to serve as chairperson of the commission.

Sec. 1223. NEW SECTION. 601K.42 TERM OF OFFICE.

One-half of the members appointed to the initial commission shall be designated by the governor to serve two-year terms, and one-half shall be designated by the governor to serve four-year terms. Succeeding appointments shall be for a term of four years. Vacancies in the membership shall be filled for the unexpired term in the same manner as the original appointment.

Sec. 1224. NEW SECTION. 601K.43 MEETINGS OF THE COMMISSION.

The commission shall meet at least four times each year, and shall hold special meetings on the call of the chairperson. The commission shall adopt rules pursuant to chapter 17A as it deems necessary for the commission and division. The members of the commission shall be reimbursed for actual expenses while engaged in their official duties. Members may also be eligible to receive compensation as provided in section 7E.3.

Sec. 1225. NEW SECTION. 601K.44 OBJECTIVES OF COMMISSION.

The commission shall study the changing needs and problems of the women of this state, and develop and recommend new programs and constructive action to the governor and the general assembly, including but not limited to, the following areas:

1. Public and private employment policies and practices.
2. Iowa labor laws.
3. Legal treatment relating to political and civil rights.
4. The family and the employed woman.
5. Expanded programs to help women as wives, mothers, and workers.
6. Women as citizen volunteers.
7. Education.

Sec. 1226. NEW SECTION. 601K.45 EMPLOYEES AND RESPONSIBILITY.

The commission shall employ other necessary employees. Pursuant to section 601K.2, the commission shall have responsibility for budgetary and personnel decisions for the commission and division. The administrator shall carry out programs and policies as determined by the commission.

Sec. 1227. NEW SECTION. 601K.46 DUTIES.

The commission shall:

1. Serve as a clearinghouse on programs and agencies operating to assist women.
2. Conduct conferences.
3. Cooperate with governmental agencies to assist them in equalizing opportunities between men and women in employment and in expanding women's rights and opportunities.
4. Serve as the central permanent agency for the development of services for women.
5. Cooperate with public and private agencies in joint efforts to study and resolve problems relating to the status of women.
6. Publish and disseminate information relating to women and develop other educational programs.
7. Provide assistance to organized efforts by communities, organizations, associations, and other groups working toward the improvement of women's status.

Sec. 1228. NEW SECTION. 601K.47 ADDITIONAL AUTHORITY.

The commission may:

1. Do all things necessary, proper, and expedient in accomplishing the duties listed in section 601K.46 and this section.

2. Hold hearings.

3. Enter into contracts, within the limit of funds made available, with individuals, organizations, and institutions for services furthering the objectives of the commission as listed in section 601K.44.

4. Seek advice and counsel of informed individuals, or any agricultural, industrial, professional, labor or trade association, or civic group in the accomplishment of the objectives of the commission.

5. Accept grants of money or property from the federal government or any other source, and may upon its own order use this money, property, or other resources to accomplish the objectives of the commission.

Sec. 1229. NEW SECTION. 601K.48 ACCESS TO INFORMATION.

The commission shall have access to all nonconfidential records, data, information, and statistics of all departments, boards, commissions, agencies, and institutions of this state, and upon terms which may be mutually agreed upon, have studies and research conducted.

Sec. 1230. NEW SECTION. 601K.49 ANNUAL REPORT.

Not later than February 1 of each year the commission shall file a report with the governor and the general assembly of its proceedings for the previous calendar year, and may submit with the report such recommendations pertaining to its affairs as it deems desirable, including recommendations for legislative consideration and other action it deems necessary.

PART 5

DIVISION OF PERSONS WITH DISABILITIES

Sec. 1231. NEW SECTION. 601K.70 DEFINITIONS.

For purposes of this part, unless the context otherwise requires:

1. "Commission" means the commission of persons with disabilities.
2. "Division" means the division of persons with disabilities of the department of human rights.
3. "Administrator" means the administrator of the division of persons with disabilities of the department of human rights.

Sec. 1232. NEW SECTION. 601K.71 COMMISSION ESTABLISHED.

There is hereby established a commission to be known as the "Commission of persons with disabilities".

Sec. 1233. NEW SECTION. 601K.72 EX OFFICIO MEMBERS.

The following or designee shall serve as ex officio members of the commission:

1. The director of public health.
2. The director of the department of human services and any directors of that department so assigned by the commissioner.
3. The director of the department of education.
4. The director of vocational rehabilitation.
5. The administrator of the division for the blind of the department of human rights.
6. The labor commissioner.
7. The industrial commissioner.
8. The job service commissioner.
9. The director of the department of personnel.

Sec. 1234. NEW SECTION. 601K.73 MEMBERSHIP.

The commission shall be composed of a minimum of twenty-four members appointed by the governor and additional members as the governor may appoint. Insofar as practicable, the commission shall consist of persons with disabilities, family members of persons with disabilities, representatives of industry, labor, business, agriculture, federal, state, and local government, and representatives of religious, charitable, fraternal, civic, educational, medical,

legal, veteran, welfare, and other professional groups and organizations. Members shall be appointed representing every geographic center and employment area of the state and shall include members of both sexes.

Sec. 1235. NEW SECTION. 601K.74 TERM.

Members of the commission appointed by the governor shall serve for a term of two years. Vacancies on the commission shall be filled for the remainder of the term of the original appointment. Members whose terms expire may be reappointed.

Sec. 1236. NEW SECTION. 601K.75 OFFICERS.

The members of the commission shall appoint a commission chairperson and a vice chairperson and such other officers as the commission deems necessary. Such officers shall serve until their successors are appointed and qualified. Members of the commission shall receive actual expenses for their services. Members may also be eligible to receive compensation as provided in section 7E.3. The commission shall adopt rules pursuant to chapter 17A for the commission and division.

Sec. 1237. NEW SECTION. 601K.76 DUTIES.

The commission shall:

1. Carry on a continuing program to promote the employment of persons with disabilities.
2. Cooperate with all public and private agencies interested in the employment of persons with disabilities.
3. Cooperate with all agencies responsible for or interested in the rehabilitation and placement of persons with disabilities.
4. Encourage the organization of committees at the community level and work closely with such committees in promoting the employment of persons with disabilities.
5. Assist in developing employer acceptance of qualified workers who are persons with disabilities.
6. Inform persons with disabilities of specific facilities available in seeking employment.
7. Conduct such educational programs as members deem necessary.
8. Report annually to the governor and general assembly on commission activities and submit any recommendations believed necessary in promoting the employment of persons with disabilities.
9. Pursuant to section 601K.2, be responsible for budgetary and personnel decisions for the commission and division.

Sec. 1238. NEW SECTION. 601K.77 ADMINISTRATOR.

The commission officers may designate the duties and obligations of the position of administrator. Any person so employed may be the employee of another agency of state government appointed with the consent of the executive officer of such agency. The officers may appoint such other personnel as may be necessary for the efficient performance of the duties prescribed by this part. The administrator shall carry out programs and policies as determined by the commission.

Sec. 1239. NEW SECTION. 601K.78 GIFTS, GRANTS, OR DONATIONS.

The commission may receive any gifts, grants, or donations made for any of the purposes of its program and to disburse and administer the same in accordance with the terms thereof.

PART 6
DIVISION OF COMMUNITY ACTION AGENCIES

Sec. 1240. NEW SECTION. 601K.80 DEFINITIONS.

For purposes of this part, unless the context otherwise requires:

1. "Community action agency" means a public agency or a private nonprofit agency which is authorized under its charter or bylaws to receive funds to administer community action programs and is designated by the governor to receive and administer the funds.

2. "Community action program" means a program conducted by a community action agency which includes projects to provide a range of services to improve the conditions of poverty in the area served by the community action agency.

3. "Administrator" means the administrator of the division of community action agencies of the department of human rights.

4. "Delegate agency" means a subgrantee or contractor selected by the community action agency.

5. "Division" means the division of community action agencies of the department of human rights.

Sec. 1241. NEW SECTION. 601K.81 DIRECTOR DUTIES.

The administrator shall:

1. Administer the division.
2. Implement programs required in the division.
3. Adopt rules pursuant to chapter 17A to administer the division.
4. Issue an annual report to the governor and general assembly on January 15 of each year.

Sec. 1242. NEW SECTION. 601K.82 ESTABLISHMENT OF COMMUNITY ACTION AGENCIES.

The division shall recognize and assist in the designation of certain community action agencies to assist in the delivery of community action programs. These programs shall include, but not be limited to, outreach, low-income energy assistance, and weatherization programs. If a community action agency is in effect and currently serving an area, that community action agency shall become the designated community action agency for that area. If there is not a designated community action agency in the area a city council or county board of supervisors or any combination of one or more councils or boards may establish a community action agency and may apply to the division for recognition. The council or board or the combination may adopt an ordinance or resolution establishing a community action agency if a community action agency has not been designated. It is the purpose of the division of economic opportunity to strengthen, supplement, and coordinate efforts to develop the full potential of each citizen by recognizing certain community action agencies and the continuation of certain community-based programs delivered by community action agencies.

Sec. 1243. NEW SECTION. 601K.83 COMMUNITY ACTION AGENCY BOARD.

1. A recognized community action agency shall be governed by a board of directors composed of at least fifteen members but not more than thirty-three members. The board membership shall be as follows:

a. One-third shall be persons who are currently on a city council or board of supervisors or designees of such persons.

b. One-third shall be persons who according to federal guidelines have incomes at or below poverty level and are elected by such persons, or are representatives elected by such persons.

c. One-third shall be persons who are members or representatives of businesses, industry, labor, religious, welfare, and educational organizations, or other major interest groups. The term of such person shall be not more than three years. Such person shall not serve more than two consecutive terms and shall be elected by a majority of the board members serving pursuant to paragraphs "a" and "b".

2. Notwithstanding subsection 1, a public agency shall establish an advisory board or may contract with a delegate agency to assist the governing board. The advisory board or delegate agency board shall be composed of the same type of membership as a board of directors for community action agencies under section 601K.84. However, the public agency acting as the community action agency shall determine annual program budget requests.

Sec. 1244. NEW SECTION. 601K.84 DUTIES OF BOARD.

1. The governing board, delegate agency board, or advisory board shall:

a. Provide for:

- (1) Comprehensive planning of the community action agency.

(2) Local needs assessment surveys conducted by the community action agency.

b. Approve overall program plans and priorities developed by the community action agency.

2. The governing board may:

a. Own, purchase, and dispose of property necessary for the operation of the community action agency.

b. Receive and administer funds and contributions from private or public sources which may be used to support community action programs.

c. Receive and administer funds from a federal or state assistance program pursuant to which a community action agency could serve as a grantee, a contractor, or a sponsor of a project appropriate for inclusion in a community action program.

Sec. 1245. NEW SECTION. 601K.85 DUTIES OF COMMUNITY ACTION AGENCY.

A community action agency or delegate agency shall:

1. Plan for a community action program by establishing priorities among projects, activities, and areas to provide for the most efficient use of possible resources.

2. Obtain and administer assistance from available sources on a common or cooperative basis, in an attempt to provide additional opportunities to low-income persons.

3. Establish effective procedures by which the concerned low-income persons and area residents may influence the community action programs affecting them by providing for methods of participation in the implementation of the community action programs and by providing technical support to assist persons to secure assistance available from public and private sources.

4. Encourage and support self-help, volunteer, business, labor, and other groups and organizations to assist public officials and agencies in supporting a community action program which results in the additional use of private resources while developing new employment opportunities, encouraging investments which have an impact on reducing poverty among the poor in areas of concentrated poverty, and providing methods by which low-income persons can work with private organizations, businesses, and institutions in seeking solutions to problems of common concern.

Sec. 1246. NEW SECTION. 601K.86 ADMINISTRATION.

A community action agency or a delegate agency may administer the components of a community action program when the program is consistent with plans and purposes and applicable law. The community action programs may be projects which are eligible for assistance from any source. The programs shall be developed to meet local needs and may be designed to meet eligibility standards of a federal or state program providing assistance to a plan to meet local needs.

Sec. 1247. NEW SECTION. 601K.87 AUDIT.

Each community action agency shall be audited annually but shall in no case be required to obtain a duplicate audit to meet the requirements of this section. In lieu of an audit by the auditor of state, the community action agency may contract with or employ a certified public accountant to conduct the audit, pursuant to the applicable terms and conditions prescribed by sections 11.18 and 11.19 and an audit format prescribed by the auditor of state. Copies of each audit shall be furnished to the division within three months following the annual audit.

Sec. 1248. NEW SECTION. 601K.88 ALLOCATION OF FINANCIAL ASSISTANCE.

The administrator shall provide financial assistance for community action agencies to implement community action programs, as permitted by the community service block grant, administer the low-income energy assistance block grants, department of energy funds for weatherization received in Iowa, and other possible funding sources.

If a political subdivision is the agency, the financial assistance shall be allocated to the political subdivision.

Sec. 1249. **NEW SECTION. 601K.89 REPORT TO GENERAL ASSEMBLY.**

The administrator shall report annually to the general assembly regarding the community action programs conducted within the state.

PART 7

DIVISION OF DEAF SERVICES

Sec. 1250. **NEW SECTION. 601K.90 DEFINITIONS.**

For purposes of this part, unless the context otherwise requires:

1. "Commission" means the commission on the deaf.
2. "Division" means the division of deaf services of the department of human rights.
3. "Administrator" means the administrator of the division of deaf services of the department of human rights.

Sec. 1251. **NEW SECTION. 601K.91 COMMISSION CREATED.**

A commission on the deaf is established, consisting of seven members appointed by the governor, subject to confirmation by the senate. Lists of nominees for appointment to membership on the commission shall be submitted by the Iowa association for the deaf, the Iowa school for the deaf, and the commission of persons with disabilities. At least four members shall be persons who cannot hear human speech with or without use of amplification. All members shall reside in Iowa. The members of the commission shall appoint the chairperson of the commission. A majority of the members of the commission shall constitute a quorum.

Terms of office are three years and shall begin and end pursuant to section 69.19. The commission shall adopt rules concerning programs and services for deaf persons.

Commission members shall be reimbursed for actual expenses incurred in performance of their duties. Members may also be eligible to receive compensation as provided in section 7E.3.

Sec. 1252. **NEW SECTION. 601K.92 COMMISSION EMPLOYEES.**

The commission may employ clerical staff who shall be qualified by experience to assume the responsibilities of the offices. The administrator shall be the administrative officer of the commission and shall be responsible for implementing policy set by the commission. The administrator shall carry out programs and policies as determined by the commission.

Sec. 1253. **NEW SECTION. 601K.93 DUTIES OF COMMISSION.**

The commission shall:

1. Interpret to communities and to interested persons the needs of the deaf and how their needs may be met through the use of resource workers.
2. Obtain without additional cost to the state available office space in public and private agencies which resource workers may utilize in carrying out service projects for deaf persons.
3. Establish service projects for deaf persons throughout the state. Projects shall not be undertaken by resource workers for compensation which would duplicate existing services when those services are available to deaf people through paid interpreters or other persons able to communicate with deaf people.

As used in this section, "service projects" includes interpretation services for persons who are deaf, referral and counseling services for deaf people in the areas of adult education, legal aid, employment, medical, finance, housing, recreation, and other personal assistance and social programs.

"Resource workers" are persons who, on a volunteer basis or for compensation, carry out service projects.

4. Identify agencies, both public and private, which provide community services, evaluate the extent to which they make services available to deaf people, and cooperate with the agencies in coordinating and extending these services.

5. Collect information concerning deafness and provide for the dissemination of the information.

6. Provide for the mutual exchange of ideas and information on services for deaf people between federal, state, and local governmental agencies and private organizations and individuals.

7. Pursuant to section 601K.2, be responsible for budgeting and personnel decisions for the commission and division.

Sec. 1254. NEW SECTION. 601K.94 POWERS.

The commission shall have all powers necessary to carry out the functions and duties specified in this division, including, but not limited to the power to establish advisory committees on special studies, to solicit and accept gifts and grants, to adopt rules according to chapter 17A for the commission and division, and to contract with public and private groups to conduct its business. All departments, divisions, agencies, and offices of the state shall make available upon request of the commission information which is pertinent to the subject matter of the study and which is not by law confidential.

Sec. 1255. NEW SECTION. 601K.95 REPORT.

The commission shall make a detailed report of its activities, studies, conclusions, and recommendations to the general assembly not later than February 15 of each odd-numbered year.

**PART 8
DIVISION FOR THE BLIND**

Sec. 1256. NEW SECTION. 601K.100 DEFINITIONS.

For purposes of this part, unless the context otherwise requires:

1. "Commission" means the commission for the blind.
2. "Division" means the division for the blind of the department of human rights.
3. "Administrator" means the administrator of the division for the blind of the department of human rights.

Sec. 1257. NEW SECTION. 601K.101 COMMISSION CREATED.

The commission for the blind is established consisting of three members appointed by the governor, subject to confirmation by the senate. Members of the commission shall serve three-year terms beginning and ending as provided in section 69.19. The commission shall adopt rules concerning programs and services for blind persons provided under this division.

Commission members shall be reimbursed for actual expenses incurred in performance of their duties. Members may also be eligible to receive compensation as provided in section 7E.3. The members of the commission shall appoint officers for the commission. A majority of the members of the commission shall constitute a quorum.

Sec. 1258. NEW SECTION. 601K.103 FEDERAL AID.

The administrator may accept financial aid from the government of the United States for carrying out rehabilitation and physical restoration of the blind and for providing library services to the blind and physically handicapped.

A contribution or grant shall not be accepted if a condition is attached to it for its use or administration other than that it be used for assistance to the blind.

Sec. 1259. NEW SECTION. 601K.104 COMMISSION EMPLOYEES.

The commission may employ staff who shall be qualified by experience to assume the responsibilities of the offices. The administrator shall be the administrative officer of the commission and shall be responsible for implementing policy set by the commission. The administrator shall carry out programs and policies as determined by the commission.

Sec. 1260. NEW SECTION. 601K.105 POWERS.

The commission shall have all powers necessary to carry out the functions and duties specified in this division, including, but not limited to the power to establish advisory committees on special studies, to solicit and accept gifts and grants, to adopt rules according to chapter 17A for the commission and division, and to contract with public and private groups to conduct its business. All departments, divisions, agencies, and offices of the state shall make available upon request of the commission information which is pertinent to the subject matter of the study and which is not by law confidential.

Sec. 1261. NEW SECTION. 601K.106 REPORT.

The commission shall make a detailed report of its activities, studies, conclusions and recommendations to the general assembly not later than February 15 of each odd-numbered year.

Sec. 1262. NEW SECTION. 601K.107 REPEAL.

This chapter is repealed effective July 1, 1987.

Sec. 1263. NEW SECTION. 601D.10 USE OF HEARING DOG.

A deaf person has the right to be accompanied by a hearing dog, under control and especially trained at a recognized training facility to assist the deaf by responding to sound, in any place listed in sections 601D.3 and 601D.4 without being required to make additional payment for the hearing dog. A landlord shall waive lease restrictions on the keeping of dogs for a deaf person with a hearing dog. The deaf person is liable for damage done to any premise or facility by a hearing dog.

A person who denies or interferes with the right of a deaf person under this section is, upon conviction, guilty of a simple misdemeanor.

Sec. 1264. Sections 7A.21 through 7A.28, Code 1985, are repealed.

Sec. 1265. Chapters 16, 601, 601F, 237B, 601B, and 601I, Code 1985 and Code Supplement 1985, are repealed.

DEPARTMENT OF CULTURAL AFFAIRS

Sec. 1301. NEW SECTION. 303.1A DEPARTMENT OF CULTURAL AFFAIRS.

1. The department of cultural affairs is created. The department is under the control of a director who shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor. The salary of the director shall be set by the governor within a range set by the general assembly.

2. The department has primary responsibility for development of the state's interest in the areas of the arts, history, libraries, and other cultural matters. In fulfilling this responsibility, the department will be advised and assisted by the state library commission, the state historical society and its board of trustees, the Iowa arts council, the Terrace Hill commission, and the Iowa public broadcasting board.

The department shall:

a. Develop a comprehensive, co-ordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

b. Stimulate and encourage educational radio and television and other educational communications services as necessary to aid in accomplishing the educational objectives of the state.

c. Stimulate and encourage throughout the state the study and presentation of the performing and fine arts and public interest and participation in them.

d. Implement tourism-related art and history projects as directed by the general assembly.

e. Design a comprehensive, statewide, long-range plan with the assistance of the Iowa arts council to develop the arts in Iowa. The department is designated as the state agency for carrying out the plan.

- f. Meet the informational needs of the three branches of state government.
- g. Provide for the improvement of library services to all Iowa citizens and foster development and cooperation among libraries.
- h. Establish a program of grants to cities and community groups for the development of community programs that provide local jobs for Iowa residents and at the same time promote a city's historical, ethnic, and cultural heritages through the development of festivals, music, drama, or cultural programs, or tourist attractions.

At least twenty-five percent of the funds appropriated for this program shall be used for the purpose of developing community programs eligible for grants under this subsection which were not in existence prior to the due date of grant applications each year.

A city or community group may submit applications to the administrator. Applications shall be reviewed by the arts council, the state historical society board, and the department of economic development, acting as an advisory committee to the department. The advisory committee shall submit recommendations to the director or designee regarding possible recipients and grant amounts.

The amount of a grant shall not exceed fifty percent of the cost of the community program and the application must demonstrate that the city or community group will provide the required matching money. In lieu of providing the entire match in money, a city or community group may substitute in-kind services for up to fifty percent of the matching requirement.

- 3. The department shall consist of the following:
 - a. Historical division.
 - b. Library division.
 - c. Arts division.
 - d. Public broadcasting division.
 - e. Other divisions created by rule.
 - f. Administrative section.
- 4. The director may create, combine, eliminate, alter or reorganize the organization of the department by rule except for those matters prescribed by sections 303.75 through 303.83.
- 5. The department by rule may establish advisory groups necessary for the receipt of federal funds or grants or the administration of any of the department's programs.
- 6. The divisions shall be administered by administrators who shall be appointed by the director and serve at the director's pleasure. However, the administrator of the public broadcasting division shall be appointed by and serve at the pleasure of the public broadcasting board and the administrator of the library division shall be appointed by and serve at the pleasure of the library commission. The administrators shall:
 - a. Organize the activities of the division.
 - b. Submit a biennial report to the governor on the activities and an evaluation of the division and its programs and policies.
 - c. Control all property of the division.
 - d. Perform other duties imposed by law.

Sec. 1302. NEW SECTION. 303.1B DIRECTOR'S DUTIES.

Except for those matters prescribed by sections 303.75 through 303.83, the director shall:

- 1. Adopt rules that are necessary for the effective administration of the department.
- 2. Direct and administer the programs and services of the department.
- 3. Prepare the departmental budget request by September first of each year on the forms furnished, and including the information required by the office of management.
- 4. Accept, receive, and administer grants or other funds or gifts from public or private agencies including the federal government for the various divisions and the department.
- 5. Appoint and approve the technical, professional, secretarial, and clerical staff necessary to accomplish the purposes of the department subject to chapter 19A.

The director may appoint a member of the staff to be acting director who shall have the powers delegated by the director, in the director's absence.

The director may delegate the powers and duties of that office to the administrators. The director is not liable for the activities of the division of public broadcasting.

Sec. 1303. NEW SECTION. 303.1C DIVISION RESPONSIBILITIES.

1. The administrative services section shall provide administrative, accounting, public relations and clerical services for the department, report to the director and perform other duties assigned to it by the director, except for those matters prescribed by sections 303.75 through 303.83. The administrative services section may provide services to the public broadcasting division.

2. The historical division shall:

a. Administer and care for historical sites under the authority of the division, and maintain collections within these buildings.

Except for the state board of regents, a state agency which owns, manages, or administers a historical site must enter into an agreement with the department of cultural affairs under chapter 28E to insure the proper management, maintenance, and development of the site. For the purposes of this section, "historical site" is defined as any district, site, building, or structure listed on the national register of historic sites or identified as eligible for such status by the state historic preservation officer or that is identified according to established criteria by the state historic preservation officer as significant in national, state, and local history, architecture, engineering, archaeology, or culture.

b. Encourage and assist local county and state organizations and museums devoted to historical purposes.

c. Develop standards and criteria for the acquisition of historic properties and for the preservation, restoration, maintenance, operation, and interpretation of properties under the jurisdiction of the division. The administrator of the division shall serve as the state historic preservation officer, certified by the governor, pursuant to federal requirements.

d. Administer the archives of the state as defined in section 303.12.

e. Identify and document historic properties.

f. Prepare and maintain a state register of historic places, including those listed on the national register of historic places.

g. Conduct historic preservation activities pursuant to federal and state requirements.

h. Publish matters of historical value to the public, and pursue historical, architectural, and archaeological research and development which may include but are not limited to continuing surveys, excavation, scientific recording, interpretation, and publication of the historical, architectural, archaeological, and cultural sites, buildings, and structures in the state.

3. The library division:

a. May enter into interstate library compacts on behalf of the state of Iowa with any state which legally joins in the compacts as provided in section 303A.8.

b. Shall determine policy for providing information service to the three branches of state government and to the legal and medical communities in this state.

c. Shall coordinate a statewide interregional interlibrary loan and information network among libraries in this state and support activities which increase cooperation among all types of libraries.

d. Shall establish and administer a program for the collection and distribution of state publications to depository libraries.

e. Shall develop and adopt, in conjunction with the Iowa regional library system, long-range plans for the continued improvement of library services in the state. To insure that the concerns of all types of libraries are addressed, the division shall establish a long-range planning committee to review and evaluate progress and report findings and recommendations to the division and to the trustees of the Iowa regional library system at an annual meeting.

f. Shall develop in cooperation with the Iowa regional library system an annual plan of service for the Iowa regional library system and its individual members to insure consistency with the state long-range plan.

g. Shall establish and administer a statewide continuing education program for librarians and trustees.

h. Shall give to libraries advice and counsel in specialized areas which may include, but are not limited to, building construction and space utilization, children's services, and technological developments.

i. Shall obtain from libraries reports showing the condition, growth, and development of services provided and disseminate this information in a timely manner to the citizens of Iowa.

j. Shall establish and administer certification guidelines for librarians not covered by other accrediting agencies.

4. The arts division shall:

a. Make surveys as deemed advisable of existing artistic and cultural programs and activities within the state, including but not limited to music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts.

b. Administer the program of agreements for indemnification by the state in the event of loss of or damage to special exhibit items established by sections 304A.21 through 304A.30.

c. Submit a report to the governor and to the general assembly not later than ten calendar days following the commencement of each first session of the general assembly concerning the studies undertaken during the biennium and recommending legislation and other action as necessary for the implementation and enforcement of this article.

Sec. 1304. **NEW SECTION. 303.1D INTRADEPARTMENTAL ADVISORY COUNCIL.**

1. The cultural affairs department intradepartmental advisory council is created. The council shall consist of the following:

a. The chairpersons of the historical society board of trustees, the library commission, arts council and public broadcasting board.

b. Two members of the public and a professional historian, professional librarian, and professional artist appointed by the governor.

2. The appointments made under paragraph "b" of subsection 1 shall be for terms of four years, except that two of the initial terms shall be for two years. Not more than three of the members appointed under paragraph "b" of subsection 1 shall be of the same political party.

3. The council shall advise the director of the department on its operations.

Sec. 1305. Section 303.1, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

303.1 STATE HISTORICAL SOCIETY OF IOWA — BOARD OF TRUSTEES.

A state historical society board of trustees is established consisting of seven members selected as follows:

1. Three members shall be elected by the members of the state historical society according to rules established by the board of trustees.

2. Four members shall be appointed by the governor, two of whom shall be professional historians or archaeologists on the faculty of a college or university in the state.

The term of office of members of the board of trustees is three years commencing and ending as provided in section 69.19.

Sec. 1306. Section 303.2, Code 1985, is amended to read as follows:

303.2 OFFICERS — MEETINGS.

The state historical society board of trustees shall annually elect a chairperson and vice chairperson from its membership, ~~and the executive director shall serve as secretary to the board.~~ The board shall meet as often as deemed necessary, upon the call of the chairperson, or at the request of a majority of the members of the board.

Members of the board ~~shall be entitled to be paid a forty-dollar per diem and shall be reimbursed for actual and necessary expenses while engaged in their official duties.~~ Members may also be eligible for compensation as provided in section 7E.3.

Sec. 1307. Section 303.4, Code 1985, is amended to read as follows:

303.4 MEMBERSHIP IN STATE HISTORICAL SOCIETY.

1. The state historical society board of trustees shall establish recommend to the director rules for membership of the general public in the state historical society, including rules relating to membership fees. Members shall be persons who indicate an interest in the history, progress, and development of the state and who pay the prescribed fee. The members of the state historical society may meet at least one time per year to further the understanding of the history of this state. The society may elect officers, and the executive director of the state historical department, or the executive director's designee, shall serve as secretary to the society. The officers members of the society shall not determine policy for the state historical department of cultural affairs but may advise the director and perform functions to stimulate interest in the history of this state among the general public. The society may perform other activities related to history which are not contrary to this chapter, subject to the approval of the state historical board.

2. As used in this chapter, "state historical society" means the Iowa state historical society of Iowa, an agency of the state located in Iowa City which is part of the department of cultural affairs. It does not mean or include any private entity.

3. Unless designated otherwise, a gift, bequest, devise, endowment, or grant to or application for membership in the state historical society shall be presumed to be to or in the state historical society of the Iowa state historical department.

Sec. 1308. Section 303.5, subsection 2, Code 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. c. Buy or receive by other means historical materials including, but not limited to, artifacts, art, books, manuscripts and images. Such materials are not personal property under section 18.12 and shall be received and cared for under the rules of the department. The historical division may sell or otherwise dispose of those materials according to the rules of the department and be credited for any revenues credited by the disposal less the costs incurred.

Sec. 1309. Section 303.6, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

303.6 POWERS AND DUTIES OF BOARD AND DIVISION.

1. The state historical board shall:

a. Recommend to the department a comprehensive, coordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

b. Make recommendations to the director on historically related matters.

c. Review and recommend to the director policy decisions regarding the division.

d. Recommend to the director for approval the state preservation plan submitted by the state historic preservation officer.

e. Perform other functions prescribed by law to further historically related matters in the state.

2. The department shall:

a. Have authority to acquire by fee simple title historic properties by gift, purchase, devise, or bequest; preserve, restore, transfer, and administer historic properties; and charge reasonable admission to historic properties.

b. Maintain research centers in Des Moines and Iowa City.

Sec. 1310. Section 303.12, Code 1985, is amended to read as follows:

303.12 ARCHIVES.

Archives "Archives" means these documents, books, papers, photographs, sound recordings, or similar material produced or received pursuant to law in connection with official

government business, which no longer have administrative, legal, or fiscal value to the office having present custody of them, and which have been appraised by the executive director of the state historical department as having sufficient historical, research, or informational value to warrant permanent preservation. The executive director of the state historical department is the trustee and custodian of the archives of Iowa, except that archives do not include county or municipal archives are not included unless they are voluntarily deposited with the executive director with the written consent of the executive director. The executive director shall prescribe rules for the systematic arrangement of archives as to the proper labeling to indicate the contents and order of filing and the archives must be labeled before the archives may be transferred to the executive director's custody.

Sec. 1311. Section 303.13, Code 1985, is amended to read as follows:

303.13 TRANSFER OF ARCHIVES.

The state, executive, and administrative departments, officers or offices, councils, boards, bureaus, and commissions, may shall transfer and deliver to the state historical department archives as defined in section 303.12 and as prescribed in the records management manual. Before transferring archives, the office of present custody shall file with the executive director a classified list of the archives being transferred in detail as the executive director prescribes. If the executive director, on receipt of the list, and after consultation with the chief executive of the office filing the classified list or with a representative designated by the executive, finds that, according to the records management manual, certain classifications of the archives listed are not of sufficient historical, legal, or administrative value to justify permanent preservation, the executive director shall not accept the material for deposit in the state archives.

Sec. 1312. Section 303.14, Code 1985, is amended to read as follows:

303.14 REMOVAL OF ORIGINAL.

After archives have been received by the executive director, they shall not be removed from the executive director's custody without the executive director's consent except in obedience to a subpoena of a court of record or a written order of the state executive council.

The executive director is not required to preserve permanently vouchers, claims, canceled or redeemed state warrants, or duplicate warrant registers of the state comptroller and the treasurer of state, but may, after microfilming, destroy by burning or shredding any warrants having no historical value, that have been in the executive director's custody for a period of one year, and may destroy by burning or shredding any vouchers, claims, and duplicate warrant registers which have been in the director's custody for a period of one year. A properly authenticated reproduction of a microfilmed record is admissible in evidence in a court in this state.

Sec. 1313. Section 303.15, Code 1985, is amended to read as follows:

303.15 CERTIFIED COPIES - FEES.

Upon request of a person, the executive director of the state historical department shall make a certified copy of any document, manuscript, or record contained in the archives or in the custody of the state historical department except where if reproduction is inappropriate because of legal, curatorial, or physical considerations. When If a copy is properly authenticated it has the same legal effect as though certified by the officer from whose office it was obtained or by the secretary of state. The copy may be made in writing, or by a suitable photographic process. The executive director shall charge and collect for copies the fees allowed by law to the official in whose office the document originates for certified copies. The executive director shall charge a person requesting a search of census records for the purpose of determining genealogy the actual cost of performing the search.

Sec. 1314. NEW SECTION. 303.16 HISTORICAL RESOURCE DEVELOPMENT PROGRAM.

1. The department shall administer a program of grants and loans for historical resource development throughout the state, subject to funds for such grants and loans being made available through the appropriations process or otherwise provided by law.

2. The purpose of the historical resource development program is to preserve, conserve, interpret, and enhance historical resources that will encourage and support the economic health and development of the state and the communities in which the resources are located. For this purpose, the department may make grants and loans as otherwise provided by law with funds as may be made available by applicable law.

Sec. 1315. Section 303.20, subsection 4, Code 1985, is amended to read as follows:

4. "Department" means the Iowa state historical department of cultural affairs.

Sec. 1316. NEW SECTION. 303.70 TERRACE HILL COMMISSION.

1. The Terrace Hill commission is created within the historical division of the department of cultural affairs. The commission consists of nine persons appointed by the governor who are knowledgeable in business management, and historic preservation and renovation. The governor shall appoint the chairperson. The terms of the committee members are for three years beginning on July 1 and ending on June 30.

2. The Terrace Hill commission may consult with the Terrace Hill society, Terrace Hill foundation, the executive and legislative branches of this state and other persons interested in the property and advise the director.

3. The Terrace Hill commission may enter into contracts, subject to chapter 18, to execute its purposes.

4. Notwithstanding section 303.1B, the commission may adopt rules to administer and implement the programs of the commission. The decision of the commission is final agency action under chapter 17A.

Sec. 1317. NEW SECTION. 303.75 DEFINITIONS.

As used in sections 303.75 through 303.83 unless the context otherwise requires:

1. "Board" means the Iowa public broadcasting board.

2. "Administrator" means the administrator of the public broadcasting division of the department of cultural affairs.

3. "Radio and television facility" means transmitters, towers, studios, and all necessary associated equipment for broadcasting, including closed circuit television.

Sec. 1318. NEW SECTION. 303.76 PUBLIC BROADCASTING DIVISION CREATED.

The public broadcasting division of the department of cultural affairs is created. The chief administrative officer of the division is the administrator who shall be appointed by and serve at the pleasure of the Iowa public broadcasting board. The governor shall set the division director's salary unless otherwise provided by law. Educational programming shall be the highest priority of the division.

Sec. 1319. NEW SECTION. 303.77 BOARD.

1. The Iowa public broadcasting board is created to plan, establish, and operate an educational radio and television facility and other educational communications services as necessary to aid in accomplishing the educational objectives of the state. The board shall be composed of nine members selected in the following manner:

a. Three members shall be appointed by the state board of public instruction from its own membership or from the personnel of the state department of education.

b. Three members shall be appointed by the state board of regents from its own membership or from among its employees or employees of institutions under the jurisdiction of the board.

c. Three members shall be appointed by the governor, at least one of whom shall be from a regionally accredited private four-year college or university.

2. Board members shall serve a three-year term commencing on July 1 of the year of appointment. A vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

Membership on the board does not constitute holding a public office and members shall not be required to take and file oaths of office before serving. A member shall not be disqualified from holding any public office or employment by reason of appointment to the board nor shall a member forfeit an office or employment by reason of appointment to the board.

3. The board shall appoint at least two advisory committees as follows:

a. Advisory committee on general operations and policy.

b. Advisory committee on curricula and educational matters.

Duties of the advisory committees, and of additional advisory committees the board may from time to time appoint, shall be specified in rules of internal management adopted by the board.

Sec. 1320. NEW SECTION. 303.78 MEETINGS.

1. The board shall elect from among its members a president and a vice president to serve a one-year term. The board shall meet at least four times annually and shall hold special meetings at the call of the president or in the absence of the president by the vice president or by the president upon written request of four members. The board shall establish procedures and requirements relating to quorum, place, and conduct of meetings.

2. Board members shall receive actual expenses incurred in performing their official duties. Members may also be eligible for compensation as provided in section 7E.3.

Sec. 1321. NEW SECTION. 303.79 FACILITIES AND PERMITS.

1. The board may purchase, lease, and improve property, equipment, and services for proper educational communications uses, and may dispose of property and equipment when not necessary for its purposes. The board and division director may arrange for joint use of available services and facilities.

2. The board shall apply for channels, frequencies, licenses, and permits as required for broadcasting.

3. This section does not prohibit institutions under the state board of regents and merged area schools under the department of education from owning, operating, improving, and maintaining educational radio and television stations and transmitters now in existence and operation. The institutions and schools may enter into agreements with the board for the lease or purchase of equipment and facilities.

4. The board may locate its administrative offices and production facilities outside the city of Des Moines.

5. The board may adopt rules to implement and administer the programs of the division.

6. The decision of the board is final agency action under chapter 17A.

Sec. 1322. NEW SECTION. 303.80 COMPETITION WITH PRIVATE SECTOR.

It is the intent of the general assembly that the division shall not compete with the private sector by actively seeking revenue from its operations. It is not the intent of the general assembly to prohibit the receipt of charitable contributions as defined by section 170 of the Internal Revenue Code. The board, the governor, or the administrator may apply for and accept federal or nonfederal gifts, loans, or grants of funds and may use the funds for projects under this chapter.

Sec. 1323. NEW SECTION. 303.82 TRUSTS.

Notwithstanding section 633.63, the board may accept and administer trusts and may authorize nonprofit foundations acting solely for the support of the educational radio and television facility to accept and administer trusts deemed by the board to be beneficial to the

operation of the educational radio and television facility. The board and the foundations may act as trustees in such instances.

Sec. 1324. NEW SECTION. 303.83 REVENUE FROM CONTRACTS.

The board shall retain for its use revenues generated through contracts with nonprofit organizations or their affiliated organizations from the use of the educational radio and television facility and other educational communications services. The administrator may receive services from other divisions and state agencies.

Sec. 1325. NEW SECTION. 303.86 ARTS COUNCIL.

The Iowa state arts council is created as an advisory council, consisting of fifteen members, appointed by the governor from among citizens of Iowa who are recognized for their interest or experience in connection with the performing and fine arts. In making appointments, due consideration shall be given to the recommendations made by representative civic, educational, and professional associations and groups concerned with or engaged in the production or presentation of the performing and fine arts.

The term of office of each member of the Iowa state arts council is three years. The governor shall designate a chairperson and a vice chairperson from the members of the council to serve at the pleasure of the governor. All vacancies shall be filled for the balance of any unexpired term in the same manner as original appointments. The members of the council shall not receive compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the council. Members may also be eligible for compensation as provided in section 7E.3.

Sec. 1326. NEW SECTION. 303.87 DUTIES OF COUNCIL.

The arts council shall:

1. Advise the director with respect to policies, programs, and procedures for carrying out the administrator's functions, duties, or responsibilities.
2. Review programs to be supported and make recommendations on the programs to the director.

Sec. 1327. NEW SECTION. 303.89 ADMINISTRATOR'S POWERS AND AUTHORITY.

The arts division administrator may:

1. Make and sign any agreements and perform any acts which are necessary, desirable, or proper to carry out the purpose of the division.
2. Request and obtain assistance and data from any department, division, board, bureau, commission, or agency of the state.
3. Accept any federal funds granted, by Act of Congress or by executive order, for all or any purposes of this chapter, and receive and disburse as the official agent of the state any funds made available by the national endowment for the arts.
4. Accept gifts, contributions, bequests or other funds available for all or any of the purposes of the division.

Sec. 1328. NEW SECTION. 303.95 DIVISION OF LIBRARIES - DEFINITIONS.

As used in sections 303.95 through 303.100, unless the context otherwise requires:

1. "Commission" means the state library commission.
2. "State agency" means a legislative, executive, or judicial office of the state and all of its respective officers, departments, divisions, bureaus, boards, commissions, and committees, except the state institutions of higher education governed by the state board of regents.
3. "State publications" means all multiple-produced publications regardless of format, which are issued by a state agency and supported by public funds, but it does not include:
 - a. Correspondence and memoranda intended solely for internal use within the agency or between agencies.

b. Materials excluded from this definition by the department through the adoption and enforcement of rules.

Sec. 1329. NEW SECTION. 303.97 STATE LIBRARY COMMISSION ESTABLISHED.

1. The state library commission consists of one member appointed by the state supreme court and six members appointed by the governor to serve four-year terms beginning and ending as provided in section 69.19. Of the governor's appointees, one member shall be from the medical profession and five members selected at large. Not more than three of the members appointed by the governor shall be of the same gender. The members shall be reimbursed for their actual expenditures necessitated by their official duties. Members may also be eligible for compensation as provided in section 7E.3.

2. The commission shall elect one of its members as chairperson. The commission shall meet at the time and place specified by call of the chairperson. Four members are a quorum for the transaction of business.

3. The department:

a. May receive and expend money for providing programs and services. The department may receive, accept, and administer any moneys appropriated or granted to it, separate from the general library fund, by the federal government or by any other public or private agency.

b. Shall foster public awareness of the condition of libraries in Iowa and of methods to improve library services to the citizens of the state.

c. Shall establish and administer standards for state agency libraries, the Iowa regional library system, and public libraries.

Sec. 1330. NEW SECTION. 303.99 STATE PUBLICATIONS.

Upon issuance of a state publication, a state agency shall deposit with the department at no cost to the department, seventy-five copies of the publication or a lesser number if specified by the department.

Sec. 1331. NEW SECTION. 303.100 MEDICAL AND LAW LIBRARY.

The state library includes, but is not limited to, a medical library and a law library.

1. The medical library shall be headed by a medical librarian, appointed by the director, subject to chapter 19A. The medical librarian shall:

a. Operate the medical library which shall always be available for free use by the residents of Iowa under rules the department adopts.

b. Give no preference to any school of medicine and shall secure books, periodicals, and pamphlets for every legally recognized school of medicine without discrimination.

c. Perform other duties imposed by law or prescribed by the rules of the division.

2. The law library shall be headed by a law librarian, appointed by the director with the approval of the Iowa supreme court, subject to chapter 19A. The law librarian shall:

a. Operate the law library department which shall be maintained in the state capitol or in rooms convenient to the state supreme court and which shall be available for free use by the residents of Iowa under rules the department adopts.

b. Maintain, as an integral part of the law library, reports of various boards and agencies and copies of bills, journals, and other information relating to current or proposed legislation.

c. Arrange to make exchanges of all printed material published by the states and the government of the United States.

d. Perform other duties imposed by law or by the rules of the department.

Sec. 1332. Section 303B.6, subsections 2, 9, 10, and 11, Code Supplement 1985, are amended to read as follows:

2. Subject to the approval of the annual plan of service by the ~~state library commission~~ director of the department of cultural affairs, may receive and expend state appropriated funds.

9. Shall develop and adopt, in cooperation with other members of the regional library system and the ~~state library of Iowa~~ director of the department of cultural affairs, a long-range plan for the region.

10. Shall prepare, in cooperation with all members of the regional library system and the state library commission director of the department of cultural affairs, an annual plan of service.

11. Shall provide data and prepare reports as directed by the state library commission director of the department of cultural affairs.

Sec. 1333. Section 304A.8, subsections 1 and 2, Code 1985, are amended to read as follows:

1. "State building" means any permanent structure, wholly or partially enclosed, which is intended to provide offices, laboratories, workshops, courtrooms, hearing and meeting rooms, storage space and other facilities for carrying on the functions of a state agency, including the board of regents; or auditoriums, meeting rooms, classrooms and other educational facilities; eating or sleeping facilities, medical or dental facilities, libraries and museums which are intended for the use or accommodation of the general public or state employees; together with all grounds and appurtenant structures and facilities; provided, however, it shall not mean maintenance sheds, separate garages, cellhouses or other secure sleeping facilities for prisoners, or buildings used solely as storage or warehouse facilities.

2. "Fine arts" means sculpture, fountains, bas-reliefs, mosaics, frescoes, wall hangings, crafts, photography, pictures or other enhancements to be integrated into the total environment of the building or complex of buildings. Fine arts does not include the incidental ornamental detail of functional structural elements, or hardware and other accessories.

Sec. 1334. Section 304A.9, Code 1985, is amended to read as follows:

304A.9 CONSULTATION.

Whenever a state building is to be constructed, the contracting officer or principal user shall, at the time of engaging or directing an architect to prepare plans and specifications for the building, co-ordinate with contact the Iowa state arts council division of the department of cultural affairs, which shall provide for consultation have authority to ensure that the fine arts elements will be integrated within, on, or about the total environment of such construction. Notwithstanding this section and sections 304A.11 and 304A.12, if the state building is under the control of the state board of regents the work on the fine arts element shall be administered by the state board of regents in consultation with the arts division.

Sec. 1335. Section 304A.10, Code 1985, is amended to read as follows:

304A.10 COST OF FINE ARTS — PERCENTAGE.

The total estimated cost of the fine arts elements included in a plan and specifications for a state building or group of state buildings in accordance with the purposes of this division shall in no case be less than one-half of one percent of the total estimated cost of such building or group of buildings. This percentage allocation shall not be diminished by professional fees. If deemed in the best interests of the citizens funds allocated for the acquisition of fine arts may be accumulated over more than one appropriation or fiscal period or combined to complete significant projects, however, this sentence does not authorize interproject transfers.

Sec. 1336. Section 304A.11, Code 1985, is amended to read as follows:

304A.11 CO-OPERATING COOPERATING PARTIES.

The arts division shall administer, in consultation with the contracting officer, the principal user and the building architect, shall co-ordinate with the Iowa state arts council all matters relating to the selection of the fine arts elements to be included or purchased for a state building as authorized by section 304A.10.

Sec. 1337. Section 304A.12, Code 1985, is amended to read as follows:

304A.12 SEPARATE CONTRACT.

Contracts for the fine arts elements shall be executed within the limits of the estimated actual costs as determined by section 304A.10. Funds shall be transferred to the arts division for administration of the program. All expenses related to the acquisition of the fine arts

elements shall be contracted for separately by the arts division with the funds allocated for these purposes.

Sec. 1338. Section 304A.14, Code 1985, is amended to read as follows:

304A.14 TITLE IN STATE.

Title to all works of art acquired rests with the principal user or contracting agency in the name of the state. The principal user or contracting agency and the Iowa state arts council division upon agreement may loan works of art between state-owned buildings whenever in their judgment the loan will be to the benefit of the citizens of this state. However, all such works shall be returned to the principal user or the contracting agency at its request.

Sec. 1339. Section 103A.45, unnumbered paragraph 1 and subsection 4, Code 1985, are amended to read as follows:

The state historic building code advisory historical society board shall:

4. Consult with state agencies, including the state fire marshal and the Iowa state historical department of cultural affairs, governmental subdivisions, architects, engineers, and others who have knowledge of or interest in the rehabilitation, preservation, restoration, and relocation of historic buildings, with respect to matters relating to the state historic building code.

Sec. 1340. Sections 7.18, 103A.44, 303.3, 303.5, and 304A.1 through 304A.7, and chapter 18B, Code 1985, and sections 7A.51 through 7A.54, 18B.13 and 303A.1 through 303A.7, Code Supplement 1985, are repealed.

DEPARTMENT OF EDUCATION

Sec. 1401. **NEW SECTION. 256.1 DEPARTMENT ESTABLISHED.**

The department of education is established to act in a policymaking and advisory capacity and to exercise general supervision over the state system of education including:

1. Public elementary and secondary schools.
 2. Merged area schools.
 3. Area education agencies.
 4. Vocational rehabilitation.
 5. Educational supervision over the elementary and secondary schools under the control of a director of a division of the department of human services.
 6. Nonpublic schools to the extent necessary for compliance with Iowa school laws.
- The department shall act as an administrative, supervisory, and consultative state agency.

Sec. 1402. **NEW SECTION. 256.2 DEFINITIONS.**

As used in this chapter:

1. "Department" means the department of education.
2. "State board" means the state board of education.
3. "Director" means the director of the department of education.

Sec. 1403. **NEW SECTION. 256.3 STATE BOARD ESTABLISHED.**

The state board of education is established for the department. The state board consists of nine members appointed by the governor subject to senate confirmation. The members shall be qualified electors of the state and hold no other elective or appointive state office. A member shall not be engaged in professional education for a major portion of the member's time nor shall the member derive a major portion of income from any business or activity connected with education. One member shall have substantial knowledge related to vocational and technical training, and one member shall have substantial knowledge related to area community colleges. Not more than five members shall be of the same political party.

The terms of office are for six years beginning and ending as provided in section 69.19.

Sec. 1404. NEW SECTION. 256.4 OATH — VACANCIES.

The members of the state board shall qualify by taking the regular oath of office as prescribed by law for state officers. Vacancies shall be filled in the same manner in which regular appointments are required to be made.

Sec. 1405. NEW SECTION. 256.5 COMPENSATION AND EXPENSES.

The members of the state board shall be reimbursed for actual and necessary expenses incurred while engaged in their official duties. Members of the state board may also be eligible to receive compensation as provided in section 7E.3. All expense moneys paid to the members shall be paid from funds appropriated to the department.

Sec. 1406. NEW SECTION. 256.6 REGULAR AND SPECIAL MEETINGS.

The state board shall hold at least six regular meetings each year. The first regular meeting shall be held on the second Thursday in January for purposes of organization. Special meetings of the state board may be called by the president or by any five members of the board on five days' notice given to each member.

Sec. 1407. NEW SECTION. 256.7 DUTIES OF STATE BOARD.

Except for the college aid commission, the state board shall:

1. Adopt and establish policy for programs and services of the department pursuant to law.
2. Constitute the state board for vocational education under chapters 258 and 259.
3. Constitute the board of educational examiners for the certification of administrative, supervisory, and instructional personnel for the public school systems of the state. The state board shall adopt rules prescribing the types and classes of certificates; requirements for certificates; standards for acceptance of degrees, credits, courses, and other evidences of training from public and private institutions of higher learning and other training institutions in this state and outside this state; and standards for the approval of programs of teacher education. The state board shall perform duties imposed upon the board of educational examiners under chapter 260.
4. Adopt, and update annually, a five-year plan for the achievement of educational goals in Iowa.
5. Adopt rules under chapter 17A for carrying out the responsibilities of the department.
6. Hear appeals of persons aggrieved by decisions of boards of directors of school corporations under chapter 290 and other appeals prescribed by law. The state board shall review the record and decision of the director of the department of education in appeals heard and decided by the director under chapter 290, and may affirm, modify, or vacate the decision, or may direct a rehearing before the director.
7. Develop plans for the restructuring of school districts, area education agencies, and merged area schools, with specific emphasis on combining the area education agencies and merged area schools. The plans shall be reported to the general assembly not later than October 1, 1987. The focus of the plans shall be to assure more productive and efficient use of limited resources, equity of geographical access to facilities, equity of educational opportunity within the state, and improved student achievement.

The state board shall consult with representatives from the local school districts, area education agencies, and merged area schools in developing the plans. The representatives shall include board members, school administrators, teachers, parents, students, associations interested in education, and representatives of communities of various sizes.

Sec. 1408. NEW SECTION. 256.8 COMMISSIONER OF EDUCATION.

The governor shall appoint a commissioner of education subject to confirmation by the senate. The commissioner shall possess a background in education and administrative experience and shall serve at the pleasure of the governor.

Sec. 1409. NEW SECTION. 256.9 DUTIES OF DIRECTOR.

Except for the college aid commission, the director shall:

1. Carry out programs and policies as determined by the state board.
2. Recommend to the state board rules necessary to implement programs and services of the department.
3. Establish divisions of the department as necessary or desirable in addition to divisions required by law. The organization of the department shall promote coordination of functions and services relating to administration, supervision, and improvement of instruction.
4. Employ personnel and assign duties and responsibilities of the department. The director shall appoint a deputy director and division administrators deemed necessary. They shall be appointed on the basis of their professional qualifications, administration, and background. Members of the professional staff are not subject to chapter 19A and shall be employed pursuant to section 256.10.
5. Transmit to the state comptroller information about the distribution of state and federal funds pursuant to state law and rules of the department.
6. Develop a budget and transmit to the state comptroller estimates of expenditure requirements for all functions and services of the department.
7. Accept and administer federal funds apportioned to the state for educational and rehabilitation purposes and accept surplus commodities for distribution when made available by a governmental agency. The director may also accept grants and gifts on behalf of the department.
8. Cooperate with other governmental agencies and political subdivisions in the development of rules and enforcement of laws relating to education.
9. Conduct research on education matters.
10. Submit to each regular session of the general assembly recommendations relating to revisions or amendments to the school laws.
11. Approve, coordinate, and supervise the use of electronic data processing by school districts, area education agencies, and merged areas.
12. Act as the executive officer of the state board.
13. Act as custodian of a seal for the director's office and authenticate all true copies of decisions or documents.
14. Appoint advisory committees, in addition to those required by law, to advise in carrying out the programs, services, and functions of the department.
15. Provide the same educational supervision for the schools maintained by the commissioner of human services as is provided for the public schools of the state and make recommendations to the commissioner of human services for the improvement of the educational program in those institutions.
16. Interpret the school laws and rules relating to the school laws.
17. Hear and decide appeals arising from the school laws not otherwise specifically granted to the state board.
18. Prepare forms and procedures as necessary to be used by area education agency boards, district boards, school officials, principals, teachers, and other employees, and to insure uniformity, accuracy, and efficiency in keeping records in both pupil and cost accounting, the execution of contracts, and the submission of reports, and notify the area education agency board, district board, or school authorities when a report has not been filed in the manner or on the dates prescribed by law or by rule that the school will not be accredited until the report has been properly filed.
19. Determine by inspection, supervision, or otherwise, the condition, needs, and progress of the schools under the supervision of the department, make recommendations to the proper authorities for the correction of deficiencies and the educational and physical improvement of the schools, and request a state audit of the accounts of a school district, area education agency, school official, or school employee handling school funds when it is apparent that an audit should be made.

20. Preserve reports, documents, and correspondence that may be of a permanent value, which shall be open for inspection under reasonable conditions.

21. Keep a record of the business transacted by the commissioner.

22. Endeavor to promote among the people of the state an interest in education.

23. Classify and define the various schools under the supervision of the department, formulate suitable courses of study, and publish and distribute the classifications and courses of study and promote their use.

24. Report biennially to the governor, at the time provided by law, the condition of the schools under the director's supervision, including the number and kinds of school districts, the number of schools of each kind, the number and value of schoolhouses, the enrollment and attendance in each county for the previous year, any measures proposed for the improvement of the public schools, financial and statistical information of public importance, and general information relating to educational affairs and conditions within the state or elsewhere. The report shall also review the programs and services of the department.

25. Direct area education agency administrators to arrange for professional teachers' meetings, demonstration teaching, or other field work for the improvement of instruction as best fits the needs of the public schools in each area.

26. Cause to be printed in book form, during the months of June and July in the year 1987 and every four years thereafter, if deemed necessary, all school laws then in force with forms, rulings, decisions, notes, and suggestions which may aid school officers in the proper discharge of their duties. A sufficient number shall be furnished to school officers, directors, superintendents, area administrators, members of the general assembly, and others as reasonably requested.

27. Cause to be printed in pamphlet form after each session of the general assembly any amendments or changes in the school laws with necessary notes and suggestions to be distributed as prescribed in subsection 25.

28. Prepare and submit to each regular session of the general assembly a report containing the recommendations of the state board as to revisions, amendments, and new provisions of school laws.

29. Provide administrative services for the independent nonprofit quasi-public first in the nation in education foundation.

30. Approve the salaries of area education agency administrators.

Sec. 1410. NEW SECTION. 256.10 EMPLOYMENT OF PROFESSIONAL STAFF.

The salary of the director shall be fixed by the governor within a range established by the general assembly. Appointments to the professional staff of the department shall be without reference to political party affiliation, religious affiliation, sex, or marital status, but shall be based solely upon fitness, ability, and proper qualifications for the particular position. The professional staff shall serve at the discretion of the director. A member of the professional staff shall not be dismissed for cause without at least ninety days' notice, except in cases of conviction of a felony or cases involving moral turpitude. In cases of procedure for dismissal, the accused has the same right to notice and hearing as teachers in the public school systems as provided in section 279.27 to the extent that it is applicable.

Sec. 1411. NEW SECTION. 256.11 EDUCATIONAL STANDARDS.

The state board shall, except as otherwise provided in this section, adopt rules establishing standards and a procedure for accrediting all public and nonpublic schools in Iowa offering instruction at any or all levels from the prekindergarten level through grade twelve. A nonpublic school which offers only a prekindergarten program may, but is not required to, seek and obtain accreditation under this chapter. A list of accredited schools shall be maintained by the department. The state board shall adopt rules to require that a multicultural, non-sexist approach is used by school districts. The educational program shall be taught from a multicultural, nonsexist approach. The rules adopted by the state board that establish standards shall delineate and be based upon the educational program as follows:

1. If a school offers a prekindergarten program, the program shall be designed to help children to work and play with others, to express themselves, to learn to use and manage their bodies, and to extend their interests and understanding of the world about them. The prekindergarten program shall relate the role of the family to the child's developing sense of self and perception of others. Planning and carrying out prekindergarten activities designed to encourage cooperative efforts between home and school shall focus on community resources. A prekindergarten teacher employed by a school corporation or county or joint county school system, or its successor agency, and receiving a salary from state and local funds, shall hold a certificate certifying that the holder is qualified to teach in prekindergarten.

2. The kindergarten program shall include experiences designed to develop healthy emotional and social habits and growth in the language arts and communication skills, as well as a capacity for the completion of individual tasks, and protection and development of physical well-being. A kindergarten teacher shall hold a certificate providing that the holder is qualified to teach in kindergarten. An accredited nonpublic school must meet the requirements of this subsection only if the nonpublic school offers a kindergarten program.

3. The following areas shall be taught in the grades one through six: English-language arts, including reading, handwriting, spelling, oral and written English, and literature; social studies, including geography, history of the United States and Iowa, cultures of other peoples and nations, and American citizenship, including the study of national, state, and local government in the United States; mathematics; science, including environmental awareness and conservation of natural resources; health and physical education, including the effects of alcohol, tobacco, drugs, and poisons on the human body; the characteristics of communicable diseases; traffic safety, including pedestrian and bicycle safety procedures; music; and art.

4. The following shall be taught in grades seven and eight as a minimum program: science, including environmental awareness and conservation of natural resources; mathematics; social studies; cultures of other peoples and nations, and American citizenship; English-language arts which shall include reading, spelling, grammar, oral and written composition, and may include other communication subjects; health and physical education, including the effects of alcohol, tobacco, drugs, and poisons on the human body, the characteristics of communicable diseases, including venereal diseases and current crucial health issues; music; and art.

5. Provision for special education services and programs shall be made for children requiring special education.

6. In grades nine through twelve, a unit of credit consists of a course or equivalent related components or partial units taught throughout the academic year. The minimum program for grades nine through twelve is:

a. Four units of science including physics and chemistry; the units of physics and chemistry may be taught in alternate years. The units of science shall include instruction in environmental awareness and conservation of natural resources.

b. Four units of the social studies. American history, American government, government and cultures of other peoples and nations, and general consumer education, family law, and economics, including comparative and consumer economics, shall be taught in the units but need not be required as full units. All students are required to take one unit of American history and one-half unit of the governments of Iowa and the United States, including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot.

The county auditor, upon request and at a site chosen by the county auditor, shall make available to schools within the county voting machines or sample ballots that are generally used within the county, at times when these machines or sample ballots are not in use for their recognized purpose.

c. Four units of English-language arts.

- d. Four units of a sequential program in mathematics.
 - e. One unit of general mathematics.
 - f. Two units of one foreign language; the units of foreign language may be taught in alternate years, provided there is no break in the progression of instruction from one year to the next. However, the department may waive the foreign language requirement on an annual basis upon the request of the board of directors of a school district or the authorities in charge of a nonpublic school if the board or authorities are able to prove that a certificated teacher was employed and assigned a schedule that would have allowed students to enroll in a foreign language class, the foreign language class was properly scheduled, students were aware that a foreign language class was scheduled, and no students enrolled in the class.
 - g. All students physically able shall be required to participate in physical education activities during each semester they are enrolled in school except as otherwise provided in this paragraph. A minimum of one-eighth unit each semester shall be required, except that any student participating in an organized and supervised high school athletic program which requires at least as much time of participation per week as one-eighth unit may be excused from the physical education course during the time of the student's participation in the athletic program. A twelfth grade student who meets the requirements of this paragraph may be excused from the physical education requirement by the principal of the school in which the student is enrolled if the parent or guardian of the student requests in writing that the student be excused from the physical education requirement. A student who wishes to be excused from the physical education requirement must be enrolled in a cooperative or work-study program or other educational program authorized by the school which requires the student to leave the school premises for specified periods of time during the school day. The student must seek to be excused from the physical education requirement in order to enroll in academic courses not otherwise available to the student. The principal of the school shall inform the superintendent of the school district or nonpublic school that the student has been excused. Physical education activities shall emphasize leisure time activities which will benefit the student outside the school environment and after graduation from high school.
 - h. Five units of occupational education subjects, which may include, but are not limited to, programs, services, and activities which prepare students for employment in office and clerical, trade and industrial, consumer and homemaking, agriculture, distributive, and health occupations.
 - i. Units or partial units in the fine arts which may include art, music and dramatics.
 - j. Health education, including an awareness of physical and mental health needs, the effects of alcohol, tobacco, drugs, and poisons on the human body, the characteristics of communicable diseases, including venereal diseases, and current crucial health issues.
7. A pupil shall not be required to enroll in either physical education or health courses if the pupil's parent or guardian files a written statement with the school principal that the course conflicts with the pupil's religious belief.
8. Upon request of the board of directors of a public school district or the authorities in charge of a nonpublic school, the director may, for a number of years to be specified by the director, grant the district board or the authorities in charge of the nonpublic school exemption from one or more of the requirements of the educational program specified in subsection 6. The exemption may be renewed. Exemptions shall be granted only if the director deems that the request made is an essential part of a planned innovative curriculum project which the director determines will adequately meet the educational needs and interests of the pupils and be broadly consistent with the intent of the educational program as defined in subsection 6.
- The request for exemption shall include all of the following:
- a. Rationale of the project to include supportive research evidence.
 - b. Objectives of the project.

c. Provisions for administration and conduct of the project, including the use of personnel, facilities, time, techniques, and activities.

d. Plans for evaluation of the project by testing and observational measures of pupil progress in reaching the objectives.

e. Plans for revisions of the project based on evaluation measures.

f. Plans for periodic reports to the department.

g. The estimated cost of the project.

9. To facilitate the implementation and economical operation of the educational program defined in subsections 4 and 6, each school offering any of grades seven through twelve, except a school which offers grades one through eight as an elementary school, shall have:

a. A qualified school media specialist who shall meet the certification and approval standards prescribed by the department and adequate media center facilities.

(1) SCHOOL MEDIA SPECIALIST. The media specialist may be employed on a part-time or full-time basis, or may devote only part time to media service activities, according to the needs of the school and the availability of media personnel, as determined by the local board. The director shall recommend standards based upon the number of students in attendance, the nature of the academic curriculum and other appropriate factors.

(2) ORGANIZATION AND ADEQUACY OF COLLECTION. The media center shall be organized as a resource center of instructional material for the entire educational program. The number and kind of library and reference books, periodicals, newspapers, pamphlets, information files, audiovisual materials, and other learning aids shall be adequate for the number of pupils and the needs of instruction in all courses.

b. A qualified school guidance counselor who shall meet the certification and approval standards prescribed by the department. The guidance counselor may be employed on a part-time or full-time basis, or may devote only part time to counseling services, according to the needs of the school and the availability of guidance personnel, as determined by the local board. The director shall recommend standards based upon the number of students in attendance and other appropriate factors. Other members of the noninstructional professional staff, including but not limited to physicians, dentists, nurses, school psychologists, speech therapists, and other specialists, may also be employed or shared by one or more schools. The guidance counselor shall meet the certification and approval standards of the department and noninstructional staff members shall meet the professional practice requirements of this state relating to their special services.

c. Arrangement for special education services.

d. Adequate instructional materials for classrooms.

10. The state board shall establish an accreditation process for school districts pursuant to this subsection and subsections 11 and 12. The accreditation process shall take effect for one-fifth of the school districts during the school year commencing July 1, 1989 and an additional one-fifth during each of the next following four school years. A school district not subject to the accreditation process is subject to the approval process as provided in section 257.25, Code 1985. Accreditation is valid for a five-year period. In addition to employees of the department of education, the commissioner shall appoint a committee of not more than five individuals one of whom is a member of a local school district board of directors; three of whom possess certificates under chapter 260 and are employed in a nonpublic school, school district, merged area school, area education agency, or institution of higher education; and one of whom is not a board member or certificate holder, to serve as an accreditation committee for a school district or nonpublic school. If the accreditation committee is for a nonpublic school, the board member may be either a board member or administrator of a nonpublic school. The members of the accreditation committee shall be broadly representative of the educational profession and shall not have a direct interest in the school district or nonpublic school.

Rules adopted by the state board may include provisions for coordination of the accreditation process under this section with activities of accreditation associations.

Prior to a visit to the school district or nonpublic school, the board of directors of the school district, or authorities in charge of the nonpublic school, shall provide the accreditation committee with written evidence that the school district or nonpublic school has met accreditation standards prescribed in this section and by rule. The evidence shall be provided on forms prescribed by the commissioner.

After visiting the school district or nonpublic school, the accreditation committee shall determine whether the accreditation standards have been met and shall make a report to the commissioner, together with a recommendation whether the school district or nonpublic school has met the accreditation standards. The accreditation committee shall report strengths and weaknesses, if any, for each standard. A school district or nonpublic school may respond to the accreditation committee's report.

11. The commissioner shall review the accreditation committee's report, and the response of the school district or nonpublic school and provide a report and recommendation to state board along with the other reports that have been filed. The state board shall determine whether the school district or nonpublic school shall receive accreditation. If a district or a school is accredited, the accreditation must be renewed every three years thereafter using the procedure prescribed in this section. If the state board determines that a school district or nonpublic school should not receive accreditation, the commissioner, in cooperation with the board of directors of the school district, or authorities in charge of the nonpublic school, shall establish a plan prescribing the procedures that must be taken to correct deficiencies in meeting the standards. The plan is subject to the approval of the state board.

12. After the period of time specified in the plan for its implementation by a school district or nonpublic school, the accreditation committee shall revisit the school district or nonpublic school and shall determine whether the deficiencies in the standards have been corrected and shall make a report and recommendation to the commissioner and the state board. The state board shall determine whether the deficiencies have been corrected. If the deficiencies have not been corrected, the state board may determine that the school district or nonpublic school is not accredited or may grant additional time for implementation of the plan. If the state board does not grant accreditation, the state board shall merge the territory of the school district with one or more contiguous school districts. Division of assets and liabilities of the school district shall be as provided in sections 275.29 through 275.31. Until the merger is completed, the school district shall pay tuition for its resident students to an accredited school district under section 282.24.

13. Notwithstanding subsections 1 through 12 and as an exception to their requirements, a private high school or private combined junior-senior high school operated for the express purpose of teaching a program designed to qualify its graduates for matriculation at accredited four-year or equivalent liberal arts, scientific, or technological colleges or universities shall be placed on a special accredited list of college preparatory schools, which list shall signify accreditation of the school for that express purpose only, if:

a. The school complies with minimum standards established by the Code other than this section, and rules adopted under the Code, applicable to:

- (1) Courses comprising the limited program.
- (2) Health requirements for personnel.
- (3) Plant facilities.
- (4) Other environmental factors affecting the programs.

b. At least eighty percent of those graduating from the school within the four most recent calendar years, other than those graduating who are aliens, graduates entering military or alternative civilian service, or graduates deceased or incapacitated before college acceptance, have been accepted by accredited four-year or equivalent liberal arts, scientific, or technological colleges or universities.

c. A school claiming to be a private college preparatory school which fails to comply with the requirement of paragraph "b" of this subsection shall be placed on the special accredited list of college preparatory schools probationally if the school complies with the requirements of paragraph "a" of this subsection, but a probational accreditation shall not continue for more than four successive years.

14. Notwithstanding subsections 1 through 13 and as an exception to their requirements, a nonpublic grade school which is reopening is accredited even if it does not have a complete grade one through grade six program. However, the nonpublic grade school must comply with other minimum standards established by law and administrative rules adopted pursuant to the law and the nonpublic grade school must show progress toward reaching a grade one through grade six program.

Sec. 1412. NEW SECTION. 256.12 SHARING INSTRUCTORS AND SERVICES.

1. The director, when necessary to realize the purposes of this chapter, shall approve the enrollment in public schools for specified courses of students who also are enrolled in private schools, when the courses in which they seek enrollment are not available to them in their private schools, provided the students have satisfactorily completed prerequisite courses, if any, or have otherwise shown equivalent competence through testing. Courses made available to students in this manner shall be considered as compliance by the private schools in which the students are enrolled with any standards or laws requiring private schools to offer or teach the courses.

2. This section does not deprive the respective boards of public school districts of any of their legal powers, statutory or otherwise, and in accepting the specially enrolled students, each of the boards shall prescribe the terms of the special enrollment, including but not limited to scheduling of courses and the length of class periods. In addition, the board of the affected public school district shall be given notice by the department of its decision to permit the special enrollment not later than six months prior to the opening of the affected public school district's school year, except that the board of the public school district may waive the notice requirement. School districts and area education agency boards, may make public school services, which may include health services; special education services; diagnostic services for speech, hearing, and psychological purposes; services for remedial education programs, guidance services, and school testing services, available to children attending nonpublic schools in the same manner and to the same extent that they are provided to public school students. However, services that are made available shall be provided on neutral sites, or in mobile units located off the nonpublic school premises as determined by the boards of the school districts and area education agencies providing the services, and not on nonpublic school property, except for health services and diagnostic services for speech, hearing, and psychological purposes, which may be provided on nonpublic school premises, with the permission of the lawful custodian.

Sec. 1413. NEW SECTION. 256.13 NONRESIDENT PUPILS.

The boards of directors of two or more school districts may by agreement provide for attendance of pupils residing in one district in the schools of another district for the purpose of taking courses not offered in the district of their residence. The boards may also provide by agreement that the districts will combine their enrollments for one or more grades. Courses and grades made available to students in this manner shall be considered as complying with any standards or laws requiring the offering of such courses and grades. The boards of directors of districts entering into such agreements may provide for sharing the costs and expenses of the courses.

Sec. 1414. NEW SECTION. 256.14 PERMANENT REVOLVING FUND.

A permanent revolving fund is established for the department. Expenses incurred by the department from this fund shall be paid subject to reimbursement by the federal government.

Sec. 1415. NEW SECTION. 256.15 NONPUBLIC SCHOOL ADVISORY COMMITTEE.

A nonpublic school advisory committee is established which consists of five members, to be appointed by the governor, each of them to be a citizen of the United States and a resident of the state of Iowa. The term of the members is four years. The duties of the committee are to advise the state board and the director on matters affecting nonpublic schools, including but not limited to the establishment of standards for teacher certification and the establishment of standards for, and approval of, all nonpublic schools. Notice of meetings of the state board shall be sent by the director to members of the committee.

Committee members shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Members may also be eligible to receive compensation as provided in section 7E.3. The expense money shall be paid from the appropriations to the department of education.

Sec. 1416. NEW SECTION. 256.16 SPECIFIC CRITERIA FOR TEACHER PREPARATION AND CERTAIN EDUCATORS.

Pursuant to section 256.7, subsection 5, the state board shall adopt rules requiring all approved teacher training institutions to include in the professional education program, preparation that contributes to education of the handicapped and the gifted and talented, which must be successfully completed before graduation from the teacher training program.

A person initially applying for a certificate, endorsement, or approval shall successfully complete a professional education program containing the subject matter specified in this section, before the initial action by the department takes place.

Sec. 1417. NEW SECTION. 256.17 STANDARDS FOR APPROVED SCHOOLS.

The state board shall review the standards contained in section 256.11, shall review current literature relating to effective schools and learning environments, and shall consult with representatives from the higher education institutions, area education agencies, school board members, school administrators, teachers, parents, students, members of business, industry, and labor, other governmental agencies, associations interested in education, and representatives of communities of various sizes to develop standards for accredited schools and school districts that encompass, but are not limited to the following general areas:

1. Objectives and assessment procedures for teaching specific competencies related to higher order thinking skills, learning skills, and communications skills.
2. Integration of the applications of current technologies into the general curriculum.
3. Procedures for curriculum development and refinement.
4. Staff development processes.
5. A performance evaluation process for its certificated staff using staff members who possess evaluator approval under section 260.33.
6. Use of support staff.
7. A specific number of hours per year for students to be engaged in formal academic instruction.
8. Learning opportunities for students whose needs are not met in the conventional classroom.
9. Career exploration activities and specific vocational education programs.
10. Curriculum standards that include the coordination of extracurricular and academic education goals.
11. Student responsibility and discipline policies.
12. Needs assessments and development of long-range plans as provided for in section 280.12.
13. Community and parent involvement in the education process.
14. Communication with business, industry, labor, and higher education regarding their expectations for adequate student preparation.

Notwithstanding the standards included in section 256.11, not later than July 1, 1987, the state board shall adopt rules establishing new standards for accredited schools. The rules shall be adopted under chapter 17A and shall require that schools and school districts meet the standards adopted by the state board not later than July 1, 1989.

Following adoption of the standards, the department of education shall assist schools and school districts to comply with the standards.

The director, in consultation with the boards of directors and the administration of the school districts, shall recommend to the state board not later than July 1, 1989, on the basis of evidence submitted by the school districts, which school districts meet the accreditation standards adopted by the state board.

Thereafter the state board shall require that once every three years schools and school districts submit evidence that they meet the accreditation standards. One-third of the schools and school districts shall be reviewed each year.

Section 256.11, subsections 10, 11, and 12, apply to schools and school districts obtaining accreditation.

Sec. 1418. Section 237.1, subsection 3, paragraph c, Code 1985, is amended to read as follows:

c. Care furnished by a private boarding school subject to approval by the state board of ~~public instruction~~ education pursuant to section ~~257.25~~ 256.11.

Sec. 1419. Section 234.1, subsection 4, paragraph a, Code 1985, is amended to read as follows:

a. Is in full-time attendance at an ~~approved~~ accredited school pursuing a course of study leading to a high school diploma.

Sec. 1420. Section 244.10, Code 1985, is amended to read as follows:
244.10 PLACING CHILD UNDER CONTRACT.

Any A child received in the home, unless adopted, may be placed by the department in foster care with any proper person or family. The foster care arrangement shall provide for the custody, care, education, maintenance, and earnings of the child for a fixed time which shall not extend beyond the age of majority, except that the time may extend beyond the child's eighteenth birthday until the child is twenty-one years of age if the child is regularly attending an ~~approved~~ accredited school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs.

Sec. 1421. Section 252D.1, subsection 1, Code Supplement 1985, is amended to read as follows:

1. As used in this chapter, unless the context otherwise requires, "support" or "support payments" means any amount which the court may require a person to pay for the benefit of a child under a temporary order or a final judgment or decree, and may include child support, maintenance, and, if contained in a child support order, spousal support, and any other term used to describe these obligations. These obligations may include support for a child who is between the ages of eighteen and twenty-two years and who is regularly attending an ~~approved~~ accredited school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs, or is, in good faith, a full-time student in a college, university, or area school, or has been accepted for admission to a college, university, or area school and the next regular term has not yet begun; and may include support for a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability.

Sec. 1422. Section 257A.5, subsection 1, Code Supplement 1985, is amended by striking the subsection and inserting in lieu thereof the following:

1. Employ an executive director to direct the activities of the foundation.

Sec. 1423. Section 257A.5, subsection 2, Code Supplement 1985, is amended by striking the subsection.

Sec. 1424. NEW SECTION. 257A.8 ADMINISTRATIVE ACTIVITIES.

The administrative functions of the foundation shall be performed by the department of education. The foundation shall be located in the department of education offices.

Sec. 1425. Section 258.3, Code Supplement 1985, is amended to read as follows:

258.3 PERSONNEL.

The commissioner of public instruction ~~as executive officer of the state board of public instruction shall, with its approval,~~ appoint, and direct the work of such personnel as may be necessary to carry out the provisions of this chapter.

Sec. 1426. NEW SECTION. 258.3A DUTIES OF BOARD.

The board shall:

1. Cooperate with the federal board for vocational education in the administration of the Act of Congress.
2. Adopt rules prescribing standards for teachers of agricultural, industrial, and commercial subjects and home economics in approved schools, departments, and classes.
3. Adopt rules prescribing standards for approval of schools, departments, and classes; area vocational-technical high schools and programs; area vocational schools and programs; and teacher training schools, departments, and classes, applying for federal and state moneys under this chapter.

Sec. 1427. Section 258.4, Code 1985, is amended to read as follows:

258.4 DUTIES OF BOARD COMMISSIONER.

The ~~board~~ commissioner shall:

1. Co-operate with the federal board for vocational education in the administration of ~~said~~ the Act of Congress.
2. Provide for making studies and investigations relating to prevocational and vocational training in agricultural, industrial, and commercial subjects, and home economics.
3. Promote and aid in the establishment in local communities and public schools of departments and classes giving instruction in ~~such~~ subjects listed in subsection 2.
4. Co-operate with local communities in the maintenance of ~~such~~ schools, departments, and classes.
5. ~~Establish~~ Enforce rules prescribing standards for teachers of ~~such~~ subjects listed in subsection 2 in approved schools, departments, and classes.
6. Co-operate in the maintenance of teachers training schools, departments, and classes, supported and controlled by the public, for the training of teachers and supervisors of ~~such~~ subjects listed in subsection 2.
7. ~~Establish standards for, and annually~~ Annually inspect, as a basis of approval, all schools, departments, and classes, area vocational-technical high schools and programs, area vocational schools and programs and all teachers training schools, departments, and classes, applying for federal and state moneys under the provisions of this chapter.

Sec. 1428. Section 258.5, Code 1985, is amended to read as follows:

258.5 FEDERAL AID - CONDITIONS.

Whenever a school corporation maintains an approved vocational school, department, or classes in accordance with the rules ~~and regulations established~~ adopted by the state board and the state plan for vocational education, adopted by that board and approved by the United States ~~office~~ department of education ~~or other federal agency to which its functions are assigned,~~ the state board commissioner shall reimburse ~~such the~~ school corporation at the end of the fiscal year for its expenditures for salaries and authorized travel of vocational teachers

from federal and state funds; ~~Provided, that no.~~ However, a school corporation shall not receive from federal and state funds a larger amount than one-half the sum which has been expended by the school corporation for that particular type of program; ~~further, provided that in the event.~~ If federal and state funds are not sufficient to make such the reimbursement to the extent herein provided in this section, the state board commissioner shall prorate the respective amounts available to the corporations entitled to such reimbursement.

The state board shall have the authority to ~~commissioner may~~ use federal funds to reimburse approved teacher training schools, departments, or classes for the training of teachers of agriculture, home economics, trades and industrial education, distributive education, and for the training of guidance counselors.

Sec. 1429. Section 258.7, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The council shall advise the state board and the commissioner and shall perform other functions as necessary in order for the state of Iowa to qualify for federal aids and grants to vocational education.

Sec. 1430. NEW SECTION. 258.8 ADMINISTRATION.

The state council on vocational education shall be included in the department of education for administrative purposes.

Sec. 1431. Section 258.9, Code 1985, is amended to read as follows:

258.9 LOCAL ADVISORY COUNCIL.

The board of directors of a school district that maintains a school, department, or class receiving federal or state funds under this chapter shall, as a condition of approval by the state board, appoint a local advisory council for vocational education composed of public members with emphasis on persons representing business, agriculture, industry and labor. The local advisory council shall give advice and assistance to the board of directors in the establishment and maintenance of schools, departments, and classes that receive federal or state funds under this chapter. Local advisory councils may be organized according to program area, school, community, or region. The state board shall adopt rules requiring that the memberships of local advisory councils fairly represent each sex and minorities residing in the school district. Members of an advisory council shall serve without compensation.

Sec. 1432. Section 258.11, Code 1985, is amended to read as follows:

258.11 SALARY AND EXPENSES.

The board is authorized to ~~commissioner may~~ make such expenditures for salaries of assistants, actual expenses of the board and the commissioner and the state advisory committee incurred in the discharge of their duties, and such other expenses as in the judgment of the board are necessary to the proper administration of this chapter.

Sec. 1433. NEW SECTION. 258.15 STATE PLAN CONTINUED.

The state plan for vocational education adopted by the state board of public instruction and approved by the United States office of education prior to July 1, 1986 remains in effect as the state plan for vocational education.

Sec. 1434. Section 259.2, Code 1985, is amended to read as follows:

259.2 CUSTODIAN OF FUNDS.

The treasurer of state is hereby designated and appointed custodian of all moneys received by the state from appropriations made by the Congress of the United States for the vocational rehabilitation of persons disabled in industry or otherwise, and is authorized to may receive and provide for the proper custody of the same moneys and to make disbursement therefrom of them upon the requisition of the state board for vocational education commissioner of education.

The treasurer of state is hereby designated and appointed custodian of all moneys paid by the federal government to the state for the purpose of carrying out the agreement relative to making determinations of disability under Title II and Title XVI of the federal Social Security Act as amended [42 U.S.C. ch 7] and is authorized to may receive the same moneys and make disbursements therefrom of them upon the requisition of the state board for vocational commissioner of education.

Sec. 1435. Section 259.3, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

259.3 BOARD AND DIVISION.

The state board of education is the board for vocational education under this chapter. The division of vocational rehabilitation is established in the department of education. The commissioner of education shall cooperate with the United States secretary of education in carrying out the federal Act providing for the vocational rehabilitation of persons disabled in industry or otherwise. The board for vocational education shall adopt rules under chapter 17A for the administration of this chapter.

Sec. 1436. Section 259.4, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

259.4 DUTIES OF DIVISION.

The division of vocational rehabilitation shall:

1. Cooperate with the secretary of education in the administration of the Act of Congress.
2. Administer legislation pursuant to the Act of Congress enacted by this state, and direct the disbursement and administer the use of funds provided by the federal government and this state for the vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.
3. Study and make investigations relating to the vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment and formulate plans for the vocational rehabilitation of such persons.
4. Make surveys with the cooperation of the state commissioner of labor and the state industrial commissioner to assist in the vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.
5. Maintain a record of persons disabled in industry or otherwise together with measures taken for their rehabilitation.
6. Utilize in the rehabilitation of persons disabled in industry or otherwise existing educational and other facilities as are advisable and practicable, including public and private educational institutions, public or private establishments, plants, factories, and the services of individuals specially qualified for the instruction and vocational rehabilitation of handicapped persons.
7. Promote the establishment and assist in the development of training agencies for the vocational rehabilitation of persons disabled in industry or otherwise.
8. Supervise the training of persons disabled in industry or otherwise and confer with their relatives and others concerning their vocational rehabilitation.
9. Attempt to place vocationally rehabilitated persons in suitable remunerative occupations, including supervision for a reasonable time after return to civil employment.
10. Utilize the facilities of public and private agencies as practicable in securing employment for persons disabled in industry or otherwise; and a public agency shall cooperate with the division for the purpose stated.
11. Cooperate with an agency of the federal government or of the state, or of a county or other municipal authority within the state, or any other agency, public or private, in carrying out the purposes of this chapter.

12. Do all things necessary to secure the rehabilitation of those entitled to the benefits of this chapter.

13. Report biennially to the governor the conditions of vocational rehabilitation within the state, designating the educational institutions, establishments, plants, factories, and other agencies in which training is being given, and include a detailed statement of the expenditures of the state and federal funds in the rehabilitation of persons disabled in industry or otherwise.

14. Provide services for the vocational rehabilitation of severely handicapped persons and others entitled to the benefits of this chapter, including the establishment and operation of rehabilitation facilities and workshops.

15. Provide rehabilitation services to homebound and other handicapped individuals who can wholly or substantially achieve an ability of self-help as to dispense or largely dispense with the need of an attendant.

16. Provide financial and other necessary assistance to public, or private agencies in the development, expansion, operation, or maintenance of sheltered workshops or other rehabilitation facilities needed for the rehabilitation of the disabled.

17. Provide vocational rehabilitation services to socially disadvantaged persons who are substantially impaired in their ability to earn a living. This may include but is not limited to recipients of public assistance, inmates of correctional institutions or rejectees of the selective service system, who because of lack of training, experience, skills, or other factors which if corrected would lead to self-support instead of dependency.

Sec. 1437. Section 259.5, Code 1985, is amended to read as follows:

259.5 PLAN OF CO-OPERATION.

~~It shall be the duty of the state board for vocational education and~~ The division shall work with the state labor commissioner and the state industrial commissioner as administrator of the workers' compensation law to formulate a plan of co-operation in accordance with the provisions of this chapter and said the Act of Congress, such. The plan to shall become effective when approved by the governor of the state. A plan approved by the governor under this section prior to July 1, 1986 remains in effect until changed under this section.

Sec. 1438. Section 259.6, Code 1985, is amended to read as follow:*

259.6 GIFTS AND DONATIONS.

~~The state board for vocational education is hereby authorized and empowered to division may receive such gifts and donations from either public or private sources as may be offered unconditionally or under such conditions related to the vocational rehabilitation of persons disabled in industry or otherwise as in the judgment of the said state board that are proper and consistent with the provisions of this chapter.~~

Sec. 1439. Section 259.8, Code 1985, is amended to read as follows:

259.8 REPORT OF GIFTS.

~~A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom from the fund shall be submitted at call or biennially to the governor of the state by said state board the division.~~

Sec. 1440. NEW SECTION. 259.9 AGREEMENT CONTINUED.

~~The agreement between the board for vocational education and the secretary of the United States department of health and human services relating to making determinations of disability under Title II and Title XVI of the federal Social Security Act as amended [42 U.S.C. ch. 7] completed prior to July 1, 1986 remains in effect.~~

*According to enrolled Act

Sec. 1441. Section 259A.5, Code Supplement 1985, is amended to read as follows:
259A.5 RULES.

The commissioner of public instruction, subject to the approval of the state board of public instruction, is hereby authorized to education shall adopt such rules, tests, definition definitions of terms, and forms as are necessary and proper for the administration of this chapter. The state board shall adopt rules under chapter 17A to carry out this chapter.

Sec. 1442. Section 260.2, Code 1985, is amended to read as follows:
260.2 POWERS.

The board of educational examiners shall have authority to issue certificates to applicants who are eighteen years of age or over, physically competent and morally fit to teach, and who have the qualifications and training hereinafter prescribed in this section and are recommended for certification by the commissioner.

Sec. 1443. Section 260.3, Code Supplement 1985, is amended to read as follows:
260.3 PERSONNEL.

The commissioner shall with the approval of the state board direct the work of such personnel as may be are necessary to carry out the provisions of this chapter.

Sec. 1444. Section 260.6, Code 1985, is amended to read as follows:
260.6 CERTIFICATES REQUIRED.

The board of educational examiners shall issue certificates pursuant to section 257.10, subsection 11 sections 256.7, subsection 3, and 260.2. A person employed as an administrator, supervisor, school service person, or teacher in the public schools shall hold a certificate valid for the type of position in which the person is employed.

Sec. 1445. Section 260.9, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The board of educational examiners shall establish adopt rules establishing a certificate for area education agency administrators. The area education agency administrator's certificate shall be issued to an applicant who has met the requirements in two of the four following subsections:

Sec. 1446. Section 260.10, Code 1985, is amended to read as follows:
260.10 CERTIFICATE TO APPLICANTS FROM OTHER STATES OR COUNTRIES.

The board of educational examiners may, at its discretion, issue any teacher's certificate provided for in this Act to an applicant from another state or country who files with the board commissioner evidence of the possession of the required qualifications or the equivalent thereof. The board of educational examiners is hereby authorized to commissioner of education may enter into reciprocity agreement agreements with any other another state or country for the certification of teachers on an equitable basis of mutual exchange, when such the action is in conformity with law.

Courses, classes, or programs offered in this state by out-of-state institutions must be approved by the board of educational examiners commissioner of education in order to fulfill requirements for certification or renewal of certification of an applicant.

Sec. 1447. Section 260.11, Code 1985, is amended to read as follows:
260.11 EXPIRATION OF CERTIFICATES.

The board shall prescribe adopt rules prescribing the terms of years for which the various types and classes of certificates are valid and shall prescribe requirements for certificate renewal. An original or renewed certificate shall expire on June 30 of the year in which it expires, and the expiration date shall be determined by counting each fraction of a year during the term of a certificate following the date of issuance as one full year.

Sec. 1448. Section 260.19, Code 1985, is amended to read as follows:
260.19 SUBSTITUTE TEACHER'S CERTIFICATE.

The board shall prescribe adopt rules prescribing requirements for the issuance of a substitute teacher's certificate.

Sec. 1449. Section 260.21, Code 1985, is amended to read as follows:

260.21 VALIDITY OF CERTIFICATES.

A certificate is valid throughout the state after issuance by the board. A certificate issued by the board prior to January 1, 1980 is valid until June 30 of the year in which the certificate expires. Certificates issued prior to January 1, 1980, may be renewed in a manner prescribed by the board commissioner of education.

Sec. 1450. Section 260.27, Code 1985, is amended to read as follows:

260.27 STUDENT TEACHING.

Whenever the conditions prescribed rules adopted by the board of educational examiners for issuance of any type or class of certificate provide that the applicant shall have completed complete work in student teaching it shall be is lawful for any an accredited college or university located within the state of Iowa and states conterminous with Iowa and offering a program or programs of teacher education approved by said board of educational examiners of Iowa the commissioner of education or the appropriate authority in states conterminous with Iowa to enter into a written contract with any approved accredited school district or private school, under such terms and conditions as may be agreed upon by such the contracting parties. Students actually engaged teaching under the terms of such the contract, shall be are entitled to the same protection, under the provisions of section 613A.8, as is afforded by said that section to officers and employees of the school district, during the time they are so assigned.

Sec. 1451. Section 260.28, Code Supplement 1985, is amended to read as follows:

260.28 EXPENDITURES.

All expenditures authorized to be made by the board of educational examiners under this chapter shall be certified by the commissioner of public instruction education to the state comptroller, and if found correct, the state comptroller shall approve the same expenditures and draw warrants therefor upon the treasurer of state from the funds appropriated for that purpose.

Sec. 1452. Section 260.31, subsection 2, Code 1985, is amended to read as follows:

2. The board of educational examiners shall adopt rules under chapter 17A for coaching authorizations including, but not limited to, approval of courses, validity and expiration, fees, and suspension and revocation of authorizations. The board of educational examiners commissioner of education shall work with institutions of higher education, private colleges and universities, merged area schools, and area education agencies to insure that the courses required under subsection 1 are offered throughout the state at convenient times and at a reasonable cost.

Sec. 1453. **NEW SECTION. 260.33 EVALUATOR APPROVAL.**

Effective July 1, 1990, in addition to endorsements required under rules adopted pursuant to this chapter, an individual employed as an administrator, supervisor, school service person, or teacher by a school district, area education agency, or area school, who conducts evaluations of the performance of individuals holding certificates under this chapter, shall possess an evaluator approval.

By July 1, 1987, the board of educational examiners shall adopt rules establishing requirements for an evaluator approval including but not limited to approval of courses, renewal requirements, fees, and suspension and revocation of evaluator approvals. An approved program shall include provisions for determining that an applicant for evaluator approval has satisfactorily completed the program. The board of educational examiners shall work with institutions of higher education under the state board of regents, private colleges and universities, merged area schools, and area education agencies to insure that the courses required under subsection 1 are offered throughout the state at convenient times and at reasonable

cost. The requirements shall include completion of a program approved by the board of educational examiners as follows:

1. For evaluation of teachers, the development of skills including but not limited to analysis of lesson plans, classroom observation, analysis of data, performance improvement strategies, and communication skills.

2. For evaluation of certificated employees other than teachers, the development of skills including but not limited to communication skills, analysis of employee performance, analysis of data, and performance improvement strategies.

An evaluator approval is valid for a period of five years from its issuance.

Sec. 1454. Section 261.3, Code 1985, is amended to read as follows:

261.3 ORGANIZATION — BYLAWS.

The commission is an autonomous state agency which is attached to the department of education for organizational purposes only.

The commission shall determine its own organization, draw up its own bylaws, adopt rules under chapter 17A, and do such other things as may be necessary and incidental in the administration of this chapter, including the housing, employment, and fixing the compensation and bond of such persons as are required to carry out its functions and responsibilities. A decision of the commission is final agency action under chapter 17A.

The commission shall function at the seat of government or such other place as it might designate.

Sec. 1455. Section 261A.5, Code 1985, is amended to read as follows:

261A.5 CREATION AS PUBLIC INSTRUMENTALITY.

The Iowa higher education loan authority is created as a body politic and corporate. The authority is a public instrumentality and the exercise by the authority of the powers conferred by this chapter is the performance of an essential public function. The authority is attached to the college aid commission for administrative purposes.

Sec. 1456. Section 272A.4, Code 1985, is amended to read as follows:

272A.4 PER DIEM AND EXPENSES.

The members of the commission shall be allowed a per diem of thirty dollars and paid their necessary travel and expense while engaged in their official duties. Members may also be eligible to receive compensation as provided in section 7E.3.

Sec. 1457. Section 273.2, unnumbered paragraphs 1 and 2, Code Supplement 1985, are amended to read as follows:

There are established throughout the state fifteen area education agencies, each of which is governed by an area education agency board of directors. The boundaries of an area education agency shall not divide a school district. The state board of public instruction commissioner of education shall change boundaries of area education agencies to take into account mergers of local school districts and changes in boundaries of local school districts, when necessary to maintain the policy of this chapter that a local school district shall not be a part of more than one area education agency.

An area education agency established under this chapter is a body politic as a school corporation for the purpose of exercising powers granted under this chapter, and may sue and be sued. An area education agency may hold property and execute lease-purchase agreements pursuant to section 273.3, subsection 7, and if the lease exceeds ten years or the purchase price of the property to be acquired pursuant to a lease-purchase agreement exceeds twenty-five thousand dollars, the area education agency shall conduct a public hearing on the proposed lease-purchase agreement and receive approval from the area education agency board of directors and the state board of public instruction commissioner of education before entering into the agreement.

Sec. 1458. Section 273.3, subsections 3, 7, 8, and 9, Code Supplement 1985, are amended to read as follows:

3. Provide data and prepare reports as directed by the commissioner of ~~public instruction and the state board~~ education.

7. Be authorized to lease, subject to the approval of the ~~state board of public instruction commissioner of education~~ and to receive by gift and operate and maintain facilities and buildings necessary to provide authorized programs and services. However, a lease for less than ten years and with an annual cost of less than twenty-five thousand dollars does not require the approval of the ~~state board commissioner~~. If a lease requires approval, the ~~state board commissioner~~ shall not approve the lease until the ~~state board commissioner~~ is satisfied by investigation that public school corporations within the area do not have suitable facilities available.

8. Be authorized, subject to the approval of the ~~state board of public instruction commissioner~~, to enter into agreements for the joint use of personnel, buildings, facilities, supplies, and equipment with school corporations as deemed necessary to provide authorized programs and services.

9. Be authorized to make application for, accept, and expend state and federal funds that are available for programs of educational benefit approved by the ~~state board of public instruction commissioner of education~~, and ~~co-operate~~ cooperate with the department and the ~~state board~~ in the manner provided in federal-state plans or department rules in the effectuation and administration of programs approved by the ~~department commissioner~~, or approved by other educational agencies, which agencies have been approved as a state educational ~~authority~~ authorities.

Sec. 1459. Section 273.4, subsection 3, Code 1985, is amended to read as follows:

3. Submit program plans each year to the department of ~~public instruction education~~, for approval by the ~~state board of public instruction commissioner~~, to reflect the needs of the area education agency for media services as provided in section 273.6.

Sec. 1460. Section 273.9, subsections 3, 4, and 5, Code 1985, are amended to read as follows:

3. The costs of special education support services provided through the area education agency shall be funded by an increase in the allowable growth of each school district, determined as provided in section 442.7. Special education support services shall not be funded until the program plans submitted by the special education directors of each area education agency as required by section 273.5 are modified as necessary and approved by the ~~state board of public instruction commissioner of education~~ according to the criteria and limitations of chapter 281 and section 442.7.

4. The costs of media services provided through the area education agency shall be funded as provided in section 442.27. Media services shall not be funded until the program plans submitted by the administrators of each area education agency as required by section 273.4 are modified as necessary and approved by the ~~state board of public instruction commissioner of education~~ according to the criteria and limitations of section 273.6 and of section 442.27.

5. The costs of educational services provided through the area education agency shall be funded within the limitations in section 442.27.

PARAGRAPH DIVIDED. The state board of ~~public instruction education~~ shall ~~promulgate adopt rules under chapter 17A, as necessary to implement performance of its approval duties relating to the approval of program plans under this section.~~

Sec. 1461. Section 274.42, Code Supplement 1985, is amended to read as follows:

274.42 ADJUSTING OF DISTRICT BOUNDARIES.

~~Whenever~~ If the federal government, or any agency or department thereof shall have heretofore located or shall hereafter locate any of the federal government locates a project

which may be deemed is desirable for the development of the national defense or for the purpose of flood control, and for the purpose of so locating such the project shall have heretofore determined or shall hereafter determine, determines that certain real property making up a portion of a school district is required, the commissioner of public instruction with the approval of the state board shall have the power education may by resolution to adjust the boundaries of school districts wherein in which the federally owned property is located and the boundaries of adjoining school districts so as to effectively provide for the schooling of children residing within all of said the districts. A copy of such the resolution shall be promptly filed with the board of directors of such the adjoining school district or districts and with the board of directors of such the school district wherein in which the federally owned property is located unless such the board has been reduced below a quorum in the manner contemplated in section 274.40, in which event such the resolution shall be posted in two public places within the altered district.

Sec. 1462. Section 275.8, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Planning of joint districts shall be conducted in the same manner as planning for single districts, except as provided in this section. Studies and surveys relating to the planning of joint districts shall be filed with the area education agency in which one of the districts is located which has the greatest taxable property base. In the case of controversy over the planning of joint districts, the matter shall be submitted to the state board of public instruction commissioner of education. Judicial review of its the commissioner's decision may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of said that Act, petitions for judicial review must be filed within thirty days after the decision of the state board of public instruction commissioner. Joint districts shall mean "Joint districts" means districts that lie in two or more adjacent area education agencies.

Sec. 1463. Section 275.23, Code 1985, is amended to read as follows:

275.23 FREQUENCY OF CHANGE.

A school district which is enlarged, reorganized, or changes its boundaries under the provisions of sections 275.12 to 275.22, shall not be allowed to file a petition under the provisions of section 275.12 for the purpose of reducing the area served or changing the boundaries to exclude areas encompassed by the enlargement, reorganization, or boundary changes for a period of five years following the effective date of the enlargement, reorganization, or boundary change unless such the action is approved by the state board of public instruction commissioner of education.

Sec. 1464. Section 275.39, Code 1985, is amended to read as follows:

275.39 EXCLUDED TERRITORY INCLUDED IN NEW PETITION.

Territory described in the petition of a proposed reorganization which has been set out of the proposed reorganization by the area education agency board or the joint boards, as the case may be, and in the event of an appeal, after the decision of the state department of public instruction commissioner of education or the courts as by law provided, may be included in any new petition for reorganization.

Sec. 1465. Section 275.54, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Within ten days following the filing of the dissolution proposal with the board, the board shall fix a date for a hearing on the proposal which shall not be more than sixty days after the dissolution petition was filed with the board. The board shall publish notice of the date, time, and location of the hearing at least ten days prior to the date of the hearing by one publication in a newspaper in general circulation in the district. The notice shall include the content of the dissolution proposal. A person residing or owning land in the school district may present

evidence and arguments at the hearing. The president of the board shall preside at the hearing. The board shall review testimony from the hearing and shall adopt or amend and adopt the dissolution proposal. The board shall notify by registered mail the boards of directors of all school districts to which area of the affected school district will be attached and the ~~state board of public instruction~~ commissioner of education of the contents of the dissolution proposal adopted by the board. If the board of a district to which area of the affected school district will be attached objects to the attachment, that portion of the dissolution proposal will not be included in the proposal voted upon under section 275.55 and the ~~state board of public instruction~~ commissioner of education shall attach the area to a contiguous school district. If the board of a district to which area of the affected school district will be attached objects to the division of assets and liabilities contained in the dissolution proposal, section 275.30 ~~shall apply~~ applies for the division of assets and liabilities to that district.

Sec. 1466. Section 276.3, subsection 6, Code 1985, is amended by striking the subsection.

Sec. 1467. Section 279.10, subsection 4, Code Supplement 1985, is amended to read as follows:

4. The ~~state board of public instruction~~ commissioner of education may grant a request made by a board of directors of a school district stating its desire to commence classes for regularly established elementary and secondary schools before the first day of September. ~~Such~~ A request shall be based upon the determination that a starting date on or after the first day of September would have a significant negative educational impact.

Sec. 1468. Section 280.13, Code Supplement 1985, is amended to read as follows:

280.13 REQUIREMENTS FOR INTERSCHOLASTIC CONTESTS AND COMPETITIONS.

~~No~~ A public school shall not participate in or allow students representing a public school to participate in any extracurricular interscholastic contest or competition which is sponsored or administered by an organization as defined in this section, unless the organization is registered with the department of ~~public instruction~~ education, files financial statements with the department in the form and at the intervals prescribed by the ~~state board of public instruction~~ commissioner of education, and is in compliance with rules ~~and regulations~~ which the state board of ~~public instruction~~ education adopts for the proper administration, supervision, operation, adoption of eligibility requirements, and scheduling of ~~such~~ extracurricular interscholastic contests and competitions and ~~such~~ the organizations. For the purposes of this section "organization" means ~~any~~ a corporation, association, or organization which has as one of its primary purposes the sponsoring or administration of extracurricular interscholastic contests or competitions, but ~~shall~~ does not include an agency of this state, a public or private school or school board, or an athletic conference or other association whose interscholastic contests or competitions do not include more than twenty schools.

Sec. 1469. Section 280A.18, subsections 1, 2, and 5, Code 1985, are amended to read as follows:

1. Federal funds made available and administered by the ~~state board~~ commissioner, for ~~such~~ purposes as may be provided by federal laws, rules, and regulations.

2. Other federal funds for such purposes as may be provided by federal law, subject to the approval of the ~~state board~~ commissioner.

5. State funds for sites and facilities made available and administered by the ~~state board~~ commissioner.

Sec. 1470. Section 280A.25, Code Supplement 1985, is amended by striking the section and inserting in lieu thereof the following:

280A.25 POWER OF COMMISSIONER.

1. Designate a vocational school or community college as an "area vocational education school" within the meaning of, and for the purpose of administering, the Act of Congress

designated the "Vocational Education Act of 1963". A vocational school or community college shall not be so designated by the commissioner for the expenditure of funds under section 35c, subsection "a", paragraph 5, Title 20, U.S.C., which has not been designated and classified as an area vocational school or area community college by the state board.

2. Change boundaries of director districts in a merged area when the board fails to change boundaries as required by law.

3. Make changes in boundaries of merged areas with the approval of the board of directors of each merged area affected by the change. When the boundaries of a merged area are changed, the commissioner may authorize the board of directors of the merged area to levy additional taxes upon the property within the merged area, or any part of the merged area, and distribute the taxes so that all parts of the merged area are paying their share toward the support of the school or college.

4. Administer, allocate, and disburse federal or state funds made available to pay a portion of the cost of acquiring sites for and constructing, acquiring, or remodeling facilities for area vocational schools or area community colleges, and establish priorities for the use of such funds.

5. Administer, allocate, and disburse federal or state funds available to pay a portion of the operating costs of area vocational schools or area community colleges.

6. Approve or disapprove, in a manner as the commissioner may prescribe, sites and buildings to be acquired, erected, or remodeled for use by area vocational schools or area community colleges.

7. Propose administrative rules to carry out this chapter subject to approval of the state board.

8. Enter into contracts with local school boards within the area that have and maintain a technical or vocational high school and with private schools or colleges in the co-operative or merged areas to provide courses or programs of study in addition to or as a part of the curriculum made available in the community college or area vocational schools.

9. Make arrangements with boards of merged areas and local school districts to permit students attending high school to participate in vocational-technical programs and advanced college placement courses and obtain credit for such participation for application toward the completion of a high school diploma. The granting of credit is subject to the approval of the commissioner.

10. Prescribe a uniform system of accounting for area schools.

Sec. 1471. Section 280A.26, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Any A local school district which operated a community or junior college for any period between September 1, 1964, and July 4, 1965, may continue to operate such the college. Existing public community or junior colleges may be converted into area vocational schools or area community colleges in the manner provided in this chapter. ~~In addition, an~~ An existing public community or junior college may be converted into an area vocational school or area community college by agreement between the board of directors of the local school district operating the community or junior college and the board of directors of the merged area. Such The agreement ~~shall be~~ is effective only if approved by the state board of public instruction commissioner. ~~Such The~~ The agreement shall provide for reasonable compensation to such the local school district.

Sec. 1472. Section 280A.33, subsections 4, 7, 8, 9, and 10, Code Supplement 1985, are amended to read as follows:

4. Approval standards ~~shall be~~ are subject to the ~~provisions of~~ provisions of chapter 17A. In addition, approval standards shall be reported by the ~~state board commissioner~~ state board commissioner to the general assembly within twenty days after the commencement of a regular legislative session. ~~No~~ An area community college or area vocational school shall not be removed from the approved list for

failure to comply with the approval standards until at least one hundred twenty days have elapsed following the reporting of such the standards to the general assembly as provided in this section.

7. The state board commissioner shall maintain a list of approved area community colleges and area vocational schools, and if the commissioner shall remove from the approved list for cause, after due investigation and notice, any an area community college or area vocational school which fails to comply with the approval standards. An area community college or area vocational school which is removed from the approved list pursuant to this section shall be is ineligible to receive state financial aid during the period of such removal. The state board commissioner shall allow a reasonable period of time, which shall be at least one year, for compliance with approval standards if an area community college or area vocational school is making a good faith effort and substantial progress toward full compliance or if failure to comply is due to factors beyond the control of the board of directors of the merged area operating the institution. In allowing time for compliance, the board commissioner shall follow consistent policies, taking into account the circumstances of each case. The reasonable period of time for compliance may be, but need not be, given prior to the one-year notice requirement that is provided in this section.

8. The department of public instruction commissioner shall give any an area community college or area vocational school which is to be removed from the approved list at least one year's notice. The notice shall be given by registered or certified mail addressed to the superintendent of the area community college or area vocational school and shall specify the reasons for removal. The notice shall also be sent by ordinary mail to each member of the board of directors of the area community college or area vocational school, and to the news media which serve the merged area where the school is located; but any good faith error or failure to comply with this sentence shall not affect the validity of any action by the state board commissioner. If, during the year, the area community college or area vocational school remedies the reasons for removal and satisfies the state board commissioner that it will thereafter comply with the laws and approval standards, the state board commissioner shall continue the area community college or area vocational school on the approved list and shall transmit to the area community college or area vocational school notice of the action by registered or certified mail.

9. At any time during the year after notice is given, the board of directors of the area community college or area vocational school may request a public hearing before the state board of public instruction commissioner, by mailing a written request to the commissioner of public instruction by registered or certified mail. The president of the state board commissioner shall promptly set a time and place for the public hearing, which shall be either in Des Moines or in the affected merged area. At least thirty days' notice of the time and place of the hearing shall be given by registered or certified mail addressed to the superintendent of the area community college or area vocational school. At least ten days before the hearing, notice of the time and place of the hearing and the reasons for removal shall also be published by the department in a newspaper of general circulation in the merged area where the area community college or area vocational school is located.

10. At the hearing the area community college or area vocational school may be represented by counsel and may present evidence. The state board commissioner may provide for the hearing to be recorded or reported. If requested by the area community college or area vocational school at least ten days before the hearing, the state board commissioner shall provide for the hearing to be recorded or reported at the expense of the area community college or area vocational school, using any reasonable method specified by the area community college or area vocational school. Within ten days after the hearing, the state board commissioner shall render its a written decision, signed by a majority of its members, and shall affirm, modify, or vacate the action or proposed action to remove the area community college or

area vocational school from the approved list. The board of directors of the merged area school may request a review of the decision of the commissioner by the state board. The state board may affirm, modify, or vacate the decision, or may direct a rehearing before the commissioner.

Sec. 1473. Section 280A.35, unnumbered paragraph 2, Code 1985, is amended to read as follows:

With the approval of the ~~state board commissioner~~, the board of directors of ~~any~~ a merged area at any time may sell any land in excess of one hundred sixty acres owned by the merged area, and ~~no an election shall be~~ is not necessary in connection with ~~such the sale notwithstanding any other provisions of law.~~ The proceeds of the sale may be used for any of the purposes stated in section 280A.22. This paragraph is in addition to any authority under other provisions of law.

Sec. 1474. Section 280A.38, unnumbered paragraphs 1 and 3, Code 1985, are amended to read as follows:

The board of directors may, with the approval of the ~~state board commissioner~~, enter into lease agreements, with or without purchase options, not to exceed twenty years in duration, for the leasing or rental of buildings for use basically as classrooms, laboratories, shops, libraries, and study halls for vocational school or community college purposes, and pay for the ~~same leasing or rental~~ with funds acquired pursuant to section 280A.17, section 280A.18, and section 280A.22. However, lease agreements extending for less than ten years and for less than twenty-five thousand dollars per year need not be submitted to the ~~state board commissioner~~ for approval.

Before entering into a lease agreement with a purchase option for a building to be constructed, or placed, upon real estate owned by the area school, the board shall first adopt plans and specifications for the proposed building which it considers suitable for the intended use, and the board shall also adopt the proposed terms of the lease agreement and purchase option. Upon obtaining the approval of the ~~state board commissioner~~, if state board approval of the commissioner is required, the board shall invite bids ~~thereon~~, by advertisement published once each week for two consecutive weeks in the county where the building is to be located. The lease agreement shall be awarded to the lowest responsible bidder, or the board may reject all bids and readvertise for new bids.

Sec. 1475. Section 280A.39, unnumbered paragraph 2, Code 1985, is amended to read as follows:

If the vote is favorable in each merged area, the boards of each area shall proceed to transfer the assets, liabilities, and facilities of the areas to the combined merged area, and shall serve as the acting board of the combined merged area until a new board of directors is elected. The acting board shall submit to the ~~state board commissioner~~ a plan for redistricting the combined merged area, and upon receiving approval from the ~~state board commissioner~~, shall provide for the election of a director from each new district at the next regular school election. The directors elected from each new district shall determine their terms by lot as provided in section 280A.11. Election of directors for the combined merged area shall follow the procedures established for election of directors of a merged area. A combined merged area ~~shall be~~ is subject to all provisions of law and regulations governing merged areas.

Sec. 1476. Section 281.1, Code Supplement 1985, is amended to read as follows:

281.1 DIVISION OF SPECIAL EDUCATION CREATED.

There is created within the department of ~~public instruction~~ education a division of special education for the promotion, direction, and supervision of education for children requiring special education in the schools under the supervision and control of the department. The commissioner, ~~subject to the approval of the state board of public instruction~~, is authorized to of education may organize the division and ~~to employ the necessary qualified personnel to carry out the provisions of~~ implement this chapter.

Sec. 1477. Section 281.3, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The division of special education, ~~subject to the approval of the state board,~~ shall have has the following duties and powers:

Sec. 1478. Section 281.3, subsection 2, Code 1985, is amended to read as follows:

2. To ~~adopt~~ administer rules adopted by the state board that are consistent with the provisions of this chapter for the approval of plans for special education programs and services submitted by the director of special education of the area education agency.

Sec. 1479. Section 281.4, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The board of directors of any a school district or area education agency, with the approval of the ~~state board of public instruction commissioner of education~~, may provide special education programs and services as defined in this chapter. If services are provided by the area education agency, with the approval of the state board of public instruction, the board of directors of the area education agency with the co-operation of the local school districts within its jurisdiction may:

Sec. 1480. Section 281.4, unnumbered paragraph 3, Code 1985, is amended to read as follows:

The board of directors of the local district or the area education agency may establish and operate one or more special education centers to provide diagnostic, therapeutic, corrective, and other services, on a more comprehensive, expert, ~~economic~~ economical, and efficient basis than can be reasonably provided by a single school district. ~~Such~~ The services, if offered by the area education agency board, may be provided in the regular schools using personnel and equipment of the area education agency or, ~~whenever~~ if it is impractical or inefficient to provide them on the premises of a regular school, the area education agency may provide services in its own facilities. To the maximum extent feasible, ~~such~~ centers shall be established at and in conjunction with, or in close proximity to one or more elementary and secondary schools. Local districts or the area education agencies may accept diagnostic and evaluation studies conducted by other individuals, hospitals, or centers, if determined to be competent. Children requiring special education services may be identified in any way that the department of ~~public instruction~~, as approved by the state board of public instruction, education determines to be reliable. Centers established pursuant to this section may contain classrooms and other educational facilities and equipment to supplement instruction and other services to handicapped children in the regular schools, and to provide separate instruction to children whose degree or type of educational handicap makes it impractical or inappropriate for them to participate in classes with normal children.

Sec. 1481. Section 281.7, Code 1985, is amended to read as follows:

281.7 EXAMINATIONS OF CHILDREN.

In order to render proper instruction to each child requiring special education, the school districts shall certify children requiring special education for special instruction in accordance with the requirements set up by the division of special education and shall provide examinations for children preliminary to making certification. The examinations necessary for the certification of children requiring special education shall be prescribed by the state division of special education. Final decision in case of disagreement or appeal ~~shall be~~ is the responsibility of the ~~state board of public instruction commissioner of education, which who~~ may secure the advice of competent medical and educational authorities including the state department of health, the university hospitals, the state department of social welfare, the superintendent of the state school for the deaf, and the superintendent of the Iowa braille and sight-saving school, and the superintendent of the state tuberculosis sanatorium.

Sec. 1482. Section 281.9, subsections 4 and 7, Code Supplement 1985, are amended to read as follows:

4. On December 1, ~~1975~~ 1987, and no later than December 1 every two years thereafter, for the school year commencing the following July 1, the commissioner of public instruction shall report to the school budget review committee the average costs of providing instruction for children requiring special education in the categories of the weighting plan established under this section, and the ~~state board of public instruction~~ commissioner of education shall make recommendations to the school budget review committee for needed alterations to make the weighting plan suitable for subsequent school years. The school budget review committee shall establish the weighting plan for each school year after the school year commencing July 1, ~~1975~~ 1987, and shall report the plan to the commissioner of ~~public instruction~~ education. The school budget review committee shall not alter the weighting assigned to pupils in a regular curriculum, but it may increase or decrease the weighting assigned to each category of children requiring special education by not more than two-tenths of the weighting assigned to pupils in a regular curriculum. The state board of ~~public instruction~~ education shall ~~promulgate~~ adopt rules under chapter 17A, to implement the weighting plan for each year and to assist in identification and proper indexing of each child in the state who requires special education.

7. ~~Commencing with the school year beginning July 1, 1976, The costs of special education instructional programs include the costs of purchase of transportation equipment to meet the special needs of children requiring special education and for each school year subsequent to the school year beginning July 1, 1977 the inclusion of such costs shall be subject to with the approval of the state board of public instruction commissioner of education. Unenumerated funds generated for special education instructional programs for the school year beginning July 1, 1975 and for the school year beginning July 1, 1976 shall not be expended for such purposes unless approved by the department based upon applications received by the department prior to January 1, 1978 and approved prior to April 1, 1978. The state board of education shall adopt rules under chapter 17A for the purchase of transportation equipment pursuant to this section.~~

Sec. 1483. Section 281.11, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Program plans submitted to the department of ~~public instruction~~ education pursuant to section 273.5 for approval by the ~~state board of public instruction~~ commissioner of education shall establish all of the following:

Sec. 1484. Section 282.7, subsection 1, Code Supplement 1985, is amended to read as follows:

1. The board of directors of a school district by record action may discontinue any or all of grades seven through twelve and negotiate an agreement for attendance of the pupils enrolled in those grades in the schools of one or more contiguous school districts having ~~approved~~ accredited school systems. If the board designates more than one contiguous district for attendance of its pupils, the board shall draw boundary lines within the school district for determining the school districts of attendance of the pupils. The portion of a district so designated shall be contiguous to the ~~approved~~ accredited school district designated for attendance. Only entire grades may be discontinued under this subsection and if a grade is discontinued, all higher grades in that district shall also be discontinued. A school district that has discontinued one or more grades under this subsection has complied with the requirements of section 275.1 relating to the maintenance of kindergarten and twelve grades. A pupil who graduates from another school district under this subsection shall receive a diploma from the receiving district. Tuition shall be paid by the resident district as provided in section 282.24, subsection 2. The agreement shall provide for transportation and authority and liability of the affected boards.

Sec. 1485. Section 282.19, Code Supplement 1985, is amended to read as follows:

282.19 CHILD LIVING IN FOSTER CARE FACILITY.

A child who is living in a licensed child foster care facility as defined in section 237.1 in this state which is located in a school district other than the school district in which the child resided before receiving foster care may enroll in and attend an approved accredited school in the school district in which the child is living. If a child does not require special education and was not counted in the basic enrollment of a school district for a budget year under section 442.4, the tuition and transportation, when required by law, shall be paid by the treasurer of state from funds in the state treasury not otherwise appropriated, and upon warrants drawn by the state comptroller upon requisition of the commissioner of public instruction.

Sec. 1486. Section 282.27, Code Supplement 1985, is amended to read as follows:

282.27 PAYMENT FOR CERTAIN CHILDREN.

When a child requiring special education is living in a state-supported institution, charitable institution, or licensed boarding home as defined in this chapter which does not maintain a school, and the residence of the child requiring special education is in a school district other than the school district in which the state-supported institution, charitable institution, or licensed boarding home is located, the child is eligible for special education programs and services provided for children requiring special education who are residents of the school district in which the institution or boarding home is located. The special education instructional costs shall be computed by means of weighted enrollment for that child under the provisions of chapters 273, 281, and 442 as if that child were a resident of the school district in which the institution or boarding home is located, but the child shall be included in the enrollment count in the district of residence in the manner provided in sections 281.9 and 442.4. The costs as computed shall be paid by the district of residence. ~~No~~ A child requiring special education shall not be denied special education programs and services because of a dispute over determination of residence of that child. If there is a dispute over the residence of the child, the ~~state board of public instruction~~ commissioner of education shall determine the residence of the child. However, if the special education instructional costs incurred on behalf of the child exceed the amount which would be allowed if the child were provided the programs and services in the district of residence, the treasurer of the school district of residence shall make payment at the maximum amount allowed in that district for a child requiring special education who is similarly handicapped. If the child requiring special education is not counted in the weighted enrollment of any district under section 281.9, and payment is not made by any district, the district in which the institution or boarding home is located may certify the special education instructional costs to the commissioner of ~~public instruction~~ education not later than September 1 of each year for the preceding fiscal year. The ~~state board of public instruction~~ commissioner of education shall review the costs and submit a requisition to the state comptroller. The amount due shall be paid by the treasurer of state to the district in which the institution or licensed boarding home is located from any funds in the general fund of the state not otherwise appropriated upon warrants drawn and signed by the state comptroller. For the purposes of this section, the term "district of residence of the child" means the residence of the parent or legal guardian, or the location of the district court if the district court is the legal guardian, of the child.

Sec. 1487. Section 283.1, Code 1985, is amended to read as follows:

283.1 FEDERAL FUNDS ACCEPTED.

The ~~state board of public instruction~~ commissioner of education is the "state educational authority" for the purpose of accepting and administering funds appropriated by congress for educational purposes and the funds shall be deposited with the treasurer of state and disbursed through the office of state comptroller on vouchers audited as provided by law. When state matching funds are required as a condition to the acceptance of federal funds, the ~~state board of public instruction~~ commissioner may make expenditures for matching only from funds provided by the legislature for that purpose. However, when federal funds may be matched with expenditures from funds appropriated for the general operation of the department of ~~public instruction~~ education, this may be done with the approval of the legislative council.

Sec. 1488. Section 285.6, Code Supplement 1985, is amended to read as follows:

285.6 STAFF IN DEPARTMENT.

The commissioner, ~~subject to the approval of the state board of public instruction, is authorized to organize and staff the division and to of education shall~~ employ the necessary qualified personnel to ~~carry out the provisions of~~ implement this chapter. The appropriation provided by this chapter may be expended in part for the direction and supervision provided by the chapter which shall include salaries and all necessary traveling expense incurred by ~~said~~ personnel in the performance of their official duties.

Sec. 1489. Section 297.26, Code 1985, is amended to read as follows:

297.26 SALE BY EXECUTIVE COUNCIL.

~~Any A school building or any school site, the title of which is vested in the state of Iowa by reason of it having been provided by state mining camp funds for schools in mining camps, shall be sold by the state executive council when the state board of public instruction commissioner of education certifies the same to the executive council in writing as being that the building or site is no longer needed for school purposes.~~

Sec. 1490. Section 299.2, subsection 5, Code 1985, is amended to read as follows:

5. Who is attending a private college preparatory school ~~approved accredited or probationally approved accredited under the provisions of section 257.25 256.11, subsection 14 13.~~

Sec. 1491. Section 442.7, subsection 7, paragraph h, Code Supplement 1985, is amended to read as follows:

h. For the school year beginning July 1, ~~1983 1986~~ and succeeding school years, the ~~state board of public instruction commissioner of education~~ may direct the state comptroller to increase or reduce the allowable growth added to district cost per pupil in weighted enrollment for a budget year for special education support services costs in an area education agency in the base year based upon special education support services needs in the area. However, an increase in the allowable growth can only be granted by action of the ~~state board commissioner~~ to restore a previous reduction or portion of a reduction in allowable growth for that year or the previous year.

Sec. 1492. Section 442.12, Code Supplement 1985, is amended to read as follows:

442.12 SCHOOL BUDGET REVIEW COMMITTEE.

A school budget review committee is established; ~~consisting in the department of education and consists of the commissioner of public instruction the department of education, the state comptroller executive director of the office of management,~~ and three members appointed by the governor to represent the public and to serve three-year staggered terms. The committee shall meet and hold hearings each year and shall continue in session until it has reviewed budgets of school districts, as provided in section 442.13. It may call in school board members and employees as necessary for the hearings. Legislators shall be notified of hearings concerning school districts in their constituencies.

The committee shall adopt its own rules of procedure. The commissioner of ~~public instruction the department of education~~ shall serve as chairperson, and the ~~state comptroller executive director of the office of management~~ shall serve as secretary. The committee members representing the public are entitled to receive a per diem equal to the per diem of ~~members of the board of public instruction, and their necessary travel and other expenses while engaged in their official duties. Members may also be eligible to receive compensation as provided in section 7E.3.~~ Expense payments shall be made from appropriations to the department of ~~public instruction education.~~

Sec. 1493. Section 442.13, subsections 1, 9, 11, 12, and 15, Code Supplement 1985, are amended to read as follows:

1. The school budget review committee may recommend the revision of any rules, regulations, directives, or forms relating to school district budgeting and accounting, confer with

local school boards or their representatives and make recommendations relating to any budgeting or accounting matters, and may direct the commissioner of ~~public instruction~~ the department of education or the ~~state comptroller~~ executive director of the office of management to make studies and investigations of school costs in any school district.

9. When the committee makes a decision under subsections 3 to 8, it shall make all necessary changes in the district cost, budget, and tax levy. It shall give written notice of its decision, including all such changes, to the school board through the ~~state comptroller~~ executive director of the office of management.

11. Failure by any school district to provide information or appear before the committee as requested for the accomplishment of review or hearing ~~shall constitute~~ is justification for the committee to instruct the ~~state comptroller~~ executive director of the office of management to withhold any state aid to that district until the committee's inquiries are satisfied completely.

12. The committee shall review the recommendations of the commissioner of ~~public instruction~~ the department of education relating to the special education weighting plan, and shall establish a weighting plan for each school year after the school year commencing July 1, 1975, and report the plan to the commissioner of ~~public instruction~~ the department of education.

15. Annually the school budget review committee shall review the amount of property tax levied by each school district for a cash reserve authorized in section 298.10. If in the committee's judgment, the amount of a district's cash reserve levy is unreasonably high, the committee shall instruct the ~~state comptroller~~ executive director of the office of management to reduce that district's tax levy computed under section 442.9 for the following budget year by the amount the cash reserve levy is deemed excessive. A reduction in a district's property tax levy for a budget year under this subsection does not affect the district's authorized budget.

Sec. 1494. Section 442.27, subsection 12, unnumbered paragraph 3, Code 1985, is amended to read as follows:

Notwithstanding the ~~provisions~~ of this subsection, an area education agency shall distribute to nonpublic schools media materials purchased wholly or partially with federal funds in a manner comparable to the distribution of such media materials to public schools as determined by the ~~state board~~ commissioner of public instruction ~~education~~.

Sec. 1495. Section 598.1, subsection 2, Code 1985, is amended to read as follows:

2. "Support" or "support payments" means any an amount which the court may require either of the parties to pay under a temporary order or a final judgment or decree, and may include alimony, child support, maintenance, and any other term used to describe ~~such these~~ obligations. ~~Such~~ The obligations may include support for a child who is between the ages of eighteen and twenty-two years who is regularly attending an ~~approved~~ accredited school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs; or is, in good faith, a full-time student in a college, university, or area school; or has been accepted for admission to a college, university, or area school and the next regular term has not yet begun; or a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability.

Sec. 1496. Section 601A.9, unnumbered paragraph 1, and subsections 1, 2, and 3, Code Supplement 1985, are amended to read as follows:

It ~~shall be~~ is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, national origin, religion, or disability in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:

1. On the basis of sex, exclusion Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity except athletic programs;

2. ~~On the basis of sex, denial~~ Denial of comparable opportunity in intramural and interscholastic athletic programs;

3. ~~On the basis of sex discrimination~~ Discrimination among persons in employment and the conditions thereof of employment;

Sec. 1497. Section 633.376, Code 1985, is amended to read as follows:

633.376 ALLOWANCE TO CHILDREN WHO DO NOT RESIDE WITH SURVIVING SPOUSE.

The court may also make an allowance to a child of the decedent who is less than eighteen years of age or who is between the ages of eighteen and twenty-two years who is regularly attending an ~~approved~~ accredited school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs; or is, in good faith, a full-time student in a college, university, or area school; or has been accepted for admission to a college, university, or area school and the next regular term has not yet begun; or a child of any age who is dependent because of physical or mental disability; who does not reside with the surviving spouse, of an amount it deems reasonable in the light of the assets and condition of the estate, to provide for the child's proper support during the period of twelve months.

Sec. 1498. Section 714.19, subsection 10, Code 1985, is amended to read as follows:

10. Private college preparatory schools ~~approved~~ accredited or ~~probationally approved~~ accredited under the provisions of section 257.25 256.11, subsection 13.

Sec. 1499. The commissioner of education is directed to reorganize the structure of the department in order to reduce administrative costs and to fulfill the functions prescribed for the department in an efficient and effective manner.

Sec. 1499A. Chapter 257, Code 1985, and Code Supplement 1985, sections 260.30, 276.6, and 276.7, Code 1985, are repealed.

Sec. 1499B. Section 280.16, Code Supplement 1985, is repealed effective July 1, 1989.

DEPARTMENT OF CORRECTIONS

Sec. 1501. Section 246.105, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Approve the locations for all state institutions which are penal, reformatory, or corrective.

Sec. 1502. Section 246.106, Code Supplement 1985, is amended to read as follows:
246.106 MEETINGS.

The board shall meet at least twelve times a year. Special meetings may be called by the chairperson or upon written request of any three members of the board. The chairperson shall preside at all meetings or in the chairperson's absence, the vice chairperson shall preside. The members of the board shall be paid ~~forty dollars per diem while in session, and their reasonable and necessary~~ actual expenses while attending the meetings. Each member of the board may also be able to receive compensation as provided in section 7E.3.

Sec. 1503. Section 246.108, subsection 1, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. m. Provide routine administrative and support services to the board of parole.

Sec. 1504. Section 246.108, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Establish and maintain a correctional training center at the Mount Pleasant correctional facility.

Sec. 1505. Section 246.805, subsection 7, paragraph a, Code Supplement 1985, is amended to read as follows:

a. Inmates applying to participate in a program shall be approved by the work release committee designated pursuant to section 246.902 director of the department of corrections and shall reside at state correctional institutions.

Sec. 1506. Section 246.901, Code Supplement 1985, is amended to read as follows:
246.901 PROGRAM.

The Iowa department of corrections, in consultation with the board of parole, shall establish a work release program under which the board of parole may grant inmates sentenced to an institution under the jurisdiction of the department may be granted the privilege of leaving actual confinement during necessary and reasonable hours for the purpose of working at gainful employment. Under appropriate conditions the program may also include release for the purpose of seeking employment and attendance at an educational institution. An inmate may be placed on work release status in the inmate's own home, under appropriate circumstances, which may include child care and housekeeping in the inmate's own home. An inmate shall receive a unanimous vote from the work release committee to be approved for home work release.

Sec. 1507. Section 246.903, Code Supplement 1985, is amended to read as follows:
246.903 APPLICATION AGREEMENT BY INMATE.

An inmate eligible approved to participate in the work release program may make application to the superintendent or executive officer of the institution in which confined for permission to participate in the program shall sign a work release agreement. The application agreement shall include a statement that the inmate agrees to abide by all terms and conditions of the particular plan adopted for the inmate by the committee if the application is approved board of parole, shall state the name and address of the proposed employer, if any, and shall contain such other information as the committee may require. The superintendent or executive officer may, at that person's discretion, recommend such application to the committee. The committee may approve, disapprove, or defer action on the recommendation. If the recommendation is approved, the committee shall adopt a work release plan for the applicant which shall contain such terms and conditions as may be the board of parole deems necessary and proper. The plan shall be signed by the inmate prior to participation in the program. Approval may be revoked for any reason by the superintendent or executive officer or by the committee a member of the board of parole at any time after being granted.

Sec. 1508. Section 246.904, Code Supplement 1985, is amended to read as follows:
246.904 HOUSING FACILITIES — HALFWAY HOUSES.

Unless the inmate is transferred to the correctional release center, or returns after working hours to the institution under jurisdiction of the department of corrections, the department of corrections shall contract with a judicial district department of correctional services for the quartering and supervision of the inmate in local housing facilities. The committee board of parole shall include as a specific term or condition in the work release plan of any inmate the place where the inmate is to be housed when not on the work assignment. The committee board of parole shall not place an inmate on work release for longer than six months in any twelve-month period. However, an inmate may be placed on work release for a period in excess of six months in any twelve month period if unanimous unless approval is given by the committee a majority of the full board of parole. Inmates may be temporarily released to the supervision of a responsible person to participate in family and selected community, religious,

educational, social, civic, and recreational activities when it is determined that the participation will directly facilitate the release transition from institution to community. The department of corrections shall provide a copy of the work release plan and a copy of any restitution plan of payment to the judicial district department of correctional services quartering and supervising the inmate.

Sec. 1509. Section 246.906, Code Supplement 1985, is amended to read as follows:

246.906 STATUS OF INMATES ON WORK RELEASE.

An inmate employed in the community under this chapter is not an agent, employee, or involuntary servant of the department of corrections ~~nor~~, the board of parole, or the judicial district department of correctional services while released from confinement under the terms of a work release plan. If an inmate suffers an injury arising out of or in the course of the inmate's employment under this chapter, the inmate's recovery shall be from the insurance carrier of the employer of the project and no proceedings for compensation shall be maintained against the insurance carrier of the state institution, the state, the insurance carrier of the judicial district department of correctional services, or the judicial district department of correctional services, and there is no employer-employee relationship between the inmate and the state institution, the board of parole, or the judicial district department of correctional services.

Sec. 1510. Section 246.908, subsection 1, Code Supplement 1985, is amended to read as follows:

1. Upon request by the Iowa department of corrections, the board of parole, or a judicial district department of correctional services a county shall provide temporary confinement for alleged violators of work release conditions if space is available.

Sec. 1511. **NEW SECTION. 904A.1 BOARD OF PAROLE.**

The board of parole is created to consist of five members, three members who shall devote their full time to the parole and work release system and two members who shall be part time. Each member shall serve a term of four years beginning and ending as provided by section 69.19, except appointments to fill vacancies who shall serve for the balance of the unexpired term. The chairperson of the board shall be elected by the members of the board to a term of one year and may serve more than one term consecutively. A majority of the members of the board constitutes a quorum to transact business.

Sec. 1512. **NEW SECTION. 904A.2 COMPOSITION OF BOARD.**

The membership of the board shall be of good character and judicious background, shall include a member of a minority group, may include a person ordained or designated as a regular leader of a religious community and who is knowledgeable in correctional procedures and issues, and shall meet at least two of the following three requirements:

1. Contain one member who is a disinterested layperson.
2. Contain one member who is an attorney licensed to practice law in this state and who is knowledgeable in correctional procedures and issues.
3. Contain one member who is a person holding at least a master's degree in social work or counseling and guidance and who is knowledgeable in correctional procedures and issues.

Sec. 1513. **NEW SECTION. 904A.3 APPOINTMENT TO BOARD OF PAROLE.**

The governor shall appoint the members of the board of parole, subject to confirmation by the senate. Vacancies shall be filled in the same manner as regular appointments are made.

Sec. 1514. **NEW SECTION. 904A.4 DUTIES.**

1. The board of parole shall interview and consider inmates for parole or work release and a majority vote of the members is required to grant a parole or work release.

A member of the board of parole shall conduct parole or work release revocation hearings and may revoke a parole or work release, unless prior to the hearing the offender requests

that the revocation hearing be conducted by a three person panel of the board of parole, in which case a three member panel of the board of parole shall conduct the revocation hearing and a majority vote of the panel is required to revoke the parole or work release.

2. Immediately following an offender's diagnostic review, as provided by section 246.202, the board shall arrange an interview between a liaison officer of the board and the offender to inform the offender of the earliest eligibility for parole, the maximum permissible length of the sentence, the rules and procedures regarding the issuance of parole, the availability of parole interview waivers, and other information deemed pertinent by the board or the liaison officer.

3. The board shall gather and review information regarding new parole and work release programs being instituted or considered nationwide and determine which programs may be useful for this state. This information and the resulting recommendations shall be forwarded to the director of the Iowa department of corrections on a quarterly basis.

4. The board shall maintain records regarding those individuals granted parole, work release, furlough, or a similar release status, and the records shall reflect the relationship of the success of the inmates on release status to the programs completed by the inmates while in the institution. The information shall be forwarded to the office of the governor and to the chairpersons of the house standing committee on judiciary and law enforcement and the senate standing committee on judiciary annually.

5. The board shall conduct an annual review of parole and work release programs and procedures used in this state. To assist in this review, the board shall solicit written input and comment from interested parties, including the general public and inmates of the various institutions. The board shall also conduct public hearings.

6. The board shall review the present system for gathering and storing information on inmates to determine whether increased utilization of data processing and computerization techniques would assist in the orderly conduct of the parole or work release system.

7. The board shall adopt and implement administrative rules pursuant to chapter 17A to carry out the provisions of this chapter.

Sec. 1515. NEW SECTION. 904A.5 ADMINISTRATION OF BOARD OF PAROLE.

The board of parole is responsible directly to the governor. The board of parole is attached to the department of corrections for routine administrative and support services only. The board of parole shall appoint an executive secretary and employ a clerical staff sufficient to carry on the necessary duties of the board. The board shall also employ personnel to serve as liaisons between the board, inmates, and staff at the state's penal and correctional facilities and to perform other duties designated by the board. The board shall submit to the executive director of the office of management an estimate of the funds needed for salaries, maintenance, and supplies as provided in section 8.23.

Sec. 1516. NEW SECTION. 904A.6 SALARIES AND EXPENSES.

Each member of the board shall be paid a salary as determined by the general assembly. Each member of the board, the executive secretary, and all employees are entitled to receive, in addition to salary, their necessary maintenance and travel expenses while engaged in official business.

Sec. 1517. NEW SECTION. 904A.7 RISK ASSESSMENT PROGRAM.

There is created under the board of parole a risk assessment program, which shall provide risk assessment analysis for the board of parole.

Sec. 1518. Section 906.1, Code 1985, is amended to read as follows:

906.1 DEFINITION OF PAROLE AND WORK RELEASE.

Parole is the release of a person who has been committed to the custody of the director of the Iowa department of corrections by reason of the person's commission of a public offense, which release occurs prior to the expiration of the person's term, is subject to supervision by the district department of correctional services, and is on conditions imposed by the district department.

Work release is the release of a person, who has been committed to the custody of the director of the Iowa department of corrections, pursuant to sections 246.901 through 246.909.

Sec. 1519. Section 906.3, Code 1985, is amended to read as follows:

906.3 AUTHORITY OF PAROLE BOARD.

The board of parole shall adopt rules regarding a system of paroles from correctional institutions, and shall direct, control, and supervise the administration of the system of paroles. The board of parole shall consult with the director of the department of corrections on rules regarding a system of work release and shall assist in the direction, control, and supervision of the work release system. The board shall determine which of those persons who have been committed to the custody of the director of the Iowa department of corrections, by reason of their conviction of a public offense, shall be released on parole or work release. The grant or denial of parole or work release is not a contested case as defined in section 17A.2.

Sec. 1520. Section 906.4, Code 1985, is amended to read as follows:

906.4 STANDARDS FOR RELEASE ON PAROLE OR WORK RELEASE.

A parole or work release shall be ordered only for the best interest of society and the offender, not as an award of clemency. The board shall release on parole or work release any person whom it has the power to so release, when in its opinion there is reasonable probability that such the person can be released without detriment to the community or to the person. A person's release is not a detriment to the community or the person when if the person is able and willing to fulfill the obligations of a law-abiding citizen, as in the board shall determine board's determination.

Sec. 1521. Section 906.5, Code Supplement 1985, is amended to read as follows:

906.5 RECORD REVIEWED - ELIGIBILITY OF PRIOR FORCIBLE FELON FOR PAROLE OR WORK RELEASE - RULES.

Within one year after the commitment of a person other than a class "A" felon to the custody of the director of the Iowa department of corrections, a member of the board shall interview the person. Thereafter, at regular intervals, not to exceed one year, the board shall interview the person and consider the person's prospects for parole or work release. At the time of an interview, the board shall consider all pertinent information regarding this the person, including the circumstances of the person's offense, any presentence report which is available, the previous social history and criminal record of the person, the person's conduct, work, and attitude in prison, and the reports of physical and mental examinations that have been made.

If the person who is under consideration for parole is serving a sentence for conviction of a felony and has a criminal record of one or more prior convictions for a forcible felony or a crime of a similar gravity in this or any other state, parole shall be denied unless the person has served at least one-half of the maximum term of the defendant's sentence. However, the mandatory sentence provided for by this section shall does not apply if the sentence being served is for a felony other than a forcible felony and the sentences for the prior forcible felonies expired at least five years before the date of conviction for the present felony.

A person while on parole or work release is under the supervision of the district department of correctional services of the district designated by the board of parole. The department of corrections shall prescribe regulations rules for governing persons on parole or work release. The board may adopt other rules not inconsistent with the rules of the department of corrections as it the board deems proper or necessary for the performance of its functions.

Sec. 1522. Section 906.6, Code 1985, is amended to read as follows:

906.6 CO-OPERATION OF CORRECTION PERSONNEL.

It shall be the duty of all All persons employed in any a correctional institution to shall grant to the members of the board of parole, or its properly accredited representatives, access

at all reasonable times to any person over whom the board has jurisdiction, ~~to shall~~ provide for the board or ~~such~~ its representatives facilities for communicating with and observing ~~such~~ the person, and ~~to shall~~ furnish to the board ~~such~~ reports as the board ~~shall require~~ requires concerning the conduct and character of any person in their custody and any other facts deemed by the board pertinent in determining whether the person shall be released on parole or work release.

Sec. 1523. Section 906.16, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The time when a prisoner is on parole or work release from the institution shall be held to apply upon the sentence against the parolee or work releasee even if the parole or work release is subsequently revoked, except that the time when the parolee or work releasee is in violation of the terms of the parole or work release agreement shall not apply upon the sentence.

Sec. 1524. Section 908.4, Code 1985, is amended to read as follows:

908.4 PROBABLE CAUSE HEARING.

At the probable cause hearing, a liaison officer appointed pursuant to section 904.5 904A.5 and who is an attorney shall determine whether there is probable cause to believe that the alleged parole violator has violated parole. The alleged parole violator shall be informed of the inculpatory evidence. The alleged parole violator shall be given an opportunity to be heard in person and to present witnesses and other evidence. The alleged parole violator shall have the right to confront and cross-examine adverse witnesses, except where if the liaison officer finds that a witness would be subjected to risk or harm if the witness' identity were disclosed.

Sec. 1525. Chapter 904, Code 1985 and Code Supplement 1985, and section 246.902, Code Supplement 1985, are repealed.

Sec. 1526. TRANSITION — TERMS. The terms of all persons serving on the board of parole on June 30, 1986, expire on that date. Notwithstanding the four-year term specified in section 1511 of this Act, appointments of the new members shall be as follows:

1. One full-time and one part-time member to serve from July 1, 1986 to June 30, 1988.
2. One full-time and one part-time member to serve from July 1, 1986 to June 30, 1989.
3. One member to serve from July 1, 1986 to June 30, 1990.

Thereafter, all appointments shall be for four-year terms.

DEPARTMENT OF PUBLIC SAFETY

Sec. 1601. Section 80.26, Code 1985, is amended by striking the section.

Sec. 1602. Section 691.5, Code 1985, is amended to read as follows:

691.5 STATE MEDICAL EXAMINER.

~~There is hereby created the~~ The position of state medical examiner is created under the control, direction, and supervision of the commissioner of public safety. The commissioner of public safety may assign the office of the state medical examiner to a division or bureau within the public safety department. Other state agencies shall cooperate with the state medical examiner in the use of state-owned facilities when appropriate for the performance of non-administrative duties of the state medical examiner. The state medical examiner shall be a physician and surgeon or osteopathic physician and surgeon, and be licensed to practice medicine in the state of Iowa, and possess special knowledge in forensic pathology. The state medical examiner shall be appointed by and serve at the pleasure of the ~~governor~~ director of public safety. The state medical examiner may be a faculty member of the college of medicine or the college of law at the University of Iowa, and any of the examiner's assistants or staff may be members of the faculty or staff of the college of medicine or the college of law at the University of Iowa.

Sec. 1603. Section 691.6, subsection 3, Code 1985, is amended to read as follows:

3. To promulgate adopt rules pursuant to chapter 17A, and subject to the approval of the commissioner of public safety, regarding the manner and techniques to be employed while conducting autopsies; the nature, character, and extent of investigations to be made in cases of homicide or suspected homicide necessary to allow a medical examiner to render a full and complete analysis and report; the format and matters to be contained in all reports rendered by medical examiners; and all other things necessary to carry out this chapter. All county medical examiners and peace officers shall be are subject to such the rules.

Sec. 1604. Section 691.7, Code 1985, is amended to read as follows:

691.7 COMMISSIONER TO ACCEPT FEDERAL OR PRIVATE GRANTS.

The commissioner of public safety may accept federal or private funds or grants to aid in the establishment or operation of the state criminalistics laboratory, and the commissioner of public safety or the board of regents may accept federal or private funds or grants to aid in the establishment or operation of the position of state medical examiner.

Sec. 1605. Section 692.2, subsection 1, paragraph b, Code Supplement 1985, is amended to read as follows:

b. Other public agencies as authorized by the confidential records council director of public safety.

Sec. 1606. Section 692.2, subsection 5, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

Notwithstanding other provisions of this section, the department and bureau may provide copies or communicate information from criminal history data to any youth service agency approved by the confidential records council director of public safety. The department shall adopt rules to provide for the qualification and approval of youth service agencies to receive criminal history data.

Sec. 1607. Section 692.19, Code 1985, is amended to read as follows:

692.19 CONFIDENTIAL RECORDS COUNCIL — OVERSIGHT BY DIRECTOR.

There is hereby created a confidential records council consisting of nine regular members. Two members shall be appointed from the house of representatives to serve as ex officio nonvoting members by the speaker of the house, no more than one of whom shall be from the same party. Two members shall be appointed from the senate to serve as ex officio nonvoting members by the lieutenant governor, no more than one of whom shall be from the same party. The other members of the council shall be: A judge of the district court appointed by the chief justice of the supreme court, one local law enforcement official, appointed by the governor; the commissioner of public safety or the commissioner's designee; and two private citizens not connected with law enforcement, appointed by the governor. The council shall select its own chairperson. The members shall serve at the pleasure of those by whom their appointments are made.

The council shall meet at least annually and at any other time upon the call of the governor, the chairperson of the council, or any three of its members. Each nonlegislative council member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties from funds appropriated to the department of public safety. Each legislative member shall receive expenses pursuant to section 2.10 and section 2.12.

The council director of public safety shall have the following responsibilities and duties:

1. Shall periodically monitor the operation of governmental information systems which deal with the collection, storage, use and dissemination of criminal history or intelligence data.
2. Shall review the implementation and effectiveness of legislation and administrative rules concerning such systems.
3. May recommend changes in said rules and legislation to the legislature and the appropriate administrative officials.

4. May require such reports from state agencies as may be necessary to perform its duties.
5. May receive and review complaints from the public concerning the operation of such systems.
6. May conduct such inquiries and investigations as it finds appropriate to achieve the purposes of this chapter. Each criminal justice agency in this state and each state and local agency otherwise authorized access to criminal history data is authorized and directed to furnish to the council director of public safety, upon ~~its~~ the director's request, such statistical data, reports, and other information in its possession as the council director deems necessary to carry out its functions under this chapter. However, ~~the council and its members, in such capacity,~~ the director of public safety, in the capacity of providing oversight of confidential records, shall not have access to criminal history data or intelligence data unless it is data from which individual identities are not ascertainable or data which has been masked so that individual identities are not ascertainable. However, the council director may examine data from which the identity of an individual is ascertainable if requested in writing by that individual or the individual's attorney with written authorization and fingerprint identification.
7. Shall annually approve rules adopted in accordance with section 692.10 and rules to assure the accuracy, completeness and proper purging of criminal history data.
8. Shall approve all agreements, arrangements and systems for the interstate transmission and exchange of criminal history data.

DEPARTMENT OF PUBLIC DEFENSE

Sec. 1701. Section 29.1, Code 1985, is amended to read as follows:

29.1 MILITARY AND CIVIL FORCES CO-ORDINATED DEPARTMENT OF PUBLIC DEFENSE.

There shall be an agency of the state government to be known as the The department of public defense of the state of Iowa, which shall be is composed of the military agency as provided in the laws of this state division, and the office of disaster services as provided in the laws of the state division, and the veterans affairs division. The adjutant general, state of Iowa, shall be executive is the director of the department of public defense and the budget and personnel of all of the divisions are subject to the approval of the adjutant general.

Sec. 1702. NEW SECTION. 29.4 VETERANS AFFAIRS DIVISION.

A veterans affairs division is created within the department of public defense with an administrator to manage the division. The adjutant general as director of the department of public defense shall exercise supervisory authority over the division.

Sec. 1703. Section 29A.57, subsection 1, Code 1985, is amended to read as follows:

1. The governor shall appoint an armory board which ~~shall consist~~ consists of the adjutant general serving as chairperson, at least two officers from the active commissioned personnel of the national guard, and at least one other person, who is a citizen of the state of Iowa. One member of the board shall have at least five years' experience in the building construction trade. The board shall meet at times and places as ordered by the governor. The members shall serve at the pleasure of the governor. Members of the board shall receive ~~compensation of forty dollars and actual expenses for each day in which they are actually employed under this chapter. However, the per diem compensation shall not apply to members of the board who are full-time national guard personnel.~~ Each member of the board may also be eligible to receive compensation as provided in section 7E.3.

Sec. 1704. Section 35A.1, Code 1985, is amended to read as follows:

35A.1 DEFINITIONS.

For the purposes of As used in this chapter, unless the context otherwise requires:

1. "Director" "Administrator" means the director administrator of the Iowa department of veterans affairs division.

2. "Commission" means the commission of the Iowa department of veterans affairs division.

3. "Commissioner" means a member of the commission of the Iowa department of veterans affairs division.

4. "Department" "Division" means the Iowa department of veterans affairs division established in section 35A.2.

Sec. 1705. Section 35A.2, unnumbered paragraphs 1 and 2, Code 1985, are amended to read as follows:

~~There is established an Iowa department~~ A veterans affairs which shall consist division is established within the department of public defense. The division consists of a veterans affairs commission, a director an administrator, and additional employees as are required to carry out the provisions of implement this chapter.

The department division shall:

Sec. 1706. Section 35A.2, subsection 2, Code 1985, is amended to read as follows:

2. Assist county veterans affairs commissions established pursuant to chapter 250. The ~~department division~~ shall draft and provide to county commissions suggested uniform benefits and administrative procedures for carrying out the functions and duties of the county commissions.

Sec. 1707. Section 35A.3, Code 1985, is amended to read as follows:

35A.3 COMMISSION.

~~There is established a~~ A commission is established within the Iowa department of veterans affairs division. This commission shall consist consists of five persons who shall be appointed by the governor. Each commissioner shall be an honorably discharged member of the armed forces of the United States.

Sec. 1708. Section 35A.6, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

35A.6 DUTIES OF COMMISSION.

The commission shall:

1. Organize and annually select a chairperson.
2. Consult with and advise the administrator on policy for the operation and conduct of the division.
3. Annually visit and evaluate the Iowa veterans home.

Sec. 1709. Section 35A.7, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

35A.7 POWERS AND DUTIES OF THE ADJUTANT GENERAL.

The adjutant general as the director of the department of public defense under the direction and control of the governor has supervisory direction and control of the veterans affairs division and is responsible to the governor for carrying out the provisions of this chapter.

Sec. 1710. Section 35A.8, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

35A.8 ADMINISTRATOR APPOINTED - DUTIES.

1. The administrator, who shall be a veteran, shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor.
2. The administrator shall:
 - a. Prepare a budget for the division for submission to the director of the department of public defense.
 - b. Annually make a written report to the director of the department.
 - c. Establish policy for the operation and conduct of the division subject to any guidelines adopted by the director of the department.
 - d. Adopt rules pursuant to chapter 17A for the management and operation of the division.

e. Carry out the administrative duties of the division subject to the supervision of the director of the department.

Sec. 1711. Section 35A.9, Code 1985, is amended to read as follows:

35A.9 EXPENSES AND COMPENSATION.

The ~~director administrator~~ and employees of the ~~department~~ division are entitled to receive, in addition to salary, reimbursement for ~~necessary travel and~~ actual expenses incurred while engaged in the performance of official duties. The commissioners ~~shall are~~ entitled to receive forty dollars per diem and reimbursement for necessary travel and actual expenses incurred while engaged in the performance of official duties. Per diem paid to commissioners shall be paid from funds appropriated to the department. Each member of the commission may also be eligible to receive compensation as provided in section 7E.3.

Sec. 1712. Section 139A.1, subsection 4, Code 1985, is amended to read as follows:

4. "~~Department Division~~" means the state department of health veterans affairs division within the department of public defense.

Sec. 1713. Section 139A.2, Code 1985, is amended to read as follows:

139A.2 CHEMICAL REPORT TO ~~DEPARTMENT~~ DIVISION.

A licensed physician pursuant to section 135.1, subsection 5, who treats a veteran the physician believes may have been exposed to chemicals while serving in the armed forces of the United States shall submit a report indicating that information to the ~~department~~ division at the request of the veteran pursuant to section 139A.3.

Sec. 1714. Section 139A.3, Code 1985, is amended to read as follows:

139A.3 DUTIES OF THE ~~DEPARTMENT~~ DIVISION.

The ~~department~~ division shall:

1. Provide the forms for the reports required in section 139A.2. The report shall require the doctor to provide all of the following:

- a. Symptoms of the veteran which may be related to exposure to chemicals.
- b. Diagnosis of the veteran.
- c. Methods of treatment prescribed.

2. Annually compile and evaluate the information submitted in the reports pursuant to subsection 1, in consultation and cooperation with a certified medical toxicologist selected by the ~~department~~ division. The ~~department~~ division shall submit the report to the governor, the general assembly, and the United States veterans' administration, and the ~~state department of veterans affairs~~. The report shall include current research data on the effects of exposure to chemicals, statistical information received from individual physicians' reports, and statistical information from the epidemiological investigations pursuant to subsection 3.

3. Conduct epidemiological investigations of veterans who have cancer or other medical problems or who have children born with birth defects associated with exposure to chemicals, in consultation and cooperation with a certified medical toxicologist selected by the ~~department~~ division. The ~~department~~ division shall obtain consent from a veteran before conducting the investigations.

The ~~department~~ division shall cooperate with local and state agencies during the course of an investigation.

Sec. 1715. Section 139A.4, Code 1985, is amended to read as follows:

139A.4 CONFIDENTIALITY — AND LIABILITY PROVISIONS.

The ~~department~~ division shall not identify a veteran consenting to the epidemiological investigations pursuant to section 139A.3, subsection 3, unless the veteran consents to the release of identity. The statistical information compiled by the ~~department~~ division pursuant to section 139A.3 is a public record.

A licensed physician complying with this chapter is not civilly or criminally liable for release of the required information.

Sec. 1716. Section 139A.6, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The department division and appropriate medical facilities at the state university of Iowa under the control of the state board of regents shall institute a cooperative program to:

Sec. 1717. Section 139A.7, Code 1985, is amended to read as follows:

139A.7 FEDERAL PROGRAM.

If the ~~commissioner~~ administrator of ~~public health~~ the division or the general assembly determines that an agency of the federal government or the state of Iowa is providing the referral and genetic services pursuant to section 139A.6, the ~~commissioner~~ administrator or the general assembly by specific action may discontinue all or part of the ~~services or~~ and requirements provided in this chapter.

Sec. 1718. Section 139A.8, Code 1985, is amended to read as follows:

139A.8 RULES.

The department division shall adopt rules pursuant to chapter 17A to implement this chapter.

Sec. 1719. Section 139A.9, Code 1985, is amended to read as follows:

139A.9 APPROPRIATIONS.

This chapter shall be implemented by the department division each fiscal year that appropriations are made to the department division for the implementation of this chapter.

DEPARTMENT OF NATURAL RESOURCES

Sec. 1801. NEW SECTION. 455A.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Director" means the director of the department of natural resources.
2. "Department" means the department of natural resources created under section 455A.2.
3. "Natural resource commission" means the natural resource commission created under section 455A.5.
4. "Environmental protection commission" means the environmental protection commission created under section 455A.6.

Sec. 1802. NEW SECTION. 455A.2 DEPARTMENT OF NATURAL RESOURCES.

A department of natural resources is created, which has the primary responsibility for state parks and forests, protecting the environment, and managing energy, fish, wildlife, and land and water resources in this state.

Sec. 1803. NEW SECTION. 455A.3 DIRECTOR.

The chief administrative officer of the department is the director who shall be appointed by the governor, subject to confirmation of the senate, and serve at the governor's pleasure. The governor shall make the appointment based on the appointee's training, experience, and capabilities. The director shall be knowledgeable in the general field of natural resource management and environmental protection. The salary of the director shall be fixed by the governor within salary guidelines or a range established by the general assembly.

Sec. 1804. NEW SECTION. 455A.4 GENERAL POWERS AND DUTIES OF THE DIRECTOR.

1. Except as otherwise provided by law and subject to rules adopted by the natural resource commission and the environmental protection commission, the director shall:
 - a. Plan, direct, coordinate, and execute the functions vested in the department.
 - b. Provide overall supervision, direction and coordination of functions to be administered by the administrators under chapters 84, 93, 106, 107, 108, 108A, 109, 109A, 110, 110A, 110B, 111, 111B, 111D, 112, 305, 321G, 455B, 455C, and 469.

c. Annually compile a comprehensive program budget which reflects all fiscal matters related to the operation of the department and each program, subprogram, and activity in the department in accordance with section 8.23.

d. Submit a biennial or an annual report to the governor and the general assembly, in accordance with chapter 17.

e. Employ personnel as necessary to carry out the functions vested in the department consistent with chapter 19A unless the positions are exempt from that chapter.

f. Devote full time to the duties of the director's office.

g. Not be a candidate for nor hold any other public office or trust, nor be a member of a political committee.

h. Maintain an office at the state capitol complex, which is open at all reasonable times for the conduct of public business.

i. Adopt rules in accordance with chapter 17A as necessary or desirable for the organization or reorganization of the department.

2. All powers and duties vested in the director may be delegated by the director to an employee of the department, but the director retains the responsibility for an employee's acts within the scope of the delegation.

3. The director and other officers and employees of the department are entitled to receive, in addition to salary, their actual and necessary travel and related expenses incurred in the performance of official business.

4. The director shall obtain an adequate public employees fidelity bond to cover those officers and employees of the department accountable for property or funds of this state.

Sec. 1805. NEW SECTION. 455A.5 NATURAL RESOURCE COMMISSION — APPOINTMENT AND DUTIES.

1. A natural resource commission is created, which consists of seven members appointed by the governor for staggered terms of six years beginning and ending as provided in section 69.19. The appointees are subject to senate confirmation. The members shall be citizens of the state who have a substantial knowledge of the subjects embraced by chapter 107. The appointments shall be based upon the training, experience, and capacity of the appointees, and not based upon political considerations, other than as provided in section 69.16. A member of the commission shall not hold any other state or federal office.

2. A vacancy on the commission shall be filled for the unexpired term in the same manner as the original appointment was made.

3. The members of the commission shall be reimbursed for actual and necessary travel and related expenses incurred in the discharge of official duties. Each member of the commission may also be eligible to receive compensation as provided in section 7E.3.

4. The commission shall hold an organizational meeting within thirty days of the beginning of a new regular term for one or more of its members. The commission shall organize by electing a chairperson, vice chairperson, secretary, and any other officers deemed necessary or desirable. The commission shall meet at least quarterly throughout the year.

5. A majority of the members of the commission is a quorum, and a majority of a quorum may act in any matter within the jurisdiction of the commission, unless a more restrictive rule is adopted by the commission.

6. Except as otherwise provided by law, the commission shall:

a. Establish policy and adopt rules, pursuant to chapter 17A, necessary to provide for the effective administration of chapter 106, 107, 108, 108A, 109, 109A, 110, 110A, 110B, 111, 111B, 111D, 112, or 321G.

b. Hear appeals in contested cases pursuant to chapter 17A on matters relating to actions taken by the director under chapter 106, 107, 108, 108A, 109, 109A, 110, 110A, 110B, 111, 111B, 111D, 112, or 321G.

c. Approve or disapprove proposals for the acquisition or disposal of state lands and waters relating to state parks, recreational facilities, and wildlife programs, submitted by the director.

Sec. 1806. NEW SECTION. 455A.6 ENVIRONMENTAL PROTECTION COMMISSION — APPOINTMENT AND DUTIES.

1. An environmental protection commission is created, which consists of nine members appointed by the governor for staggered terms of four years beginning and ending as provided in section 69.19. Commission appointees are subject to senate confirmation. The members shall be electors of the state and have knowledge of the subjects embraced in chapter 455B. The appointments shall be based upon the training, experience, and capacity of the appointees, and not based upon political considerations, other than as provided in section 69.16. The membership of the commission shall be as follows:

- a. Three members actively engaged in livestock and grain farming.
- b. A member actively engaged in the business of finance or commerce.
- c. A member actively engaged in the management of a manufacturing company.
- d. Four members who are electors of the state.

2. A vacancy on the commission shall be filled for the unexpired term in the same manner as the original appointment was made.

3. The members of the commission shall be reimbursed for actual and necessary travel and related expenses incurred in the discharge of official duties. Each member of the commission may also be eligible to receive compensation as provided in section 7E.3.

4. The commission shall hold an organizational meeting within thirty days of the beginning of a new regular term for one or more of its members. The commission shall organize by electing a chairperson, vice chairperson, secretary, and any other officers deemed necessary or desirable. The commission shall meet at least quarterly throughout the year.

5. A majority of the members of the commission is a quorum, and a majority of a quorum may act in any matter within the jurisdiction of the commission, unless a more restrictive rule is adopted by the commission.

6. Except as otherwise provided by law, the commission shall:

- a. Establish policy for the department and adopt rules, pursuant to chapter 17A, necessary to provide for the effective administration of chapter 455B, 455C, or 469.
- b. Hear appeals in contested cases pursuant to chapter 17A on matters relating to actions taken by the director under chapter 83, 83A, 84, 93, 455B, 455C, or 469.
- c. Approve or disapprove the issuance of hazardous waste disposal site licenses under chapter 455B.

Sec. 1807. NEW SECTION. DIVISIONS CREATED — DEPUTY DIRECTOR AND ADMINISTRATORS APPOINTED BY DIRECTOR.

1. The following divisions are created within the department:

- a. Parks and preserves division which is responsible for programs relating to water access development, state parks and recreation areas, and preserves.
- b. Forests and forestry division which is responsible for administering programs relating to state forests and forestry and for the operation of the state nursery under section 107.20.
- c. Fish and wildlife division which is responsible for programs relating to wildlife, law enforcement, fisheries, and land acquisition and management.
- d. Energy and geological resources division which is responsible for programs relating to energy, geological survey, and oil and gas production.
- e. Environmental protection division which is responsible for programs relating to wastewater treatment, water supply, hazardous wastes, air and land, and field services.
- f. Coordination and information division which has the responsibility for legal services, governmental liaison, information and education, and planning.

g. Administrative services division which is responsible for finance, budget and grants, administrative support, data processing, licensing, and construction services.

h. Additional divisions deemed necessary for the effective and efficient administration of the department.

2. The director shall appoint a deputy director who shall be in charge of the department in the absence of the director. The appointment shall be based on the appointee's training, experience, and capabilities.

3. The director shall appoint an administrator for each division created under subsection 1. The director shall make the appointment based on the appointee's training, experience, and capabilities. Each administrator has the responsibility of administering the programs assigned the division under subsection 1 and other programs assigned by the director. Each administrator shall carry out the duties and responsibilities of office under the general direction and supervision of the director.

Sec. 1808. TRANSFER OF COMMISSION MEMBERSHIP.

1. The members of the state conservation commission abolished by this Act serving unexpired terms on the effective date of this Act may serve as members of the natural resources* commission created under section 455A.5 until the expiration of the terms to which they were appointed as members of the state conservation commission. Their successors shall be appointed as provided in section 455A.5. A commission member is eligible for reappointment.

2. The members of the water, air and waste management commission abolished by this Act serving unexpired terms on the effective date of this Act may serve as members of the environmental protection commission created under section 455A.6 until the expiration of the terms to which they were appointed as members of the water, air and waste management commission. Their successors shall be appointed as provided in section 455A.6. A commission member is eligible for reappointment.

Sec. 1809. EXPIRATION OF TERMS. The terms of office of members of the energy policy council, the hazardous chemicals information interagency coordinating council, and the certification board for water and wastewater treatment plant operators, which boards and council are abolished by this Act and whose members are serving unexpired terms of office on those boards or council on the effective date of this Act, expire on the effective date of this Act.

Sec. 1810. Section 84.2, subsection 16, Code 1985, is amended to read as follows:

16. "Department" means the department of soil conservation natural resources created under section 455A.2.

Sec. 1811. Section 84.2, subsection 20, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

20. "Director" means the director of the department or a designee.

Sec. 1812. Section 84.2, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 21. "Commission" means the environmental protection commission of the department.

Sec. 1813. Section 84.4, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The department has the duty of administering ~~director shall administer~~ this chapter. The state geologist shall act as administrator with the duty of enforcing the regulations and orders of the department applicable to the crude petroleum oil and natural gas and metallic mineral resources of this state and the provisions of this chapter. ~~The department has the duty to~~ director shall make investigations if the director deems proper to determine whether waste exists or is imminent or whether other facts exist which justify action. ~~The department acting through the office of the state geologist~~ director has the authority:

*resource probably intended

Sec. 1814. Section 84.4, subsection 1, paragraph b, Code 1985, is amended to read as follows:

b. The making and filing of all mechanical well logs and the filing of directional surveys if taken, and the filing of reports on well location, drilling and production, and the filing free of charge of samples and core chips and of complete cores less tested sections when requested in the office of the state geologist department within six months after the completion or abandonment of the well;

Sec. 1815. Sections 84.4, 84.5, and 84.11, Code 1985, are amended by striking the word "committee" where it appears in those sections and inserting in lieu thereof the word "department".

Sec. 1816. Sections 84.5, 84.7, and 84.11, Code 1985, are amended by striking the words "state geologist" where they appear in those sections and inserting in lieu thereof the word "director".

Sec. 1817. Section 93.1, subsection 1, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Department" means the department of natural resources created under section 455A.2.

Sec. 1818. Section 93.1, subsection 4, Code 1985, is amended to read as follows:

4. "Director" means the director of energy policy the department or a designee.

Sec. 1819. Section 93.1, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. "Commission" means the environmental protection commission of the department.

Sec. 1820. Section 93.7, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 16. Administer and coordinate federal funds for energy conservation programs including, but not limited to, the institutional conservation program, state energy conservation program, and energy extension service program, and related programs which provide energy management and conservation assistance to schools, hospitals, health-care facilities, communities, and the general public.

NEW SUBSECTION. 17. Administer and coordinate the state building energy management program including projects funded through private financing.

Sec. 1821. Section 93.7, subsection 13, Code 1985, is amended by striking the subsection.

Sec. 1822. Sections 93.7, 93.8, 93.10, 93.16, 93.17, 93.24, 93.25, 93.26, 93.27, 93.28, and 93.29, Code 1985, are amended by striking the word "council" where it appears in those sections and inserting in lieu thereof the word "department".

Sec. 1823. Section 106.2, subsection 4, Code 1985, is amended to read as follows:

4. "Waters of this state under the jurisdiction of the state conservation commission" means any navigable waters within the territorial limits of this state, and the marginal river areas adjacent to this state, exempting only farm ponds and privately owned lakes.

Sec. 1824. Section 106.2, subsection 12, Code 1985, is amended to read as follows:

12. "Commission" means state conservation the natural resource commission.

Sec. 1825. Section 106.2, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 27. "Director" means the director of the department or the director's designee.

NEW SUBSECTION. 28. "Department" means the department of natural resources.

Sec. 1826. Sections 106.2, 106.3, and 106.4, Code 1985, are amended by striking the words "state conservation commission" or "conservation commission" as they appear in those sections and inserting in lieu thereof the word "commission".

Sec. 1827. Section 107.1, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

107.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Department" means the department of natural resources created under section 455A.2.
2. "Director" means the director of the department.
3. "Commission" means the natural resource commission.

Sec. 1828. Section 107.13, Code 1985, is amended to read as follows:

107.13 OFFICERS AND EMPLOYEES.

The director shall, with the consent of the commission, employ the number of assistants, including a professionally trained state forester, that are necessary to carry out the duties imposed on the commission; and, under the same conditions, the director shall appoint the number of full-time officers and supervisory personnel that are necessary to enforce the all laws of the state and rules and regulations; the enforcement of which are imposed on the commission. The full-time officers and supervisory personnel shall have the same powers that are conferred by law on peace officers in the enforcement of the all laws of the state of Iowa and the apprehension of violators. Any A person appointed as a full-time officer shall be at least twenty-one years of age, but not more than sixty-five years of age, on the date of appointment. Officer Full-time officer means any person appointed by the state conservation commission director to enforce the laws of this state under the jurisdiction of the commission.

Sec. 1829. Section 107.14, Code 1985, is amended to read as follows:

107.14 TEMPORARY APPOINTMENTS.

The commission director may appoint temporary officers for a period not to exceed six months. The commission and may adopt minimum physical, educational, mental, and moral requirements for the temporary officers. The provisions of chapter Chapter 80B shall does not apply to the temporary officers. Temporary officers have all the powers of peace officers in the enforcement of chapters 106 through 111, 111B, 321G, and the trespass laws.

Sec. 1830. Section 107.17, unnumbered paragraph 1, Code 1985, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The following five funds are created in the state treasury:

Sec. 1831. Section 107.17, unnumbered paragraph 4, Code 1985, is amended to read as follows:

The conservation fund, except as otherwise provided, shall consist consists of all other funds accruing to the conservation commission department for the purposes embraced by this chapter.

Sec. 1832. Section 107.18, Code 1985, is amended to read as follows:

107.18 REPORT OF FUNDS.

The conservation director shall, at least monthly, make return and pay to the treasurer of state all moneys then in the director's hands belonging to the aforesaid five funds.

Sec. 1833. Section 107.19, unnumbered paragraphs 1 and 2, Code 1985, are amended to read as follows:

All funds accruing to the fish and game protection fund, except the said an equitable portion of the administration fund, shall be expended solely in carrying on the activities embraced in the fish and wildlife division of fish and game. Expenditures incurred by the state conservation commission in carrying on such the activities shall be only on authorization by the general assembly.

The state conservation commission shall ~~biennially~~ annually on or before September 1 of each ~~even-numbered~~ year submit to the comptroller for transmission to the general assembly a detailed estimate of the amount required by the ~~commission~~ department during the succeeding ~~biennium~~ year for the carrying on of the activities embraced in the fish and game wildlife division. ~~Such~~ The estimate shall be in the same general form and detail as ~~may~~ be required by law in estimates submitted by other state departments.

Sec. 1834. Section 107.19, unnumbered paragraph 8, Code 1985, is amended to read as follows:

All moneys credited to the county conservation board fund shall be used to provide grants to county conservation boards to provide funding for the purposes of chapter 111A. These grants are in addition to moneys appropriated to the conservation boards from the county boards of supervisors. The grants shall be made to the conservation boards based upon the needs of the boards. Applications shall be made by the boards to the ~~conservation~~ commission.

Sec. 1835. Section 107.20, Code 1985, is amended to read as follows:

107.20 LIMITATION TO STATE LANDS ON NURSERY STOCK — EXCEPTION.

Any and all All funds appropriated to the state conservation commission which are used in growing or handling nursery stock shall be used for growing or handling of such the stock for distribution only on state-owned lands. ~~Provided, however, that~~ However, the commission may ~~continue~~ to produce and sell at private sale game cover packets and trees for erosion control ~~such as are now offered for sale by it, and may continue to produce trees for a demonstration windbreak in each township in the state, and may dispose of growing trees now growing under their present a departmental plan of distribution.~~

Sec. 1836. Section 107.24, subsection 2, paragraph a, Code 1985, is amended to read as follows:

a. Public hunting, fishing, and trapping grounds and waters to provide areas in which any person may hunt, fish, or trap in accordance with the ~~provisions of the law and the regulations~~ rules of the commission;

Sec. 1837. Section 107.24, subsection 9, Code 1985, is amended to read as follows:

9. Provide for the protection against fire and other destructive agencies on state and privately owned forests, parks, wildlife areas, and other property under its jurisdiction, and to co-operate with federal and other state agencies in protection programs approved by the ~~conservation~~ commission, and with the consent of the owner, on privately owned areas.

Sec. 1838. Section 107.27, Code 1985, is amended to read as follows:

107.27 FEDERAL WILDLIFE ACT — ASSENT.

The state of Iowa ~~hereby~~ assents to the provisions of the Act of Congress entitled "An Act to provide that the United States shall aid the states in wildlife restoration projects, and for other purposes," approved September 2, 1937 [50 Stat. L. 917], and the ~~state conservation~~ commission is ~~hereby authorized and empowered to~~ may perform ~~such acts as may be necessary to~~ the conduct and establishment of co-operative wildlife restoration projects, as defined in ~~said~~ the Act of Congress, in compliance with ~~said the Act and with rules and regulations promulgated by the secretary of agriculture thereunder, and no under the Act.~~ No funds accruing to the state of Iowa from license fees paid by hunters shall be ~~diverted for any other purpose~~ than as set out in sections 107.17 and 107.19.

Sec. 1839. Section 107.28, Code 1985, is amended to read as follows:

107.28 FISH RESTORATION PROJECTS.

The state of Iowa ~~hereby~~ assents to the provisions of the Act of Congress entitled "An Act to provide that the United States shall aid the states in fish restoration projects, and for other purposes", approved August 9, 1950, Public Law Pub. L. No. 681, and the ~~state conservation~~ commission is ~~hereby authorized and empowered to~~ may perform ~~such acts as may be~~

necessary to the conduct and establishment of co-operative fish restoration projects, as defined in said the Act of Congress, in compliance with said the Act and with rules and regulations promulgated by the secretary of the interior thereunder; and no under the Act. No funds accruing to the state of Iowa from fishing license fees shall be diverted for any other purposes than as set out in sections 107.17 and 107.19.

Sec. 1840. Section 107.29, Code 1985, is amended to read as follows:

107.29 OUTDOOR RECREATIONAL AND WATERSHED PROJECTS.

The ~~state conservation~~ commission is hereby authorized and empowered to may perform ~~such acts as may be necessary~~ to the conduct and establishment of co-operative outdoor recreational and watershed projects as may be defined by the Congress of the United States and by ~~rules and regulations~~ of the appropriate federal agency and may accept federal funds and assistance for the purpose of planning, acquisition, and development of outdoor recreational and watershed projects.

Sec. 1841. Section 107.31, Code 1985, is amended to read as follows:

107.31 COMPREHENSIVE PLAN.

The ~~state conservation~~ commission is authorized to may prepare, maintain, and keep up-to-date a comprehensive plan for the development of the outdoor recreation resources of the state; and to acquire lands, waters, and interests in lands and waters for such areas and facilities.

Sec. 1842. Section 107.32, Code 1985, is amended to read as follows:

107.32 APPLICATION FOR AID.

The ~~state conservation~~ commission may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program respecting outdoor recreation. ~~It~~ The commission may enter into contracts and agreements with the U. S. United States or any appropriate agency thereof of the United States and, for the purposes for the of preparation, maintenance, and keeping up-to-date of said updating of the comprehensive plan, may from time to time engage and contract for the services and advice of any a professional planner or planners of outdoor recreation plans and facilities and hire such employees for such purposes as deemed necessary. In connection with obtaining the benefits of any such program, the ~~state conservation~~ commission shall co-ordinate its the department's activities with and represent the interests of all agencies and subdivisions of the state having interests in the planning, development, and maintenance of outdoor recreation resources and facilities.

Sec. 1843. Section 107.33, Code 1985, is amended to read as follows:

107.33 WATERSHED PROJECTS.

The ~~state conservation~~ commission is hereby authorized and empowered to may perform ~~such acts as may be necessary~~ to conduct an establishment of co-operative outdoor recreational and watershed projects as may be defined by the Congress of the United States and by rules regulations of the appropriate federal agency and may accept federal funds and assistance for the purpose of planning, acquisition, and development of outdoor recreational and watershed projects.

Sec. 1844. Section 107.34, Code 1985, is amended to read as follows:

107.34 LIMIT ON STATE'S COMMITMENT.

The ~~state conservation~~ commission shall not make no a commitment or enter into any an agreement pursuant to an exercise of authority under sections 107.30 through 107.33 until it the commission has determined that sufficient funds are available to it the department for meeting the state's share, if any, of project costs. It is the legislative intent that, to such the extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this state under authority of these sections, such the areas and facilities shall be publicly maintained for outdoor recreation purposes. The ~~state conservation~~ commission may enter into and administer agreements with the United States or any appropriate agency thereof of the United States for

planning, acquisition, and development projects involving participating federal aid funds on behalf of any subdivision ~~or subdivisions~~ of this state; ~~provided that such, if the subdivision or subdivisions give gives~~ necessary assurances to the ~~state conservation commission~~ that they ~~have it~~ has available sufficient funds to meet their ~~its~~ shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of ~~such the subdivision or subdivisions~~ for public outdoor recreation use.

Sec. 1845. Sections 107.20, 107.24, 107.27 through 107.29, and 107.31 through 107.34, Code 1985, are amended by striking the words "state conservation commission", "conservation commission", and "commission" where they appear in those sections and inserting in lieu thereof the word "department".

Sec. 1846. NEW SECTION. 108.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Department" means the department of natural resources created under section 455A.2.
2. "Director" means the director of the department.
3. "Commission" means the natural resource commission.

Sec. 1847. Section 108.7, Code 1985, is amended to read as follows:

108.7 STREAM CONTROL ON PRIVATE LANDS.

Upon receiving consent in writing from the ~~owner thereof~~ landowner, the ~~state conservation commission~~ department may enter upon private lands containing waters and streams draining into state-owned lakes and streams, for any or all of the following purposes:

1. Deepening.
2. Filling.
3. Widening.
4. Contracting.
5. Improving and protecting banks.
6. Constructing spillways and discharge structures.
7. Controlling erosion on tributary land ~~tributary thereto~~.
8. Providing structures or other works conducive to the regulation of stream flow.

Any action taken by the commission under this section is subject to the approval of the ~~department of water, air and waste management~~ environmental protection commission.

Sec. 1848. Section 108A.1, subsection 1, Code 1985, is amended to read as follows:

1. "Commission" means the ~~state conservation~~ natural resource commission.

Sec. 1849. Section 108A.1, Code 1985, is amended by adding the following new subsection:
NEW SUBSECTION. 10. "Department" means the department of natural resources.

Sec. 1850. Section 109.1, subsection 12, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

12. "Director" means the director of the department or the director's designee.

Sec. 1851. Section 109.1, subsection 13, Code 1985, is amended to read as follows:

13. "Commission" means the ~~state conservation~~ natural resource commission.

Sec. 1852. Section 109.1, Code 1985, is amended by adding the following new subsection:
NEW SUBSECTION. 15. "Department" means the department of natural resources.

Sec. 1853. Section 109.15, Code 1985, is amended to read as follows:

109.15 INJURY TO DAM.

It is unlawful for any owner or the owner's agent to remove or destroy any existing dam, or alter it in a way so as to lower the water level, without having received written approval from the ~~department of water, air and waste management~~ environmental protection commission of the department.

Sec. 1854. Sections 107.13, 108.10, 109.61, 109.67, 109.100, 109.113, and 109.131, Code 1985, are amended by striking the words "state conservation commission" or "conservation commission" where they appear in those sections and inserting in lieu thereof the word "commission". Section 109.56, Code Supplement 1985, is amended by striking the words "state conservation commission" where it appears in that section and inserting in lieu thereof the word "commission".

Sec. 1855. Sections 109.7, 109.14, 109.19, and 109.58, Code 1985, are amended by striking the words "state conservation director" where they appear in those sections and inserting in lieu thereof the word "director".

Sec. 1856. Section 109A.1, subsection 1, Code 1985, is amended to read as follows:

1. "Commission" means the ~~state conservation~~ natural resource commission.

Sec. 1857. Section 109A.1, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. "Director" means the director of the department of natural resources.

Sec. 1858. NEW SECTION. 110.1A DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Department" means the department of natural resources created under section 455A.2.
2. "Director" means the director of the department.
3. "Commission" means the natural resource commission.

Sec. 1859. NEW SECTION. 110A.10 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Department" means the department of natural resources created in section 455A.2.
2. "Director" means the director of the department.
3. "Commission" means the natural resource commission.

Sec. 1860. Section 110B.1, subsection 2, Code 1985, is amended to read as follows:

2. "Commission" means ~~state conservation~~ the natural resource commission.

Sec. 1861. Section 111.1, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

111.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Department" means the department of natural resources created under section 455A.2.
2. "Director" means the director of the department.
3. "Commission" means the natural resource commission.

Sec. 1862. Section 111.4, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A person, association or corporation shall not build or erect any pier, wharf, sluice, piling, wall, fence, obstruction, building or erection of any kind upon or over any state-owned land or water under the jurisdiction of the commission, without first obtaining from the commission a written permit. However, this provision does not apply to dams constructed and operated under chapter 469. A permit, in matters relating to or in any manner affecting flood control, shall not be issued without approval of the ~~department of water, air and waste management~~ environmental protection commission of the department. A person shall not maintain or erect any structure beyond the line of private ownership along or upon the shores of state-owned waters in a manner to obstruct the passage of pedestrians along the shore between the ordinary high-water mark and the water's edge, except by permission of the commission.

Sec. 1863. Section 111.22, Code 1985, is amended to read as follows:

111.22 SURVEYS AND PLATS.

All surveys and plats shall be filed with the secretary of the ~~commission executive council~~, and shall become public records of this state.

Sec. 1864. Section 111.26, Code 1985, is amended to read as follows:

111.26 SPECIAL POLICE.

The commission in carrying out its duties may appoint the ~~state conservation director, chief of division of lands and waters, chief of division of fish and game~~, and such other supervisory personnel of the ~~commission department~~ as necessary to act as special police to carry out the law enforcement program of the ~~conservation commission department~~. ~~Such~~ The officers are hereby vested with the powers and charged with the duties of peace officers while in the performance of their official duties.

Sec. 1865. Section 111.62, Code 1985, is amended to read as follows:

111.62 COPY TO DEPARTMENT.

A copy of the petition and the applications, plans, and specifications required under chapter 455B shall be filed with the ~~department of water, air and waste management environmental protection commission~~ and any approval or permit required under chapter 455B shall be obtained prior to the establishment of the water recreational area or the granting of a permit for the area by the ~~state conservation commission~~.

Sec. 1866. Section 111.80, subsection 3, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The public members of the advisory council shall be reimbursed for actual and necessary expenses for each day employed in the official discharge of their duties. The expenses shall be paid from the administration fund of the ~~state conservation commission~~. Each member of the council may also be eligible to receive compensation as provided in section 7E.3.

Sec. 1867. Section 111A.4, subsections 2 and 3, Code 1985, are amended to read as follows:

2. To acquire in the name of the county by gift, purchase, lease, agreement, exchange, or otherwise, in fee or with conditions, suitable real estate within or without the territorial limits of the county for public museums, parks, preserves, parkways, playgrounds, recreation centers, forests, wildlife, and other conservation purposes and for participation in watershed, drainage, and flood control programs for the purpose of increasing the recreational resources of the county. The ~~state conservation natural resource commission~~, the county board of supervisors, or the governing body of any city or village, upon request of the county conservation board, may transfer to the county conservation board for use as museums, parks, preserves, parkways, playgrounds, recreation centers, play fields, tennis courts, skating rinks, swimming pools, gymnasiums, rooms for arts and crafts, camps and meeting places, community forests, wildlife areas, and other recreational purposes, any land and buildings owned or controlled by the ~~state conservation commission department of natural resources~~ or ~~such the county or municipality~~ city and not devoted or dedicated to any other inconsistent public use. In acquiring or accepting land, due consideration shall be given to its scenic, historic, archaeological, recreational, or other special features, and land shall not be acquired or accepted unless, in the opinion of the board and the ~~state conservation natural resource commission~~, it is suitable or, in the case of exchange, is suitable and of substantially the same value as the property exchanged from the standpoint of its proposed use. An exchange of property approved by the county conservation board and the board of supervisors is not subject to the provisions of section 331.361, subsection 2.

3. The county conservation board shall file with and obtain approval of the ~~state conservation natural resource commission~~ on all proposals for acquisition or exchange of land, and all general development plans before any such program is executed. Approval of the ~~state conservation natural resource commission~~ shall ~~is not be necessary~~ unless the value of the proposed exchange property or the cost of the proposed acquisition or development program exceeds twenty-five hundred dollars.

Sec. 1868. Section 111A.10, Code 1985, is amended to read as follows:

111A.10 STATUTES APPLICABLE.

Sections 111.35 through 111.57 apply to all lands and waters under the control of a county conservation board, in the same manner as if the lands and waters were state parks, lands, or waters. ~~Wherever As~~ used in sections 111.35 through 111.57, the words "state conservation commission", "conservation commission", and "natural resource commission" ~~include includes~~ a county conservation board, and the words "state conservation director" ~~include includes~~ a county conservation board or its director, with respect to lands or waters under the control of a county conservation board. However, sections 111.35 through 111.57 may be modified or superseded by ~~regulations~~ rules adopted as provided in section 111A.5.

Sec. 1869. Section 111B.1, Code 1985, is amended to read as follows:

111B.1 DEFINITIONS.

As used in this chapter:

1. "Area" means an area of land or water or both land and water.
2. "Preserve" means an area of land or water formally dedicated under the provisions of this chapter for maintenance as nearly as possible in its natural condition though it need not be completely primeval in character at the time of dedication or an area which has unusual flora, fauna, geological, archaeological, scenic, or historical features of scientific or educational value.
3. "Dedication" means the allocation of an area as a preserve by a public administrative agency or by a private owner by written stipulation in a form approved by the state advisory board for preserves.
4. "Board" means the state advisory board for preserves established by this chapter.
5. "Department" means department of natural resources created under section 455A.2.
6. "Director" means director of the department.
7. "Commission" means the natural resource commission.

Sec. 1870. Section 111B.4, Code 1985, is amended to read as follows:

111B.4 EXPENSES.

The members of the board shall serve without compensation but may be reimbursed for necessary expenses in connection with performance of their duties. Each member of the board may also be eligible to receive compensation as provided in section 7E.3.

Sec. 1871. Section 111B.7, Code 1985, is amended to read as follows:

111B.7 ECOLOGIST.

The ~~conservation commission~~ director shall employ, upon recommendation by the board, at salaries fixed by the board, a trained ecologist and such other personnel as may be necessary to carry out the powers and duties of the board.

Sec. 1872. Section 111B.8, subsections 3, 4, and 12, Code 1985, are amended to read as follows:

3. To recommend dedication as preserves, of areas owned by the state under the jurisdiction of the conservation commission department.
4. To recommend acquisition of areas for dedication as preserves subject to approval by the state conservation natural resource commission.
12. To prepare and recommend a budget, for inclusion as a line item money request in the state conservation commission departmental budget, for appropriation from the state general fund.

Sec. 1873. Section 111D.1, Code 1985, is amended to read as follows:

111D.1 ACQUISITION BY OTHER THAN CONDEMNATION.

The ~~state conservation commission~~, the department of water, air and waste management, any county conservation board, and any city or agency of a city may acquire by purchase, gift,

contract, or other voluntary means, but not by eminent domain, conservation easements in land to preserve scenic beauty, wildlife habitat, riparian lands, wet lands, or forests, promote outdoor recreation, or otherwise conserve for the benefit of the public the natural beauty, natural resources, and public recreation facilities of the state.

Sec. 1874. Section 111D.2, Code 1985, is amended to read as follows:

111D.2 DEFINITION.

1. "Conservation easement" means an easement in, servitude upon, restriction upon the use of, or other interest in land owned by another, created for any of the purposes set forth in section 111D.1. A conservation easement shall be transferable to any other public body authorized to acquire conservation easements. A conservation easement shall be perpetual unless expressly limited to a lesser term, or unless released by the holder thereof, or unless a change of circumstances shall render renders such the easement no longer beneficial to the public. No comparative economic test shall be used to determine whether a conservation easement is beneficial to the public.

2. "Department" means the department of natural resources created under section 455A.2.

Sec. 1875. NEW SECTION. 112.1A DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Department" means the department of natural resources created under section 455A.2.

2. "Director" means the director of the department.

3. "Commission" means the natural resource commission.

Sec. 1876. Section 112.3, Code 1985, is amended to read as follows:

112.3 HEARING — DAMAGES.

After the approval the commission, if it wishes to proceed further with the project, shall, with the consent of the ~~department of water, air and waste management~~ environmental protection commission, fix a date of hearing not less than two weeks from date of approval of the plan. Notice of the day, hour and place of hearing, relative to proposed work, shall be provided by publication at least once a week for two consecutive weeks in some newspaper of general circulation published in the county where the project is located, or in the counties where the water elevations are affected, under the tentative plan approved. The last publication shall not be less than five days prior to the day set for hearing. Any claim by any persons for damages which may be caused by the project shall be filed with the commission at or prior to the time of the hearing.

Sec. 1877. Sections 110.6, 110.21, 110A.1, 110A.3, 110A.5, 111.3, 111.4, 111.20, 111.32, 111.35, 111.36, 111.41, 111.42, 111.58, 111.60, 111.63, 111.64, 111.66, 111.67, 111.70, 111.71, 111.73, 111.75, 111.79, 111.80, 111B.3, 111B.11, 112.1, 321G.1, and 321G.15, Code 1985, are amended by striking the words "state conservation commission" or "conservation commission" where they appear in those sections and inserting the word "commission". Sections 110.24, 110.27, and 111.85, Code Supplement 1985, are amended by striking the words "state conservation commission" or "conservation commission" where they appear in those sections and inserting in lieu thereof the word "commission".

Sec. 1878. Sections 110.9, 110.32, 111.37, and 111.44, Code 1985, are amended by striking the words "state conservation director" where they appear in those sections and inserting in lieu thereof the word "director".

Sec. 1879. Sections 111A.3, 111A.6, 111A.7, and 111A.9, Code 1985, are amended by striking the words "state conservation commission" where they appear in those sections and inserting in lieu thereof the words "natural resource commission".

Sec. 1880. Section 258A.3, subsection 2, paragraph a, Code 1985, is amended to read as follows:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon any of the grounds specified in section 114.21, 116.21, 117.29, 118.13,

118A.15, 147.55, 148B.7, 153.34, 154A.24, 169.13, ~~455B.219~~ or 602.3203 or chapter 135E, 151, 507B or 522, as applicable, or upon any other grounds specifically provided for in this chapter for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;

Sec. 1881. Section 305.1, Code 1985, is amended to read as follows:

305.1 GEOLOGICAL SURVEY CREATED.

There is created a A geological survey of the state is created within the department.

As used in this chapter, unless the context otherwise requires:

1. "Department" means the department of natural resources created under section 455A.2.
2. "Director" means the director of the department.

Sec. 1882. Section 305.2, Code 1985, is amended to read as follows:

305.2 STATE GEOLOGIST AND ASSISTANTS.

1. The ~~governor~~ director shall appoint the state geologist. The state geologist must have a degree in geology from an accredited college or university and must have at least five years of geological experience. The annual salary of the state geologist shall be determined by the ~~governor as provided by law~~ director.

2. The state geologist may appoint the technical, professional, secretarial and clerical staff as necessary, subject to chapter 19A.

Sec. 1883. Section 321G.1, subsection 1, Code 1985, is amended to read as follows:

1. "Commission" means the ~~state conservation~~ natural resource commission.

Sec. 1884. Section 455B.101, Code 1985, is amended to read as follows:

455B.101 DEFINITIONS.

When As used in this chapter, unless the context otherwise requires:

1. "Department" means the department of ~~water, air and waste management~~ natural resources created under section 455A.2.
2. "~~Executive director~~ Director" means the ~~executive~~ director of the department of ~~water, air and waste management~~ or a designee of the ~~executive~~ director.
3. "Commission" means the ~~water, air and waste management~~ environmental protection commission created under section 455A.7.

Sec. 1885. Section 455B.103, subsections 3, 4, 5, and 7, Code 1985, are amended by striking the subsections.

Sec. 1886. Section 455B.103, unnumbered paragraphs 2, 3, and 4, Code 1985, are amended by striking the unnumbered paragraphs.

Sec. 1887. Section 455B.105, subsection 7, Code 1985, is amended to read as follows:

7. Approve all contracts and agreements under this chapter between the department and other public or private persons or agencies.

Sec. 1888. NEW SECTION. 455B.111 CITIZEN ACTIONS.

1. Except as provided in subsection 2, a person with standing as provided in subsection 3 may commence a civil action in district court on the person's own behalf against any of the following:

a. A person, including the state of Iowa, for violating any provision of this chapter or a rule adopted pursuant to this chapter.

b. The executive director, the commission, or any official or employee of the department where there is an alleged failure to perform any act or duty under this chapter or a rule adopted pursuant to this chapter which is not a discretionary act or duty.

2. An action shall not be commenced pursuant to subsection 1, paragraph "a", unless the person commencing the action has provided the director and the alleged violator with a written notice at least sixty days prior to commencing the action. The written notice shall specify

the nature of the violation and that legal action is contemplated under this section if the violation is not abated and, if necessary, remedial action is not taken. The state may intervene in such an action as a matter of right. In addition, an action shall not be commenced pursuant to subsection 1, paragraph "a", if the department or the state has commenced and is actively prosecuting a civil action or is actively negotiating an out-of-court settlement to require abatement of the violation and, if necessary, remediation of damages. However, any person may intervene as a matter of right in such an action.

3. A person shall have standing to commence an action pursuant to subsection 1 or to intervene in an action pursuant to subsection 2 if the person is adversely affected by the alleged violation or the alleged failure to perform a duty or act.

4. In an action commenced pursuant to subsection 1, the court may award costs of litigation, including reasonable attorney and expert witness fees, to any party.

5. This section does not restrict any right under statutory or common law of a person or class of person to seek enforcement of provisions of this chapter or a rule adopted pursuant to this chapter or seek other relief permitted under the law.

Sec. 1889. NEW SECTION. 455B.112 AUTHORITY OF ATTORNEY GENERAL.

In addition to the duty to commence legal proceedings at the request of the director or commission under this chapter, the attorney general may institute civil or criminal proceedings, including an action for injunction, to enforce the provisions of this chapter including orders or permits issued or rules adopted under this chapter.

Sec. 1890. Section 455B.211, subsection 1, Code 1985, is amended by striking the subsection.

Sec. 1891. Section 455B.212, Code 1985, is amended to read as follows:

455B.212 EXECUTIVE DIRECTOR'S DUTIES.

The executive director shall classify all water treatment plants, water distribution systems, and waste water treatment plants affecting the public welfare with regard to the size, type, character of water and waste water to be treated and other physical conditions affecting such treatment plants and distribution systems, and according to the skill, knowledge, and experience that an operator must have to supervise the operation of such the facilities to protect the public health and prevent pollution. The director may appoint advisory committees to advise the department in carrying out the requirements of this part.

Sec. 1892. Section 455B.213, subsections 2 and 3, Code 1985, are amended to read as follows:

2. APPLICATIONS. Applications for certification shall be on forms prescribed and furnished by the ~~board~~ department and shall not contain a recent photograph of the applicant. An applicant ~~shall~~ is not be ineligible for certification because of age, citizenship, sex, race, religion, marital status, or national origin although the application may require citizenship information. ~~The board director~~ may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of operation of waterworks or waste waterworks. Character references may be required, but shall not be obtained from certificate holders.

3. DISCLOSURE OF CONFIDENTIAL INFORMATION. ~~A member of the board~~ An employee of the department shall not disclose information relating to the following:

- a. Criminal history or prior misconduct of the applicant.
- b. Information relating to the contents of the examination to persons other than members of a board of certification of another state or their employees or an employee of the department.
- c. Information relating to the examination results other than final ~~score~~ scores except for information about the results of an examination which is given to the person who took the examination.

4. A member of the board An employee of the department who willfully communicates or seeks to communicate such information, and ~~any~~ a person who willfully requests, obtains, or seeks to obtain such information, is guilty of a public offense which is punishable by a fine not exceeding one hundred dollars or by imprisonment in the county jail for not more than thirty days simple misdemeanor.

Sec. 1893. Section 455B.216, Code 1985, is amended to read as follows:
455B.216 EXAMINATION.

The ~~board~~ director shall hold at least one examination each year for the purpose of examining candidates for certification at a time and place designated by the ~~board~~ director. Any written examination may be given by ~~representatives of the board~~ the department. All examinations in theory shall be in writing and the identity of the person taking the examination shall be concealed until after the examination papers have been graded. For examinations in practice, the identity of the person taking the examination shall also be concealed as far as possible. Those applicants whose competency is acceptable ~~to the board~~ shall be recommended ~~to the executive director~~ for certification. Applicants who fail the examination shall be allowed to take the examination at the next scheduled time. Thereafter, the applicant shall be allowed to take the examination at the discretion of the board. An applicant who has failed the examination may request in writing information from the ~~board~~ department concerning the applicant's examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the ~~board~~ director administers a uniform, standardized examination, the ~~board~~ director shall is only be required to provide the examination grade and such the other information concerning the applicant's examination results which are is available to the board department.

Sec. 1894. Section 455B.217, Code 1985, is amended to read as follows:
455B.217 CERTIFICATE ISSUED.

When the ~~executive~~ director is satisfied that an applicant is qualified by examination or otherwise, and upon recommendation of the ~~board~~, the ~~executive~~ director shall issue a certificate attesting to the competency of the applicant as an operator. The certificate shall indicate the classification of works which the operator is qualified to supervise.

Sec. 1895. Section 455B.218, Code 1985, is amended to read as follows:
455B.218 DURATION.

Certificates shall be for the multiyear period determined by the ~~board~~ director unless sooner revoked by the ~~board~~ director, but ~~such the~~ certificates shall remain the property of the department and the certificate shall so state. The fee for issuance of certificates as determined under section 455B.221 shall be prorated on a quarterly basis for any original certificate issued for a period of less than twelve months. A person who fails to renew a certificate prior to its expiration shall be allowed to ~~do so~~ renew it within thirty days following its expiration, but the ~~executive~~ director may assess a reasonable penalty as established by rule of the ~~commission~~.

Sec. 1896. Section 455B.219, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The ~~board~~ director may suspend or revoke the certificate of an operator, following a hearing before the ~~board~~ director, when the operator is ~~found~~ guilty of the following acts or offenses:

Sec. 1897. Section 455B.221, Code 1985, is amended to read as follows:
455B.221 FEE.

The ~~executive~~ director, with the approval of the ~~board~~ submitted through the commission, is authorized to ~~may~~ charge a fee for certificates issued under the provisions of this part 2 of division III. The fee for the certificates and for renewal shall be based on the costs of administering and enforcing the provisions of this part 2 of division III and to ~~pay~~ paying the expenses of the ~~board~~ department relating to certification. The department shall be reimbursed by the ~~board~~ director for all costs incurred. The ~~board~~ director shall set a fee for the examination

which shall be based upon the annual cost of administering the examinations. All such fees collected shall be remitted to the treasurer of state, who shall deposit the funds in the general fund of the state. Funds shall be appropriated from the general fund to the board department.

Sec. 1898. Section 455B.222, Code 1985, is amended to read as follows:

455B.222 RULES.

The commission, ~~with the advice of the board~~, may ~~promulgate~~ adopt rules as are necessary to carry out the provisions of this part 2 of division III.

Sec. 1899. Sections 455B.103, 455B.105 through 455B.107, 455B.109, 455B.134 through 455B.136, 455B.138 through 455B.141, 455B.143, 455B.145 through 455B.147, 455B.149, 455B.174, 455B.175, 455B.178, 455B.179, 455B.181, 455B.183, 455B.185, 455B.186, 455B.212, 455B.213, 455B.241 through 455B.244, 455B.273, 455B.280, 455B.303, 455B.305 through 455B.308, 455B.331, 455B.335 through 455B.337, 455B.339, 455B.340, 455B.362, 455B.381, 455B.384, 455B.385, 455B.387 through 455B.389, 455B.391, 455B.392, 455B.413 through 455B.416, 455B.418, 455B.421, 455B.423, 455B.425 through 455B.432, 455B.443 through 455B.445, 455B.450, 455B.451, and 455B.455, Code 1985, are amendedd by striking the words "executive director" where they appear in those sections and inserting in lieu thereof the word "director".

Sec. 1899A. Sections 455B.173, 455B.191, 455B.264 through 455B.268, 455B.271, 455B.464, and 455B.474 through 455B.478, Code Supplement 1985, are amended by striking the words "executive director" where they appear in those sections and inserting in lieu thereof the word "director".

Sec. 1899B. Sections 455B.131, 455B.135 through 455B.137, 455B.143, 455B.145 through 455B.147, 455B.174, 455B.181, 455B.183, 455B.305, 455B.340, 455B.383, and 455B.391, Code 1985, are amended by striking the word "commission" where it appears in those sections and inserting in lieu thereof the word "department". Sections 455B.262, 455B.264, 455B.265, 455B.266, 455B.271, and 455B.412, Code Supplement 1985, are amended by striking the word "commission" where it appears in those sections and inserting in lieu thereof the word "department".

Sec. 1899C. Section 455C.1, subsections 7 and 8, Code Supplement 1985, are amended to read as follows:

7. "Director" means the executive director of the department of water, air and waste management.

8. "Department" means the department of water, air and waste management natural resources created under section 455A.2.

Sec. 1899D. Section 455C.1, subsection 9, Code Supplement 1985, is amended to read as follows:

9. "Commission" means the water, air and waste management environmental protection commission of the department of water, air and waste management.

Sec. 1899E. Section 455D.3, subsection 3, Code 1985, is amended by striking the subsection.

Sec. 1899F. Section 455D.8, subsection 4, Code 1985, is amended to read as follows:

4. In addition to the chemical information required to be reported under federal hazard communication standard 29 C.F.R. sec. 1910.1200(d), the bureau may adopt by rule additional hazardous chemical information to be regulated, if the interagency council recommends such action pursuant to section 455D.17.

Sec. 1899G. Section 455D.13, subsection 2, paragraph b, Code 1985, is amended to read as follows:

b. Under recommendation from the interagency council pursuant to section 455D.17, the bureau has adopted rules specifying that certain classes or categories of records required to be kept by employers are confidential information.

Sec. 1899H. Section 455D.15, subsection 1, Code 1985, is amended to read as follows:

1. At the same time that an employer provides the information to employees required under division II, the employer shall submit to the local fire department a list of hazardous chemicals which are consistently generated by, used by, stored at, or transported from the employer's facility. The information shall be provided in sufficient specificity that the local fire department is informed of the nature of the hazardous chemicals, the hazards presented by the chemicals, and the appropriate response in dealing with an emergency involving the hazardous chemicals. The information shall conform to guidelines adopted by the bureau from recommendations of the interagency council under section 455D.19. The employer shall send the information by certified mail. The bureau shall adopt rules exempting employers from this requirement when buildings or structures do not contain significant amounts of a hazardous chemical.

Sec. 1899I. Section 455D.17, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The interagency council commissioner of public health, the labor commissioner, and the administrator of the environmental protection division of the department of natural resources under written signatures of all these parties may recommend by the unanimous vote of the three voting members any of the following actions:

Sec. 1899J. Section 455D.17, unnumbered paragraph 2, Code 1985, is amended to read as follows:

However, the interagency council shall make such recommendations shall be made only upon scientific evidence that there may be a significant threat to public health and safety without such the action.

Sec. 1899K. Section 469.9, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Every person, firm, or corporation, except a municipality, to whom a permit is granted to construct or to maintain and operate a dam already constructed in or across any stream for the purpose specified in this chapter, shall pay to the department of water, air and waste management a permit fee of one hundred dollars and shall pay an annual inspection and license fee, to be fixed by the water, air and waste management commission, on or before the first day of January, 1925, and annually thereafter, but in no case shall the annual inspection and license fee be less than twenty-five dollars. All fees shall be paid into the general fund of the state treasury.

Sec. 1899L. NEW SECTION. 469.17 DEFINITIONS.

When used in this chapter, unless the context otherwise requires:

1. "Department" means the department of natural resources.
2. "Commission" means the environmental protection commission of the department.

Sec. 1899M. Section 469.29, Code 1985, is amended to read as follows:

469.29 PERMITS FOR EXISTING DAMS.

All licenses and permits issued by the state executive council prior to April 17, 1949, or by the Iowa natural resources council prior to July 1, 1983, and in force immediately prior to July 1, 1983, or issued by the department of water, air and waste management before the effective date of this Act and in force immediately before the effective date of this Act, are in full force and effect and all of the powers of administration relating to licenses or permits issued are vested in the department of water, air and waste management.

Sec. 1899N. Sections 469.1 through 469.5, 469.10 through 469.12, and 469.26, Code 1985, are amended by striking the words "department of water, air and waste management" where they appear in those sections and inserting in lieu thereof the word "department".

Sec. 1899O. Sections 93.2 through 93.6, 107.2, 107.5, 107.7, 107.8, 107.10 through 107.12, 107.21, 305.11, 455B.102, 455B.104, 455B.106, 455B.214, 455B.215, 455D.18, and 455D.19, Code 1985, are repealed. Section 455D.16, Code Supplement 1985, is repealed.

DEPARTMENT OF TRANSPORTATION

Sec. 1901. Section 64.6, subsection 22, Code Supplement 1985, is amended to read as follows:

22. Members The director of transportation and the members of the state transportation commission, ten thousand dollars.

Sec. 1902. Section 306.42, subsection 2, Code 1985, is amended to read as follows:

2. ~~The state department of transportation shall transfer by quit claim deed to the county or to the city having jurisdiction over a road, all of the state's legal or equitable title and interest in right of way for the road or street and may transfer any adjacent unused right of way or land in excess of that needed as right of way. The deed shall be executed by the director of the department by order of the state transportation commission. However, if the state department of transportation owns any adjacent unused right of way in excess of that needed as right of way which is located outside the incorporated limits of a city and is suitable for purposes specified in section 111A.4, subsection 2, the department may, at the request of the county and the county conservation board, transfer the property by quit claim deed to the county for the use and benefit of the county conservation board.~~

Sec. 1903. Section 307.1, subsection 4, Code 1985, is amended by striking the subsection.

Sec. 1904. Section 307.6, Code 1985, is amended to read as follows:

307.6 COMPENSATION – COMMISSION MEMBERS.

Each member of the commission shall receive a salary as fixed by the general assembly be compensated as provided in section 7E.3.

Sec. 1905. Section 307.10, subsections 5, 7, 10, and 11, and unnumbered paragraph 2, Code 1985, are amended by striking the subsections and unnumbered paragraph.

Sec. 1906. Section 307.10, subsection 6, Code 1985, is amended to read as follows:

6. Approve or amend and approve the budget of the department as prepared by the director, prior to submission of the budget to the governor and the general assembly.

Sec. 1907. Section 307.11, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The ~~commission~~ governor shall appoint a director of transportation, subject to confirmation by the senate, who shall serve at the pleasure of the ~~commission~~ governor and who shall in no event not be a member of the commission. The director shall not hold any other office under the laws of the United States or of this or any other state or hold any other position for profit. The director shall not engage in any occupation, business, or profession interfering with or inconsistent with the director's duties, serve on or under any a committee of any a political party, or contribute to the campaign fund of any person or political party. The director shall be appointed on the basis of executive and administrative abilities and shall devote the director's entire full time to the duties of the position.

Sec. 1908. Section 307.11, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The director shall receive a salary as fixed by the governor within a salary range set by the general assembly.

Sec. 1909. Section 307.12, Code 1985, is amended to read as follows:

307.12 DUTIES OF THE DIRECTOR.

The director shall:

1. Manage the internal operations of the department and establish guidelines and procedures to promote the orderly and efficient administration of the department.

2. Employ such personnel as are necessary to carry out the duties and responsibilities of the department, consistent with the provisions of chapter 19A and subject to the policies of the commission.

3. Assist the commission in developing state transportation policy and a state transportation plan and execute the policies adopted by the commission.

4. Establish temporary advisory boards of such a size as the director deems appropriate to advise the department, subject to the approval of the commission.

5. Prepare a budget for the department, subject to the approval of the commission, and prepare reports required by law or required by the commission.

6. Appoint the deputy director of transportation and the administrators of the various divisions of the department, subject to the approval of the commission.

7. Review and submit legislative proposals necessary to maintain current state transportation laws.

8. Appoint hearing officers or designate department personnel or the board to conduct hearings required by law or administrative rule.

9. Enter into reciprocal agreements relating to motor vehicle inspections with authorized officials of any other state, subject to approval by the commission. The director may exempt or impose requirements upon nonresident motor vehicles consistent with those imposed upon vehicles of Iowa residents operated in other states.

9. Adopt rules in accordance with chapter 17A as the director deems necessary for the administration of the department and the exercise of the director's and department's powers and duties.

10. Reorganize the administration of the department as needed to increase administrative efficiency.

11. Provide for the receipt or disbursement of federal funds allocated to the state and its political subdivisions for transportation purposes.

12. Include in the department's annual budget all estimated federal funds to be received or allocated to the department.

13. Adopt, after consultation with the department of natural resources and the department of public safety, rules relating to enforcement of the rules regarding transportation of hazardous wastes adopted by the department of natural resources. The department and the division of the highway safety patrol of the department of public safety shall carry out the enforcement of the rules.

If in the interest of the state, the director may allow a subsistence expense to an employee under the supervision of the department's administrator for highways for continuous stay in one location while on duty away from established headquarters and place of domicile for a period not to exceed forty-five days; and allow automobile expenses in accordance with section 18.117, for moving an employee and the employee's family from place of present domicile to new domicile, and actual transportation expense for moving of household goods. The household goods for which transportation expense is allowed shall not include pets or animals.

Sec. 1910. Section 307.21, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The department's administrator of the administration division administrative services shall have the following duties and responsibilities:

Sec. 1911. Section 307.21, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The administrator of the ~~administration division~~ administrative services may purchase items from the department of general services and may co-operate with the director of general services by providing centralized purchasing services for the department of general services.

Sec. 1912. Section 307.22, unnumbered paragraph 1, and subsection 4, Code 1985, are amended to read as follows:

The ~~department's administrator of the planning division and research~~ shall have the following duties and responsibilities:

4. Co-ordinate the ~~planning division's and research~~ duties and responsibilities with the planning functions carried on by other ~~divisions~~ administrators of the department.

Sec. 1913. Section 307.22, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The ~~planning functions of this division~~ shall planning and research do not include the detailed design of highways or other modal transportation facilities, but shall be are restricted to the needs of this state for multimodal transportation systems.

Sec. 1914. Section 307.23, unnumbered paragraph 2, Code 1985, is amended to read as follows:

Act as legal advisor to the ~~commission, and the director, and the various divisions of the department~~ and provide all legal services for the department ~~except for those provided to the board by its counsel.~~

Sec. 1915. Section 307.23, unnumbered paragraph 3, Code 1985, is amended to read as follows:

The attorney general shall appoint ~~such~~ additional assistant attorneys general as the ~~commission director~~ deems necessary to carry out the duties assigned to the office of the general counsel division. The salary of the general counsel shall be fixed by the ~~commission director~~, subject to the approval of the attorney general. The ~~commission director~~ shall provide and furnish a suitable office for the general counsel upon request of the attorney general.

Sec. 1916. Section 307.24, Code 1985, is amended to read as follows:

307.24 HIGHWAY DIVISION ADMINISTRATION OF HIGHWAYS.

The ~~department's administrator of the highway division~~ shall be highways is responsible for the planning, design, construction, and maintenance of the state primary highways and shall administer the ~~provisions of chapters 306 to 320~~ and perform ~~such~~ other duties as may be assigned by the director. ~~There shall be a subdivision~~ The administration of highways shall be organized to provide administration for urban systems, a ~~subdivision~~ for secondary roads, and ~~such other subdivisions~~ categories of administration as may be necessary within the highway division.

Sec. 1917. Section 307.25, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The ~~department's administrator of the for aeronautics and public transportation division~~ transit shall have the following duties and responsibilities:

Sec. 1918. Section 307.25, subsection 2, Code 1985, is amended by striking the subsection.

Sec. 1919. Section 307.25, subsection 6, Code 1985, is amended to read as follows:

6. Perform ~~such~~ other duties and responsibilities as may be assigned by the director ~~and the commission.~~

Sec. 1920. Section 307.26, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The department's administrator of the railroad transportation division for rail and water shall have the following duties and responsibilities:

Sec. 1921. Section 307.26, Code 1985, is amended by adding the following new subsections: NEW SUBSECTION. 16. Promote river transportation and coordinate river programs with other transportation modes.

NEW SUBSECTION. 17. Advise and assist the director in the development of river transportation and port facilities in the state.

Sec. 1922. Section 307.27, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The department's administrator of the transportation regulation and safety division motor vehicles shall have the following duties and responsibilities:

Sec. 1923. Section 307.29, subsection 2, Code 1985, is amended to read as follows:

2. The transportation regulation authority department shall consolidate and collect all delinquent tax obligations of a railway company received from the counties. The transportation regulation authority department may compromise the delinquent taxes against the railway company property and by written agreement with the railway company agree to the payment of a stipulated sum in full liquidation of all delinquent taxes included in the agreement, and may accept title to any right of way or other real estate in this state owned by the railway company in payment for the delinquent taxes.

Sec. 1924. NEW SECTION. 307.43 FEDERAL DONATIONS.

If the government of the United States provides for free distribution among the states of machinery or other equipment suitable for use in road improvement, the director may receive and receipt for the machinery and equipment, and take action to secure to the state the benefit of any such tenders by the federal authorities. The director may make an apportionment of the machinery or other equipment among the counties of the state which in the director's judgment will best facilitate work in progress or contemplated by the counties, but the title and right of possession of the property received from the federal government is at all times in the director for the use and benefit of the state.

Sec. 1925. NEW SECTION. 307.48 LONGEVITY PAY RESTRICTED.

An employee under the supervision of the department's administrator of highways and subject to chapter 19A who is hired on or after July 1, 1971, is not entitled to longevity pay. However, this section does not apply to an employee under the supervision of the department's administrator of highways and subject to chapter 19A who was employed prior to July 1, 1971, and whose employment continued after June 30, 1971. An employee under the supervision of the department's administrator of highways and subject to chapter 19A whose employment is terminated on or after July 1, 1971, if reemployed under the supervision of the department's administrator of highways, forfeits any right the employee may have had to longevity pay.

An employee under the supervision of the department's administrator of highways who became an employee of the state department of transportation on July 1, 1974, retains all rights to longevity pay so long as the employee continues employment with the department.

Sec. 1926. Section 307A.2, subsection 3, Code 1985, is amended by striking the subsection.

Sec. 1927. Section 307B.6, subsection 10, Code 1985, is amended to read as follows:

10. The counsel of the transportation regulation authority and the attorney general's office shall provide legal services for the authority and the board unless a majority of the board deems outside counsel is required in a particular instance.

Sec. 1928. Section 308.3, subsection 7, Code 1985, is amended to read as follows:

7. "Conservation area" means land in which the state department of transportation ~~commission~~ or the state ~~conservation commission~~ department of natural resources has acquired rights, other than that land necessary for a right of way.

Sec. 1929. Section 308.4, subsection 2, Code Supplement 1985, is amended to read as follows:

2. The state transportation commission, with the co-operation of the ~~state conservation commission~~ department of natural resources, shall also:

a. Plan ~~plan~~, designate, and establish the exact routing of the great river road, utilizing the general guidelines established in Title 23, United States Code.

3. The director of transportation, with the cooperation of the department of natural resources, shall:

b a. Acquire all rights in land necessary for reconstruction or relocation of any portions of the great river road where ~~such~~ reconstruction or relocation is imperative for the safety of the traveling public, or where the condition or location of existing segments of the highway is not in keeping with the intent of the provisions of this chapter. Acquisitions of such rights in land shall be by gift, purchase, exchange, or by instituting and maintaining proceedings for condemnation. Gift, purchase, exchange, and condemnation ~~shall~~ include acquisition of a scenic easement. A scenic easement acquired under this chapter ~~shall constitute easements constitutes~~ an easement both at law and in equity, and all legal and equitable remedies, including prohibitory and mandatory injunctions, shall be are available to protect and enforce the state's interest in such scenic easements. Any A scenic easement acquired under this chapter ~~shall be~~ is deemed to be appurtenant to the roadway to which it is adjacent or from which it is visible. The duties created by ~~any a~~ scenic easement acquired under this chapter ~~shall be are~~ binding upon and enforceable against the original owner of the land subject to the scenic easement and the original owner's heirs, successors, and assigns in perpetuity, unless the instrument creating the scenic easement expressly provides for a lesser duration. A court shall not declare ~~any a~~ scenic easement acquired under this chapter to have been extinguished or to have become unenforceable by virtue of changed conditions or frustration of purpose.

e b. Accept and administer state, federal, and any other public or private funds made available for the acquisition of rights in land and for the planning and construction or reconstruction of any segment of the great river road, and ~~any~~ state and federal funds for the maintenance of that part of the great river road constituting the right of way.

Sec. 1930. Section 308.6, Code 1985, is amended to read as follows:

308.6 TRANSFERRING JURISDICTION.

The ~~state director of transportation commission~~, with the concurrence of the ~~state conservation commission~~ department of natural resources, shall transfer jurisdiction of any adjacent conservation area to the ~~state conservation commission~~ department of natural resources upon completion of ~~any a~~ new segment of the great river road.

Sec. 1931. Section 308.7, unnumbered paragraph 1 and subsection 1, Code 1985, are amended to read as follows:

The ~~state conservation commission~~ department of natural resources, with the co-operation of the ~~state director of transportation commission~~, shall:

1. Control the conservation area acquired by the ~~state~~ director of transportation ~~commission~~.

Sec. 1932. Section 308.8, Code 1985, is amended to read as follows:

308.8 AGREEMENTS AUTHORIZED.

The ~~state director of transportation commission~~ and the ~~state conservation commission~~ department of natural resources may enter into agreements with the United States secretary of transportation, as provided under the United States Code, Title 23 relating to the scenic

and recreational highway system, and with any other agency and jurisdiction, and take action in the name of the state to comply with the terms of any agreement.

Sec. 1933. Section 310.36, Code 1985, is amended to read as follows:

310.36 REPORT TO GOVERNOR.

The research projects and engineering studies authorized herein shall be conducted in cooperation with the county engineers. On or before January 31 each year the department shall file a report with the governor, state transportation commission, county engineers, chief clerk of the house of representatives, and secretary of the senate showing the work accomplished and projects undertaken under section 310.35.

Sec. 1934. Section 315.5, Code Supplement 1985, is amended to read as follows:

315.5 ADMINISTRATION OF FUND.

Qualifying road and street projects shall be selected by the ~~department~~ state transportation commission for full or partial financing from the fund after consultation with organizations representing interests of counties and cities. Counties and cities may make application for qualifying road and street projects with the department. In ranking applications for funds, the department shall, in addition to effects listed in section 315.3, subsection 1, consider the proportion of political subdivision matching funds to be provided, if any, the proportion of private contributions to be provided, if any, the total number of jobs to be created, the level of need, and the impact of the proposed project on the economy of the area affected. The proportion of funding shall be determined by the department or, in the case of cooperative projects, by agreement between the department and the city councils of participating cities, or boards of supervisors of participating counties, or other participating public agencies or private parties.

Sec. 1935. Section 321.428, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The director is hereby authorized to may approve or disapprove lighting devices and to issue and enforce rules establishing standards and specifications for the approval of ~~such the~~ lighting devices, their installation, adjustment, and aiming, and adjustment when in use on motor vehicles. ~~Such~~ The rules shall be approved by the transportation commission and shall correlate with and, so far as practicable, conform to the then current standards and specifications of the society of automotive engineers applicable to such equipment.

Sec. 1936. Section 321.492, unnumbered paragraph 3, Code 1985, is amended to read as follows:

~~The state department of transportation may designate employees of the transportation regulation and safety division of the department under the supervision of the department's administrator of motor vehicles to conduct spot inspections.~~

Sec. 1937. Section 321.513, subsection 1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

AUTHORITY TO COMPACT. The director, ~~subject to the approval of the commission,~~ may enter into nonresident violator compacts with other jurisdictions. The compacts shall contain in substantially the same form the following provisions:

Sec. 1938. Section 321C.1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The director of transportation may, ~~subject to the approval of the state transportation commission,~~ enter into drivers license compacts with other jurisdictions ~~legally joining therein~~ in substantially the following form.

Sec. 1939. Section 321D.1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The director of transportation may, ~~subject to the approval of the state transportation commission,~~ enter into vehicle equipment safety compacts with other jurisdictions legally joining therein in substantially the following form.

Sec. 1940. Section 322A.1, subsection 7, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

7. "Department" means the state department of transportation.

Sec. 1941. Section 322A.7, Code 1985, is amended to read as follows:

~~322A.7 AUTHORITY DEPARTMENT OF AUDITS AND APPEALS TO HOLD HEARING.~~

Upon receiving an application, the authority department shall notify the department of audits and appeals which shall enter an order fixing a time, which shall be within ninety days of the date of such the order, and place of hearing, and shall send by certified or registered mail, with return receipt requested, a copy of the order to the franchisee whose franchise the franchiser seeks to terminate or not continue. If the application requests permission to establish an additional motor vehicle dealership, a copy of the order shall be sent to all franchisees in the community who are then engaged in the business of offering to sell or selling the same line-make. Copies of orders shall be addressed to the franchisee at the place where the business is conducted. The authority department of audits and appeals may also give notice of the franchiser's application to any other parties whom the authority may deem deemed interested persons, such the notice to be in the form and substance and given in the manner the authority department of audits and appeals deems appropriate.

Any person who can show an interest in the application may become a party to the hearing, whether or not he that person receives notice; ~~provided, however.~~ However, a party not receiving notice shall be limited to participation at the hearing on the question of the public interest in the termination or continuation of the franchise or in the establishment of an additional motor vehicle dealership.

Sec. 1942. Section 324.56, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The director of transportation may, ~~subject to the approval of the transportation commission,~~ enter into motor fuel tax agreements on behalf of this state with authorized representatives of other states. The director of transportation may enter into and the state department of transportation may become a member of a motor fuel tax agreement for the collection and refund of interstate motor fuel tax. The director of transportation may adopt rules pursuant to chapter 17A to implement the agreement for the collection and refund of interstate motor fuel tax.

Sec. 1943. Section 325.1, subsection 4, Code 1985, is amended by striking the subsection.

Sec. 1944. Section 325.2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The authority department shall:

Sec. 1945. Section 325.3, Code 1985, is amended to read as follows:

~~325.3 GENERAL POWERS.~~

The authority department may by general order or otherwise prescribe adopt rules and enforce regulations applicable to motor carriers. The department may prescribe and enforce, including safety and hazardous materials transportation regulations in the operation of motor carriers and. The department may require a periodic inspection of the equipment of every motor carrier from the standpoint of enforcement of safety regulations, and the equipment is at all times subject to inspection by properly authorized representatives of the department.

Sec. 1946. Section 325.4, Code 1985, is amended to read as follows:

325.4 STATUTES POWERS APPLICABLE.

All applicable control, power, and authority over railroads and railroad companies now vested in the authority, insofar as the same is applicable, are hereby specifically department are extended to include motor carriers.

Sec. 1947. Section 325.33, Code 1985, is amended to read as follows:

325.33 CANCELLATION OF CERTIFICATE.

For violation of any provision of this chapter or of any rule or regulation promulgated thereunder by any motor carrier, the authority The department may, in addition to other penalties herein provided, revoke and cancel the certificate of such a motor carrier for violation of a provision of this chapter or a rule adopted under this chapter. In the event of any For a flagrant and persistent violation of safety regulations or hazardous materials rules by the holder of a certificate or the holder's agent, upon the request of the department the authority shall may suspend such the certificate of necessity until the safety regulations prescribed rules adopted by the department are complied with, or the authority department may revoke the certificate at its discretion for continued noncompliance.

Sec. 1948. Section 326.5, Code 1985, is amended to read as follows:

326.5 AUTHORITY TO AGREE TO RECIPROCITY.

The director may, subject to the approval of the transportation commission, enter into reciprocity agreements with the duly authorized representatives of any jurisdiction, exempting nonresidents of this state using the highways of this state from the registration requirements of chapter 321 and payment of any fees to this state, with such conditions, restrictions, and privileges or lack of same as the director deems advisable.

Sec. 1949. Section 326.18, Code 1985, is amended to read as follows:

326.18 FULLY REGISTERED FOR INTERSTATE MOVEMENT NONRESIDENT FLEET OWNER PRIVILEGES.

When a nonresident fleet owner has registered vehicles on a prorated basis, the vehicles are fully registered insofar as interstate commerce is concerned. The privileges granted to a nonresident pursuant to this chapter permit the operation of a vehicle which is simultaneously engaged in interstate movements and intrastate commerce, provided that the owner has intrastate authority or rights granted by the transportation regulation authority department. The authority director may also enter into reciprocity agreements pursuant to section 326.5 to permit interstate and intrastate movement of vehicles registered on a prorate prorated basis by a nonresident fleet owner, provided the owner has intrastate authority granted by the transportation regulation authority department and the jurisdiction in which the nonresident is base plated grants the same privilege to an Iowa base plated vehicle. Each vehicle upon which an Iowa base plate is required to be displayed under this chapter is fully registered for both interstate commerce and intrastate commerce.

Sec. 1950. Section 327.1, subsection 4, Code 1985, is amended by striking the subsection.

Sec. 1951. Section 327.2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The authority is hereby vested with power and authority and it department shall be its duty to:

Sec. 1952. Section 327.3, Code 1985, is amended to read as follows:

327.3 RULES.

The authority department may by general or special order prescribe adopt and enforce rules applicable to truck operators and contract carriers, provided that only the department shall prescribe and enforce safety regulations.

Sec. 1953. Section 327.4, Code 1985, is amended to read as follows:

327.4 POWERS APPLICABLE.

All applicable control, power, and authority over railroads and railroad companies, motor vehicles, and motor carriers ~~now vested in the authority, insofar as the same are applicable,~~ department are hereby specifically extended to include truck operators and contract carriers. However, ~~any~~ a truck operator transporting livestock or unprocessed agricultural or horticultural products ~~shall be is~~ exempt from tariff filing requirements and the issuance of freight receipts for such commodities.

Sec. 1954. Section 327.23, Code 1985, is amended to read as follows:

327.23 STONE AND ROAD MATERIALS CARRIERS.

~~Any A person, firm, or corporation~~ may obtain a permit to engage as a contract carrier in this state in the transportation of agricultural limestone, aggregates such as sand, gravel, crushed or broken stone, and all other materials for road or bridge construction or reconstruction projects, by filing with the authority department an application therefor. No proof of need for service, nor public convenience or necessity shall be required of ~~such an~~ applicant; there shall be no limitation on the number of individual contracts, oral or written, permitted; and no tariff or schedule of rates or charges shall be required. The ~~authority~~ department shall issue ~~such the~~ permit when the applicant has paid all fees required by this chapter, and complied with the provisions of section 327.15 relating to insurance protection. The holder of ~~such the~~ permit shall in all cases comply with the safety rules provided for by this chapter and shall pay all annual permit fees required of other contract carriers, and ~~such the~~ permits shall, after due hearing, ~~be~~ are subject to revocation for violation thereof.

Sec. 1955. Section 327A.1, subsection 5, Code 1985, is amended by striking the subsection.

Sec. 1956. Section 327A.2, Code 1985, is amended to read as follows:

327A.2 CERTIFICATE REQUIRED.

Except as otherwise provided, it is hereby declared unlawful for any liquid ~~before an in-~~ intrastate transport carrier ~~to may~~ transport liquid products in bulk, for compensation, ~~from any point or place in the state of Iowa to another point or place in said state without first having obtained the~~ carrier shall obtain from the authority department a certificate declaring that public convenience and necessity require such operation.

The authority department may allow the provision of temporary service for which there is an immediate and urgent need to a point or points requested by the application for a certificate of public convenience and necessity upon ~~consideration by the authority and a the~~ department's finding that the point or points do not have liquid bulk carrier service capable of meeting ~~such the~~ need or that a carrier is not currently serving that point or those points. Upon meeting the requirements of this chapter and the rules of the authority department, ~~such the~~ temporary authority, unless suspended or revoked for good cause, ~~shall be is~~ valid for such time as the authority shall specify ~~department specifies~~ but not ~~to exceed exceeding~~ one hundred twenty days. Granting temporary authority ~~shall does not~~ create a presumption that the corresponding application will subsequently be granted.

Sec. 1957. Section 327A.20, Code 1985, is amended to read as follows:

327A.20 RAILROAD CONTROL EXTENDED POWERS APPLICABLE.

All applicable control, power, and authority over railroads and railroad companies ~~now~~ vested in the authority, insofar as the same is applicable, ~~are hereby specifically~~ department are extended to include liquid transport carriers.

Sec. 1958. Section 327C.1, Code 1985, is amended to read as follows:

327C.1 DEFINITION.

As used in this chapter, unless the context otherwise requires, "department" means the state department of transportation and "authority" means the transportation regulation authority.

Sec. 1959. Section 327C.10, Code 1985, is amended to read as follows:

327C.10 INVESTIGATION AND INQUIRY.

The department or authority may investigate and inquire into the management of all common carriers subject to its jurisdiction. The authority or department shall have the right to may obtain from them the carriers full and complete information necessary to enable the department or authority to perform its duties including the administration of railroad assistance agreements. The authority on its own initiative or upon request of the department shall have power to may require the attendance and testimony of witnesses, and the production of all books, papers, tariff schedules, contracts, agreements, and documents, relating to any matter under investigation, and to may inspect the same them; and to may examine under oath or otherwise any officer, director, agent, or employee of any a common carrier; to and may issue subpoenas and to enforce obedience thereto to them.

Sec. 1960. Section 327D.2, subsection 10, Code 1985, is amended by striking the subsection.

Sec. 1961. Section 327D.13, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

327D.13 LONG AND SHORT HAUL — FAIR RATE.

A common carrier subject to this chapter shall not charge more for the transportation of persons or property than a fair and just rate or charge.

A common carrier shall not:

1. Charge more for the transportation of persons or property for a shorter distance than for a longer distance in the same direction on the same route.

2. Charge more for a through rate than the aggregate of the intermediate rates.

However, upon application by a common carrier, the department may in special cases and after investigation prescribe the extent to which the carrier is relieved from compliance with this section.

Sec. 1962. Section 327G.1, Code 1985, is amended to read as follows:

327G.1 DEFINITION.

As used in this division, unless the context otherwise requires, "department" means the state department of transportation and "authority" means the transportation regulation authority.

Sec. 1963. Section 327G.61, subsection 2, Code 1985, is amended by striking the subsection.

Sec. 1964. Section 327G.62, Code 1985, is amended to read as follows:

**327G.62 BUILDINGS OR OTHER IMPROVEMENTS ON RAILROAD LANDS CON-
TROVERSIES.**

When a disagreement arises between a railroad corporation, its grantee, or its successor in interest, and the owner, lessee, or licensee of any a building or other improvement, including trackage, used for receiving, storing, transporting, or manufacturing any an article of commerce transported or to be transported, situated on a present or former railroad right-of-way or any land owned or controlled by the railroad corporation, its grantee, or its successor in interest, as to the terms and conditions on which the same article is to be continued thereon or removed therefrom, the railway corporation, its grantee, or its successor in interest, or the owner, lessee, or licensee may make written application to the authority department and the authority department shall notify the department of audits and appeals which shall hear and determine the controversy and make an order as shall be is just and equitable between the parties, which order shall be enforced in the same manner as other orders of the authority department.

Sec. 1965. Section 327G.78, Code 1985, is amended to read as follows:

327G.78 SALE OF RAILROAD PROPERTY.

Subject to sections 327G.77 and 471.16, when a railroad corporation, its trustee, or its successor in interest has interests in real property adjacent to a railroad right-of-way that are

abandoned by order of the interstate commerce commission, reorganization court, bankruptcy court, or the authority department, or when a railroad corporation, its trustee, or its successor in interest seeks to sell its interests in that property under any other circumstance, the railroad corporation or, its trustee, or its successor in interest shall extend a written offer to sell at a fair market value price to the persons holding leases, licenses, or permits upon those properties, allowing sixty days from the time of receipt for a written response. If a disagreement arises between the parties concerning the price or other terms of the sale transaction, either or both parties may make written application to the authority department to resolve the disagreement. The application shall be made within sixty days from the time an initial written response is served upon the railroad corporation, trustee, or successor in interest by the person wishing to purchase the property. The authority department shall notify the department of audits and appeals which shall hear the controversy and make a final determination of the fair market value of the property and the other terms of the transaction which were in dispute, within ninety days after the application is filed. All correspondence shall be by certified mail.

The decision of the authority shall be department of audits and appeals is binding on the parties, except that a person who seeks to purchase such the real property may withdraw the offer to purchase within thirty days of the authority's decision of the department of audits and appeals. If such a withdrawal is made, the railroad corporation, trustee, or successor in interest may sell or dispose of the real property without further order of the authority department of audits and appeals.

This section shall does not apply when a rail line is being sold for continued railroad use.

Sec. 1966. Section 327G.79, Code 1985, is amended to read as follows:
327G.79 VALUING RAIL PROPERTY IN CONTROVERSY.

The authority's department of audits and appeals' determination and order shall be just and equitable and in the case of the determination of the fair market value of the property, shall be based in part upon at least three independent appraisals prepared by certified appraisers. Each party shall select one appraiser and each appraisal shall be paid for by the party for whom the appraisal is prepared. The two appraisers shall select a third appraiser and the costs of this appraisal shall be divided equally between the parties. If the appraisers selected by the parties cannot agree on selection of a third appraiser, the authority state department of transportation shall appoint a third appraiser and the costs of this appraisal shall be divided equally between the parties.

The authority's department of audits and appeals' determination and order shall be final for the purpose of administrative review to the district court as provided in chapter 17A. The district court's scope of review shall be confined to whether there is substantial evidence to support the authority's department of audits and appeals' determination and order.

For purposes of this section and section 327G.78 division, "authority" unless the context otherwise requires, "department" means the state department of transportation regulation authority.

Sec. 1967. Section 328.12, unnumbered paragraph 1, and subsections 1 through 15, Code 1985, are amended to read as follows:

The commission director in carrying out its the director's duties relating to aeronautics shall have the following powers and duties:

1. PROMOTION OF AERONAUTICS. It is empowered and directed to encourage Encourage, foster, and assist in the general development and promotion of aeronautics in this state, and to make disbursements from the state aviation fund for such purposes.

2. RULES. It shall have power to make such Make reasonable rules, consistent with the provisions of this chapter, as may be deemed by the commission director to be necessary and expedient for the administration and enforcement of this chapter, and to amend said the rules at any time.

3. FILING OF RULES. It shall keep Keep on file at the office of the commission director, for public inspection, a copy of all its the department's aeronautic rules with all amendments thereto, and mail copy thereof copies to all registered landing areas in this state.

4. TECHNICAL SERVICES AVAILABLE. ~~It shall, insofar~~ So far as is reasonably possible, make available the engineering, management consulting, and other technical services of the department, without charge, in connection with aeronautics.

5. INTERVENTION. ~~It may participate~~ Participate, at the director's discretion, as party plaintiff or defendant, or as intervenor, complainant, or movant, on behalf of the state or any governmental subdivision or citizen thereof of the state, in any proceeding having to do with aeronautics.

6. ENFORCEMENT OF AERONAUTICS LAWS. ~~It shall be the duty of the department to enforce~~ Enforce and assist in the enforcement of this chapter and of all rules issued pursuant ~~thereto to this chapter~~, and of all other laws of this state relating to aeronautics; and, in the aid of ~~such enforcement and within the scope of such~~ the director's duties, general powers of peace officers are ~~hereby conferred upon the commission, the director, and such officers and employees of the department as may be designated by the commission~~ director to exercise such powers. The commission is further authorized director, in the name of this state, ~~to may enforce the provisions of this chapter and the rules issued pursuant thereto to this chapter~~ by injunction in the courts of this state.

7. USE OF EXISTING FACILITIES. ~~The commission, in~~ In the discharge of all functions prescribed by this chapter, ~~law enforcement, technical, and other, to every feasible extent, shall use the facilities of other agencies of the state; and such other state agencies are authorized and directed to make available to the commission~~ director such facilities and services.

8. INVESTIGATIONS AND INQUIRIES. Hold investigations and inquiries.

a. ~~The commission~~ director or any officer or employee of the department designated by it, ~~the director's designee when acting for, and with the authority of the commission~~ director, shall have the power to may hold investigations, and inquiries, and hearings concerning matters covered by the provisions of this chapter and orders and rules of the commission department. In any such inquiry, an investigation, or hearing inquiry, the person acting for the commission shall have power to director may administer oaths and affirmations, certify to all official acts, issue subpoenas, and compel the attendance and testimony of witnesses, and the production of papers, books, and documents.

9. REPORTS OF INVESTIGATIONS — LIMITATIONS ON USE. b. The reports of investigations or ~~hearings~~ inquiries, or any part thereof of them, shall not be admitted in evidence or used for any purpose in any a civil suit, growing out of any a matter referred to in said an investigation, hearing inquiry, or report thereof, except in case of criminal or other proceedings instituted in behalf of the commission director or this state under the provisions of this chapter and other laws of this state relating to aeronautics.

10 9. AUTHORITY TO CONTRACT. ~~It may enter~~ Enter into any contracts necessary to the execution of the powers granted it the director by this chapter.

11 10. NO EXCLUSIVE RIGHTS GRANTED. ~~It shall grant~~ Grant no exclusive right for the use of any an airway, airport, landing area, or other air navigation facility under its the director's jurisdiction.

12 11. SUFFICIENCY RATINGS. ~~It shall issue~~ Issue sufficiency ratings for all airports in the state, which are owned and operated by a governmental subdivision, based on the functional classification of those airports as set out in the department's annual transportation plan.

13 12. CENTRALIZED PURCHASING AGENCY. ~~It may encourage~~ Encourage governmental subdivisions to utilize ~~its the department's~~ services as a centralized purchasing agency for items, including but not limited to airport and aeronautics equipment and chemicals.

14 13. SAFETY INSPECTIONS. ~~It may enter~~ Enter into agreements, at the director's discretion, and otherwise co-operate with federal authorities in the safety inspection of registered landing areas and may promulgate, and adopt safety standards for airports.

15 14. NEWSLETTER. ~~It may~~ Have authority to publish and distribute by subscription a state aeronautics newsletter or magazine. The department may charge a reasonable fee for subscriptions to such a the newsletter or magazine.

Sec. 1968. Section 601J.6, subsection 2, Code 1985, is amended to read as follows:

2. The department, with the approval of the state transportation commission, may enter into agreements with public transit systems, the United States government, cities, counties, business entities, or other persons for carrying out the purposes of this section.

Sec. 1969. Sections 307.14 through 307.20, 307A.3, 307A.4, 307A.5, 307A.7, and 307A.8, Code 1985, are repealed.

Sec. 1970. All rules, regulations, forms, orders, and directives promulgated by and in effect for the transportation regulation authority and the state transportation commission on the effective date of this Act continue in full force and effect until amended or supplemented by affirmative action of the state department of transportation.

EXECUTIVE COUNCIL

Sec. 1971. Section 1.6, Code 1985, is amended to read as follows:

1.6 CONDITIONS.

Any acquisition by the government of the United States of land and water, or of land or water, under section 1.5 shall be first approved by the state conservation commission, by and the state conservation director of this state, and the executive council.

Sec. 1972. Section 8.31, unnumbered paragraph 7, Code 1985, is amended to read as follows:

~~The finding by~~ If the governor determines that the estimated budget resources during the fiscal year are insufficient to pay all appropriations in full, as provided herein, shall be subject to the concurrence in such finding by the executive council before reductions in allotment shall be made, and in the event any reductions in allotment be made, such the reductions shall be uniform and prorated between all departments, agencies and establishments upon the basis of their respective appropriations.

Sec. 1973. Section 11.28, Code 1985, is amended to read as follows:

11.28 INDIVIDUAL AUDIT REPORTS.

The individual audit reports shall include exhibits and schedules to report data similar to that now required by section 11.4, and shall as nearly as possible correspond and be prepared similar in form to the audit reports rendered by certified public accountants, and such reports shall include information as to the assets and liabilities of the various departments and institutions audited as of the beginning and close of the fiscal year audited, the receipts and expenditures of cash, the disposition of materials and other properties, and the net income and net operating cost. These reports shall also set forth the cost as to each inmate, member, or student per year in the various classifications of expenses, and shall make comparisons thereof, and shall give such other information, suggestions, and recommendations as may be deemed of advantage and to the best interests of the taxpayers of the state; provided, that the daily audit report of the state treasury shall be submitted to the state comptroller; provided, further, that copies of all individual audit reports of all state departments and establishments shall be transmitted to the executive council and to the state comptroller's office after the completion of each audit, and that copies of all local government audits shall, until otherwise provided, be also supplied to the comptroller's office; provided, further, that copies of such audit reports shall also be supplied to the officers of the counties, schools, and cities, as now provided by law; and, provided further, that summaries of the findings, recommendations, and comparisons, together with any other information deemed essential, shall be printed and distributed to members of the legislature, and such officials, including state officers, as may be designated by the executive council general assembly.

Sec. 1974. Section 18.6, unnumbered paragraph 2, Code 1985, is amended by striking the unnumbered paragraph.

Sec. 1975. Section 18.115, subsection 4, Code Supplement 1985, is amended to read as follows:

4. The state vehicle dispatcher shall purchase all new motor vehicles for all branches of the state government, except the state department of transportation, institutions under the control of the state board of regents, the commission for the blind, and any other agencies exempted by law. Before purchasing any motor vehicle the dispatcher shall make requests for public bids by advertisement and shall purchase the vehicles from the lowest responsible bidder for the type and make of motor vehicle designated at a purchase price approved by the executive council.

Sec. 1976. Section 18.116, Code 1985, is amended to read as follows:

18.116 VIOLATIONS — WITHDRAWING USE OF VEHICLE.

If any state officer or employee violates any of the provisions of this chapter, the state vehicle dispatcher shall have the authority to withdraw the assignment of any state-owned motor vehicle to any such state officer or employee. ~~An appeal from such order by the state vehicle dispatcher may be taken to the executive council whose decision shall be final.~~

Sec. 1977. Section 18.117, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A state officer or employee shall not use a state-owned motor vehicle for personal private use, nor shall the officer or employee be compensated for driving a privately owned motor vehicle unless it is done on state business with the approval of the state vehicle dispatcher, and in that case the officer or employee shall receive twenty-two cents per mile effective July 1, 1981, and twenty-four cents per mile effective July 1, 1982. A statutory provision stipulating necessary mileage, travel, or actual expenses reimbursement to a state officer falls under the mileage reimbursement limitation provided in this section unless specifically provided otherwise. Any peace officer employed by the state as defined in section 801.4 who is required to use a private vehicle in the performance of official duties shall receive reimbursement for mileage expense at the rate specified in this section. However, the state vehicle dispatcher may delegate authority to officials of the state, and department heads, for the use of private vehicles on state business up to a yearly mileage figure established by the director of general services ~~and approved by the executive council~~. If a state motor vehicle has been assigned to a state officer or employee, the officer or employee shall not collect mileage for the use of a privately owned vehicle unless the state vehicle assigned is not usable.

Sec. 1978. Section 26.1, Code 1985, is amended to read as follows:

26.1 FEDERAL AND STATE CO-OPERATION.

The ~~executive council~~ secretary of state is authorized, so far as practicable, to co-operate with the census bureau of the United States in the gathering, compilation, and publication of census statistics.

Sec. 1979. Section 96.25, Code 1985, is amended to read as follows:

96.25 OFFICE BUILDING.

The department of job service may, ~~subject to the approval of the executive council of the state~~, acquire for and in the name of the state of Iowa by purchase, or by rental purchase agreement, such lands and buildings upon such terms and conditions as may entitle this state to grants or credits of funds under the Social Security Act or the Wagner-Peyser Act to be applied against the cost of such property, for the purpose of providing office space for the department of job service at such places as the commission finds necessary and suitable.

Sec. 1980. Section 111.7, Code 1985, is amended to read as follows:

111.7 EMINENT DOMAIN.

The executive council may, upon the recommendation of the commission, may purchase or condemn lands for public parks. No contract for the purchase of such public parks shall be made to an amount in excess of funds appropriated therefor by the general assembly.

Sec. 1981. Section 111.8, Code 1985, is amended to read as follows:

111.8 HIGHWAYS.

The executive council may, upon the recommendation of the commission, may purchase or condemn highways connecting such parks with the public highways. When such the highways have been purchased or condemned the same shall be public highways of this state and shall be maintained as other public highways of the county.

Sec. 1982. Section 111.11, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The commission with the written consent of the executive council, may accept gifts of land or other property, or the use of lands or other property for a term of years, and improve and use the same land as public state parks.

Sec. 1983. Section 111.24, Code 1985, is amended to read as follows:

111.24 BOUNDARIES - ADJUSTMENT.

Whenever a controversy shall arise as to the true boundary line between state-owned property and private property, the commission may, with the approval of the executive council, adjust said the boundary line or take such other action in the premises, all with the approval of the executive council, as in its judgment may seem right. When such the disputed boundary line is fixed it shall be surveyed and marked as herein provided.

Sec. 1984. Section 297.26, Code 1985, is amended to read as follows:

297.26 SALE BY EXECUTIVE COUNCIL DEPARTMENT.

Any school building or any school site, the title of which is vested in the state of Iowa by reason of it having been provided by state mining camp funds for schools in mining camps, shall be sold by the state executive council department when the state board of public instruction certifies the same to the executive council in writing as being department of education determines it is no longer needed for school purposes.

Sec. 1985. Section 297.27, Code 1985, is amended to read as follows:

297.27 PREFERENCE TO OWNER OF TRACT.

When such the buildings or sites are sold by the executive council, the then owners of the tract from which the same was originally taken shall have first option on the purchase of the same.

Sec. 1986. Section 297.28, Code 1985, is amended to read as follows:

297.28 APPRAISERS.

In case the executive council if the department and said the owner of the tract from which such the school site was taken, do not agree as to the value of such site or building, the chief judge of the judicial district of the county in which the greater part of such school site is situated shall, on the written application of either party, appoint three disinterested voters of the county from the list of compensation commissioners to appraise such site. The county sheriff shall give notice to both parties of the time and place of making such appraisal, which notice shall be served in the same manner and for the same time as for the commencement of an action in the district court.

Sec. 1987. Section 306.22, unnumbered paragraph 1, Code 1985, is amended to read as follows:

306.22 SALE OF UNUSED RIGHT OF WAY.

When title to any tract of land has been or may be acquired for the construction or improvement of any highway, and when in the judgment of the agency in control of the highway, the tract will not be used in connection with or for the improvement, maintenance, or use of the highway, the agency in control of the highway may sell the tract for cash. ~~If the tract of land is held or used in connection with any primary road, or state park or institutional road, the sale shall be subject to approval of the executive council of the state.~~

Sec. 1988. Section 455B.422, Code Supplement 1985, is amended to read as follows:

455B.422 ACQUISITION AND LEASE OF SITES.

The commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of a treatment or disposal facility. Upon request, the department shall assist ~~the executive council~~ in locating suitable sites for the location of a treatment or disposal facility. The commission may ~~recommend to the executive council~~ the purchase or ~~condemnation of~~ condemn land to be leased for the operation of a treatment or disposal facility. ~~The executive council may purchase or may condemn the land~~ subject to chapter 471. Consideration for a contract for purchase of land shall not be in excess of funds appropriated by the general assembly for that purpose. ~~The executive council upon recommendation of the commission~~ may lease land purchased under this section to any person including the state or a state agency. This section authorizes the state to own or operate a hazardous waste treatment or disposal facility for the treatment and disposal of hazardous wastes. The terms of the lease shall establish responsibility for long-term monitoring and maintenance of the site. The lessee is subject to all applicable requirements of this part including permit requirements. The commission may require the lessee to post bond conditioned upon performance of conditions of the lease relating to long-term monitoring and maintenance. The leasehold interest including improvements made to the property shall be listed, assessed and valued as any other real property as provided by law.

Sec. 1989. Section 505.2, Code 1985, is amended to read as follows:

505.2 APPOINTMENT AND TERM.

The governor shall appoint subject to confirmation by the senate, a commissioner of insurance, who shall be selected solely with regard to qualifications and fitness to discharge the duties of this position, devote the entire time to such duties, and serve for four years beginning and ending as provided by section 69.19. The governor ~~with the approval of the executive council~~ may remove the commissioner for malfeasance in office, or for any cause that renders the commissioner ineligible, incapable, or unfit to discharge the duties of the office.

Sec. 1990. Section 565.3, Code 1985, is amended to read as follows:

565.3 GIFTS TO STATE.

A gift, devise, or bequest of property, real or personal, may be made to the state, to be held in trust for and applied to any specified purpose within the scope of its authority, but the same shall not become effectual to pass the title in such property unless accepted by ~~the executive council in governor on~~ behalf of the state.

Sec. 1991. Section 601A.5, subsection 11, Code 1985, is amended to read as follows:

11. To receive, administer, dispense and account for any funds that may be voluntarily contributed to the commission and any grants that may be awarded the commission for furthering the purposes of this chapter ~~with the approval of the executive council.~~

Sec. 1992. Sections 19.16, 29A.59, and 111.1, Code 1985, are repealed.

LEGISLATIVE OVERSIGHT

Sec. 2001. Section 2.9, Code 1985, is amended to read as follows:

2.9 JOURNALS.

The secretary of the senate and the clerk of the house of representatives shall preserve copies of the printed daily journals of their respective bodies, as corrected, certify to their correctness, and file them with the secretary of state at the adjournment of each session of the general assembly. The secretary of state shall cause the same journals to be bound and preserved as the original journals of the senate and the house in the manner as shall be specified by the president majority leader of the senate and speaker of the house.

Sec. 2002. Section 2.16, unnumbered paragraph 2, Code 1985, is amended to read as follows:

Departments and agencies of state government shall, at least ten forty-five days prior to the convening of each session of the general assembly, submit copies to the legislative service bureau of proposed legislative bills and joint resolutions which such departments desire to be considered by the general assembly. The proposed legislative bills and joint resolutions of the governor must be submitted by the Friday prior to the convening of the session of the general assembly, except in the year of the governor's initial inauguration. The legislative service bureau shall review such proposals and submit them in proper form to the presiding officer in each house of the general assembly for referral to the proper standing committee. Before submitting any proposal prepared under this section to the presiding officers, the legislative service bureau shall return it for review to, as appropriate, the relevant department or agency or the governor's office and such department or agency or the governor's office shall review and return it within seven days of such delivery.

Sec. 2003. Section 2.32, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A gubernatorial appointee, whose appointment is subject to confirmation by the senate and who serves at the pleasure of the governor, is subject to reconfirmation by the senate during the regular session of the general assembly convening in January if the appointee will complete the appointee's fourth year in office on or before the following April 30. For the purposes of this section, the submission of an appointee for reconfirmation is deemed the same as the submission of an appointee for confirmation and the procedures of this section regarding confirmation and the consequences of refusal to confirm are the same for reconfirmation.

Sec. 2004. Section 2.35, unnumbered paragraph 1, Code 1985, is amended to read as follows:

There is established a A communications review committee which shall consist is established, consisting of three members of the senate appointed by the president majority leader of the senate and three members of the house of representatives appointed by the speaker of the house. The committee shall select a chairperson and vice chairperson. Meetings may be called by the chairperson or a majority of the members.

Sec. 2005. Section 2.41, Code 1985, is amended to read as follows:

2.41 LEGISLATIVE COUNCIL CREATED.

There is hereby created a A continuing legislative council of twenty members which shall be entitled the legislative council is created. The council shall be is composed of the president pro tempore of the senate, the speaker of the house of representatives, the majority and minority floor leaders of the senate, the chairperson of the senate committee on budget appropriations, the minority party ranking member of the senate committee on budget appropriations, five members of the senate appointed by the president majority leader of the senate, the majority and minority floor leaders of the house of representatives, the chairperson of the house committee on budget appropriations, the minority party ranking member of

the house committee on budget appropriations, and five members of the house of representatives appointed by the speaker of the house of representatives. The lieutenant governor shall be an ex officio nonvoting member of the council. Of the five members appointed by the president majority leader of the senate and speaker of the house, three from each house shall be appointed from the majority party and two from each house shall be appointed from the minority party. Members shall be appointed prior to the fourth Monday in January of the first regular session of each general assembly and shall serve for two-year terms ending upon the convening of the following general assembly or when their successors are appointed. Vacancies on the council, including vacancies which occur when a member of the council ceases to be a member of the general assembly, shall be filled by the president majority leader of the senate and the speaker of the house respectively. Insofar as possible at least two members of the council from each house shall be reappointed. The council shall hold regular meetings at a time and place fixed by the council and shall meet at any other time and place as the council may deem deems necessary.

Sec. 2006. Section 2.45, subsection 2, Code 1985, is amended to read as follows:

2. The legislative fiscal committee, ~~which shall be~~ composed of the chairpersons or their designated committee member and the ranking minority party members or their designated committee member of the committees of the house and senate responsible for developing a state budget and appropriating funds, the chairpersons or their designated committee ~~members member~~ and the ranking minority party members or their designated committee member of the committees on ways and means, and two members, one appointed from the majority party of the senate by the president majority leader of the senate and one appointed from the majority party of the house by the speaker of the house of representatives. In each house, unless one of the members who represent the committee on ways and means is also a member of the legislative council, the person appointed from the membership of the majority party in that house shall also be appointed from the membership of the legislative council. The legislative fiscal committee shall determine policies for the legislative fiscal bureau and shall direct the administration of performance audits and visitations, subject to the approval of the legislative council.

Sec. 2007. Section 2.52, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director may issue subpoenas for production of any records, books, or papers to which the director is authorized to have access. If any person subpoenaed refuses to produce the records, books, or papers, the director may apply to the district court having jurisdiction over that person for the enforcement of the subpoena.

Sec. 2008. Section 2.55, Code Supplement 1985, is amended to read as follows:

2.55 PROGRAM EVALUATIONS GOVERNMENT ACCOUNTABILITY.

1. It is the intent of the general assembly to establish in the legislative branch of government the capability to independently and intensively review the performance of state agencies in operating the programs, to evaluate their efficiency and effectiveness, and to consider alternatives which may improve the benefits of a program or may reduce its costs to the citizens. The legislative fiscal bureau is intended to provide the technical and professional support for the general assembly's oversight responsibility.

1 2. The general assembly may by concurrent resolution or the legislative council may direct the legislative fiscal bureau to conduct a program evaluation or performance audit of any agency of the state government. Upon the passage of the concurrent resolution or receiving the direction of the legislative council, the legislative fiscal director shall inform the chairpersons of the committees responsible for appropriations of the anticipated cost of the program evaluation and the number and nature of additional personnel needed to conduct the program evaluation and shall notify the official responsible for the program to be evaluated. The director, after consulting with the responsible official and the requesting party, shall determine the goals and objectives of the agency or program for the purpose of the performance audit or program evaluation.

2 3. In conducting the program evaluation or performance audit, the legislative fiscal bureau shall make certain determinations including but not limited to the following:

a. The organizational framework of the agency, its adequacy and relationship to the overall structure of state government, and whether the program under the agency's jurisdiction could be more effective if consolidated with another program, transferred to another program, modified, or abolished.

b. Whether the state agency is conducting programs and activities and expending funds appropriated to it in compliance with the Acts of the general assembly, the Code, and any federal, state, or local rules which are applicable, or policies assigned to it by the governor, and whether administrative or statutory changes are needed to achieve the intent of the general assembly.

c. Whether the state agency is conducting authorized activities and programs pursuant to goals and objectives intended by the general assembly established by statute, specific legislative intent, the budget, the governor, or a long-range plan, and whether alternatives which might produce the desired results at a lower cost have been considered.

d. Whether the state agency is conducting programs and activities and expending funds appropriated to it in an efficient and effective manner, has complied with all applicable laws and, if not, determine the causes.

e. Whether there are areas in which significant inconsistency, duplication, or overlapping of activities or programs occur either within the agency or with respect to other agencies or programs. Relationships within and among other governmental agencies and programs including financial exchanges, coordination, inconsistent programs, and areas of duplication or overlapping programs.

f. The productivity of the agency's operations measured in terms of cost-benefit relationships or other accepted measures of effectiveness.

g. Other criteria determined by the director.

3 4. Upon the completion of the program evaluation or performance audit, the legislative fiscal director shall provide a copy of the report to the governing official or board of the agency and afford the agency a reasonable opportunity to respond to the findings and recommendations of the report. The response shall be included in the report and the report released to the legislative council. Until its release the report shall be regarded as confidential by all persons properly having custody of it.

Sec. 2009. Section 2.91, subsection 1, and unnumbered paragraph 2, Code 1985, are amended to read as follows:

1. There is established an An Iowa boundary commission which shall consist is established, consisting of three members of the senate appointed by the president majority leader of the senate and three members of the house of representatives appointed by the speaker of the house. The commission shall select a chairperson and shall meet at the call of the chairperson.

For the initial board, the president of the senate and the speaker of the house shall each appoint pursuant to this section on July 1, 1978, one member to a two-year term and two members to a four-year term.

Sec. 2010. Section 2A.1, Code 1985, is amended to read as follows:

2A.1 COMMISSION ESTABLISHED.

There is established a A commission to be known as the commission on compensation, expenses, and salaries for elected state officials, hereinafter is established and is referred to in this chapter as "the commission". The commission shall be is composed of fifteen members, five of whom shall be appointed by the governor, five of whom shall be appointed by the president majority leader of the senate, and five of whom shall be appointed by the speaker of the house of representatives. Members of the commission shall be appointed without regard to political affiliation and shall not be state officials or employees, employees of any state department, board, commission, or agency or of any political subdivision of the state.

Sec. 2011. Section 3.4, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An "appropriation bill" means a bill which has as its primary purpose the making of appropriations of money from the public treasury.

Sec. 2012. Section 7A.52, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The commission ~~shall consist~~ consists of five public members, not more than two from the same political party, appointed by the governor subject to confirmation by the senate under section 2.32, and one senator to serve as an ex officio nonvoting member, appointed by the ~~president majority leader~~ majority leader of the senate, and one representative to serve as an ex officio nonvoting member, appointed by the speaker of the house of representatives.

Sec. 2013. **NEW SECTION. 8.35A LEGISLATIVE FISCAL BUREAU.**

1. By July 1 the executive director of the office of management shall provide a projected expenditure breakdown of each appropriation for the beginning fiscal year to the legislative fiscal bureau in the form and level of detail requested by the bureau. By the fifteenth of each month, the executive director shall transmit to the legislative fiscal bureau a record for each appropriation of actual expenditures for the prior month of the fiscal year and the fiscal year to date in the form and level of detail as requested by the bureau. By November 1 the executive director shall transmit the total record of an appropriation, including reversions and transfers for the prior fiscal year ending June 30, to the legislative fiscal bureau.

2. Commencing September 1, the executive director shall provide weekly budget tapes in the form and level of detail requested by the legislative fiscal bureau reflecting finalized agency budget requests for the following fiscal year as submitted to the governor. The executive director shall transmit all agency requests in final form to the legislative fiscal bureau by November 15. Final budget records containing the governor's recommendation and final agency requests shall be transmitted to the legislative fiscal bureau by January 1 or no later than the date the governor's budget document is delivered to the printer. The governor's recommendation included on this record shall be considered confidential by the legislative fiscal bureau until it is made public by the governor. The legislative fiscal bureau shall use this data in the preparation of information for the legislative appropriation process.

3. The executive director shall communicate any changes or anticipated changes to the budgeting system or the accounting system in writing to the legislative fiscal bureau prior to implementation.

4. A government agency which receives state funds directly from the state or indirectly through a political subdivision as directed by statute and which is not a city, county, or school district is subject to this subsection. A government agency which is subject to this subsection shall submit a copy of its budget to the legislative fiscal bureau, identifying it as being submitted under this subsection, when the budget of that government agency has received approval from the governing head or body of that agency. The copy of the budget submitted to the legislative fiscal bureau shall be on the budget forms provided by the department of management to state agencies under chapter 8. The government agency shall also submit a statement identifying any funds available to the agency which are not included in the budget.

Sec. 2014. Section 8.6, subsections 10, 13, 17, Code Supplement 1985, are amended to read as follows:

10. **REPORT OF STANDING APPROPRIATIONS.** To ~~biennially~~ annually prepare a separate report containing a complete list of all standing appropriations showing the amount of each appropriation and the purpose for which ~~such~~ the appropriation is made and furnish a copy of ~~such the~~ report to each member of the general assembly on or before the first day of each regular session.

13. **CERTIFICATION FOR LEVY.** On February 1 the ~~state comptroller~~ executive director shall, for each fiscal year of the biennium, certify to the department of revenue, the amount of money to be levied for general state taxes.

17. BUDGET REPORT. The ~~comptroller~~ executive director shall prepare and file in the ~~comptroller's~~ office of management, on or before the first day of December of each ~~even-numbered~~ year, a state budget report, which shall show in detail the following:

a. Classified estimates in detail of the expenditures necessary, in the ~~comptroller's~~ executive director's judgment, for the support of each department and each institution and department thereof for the ensuing biennium fiscal year.

b. A schedule showing a comparison of such estimates with the askings of the several departments for the current biennium fiscal year and with the expenditures of like character for the last two preceding bienniums fiscal years.

c. A statement setting forth in detail the reasons for any recommended increases or decreases in the estimated requirements of the various departments, institutions, and departments thereof.

d. Estimates of all receipts of the state other than from direct taxation and the sources thereof for the ensuing biennium fiscal year.

e. A comparison of such estimates and askings with receipts of a like character for the last two preceding bienniums fiscal years.

f. The expenditures and receipts of the state for the last completed fiscal year, and estimates of the expenditures and receipts of the state for the current fiscal year.

g. A detailed statement of all appropriations made during the two preceding bienniums fiscal years, also of unexpended balances of appropriations at the end of the last fiscal year and estimated balances at the end of the current fiscal year.

h. Estimates in detail of the appropriations necessary to meet the requirements of the several departments and institutions for the next biennium fiscal year.

i. Statements showing:

(1) The condition of the treasury at the end of the last fiscal year.

(2) The estimated condition of the treasury at the end of the current fiscal year.

(3) The estimated condition of the treasury at the end of the next biennium fiscal year, if the ~~comptroller's~~ executive director's recommendations are adopted.

(4) An estimate of the taxable value of all the property within the state.

(5) The estimated aggregate amount necessary to be raised by a state levy.

(6) The amount per thousand dollars of taxable value necessary to produce such amount.

(7) ~~Such other~~ Other data or information as the ~~comptroller may deem~~ deems advisable.

Sec. 2015. Section 8.21, Code 1985, is amended to read as follows:

8.21 BUDGET TRANSMITTED.

Not later than February 1 of the year of each biennial legislative session, the governor shall transmit to the legislature a document to be known as a budget, setting forth the governor's financial program for each of the fiscal years of the ensuing biennium fiscal year and having the character and scope hereinafter set forth in sections 8.22 through 8.29.

Sec. 2016. Section 8.22, Code 1985, is amended to read as follows:

8.22 NATURE AND CONTENTS.

The budget shall consist of three parts, the nature and contents of which shall be as follows:

PART I

GOVERNOR'S BUDGET MESSAGE. Part I shall consist of the governor's budget message, in which the governor shall set forth:

1. The governor's program for meeting all the expenditure needs of the government for each of the years of the biennium to which the budget relates fiscal year, indicating the classes of funds, general or special, from which ~~such~~ appropriations are to be made and the means through which ~~such~~ the expenditures shall be financed.

2. Financial statements giving in summary form:

a. The condition of the treasury at the end of the last completed fiscal year, the estimated condition of the treasury at the end of the year in progress, and the estimated condition of the treasury at the end of each of the two years to which the budget relates following fiscal year if the governor's budget proposals are put into effect.

b. Statements showing the bonded indebtedness of the government, debt authorized and unissued, debt redemption and interest requirements, and condition of the sinking funds, if any.

c. A summary of appropriations recommended for each of the two years of the biennium to which the budget relates following fiscal year for each department and establishment and for the government as a whole, in comparison with the actual expenditures for the last completed fiscal year and the estimated expenditures for the year in progress.

d. A summary of the revenue, estimated to be received by the government during each of the two years of the biennium to which the budget relates following fiscal year, classified according to sources, in comparison with the actual revenue received by the government during the last completed fiscal year and estimated income during the year in progress.

e. A statement of federal funds received in the form of block or categorical grants which were not included in the governor's budget for the previous fiscal biennium year and a statement of anticipated block grants and categorical grants. The budget shall indicate how the federal funds will be used and the programs to which they will be allocated. The amount of state funds required to implement the programs to which the federal funds will apply shall also be indicated. The departments shall provide information to the ~~comptroller~~ executive director on the anticipated federal block grants and categorical grants to be received on or before November 1 of each year. The ~~comptroller~~ executive director shall use this information to develop an annual update of the statement of federal funds received which shall be provided to the general assembly.

f. ~~Such other~~ Other financial statements, data, and comments as in the governor's opinion are necessary or desirable in order to make known in all practicable detail the financial condition and operation of the government and the effect that the budget as proposed by the governor will have on ~~such the financial condition and operations~~ operation.

If the estimated revenues of the government for the ensuing biennium fiscal year as set forth in the budget on the basis of existing laws, plus the estimated amounts in the treasury at the close of the year in progress, available for expenditure in the ensuing biennial period is fiscal year are less than the aggregate recommended for the ensuing biennial period fiscal year as contained in the budget, the governor shall make recommendations to the legislature in respect to the manner in which ~~such the~~ deficit shall be met, whether by an increase in the state tax or the imposition of new taxes, increased rates on existing taxes, or otherwise, and if the aggregate of ~~such the~~ estimated revenues, plus estimated balances in the treasury, is greater than ~~such the~~ recommended appropriations for the ensuing biennial period fiscal year, the governor shall make ~~such~~ recommendations in reference to the application of ~~such the~~ surplus to the reduction of debt or otherwise, to the reduction in taxation, or to such other action as in the governor's opinion is in the interest of the public welfare.

PART II

RECOMMENDED APPROPRIATIONS. Part II shall present in detail for each of the two years of the ensuing biennium fiscal year the governor's recommendations for appropriations to meet the expenditure needs of the government from each general class of funds, in comparison with actual expenditures for each of said the purposes during the last completed fiscal year and estimated expenditures for the year in progress, classified by departments and establishments and indicating for each the appropriations recommended for:

1. Meeting the cost of administration, operation, and maintenance of ~~such the~~ departments and establishments.

2. Appropriations for meeting the cost of land, public improvements, and other capital outlays in connection with ~~such the~~ departments and establishments.

Each item of expenditure, actual or estimated, and appropriations recommended for administration, operation, and maintenance of each department or establishment shall be supported by detailed statements showing the actual and estimated expenditures and appropriations classified by objects according to a standard scheme of classification to be prescribed by the state comptroller, ~~hereinabove provided for~~ executive director.

PART III

APPROPRIATION BILLS. Part III shall ~~embrace include~~ a draft or drafts of appropriation bills having for their purpose to give legal sanction to the appropriations recommended to be made in Parts I and II. ~~Such~~ The appropriation bills shall indicate the funds, general or special, from which ~~such the~~ appropriations shall be paid, but ~~such the~~ appropriations need not be in greater detail than to indicate the total appropriation to be made for:

1. Administration, operation, and maintenance of each department and establishment for ~~each the~~ fiscal year of the biennium.

2. The cost of land, public improvements, and other capital outlays for each department and establishment, itemized by specific projects or classes of projects of the same general character.

Sec. 2017. Section 8.23, Code 1985, is amended to read as follows:

8.23 BIENNIAL DEPARTMENTAL ESTIMATES.

On, or before, September 1, next prior to each ~~biennial~~ legislative session, all departments and establishments of the government shall transmit to the ~~state comptroller~~ executive director, ~~hereinabove provided for~~, on blanks to be furnished by the ~~comptroller~~ executive director, estimates of their expenditure requirements, including every proposed expenditure, for ~~each fiscal year of the ensuing biennium~~ fiscal year, classified so as to distinguish between expenditures estimated for (1) administration, operation, and maintenance, and (2) the cost of each project involving the purchase of land or the making of a public improvement or capital outlay of a permanent character, together with ~~such~~ supporting data and explanations as ~~may be~~ called for by the ~~state comptroller, hereinabove provided for~~ executive director. The estimates of expenditure requirements shall be based upon seventy-five percent of the funding provided for the current fiscal year accounted for by program and the remainder of the estimate of expenditure requirements prioritized by program. The estimates shall be accompanied with performance measures for evaluating the effectiveness of the program. In case of the failure of any If a department or establishment fails to submit ~~such~~ estimates within the time ~~above~~ specified, the governor shall cause to be prepared ~~such~~ estimates to be prepared for ~~such that~~ that department or establishment as in ~~his the~~ governor's opinion are reasonable and proper. The ~~state comptroller~~ executive director shall furnish standard budget request forms to each department or agency of state government.

Sec. 2018. Section 8.24, Code 1985, is amended to read as follows:

8.24 BIENNIAL ESTIMATE OF INCOME.

On, or before, October 1, next prior to each ~~biennial~~ legislative session, the ~~state comptroller~~ executive director, ~~hereinabove provided for~~, shall prepare an estimate of the total income of the government for ~~each fiscal year of the ensuing biennium~~ fiscal year, in which the several items of income shall be listed and classified according to sources or character, and departments or establishments producing ~~said the~~ funds, and brought into comparison with the income actually received during the last completed fiscal year and the estimated income to be received during the year in progress.

Sec. 2019. Section 8.30, Code 1985, is amended to read as follows:

8.30 AVAILABILITY OF APPROPRIATIONS.

The appropriations made ~~shall~~ are not be available for expenditure until allotted as provided for in section 8.31. All appropriations ~~now or hereafter made~~ are hereby declared to be

maximum and proportionate appropriations, the purpose being to make the appropriations payable in full in the amounts named in the event that if the estimated budget resources during each the fiscal year of the biennium for which such the appropriations are made, are sufficient to pay all of the appropriations in full. The governor shall restrict allotments only to prevent an overdraft or deficit in any fiscal year for which appropriations are made.

Sec. 2020. Section 8.33, Code 1985, is amended to read as follows:

8.33 TIME LIMIT ON OBLIGATIONS — REVERSION.

No obligation of any kind shall be incurred or created subsequent to the last day of the fiscal term year for which an appropriation is made, except when specific provision otherwise is made in the Act making the appropriation. On September 30, or as otherwise provided in an appropriation Act, following the close of each fiscal term year, all unencumbered or unobligated balances of appropriations made for that fiscal term shall revert to the state treasury and to the credit of the fund funds from which the appropriation or appropriations were made, except that capital expenditures for the purchase of land or the erection of buildings or new construction shall continue in force until the attainment of the object or the completion of the work for which such the appropriations were made unless the Act making the an appropriation for the capital expenditure contains a specific provision relating to a time limit for incurring an obligation or reversion of funds. This section shall does not be construed to repeal sections 19.11 through 19.14.

No payment of an obligation for goods and services shall be charged to an appropriation subsequent to the last day of the fiscal term year for which the appropriation is made unless such the goods or services are received on or before September 15 of the following fiscal year, except that repair projects, purchase of specialized equipment and furnishings, and other contracts for services and capital expenditures for the purchase of land or the erection of buildings or new construction or remodeling, which were committed and in progress prior to the end of the fiscal term year are excluded from this provision.

Sec. 2021. Section 8.37, Code 1985, is amended to read as follows:

8.37 BIENNIAL FISCAL TERM.

The biennial fiscal term of the state ends on the thirtieth day of June in each odd-numbered year, and the succeeding biennial fiscal term begins on the day following.

Sec. 2022. Section 8.39, Code 1985, is amended to read as follows:

8.39 USE OF APPROPRIATIONS — TRANSFER.

1. No Except as otherwise provided by law, an appropriation nor or any part thereof of it shall not be used for any other purpose than that for which it was made except as otherwise provided by law; provided that. However, with the prior written consent and approval of the governor and the executive director of the office of management, the governing board or head of any state department, institution, or agency may, with the written consent and approval of the governor and state comptroller first obtained, at any time during the biennial fiscal term year, partially or wholly use make a whole or partial intradepartmental transfer of its unexpended appropriations for purposes within the scope of such department, institution, or agency.

2. Provided, further, when If the appropriation of any department, institution, or agency is insufficient to properly meet the legitimate expenses of such department, institution, or agency of the state, the state comptroller executive director, with the approval of the governor, is authorized to transfer make an interdepartmental transfer from any other department, institution, or agency of the state having an appropriation in excess of its necessity, sufficient funds to meet that deficiency.

3. Prior to any transfer of funds pursuant to subsection 1 or 2 of this section or a transfer of an allocation from a subunit of a department which statutorily has independent budgeting

authority, the ~~state comptroller~~ executive director shall notify the chairpersons of the standing committees on budget of the senate and the house of representatives and the chairpersons of subcommittees of such committees of the proposed transfer. The notice from the ~~state comptroller~~ executive director shall include information concerning the amount of the proposed transfer, the departments, institutions or agencies affected by the proposed transfer and the reasons for the proposed transfer. Chairpersons notified shall be given at least two weeks to review and comment on the proposed transfer before the transfer of funds is made.

4. Any transfer made under the provisions of this section shall be reported to the legislative fiscal committee on a monthly basis. The report shall cover each calendar month and shall be due the tenth day of the following month. The report shall contain the following: The amount of each transfer; the date of each transfer; ~~the department to which the transfer was made; the department and fund from which the transfer was made~~ the departments and funds affected; a brief explanation of the reason for the transfer; and such other information as may be required by the committee. A summary of all transfers made under the provisions of this section shall be included in the annual report of the legislative fiscal committee.

Sec. 2023. Section 8.41, subsection 2, Code 1985, is amended to read as follows:

2. Federal funds deposited in the state treasury as provided in subsection 1 shall either be included as part of the governor's budget required by section 8.22 or shall be included in a separate recommendation made by the governor to the general assembly. If federal funds received in the form of block grants or categorical grants have not been included in the governor's budget for the current fiscal ~~biennium~~ year because of time constraints or because a budget is not being submitted for the ~~second year of a biennium~~ next fiscal year, the governor shall submit a supplemental statement to the general assembly listing the federal funds received and including the same information for the federal funds required by section 8.22, part I, subsection 2, paragraph "e", for the statement of federal funds in the governor's budget.

Sec. 2024. Section 17A.8, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. Three senators appointed by the ~~president~~ majority leader of the senate.

Sec. 2025. Section 18A.1, Code 1985, is amended to read as follows:

18A.1 COMMISSION CREATED.

~~There is created the~~ The capitol planning commission is created, composed of eleven members as follows: (1)

1. Four members of the general assembly serving as ex officio nonvoting members, two thereof to be appointed by the speaker of the house from the membership ~~thereof of the house~~, and two to be appointed by the ~~lieutenant governor~~ senate majority leader from the membership of the senate, and (2) ~~six~~.

2. Six residents of the state of Iowa to be appointed by the governor, and (3) ~~the~~.

3. The director of the department of general services or the director's designee.

Sec. 2026. Section 18A.2, subsection 2, Code 1985, is amended to read as follows:

2. The legislative members of the commission shall be appointed to four-year terms of office, two of which shall expire every two years unless sooner terminated by a commission member ceasing to be ~~members~~ a member of the general assembly. Vacancies shall be filled by appointment of the speaker of the house or the ~~lieutenant governor~~ majority leader of the senate, as the case may be, for the unexpired term of their predecessors.

Sec. 2027. Section 28B.1, subsection 1, and unnumbered paragraph 3, Code 1985, are amended to read as follows:

1. Five members of the senate to be appointed by the ~~president thereof~~ majority leader of the senate.

The governor, the ~~president~~ majority leader of the senate, and the speaker of the house of representatives shall be are ex officio honorary nonvoting members of the commission.

Sec. 2028. Section 28C.2, subsection 2, paragraph b, and subsections 5 and 6, Code 1985, are amended to read as follows:

b. Two state senators appointed by the ~~president~~ majority leader of the senate.

5. The members shall be appointed to two-year staggered terms. ~~However, of the members of the initial commission, eight of the members appointed by the governor shall be appointed to an initial term of one year and one legislative member appointed by the speaker of the house and the president of the senate shall be appointed to initial terms of one year.~~ If a vacancy occurs, a successor shall be appointed to serve the unexpired term. If a member ceases to be an officer or employee of the governmental unit or agency which qualifies the person for membership on the commission, a vacancy ~~shall exist~~ exists and a successor shall be appointed in the same manner and subject to the same qualifications as the original appointment to serve the unexpired term.

6. Of the members who are county officers appointed by the governor, not more than two shall be members of the same political party. Of the members appointed by the ~~president~~ majority leader of the senate and the speaker of the house of representatives, not more than one from each house shall be a member of the same political party.

Sec. 2029. Section 80B.6, unnumbered paragraph 2, Code 1985, is amended to read as follows:

One senator appointed by the ~~lieutenant governor~~ majority leader of the senate and one representative appointed by the speaker of the house ~~shall~~ are also be ex officio, nonvoting members of the council.

Sec. 2030. Section 145.2, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The commission consists of the commissioners of health, insurance, and human services, one state senator and one state representative who shall not be of the same party, shall be nonvoting members, and shall be appointed each year by the ~~president~~ majority leader of the senate and speaker of the house, respectively, and the chairperson of the board of directors of the corporation or the head of the association or other entity providing staff for the commission as provided by section 145.3 who shall be a nonvoting member. The commissioner members shall annually select the chairperson of the commission from among the three voting commissioner members. A majority of the six members including at least two voting members constitute a quorum.

Sec. 2031. Section 249A.4, subsection 8, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Shall advise and consult at least semiannually with a council composed of the president, or the president's representative who is a member of the professional organization represented by the president, of the Iowa medical society, the Iowa society of osteopathic physicians and surgeons, the Iowa state dental society, the Iowa state nurses association, the Iowa pharmacists association, the Iowa podiatry society, the Iowa optometric association, the community mental health centers association of Iowa, the Iowa psychological association, the Iowa hospital association, the Iowa osteopathic hospital association, opticians' association of Iowa, Inc., the Iowa health care association, the Iowa assembly of home health agencies, the Iowa council of health care centers, and the Iowa association of homes for the aging, together with one person designated by the Iowa state board of chiropractic examiners; one state representative from each of the two major political parties appointed by the speaker of the house, one state senator from each of the two major political parties appointed by the ~~lieutenant governor~~ majority leader of the senate, each for a term of two years; the president or the president's

representative of the association for retarded citizens; four public representatives, appointed by the governor for staggered terms of two years each, none of whom shall be members of, or practitioners of, or have a pecuniary interest in any of the professions or businesses represented by any of the several professional groups and associations specifically represented on the council under this subsection, and at least one of whom shall be a recipient of medical assistance; the commissioner of public health, or a representative designated by the commissioner, and the dean of the college of medicine, university of Iowa, or a representative designated by the dean.

Sec. 2032. Section 261.1, subsection 4, Code Supplement 1985, is amended to read as follows:

4. A member of the senate to be appointed by the ~~president~~ majority leader of the senate to serve as an ex officio nonvoting member for a term of four years beginning on July 1 of the year of appointment.

Sec. 2033. Section 272B.2, Code 1985, is amended to read as follows:

272B.2 EDUCATION COMMISSION OF THE STATES.

The ~~provisions of article~~ Article III, paragraph 1, of the compact notwithstanding, the members of the education commission of the states representing this state shall consist of the governor, two nonlegislative members appointed by the governor, two members of the senate appointed by the ~~president~~ majority leader of the senate, and two members of the house of representatives appointed by the speaker of the house of representatives. The members shall serve four-year terms and ~~for the initial appointments, half of the membership shall be appointed to two-year terms and half shall be appointed to four-year terms.~~ Nonlegislative members shall serve on the education commission of the states without compensation, but shall receive their actual and necessary expenses and travel. Legislative members shall receive actual and necessary expenses and travel pursuant to sections 2.10 and 2.12. Vacancies on the commission shall be filled for the unexpired portion of the term in the same manner as the original ~~appointment~~ appointments. If a member ceases to be a member of the general assembly, the member shall no longer serve as a member of the education commission of the states.

Sec. 2034. Section 306.6, subsection 2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

2. ~~There is created a~~ A state functional classification review board ~~which shall consist is created, consisting of~~ one state senator appointed by the ~~president~~ majority leader of the senate, one state representative appointed by the speaker of the house of representatives, one supervisor appointed by the Iowa state association of county supervisors, one engineer appointed by the Iowa county engineers' association, two persons appointed by the league of Iowa municipalities, one of whom shall be a licensed professional engineer, and two persons appointed by the department, one of whom shall be a commissioner and the other a staff member. This board shall select a permanent chairperson from among its members by majority vote of the total membership. Except as otherwise provided, the members of the board shall serve without additional compensation to the salary and expenses authorized for the office or position held by the member. The supervisor appointed by the Iowa state association of county supervisors, the engineer appointed by the Iowa county engineers' association, and the two persons appointed by the league of Iowa municipalities shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the board from funds allocated under section 312.2, subsection 12. The legislative members shall be paid for their actual and necessary expenses and, when the general assembly is not in session, per diem as provided in sections 2.10 and 2.12. The department's members of the board shall be reimbursed for their actual and necessary expenses from the funds appropriated pursuant to section 313.5.

Sec. 2035. All appointments made by a lieutenant governor to a term of office under a section amended by this Act remain in effect until the expiration of the term.

Sec. 2036. Section 17A.2, subsection 7, unnumbered paragraph 1, Code 1985, is amended to read as follows:

"Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure or practice requirements of any agency. Notwithstanding any other provision of law, the term includes an executive order or directive of the governor which creates an agency or establishes a program or which transfers a program between agencies established by statute or rule. The term includes the amendment or repeal of an existing rule, but does not include:

Sec. 2037. Section 17A.3, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. Adopt as a rule a description of the organization of the agency which states the general course and method of its operations, the administrative subdivisions of the agency and the programs implemented by each of them, a statement of the mission of the agency and the methods by which and location where the public may obtain information or make submissions or requests.

Sec. 2038. Section 17A.4, subsection 4, paragraph a, and subsection 6, Code 1985, 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 prior to the effective date of such a rule. 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 within seventy days of the date such a rule became effective. The committee, governor or the attorney general shall also file a certified copy of such an objection in the office of the Code editor within the above time limits 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 thirty-five seventy days of the publication of the rule becoming effective. The governor shall provide a copy of the executive order to the Code editor who shall include it in the next publication of the Iowa administrative bulletin.

Sec. 2039. Section 17A.8, subsection 9, Code 1985, is amended to read as follows:

9. Upon a vote of two-thirds of its members, the administrative rules review committee may delay the effective date of a rule until the expiration of forty-five calendar days, excluding legal holidays, during which the general assembly is in regular session adjournment of the next regular session of the general assembly. If a rule is delayed during the last twenty-one calendar days preceding the adoption of a resolution for sine die adjournment of a regular session, the forty-five day period shall begin to run upon the convening of the next regular session of the general assembly. The committee shall refer a rule whose effective date has been delayed to the speaker of the house of representatives and the president of the senate who shall refer the rule to the appropriate standing committees of the general assembly. If at the expiration of that period the general assembly has not disapproved of the rule by a joint resolution approved by the governor, the rule shall become effective. If a rule is disapproved, it shall not become effective and the agency shall withdraw the rule. This section shall not apply to rules made effective under section 17A.5, subsection 2, paragraph "b".

Sec. 2040. Section 69.16, unnumbered paragraph 2, Code 1985, is amended to read as follows:

In the case where the appointment of members of the general assembly is allowed, and the law does not otherwise provide, if an even number of legislators are appointed they shall be equally divided by political party affiliation; if an odd number of members of the general assembly is appointed, the number representing a certain political party shall not exceed by more than one the legislative members of the other political party who may be appointed. If there are multiple appointing authorities for a board, commission or council, the appointing authorities shall consult to avoid a violation of this section. This section shall not apply to any board, commission, or council established by the Code for which other restrictions regarding the political affiliations of members are provided by law ~~or for which the membership is appointed by more than one person.~~

Sec. 2041. NEW SECTION. 69.16A GENDER BALANCE.

It is a policy of the state of Iowa that all boards, commissions, committees and councils shall reflect, as much as possible, a gender balance. If there are multiple appointing authorities for a board, commission, or council, they shall consult each other to avoid a violation of this section.

Sec. 2042. Sections 2.76 through 2.81, Code 1985, are repealed.

Sec. 2043. A legislative reorganization oversight committee is established consisting of six senators and six representatives to study and monitor the transition of state agencies under the reorganization contained in this Act and further implementation of the governor's reorganization proposal. Not more than three of the senators or three of the representatives shall be of the same political party. The members of the committee shall be appointed by the respective majority and minority leaders of the senate and the speaker and minority leader of the house, and the committee shall make reports as required by the council. Members of the committee are entitled to receive per diem and expenses for committee meetings as authorized by section 2.10. This section is repealed July 1, 1988.

Sec. 2044. The Code editor shall explore the feasibility of and report to the legislative council on computerizing the text of the Iowa administrative code and republishing the Iowa administrative code after the transfer of rules required by this Act.

Sec. 2045. NEW SECTION. REVENUE ESTIMATING CONFERENCE.

The state revenue estimating conference is created consisting of the governor or the governor's designee, the director of the legislative fiscal bureau, and a third member agreed to by the other two.

The conference shall meet as often as deemed necessary, but shall meet at least quarterly. The conference may use sources of information deemed appropriate.

By December 15, 1986 and each succeeding year the conference shall agree to a revenue estimate for the fiscal year beginning the following July 1. That estimate shall be used by the governor in the preparation of the budget message under section 8.22 and by the legislature in the budget process.

Sec. 2046. Section 421.31, subsection 4, in its requirement that the government's accounts be in accordance with generally accepted accounting principles, takes effect with the fiscal year beginning July 1, 1992.

The governor, auditor of state and the department of management shall phase in the implementation of generally accepted accounting principles, as defined by the governmental accounting standards board, which includes fund reclassifications, revenue recognition, and recognition of all appropriate liabilities beginning with the fiscal year beginning July 1, 1987.

The fiscal impact to the state general fund of implementing fund reclassifications, and recognizing additional liabilities shall be phased in according to the following schedule for the fiscal years beginning July 1:

| | |
|------|---------------------|
| 1987 | ten percent |
| 1988 | twenty percent |
| 1989 | forty percent |
| 1990 | sixty percent |
| 1991 | eighty percent |
| 1992 | one hundred percent |

Sec. 2047. If it is determined by the attorney general that a provision of this Act is inconsistent with federal law, or would cause the denial of federal funds or services which would otherwise be available to an agency of this state, the attorney general shall report the provision to the legislative oversight committee. Upon review by the legislative oversight committee, the provision may be suspended to the extent necessary to prevent denial of federal funds or services, or to eliminate inconsistency with federal law. If the legislative oversight committee determines that suspension of a provision of this Act is necessary, the legislative oversight committee shall report the necessary suspension to the general assembly upon convention of the next legislative session. The report of the legislative oversight committee shall include recommendations for corrective legislation which would eliminate the inconsistencies with federal law or regulations.

This section shall have temporary effect only, and is repealed effective July 1, 1987.

Sec. 2048. The department of management shall conduct a study of the feasibility of creating a department of professional and occupational licensing to include the powers, duties, and functions of all professional and occupational licensing boards in the state. The department of management shall conduct the study and report its findings and recommendations to the legislative council not later than December 1, 1987.

CONCLUDING PROVISIONS — REPEALED AGENCIES

Sec. 2049. Section 18.133, subsection 3, Code 1985, is amended by striking the subsection.

Sec. 2050. Section 83A.2, subsection 2, Code Supplement 1985, is amended by striking the subsection.

Sec. 2051. Section 148D.1, subsection 5, Code 1985, is amended by striking the subsection.

Sec. 2052. Section 2.91, Code 1985, is repealed effective July 1, 1990.

Sec. 2053. Sections 18.141, 18.142, 18.143, 83A.4, 83A.5, 93.2, 148D.3, 148D.4, 148D.5, 187.16, 241.4, and 241.5, Code 1985, and sections 18.136, 83A.3, and 83A.6, Code Supplement 1985, are repealed.

Sec. 2054. Chapter 2B, Code 1985, is repealed.

COMPENSATION OF BOARD AND COMMISSION MEMBERS

Sec. 2055. NEW SECTION. 7E.3 COMPENSATION OF MEMBERS OF BOARDS, COMMITTEES, COMMISSIONS, AND COUNCILS.

1. a. Any position of membership on any board, committee, commission, or council in the executive branch of state government which is compensated by the payment of a per diem to the holder of that position under the statutory law in effect on January 1, 1986, shall continue to be compensated by per diem in the amount so set, notwithstanding any other law to the contrary.

b. Reimbursement of expenses to the holder of any position governed by this subsection shall be as provided in the applicable law.

c. In regard to any board, committee, commission, or council which has its name or organizational location altered after January 1, 1986, the statutory provision on the subject of per diem

compensation which was applicable to it on January 1, 1986, shall continue to govern such agency and its successor agency, notwithstanding the change in name or organizational location.

2. Any position of membership on any board, committee, commission, or council in the state government which has a compensation level limited to expenses only is eligible to receive, in addition to such actual expense reimbursement, an additional expense allowance of forty dollars per day if the holder of any such position applies for such additional expense allowance and the holder of the position has an income level of one hundred fifty percent or less of the United States poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

3. Any position of membership on the lottery board which currently receives a salary shall receive during the 1986-1987 fiscal year a salary at one-half of the level received in the 1985-1986 fiscal year and a compensation of forty dollars per day and expenses in the 1987-1988 fiscal year and each fiscal year thereafter. Any position of membership on the racing commission which currently receives a salary shall receive that salary during the 1986-1987 fiscal year, and a compensation of forty dollars per day and expenses in the 1987-1988 fiscal year and each fiscal year thereafter.

4. Any position of membership on the transportation commission shall be compensated at an annual rate of ten thousand dollars.

5. Any position of membership on the health facilities council shall be compensated at an annual rate of three thousand dollars.

6. Any position of membership on the board of parole, the public employment relations board, the commerce commission, and the employment appeal board shall be compensated as otherwise provided in law.

7. All of the compensation provisions of this section are subject to the proper appropriations being made in the state budget legislation.

8. The Code editor may change any reference to the compensation of any position of membership on any board, committee, commission, or council in the state government so that the reference is consistent with this section.

9. It is the intent of the general assembly that this section shall be the governing provision on the subject of the compensation of any position of membership on any board, committee, commission, or council in the state government and that the provisions of this section shall govern over any conflicting provision of law, notwithstanding the provisions of section 4.7.

Sec. 2056. Section 13A.2, Code 1985, is amended to read as follows:

13A.2 ESTABLISHMENT OF OFFICE AND COUNCIL.

1. The office of the prosecuting attorneys training ~~co-ordinator~~ coordinator is established as an ~~autonomous~~ entity in the department of justice.

2. The ~~head of the office~~ is the prosecuting attorneys training ~~co-ordinator~~ coordination council is established to consult with and advise the attorney general and the coordinator on the operation of the office.

3. The chief administrative officer of the office is the ~~executive director~~ prosecuting attorneys training coordinator who shall be a regular employee of the department of justice and appointed by the ~~council~~ attorney general. The ~~executive director~~ coordinator shall hold office at the pleasure of the ~~council~~ attorney general. The ~~executive director~~ coordinator, subject to the direction and supervision of the attorney general, shall perform the functions and duties assigned by the council. The council of the office and may employ other persons as it deems necessary to implement this chapter.

Sec. 2057. Section 13A.6, Code 1985, is amended to read as follows:

13A.6 REPORT REQUIRED.

The ~~council~~ prosecuting attorneys training coordinator shall make an annual report to the attorney general, the governor, and to the Iowa county attorneys association or its successor regarding its the efforts of the office to implement the purposes of this chapter.

Sec. 2058. Section 13A.8, Code 1985, is amended to read as follows:
13A.8 DUTIES.

The council office shall keep the prosecuting attorneys and assistant prosecuting attorneys of the state informed of all changes in law and matters pertaining to their office to the end that a uniform system of conduct, duty and procedure is established in each county of the state.

Sec. 2059. Section 13A.9, Code 1985, is amended to read as follows:
13A.9 AUTHORITY.

The council prosecuting attorneys training coordinator may:

1. Enter into agreements with other public or private agencies or organizations to implement this chapter.
2. Co-operate with and assist other public or private agencies or organizations to implement this chapter.
3. Make recommendations to the general assembly on matters pertaining to ~~its~~ the responsibilities of the office under this chapter.

Sec. 2060. Section 13A.10, Code 1985, is amended to read as follows:
13A.10 RECEIPT OF FUNDS.

The council office of the prosecuting attorneys training coordinator may accept funds, grants and gifts from any public or private source which shall be used to defray the expenses incident to implementing ~~its~~ the responsibilities of the office under this chapter.

Sec. 2061. NEW SECTION. 55.3 SERVICE ON BOARDS, COMMISSIONS, TASK FORCES, AND COMMITTEES.

For the purpose of this section, "state board" includes any board, commission, committee, council, or task force of the state government created by the constitution, or by statute, resolution of the general assembly, motion of the legislative council, executive order of the governor, or supreme court order, but does not include any such state board, commission, committee, council, or task force for which an annual salary is provided for its members. A person who is appointed to serve on a state board, upon written application to the person's employer, shall be granted leaves of absence from regular employment to attend the meetings of the state board, except if leaves of absence are prohibited by federal law. The leaves of absence may be granted without pay and shall be granted without loss of net credited service and benefits earned. This section does not apply if the employer employs less than twenty full-time employees.

Sec. 2062. Employees in positions that are transferred from merit system coverage to the exempt service coverage due to state government reorganization may return to a position comparable to the employee's last merit service status within one year of the date of the transfer. If a comparable position is not available, the employee may return to a lower level position in accordance with the rules adopted by the department of personnel.

Sec. 2063. A personnel action undertaken to implement state government reorganization or downsizing shall be done in such a manner as to prevent a disproportionate adverse effect on minorities or women. The legislative reorganization oversight committee created by section 2043 of this Act shall monitor state government reorganization and downsizing to ensure that this section is fully and properly implemented. Executive branch personnel and agencies shall cooperate fully in providing any data requested by the committee and shall make relevant personnel records available to the legislative fiscal bureau. For the purposes of this section, personnel action includes, but is not limited to, termination or transfer and a disproportionate adverse effect exists when a greater percentage of minorities and women is terminated or transferred within the same classification and subtitle than the percentage of women and minorities which held positions in that classification and subtitle prior to the termination or transfer. For contractual employees, such actions shall be taken in accordance

with and shall not supersede any relevant provision in a collective bargaining agreement as it existed on January 1, 1986.

Sec. 2064. The Code editor, in consultation with the reorganization legislative oversight committee, shall develop and implement by July 1, 1988, the uniform system of terminology, through the Code editor's bills and under section 14.13 of the Code, for the designation of the agencies, units, and positions of state government as established in sections 7E.2 and 7E.2B of the Code. This development and implementation may include recommendations for refinements in the uniform system of terminology. In cases of inconsistent usage of terminology, superseded terms shall be read to be consistent with the intent of this Act, until necessary changes in language are made under this section. The Code editor shall also develop a style manual to provide, to the extent practicable, for uniform statutory provisions in regard to the specifications of agencies, boards, committees, commissions, councils, and positions on the subjects of, as appropriate, offices, positions, meetings, quorums, reports, oaths, compensation, powers, and related matters for those agencies, bodies, and positions.

TRANSITION PROVISIONS

Sec. 2065.

1. Any rule, regulation, form, order, or directive promulgated by any state agency mentioned in this Act, including any agency abolished, merged, or altered in this Act, and in effect on the effective date of this Act shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the appropriate state agency under the duties and powers of state agencies as established in this Act and under the procedure established in subsection 2.

Any license or permit issued by any state agency mentioned in this Act, including any agency abolished, merged or altered, in this Act, and in effect on the effective date of this Act shall continue in full force and effect until expiration or renewal.

2. In regard to updating references and format in the Iowa administrative code in order to correspond to the restructuring of state government as established in this Act, the administrative rules coordinator and the administrative rules review committee, in consultation with the deputy Code editor, shall jointly develop a schedule for the necessary updating of the Iowa administrative code.

Sec. 2066. Any personnel in the state merit system of employment who are mandatorily transferred due to the effect of this Act shall be so transferred without any loss in salary, benefits, or accrued years of service.

Sec. 2067. The duties, powers, responsibilities, and missions of state agencies included in this Act shall be as specified in this Act and the provisions of this Act shall govern in that regard and shall supersede any provisions to the contrary elsewhere in the law.

Sec. 2068. Any replacement of signs, logos, stationery, insignia, uniforms, and related items that is made due to the effect of this bill should be done as part of the normal replacement cycle for such items.

Sec. 2069. The holder of any position of membership on any board, committee, commission, or council in state government shall continue to hold such position until the end of the member's term of office, notwithstanding any change in the name or organizational location of such agency that is made by this Act.

Sec. 2070. The department of cultural affairs shall submit to the governor and the legislature by January 1, 1988 a plan for the improvement of library services for state government. The plan shall consider, but not be limited to, coordinated collection development, acquisitions, library technical services, circulation, and reference and information service.

Sec. 2071. The department of general services shall submit a report to the legislature by January 1, 1987 on the implementation of the life cycle cost and energy efficiency standards by the department of general services, state board of regents, department of transportation and other state agencies. The department of general services shall include in its report recommendations from the other state agencies and from within the department as to any legislative changes that are necessary in order to improve the energy efficiency and reduce the life cycle cost of energy consuming products. For the purposes of this section, energy consuming products shall include buildings.

Sec. 2072. Notwithstanding any other provision of this Act, nothing in this Act shall be construed as making an appropriation. This Act is not an appropriation bill.

Approved May 29, 1986

CHAPTER 1246
STATE GOVERNMENT APPROPRIATIONS
H.F. 2484

AN ACT relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive.

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

DIVISION I
BUSINESS/TRADE/TRANSPORTATION

Section 1. There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

| | 1986-1987 Fiscal Year |
|---|--------------------------|
| 1. For salaries, support, maintenance, and other operational purposes | \$ 3,000,000 |
| 2. For tourism and promotion programs | \$ 1,429,560 |

**Of the funds appropriated by this subsection, one hundred thousand (100,000) dollars, or so much thereof as is necessary, shall be expended to develop a state tourism marketing plan. The plan shall be provided to the legislative council upon completion. Of the funds appropriated by this subsection, one million (1,000,000) dollars shall not be expended prior to the completion of the state tourism marketing plan and presentation of the plan to the legislative council.*

There is created a tourism marketing plan task force. The director of the department of economic development or the director's designee shall serve as chairperson of the tourism marketing plan task force. The task force shall consist of five members. The director shall appoint a representative of the state conservation commission, a representative of the recreation, tourism, and leisure study committee, a representative of the department of cultural affairs, and a representative of the tourism industry from the private sector.

*The task force shall develop guidelines for the preparation of a comprehensive statewide tourism marketing plan and tourism information delivery system plan, recommendations from which shall be submitted by the task force to the legislative council for the release of withheld funds.**

The department shall actively pursue the acquisition of the Grant Wood Gothic House in Eldon, Iowa. The department shall cooperate with the historical division of the department of cultural affairs to acquire and maintain the Grant Wood Gothic House and to promote the property as a tourist attraction.

*Item veto; see message at end of the Act

3. For advertising and marketing \$ 92,333
 4. For establishment and maintenance of an ambassador's program \$ 1,000,000

The funds appropriated by this subsection shall be matched on a dollar for dollar basis with capital provided by private sources and be expended to attract private capital to be used by the department to develop a comprehensive national and international marketing program. These funds shall be utilized to implement a statewide initiative that includes, but is not limited to, the development of a trade network, national and international marketing research, business recruitment, utilization of national advertising features, a toll-free number, billboards, displays in key business locations, a direct marketing program, a "trade and marketing institute", and an "invest in Iowa" program. The department shall secure the necessary private participation from groups and organizations most appropriate for any particular function. In-kind expenditures from the private sector may be considered as a portion of the dollar for dollar match. The department shall give attention to using a portion of these funds to contract and coordinate with international programs at Iowa colleges and universities to develop a network of trade contacts overseas through the use of alumni from Iowa colleges and universities.

5. For establishment and maintenance of an Asian trade office \$ 300,000

The funds appropriated by this subsection shall be expended to establish an Iowa investment and trade office in Asia to promote Iowa as a location offering advantages to Asian firms for investment, to promote Iowa commodities, goods, and services to the Asian market, and to encourage Asian tour companies to bring group tours to this state.

6. For establishment and maintenance of an export finance program \$ 1,000,000

The funds appropriated by this subsection shall be expended to develop a program to assist, promote and enhance economic prosperity by fostering expansion of exports through an interest buy-down program for exported sales targeted to assist small businesses which are entering the export market.

7. Community development block grant administration and related federal housing and urban development community development grant administration

- For salaries, support, maintenance, and miscellaneous purposes \$ 53,800

8. Job training partnership Act: dislocated workers

- For salaries, support, maintenance, and miscellaneous purposes to develop and administer the job training partnership Act \$ 958,936

9. Mississippi river parkway commission

- For support, maintenance, and miscellaneous purposes \$ 15,000

10. Youth services administration

- For salaries, support, maintenance, and miscellaneous purposes to develop and administer employment opportunities for the youth \$ 71,391

11. Iowa youth corps

- For salaries, support, maintenance, and miscellaneous purposes \$ 330,000

12. For additional and supplemental funding for the child care services program and the displaced homemakers program in connection and coordination with the federal Job Training Partnership Act of 1982 and funding for a child care grants program to provide grants of up to ten thousand dollars for start-up funding for before and after school programs using school facilities, infant care programs, child care information and referral centers, and on-site employer day care. An application for a grant under the child care grants program shall include a study documenting a need for the service or program for which the grant is sought and a plan for implementation of the service or program which plan includes a listing of other sources of income, the staff to be employed, and the method to make the service or program self-supporting within three years \$ 1,000,000

Sec. 2. There is appropriated from the general fund of the state to the department of cultural affairs for the historical division for the fiscal period beginning July 1, 1986 and ending June 30, 1988 the sum of one hundred twenty-five thousand (125,000) dollars, or so much thereof as is necessary, to acquire by negotiated sale part of the land encompassing the Blood Run national historic landmark in Lyon county, Iowa. This appropriation shall be matched by revenue from other sources.

Ten thousand (10,000) dollars of the appropriation in this section shall be allocated to the state archaeologist for the fiscal year beginning July 1, 1986 and ending June 30, 1987, or so much thereof as is necessary, for the development planning and the next phase of archaeological field study at the Blood Run national historic landmark in Lyon county, Iowa. The state archaeologist shall consult with the historical division of the department of cultural affairs in conducting the developmental planning and archaeological field study.

Sec. 3. There is appropriated from the general fund of the state to the department of revenue and finance for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amounts, or so much thereof as may be necessary, to be used for the funding of the following programs for the purposes designated:

| | 1986-1987 Fiscal Year |
|--|--------------------------|
| For salaries, support, maintenance, and miscellaneous purposes | \$ 16,770,770 |

Sec. 4. There is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

| | 1986-1987 Fiscal Year |
|--|--------------------------|
| For salaries, support, maintenance, and miscellaneous purposes | \$ 270,230 |
| TUITION GRANT PROGRAM | |

To supplement the appropriation provided in subsection 1 of section 261.25 for tuition grants to full-time resident students attending accredited private institutions of higher education in Iowa under sections 261.9 to 261.16

| | |
|---|------------|
| | \$ 926,184 |
| For salaries, support, and maintenance of the elder law education program . | \$ 95,000 |

Sec. 5.

1. There is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of seven hundred twenty-five thousand four hundred ten (725,410) dollars, or so much thereof as may be necessary, to be paid to the college of osteopathic medicine and surgery for the subvention program created pursuant to sections 261.18 and 261.19. Notwithstanding section 261.19, for the fiscal year beginning July 1, 1986, the subvention shall be used for the admission and education of students enrolled in each of the four years of classes in the college of osteopathic medicine and surgery.

2. In addition to the requirements of sections 261.18 and 261.19, the availability of funds appropriated by this section is subject to the condition that one-half of the funds appropriated for fiscal year 1986-1987 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1986, financial audits, conducted by an independent third party, of the college of osteopathic medicine and surgery.

Sec. 6. There is appropriated from the motor vehicle fuel tax fund to the department of revenue and finance for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the following amount, or so much thereof as may be necessary, for salaries, support, maintenance, and other operational purposes for administration and enforcement of the provisions of chapter 324 and the motor vehicle use tax program:

1986-1987
Fiscal Year
 \$ 827,788

Sec. 7. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1986-1987
Fiscal Year

For salaries, support, maintenance, and other operational purposes \$ 487,646

Sec. 8. There is appropriated from the general fund of the state to the moneys and credits replacement fund established in section 422.100 for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of two million four hundred seventy-five thousand (2,475,000) dollars, or so much thereof as may be necessary, to be used for payments to counties as provided in section 422.100.

Sec. 9. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the following amount, or so much thereof as may be necessary, to be used for the following purposes:

1986-1987
Fiscal Year

STATE DEPARTMENT OF TRANSPORTATION

1. For salaries, support, maintenance, and miscellaneous purposes \$ 620,000

Sec. 10. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1986-1987
Fiscal Year

STATE DEPARTMENT OF TRANSPORTATION

1. For salaries, support, maintenance, and miscellaneous purposes \$ 15,581,482

2. For the purpose of making payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A \$ 16,000

3. Unemployment compensation \$ 12,250

Sec. 11. There is appropriated from the road use tax fund to the department of personnel for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of thirty-two thousand seven hundred fifty (32,750) dollars, or so much thereof as is necessary, to be used for the purpose of paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation.

Sec. 12. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1986-1987
Fiscal Year

STATE DEPARTMENT OF TRANSPORTATION

1. For salaries, support, maintenance, and miscellaneous purposes \$128,247,126

2. To be deposited in the state department of transportation materials and equipment revolving fund established by section 307A.7 for funding the increased replacement cost of vehicles \$ 2,000,000

3. For the purpose of making payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A \$ 304,000

- 4. Unemployment compensation \$ 232,750
- 5. For area garages for the Tama-Toledo area, Dubuque and Centerville ... \$ 1,344,000

Sec. 13. There is appropriated from the primary road fund to the department of personnel for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of six hundred twenty-two thousand two hundred fifty (622,250) dollars, or so much thereof as is necessary, for the purpose of paying workers' compensation claims under chapter 85 on behalf of the employees of the state department of transportation.

Sec. 14. There is appropriated from the state aviation fund to the state department of transportation for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amount, or so much thereof as may be necessary, to be used for the following purposes:

| | |
|--|--------------------|
| | 1986-1987 |
| | <u>Fiscal Year</u> |
| For salaries, support, maintenance, and miscellaneous purposes | \$ 261,318 |

Sec. 15. The state department of transportation shall operate a commercial vehicle permit issuing center utilizing existing field facilities near the location of the intersection of Iowa highways 151, 61 and 52.

Sec. 16. Notwithstanding the appropriation amounts in section 261.25, there is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the following amounts for the purposes listed:

- 1. Nineteen million eight hundred six thousand nine hundred (19,806,900) dollars for tuition grants.
- 2. Three hundred thirty-six thousand five hundred twenty-five (336,525) dollars for scholarships.
- 3. Six hundred forty-six thousand five hundred eighty-two (646,582) dollars for vocational-technical tuition grants.

Sec. 17. Notwithstanding the appropriation amount listed in section 261.45, there is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of fifty-seven thousand six hundred ninety (57,690) dollars, or as much thereof as is necessary, to make the reimbursement payments for the guaranteed student loan payment program.

Sec. 18. Notwithstanding the appropriation amount listed in section 261.53, there is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of sixty-seven thousand three hundred five (67,305) dollars, or as much thereof as is necessary, for science and mathematics loans.

Sec. 19. Notwithstanding the appropriation amount listed in section 261.63, there is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of nine hundred thousand (900,000) dollars, or as much thereof as is necessary, for supplemental grants.

Sec. 20. Notwithstanding section 321.145, there is transferred from the road use tax fund to the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of twenty-eight thousand seven hundred thirty-five (28,735) dollars to fund salary adjustments required pursuant to 1984 Iowa Acts, chapter 1314.

Sec. 21. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of five hundred fifty-two thousand two hundred nine (552,209) dollars, or so much thereof as is

*Item veto; see message at end of the Act

necessary, to provide salary adjustments required by implementation action taken under 1984 Iowa Acts, chapter 1314.

Sec. 22. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of two million eighty-one thousand one hundred seventeen (2,081,117) dollars, or so much thereof as is necessary, to provide salary adjustments required by implementation action taken under 1984 Iowa Acts, chapter 1314.

Sec. 23. A supplemental authorization is authorized for each departmental revolving, trust, or special fund for the fiscal year beginning July 1, 1986 and ending June 30, 1987 for which the general assembly has established an operating budget in an amount necessary to provide salary adjustments required by implementation action taken under 1984 Iowa Acts, chapter 1314. The supplemental authorization allowed under this section is not applicable to the road use tax fund or the primary road fund.

Sec. 24. The treasurer of state shall transfer to the general fund of the state eleven million (11,000,000) dollars from the long-term disability reserve account maintained by the treasurer of state. The transfer shall be during the period from July 1, 1986 and ending June 30, 1987.

Sec. 25. Section 261.35, subsection 5, Code 1985, is amended to read as follows:

5. "Eligible borrower" means a person, or the parent of a person, who is a resident of this state and is enrolled or will be enrolled at an eligible institution within or without the state or who is a nonresident of this state and is enrolled or will be enrolled at an eligible institution within the state and who meets, or who is a resident of a contiguous state and is borrowing from an Iowa-based eligible lender and is enrolled or will be enrolled at an eligible institution within or without the state. All eligible borrowers must meet the eligibility requirements established by the commission. The commission shall establish the qualifications for being a resident of this state; however, the qualifications shall not be more stringent than those established by the state board of regents.

Sec. 26. Section 261.38, subsection 1, Code 1985, is amended to read as follows:

1. The commission shall establish a loan reserve account from which any default on a guaranteed student loan shall be paid. The commission shall credit to this account all moneys designated exclusively for the reserve fund by the United States, the state of Iowa or any of their agencies, departments or instrumentalities, as well as any funds accruing to the program which are not required for current administrative expenses. The department of management shall determine the actuarially sound reserve requirement for the amount of guaranteed loans outstanding.

Sec. 27. Section 261.38, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. The general assembly shall appropriate moneys from the loan reserve account of the commission to the college aid commission for operating costs of the guaranteed student loan program. Moneys appropriated from the loan reserve account for operating costs of the guaranteed student loan program that are unencumbered or unobligated on June 30 of a fiscal year shall revert to the loan reserve account of the commission.

Sec. 28. Section 308.4, subsection 3, Code Supplement 1985, is amended by striking the subsection.

Sec. 29. Section 321.211, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Upon suspending the license of any person as authorized the department shall immediately notify the licensee in writing and upon the licensee's request shall afford the licensee an opportunity for a hearing before the director or the director's authorized agent as early as practical

within not to exceed thirty days after receipt of the request in the county in which the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the director or the director's authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the department shall either rescind its order of suspension or for good cause may extend the suspension of such license or revoke such license. There is appropriated each year from the general fund of the state road use tax fund to the department ninety one hundred seven thousand (107,000) dollars or so much thereof as may be necessary to be used to pay the cost of notice and personal delivery of service, if necessary to meet the notice requirement of this section. The department shall promulgate rules governing the payment of the cost of personal delivery of service. The reinstatement fees collected under section 321.191 shall be deposited in the general fund of the state road use tax fund in a manner provided in section 321.192, as reimbursement for the costs of notice under this section.

Sec. 30. Section 324.65, unnumbered paragraph 1, Code 1985, is amended to read as follows:

If a licensee or other person fails to remit at least ninety percent of the tax due with the filing of the return on or before the due date or pays less than ninety percent of any tax required to be shown on the return, there shall be added to the tax a penalty of five percent of the amount of the tax due. The penalty imposed under this section is not subject to waiver. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under section 421.7 counting each fraction of a month as an entire month, computed from the date the return was required to be filed. If the amount of the tax as determined by the appropriate state agency is less than the amount paid, the excess shall be refunded with interest, the interest to begin to accrue on the first day of the third calendar month following the date of payment or the date the return was due to be filed or was filed, whichever is the latest, at the rate in effect under section 421.7 counting each fraction of a month as an entire month under the rules prescribed by the appropriate state agency. In lieu of a refund allowed under this section, the licensee may request that the department allow the refund to be held as a credit for the licensee.

Sec. 31. Section 423.1, subsection 1, Code Supplement 1985, is amended to read as follows:

1. "Use" means and includes the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, except that it shall not include processing, or the sale of that property in the regular course of business. Property used in "processing" within the meaning of this subsection shall mean and include (a) any tangible personal property including containers which it is intended shall, by means of fabrication, compounding, manufacturing, or germination, become an integral part of other tangible personal property intended to be sold ultimately at retail, and containers used in the collection, recovery or return of empty beverage containers subject to chapter 455C, or (b) fuel which is consumed in creating power, heat, or steam for processing or for generating electric current, or (c) chemicals, solvents, sorbents, or reagents, which are directly used and are consumed, dissipated, or depleted in processing personal property, which is intended to be sold ultimately at retail, and which may not become a component or integral part of the finished product. The distribution to the public of free newspapers or shoppers guides shall be deemed a retail sale for purposes of the processing exemption.

Sec. 32. Section 573.2, Code 1985, is amended to read as follows:

573.2 PUBLIC IMPROVEMENTS – BOND AND CONDITIONS.

Contracts for the construction of a public improvement shall, when the contract price equals or exceeds twenty-five thousand dollars, be accompanied by a bond, with surety, conditioned

for the faithful performance of the contract, and for the fulfillment of other requirements as provided by law. The bond may also be required when the contract price does not equal that amount. However, if a contractor provides a performance or maintenance bond as required by a public improvement contract governed by this chapter and subsequently the surety company becomes insolvent and the contractor is required to purchase a new bond, the contractor may apply for reimbursement from the governmental agency that required a second bond and the claims shall be reimbursed from funds allocated for road construction purposes.

Sec. 33. 1985 Iowa Acts, chapter 256, section 11, is amended to read as follows:

SEC. 11. There is appropriated from the general fund of the state to the Iowa development commission for the fiscal period beginning on the effective date of this Act and ending June 30, 1985 the sum of two hundred thousand (200,000) dollars, or so much thereof as is necessary, for its advertising and tourism budget. ~~The Iowa development commission shall transfer from any other funds received for its advertising and tourism budget an amount up to or equal to two hundred thousand (200,000) dollars received during the fiscal year beginning July 1, 1985 and ending June 30, 1986 which funds shall be transferred to the general fund of the state not later than June 30, 1986 to replace those funds received under this section for the fiscal period beginning on the effective date of this Act and ending June 30, 1985.~~

Sec. 34. All federal grants to and the federal receipts of the agencies appropriated funds under this division of this Act are appropriated for the purposes set forth in such federal grants and receipts unless otherwise provided by the general assembly.

Sec. 35. Section 32 shall apply retroactively to July 1, 1985 and the reimbursement may be applied for until August 31, 1986.

Sec. 36. Section 33 of this Act is retroactive to June 1, 1986.

DIVISION II
EDUCATION

Sec. 101. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987, to the following named agencies the following amounts, or so much thereof as necessary, to be used for the purposes designated:

| | 1986-1987 Fiscal Year |
|---|--------------------------|
| 1. ARTS DIVISION OF CULTURAL AFFAIRS | |
| For salaries, support, maintenance, and miscellaneous purposes including funds to match federal grants | \$ 450,000 |
| 2. HISTORICAL DIVISION OF CULTURAL AFFAIRS | |
| For salaries, support, maintenance, and miscellaneous purposes | \$ 1,286,045 |
| Notwithstanding sections 18.12 and 18.16, the historical division may directly and independently enter into rental and lease agreements with private vendors for the purpose of selling mementos on the premises of property under the control of the division. All fees and income produced from the sales and rental or lease agreements shall be credited to the account of the division. Retail vendors will not be exempt from the sales and use tax under this provision. | |
| Notwithstanding section 303.9, subsection 1, all admission fees charged at the Montauk historical site shall be credited to the account of the historical division and are appropriated to the historical division to be invested and used exclusively for maintenance and improvement of the property and grounds of Montauk. | |
| 3. LIBRARY DIVISION OF CULTURAL AFFAIRS | |
| a. For the state library for salaries, support, maintenance, and miscellaneous purposes | \$ 1,058,693 |
| b. For the regional library system for state aid | \$ 1,430,730 |
| 4. PUBLIC BROADCASTING DIVISION OF CULTURAL AFFAIRS | |
| For salaries, support, maintenance, and miscellaneous purposes | \$ 5,586,848 |

| | |
|---|------------|
| 5. STATE FAIR BOARD | |
| For maintenance of state fair buildings and grounds | \$ 69,038 |
| 6. TERRACE HILL AUTHORITY | |
| For salaries, support, maintenance, and miscellaneous purposes for the operation of Terrace Hill and for conducting tours | \$ 137,792 |
| 7. HERBERT HOOVER BIRTHPLACE FOUNDATION | |
| For capital improvements | \$ 1,246 |

Sec. 102. There is appropriated from the general fund of the state to the arts division of the department of cultural affairs for the fiscal period beginning July 1, 1986 and ending June 30, 1988 the following amounts, or so much thereof as is necessary, to be used for the following purposes:

| | 1986-1988 Fiscal Year |
|---|--------------------------|
| 1. For the Herbert Hoover memorial in West Branch, Iowa | \$ 35,000 |
| 2. For the Cedar Rapids science station for development | \$ 30,000 |
| 3. For the Ottumwa arts council | \$ 30,000 |
| 4. For the Dubuque great rivers hall of fame for capital improvements | \$ 40,000 |
| 5. For the Amana art guild-folk art show for the folk art showcase | \$ 20,000 |
| 6. For the Clinton riverboat theater for rehabilitation | \$ 20,000 |
| 7. For the Davenport river development project for capital improvements .. | \$ 35,000 |
| 8. For general promotion of the arts | \$ 40,000 |

Notwithstanding section 8.33, unencumbered and unobligated funds appropriated in this section shall not revert to the general fund.

Sec. 103. There is appropriated from the general fund of the state to the historical division of the department of cultural affairs for the fiscal period beginning July 1, 1986 and ending June 30, 1988 the following amounts, or so much thereof as is necessary, to be used for the following purposes:

| | 1986-1988 Fiscal Year |
|---|--------------------------|
| 1. For the purchase and development of property adjacent to the gravesite at Gardner cabin | \$ 41,700 |
| 2. For capital improvements and operational contract services for the Matthew Edel blacksmith shop in Haverhill | \$ 30,000 |
| 3. For Montauk at Clermont for repairs | \$ 20,700 |
| 4. For the Bow-String Bridge restoration project for restoration | \$ 20,000 |
| 5. For the centennial building in Iowa City for repairs | \$ 40,000 |
| 6. For old Fort Madison for reconstruction | \$ 25,000 |
| 7. For the Rock Island depot in Council Bluffs for reconstruction | \$ 20,000 |
| 8. For the old territorial capitol in Burlington for restoration | \$ 22,000 |
| 9. For promotion of historical sites in this state | \$ 30,000 |

Notwithstanding section 8.33, unencumbered and unobligated funds appropriated in this section shall not revert to the general fund.

Sec. 104. There is appropriated from the general fund of the state to the division for the blind of the department of human rights for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amount, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

| | 1986-1987 Fiscal Year |
|--|--------------------------|
| DIVISION FOR THE BLIND, DEPARTMENT OF HUMAN RIGHTS | |
| For salaries, support, maintenance, and miscellaneous purposes | \$ 1,019,280 |

Sec. 105. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987, to the department of education the following amounts, or so much thereof as may be necessary, to be used in the manner designated:

1986-1987
Fiscal Year

1. GENERAL OFFICE ADMINISTRATION

a. For salaries, support, maintenance, and miscellaneous purposes \$ 4,148,910

It is the intent of the general assembly that the department of education expend, from funds appropriated in this paragraph, at least five hundred thousand (500,000) dollars to be used by the department to provide technical assistance and monetary grants to school districts for developing elementary and secondary foreign language programs. The department shall transmit plans for the expenditure of moneys allocated for development of foreign language programs under this paragraph to the joint education appropriations subcommittee not later than January 1, 1987.

It is also the intent of the general assembly that a portion of moneys appropriated in this paragraph to the department of education be expended for the continuation of the meetings of subject matter committees and committees that cross subject matter lines for coordination of curriculum at all education levels.

b. Fire service education \$ 140,377

c. As a condition of the appropriation made in paragraph "a", the department of education shall expend at least sixty thousand (60,000) dollars of the moneys appropriated in paragraph "a" to provide funding for the evaluator approval process.

Of the funds identified in this paragraph for funding for the evaluator approval process, an amount not to exceed ten thousand (10,000) dollars of those funds shall be used by the department of education to develop a mental retardation model curriculum. The department shall develop a model curriculum for teachers of grades one through twelve on mental retardation prevention and related issues. The department may use existing staff members or may contract with outside parties for developing the model curriculum. The model curriculum shall be distributed to school districts and area education agencies prior to July 1, 1988. The funds allocated for the development of the mental retardation model curriculum are not subject to reversion pursuant to section 8.33 until June 30, 1988.

2. VOCATIONAL EDUCATION ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes \$ 795,655

3. VOCATIONAL EDUCATION AID

For vocational education aid to secondary schools \$ 3,723,061

Funds appropriated by this paragraph are to be used for aid to school districts for development and the conduct of both continuing and new vocational programs, services and activities of vocational education through secondary schools, and for aid to existing jointly administered secondary vocational education programs, in accordance with chapter 258 and chapter 280A, and to purchase instructional equipment for vocational and technical courses of instruction in such schools.

It is the intent of the general assembly that the state board of education provide an opportunity for input from representatives from appropriate labor groups for vocational education programs that could lead to apprenticeships.

4. PROFESSIONAL TEACHING PRACTICES COMMISSION

For the use of the professional teaching practices commission to carry out chapter 272A \$ 35,128

5. VOCATIONAL YOUTH ORGANIZATION FUND

To carry out section 258.14 \$ 9,252

6. SCHOOL FOOD SERVICE

For the purpose of providing assistance to students enrolled in public school districts and nonpublic schools of the state for breakfasts, lunches and minimal

equipment programs with the funds being used as state matching funds for federal programs and which shall be disbursed according to federal regulations \$ 3,173,131

7. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide funds for costs of providing textbooks to each resident pupil who attends a nonpublic school or authorized by section 301.1. Such funding is limited to ten dollars per pupil and shall not exceed the comparable services offered to resident public school pupils \$ 333,160

8. SCHOOL BUDGET REVIEW COMMITTEE \$ 110,000

Of the funds appropriated by this subsection, one hundred thousand (100,000) dollars may be expended as supplemental aid pursuant to section 286A.14.

9. VOCATIONAL REHABILITATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes \$ 2,587,715

10. NON-ENGLISH SPEAKING

To provide funding to public schools and for nonpublic school students for special instruction for non-English speaking students as provided in section 280.4 \$ 150,000

11. MERGED AREA SCHOOLS

a. For general state financial aid to merged areas as defined in section 280A.2 the amount of forty-two million five hundred seventy-six thousand five hundred eighty-six (42,576,586) dollars to be allocated as follows:

- (1) Merged area I \$ 1,970,381
- (2) Merged area II \$ 2,620,675
- (3) Merged area III \$ 2,328,125
- (4) Merged area IV \$ 921,853
- (5) Merged area V \$ 2,953,129
- (6) Merged area VI \$ 2,594,155
- (7) Merged area VII \$ 2,951,909
- (8) Merged area IX \$ 3,572,825
- (9) Merged area X \$ 5,545,497
- (10) Merged area XI \$ 6,152,704
- (11) Merged area XII \$ 2,100,476
- (12) Merged area XIII \$ 2,943,089
- (13) Merged area XIV \$ 1,033,696
- (14) Merged area XV \$ 2,934,428
- (15) Merged area XVI \$ 1,953,644

b. To provide funds for matching federal reimbursement for continuing and new vocational education programs in merged area schools in accordance with chapter 258 and chapter 280A, and to purchase instructional equipment for vocational and technical courses of instruction in such schools \$ 8,049,520

Sec. 106.

1. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1987 and ending June 30, 1988, for general state financial aid to merged areas the amount of fourteen million one hundred twenty-nine thousand five hundred eighty-three (14,129,583) dollars, to be accrued as income and used for expenditures incurred by the area schools during the fiscal year beginning July 1, 1986 and ending June 30, 1987, to be allocated to each area school as follows:

- a. Merged area I \$ 658,260
- b. Merged area II \$ 868,028
- c. Merged area III \$ 784,978
- d. Merged area IV \$ 308,988

| | |
|---------------------|--------------|
| e. Merged area V | \$ 1,034,684 |
| f. Merged area VI | \$ 872,933 |
| g. Merged area VII | \$ 989,868 |
| h. Merged area IX | \$ 1,133,265 |
| i. Merged area X | \$ 1,769,391 |
| j. Merged area XI | \$ 2,059,840 |
| k. Merged area XII | \$ 743,035 |
| l. Merged area XIII | \$ 1,025,453 |
| m. Merged area XIV | \$ 347,525 |
| n. Merged area XV | \$ 880,354 |
| o. Merged area XVI | \$ 652,991 |

2. Funds appropriated by this section shall be allocated pursuant to this section and paid on or about August 15, 1987.

Sec. 107. 1985 Iowa Acts, chapter 263, section 7, subsection 1, is amended by striking the subsection and inserting in lieu thereof the following:

1. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1986 and ending June 30, 1987, for general state financial aid to merged areas the amount of thirteen million seven hundred seventy-six thousand five hundred seven (13,776,507) dollars, to be accrued as income and used for expenditures incurred by the area schools during the fiscal year beginning July 1, 1985 and ending June 30, 1986, to be allocated to each area school as follows:

| | |
|---------------------|--------------|
| a. Merged area I | \$ 658,260 |
| b. Merged area II | \$ 863,660 |
| c. Merged area III | \$ 777,840 |
| d. Merged area IV | \$ 296,488 |
| e. Merged area V | \$ 1,004,788 |
| f. Merged area VI | \$ 850,695 |
| g. Merged area VII | \$ 989,868 |
| h. Merged area IX | \$ 1,114,498 |
| i. Merged area X | \$ 1,683,267 |
| j. Merged area XI | \$ 2,059,840 |
| k. Merged area XII | \$ 688,938 |
| l. Merged area XIII | \$ 995,539 |
| m. Merged area XIV | \$ 335,025 |
| n. Merged area XV | \$ 813,544 |
| o. Merged area XVI | \$ 644,257 |

Sec. 108. General state aid paid to area schools under section 105, subsection 11, paragraph "a" of this Act, for expenditures incurred during the fiscal year beginning July 1, 1986 and ending June 30, 1987, shall be paid by the department of revenue and finance in installments due on or about November 15, February 15, and May 15 of that fiscal year. The payment received by area schools on or about August 15 under section 106 of this Act is an account receivable for the previous fiscal year. The installments shall be as nearly equal as possible as determined by the department of management, taking into consideration the relative budget and cash position of the state resources.

Sec. 109. There is appropriated from the general fund of the state to the Iowa academy of science for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following

amount, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

| | <u>1986-1987</u> <u>Fiscal Year</u> |
|-----------------------------------|--|
| IOWA ACADEMY OF SCIENCE | |
| For support and maintenance | \$ 57,494 |

It is the intent of the general assembly that the Iowa academy of science submit a report to the legislative fiscal bureau by December 1, 1986, listing each project funded under this section, describing the anticipated results of each project, and outlining the potential value to or impact upon this state of each project.

Sec. 110. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amounts, or so much thereof as may be necessary, for use for the following designated purposes, however, as a condition for the appropriation of these funds, the state board of regents, for purposes of implementing and administering collective bargaining pursuant to chapter 20, shall act as the exclusive representative of the state of Iowa with respect to its faculty, scientific, and other professional staff:

| | <u>1986-1987</u> <u>Fiscal Year</u> |
|---|--|
| 1. OFFICE OF STATE BOARD OF REGENTS | |
| a. For salaries, support, maintenance, equipment, and miscellaneous purposes, including state board of regents members receiving a per diem not to exceed forty dollars per day | \$ 411,336 |

The state board of regents shall not assess charges to the three institutions of higher education under the control of the state board, for the fiscal year beginning July 1, 1986, in excess of the charges to the three institutions assessed and approved by the state board as of April 1, 1986 for the fiscal year ending June 30, 1986.

| | |
|--|---------------|
| b. For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa in amounts as may be necessary to reimburse the institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions | \$ 17,291,054 |
|--|---------------|

The state board of regents shall refund and refinance selected academic revenue bonds under section 262A.5, if substantial savings can be expected, in order to reduce the shortfall in tuition replacement appropriations made in this paragraph. The board shall analyze the conditions prevalent in the tax exempt bond market, the overall potential savings, the possibility of restructuring debt service to lessen future tuition replacement costs, the potential impacts upon the owners of state board of regents' bonds, and the potential impacts upon future sales of state board of regents' bonds.

In determining the amount of the shortfall, the state board of regents shall not include tuition or fee increases approved by the state board of regents after May 1, 1986.

| | |
|---|--------------|
| c. For allocation by the state board of regents to the institutions under its control for supplemental salary increases for faculty, professional, and scientific employees | \$ 2,000,000 |
|---|--------------|

The state board of regents shall allocate moneys appropriated in this paragraph so that each institution of higher education receives a portion of the appropriation equal to the percent that eligible full-time equivalent faculty at the institution bears to the total full-time equivalent faculty at all institutions of higher education. The funds distributed by the university of northern Iowa for organized faculty shall be distributed either through the collective

*Item veto; see message at end of the Act

bargaining agreement in force for the fiscal year beginning July 1, 1986, or according to a different procedure that is acceptable to the collective bargaining representatives for the faculty at the university of northern Iowa and for the university of northern Iowa.

2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory.

For salaries, support, maintenance, equipment, and miscellaneous purposes and for the pediatric department of the college of medicine to continue to fund the program of research at the current level in the cause, course, treatment, cure, and management of diabetes mellitus \$117,840,274

It is the intent of the general assembly that funds appropriated in this paragraph not be used to pay for efforts of the prisoner assistance clinic at the university of Iowa law school to solicit participation in the clinic by inmates at state correctional facilities.

It is the intent of the general assembly that three hundred twelve thousand five hundred (312,500) dollars of the funds appropriated in this paragraph be used for the purchase of research and instructional equipment.

b. University hospitals

(1) For salaries, support, maintenance, equipment, and miscellaneous purposes; for medical and surgical treatment of indigent patients as provided in chapter 255 \$ 23,070,941

(2) For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants, to carry out chapter 148C for the family practice program \$ 1,359,609

(3) For specialized child health care services, including childhood cancer diagnostic and treatment network programs; rural comprehensive care for hemophilia patients; and Iowa high risk infant follow-up program \$ 278,758

c. As a condition of the appropriation made in paragraph "b", subparagraph (1), the county quotas for indigent patients for the fiscal year commencing July 1, 1986 shall not be lower than the county quotas for the fiscal year commencing July 1, 1985. Before a patient is eligible for the indigent patient program, the county general relief director shall first ascertain from the local office of human services if the applicant would qualify for medical assistance or the medically needy program without the spend-down provision under chapter 249A. If the applicant qualifies, then the patient shall be certified for medical assistance and shall not be counted under chapter 255.

It is the intent of the general assembly that university hospitals shall not perform heart, liver, pancreas, artificial heart, or heart/lung transplantations on indigent patients referred under chapter 255 unless the patient meets criteria developed by the national heart, lung and blood institute's special advisory group for heart recipients, or the 1983 national institute of health's consensus conference on liver transplants for liver recipients, or unless the patient meets nationally recognized criteria for pancreas transplantations. The total amount of state funds expended for heart, liver, pancreas, artificial heart, or heart/lung transplantations shall not exceed nine-tenths of one percent of the total state indigent funds received by the university hospitals for the fiscal year beginning July 1, 1986 and ending June 30, 1987.

d. As a condition of the appropriation made in paragraph "b", subparagraph (1), funds appropriated in that subparagraph shall not be allocated to the university hospitals until the superintendent has filed with the department of management and the legislative fiscal bureau a quarterly report containing the account required in section 255.24. The report shall include the information required in section 255.24 for patients by the type of service provided.

e. As a condition of the appropriation made in paragraph "b", funds appropriated in this section shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this paragraph, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born

infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

- (1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.
- (2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.
- (3) The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or public or private health agency which may include a family physician.
- (4) The pregnancy is the result of incest which is reported within one hundred fifty days of the incident to a law enforcement agency or public or private health agency which may include a family physician.
- (5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

f. Psychiatric hospital

For salaries, support, maintenance, equipment, and miscellaneous purposes and for the care, treatment and maintenance of committed and voluntary public patients \$ 5,321,186

g. State hygienic laboratory

For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 2,098,376

h. Hospital school

For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 3,874,645

i. Oakdale campus

For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 2,278,902

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries, support, maintenance, equipment, and miscellaneous purposes . \$ 96,082,703

It is the intent of the general assembly that three hundred twelve thousand five hundred (312,500) dollars of the funds appropriated in this paragraph be used for the purchase of research and instructional equipment.

b. Agricultural experiment station

For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 11,002,021

c. Cooperative extension service in agriculture and home economics

(1) For salaries, support, maintenance, and miscellaneous purposes \$ 10,343,403

The cooperative extension service in agriculture and home economics and the department of economic development shall enter into an agreement under chapter 28E that provides a procedure for coordinating the economic development activities of the cooperative extension service in agriculture and home economics with the economic development activities of the department of economic development.

(2) For continuation of the rural concern hotline \$ 90,000

These funds may be matched by private contributions.

d. Center for industrial research and services

(1) For hazardous waste and cleanup project \$ 50,000

4. UNIVERSITY OF NORTHERN IOWA

For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 37,846,399

5. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, and miscellaneous purposes \$ 4,520,929

6. IOWA BRAILLE AND SIGHT-SAVING SCHOOL

For salaries, support, maintenance, and miscellaneous purposes \$ 2,475,290

Sec. 111. INDIGENT OBSTETRICAL PATIENT QUOTAS.

1. The statewide indigent patient care program shall continue the nonquota system for indigent obstetrical and orthopedic patients and shall maintain the current county quota system for other indigent patients. In addition, commencing October 1, 1986, under the statewide indigent patient care program each county shall be allocated an indigent obstetrical patient quota equal to the lesser of sixty patients or a total number equal to four percent of the average number of live births per year in the county, calculated for the 1983, 1984, and 1985 calendar years, minus the number of obstetrical patients from the county who delivered at the university of Iowa hospitals and clinics under the statewide indigent patient care program in the fiscal year beginning July 1, 1985. However, each county shall be allocated a minimum indigent obstetrical patient quota of four. The department of public health shall provide for the reassignment of an unused county obstetrical quota allotment to other counties on April 1, 1987. The reassignment shall only be taken from a county which has an unused obstetrical patient quota for the portion of the fiscal period ending March 31, 1987, and the reassignment shall not affect the county's portion of the quota for the calendar quarter ending June 30, 1987. The reassignments shall be made to other counties on a first-come, first-served basis. A newborn infant who is born locally to an indigent woman under a county's indigent obstetrical patient quota may be transferred to the university of Iowa hospitals and clinics and receive care as a nonquota indigent patient. A county may use its obstetrical quota to provide services to indigent obstetrical patients and their newborns under the county's general relief program to hospitals licensed in this state and to physicians licensed and practicing in this state. All providers of services to quota and nonquota obstetrical and newborn patients shall agree to accept as full payment the reimbursements allowable under the medical assistance program established pursuant to chapter 249A, adjusted for intensity of care. However, the total reimbursement from the obstetrical patient care fund to providers for residents of a county is limited to that county's indigent obstetrical patient quota multiplied by one thousand four hundred dollars. The university of Iowa hospitals and clinics and other hospitals shall submit their billings on the UB 82, uniform hospital billing form, and physicians shall submit their billings on the HCFA 1500. University hospital billings shall be submitted directly to the department of public health and other billings shall be submitted through the county general relief directors to the department of public health.

2. The department of public health, in collaboration with the department of human services and in consultation with the Iowa state association of counties, shall adopt rules, pursuant to chapter 17A, establishing minimum standards for eligibility for obstetrical and newborn care, including physician examination, medical testing, and inpatient transportation costs, for indigent obstetrical and newborn care provided by the university of Iowa hospitals and clinics and by other hospitals licensed in this state and physicians licensing and practicing in this state. The minimum standards for eligibility shall provide eligibility for persons with incomes at or below one hundred fifty percent of the annual revision of the poverty income guidelines published by the United States department of health and human services, and shall provide, but shall not be limited to providing, eligibility for uninsured and underinsured persons financially unable to pay for necessary obstetrical and newborn care. The minimum standards may include a spend-down provision. The resource standards shall be set at or above the resource standards under the federal supplemental security income program. The resource exclusions allowed under the federal supplemental security income program shall be allowed and shall include resources necessary for self-employment. The department of public health shall adopt administrative rules to implement the statewide indigent obstetrical patient quota system under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b" and the rules shall become effective no later than October 1, 1986.

3. The department of public health shall establish procedures for payment to other hospitals licensed in this state, and physicians licensed and practicing in this state.

4. A county shall not be held responsible for the costs of providing obstetrical and newborn care, including physician examination, medical testing, and transportation costs, to pregnant

women and their newborn infants who meet the eligibility requirements adopted by the department of public health.

5. A person desiring obstetrical and newborn care, the cost of which is payable under the obstetrical patient care program, or the parent or guardian of a minor desiring or in need of such care, may apply to the general relief director of the person's county of residence to have the cost of such care paid from the obstetrical patient care fund. The applicant shall attest to the accuracy of the information contained on the application. The county general relief director shall first ascertain from the local office of the department of human services if the applicant would be eligible for medical assistance or for assistance under the medically needy program without any spend-down requirement, pursuant to chapter 249A. If the applicant is eligible for assistance pursuant to chapter 249A, if the applicant is eligible for maternal and child health care services covered by a maternal and child health program, the obstetrical patient care program shall not provide such assistance, care, or covered services provided under other programs.

6. The legislative fiscal bureau and the state health data commission shall study the operation of the obstetrical patient care program for the fiscal period beginning July 1, 1986, and ending June 30, 1988, shall identify the levels of medical care provided and the location of the care provided under the program, and the costs of the care provided by all hospitals under this section, and shall report its preliminary findings to the governor and the general assembly convening in 1987 and its final determinations to the governor and the general assembly convening in 1988.

7. There is appropriated from the general fund of the state to a special account in the state treasury to be known as the obstetrical patient care fund, for the fiscal year beginning July 1, 1986, and ending June 30, 1987, one million one hundred thousand (1,100,000) dollars, or so much thereof as is necessary, for the development and operation, commencing October 1, 1986, of a statewide obstetrical patient care program as provided in this section. The department of public health shall be the administrator of the fund.

If moneys appropriated to the obstetrical patient care fund by this section remain unobligated and unencumbered on June 30, 1987, the moneys shall not revert to the general fund of the state but shall be transferred to the indigent patient care fund established pursuant to chapter 255.

8. It is the intent of the general assembly that commencing July 1, 1987 under the statewide indigent patient care program established pursuant to chapter 255, each county shall be allocated an indigent obstetrical and newborn patient quota equal to the lesser of seventy patients or a total number equal to six percent of the average number of live births per year in the county, calculated for the 1984, 1985, and 1986 calendar years, minus the number of obstetrical patients from the county who delivered at the university of Iowa hospitals and clinics under the statewide indigent patient care program in the fiscal year beginning July 1, 1986, with each county being allocated a minimum quota of four.

It is the intent of the general assembly* that the portion of the indigent patient care program established pursuant to chapter 255 serving indigent obstetrical and newborn patients be completely decentralized to all counties by July 1, 1988 so as to allow reimbursement for care locally as well as at the university of Iowa hospitals and clinics. It is the intent of the general assembly that persons certified for obstetrical and newborn care under the decentralized program be entitled to reimbursement only to the extent of moneys appropriated to the program. It is further the intent of the general assembly that the amount appropriated for obstetrical and newborn care under the decentralized program be equal to the amount that would otherwise have been appropriated for obstetrical and newborn patients under the indigent patient care program established pursuant to chapter 255.

*According to enrolled Act

Sec. 112. Upon the request of the public broadcasting division of the department of cultural affairs, the executive council shall sell the property and building located at 2801 Bell avenue in Des Moines, Iowa, and used by the Iowa department of public broadcasting. The proceeds from the sale of the property and building are appropriated to the public broadcasting division of the department of cultural affairs to pay a portion of the costs of construction of a new building for the public broadcasting division of the department of cultural affairs. However, the executive council may direct that the building and property located at 2801 Bell avenue in Des Moines, Iowa, be used for another state purpose. The executive council shall determine by independent appraisal the fair market value of the building and property and, in that case, an appropriation equal to appraised value of the building and property may be considered by the general assembly to pay a portion of the costs of construction of a new building for the public broadcasting division of the department of cultural affairs.

Sec. 113. The department of education shall establish auditable standards and a maximum number of reimbursable contact hours for each program offered by one or more of the area schools. The standards shall provide the basis for allocation of state general aid and state vocational aid, on an equitable program basis for the fiscal year beginning July 1, 1988 and thereafter.

Sec. 114. The Iowa college aid commission shall notify eligible high school seniors in writing that the supplemental grant program established in sections 261.61 through 261.63 has been retained by the general assembly and nine hundred thousand (900,000) dollars is appropriated in section 261.63 for the payments. The letter shall include notification that it supersedes correspondence previously received by the student stating that the program was abolished.

Sec. 115. Notwithstanding the procedures and appropriation specified in section 273.11, for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the director of the department of education may modify the amount due from an area education agency under section 273.11 and the director of the department of revenue and finance shall pay the amount due to an area education agency from moneys appropriated for state school foundation aid under section 119 of this Act.

Sec. 116. Notwithstanding the procedures and appropriation specified in section 281.12, for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the director of the department of education may modify the amount due to a school district or agency providing a special education program under section 281.12 and the director of the department of revenue and finance shall pay the amount due to a school district or agency providing a special education program from moneys appropriated for state school foundation aid under section 119 of this Act.

Sec. 117. Notwithstanding the procedures and appropriation specified in section 282.19, for the fiscal year beginning July 1, 1986 and ending June 30, 1987, if the child does not require special education, the superintendent of the school district shall certify the costs of instruction under section 282.19 to the director of the department of education not later than September 1 of each year for the preceding fiscal year. The director of the department of education shall review the costs of instruction and may modify them and submit a requisition to the department of revenue and finance. The amount due shall be paid by the department of revenue and finance to the school district from moneys appropriated for state school foundation aid under section 119 of this Act.

For the purpose of this section, "costs of instruction" means the tuition fee of the school district in which the child is enrolled calculated under section 282.24 and multiplied by the portion of the school year in which the child was enrolled.

Sec. 118. Notwithstanding the procedures and appropriation specified in section 282.27, for the fiscal year beginning July 1, 1986 and ending June 30, 1987, if a child requiring special education is not counted in the weighted enrollment of any district under section 281.9 and payment is not made by any district, the director of the department of education may modify the special education instructional costs certified to the director of the department of education under section 282.27 by a school district and the director of the department of revenue and finance shall pay the amount due from moneys appropriated for state school foundation aid under section 119 of this Act.

Sec. 119. Notwithstanding section 442.26, from moneys appropriated pursuant to section 442.26 for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the department of revenue and finance shall deduct the total of the amounts due under sections 115 through 118, not to exceed the total amounts paid under sections 273.11, 281.12, 282.19, and 282.27, for the fiscal year beginning July 1, 1984. If the total of the amounts due under this section is more than the total of the amounts paid for the fiscal year beginning July 1, 1984, the department of revenue and finance shall allocate an amount to be paid under each of sections 115 through 118 based upon the proportion the amount paid under each of sections 273.11, 281.12, 282.19, and 282.27 for the fiscal year beginning July 1, 1984 bears to the total amount paid for that fiscal year. The payments to area education agencies under section 115, to school districts or other agencies under section 116, and to school districts under sections 117 and 118, shall be prorated based upon the moneys allocated for the respective sections.

Sec. 120. 1985 Iowa Acts, chapter 254, section 2, subsection 1, is amended by adding the following new unlettered paragraphs after unlettered paragraph 2:

NEW UNLETTERED PARAGRAPH. A pay adjustment provided in this subsection for the 1986-1987 fiscal year shall be added to the salary of a full-time nonadministrative certificated employee and shall supplement, not supplant, the results of a collective bargaining agreement negotiated under chapter 20, if any. The amount of a pay adjustment is for the adjustment of base pay only.

NEW UNLETTERED PARAGRAPH. It is the intent of the general assembly that moneys appropriated for salary adjustments for each area school under this subsection shall be included in each institution's general aid request for the fiscal year beginning July 1, 1987 and the amounts of the pay adjustments shall be submitted to the general assembly by the department of education.

Sec. 121. Section 8.6, subsection 9, Code Supplement 1985, as amended by House File 2225, enacted by the Seventy-first General Assembly, 1986 Session, is amended by striking the subsection and inserting in lieu thereof the following:

9. **INTEREST OF THE PERMANENT SCHOOL FUND.** To transfer the interest of the permanent school fund to the credit of the first in the nation in education foundation as provided in section 302.1A.

Sec. 122. Section 257A.1, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

There is created a corporate body called "First In the Nation in Education, an education foundation". The foundation is an independent nonprofit quasi-public instrumentality and the exercise of the powers granted to the foundation as a corporation in this chapter is an essential governmental function. As used in this chapter "foundation" means "First In the Nation in Education, an education foundation". The purposes of the foundation include but are not limited to the following for the common schools of this state:

Sec. 123. Section 257A.7, Code Supplement 1985, is amended by striking the section and inserting in lieu thereof the following:

257A.7 FUND CREATED AND TRANSFER OF MONEYS.

The "First in the Nation in Education Fund" is established in the office of treasurer of state. The fund shall be an endowment for the foundation and moneys deposited in the fund shall not be expended, but shall be invested by the treasurer of state in investments authorized for the Iowa public employees' retirement fund in section 97B.7.

The governing board of the foundation may accept gifts, grants, bequests, and other moneys for deposit in the fund as a part of the endowment or for the use of the foundation.

Gifts, grants, and bequests from public and private sources, federal funds, and other moneys received for the endowment shall be deposited in the fund. Interest earned on the fund shall be transferred by the department of revenue and finance to the credit of the foundation at the request of the governing board and shall be used for the purposes of this chapter.

The governing board may transfer moneys credited for the use of the foundation not encumbered or obligated on June 30 of a fiscal year to the fund and those moneys shall be considered interest earned by the fund and may be transferred back to the credit of the foundation at the request of the governing board at any time.

Sec. 124. Section 260.15, Code Supplement 1985, is amended to read as follows:

260.15 APPLICATIONS — DISBURSEMENT OF FEES.

Applications for the issuance or renewal of all teachers' certificates shall be made to the commissioner of public instruction director of the department of education. Fees for the issuance or renewal of certificates shall be paid to the commissioner of public instruction director of the department of education who shall deposit each fee received from these sources with the treasurer of state and credit the fee to the general fund of the state. If an application for the issuance or renewal of a certificate is not approved, the commissioner of public instruction shall remit the fee to the applicant by a state comptroller's warrant issued on the general fund of the state upon certification of the commissioner of public instruction that the fee has not been earned. The commissioner director shall keep an accurate and detailed account of money received.

Sec. 125. Section 262.9, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 15. Provide that residents of Yamanashi, Japan; Yucatan, Mexico; and Hebei, China, who enroll in its institutions of higher education are eligible for resident student status and resident student tuition. The named locations are Iowa's sister states.

Sec. 126. Section 262.44, subsection 1, Code 1985, is amended to read as follows:

1. Set aside and use such portions of the respective campuses of the institutions of higher education under its control, namely, the state University university of Iowa, the Iowa State University state university of science and technology, and the University of Northern university of northern Iowa, as the board shall determine to be determines are suitable for the acquisition or construction thereon of the following self-liquidating and revenue producing buildings and facilities, which the board deems necessary for the comfort, convenience and welfare of their students and suitable for the purposes for which the institutions were established, including student: Student unions, recreational buildings, auditoriums, stadiums, field houses, athletic buildings and areas, parking structures and areas, research equipment if the debt incurred in its acquisition will be retired by federal, private, or other lawfully available nonappropriated funds, and additions to or alterations of existing buildings or structures now or hereafter used for any or all of the purposes aforesaid.

Except as provided for self-liquidating dormitories, the state board of regents, or any bonding authority established by them, shall not issue any notes, bonds or other evidence of indebtedness for construction of other buildings or facilities without prior approval by the general assembly and the governor in the manner provided in section 262A.4 for bonds issued under that chapter.

Sec. 127. NEW SECTION. 262.64A REPORTS TO GENERAL ASSEMBLY.

The state board of regents shall determine, in consultation with the legislative fiscal bureau, the financial information to be included in line item budget information for projects funded by the issuance of bonds or notes under this chapter and shall submit the line item budget information to the general assembly as requested. The state board of regents shall submit quarterly reports to the general assembly concerning the projects funded by the issuance of bonds or notes under this chapter as follows:

1. Identification of both undercharges and overcharges for line items of projects.
2. Identification of contracts in which any line item for a project exceeds the adopted budget for that line item by ten percent or more.
3. Identification of complaints received by an institution regarding the construction of a project.

If the state board of regents approves a change in the amount of the line item of a budget for a project, the change shall be transmitted to the appropriations committees of the house of representatives and senate, while the general assembly is in session, and to the legislative council, when the general assembly is not in session, for review.

Sec. 128. Section 262A.5, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The board is authorized to borrow money under the provisions of this chapter, and the board may issue and sell negotiable bonds to pay all or any part of the cost of carrying out any project at any institution and may refund and refinance bonds issued for any project or for refunding purposes at the same rate or at a higher or lower rate or rates of interest. Bonds issued under the provisions of this chapter shall be sold by said board at public sale on the basis of sealed proposals received pursuant to a notice specifying the time and place of sale and the amount of bonds to be sold which shall be published at least once not less than seven days prior to the date of sale in a newspaper published in the state of Iowa and having a general circulation in said state. The provisions of chapter 75 shall not apply to bonds issued under authority contained in this chapter, but such bonds shall be sold upon terms of not less than par plus accrued interest. Bonds issued to refund other bonds issued under the provisions of this chapter may either be sold in the manner hereinbefore specified and the proceeds thereof applied to the payment of the obligations being refunded, or the refunding bonds may be exchanged for and in payment and discharge of the obligations being refunded. The refunding bonds may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds may be exchanged in part or sold in parts in installments at different times or at one time. The refunding bonds may be sold or exchanged at any time on, before, or after the maturity of any of the outstanding bonds or other obligations to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds, except that the principal amount of the refunding bonds may exceed the principal amount of the bonds to be refunded to the extent necessary to pay any premium due on the call of the bonds to be refunded or to fund interest in arrears or about which is to become due.

Sec. 129. NEW SECTION. 262A.12A REPORTS TO GENERAL ASSEMBLY.

The state board of regents shall determine, in consultation with the legislative fiscal bureau, the financial information to be included in line item budget information for projects funded by the issuance of bonds or notes under this chapter and shall submit the line item budget information to the general assembly as requested. The state board of regents shall submit quarterly reports to the general assembly concerning the projects funded by the issuance of bonds or notes under this chapter as follows:

1. Identification of both undercharges and overcharges for line items of projects.
2. Identification of contracts in which any line item for a project exceeds the adopted budget for that line item by ten percent or more.

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

If the state board of regents approves a change in the amount of the line item of a budget for a project, the change shall be transmitted to the appropriations committees of the house of representatives and senate, while the general assembly is in session, and to the legislative council, when the general assembly is not in session, for review.

Sec. 130. NEW SECTION. 263A.10A REPORTS TO GENERAL ASSEMBLY.

The state board of regents shall determine, in consultation with the legislative fiscal bureau, the financial information to be included in line item budget information for projects funded by the issuance of bonds or notes under this chapter and shall submit the line item budget information to the general assembly as requested. The state board of regents shall submit quarterly reports to the general assembly concerning the projects funded by the issuance of bonds or notes under this chapter as follows:

1. Identification of both undercharges and overcharges for line items of projects.
2. Identification of contracts in which any line item for a project exceeds the adopted budget for that line item by ten percent or more.
3. Identification of complaints received by an institution regarding the construction of a project.

If the state board of regents approves a change in the amount of the line item of a budget for a project, the change shall be transmitted to the appropriations committees of the house of representatives and senate, while the general assembly is in session, and to the legislative council, when the general assembly is not in session, for review.

Sec. 131. Section 270.9, subsection 2, Code 1985, is amended to read as follows:

2. Transportation reimbursement at a rate established annually by the state board of regents to the parents or guardians for ~~not more than eleven trips per year~~ transportation from the institution to the residence of the parent or guardian and return to the institution for children who reside in the institution.

Sec. 132. NEW SECTION. 270.10 MERGER REQUIREMENTS.

The state board of regents shall not merge the school for the deaf at Council Bluffs with the Iowa braille and sight-saving school at Vinton or close either of those institutions until all of the following requirements have been met:

1. The department of management has presented to the general assembly a comprehensive plan, program, and fiscal analysis of the existing circumstances and the circumstances which would prevail upon the proposed merger or closing, together with data which would support the contention that the merger or closing will be more efficient and effective than continuation of the existing facilities. The analysis shall include a detailed study of the educational implications of the merger or closing, the impact on the students, and the opinions and research of nationally recognized experts in the field of the education of visually impaired and deaf students. The comprehensive plan shall further include a study relating to the programming, fiscal consequences, and political implications which would result if either a merger or an agreement under chapter 28E should be implemented between the school for the deaf in Council Bluffs and comparable state programs in the state of Nebraska.

2. The general assembly has studied the plans, programs, and fiscal analysis and has reviewed their impact on the programs.

3. The general assembly has enacted legislation authorizing either the closing or the merger to take effect not sooner than two years after the enactment of the legislation.

Sec. 133. Section 273.3, subsection 10, Code Supplement 1985, is amended to read as follows:

10. In any county operating a juvenile home, upon request of the county board of supervisors, provide suitable curriculum, teaching staff, books, supplies, and other necessary materials for the instruction of children of school age who are maintained in the juvenile home of the county, as provided in section 232.142. An area education agency shall also provide

suitable curriculum, teaching staff, books, supplies, and other necessary materials for the instruction of children of school age in juvenile homes other than those operated by a county if the juvenile home meets the criteria adopted by the board of education and if the children have been placed in the juvenile homes by the district court and parental rights have been terminated. The department of education shall adopt rules under chapter 17A for the instruction provided by area education agencies under this subsection. Reimbursement for the cost of instruction provided under this section shall be made pursuant to section 273.11.

Sec. 134. Section 280A.23, Code 1985, is amended by adding the following new subsection:
NEW SUBSECTION. 12. During the second week of August of each year, publish by one insertion in at least one newspaper published in the merged area a summarized statement verified by affidavit of the secretary of the board showing the receipts and disbursements of all funds of the area school for the preceding fiscal year. The statement of disbursements shall show the names of the persons, firms, or corporations, and the total amount paid to each during the fiscal year. The board is not required to make the publications and notices required under sections 279.34, 279.35, and 279.36.

Sec. 135. Section 285.1, subsection 3, Code Supplement 1985, is amended to read as follows:

3. In a district where transportation by school bus is impracticable or where school bus service is not available, the board may require parents or guardians to furnish transportation for their children to the schools designated for attendance. The Except as provided in section 285.3, the parent or guardian shall be reimbursed for such transportation service for public and nonpublic school pupils by the board of the resident district in an amount equal to eighty dollars plus the following seventy-five percent of the difference between eighty dollars and the previous school year's statewide average per pupil transportation cost, as determined by the department of public instruction education:

- a. For the school year commencing July 1, 1980, twenty-five percent.
- b. For the school year commencing July 1, 1981, fifty percent.
- c. For the school year commencing July 1, 1982 and each school year thereafter, seventy-five percent.

However, a parent or guardian shall not receive reimbursement for furnishing transportation for more than two family members who attend elementary school and one family member who attends high school.

Sec. 136. Section 285.2, unnumbered paragraph 2, Code 1985, is amended to read as follows:

There is appropriated from the general fund of the state to the department of public instruction education funds sufficient to pay the approved claims of public school districts for transportation services to nonpublic school pupils as provided in this section. The portion of the amount appropriated for approved claims under section 285.1, subsection 3, shall be determined under section 285.3.

Sec. 137. Section 285.2, unnumbered paragraph 4, Code 1985, is amended to read as follows:

Claims for reimbursement shall be made to the department of public instruction education by the public school district providing transportation or transportation reimbursement during a school year on a form prescribed by the department, and the claim shall state the services provided and the actual costs incurred. A claim shall not exceed the average transportation costs of the district per pupil transported except as otherwise provided. If transportation is provided under section 285.1, subsection 3, the amount of a claim shall be determined under paragraph "c" of that subsection shall be the amount of the claim under section 285.3 regardless of the average transportation costs of the district per pupil transported.

PARAGRAPH DIVIDED. Claims shall be accompanied by an affidavit of an officer of the public school district affirming the accuracy of the claim. By February 1 and by July 15 of each year, the department shall certify to the state comptroller department of revenue and finance

the amounts of approved claims to be paid, and the ~~state comptroller~~ department of revenue and finance shall draw warrants payable to school districts which have established claims. Claims shall be allowed where practical, and at the option of the public school district of the pupil's residence, subject to approval by the area education agency of the pupil's residence, under section 285.9, subsection 3, the public school district of the pupil's residence may transport any a pupil to a school located in a contiguous public school district outside the boundary lines of the public school district of the pupil's residence. The public school district of the pupil's residence may contract with the contiguous public school district or with a private contractor under section 285.5 to transport the pupils to the school of attendance within the boundary lines of the contiguous public school district. The public school district in which the pupil resides may contract with the contiguous public school district or with a private contractor under section 285.5 to transport the pupil from the pupil's residence or from designated school bus collection locations to the school located within the boundary lines of the contiguous public school district, subject to the approval of the area education agency of the pupil's residence. The public school district of the pupil's residence may utilize the reimbursement provisions of section 285.1, subsection 3.

**Sec. 138. NEW SECTION. 285.3 PARENTAL REIMBURSEMENT FOR NON-PUBLIC TRANSPORTATION.*

The portion of the amount appropriated under section 285.2 to pay claims to reimburse parents or guardians of nonpublic school pupils for furnishing transportation for their children is equal to eighty dollars plus seventy-five percent of the difference between eighty dollars and the previous school year's statewide average per pupil transportation cost as determined by the department of education multiplied by the total number of nonpublic school pupils for which the parent or guardian furnishes transportation, except that only two members of a family who attend a nonpublic high school shall be included in the total number.

The amount of an approved claim to a parent or guardian for furnishing transportation shall include a base payment, and may include a supplemental payment, determined under this section. The base payment is equal to the amount of the reimbursement determined under section 285.1, subsection 3.

*The difference between the amount appropriated under this section for reimbursement of parents and guardians and the amount paid to parents and guardians pursuant to section 285.1, subsection 3, shall be used for supplemental payments to the parents and guardians of nonpublic school pupils who transport one or more family members more than four miles to a school of attendance. The department of education shall add together the number of parents and guardians who transport one or more family members more than four and less than eight miles to their schools of attendance and two times the number of parents and guardians who transport one or more family members eight or more miles to their schools of attendance and divide that total number of parents and guardians into the amount available for supplemental payments to determine a supplemental payment amount. Parents and guardians who transport one or more family members more than four but less than eight miles to their schools of attendance shall receive an amount equal to the supplemental payment amount. Parents and guardians who transport one or more family members eight or more miles to their schools of attendance shall receive an amount equal to two times the supplemental payment amount.**

Sec. 139. Section 302.1, subsection 1, Code 1985, is amended to read as follows:

1. Five percent of the net proceeds of the public lands of the state, which shall be paid to the state treasurer and be apportioned by the state comptroller among the area education agencies of this state.

Sec. 140. Section 302.1, Code 1985, is amended by adding the following new subsection:

*Item veto; see message at end of the Act

NEW SUBSECTION. 5. The portion of the interest on the permanent school fund that has not been transferred to the credit of the first in the nation in education foundation.

Annually on January 1, the treasurer of state shall transfer a portion of the permanent school fund to the first in the nation in education fund pursuant to the requirements of this section. Prior to January 1 of each year, the governing board of the first in the nation in education foundation shall certify to the treasurer of state the amount that the governing board has received under section 257A.7, subsections 2 and 3, during the previous calendar year. The treasurer of state shall deposit in a separate account in the first in the nation in education fund the portion of the permanent school fund equivalent to the amount certified.

Sec. 141. NEW SECTION. 302.1A TRANSFER OF INTEREST.

The department of revenue and finance shall transfer the interest earned on the permanent school fund to the first in the nation in education foundation in the manner provided in this paragraph. Prior to March 1 of each year, the governing board of the first in the nation in education foundation established in section 257A.2 shall certify to the state comptroller the total amount of the endowment in the first in the nation in education fund. The portion of the permanent school fund that is equal to the total amount of the endowment is dedicated to the first in the nation in education foundation for that year. The interest from this dedicated amount shall be transferred to the credit of the first in the nation in education foundation. The remaining portion of the interest earned on the permanent school fund shall become a part of the permanent school fund.

Sec. 142. Section 304A.6, subsection 6, Code 1985, is amended to read as follows:

6. Accept gifts, contributions, endowments, or bequests for all or any of the purposes of this chapter. Interest earned on the gifts, contributions, endowments, or bequests accepted under this subsection shall be credited to the fund or funds to which the gifts, contributions, endowments, or bequests have been deposited and are available for all or any of the purposes of this chapter.

Sec. 143. Section 442.3, Code 1985, is amended by striking the section and inserting the following:

442.3 STATE FOUNDATION BASE.

The state foundation base for the school year beginning July 1, 1986 is eighty percent of the state cost per pupil. The state foundation base for the school year beginning July 1, 1987 is eighty-one and one-half percent of the state cost per pupil. For each succeeding school year, the state foundation base shall be increased by the amount of one-half percent of the state cost per pupil, up to a maximum of eighty-five percent of the state cost per pupil. The district foundation base is the larger of the state foundation base or the amount per pupil which the district will receive from foundation property tax and state school foundation aid.

Sec. 144. Section 442.27, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. For the school year beginning July 1, 1986, the department of management shall increase the area media services cost per pupil in each area education agency and the state media services cost per pupil determined under subsection 4 by one dollar and one cent for the purchase or replacement of material required in section 273.6, subsection 1, paragraphs "a", "b", and "c".

Sec. 145. NEW SECTION. 286A.1 STATE AREA SCHOOL FUNDING PLAN.

The state area school funding plan is established for the fiscal year beginning July 1, 1986 and succeeding fiscal years. Funds appropriated specifically for distribution under this chapter shall be allocated to the area schools established under chapter 280A in the manner provided in this chapter. If the funds appropriated for distribution under this chapter are insufficient to make the allocations required, the department of management shall prorate the allocations. However, an area school shall be allocated an amount at least equal to the state general aid allocated for the base year unless the formula is fully funded under this chapter.

Sec. 146. NEW SECTION. 286A.2 DEFINITIONS.

As used in this chapter and chapter 280A, unless the context otherwise requires:

1. "Contact hour" means fifty minutes of contact between an instructor and students in a scheduled course offering for which students are registered.

The total contact hours for an area school in a cost center for a budget year for purposes of determining state general aid under this chapter are the average of the total contact hours offered by the area school in that cost center for the base year and the two fiscal years preceding the base year.

2. "Contact hour eligible for general aid" is a contact hour as provided in subsection 1 except for the contact hours of nonresident students; contact hours of students in avocational or recreational programs; and contact hours of students in courses or programs the direct operational costs of which are entirely paid by federal, state, or other governmental agencies, or private subsidy, or both.

3. "Base year" means base year as defined in section 442.6.

4. "Budget year" means budget year as defined in section 442.6.

5. "State percent of growth" is the state percent of growth calculated under section 442.7.

6. "Area school allowable growth for an instructional cost center" is a dollar amount determined by the department of management by multiplying the state average cost per contact hour for that cost center for a base year times the state percent of growth for the budget year.

7. "Instructional cost center" means one of the following areas of course offerings of the area schools:

- a. Arts and sciences cost center.
 - b. Vocational-technical preparatory cost center.
 - c. Vocational-technical supplementary cost center.
 - d. Adult basic education and high school completion cost center.
 - e. Continuing and general education cost center.
8. "Noninstructional function" means all of the following functions:
- a. General institutional function.
 - b. Student services function.
 - c. Physical plant, including plant maintenance and utility costs functions.
 - d. Library services function.

9. "State average cost per contact hour for an instructional cost center" is the actual state average cost per contact hour for that instructional cost center for all area schools for the base year beginning July 1, 1985 adjusted in succeeding years to equal the base year's state average cost per contact hour for the instructional cost center plus the area school allowable growth for the instructional cost center for the budget year. The state average cost per contact hour does not include expenditures for capital outlay.

Sec. 147. NEW SECTION. 286A.3 FOUNDATION SUPPORT LEVEL.

The department of management shall determine for the base year beginning July 1, 1985, the state average cost per contact hour for each instructional cost center. The state foundation support level per contact hour for each instructional cost center is sixty-five percent of the state average cost per contact hour for that year.

For the budget year commencing July 1, 1986 and succeeding budget years, the department of management shall determine the area school allowable growth for each instructional cost center and shall add those amounts to the foundation support level per contact hour for each instructional cost center for the base year in order to determine the foundation support level per contact hour for the budget year. However, for any budget year for which funds are appropriated by the general assembly for salary improvement for the arts and sciences cost center and for the vocational-technical preparatory cost center, the foundation support level per contact hour for those cost centers for the budget year shall be increased by a salary improvement cost per contact hour. However, the salary improvement cost per contact hour is

not included in the foundation support level per contact hour for those cost centers. Funds appropriated for salary improvement for a budget year shall be divided by the total number of contact hours in the arts and sciences cost center and the vocational-technical preparatory cost center in all area schools for the budget year to determine a salary improvement cost per contact hour. Salary improvement moneys received by an area school shall be added to the base salaries of recipients of the moneys, and shall supplement, not supplant, the results of a collective bargaining agreement negotiated under chapter 20, if any.

Sec. 148. NEW SECTION. 286A.4 SUPPORT PER INSTRUCTIONAL COST CENTER.

Each area school shall multiply the state foundation support level per contact hour for each instructional cost center for a budget year by the number of contact hours eligible for state general aid in the area school in the cost center for the budget year to obtain the support per cost center in that area school. The total support for an area school for instructional cost centers is the sum of the support per cost center for all five instructional cost centers.

Sec. 149. NEW SECTION. 286A.5 GENERAL INSTITUTIONAL FUNCTION.

The general institutional function cost for the base year commencing July 1, 1985 for an area school is determined by multiplying the area school's total expenditures for the fiscal year beginning July 1, 1985 by thirteen and ninety-six hundredths percent, which is the average percent of total expenditures of the area schools for general institutional function costs.

The foundation support level for the general institutional function for an area school for the base year beginning July 1, 1985 is sixty-five percent of the area school's general institutional support function cost for that year.

For the budget year beginning July 1, 1986 and succeeding budget years, the foundation support level for the general institutional support function for an area school is the foundation support level for the base year plus a general institutional function allowable growth amount. The allowable growth amount is determined by the department of management by multiplying the state percent of growth for the budget year by the state average general institutional function cost for the base year.

For the base year beginning July 1, 1989, and each four years thereafter, the department shall recalculate the average percent of total expenditures of the area schools for general institutional function costs and shall use that percent for the four next following budget years.

Sec. 150. NEW SECTION. 286A.6 STUDENT SERVICES FUNCTION COST.

The state student services function cost for the base year commencing July 1, 1985 is determined by dividing the total of all area schools' expenditures for the student services function for that year by the total number of contact hours eligible for general aid in the state for that year to achieve a state average student services function cost per contact hour for the base year.

The foundation support level per contact hour for the student services function cost for the base year beginning July 1, 1985 is sixty-five percent of the state average student services function cost per contact hour for that year.

For the budget year beginning July 1, 1986 and succeeding budget years, the foundation support level per contact hour eligible for state general aid for the student services function cost for an area school is the foundation support level per contact hour for the base year plus a student services support allowable growth amount. The allowable growth amount is determined by the department of management by multiplying the state percent of growth for the budget year by the state average student services function cost per contact hour for the base year. The total is then multiplied by the number of contact hours in the area school to determine the foundation support for the student services function cost for a budget year.

Sec. 151. NEW SECTION. 286A.7 PHYSICAL PLANT FUNCTION COST.

The physical plant function cost includes physical plant maintenance cost and the physical plant utility cost.

1. The physical plant function cost for the base year commencing July 1, 1985 for all area schools is determined by dividing the total physical plant maintenance cost of all area schools for that year by the total square feet of buildings of the area schools for that year to achieve a state average cost per square foot.

The foundation support level per square foot for the physical plant maintenance costs for the base year beginning July 1, 1985 is sixty-five percent of the state average cost per square foot for that year.

For the budget year beginning July 1, 1986 and succeeding budget years, the foundation support level per square foot for the physical plant maintenance costs for an area school is the foundation support level per square foot for the base year plus a physical plant maintenance allowable growth amount. The allowable growth amount is determined by the department of education by multiplying the state percent of growth for the budget year by state average cost per square foot for the base year. The total is then multiplied by the number of square feet in buildings of the area school to determine the foundation support for the physical plant maintenance costs for a budget year. The department shall notify the department of management.

2. The physical plant utility function cost for the base year commencing July 1, 1985 for all area schools is determined by dividing the total physical plant utility costs of all area schools for that year by the total cubic feet of buildings of the area schools for that year to achieve a state average cost per cubic foot.

The foundation support level per cubic foot for the physical plant utility cost for the base year beginning July 1, 1985 is sixty-five percent of the state average cost per cubic foot for the base year for that year.

For the budget year beginning July 1, 1986 and succeeding budget years, the foundation support level per cubic foot for the physical plant utility cost for an area school is the foundation support level per cubic foot for the base year plus a physical plant utility allowable growth amount. The allowable growth amount is determined by the department of education by multiplying the state percent of growth for the budget year by the state average cost per cubic foot for the base year. The total is then multiplied by the number of cubic feet in buildings of the area school to determine the foundation support for the physical plant utility cost for a budget year. The department shall notify the department of management.

3. The foundation support for the physical plant maintenance cost added to the foundation support for the physical plant utility cost for a budget year equals the foundation support for the physical plant function for a budget year.

Sec. 152. NEW SECTION. 286A.8 LIBRARY FUNCTION COST.

The library function cost for a base year for an area school is determined by the department of education by multiplying the total of the area school's support for the five instructional cost centers, for the general institutional support function, for the student services function, and for the physical plant function for that year by three and thirty-three hundredths percent, which is the average percent of the area schools' support expended for the library function cost. The department shall notify the department of management.

The foundation support level for the library services function for an area school for a base year is sixty-five percent of the area school's library function cost for that year.

For the budget year beginning July 1, 1986 and each succeeding budget year, the foundation support level for the library function for an area school is the foundation support level for the base year plus a library allowable growth amount. The allowable growth amount is determined by the department of education by multiplying the state percent of growth for the budget year by the state average library function cost for the base year for each area school. The department shall notify the department of management.

Sec. 153. NEW SECTION. 286A.9 AREA SCHOOL MONEYS.

The difference between the amount of an area school's budget and the sum of the amount of state general aid plus the amount raised by the tax levy under section 280A.17 may include

tuition, student fees, revenues received from property tax levies other than the levy established in section 280A.17, federal moneys, and other moneys received by the area school.

Sec. 154. NEW SECTION. 286A.10 EXPENDITURES FOR BASE YEAR.

When an area school determines its total expenditures, expenditures for the student services function, physical plant maintenance costs, physical plant utility costs, and costs per cost center for the base year beginning July 1, 1985 for purposes of determining state general aid under this chapter, the area school shall use the actual costs and expenditures for the first three quarters of the fiscal year and shall estimate the costs of the fourth quarter. When actual costs and expenditures are known, the department of education shall direct the department of management to adjust the support levels for the cost centers and noninstructional functions and the amount of state general aid to be paid for that budget year on the basis of the actual figures.

Sec. 155. NEW SECTION. 286A.11 STATE GENERAL AID AMOUNT.

The amount of state general aid to which an area school is entitled for a budget year under this chapter is equal to the sum of the following:

1. An amount equal to the difference between the total of foundation support levels for the five instructional cost centers and the four noninstructional functions, and the amount raised by the tax levy under section 280A.17.
2. An amount for operation of a public radio station if one has been established for the area school and has been funded by the state. The amount is the amount for operation of the radio station for the base year plus an amount equal to the cost of operation for the base year multiplied by the state percent of growth for the budget year.
3. Fifty thousand dollars if the area school has fewer than one million contact hours. The department of education shall calculate the difference between the amount of state general aid each area school that has fewer than one million contact hours would receive if a foundation support level of seventy percent were used in lieu of the sixty-five percent specified in this chapter and the amount the area school would receive under this chapter. The area school shall receive that difference in lieu of the fifty thousand dollars granted under this subsection if the difference is greater than fifty thousand dollars.

Sec. 156. NEW SECTION. 286A.12 PAYMENT OF APPROPRIATION.

Payment shall be made by the department of revenue and finance in four installments due on or about November 15, February 15, and May 15 of a budget year and on or about August 15 of the next following budget year, and installments shall be as nearly equal as possible, as determined by the department of revenue and finance, taking into consideration the relative budget and cash position of the state resources.

The payment made on or about August 15 of the next following budget year is an account receivable for the budget year.

Sec. 157. NEW SECTION. 286A.13 MISREPRESENTATION OF REQUIRED INFORMATION.

An area school which misrepresents the cost for a cost center or its contact hours shall repay any excess funds received under this chapter.

Sec. 158. NEW SECTION. 286A.14 AREA SCHOOL BUDGET REVIEW.

1. An area school budget review procedure is established for the school budget review committee created in section 442.12. The school budget review committee, in addition to its duties under chapter 442, shall meet and hold hearings each year under this chapter to review unusual circumstances of area schools, either upon the committee's motion or upon the request of an area school. The committee may grant supplemental aid to the area school from funds appropriated to the department of education for area school budget review purposes, or an amount may be added to the area school allowable growth for all cost centers and area school

allowable growth for noninstructional functions for the budget year either on a temporary or permanent basis, or both.

Unusual circumstances shall include but not be limited to the following:

- a. An unusual increase or decrease in enrollment.
- b. Natural disasters.
- c. Unusual staffing problems.
- d. Unusual necessity for additional funds to permit continuance of a course or program which provides substantial benefit to students.
- e. Unusual need for a new course or program which will provide substantial benefit to students, if the area school establishes the need and the amount of necessary increased cost.
- f. Unique problems of area schools to include vandalism, civil disobedience, and other costs incurred by area schools.

2. When the school budget review committee makes a decision under subsection 1, it shall provide written notice of its decision, including all changes, to the board of directors of the area school and to the department of management.

3. All decisions by the school budget review committee under this chapter shall be made in accordance with reasonable and uniform policies which shall be consistent with this chapter.

4. Failure by an area school to provide information or appear before the school budget review committee as requested for the accomplishment of review or hearing constitutes justification for the committee to instruct the department of revenue and finance to withhold state area school aid to that area school until the committee's inquiries are satisfied completely.

Sec. 159. NEW SECTION. 286A.15 INFORMATION FURNISHED BY AREA SCHOOL.

Each area school shall supply to the department of management and the department of education the information required for calculation of the amount of state area school aid due each area school under the state area school funding plan. Forms for reporting information to calculate the state area school aid for a budget year shall be supplied by the department of management to each area school.

Sec. 160. NEW SECTION. 286A.16 RULES.

The department of education shall adopt rules and definitions of terms necessary for the administration of this chapter. The school budget review committee shall adopt rules under chapter 17A to carry out section 286A.14.

Sec. 161. Section 442.13, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 16. The committee shall perform the duties assigned to it under chapter 286A.

Sec. 162. Sections 257.44 and 442.44, Code Supplement 1985, and sections 292.1 and 302.13, Code 1985, are repealed.

Sec. 163. All federal grants to and the federal receipts of agencies appropriated funds under this division of this Act are appropriated for the purposes set forth in such federal grants or receipts.

Sec. 164. Moneys appropriated by this division of this Act, except sections 102 and 103 of this division, shall not be used for capital improvements.

DIVISION III HEALTH AND HUMAN RIGHTS

Sec. 201. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986, and ending June 30, 1987, the following amount, or so much thereof as is

necessary, to be used by the following agency for the purposes designated:

1986-1987
Fiscal Year

1. IOWA STATE CIVIL RIGHTS COMMISSION

For salaries and support of not more than twenty-four full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 762,129

Sec. 202. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

For salaries and support of not more than four full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 116,171

2. SPANISH-SPEAKING PEOPLE DIVISION

For salaries and support of not more than one full-time equivalent position annually, maintenance, and miscellaneous purposes \$ 43,316

3. PERSONS WITH DISABILITIES DIVISION

For salaries and support of not more than three full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 96,531

4. STATUS OF WOMEN DIVISION

For salaries and support of not more than two and eight-tenths full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 93,937

5. CHILDREN, YOUTH, AND FAMILIES DIVISION

For salaries and support of not more than two full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 68,001

It is the intent of the general assembly that the children, youth, and families division be terminated June 30, 1988.

6. DEAF SERVICES DIVISION

For salaries and support of not more than eight and twenty-six hundredths full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 215,766

Sec. 203. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1986-1987
Fiscal Year

1. For salaries and support of not more than twenty-nine and five-tenths full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 245,601

2. For the administration of area agencies on aging \$ 114,248

3. For the retired Iowans community employment program \$ 104,865

4. For the older Iowans legislature \$ 12,953

5. For the retired seniors volunteer program \$ 14,278

All of the funds appropriated under subsection 5 shall be divided equally among the programs in existence as of July 1, 1986 and shall not be used by the department for administrative purposes.

6. For the Alzheimer's disease support program \$ 70,000

All funds appropriated under subsection 6 shall be used for training and education programs for families serving as caregivers for Alzheimer's disease victims and shall not be used for administrative purposes.

7. For elderly services programs \$ 777,195

All funds appropriated under this subsection shall be received and disbursed by the director of elder affairs for the elderly services program, shall not be used for administrative purposes,

and shall be used for citizens of Iowa over sixty-five years of age for chore, telephone reassurance, adult day care, and home repair services, including the winterizing of homes, and for the construction of entrance ramps which meet the requirements of section 104A.4 and make residences accessible to the physically handicapped. Funds appropriated under this subsection may be used to supplement federal funds under federal regulations. Funds appropriated under this subsection may be used for elderly services not specifically enumerated in this subsection only if approved by an area agency for provision of the service within the area.

Sec. 204. There is appropriated from the general fund of the state to the state department of public health for the fiscal year beginning July 1, 1986, and ending June 30, 1987, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

| | 1986-1987 Fiscal Year |
|--|--------------------------|
| 1. CENTRAL ADMINISTRATION DIVISION | |
| For salaries and support of not more than fifty-three and three-tenths full-time equivalent positions annually, maintenance, and miscellaneous purposes | \$ 731,771 |
| 2. HEALTH PLANNING AND DEVELOPMENT DIVISION | |
| For salaries and support of not more than fifteen equivalent positions annually, maintenance, and miscellaneous purposes | \$ 179,411 |
| 3. DISEASE PREVENTION DIVISION | |
| For salaries and support of not more than fifty-four and six-tenths full-time equivalent positions annually, maintenance, and miscellaneous purposes | \$ 1,092,967 |
| 4. PROFESSIONAL LICENSURE | |
| For salaries and support of not more than twelve full-time equivalent positions annually, maintenance, and miscellaneous purposes | \$ 412,745 |
| 5. STATE BOARD OF DENTAL EXAMINERS | |
| For salaries and support of not more than two full-time equivalent positions annually, maintenance, and miscellaneous purposes | \$ 96,093 |
| 6. STATE BOARD OF MEDICAL EXAMINERS | |
| For salaries and support of not more than fourteen full-time equivalent positions annually, maintenance, and miscellaneous purposes | \$ 574,876 |
| 7. STATE BOARD OF NURSING EXAMINERS | |
| For salaries and support of not more than sixteen full-time time* equivalent positions annually, maintenance, and miscellaneous purposes | \$ 506,774 |
| 8. STATE BOARD OF PHARMACY EXAMINERS | |
| For salaries and support of not more than ten full-time equivalent positions annually, maintenance, and miscellaneous purposes | \$ 323,019 |
| Professional licensure pursuant to subsection 4 and the boards pursuant to subsections 5 through 8 shall prepare estimates of projected receipts to be generated by the licensing, certification, and examination fees of each board as well as a projection of the fairly apportioned administrative costs and rental expenses attributable to each board. Each board shall annually review and adjust its schedule of fees so that, as nearly as possible, projected receipts equal projected costs. | |
| 9. PERSONAL AND FAMILY HEALTH DIVISION | |
| a. For salaries and support of not more than forty-six full-time equivalent positions annually, maintenance, and miscellaneous purposes | \$ 1,510,018 |
| The department shall allocate from the funds appropriated under this paragraph at least six hundred thousand nine hundred forty-four (600,944) dollars for the fiscal year beginning July 1, 1986, and ending June 30, 1987, for the birth defects and genetics counseling program and of | |

*According to enrolled Act

these funds, thirty-nine thousand six hundred (39,600) dollars shall be allocated for a central birth defects registry program.

Of the funds appropriated in this paragraph, the following amounts shall be allocated to the university of Iowa hospitals and clinics under the control of the state board of regents for the following programs under the Iowa specialized child health care services:

- (1) Mobile and regional child health specialty clinics \$ 308,411
- (2) Muscular dystrophy and related genetic disease programs \$ 125,322
- (3) Statewide perinatal program \$ 41,635

The birth defects and genetic counseling service shall apply a sliding fee scale to determine the amount a person receiving the services is required to pay for the services. These fees shall be considered repayment receipts and used for the program.

Of the funds allocated to the mobile and regional child health speciality clinics under subparagraph 1 of this paragraph, sixty-eight thousand five hundred thirty-six (68,536) dollars shall be used for a specialized medical home care program providing care planning and coordination of community support services for children who require technical medical care in the home.

The university of Iowa hospitals and clinics shall not receive indirect costs from the funds for each program.

The department of public health shall administer the statewide maternal and child health program and the crippled children's program by conducting mobile and regional child health specialty clinics and conducting other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential handicapping conditions and chronic illnesses in accordance with the requirements of Title V of the Social Security Act.

b. Sexual abuse investigations.

- For medical procedures required by section 709.10 \$ 55,014

c. Sudden infant death syndrome autopsies.

- For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section 331.802, subsection 3, paragraph "j" \$ 14,278

10. COMMUNITY HEALTH DIVISION

- a. For salaries and support of not more than thirty-one and ninety-nine hundredths full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 1,562,508

The department shall allocate from the funds appropriated under this lettered paragraph eight hundred ninety-five thousand forty-one (895,041) dollars for the fiscal year beginning July 1, 1986, for the chronic renal disease program. The types of assistance to eligible recipients under the program may include hospital and medical expenses, home dialysis supplies, insurance premiums, travel expenses, prescription and nonprescription drugs, and lodging expenses for persons in training. The program expenditures shall not exceed these allocations. If projected expenditures will exceed the allocations, the department shall establish by administrative rule a mechanism to reduce financial assistance under the renal disease program in order to keep expenditures within the allocations.

- b. For grants to local boards of health for the public health nursing program \$ 2,101,259

Funds appropriated under this paragraph shall be used to maintain and expand the existing public health nursing program for elderly and low-income persons with the objective of preventing or reducing inappropriate institutionalization. The funds shall not be used for any other purpose. As used in this paragraph, "elderly person" means a person who is sixty years of age or older and "low-income person" means a person whose income and resources are below the guidelines established by the department.

One-fourth of the total amount to be allocated shall be divided so that an equal amount is available for use in each county in the state. Three-fourths of the total amount to be allocated shall be divided so that the share available for use in each county is proportionate to the number of elderly and low-income persons living in that county in relation to the total number of elderly and low-income persons living in the state.

In order to receive allocations under this paragraph, the local board of health having jurisdiction shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of expanded public health nursing care to elderly and low-income persons in the jurisdiction. After approval of the proposal by the department, the department shall enter into a contract with the local board of health. The local board of health shall subcontract with a nonprofit nurses' association, an independent nonprofit agency, or a suitable local governmental body to use the allocated funds to provide public health nursing care. Local boards of health shall make an effort to subcontract with agencies that are currently providing services to prevent duplication of services.

If by July 30 of each fiscal year, the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this paragraph an unallocated pool. If the unallocated pool is fifty thousand dollars or more it shall be reallocated to the counties in substantially the same manner as the original allocations. The reallocated funds are available for use in those counties during the period beginning January 1 and ending June 30 of each fiscal year. If the unallocated pool is less than fifty thousand dollars, the department may allocate it to counties with demonstrated special needs for public health nursing.

The department shall maintain rules governing the expenditure of funds appropriated by paragraph "b". The rules require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the care.

The department shall annually evaluate the success of the public health nursing program. The evaluation shall include the extent to which the program reduced or prevented inappropriate institutionalization, the extent to which the program increased the availability of public health nursing care to elderly and low-income persons, and the extent of public health nursing care provided to elderly and low-income persons. The department shall submit a report of each annual evaluation to the governor and the general assembly.

c. For grants to county boards of supervisors for the homemaker-home health aide program \$ 7,033,669

Funds appropriated under this paragraph shall be used to provide homemaker-home health aide services with emphasis on services to elderly and persons below the poverty level and children and adults in need of protective services with the objective of preventing or reducing inappropriate institutionalization. In addition, up to fifteen percent of the funds appropriated under this paragraph may be used to provide chore services. The funds shall not be used for any other purposes. As used in this paragraph:

(1) "Chore services" means services provided to individuals or families, who, due to absence, incapacity, or illness, are unable to perform certain home maintenance functions. The services include but are not limited to yard work such as mowing lawns, raking leaves, and shoveling walks; window and door maintenance such as hanging screen windows and doors, replacing window panes, and washing windows; and minor repairs to walls, floors, stairs, railings, and handles. It also includes heavy house cleaning which includes cleaning attics or basements to remove fire hazards, moving heavy furniture, extensive wall washing, floor care or painting, and trash removal.

(2) "Elderly person" means a person who is sixty years of age or older.

(3) "Homemaker-home health aide services" means services intended to enhance the capacity of household members to attain or maintain the independence of the household members and provided by trained and supervised workers to individuals or families, who, due to the absence, incapacity, or limitations of the usual homemaker, are experiencing stress or crisis. The services include but are not limited to essential shopping, housekeeping, meal

preparation, child care, respite care, money management and consumer education, family management, personal services, transportation and providing information, assistance, and household management.

(4) "Low-income person" means a person whose income and resources are below the guidelines established by the department.

(5) "Protective services" means those homemaker-home health aide services intended to stabilize a child's or an adult's residential environment and relationships with relatives, caretakers, and other persons or household members in order to alleviate a situation involving abuse or neglect or to otherwise protect the child or adult from a threat of abuse or neglect.

The amount appropriated under this paragraph shall be allocated for use in the counties of the state. Fifteen percent of the amount shall be divided so that an equal amount is available for use in each county in the state. The following percentages of the remaining amount shall be allocated to each county according to that county's proportion of residents with the following demographic characteristics: sixty percent according to the number of elderly persons living in the county; twenty percent according to the number of persons below the poverty level living in the county; and twenty percent according to the number of substantiated cases of child abuse in the county during the three most recent fiscal years for which data is available.

In order to receive allocations under this paragraph, the county board of supervisors, after consultation with the local boards of health, county board of social welfare, area agency on aging advisory council, local office of the department of human services, and other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of expanded homemaker-home health aide services to elderly and low-income persons and children and adults in need of protective services in the jurisdiction. The proposal may provide that a maximum of fifteen percent of the allocated funds will be used to provide chore services. The proposal shall include a statement assuring that children and adults in need of protective services are given priority for homemaker-home health aide services and that the appropriate local agencies have participated in the planning for the proposal. After approval of the proposal by the department, the department shall enter into a contract with the county board of supervisors or a governmental body designated by the county board of supervisors. The county board of supervisors or its designee shall subcontract with a nonprofit nurses' association, an independent nonprofit agency, the department of human services, or a suitable local governmental body to use the allocated funds to provide homemaker-home health aide services and chore services providing that the subcontract requires any service provided away from the home to be documented in a report available for review by the department.

If by July 30 of each fiscal year, the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this paragraph an unallocated pool. The department shall also identify any allocated funds which the counties do not anticipate spending during each fiscal year. If the anticipated excess funds to any county are substantial, the department and the county may agree to return those excess funds, if the funds are other than program revenues, to the department, and if returned, the department shall consider the returned funds a part of the unallocated pool. The department shall prior to February 15 of each fiscal year, reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this paragraph. The department shall also review the first ten months' expenditures for each county in May of each year, to determine if any counties have contracted funds which they do not anticipate spending. If such funds are identified and the county agrees to release the funds, the released funds will be considered a new reallocation pool. The department may, prior to June 1 of each year, reallocate funds from this new reallocation pool to those counties which have experienced a high utilization of protective service hours for children and dependent adults.

The department shall maintain rules governing the expenditure of funds appropriated by this paragraph. The rules require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the services and shall require the payments to be applied to the cost of the services. The department shall also maintain rules for standards regarding training, supervision, recordkeeping, appeals, program evaluation, cost analysis, and financial audits, and rules specifying reporting requirements.

The department shall annually evaluate the success of the homemaker-home health aide program. The evaluation shall include a description of the program and its implementation, the extent of local participation, the extent to which the program reduced or prevented inappropriate institutionalization, the extent to which the program provided or increased the availability of homemaker-home health aide services to elderly and low-income persons and children and adults in need of protective services, any problems and recommendations concerning the program, and an analysis of the costs of services across the state. The department shall submit a report of the annual evaluation to the governor and the general assembly.

d. For the development and maintenance of well-elderly clinics in the state . . . \$ 205,957

11. SUBSTANCE ABUSE DIVISION

a. For salaries and support of not more than fifteen full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 503,917

b. For program grants \$ 6,772,423

Sec. 205. The licensing boards for which general fund appropriations have been provided for in section 204, subsections 4, 5, 6, 7, and 8 of this Act may expend additional funds, if those additional expenditures are directly the cause of actual examination expenses exceeding funds budgeted for examinations. Before a licensing board included in section 204, subsections 4, 5, 6, 7, and 8 of this Act expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the office of management shall approve the expenditure or encumbrance. Before approval is given, the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the board and the board does not have other funds from which examination expenses can be paid. Upon approval of the department of management the licensing board may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected as fees from additional examination applicants and shall be treated as repayment receipts as defined in section 8.2, subsection 5.

Sec. 206. It is the intent of the general assembly that the department of inspections and appeals initiate a demonstration waiver project to encourage the development of residential care facilities, which serve persons with mental retardation, chronic mental illness, and other developmental disabilities, which have five or fewer residents for persons specified in section 225C.26. The project shall be exempt from section 135.63 through June 30, 1988.

A provider may apply for a demonstration waiver from the department. Before the waiver is granted, the provider shall meet all of the requirements:

1. Compliance with program requirements pursuant to chapter 135C and administrative rules relating to residential care facilities adopted by the state board of health or standards adopted by the accreditation council for services for persons with mental retardation and other developmental disabilities. The program shall emphasize age appropriate and least restrictive programs.

2. The proposed facility shall be housing located in areas zoned for single or multiple-family housing, shall have been constructed after 1950, shall meet local housing codes and fire safety requirements in accordance with minimum procedures and subsequent rules promulgated by the state fire marshal that are in accordance with the concepts of least restriction and the applicable sections of the appendix of chapter 21 of the national fire protection association, fire safety code of 1985.

3. The proposed facility shall have appropriate accessibility for the disabilities of the proposed residents.

4. Written plans shall demonstrate that the proposed facility meets the needs of the proposed residents pursuant to individual program plans meeting age appropriate and least restrictive program requirements.

5. Written plans shall demonstrate that proposed residents will have reasonable access to employment or job-related training, education, generic community resources, and integrated opportunities to promote community interaction.

The director of the department of inspections and appeals shall appoint a temporary waiver committee not to exceed nine members, to provide monitoring of program progress and initial project approval recommendations which are subject to final approval by the director. The committee shall include but not be limited to representatives from the following interested organizations, designated by the respective organizations and appointed by the director: the association for retarded citizens of Iowa, the Iowa association of rehabilitation and residential facilities, the developmental disabilities council, the mental health and mental retardation commission of the department of human services, the mental health association of Iowa, and the Iowa state association of counties. The state fire marshal or the fire marshal's designee shall also be a member of the committee.

The housing for persons with mental retardation, chronic mental illness, and other developmental disabilities, developed under the demonstration waiver project pursuant to this section shall be eligible for funding utilized by licensed residential care facilities for the mentally retarded, including but not limited to, the social services block grant funds, state supplementary assistance funds, state community mental health and mental retardation services funds, and county funds.

The allocation of waiver sites shall be based upon equitable distribution within the districts of the department of human services. The total number of waivers approved shall not exceed a capacity for more than two hundred twenty-five residents before July 1, 1987, unless otherwise changed by rules adopted by the state board of health to no more than four hundred by July 1, 1987. Total waiver approval for housing shall not exceed approval for more than a total of eight hundred residents before July 1, 1988.

Prior to July 1, 1988 the waiver committee shall be responsible for recommending the appropriate licensure standards to the state board of health for continuation of the project on and after July 1, 1988.

The waiver committee may recommend to the general assembly the number of full-time equivalent employees needed within the office of the state fire marshal to conduct the health and fire safety inspections of housing developed under the demonstration waiver project pursuant to this section during the fiscal year ending June 30, 1987.

Sec. 207. There is appropriated from the general fund of the state to the department of inspections and appeals for each year of the fiscal biennium beginning July 1, 1986 and ending June 30, 1988, one hundred ten thousand (110,000) dollars, or so much thereof as is necessary, for three full-time equivalent positions specifically designated to provide staff support for the demonstration waiver project.

Sec. 208. All federal grants to and federal receipts of the agencies appropriated funds under this division of this Act are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly. Full-time equivalent positions funded entirely with federal funds are exempt from the limits on the number of full-time equivalent positions provided in this division of this Act, but are approved only for the period of time for which the federal funds are available for the position.

DIVISION IV
HUMAN SERVICES

Sec. 301. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986, and ending June 30, 1987, to the department of human services for general administration, including salaries and support, maintenance, and miscellaneous purposes, the following amount, or so much thereof as is necessary:

1986-1987
Fiscal Year
\$ 5,752,032

The funds appropriated by this section include necessary amounts to continue, for the fiscal year beginning July 1, 1986, the general administration programs relating to staff training, program evaluation, and the purchase-of-local-services allocations to the counties as operated in the fiscal year beginning July 1, 1985.

Sec. 302. FIELD OPERATIONS AND VOLUNTEERS. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986, and ending June 30, 1987, to the department of human services, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1986-1987
Fiscal Year

1. For field operations, including salaries and support, maintenance, and miscellaneous purposes \$ 21,055,632

The funds appropriated by this subsection include necessary amounts to continue, for the fiscal year beginning July 1, 1986, the purchase-of-local-services allocations to the counties and the individual education and training plan program as made and operated in the fiscal year beginning July 1, 1985.

2. For development and coordination of volunteer services \$ 68,000

3. For the support of protective service workers \$ 95,000

Sec. 303. SPECIAL PROGRAMS. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986, and ending June 30, 1987, to the department of human services, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1986-1987
Fiscal Year

1. For aid to families with dependent children \$ 59,000,000

The funds appropriated by this subsection include necessary amounts to continue, for the fiscal year beginning July 1, 1986, the individual education and training plan program as operated in the fiscal year beginning July 1, 1985.

If the state of Minnesota receives approval of its federal waiver request involving self-employed individuals, the department shall analyze the impact of such a waiver request for Iowa's program and report the impact to the general assembly by January 15, 1987. The department shall work with other states in seeking to develop a federal waiver request for self-employed individuals.

2. For medical assistance, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary. Medically necessary abortions are those performed under any of the following conditions:

a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

c. The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

d. The pregnancy is the result of incest which is reported within one hundred fifty days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled \$128,000,000

The funds appropriated by this subsection include necessary amounts to continue, for the fiscal year beginning July 1, 1986, the expanded medically needy program for supplemental security income-related groups as operated in the last quarter of the fiscal year beginning July 1, 1985, and to increase provider reimbursements, for the fiscal year beginning July 1, 1986, for intermediate care facilities above the provider reimbursements for the fiscal year beginning July 1, 1985.

Of the funds appropriated by this subsection, not more than two hundred thousand (200,000) dollars may be transferred to the state department of public health for contingency state assistance for the federal women, infants, and children program in order to allow the state department of public health to fully use available federal funds under the program.

The department may expend up to one hundred twenty thousand (120,000) dollars of the funds appropriated in this subsection to continue the development and implementation of one or more health maintenance organization projects in the fiscal year beginning July 1, 1986.

The department shall explore means to make full use of veterans' benefits for those medical assistance recipients in intermediate care facilities whose current eligibility for veterans' benefits has not been established.

The department shall seek to reduce the utilization of surgical procedures with high coefficients of variation under the medical assistance program. The department may develop special utilization review efforts, physician education programs, or may mandate second opinions for selected surgical procedures in order to reduce utilization rates.

The department may continue to seek a waiver under the authority of 1984 Iowa Acts, chapter 1310, section 3, subsection 2, unnumbered paragraph 2.

If the department receives approval for a program of home and community-based services pursuant to a waiver under Title XIX of the federal Social Security Act, the program shall be funded with the appropriation made by this subsection. A county shall reimburse the department for the cost of services under the program, which is not paid from federal funds, to mentally retarded or mentally ill persons with legal settlement in the county at the same percentage which the county is required to reimburse the state for mentally retarded or mentally ill persons receiving services at state institutions.

The department may seek a grant to study and implement alternative methods to improve financial access to medical care for Iowa's rural underinsured citizens and if approved, may expend up to one hundred fifty thousand (150,000) dollars of the funds appropriated by this subsection to match foundation moneys or private source donations.

The department may expend up to forty thousand (40,000) dollars of the appropriation made under this subsection to expand the state's drug utilization review program.

The department shall seek a federal waiver to eliminate the co-payment requirements for generic drugs.

3. For medical contracts \$ 2,290,000

The department may expend up to sixty-two thousand nine hundred (62,900) dollars of the funds appropriated in this subsection to contract for staff to further develop and implement recommendations contained in the medical assistance reimbursement study required by 1985 Iowa Acts, chapter 259, section 3, subsection 3.

4. For child support recoveries, including salary and support, maintenance, and miscellaneous purposes \$ 950,000

The commissioner of human services, within the limitations of the funds appropriated in this subsection or funds transferred from the aid to families with dependent children program for this purpose, may establish new positions and add additional employees to the child support recovery unit when the commissioner determines that both the current and additional employees together can reasonably be expected to recover for the aid to families with dependent children program and the nonpublic assistance support recovery program more than twice the amount of money required to pay the salaries and support for both the current and additional employees. The department shall demonstrate the cost effectiveness of the current and additional employees by reporting to the human services appropriations subcommittee the ratio of the total amount of administrative costs for child support recoveries to the total amount of the child support recoveries.

5. For state supplementary assistance, including state supplementary assistance for the blind \$ 9,500,000

6. For aid to Indians under section 252.43 \$ 35,000

The tribal council shall not use more than ten percent of the funds for administrative expenses.

7. For home-based services \$ 5,219,000

a. Of the funds appropriated by this subsection, six hundred seventy-two thousand six hundred fifty (672,650) dollars, or so much thereof as is necessary, is allocated for subsidized adoptions, including the purchase of services for severely handicapped children and children in large sibling groups.

b. Of the funds appropriated by this subsection, two hundred ninety-one thousand four hundred fifty (291,450) dollars, or so much thereof as is necessary, is allocated for family planning.

c. Of the funds appropriated by this subsection, four million two hundred fifty-four thousand nine hundred (4,254,900) dollars, or so much thereof as is necessary, is allocated for family centered services.

8. For foster care \$ 24,200,000

a. The department may transfer a portion of the funds appropriated by this subsection for use in providing subsidized adoption services, if funds allocated under subsection 7 are insufficient to provide necessary subsidized adoption services.

b. No more than thirty-five percent of all children in foster care funded under Title IV, part E of the federal Social Security Act shall be in foster care for more than twenty-four months.

c. Of the funds appropriated by this subsection, forty-five thousand (45,000) dollars, or so much thereof as is necessary, is allocated for foster parent training.

d. The department may expend up to five hundred sixty thousand (560,000) dollars, or so much thereof as is necessary, of the funds appropriated by this subsection or subsection 2 to contract for appropriate staff to develop a plan for enhancing federal funding in Title XIX, Title IV-E, third party liability and increased supplemental security income and social security disability insurance participation. The department may begin implementation, if appropriate. The director of human services shall consult with the bill of rights advisory committee, the bill of rights interim study committee and other oversight personnel in the establishment of the contract. The director shall appoint an oversight committee to provide ongoing assistance in the monitoring and oversight of the contract regarding fiscal and programmatic* decisions. The oversight committee shall include but not be limited to representatives of the developmental disabilities council, the association for retarded citizens of Iowa, the Iowa association of rehabilitation and residential facilities, the mental health association of Iowa, and the Iowa state association of counties, all of whom shall be selected from names submitted by their respective organizations. The director shall provide periodic updates on the contract to the legislative council and the fiscal committee of the legislative council and shall provide a progress report making recommendations regarding the contract to the general assembly not later than February 1, 1987.

*According to enrolled Act

e. The department shall review the contract at least quarterly relating to the expenditure of funds appropriated by this subsection. If the department determines that a surplus exists in funds appropriated by this subsection, the department shall use the surplus funds to restore, in whole or in part, the reductions in reimbursement rates made by section 309, subsections 2 and 3, and the department may transfer funds appropriated by this subsection to accomplish the reimbursement rate restorations.

f. Of the funds appropriated by this subsection, the department may expend up to thirty thousand (30,000) dollars to contract with universities to provide ongoing research assistance into programs operated or supervised by the department involving foster care. Such contracts shall make maximum use of any matching resources from the universities with which the department contracts.

9. For community-based programs \$ 2,883,000

a. Of the funds appropriated by this subsection, one hundred twenty thousand (120,000) dollars, or so much thereof as is necessary, is allocated for displaced homemakers.

b. Of the funds appropriated by this subsection, four hundred thirty thousand (430,000) dollars, or so much thereof as is necessary, is allocated for child care center financial assistance.

Notwithstanding section 237A.13, subsection 4, funds unencumbered as of April 30, 1987, shall not be reallocated unless the unencumbered funds reclaimed exceed two thousand dollars.

Notwithstanding section 237A.18, a day care facility is eligible to receive funds if the facility serves some low-income families, even if low-income families served comprise less than a majority of total families served.

c. Of the funds appropriated by this subsection, three hundred fourteen thousand (314,000) dollars, or so much thereof as is necessary, is allocated for the child abuse prevention grant program.

d. Of the funds appropriated by this subsection, two hundred fifteen thousand (215,000) dollars, or so much thereof as is necessary is allocated for domestic abuse program grants.

e. The commissioner of human services shall pay from funds appropriated by this subsection, as the entitled aid from the state under section 232.142, subsection 4, one-half of one percent of the total cost of the establishment, improvements, operation, and maintenance of approved county or multicounty juvenile homes.

f. Of the funds appropriated by this subsection, one hundred thousand (100,000) dollars, or so much thereof as is necessary, is allocated for community-based juvenile services. These funds shall be used to reduce the need for long-term juvenile institutional and group foster care placements, and to encourage home-based treatment programs as alternatives to juvenile institutional care and group foster care. The department shall only approve grants for residential community-based services when such projects are designed to directly reduce the state juvenile institutional population or the number of children being placed in group foster care outside the state.

g. Of the funds appropriated by this subsection, five hundred forty-five thousand (545,000) dollars, or so much thereof as is necessary, is allocated for state cases.

h. Of the funds appropriated by this subsection, one million one hundred thousand (1,100,000) dollars, or so much thereof as is necessary, is allocated for protective day care.

i. Of the funds appropriated by this subsection, fifty thousand (50,000) dollars, or so much thereof as is necessary, is allocated to provide grants for the provision of essential services to children who are at risk of running away and to the children's families.

10. For county-based juvenile justice reimbursement under section 232.141, subsection 4 \$ 2,100,000

Of the funds appropriated by this subsection, fifty thousand (50,000) dollars, or so much thereof as is necessary, is allocated to the judicial department for administrative preparations to reimburse counties for witness, transportation, and attorney fees pursuant to section 232.141 and for the development of plans for the legal representation of children before the juvenile court in each of the judicial districts.

11. To establish and maintain the registry for the brain injured \$ 17,000

12. As a condition of the appropriations made for aid to families with dependent children, medical assistance, state supplementary assistance, and foster care under subsections 1, 2, 5, and 8, the following shall apply:

a. Notwithstanding section 8.39, and except as provided in subsection 2 for the women, infants, and children program, in subsection 4 for child support recoveries, and in subsection 8, paragraph "e" for foster care, funds appropriated for aid to families with dependent children, medical assistance, state supplementary assistance, and foster care shall not be subject to transfer. Department of human services' programs shall not be modified for the purpose of transferring other funds appropriated to the department of human services into the aid to families with dependent children, medical assistance, state supplementary assistance, and foster care accounts.

b. Except as provided in paragraph "c", the director of human services shall not modify programs funded under the aid to families with dependent children, medical assistance, state supplementary assistance, and foster care appropriations in order to meet any projected budget shortfalls, but shall request supplemental appropriations from the general assembly to meet those shortfalls.

c. Notwithstanding the concept of allotments in section 8.31, for the purpose of any across-the-board budget reductions ordered by the governor, the appropriations for the aid to families with dependent children, medical assistance, state supplementary assistance, and foster care shall be deemed to include amounts needed to operate the programs for the entire fiscal year beginning July 1, 1986, under the July 1986 program guidelines and mandated subsequent changes. The across-the-board budget reductions shall be applied to the appropriations, and the estimate of revenues needed to balance the state's budget shall be made so as to operate the July 1, 1986 programs, as modified by mandated changes for the entire fiscal year.

d. Notwithstanding section 8.31, for deficit appropriations, the department shall apply the across-the-board budget reductions to the aid to families with dependent children, medical assistance, state supplementary assistance, and foster care appropriations, and to additional anticipated needs according to the July 1, 1986 guidelines and mandated subsequent changes. For surplus appropriations, the across-the-board budget reductions shall be applied first to the surplus appropriations and then to amounts needed to maintain the July 1, 1986 programs and any mandated subsequent changes.

Sec. 304. JUVENILE AND VETERANS INSTITUTIONS. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986, and ending June 30, 1987, to the department of human services, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

| | 1986-1987 |
|---|--------------------|
| | <u>Fiscal Year</u> |
| 1. For the operation of the state training school and the Iowa juvenile home, including salaries and support, maintenance, and miscellaneous purposes | \$ 7,574,308 |
| 2. For operation of the Iowa veterans home, including salaries and support, maintenance, and miscellaneous purposes | \$ 18,358,486 |

As a condition of this appropriation, the department shall open and staff twenty beds on February 15, 1987 and seventeen additional beds on April 15, 1987 for the care of residents with Alzheimer's disease.

The department may use the gifts accepted by the commissioner of human services pursuant to section 218.96 and other resources available to the department for use at the Iowa veterans home for purposes identified by the department.

Sec. 305. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986, and ending June 30, 1987, to the department of human services, for the state mental health institutes, the following amount, or so much thereof as is necessary:

1986-1987
Fiscal Year

1. For salaries and support, maintenance, and miscellaneous purposes \$ 30,954,794
2. All funds received from client participation shall be deposited in the general fund of the state.

3. The superintendents of the state mental health institutes at Cherokee and Independence, in discharging the duties imposed by section 230.20, shall not include the costs of the psychiatric residency and chaplain intern programs maintained at those institutes in computing the institutes' respective daily charges to patients.

4. A state mental health institute shall not accept physical custody of a child alleged to be a child in need of assistance, on guest status or otherwise, for more than thirty days. A child found to be a child in need of assistance shall not be placed in a state mental health institute or other appropriate secure facility unless the juvenile court finds that the standard for voluntary admission or involuntary commitment in chapter 229 has been met. The finding may be made by the court under section 232.103 at any time prior to the expiration of a dispositional order.

5. The department shall pursue all reasonable courses of action necessary to expand the recruitment and retention of psychiatrists at the state mental health institutions. The department shall aggressively recruit psychiatrists, when necessary by sending department representatives to events and locations where psychiatrists are likely to be recruited and by taking other similar actions which have the likelihood of contributing to the recruitment of psychiatrists. The department shall continue to explore and implement, if necessary, alternative approaches to retaining psychiatrists in the state hospital system, such as special contractual arrangements, expanded staff privileges, or improved educational opportunities for the medical staff.

Sec. 306. HOSPITAL-SCHOOLS. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986, and ending June 30, 1987, to the department of human services, for the state hospital-schools, the following amount, or so much thereof as is necessary:

1986-1987
Fiscal Year

1. For salaries and support, maintenance, and miscellaneous purposes \$ 46,969,633
2. All funds received from client participation shall be deposited in the general fund of the state.

3. The state hospital-schools' per-patient-per-day cost as determined pursuant to section 222.73 shall be billed at eighty percent for the fiscal year, except as otherwise provided by subsection 4.

4. If more than twenty percent of the cost of a patient's care is initially paid from any source other than state-appropriated funds, the amount so paid shall be subtracted from the per-patient-per-day cost of that patient's care computed pursuant to section 222.73 and the patient's county of legal settlement shall be billed for the full balance of the cost so computed.

5. In the calculation of per diem rates, charges assessed to the county shall be credited with one hundred percent of client participation for eligible medical assistance patients at the state hospital-schools.

Sec. 307. MENTAL HEALTH AND RETARDATION SERVICES FUND. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986, and

ending June 30, 1987, to the state community mental health and mental retardation services fund established in section 225C.7, the following amount, or so much thereof as is necessary:

| | |
|--|--------------------|
| | 1986-1987 |
| | <u>Fiscal Year</u> |
| | \$ 3,333,000 |

1. Notwithstanding section 225C.10, subsection 2, paragraph "a", subparagraph (1), counties shall indicate in their annual plan that general allocation moneys will be expended in accordance with administrative rules adopted by the mental health and mental retardation commission and will not be used for major maintenance or capital expenditure projects.

2. Notwithstanding section 225C.10, subsection 3, counties shall submit annual rather than quarterly financial and plan status reports. The annual reports shall include the services funded; the amounts expended by service and by agency; a description of the use of the funds; and the number of persons or units of service provided.

Sec. 308. BLOCK GRANT SUPPLEMENTATION. There is appropriated from the general fund of this state for the fiscal year beginning July 1, 1986, and ending June 30, 1987, to the department of human services for supplementation of federal social services block grant funds and for allocation to the various counties for the purchase of local services and child day care services for eligible individuals, the following amount, or so much thereof as is necessary:

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| | 1986-1987 |
| | <u>Fiscal Year</u> |
| | \$ 3,180,000 |

The funds appropriated by this section shall be allocated to the counties pursuant to the rules of the department in effect on January 1, 1985. The department shall increase the income guidelines for income eligible persons receiving services funded with federal social services block grant funds for the fiscal year beginning July 1, 1986 by the same percentage and at the same time as federal social security benefits are increased due to a recognized increase in the cost of living.

Of the funds appropriated by this section, two million six hundred ninety thousand (2,690,000) dollars shall be earmarked for the purchase of local services and four hundred ninety thousand (490,000) dollars shall be earmarked for child day care services.

A county may use up to four percent of the federal social services block grant funds and the state purchase of local services funds for the purchase of child day care services without matching the federal and state funds with local funds.

The department shall not require counties to match the state child day care services funds with local funds but shall require that the counties allocate local funds for child day care services in an amount at least equal to the county expenditures for child day care services in the fiscal year ending June 30, 1983. The department shall reallocate state child day care services funds from counties which do not qualify for or do not utilize the funds to counties which do qualify for the funds.

If the department determines that funds earmarked under this section for child day care services will not be fully expended, the department may increase the income guidelines in order to provide for the expenditure of all funds earmarked under this section for child day care services.

The department may develop and implement a pilot project establishing a prospective payment system for purchase of service providers in no more than two departmental districts.

Sec. 309. REIMBURSEMENT RATES.

1. Except as provided in paragraphs "a", "b", "c", "d", and "e", and except for medical assistance services provided to recipients in state mental health institutes and the veterans home, rural health clinic services, intermediate care facilities services for the mentally retarded, and the material costs of products which are reimbursed at the acquisition cost, the reimbursement and per diem rates for medical assistance providers for the fiscal year beginning July 1, 1986, shall be limited to the reimbursement and per diem rates for the providers in effect on June 30, 1985.

a. Medical assistance payments for all mandatory and optional services, except for hospital services, physician services, skilled nursing facility services, intermediate care facility services, intermediate care facility services for the mentally retarded, services provided to recipients in state mental health institutes, rural health clinic services, medical transportation services other than ambulance services, and the material costs of products which are reimbursed at the acquisition cost, shall be reduced by a factor of two and one-half percent.

b. A continued reduction of three and eighty-five hundredths percent shall be applied to medical assistance payments for all mandatory and optional services, except for skilled nursing facility services, intermediate care facility services, intermediate care facility services for the mentally retarded, services provided to recipients in state mental health institutes and the veterans home, rural health clinic services, medical transportation services other than ambulance services, and the material costs of products which are reimbursed at the acquisition cost.

c. For the fiscal year beginning July 1, 1986, the incentive and inflation factors shall be reinstated as in place on July 1, 1985. Beginning July 1, 1986, the basis for establishing the maximum medical assistance rate for intermediate care facilities shall be the fifty-fifth percentile of all facility per diems as calculated from the June 30, 1986, unaudited compilation of financial and statistical reports.

d. Beginning July 1, 1986, the professional fee for pharmacies shall continue to be reduced by five and twenty-one hundredths percent until the department establishes a new reimbursement system for drug products based on estimates of actual acquisition costs. The department shall establish by October 1, 1986, unless disapproved by the United States department of health and human services, a new reimbursement system for drug products based on estimates of actual acquisition costs derived from data obtained from the department's survey of drug product costs and professional fees. The department shall adjust the maximum allowable professional fee to reflect the change in the reimbursement system from average wholesale price reimbursement to actual acquisition cost reimbursement. However, the adjustment in the professional fee shall not exceed the professional fee which represents the seventy-fifth percentile of fees charged to the private paying public by pharmacies in this state. Beginning on the date the new reimbursement system is implemented, the professional fees shall be reduced by three and eighty-five hundredths percent rather than by five and twenty-one hundredths percent.

e. For the fiscal year beginning July 1, 1986, skilled nursing facility payment rates shall be increased by four and three-tenths percent and rural health clinic rates shall be increased in accordance with increases under the federal medicare program, pursuant to Title XVIII of the federal Social Security Act.

2. For the fiscal year beginning July 1, 1986, reimbursement limits for residential care facilities shall remain in effect as established for the fiscal year which began July 1, 1985. For the fiscal year beginning July 1, 1986, state supplementary assistance payments for recipients in residential care facilities and recipients receiving in-home health-related care shall be reduced by a factor of three and eighty-five hundredths percent.

3. For the fiscal year beginning July 1, 1986, maximum rates for providers of social services shall remain in effect as established for the fiscal year which began July 1, 1985. For the fiscal year beginning July 1, 1986, the following purchase-of-service providers, at their own option, shall have either their rates or invoices reduced by the following percentages: state cases, three and eighty-five hundredths percent; protective day care, two and thirty-three hundredths percent; family-centered services, three and eighty-five hundredths percent; family planning, two and fifteen hundredths percent; foster group care, two and seventy hundredths percent; subsidized adoption, two and seventy hundredths percent; foster family care, two and seventy hundredths percent; and local purchase, ninety-three hundredths percent.

Sec. 310. ASSISTANCE TO GAMBLERS. The department shall use funds deposited in the gamblers assistance fund established in section 99E.10 only for programs to assist gamblers. Any unspent funds shall remain in the fund and shall not be transferred or reverted to the general fund.

Sec. 311. EMPLOYEE DAMAGE REIMBURSEMENTS. Notwithstanding the dollar limitation in section 217.23, subsection 2, the department may reimburse an employee under that section an amount up to one hundred fifty dollars for each item damaged or destroyed.

Sec. 312. SLIDING-FEE PAYMENT SCHEDULES FOR CHILDREN'S SERVICES. The department shall study the feasibility of establishing sliding-fee payment schedules for all services provided by the department to children and their families. The payment schedules shall be based on the ability of the children's parents, guardians, or custodians to pay for the services, the nature of the services, and other relevant factors. The department shall report its findings to the general assembly by January 15, 1987. The department may implement by administrative rule during the fiscal year beginning July 1, 1986 one or more sliding-fee payment schedules for services provided to children and their families.

Sec. 313. ADMINISTRATIVE RULES INTERIM STUDY - DEPARTMENT OF HUMAN SERVICES AND DEPARTMENT OF PUBLIC HEALTH. The legislative council shall create an interim study committee to review all the administrative rules of the department of human services and of the department of public health, other than rules relating to substance abuse programs. The committee shall be composed of two senators, one appointed by the majority leader of the senate and one appointed by the minority leader of the senate, two representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives, the administrative rules coordinator, two representatives of the department of human services appointed by the director of the department, two representatives of the department of public health appointed by the director of the department, and representatives of providers and provider groups appointed by the legislative council, which are regulated or reimbursed in some manner by the department of human services or the department of public health. The committee shall identify burdensome and unnecessary administrative rules and shall make recommendations, which would not have a negative impact on departmental clients, concerning the retention, modification, or rescission of the departments' administrative rules.

Sec. 314. RULES. The department of human services may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", relating to subsidized adoption services in section 303, subsection 7, paragraph "a" of this Act, county-based juvenile justice reimbursements in section 303, subsection 10 of this Act, supplementation of federal social services block grant funds in section 308 of this Act, and reimbursements in section 309 of this Act, and the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules.

Sec. 315. NEW SECTION. 225C.22 CENTRAL REGISTRY FOR BRAIN INJURIES.

1. As used in this section, "brain injury" means clinically evident brain damage resulting directly or indirectly from trauma, infection, anoxia, or vascular lesions not primarily related to degenerative or aging processes, which temporarily or permanently impairs a person's physical or cognitive functions.

2. The director shall establish and maintain a central registry of persons with brain injuries in order to facilitate the provision of appropriate rehabilitative services to the persons by the department and other state agencies. Hospitals and attending physicians shall report a brain injury to the director within seven days after identification of the person sustaining a brain injury. The report shall contain the name, age and residence of the person, the date and cause of the brain injury, and additional information as the director requires. The department shall

maintain the confidentiality of all information which would identify any person named in a report. However, the identifying information may be released for bona fide research purposes if the confidentiality of the identifying information is maintained by the researchers, or the identifying information may be released by the person with the brain injury or by the person's guardian or, if the person is a minor, by the person's parent.

Sec. 316. Chapter 252B, Code 1985, is amended by adding the following new sections:

NEW SECTION. 252B.13 COLLECTION SERVICES CENTER.

The department shall establish within the unit a collection services center for the receipt and disbursement of all support payments as defined in section 598.1. The judicial department and the department of human services shall cooperate in the establishment of the center which will receive and disburse support payments.

NEW SECTION. 252B.14 SUPPORT PAYMENTS – CLERK OF COURT – COLLECTION SERVICES CENTER – DEFAULTS – SECURITY.

Sections 252B.13 through 252B.17 apply to all initial or modified orders for support entered under this chapter, chapter 234, 252A, 252C, 675, or any other chapter of the Code. All orders or judgments for support entered on or before March 31, 1987, shall direct the payment of such sums to the clerk of the district court for the use of the person for whom the payments have been awarded. All orders or judgments for support entered on or after April 1, 1987, shall direct the payment of such sums to the collection services center established pursuant to section 252B.13. Payments to persons other than the clerk of the district court and the collection services center do not satisfy the support obligations created by such orders or judgments, except as provided for trusts in sections 252D.1, 598.22, 598.23 or for tax refunds or rebates in section 602.8102, subsection 47.

NEW SECTION. 252B.15 TRANSFER OF INFORMATION AND SUPPORT ORDERS.

The clerks of the district court shall transmit information regarding any order of support which is entered or modified on or after April 1, 1987 and a copy of the support order, if appropriate, to the collection services center no later than ten days after the order is entered. Where possible the transmission of data between the courts and the center shall be accomplished by electronic data transmission. Otherwise the transmission shall be accomplished by the transfer of notices, abstracts of orders and other documents. The form and content of the transmissions shall be prescribed by the department of human services after consultation with the judicial department.

NEW SECTION. 252B.16 CONVERSION – PROCESSING OF SUPPORT PAYMENTS.

For existing orders of support entered before April 1, 1987, which direct the payments of support to the clerk of the district court, the following procedure shall be implemented to convert the processing of those payments to the collection services center on or before April 1, 1988:

1. The department of human services and the judicial department shall establish a mutually agreed effective date, between April 1, 1987 and April 1, 1988, to effectuate the transfer of these functions from each clerk of the district court to the collection services center. The department shall cause to be published in the administrative bulletin a cumulative list of effective dates by county, once agreed upon and determined, which list shall be final and inclusive of all counties on the next date of publication subsequent to April 1, 1988.

2. In addition, for orders of support entered before April 1, 1987, the judicial department or the child support recovery unit shall notify the payee and the obligor that the obligor will be directed to pay future support payments to the collection services center as of the date provided in the notice. The notice to the obligor shall be equivalent of a court order directing the payment of the sums to the collection services center.

3. The notice of the change in the direction of payments shall be sent by ordinary mail to the payee's and the obligor's last known addresses or the persons shall be personally served with the notice in the manner provided for service of an original notice at least fifteen days prior to the date provided in the notice for the redirection of the payments. The notice shall include the following:

- a. The name of the payee and, if different in whole or part, the names of the persons to whom the obligation of support is owed by the obligor.
- b. The name of the obligor.
- c. The amount of the periodic support payment, the due dates of the payments and any arrearages, and
- d. The beginning date for sending payments to the collection services center.

4. Sixty days prior to the mutually agreed effective date in subsection 1, the clerk of the district court shall transfer to the collection services center information regarding all existing orders of support which direct the payment of support to the clerk of the district court. The form and content of the transfer shall be prescribed by the department after consultation with the judicial department but at a minimum shall include the data elements required for the notice in subsection 3.

5. On or after the mutually agreed effective date in subsection 1, but in any event not later than April 1, 1988, any payments received by the clerk of the district court for support or for the satisfaction of arrearages shall be sent by the clerk to the address specified by the collection services center within ten days of receipt of the payments.

NEW SECTION. 252B.17 ADMISSIBILITY AND IDENTIFICATION OF SUPPORT PAYMENT RECORDS.

Copies of support payment records maintained by the collection services center, when certified over the signature of a designated employee of the center, shall be considered to be satisfactorily identified and shall be admitted in any proceeding as prima facie evidence of the transactions. Additional proof of the official character of the person certifying the record or the authenticity of the person's signature shall not be required. Whenever an employee of the collection services center is served with a summons, subpoena, subpoena duces tecum, or order directing that person to produce such records, the employee may comply by transmitting a copy of the payment records certified as described above to the clerk of the district court.

Sec. 317. Section 252D.1, subsection 2, Code Supplement 1985, is amended by striking the subsection.

Sec. 318. NEW SECTION. 252D.6 ADMINISTRATION OF WAGE WITHHOLDING PROCEDURES.

The collection services center, established pursuant to section 252B.13, is designated as the public agency of the state to administer wage withholding in accordance with procedure specified for keeping adequate records to document, track and monitor support payments in accordance with Title IV-D of the United States Social Security Act.

Sec. 319. Section 598.22, unnumbered paragraph 1, Code Supplement 1985, is amended by striking the paragraph and inserting the following:

This section applies to all initial or modified orders for support entered under this chapter, chapter 234, 252A, 252C, 675, or any other chapter of the Code. All orders or judgments for support entered on or before March 31, 1987, shall direct the payment of those sums to the clerk of the district court for the use of the person for whom the payments have been awarded. All orders or judgments for support entered on or after April 1, 1987, shall direct the payment of those sums to the collection services center established pursuant to section 252B.13. Payments to persons other than the clerk of the district court and the collection services center do not satisfy the support obligations created by the orders or judgments, except

as provided for trusts in section 252D.1, 598.23, or this section or for tax refunds or rebates in section 602.8102, subsection 47.

Sec. 320. Section 598.22, unnumbered paragraphs 2, 3, and 4, Code Supplement 1985, are amended to read as follows:

Upon a finding of previous failure to pay child support, the court may order the person obligated for permanent child support to make an assignment of periodic earnings or trust income to the clerk of court or the collection services center established pursuant to section 252B.13 for the use of the person for whom the assignment is ordered. The assignment of earnings ordered by the court shall not exceed the amounts set forth in 15 U.S.C. § 1673(b)(1982). The assignment is binding on the employer, trustee, or other payor of the funds two weeks after service upon that person of notice that the assignment has been made. The payor shall withhold from the earnings or trust income payable to the person obligated the amount specified in the assignment and shall transmit the payments to the clerk or the collection services center, as appropriate. However, for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the payor shall transmit the payments to the alternate payee in accordance with the federal Act. The payor may deduct from each payment a sum not exceeding two dollars as a reimbursement for costs. An employer who dismisses an employee due to the entry of an assignment order commits a simple misdemeanor.

An order or judgment entered by the court for temporary or permanent support or for an assignment shall be filed with the clerk. The orders have the same force and effect as judgments when entered in the judgment docket and lien index and are records open to the public. The clerk or the collection services center, as appropriate, shall disburse the payments received pursuant to the orders or judgments within ten working days of the receipt of the payments. All moneys received or disbursed under this section shall be entered in a record book kept by the clerk, or the collection services center, as appropriate, which shall be open to the public. The clerk or the collection services center shall not enter any moneys paid in the record book if not paid directly to the clerk or the center, as appropriate, except as provided for trusts in section 252D.1, 598.23 or this section or for tax refunds or rebates in section 602.8102, subsection 47.

If the sums ordered to be paid in a support payment order are not paid to the clerk or the collection services center, as appropriate, at the time provided in the order or judgment, the clerk or the collection services center, as appropriate, shall certify a default to the court which may, on its own motion, proceed as provided in section 598.23.

Sec. 321. FEDERAL RECEIPTS. All federal grants to and the federal receipts of the department of human services are appropriated for the purposes set forth in the federal grants or receipts. The veterans per diem payable for veterans at the veterans home and funds received under Title XIX of the federal Social Security Act by the state mental health institutes and state hospital-schools shall be deposited in the general fund.

Sec. 322. CAPITAL EXPENDITURES EXCLUDED. Funds appropriated by this division of this Act shall not be used for capital acquisitions or improvements.

Sec. 323. Section 317 of this Act is effective April 1, 1988.

DIVISION V JUSTICE SYSTEM

Sec. 401. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987, to the department of corrections the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1986-1987
Fiscal Year

1. For operation of adult correctional institutions, including salaries and support, maintenance, and miscellaneous purposes, provided that the director of corrections, in order to keep expenditures from exceeding the amount of funds appropriated by this section, shall declare a prison overcrowding state of emergency in the state's prisons when the population of the prison system exceeds two thousand six hundred forty-five inmates for sixty consecutive days. Upon the declaration of a prison overcrowding state of emergency, the board of parole shall consider all inmates, except for inmates convicted of class "A" felonies, for parole who are within nine months of their tentative discharge date. If the board of parole's actions do not reduce the population of the prison system below two thousand six hundred twenty inmates within ninety days of the date of the declaration of the prison overcrowding state of emergency, the tentative discharge dates of all inmates, whose most serious offenses for which the inmates are currently incarcerated are crimes against property and who are incarcerated in state prisons on the date of the declaration, shall be reduced by ninety days by the director of corrections. However, the tentative discharge date of a prisoner sentenced under section 204.406, 204.413, 902.7, 902.8, or 906.5 shall not be reduced under this section prior to completion of the mandatory minimum sentence required by the section. The director of corrections shall terminate a prison overcrowding state of emergency in the state's prisons when the population of the prison system is reduced below two thousand six hundred twenty inmates. The department shall adopt administrative rules which identify all offenses as either crimes against property or crimes against persons. As used in this section, "prison" means a correctional facility operated by the department of corrections and funded under this section, "prison system" means the prisons of this state which are the Iowa correctional institution for women, the Iowa state men's reformatory, the Iowa state penitentiary, the Iowa medical and classification facility, the north central correctional facility, the Mount Pleasant correctional facility, the Clarinda correctional treatment facility, the correctional release center, and the rehabilitation camps, excluding the Luster Heights honor camp and facilities established under section 402, subsection 2 of this Act for treatment of OWI offenders; and "tentative discharge date" means the date at which an inmate is scheduled for release including good conduct and work time currently received. However, offenders for whom the board of parole has authorized parole, but for whom the director has determined that inadequate parole plans have been formulated, may remain within the correctional institution for a period of ten days following parole authorization or until adequate parole plans have been developed, whichever date is sooner. During this period of time, the offender shall not be included in the list of names used to determine the existence of a prison overcrowding emergency. On and after July 1, 1986, the superintendent shall not admit additional inmates to the medium security facility of the men's reformatory at Anamosa if the inmate population of the men's reformatory equals or exceeds eight hundred and fifty inmates \$ 50,094,227

2. For the planting and care of fruit trees at correctional institutions, the unobligated or unencumbered balance of which shall not revert as provided in section 8.33 \$ 9,973

The department of corrections shall report to the legislative fiscal bureau on a monthly basis the current expenditures of the department's various allocations with a comparison of actual to budgeted expenditures.

Sec. 402. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987, to the department of corrections the following amounts, or so much thereof as is necessary, for the programs as designated:

| | 1986-1987 Fiscal Year |
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| 1. For general administration, including salaries and support, maintenance, and miscellaneous purposes | \$ 1,396,552 |
| 2. For salaries, support, and maintenance related to providing additional residential bed space for use in treating substance abuse problems of persons convicted of violating section 321.281 who are sentenced to the custody of the department of corrections | \$ 833,006 |

The funds appropriated under this subsection shall be allocated and expended for the purpose and subject to the conditions specified in paragraphs "a" through "d".

a. The department of corrections, not later than October 1, 1986, shall establish in each judicial district bed space for the confinement and treatment of offenders convicted of violating section 321.281 (OWI) who are sentenced to the custody of the department of corrections. Prior to establishing any facilities, the department shall solicit bids from all interested parties. It is the intent of the general assembly that OWI offenders who are sentenced to the custody of the department of corrections shall first be assigned to the Iowa medical and classification facility at Oakdale for classification. Notwithstanding any contrary provision of law, the OWI offenders after classification may be assigned to a residential facility operated by any judicial district department of correctional services.

b. The department of corrections shall allocate the funds appropriated under this subsection to the judicial district departments of correctional services upon approval of a written agreement by each judicial district department with the department of corrections. The agreement shall specify the number of beds to be operated, the substance abuse treatment programming to be provided, and whether the beds will be sited in a new facility, in a remodeled existing facility, or in a residential correctional facility currently in use. In developing the allocations, the department of corrections shall pattern the budgets of any new residential facility upon the budgets of existing work release facilities.

c. The department of corrections shall adopt rules concerning standards for the residential facilities offering substance abuse programs for OWI offenders. The department of corrections and the division of substance abuse of the department of public health shall annually review the facilities to ensure compliance with the program standards and licensing standards of the respective state departments. If a facility does not meet these standards, the department of corrections shall follow the process to correct deficiencies or assume administrative control in the same manner as specified in section 905.9.

d. The judicial district departments of correctional services shall offer employment counseling services to OWI offenders who are receiving substance abuse treatment. While in a residential facility operated by a district department, each OWI offender shall be charged a daily fee, but services shall not be denied because of an inability to pay this fee.

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| 3. For salaries, support and maintenance related to the establishment of an alcohol and drug treatment facility, licensed by the division of substance abuse of the department of public health, at a correctional institution chosen by the department of corrections | \$ 63,529 |
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| 4. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 247A.10, 901.7, and 906.17 | \$ 68,298 |
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| 5. For federal prison reimbursement and miscellaneous contracts | \$ 355,720 |
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The department of corrections shall use funds appropriated in this subsection to continue to contract for the services of a Muslim imam.

6. For salaries, support, maintenance, and miscellaneous purposes at the correctional training center at Mount Pleasant \$ 308,557

7. For salaries, support, maintenance, and miscellaneous purposes for jail inspectors as provided in section 356.43 \$ 75,204

Sec. 403. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987, to the department of corrections the sum of sixteen million four hundred ninety-five thousand nine hundred ten (16,495,910) dollars, or so much thereof as is necessary, for preinstitutional and postconviction community-based corrections, halfway houses, and parole services.

Sec. 404. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987, to the board of parole, the sum of four hundred sixty-one thousand seven hundred fifty-nine (461,759) dollars, or so much thereof as is necessary, for salaries, support and miscellaneous purposes.

Sec. 405. There is appropriated from the general fund of the state to the following named agency for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1986-1987
Fiscal Year

DEPARTMENT OF JUSTICE

1. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes \$ 3,001,847

2. In addition to the funds appropriated under subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1986 and ending June 30, 1987, an amount not exceeding ninety-five thousand (95,000) dollars to be used for the enforcement of the Iowa competition law under chapter 553. The expenditure of the funds appropriated under this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to either the expenditures from damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorney fees awarded the state in state or federal antitrust actions.

3. In addition to the funds appropriated under subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1986 and ending June 30, 1987, an amount not exceeding fifty thousand (50,000) dollars to be used for public education relating to consumer fraud and for enforcement of section 714.16. The expenditure of the funds appropriated under this paragraph is contingent upon receipt by the general fund of the state of an amount at least equal to the expenditures from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment, if the judgment authorizes the use of the award for public education on consumer fraud. Funds received in a previous fiscal year which have not been expended shall be credited to this fiscal year.

4. Prosecuting attorney training program for salaries, support, maintenance and miscellaneous purposes which funds shall be used to attract federal and county funding \$ 78,742

5. Prosecuting intern program; however, counties participating in the prosecuting intern program shall match funds appropriated by this paragraph \$ 48,308

6. For payment of grants to dispute resolution programs under the prosecuting attorney training program \$ 50,000

Sec. 406. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987, to the judicial department, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1986-1987
Fiscal Year

COURTS AND ADMINISTRATION

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, court administrator, clerk of the supreme court, district court administrators, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, maintenance, equipment and miscellaneous purposes, including implementation of court reorganization according to provisions of 1983 Iowa Acts, chapter 186, section 10301 \$ 51,445,266

It is the intent of the general assembly that the counties be aware that the state may delay the schedule of state assumption of responsibility for the fiscal year beginning July 1, 1987. If the state is unable to fully assume the 1987-1988 fiscal year component of the court system, the chairpersons of the house and senate committees on appropriations shall notify the supreme court and the counties of this possible delay by no later than February 15, 1987.

Sec. 407. 1985 Iowa Acts, chapter 253, section 2, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. j. The collective bargaining agreements negotiated pursuant to chapter 20 for employees in the bargaining units of the judicial department.

Sec. 408. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amounts, or so much thereof as is necessary, to be used for funding the following functions and programs for the purposes designated:

1986-1987
Fiscal Year

DEPARTMENT OF PUBLIC SAFETY

1. ADMINISTRATIVE FUNCTION

- a. For salaries, support, maintenance, and miscellaneous purposes of the department and the criminal justice information system \$ 1,697,542
- b. For salaries, support, maintenance and miscellaneous purposes relating to radio communication \$ 2,482,592
- c. For salaries, support, maintenance, and miscellaneous purposes of the victim compensation program \$ 40,810

When the department of transportation revokes a person's license or operating privilege under chapter 321B, the department shall assess the person a civil penalty of one hundred dollars. A separate fund is created in the state treasury. The money collected by the department under this paragraph shall be transmitted to the treasurer of state who shall deposit the money in the fund to be used for the purposes of chapter 912. Any balance in this fund on June 30 of any fiscal year exceeding fifty thousand dollars shall revert to the general fund of the state. A temporary restricted license shall not be issued or a license or privilege to drive reinstated until the civil penalty has been paid.

2. INSPECTION FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of fire marshal's inspections, administration of the state building code, arson investigators including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 1,023,634

3. SECURITY FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of the capitol security division \$ 688,452

4. INVESTIGATION FUNCTION

a. For salaries, support, maintenance, and miscellaneous purposes, including lease or lease purchase of laboratory equipment, of the division of criminal investigation containing the bureaus of identification, drug law enforcement, and beer and liquor law enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 4,658,508

b. For undercover purchases by the division of criminal investigation agents and local law enforcement agents \$ 189,816

c. For salaries, support, maintenance, and miscellaneous purposes for the employment of pari-mutuel law enforcement agents, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 220,186

It is the intent of the general assembly that the division of criminal investigation of the department of public safety shall not purchase more than five motor vehicles of the same make or model based upon specifications submitted by the department.

An employee of the department of public safety or the department of natural resources or their successor agencies who retires after the effective date of this Act is eligible for payment of life or health insurance premiums as provided for in the collective bargaining agreement covering the public safety bargaining unit at the time of retirement if that employee previously served in a position which would have been covered by that agreement. The employee shall be given credit for the service in that prior position as though it was covered by that agreement. This section shall not operate to reduce any retirement benefits an employee may have earned under other collective bargaining agreements or retirement programs.

5. STATE MEDICAL EXAMINER

For salaries, support, maintenance, and miscellaneous purposes \$ 28,473

If the department of public safety uses funds appropriated for one purpose for other purposes within the scope of the department as provided in section 8.39, the department shall notify, at least two weeks prior to the transfer, in addition to those persons provided in section 8.39, each of the members of the justice system appropriations subcommittees of the senate and house of representatives regarding the transfer.

Sec. 409. There is appropriated from the road use tax fund to the department of public safety for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amount, or so much thereof as is necessary, to be used as follows:

DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE

1. For salaries, support, maintenance, and miscellaneous purposes including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated and for funding not to exceed fourteen community service officers, one in each state patrol district, and a statewide coordinator, provided that an amount not to exceed twenty thousand dollars shall be spent upon expenses related to administering federal funds for highway safety, and provided that the governor authorizes the commissioner of public safety, pursuant to section 7.15, to accept and expend funds provided by any Act of Congress for highway safety, and designates the department of public safety to administer these funds \$ 17,174,415

However, the unfunded liability of the peace officers' retirement, accident, and disability system, as of July 1, 1986, shall not be considered a liability of the road use tax fund.

2. In addition to the complement of not to exceed four hundred ten persons, not more than eight additional persons shall be appointed to serve as members of the highway safety patrol

for the period beginning July 1, 1986 and ending June 30, 1987, subject to available federal funding. The additional members of the highway safety patrol appointed to serve under this subsection shall be totally funded through the use of federal funds.

Sec. 410. There is appropriated from the road use tax fund to the department of public safety for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of one million one hundred three thousand seven hundred (1,103,700) dollars, or so much thereof as is necessary, to be distributed to supplement other funds appropriated by the general assembly to the division of highway safety and uniformed force to fund the annual pay adjustments, expense reimbursement and benefits not in conflict with the Code for public officials and employees as authorized by 1985 Iowa Acts, chapter 253.

Sec. 411. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of six hundred seventy-two thousand two hundred forty-two (672,242) dollars, or so much thereof as is necessary, for salaries, support, maintenance, and miscellaneous purposes.

Notwithstanding section 80B.11, subsection 5, during the fiscal year beginning July 1, 1986, not more than one-half of the cost of providing cognitive and psychological examinations of law enforcement officer candidates may be charged to the candidates taking the examinations by the Iowa law enforcement academy. However, no charge shall be made to officer candidates being tested on behalf of state agencies.

The Iowa law enforcement academy may also charge each law enforcement officer not more than one-half of the cost of providing the ten-week course which is designed to meet the minimum basic training requirements for a law enforcement officer. However, a charge shall not be made to officers employed by state agencies.

Sec. 412. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of twenty-three thousand five hundred eighty-six (23,586) dollars, or so much thereof as is necessary, for jailer training and technical assistance.

Sec. 413. There is appropriated from the general fund of the state to the department of justice two hundred fifty thousand (250,000) dollars for the fiscal year beginning July 1, 1986 and ending June 30, 1987, for the legal assistance for farmers program administered by the farm crisis program coordinator. The amounts appropriated under this section are not subject to section 8.33.

Sec. 414. There is appropriated from the general fund of the state to the department of justice the sum of one hundred thousand (100,000) dollars for the fiscal year beginning July 1, 1986 and ending June 30, 1987, for the administrative costs of the farm mediation service administered by the farm crisis program coordinator. The amounts appropriated under this section are not subject to section 8.33.

Sec. 415. 1985 Iowa Acts, chapter 254, section 1, subsection 2, paragraph b, is amended to read as follows:

| | | |
|---|----|------------------|
| b. For the fiscal year beginning July 1, 1986 | \$ | 807,300 |
| | | <u>1,187,188</u> |

Sec. 416. 1985 Iowa Acts, chapter 254, section 1, subsection 3, paragraph b, is amended by striking paragraph b.

Sec. 417. All federal grants to and the federal receipts of agencies appropriated funds under this division of this Act are appropriated for the purposes set forth in such federal grants or receipts.

DIVISION VI
NATURAL RESOURCES

Sec. 501. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. There is appropriated from the general fund of the state and the trust funds indicated to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

Table with 2 columns: Description and 1986-1987 Fiscal Year. Rows include: 1. GENERAL ADMINISTRATION, a. From the general fund for salaries, support, maintenance, and miscellaneous purposes \$ 1,385,409, b. From the fertilizer fund to be transferred to the administration division \$ 43,387, c. From the dairy trade practice fund to be transferred to the administration division \$ 73,614, d. From the commercial feed fund to be transferred to the administration division \$ 43,387, e. Of the amount appropriated from the general fund of the state under paragraph "a" of this subsection, three hundred forty thousand nine hundred sixty-six (340,966) dollars shall be allocated to the horticultural division for the following purposes:

(1) Farmers market development program
For salaries, support, maintenance, and miscellaneous purposes \$ 95,490
It is the intent of this appropriation that the position of farmers market manager, who would work on organizing, developing, and operating a full-time metropolitan farmers market in Iowa, and the position of farmers market specialist, who would provide assistance in areas around the state which desire to upgrade or develop a local farmers market, be established, and that support staff be provided for the program. These funds may be utilized to obtain matching federal grants.

(2) Centralized facilities development program
For salaries, support, maintenance, and miscellaneous purposes \$ 99,995
It is the intent of this appropriation that two agricultural economic development specialist positions, who would work within the community structure in developing and coordinating the overall local centralized facilities plan, assist in pulling together financing mechanisms for the capital investments necessary for centralized facility development, and work with localized grower groups to establish and expand their markets, be established, and that support staff be provided for the program. These funds may be utilized to obtain matching federal grants.

(3) Electronic marketing program
For salaries, support, maintenance, and miscellaneous purposes \$ 44,872
It is the intent of this appropriation that the position of horticultural market specialist be retained and the program continued and expanded to develop working relationships with contacts at regional terminal markets, to integrate in-state market trading prices, to develop hookups at centralized marketing facilities within Iowa, and to update and expand the existing data base on buyers, growers, and market prices. These funds may be utilized to obtain matching federal grants.

(4) Alternative agricultural products market evaluation program

For salaries, support, maintenance, and miscellaneous purposes \$ 50,606

It is the intent of this appropriation that the position of agricultural diversification administrator be maintained and that the administrator shall work with other departments of agriculture, other state departments, universities, and individual entrepreneurs in order to identify market outlets, market demand, and potential areas for future economic growth, and to identify constraints that need to be overcome in order for Iowa producers to participate in the market. These funds may be utilized to obtain matching federal grants.

(5) Marketing promotions program

For salaries, support, maintenance, and miscellaneous purposes \$ 50,003

It is the intent of this appropriation that the division work with other state departments, and with businesses and producers on promotional and consumer awareness activities, encouraging the purchase of Iowa grown products encompassed in the agricultural diversification program. These funds may be utilized to obtain matching federal grants.

f. The department of agriculture and land stewardship shall establish annual subscription fees for the regular and periodic publications of the department. Fees collected from subscribers shall be deposited in the general fund of the state.

It is the intent of the general assembly that the department of agriculture and land stewardship continue the agricultural diversification program.

2. REGULATORY DIVISION

From the general fund for salaries, support, maintenance, and miscellaneous purposes \$ 3,420,635

3. INDEMNITY FUND AND ESCROW.

From the general fund of the state as an advance for administration of the indemnity fund and escrow provision created by the 1986 Iowa Acts, Senate File 2116, for not more than five full-time equivalent positions \$ 100,000

It is a condition of the funds appropriated by this subsection that the general fund be reimbursed from the interest accruing to the indemnity fund, no later than June 30, 1987, for the advance made by this subsection. Notwithstanding 1986 Iowa Acts, Senate File 2116, section 33, only interest accruing to the indemnity fund may be used for administration costs of the indemnity fund. In addition, interest accruing to the indemnity fund may be used for the expenses of administration of the escrow provision, subject to the approval of the Iowa grain indemnity fund board, notwithstanding 1986 Iowa Acts, Senate File 2116, section 33.

4. LABORATORY DIVISION

a. From the general fund for salaries, support, maintenance, and miscellaneous purposes \$ 553,674

b. From the commercial feed fund to be transferred to the laboratory division \$ 726,814

c. From the pesticide fund to be transferred to the laboratory division \$ 440,317

d. From the fertilizer fund to be transferred to the laboratory division \$ 774,371

5. FARM COMMODITY DIVISION

From the general fund for salaries, support, maintenance and miscellaneous purposes \$ 229,628

Sec. 502. MULTIFLORA ROSE ERADICATION COST REIMBURSEMENT.

1. There is appropriated from the general fund of the state to the state department of agriculture and land stewardship for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of sixty thousand (60,000) dollars, or as much thereof as may be necessary, to be used for the purpose of partially reimbursing agricultural landowners or tenants for the cost of herbicide for controlling or eradicating the multiflora rose which has severely infested their agricultural land. Not more than five percent of the funds appropriated under this subsection shall be used for administrative expenses.

2. A county board of supervisors desiring a share of the appropriation shall, in conjunction with the county weed commissioner and the county soil conservation district commissioners, develop a plan to combat severe infestations of multiflora rose on privately owned land within the county. The plan shall be based upon partial reimbursement of individual landowner's costs for the purchase of herbicide from both state and county appropriations; however, the share of costs reimbursed by state funds shall not exceed one-fourth. The plan shall be submitted to the secretary of agriculture for approval or recommendations for modification.

3. A landowner or tenant whose agricultural land is severely infested by multiflora roses may apply to the soil conservation district commissioners of the county for partial reimbursement, according to the approved plan, of the cost of herbicide for controlling or eradicating the multiflora rose on the agricultural land. The county weed commissioner shall assist the soil conservation district commissioners in investigating the application and determining if the infestation is severe. The soil conservation district commissioners shall review and approve each application for partial cost reimbursement if the infestation is severe on the applicant's agricultural land. If the soil conservation district commissioners find the amount of reimbursement claimed to be excessive, the district commissioners may approve a lesser amount. The reasons for disapproval of an application or reduction of the amount of reimbursement shall be sent in writing to the applicant. The amount of reimbursement certified by the secretary shall be paid by warrant issued by the director of revenue and finance.

4. Federal lands and federal land tenants are not eligible for reimbursement under this section.

Sec. 503. There is appropriated to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1986 and ending June 30, 1987 from the funds available under section 99D.13 the sum of seventy-eight thousand one hundred seventy-five (78,175) dollars, or as much thereof as necessary, for volunteer assistance and not more than two full-time equivalent positions for the administration of section 99D.22.

Sec. 504. SOIL CONSERVATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

| | 1986-1987 Fiscal Year |
|--|--------------------------|
| 1. For salaries, support, maintenance, assistance to soil conservation districts, and for miscellaneous purposes | \$ 3,385,315 |

It is the intent of the general assembly that if full-time equivalent positions must be reduced, the department shall first consider staff reductions in the central office.

2. For soil conservation grants which shall be allocated by the state soil conservation committee as follows:

| | |
|--|--------------|
| a. To conduct soil surveys in conjunction with federal, state, and local agencies in Iowa | \$ 303,436 |
| b. To provide financial incentives for soil conservation practices in accordance with the provisions of subsection 3 of this section | \$ 6,546,519 |

3. The following requirements apply to the funds appropriated by subsection 2, paragraph "b":

a. Not more than five percent may be allocated for cost sharing to abate complaints filed under sections 467A.47 and 467A.48.

b. Not more than ten percent may be allocated for financial incentives not exceeding seventy-five percent of the approved cost of permanent soil conservation practices under chapter 467A on watersheds above publicly owned lakes in accordance with the priority list required in subsection 3 of section 507* of this Act.

*Section 505 probably intended

c. The committee may allocate funds to conduct research and demonstration projects to promote conservation tillage practices and nonpoint source pollution control practices.

d. Not more than thirty percent of a district's allocation may be allocated by the soil conservation district commissioners for the establishment of management practices to control soil erosion on land that is now row cropped.

e. The soil conservation district commissioners may allocate financial incentives not exceeding sixty percent of the cost of permanent soil conservation practices for special watershed practices or summer construction incentives under section 467A.7, subsections 17 and 19.

f. Except for the allocation subject to paragraphs "a", "b", and "e", the financial incentives for voluntary permanent soil conservation practices shall not exceed fifty percent of the approved cost and priority shall be given to family-operated farms.

g. Not more than twenty thousand (20,000) dollars may be used for reimbursement of out-of-pocket expenses of fencing authorized by section 467A.75.

h. The financial incentive payments may be used in combination with department of natural resources funds.

i. It is the intent of the general assembly to encourage greater use of no-till, strip cropping, contour, and other management practices rather than permanent structures thereby increasing participation in soil conservation.

4. The provisions of section 8.33 shall not apply to the funds appropriated by subsection 2. Unencumbered or unobligated funds remaining on June 30, 1990 from funds appropriated for the fiscal year beginning July 1, 1986 shall revert to the general fund on September 30, 1990.

Sec. 505. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the general fund of the state and the funds indicated to the department of natural resources and its divisions for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

| | 1986-1987 Fiscal Year |
|---|--------------------------|
| For salaries, support, maintenance, equipment, and miscellaneous purposes | \$ 9,122,655 |

The natural resource commission shall give priority to the acquisition of private property along the Cedar Valley nature trail in Black Hawk, Buchanan, Benton, and Linn counties and its extension into Johnson and Cedar counties; the Heritage trail in Dubuque county; the Comet trail in Grundy county; and the trail from Des Moines to Arispe in Polk, Warren, Madison, and Union counties. The department of transportation shall provide technical assistance to the natural resource commission with regard to acquisition proceedings. No state funds will be used unless appropriated by the general assembly.

1. FISH AND WILDLIFE

| | |
|--|---------------|
| a. From the state fish and game protection fund for salaries, support, maintenance, equipment, and miscellaneous purposes including not more than one million nine hundred eighty-six thousand three hundred fifty-two (1,986,352) dollars during the fiscal year beginning on July 1, 1986 which shall be available from the state fish and game protection fund for administration and coordination relating to fish and wildlife activities | \$ 13,106,897 |
|--|---------------|

| | |
|---|-----------|
| b. From the fees deposited under section 321G.7 to the fish and game protection fund for enforcement of snowmobile laws as part of the state snowmobile program | \$ 67,000 |
|---|-----------|

| | |
|---|------------|
| c. From the fees deposited under section 106.52 to the fish and game protection fund for administration and enforcement of navigation laws and water safety | \$ 906,610 |
|---|------------|

d. Funds remaining in the fish and game protection fund during fiscal year 1986-1987 which are not specifically appropriated by section 505 of this Act are appropriated and may be used for capital projects and contingencies arising during the fiscal year beginning July 1, 1986. A contingency shall not include any purpose or project which was presented to the general assembly by way of a bill or a proposed bill and which failed to be enacted into law. For the purpose of this subsection, a necessity of additional operating funds may be construed as a contingency. Before any of the funds authorized to be expended by this subsection are allocated for contingencies, it shall be determined by the executive council that a contingency exists and that the contingency was not existent while the general assembly was in session and that the proposed allocation shall be for the best interests of the state. If a contingency arises or could reasonably be foreseen during the time the general assembly is in session, expenditures for the contingency must be authorized by the general assembly.

2. GREEN THUMB PROGRAM

From the general fund for deposit in the green thumb fund for the employment of the elderly in conservation and outdoor recreation related fields to be known as the green thumb program in coordination with other agencies as provided by law \$ 138,730

3. The natural resource commission shall establish a priority list of watersheds above publicly owned lakes and areas within those watersheds which are of highest importance based on soil loss to be used for the allocation of funds set aside in subsection 3 of section 503* of this Act for permanent soil conservation practices on watersheds above publicly owned lakes.

4. For reimbursement to federal agencies for cooperative contracts \$ 185,558

5. Notwithstanding section 8.33 funds appropriated for the state's contribution to the AIDEX superfund by 1984 Iowa Acts, chapter 1303, section 18, subsection 3, and by 1985 Iowa Acts, chapter 260, section 12, subsection 3, which are unexpended or unencumbered shall carry forward into the 1986-1987 fiscal year for the same purpose as originally appropriated.

6. During the fiscal year for which funds are appropriated by this section, the department of natural resources shall not require the installation or use of equipment to control the emission of dust or other particulate matter on facilities for the storage of grain which are located within the ambient air quality attainment areas for suspended particulates.

7. For payments to the governing bodies responsible for publicly owned sewage treatment facilities which are eligible for grants under section 202 of the federal Water Pollution Control Act, 33 U.S.C. 466 et seq., as amended by the federal Clean Water Act of 1977, Pub. L. 95-217, in an amount equal to five percent of the amount approved as the eligible cost of the project by the environmental protection commission \$ 1,865,695

Notwithstanding the provisions of unnumbered paragraph 1, of this subsection, not more than ten thousand (10,000) dollars of the funds appropriated by this subsection may be used for payments to governing bodies of local governments to reimburse up to fifty percent of expenses incurred since January 1, 1985 for alternative solid waste disposal projects.

The department is authorized to utilize from funds appropriated for payments to governing bodies responsible for publicly owned sewage treatment facilities but which are unexpended an amount not to exceed four hundred ninety-three thousand (493,000) dollars for the state share of the AIDEX superfund cleanup. Any funds remaining in the AIDEX superfund account once the final site cleanup work, excluding the ongoing monitoring of the site, has been completed shall revert to the general fund of the state. The moneys used for the state share of the AIDEX superfund cleanup shall be repaid not later than June 30, 1989. It is the intent of the general assembly that the withdrawal of funds from moneys available for publicly owned sewage treatment facilities shall not be used for any other purpose in future years and the department of natural resources shall report to the general assembly not later than January 1, 1987 on methods to increase funds for the state superfund to meet future needs in this state.

*Section 504 probably intended

The provisions of section 8.33 shall not apply to the funds appropriated by this subsection. Unencumbered or unobligated funds remaining on June 30, 1990 from funds appropriated for the fiscal year beginning July 1, 1986, shall revert to the general fund on September 30, 1990.

Sec. 506. MARINE FUEL TAX FUND. There is appropriated from the marine fuel tax fund to the department of natural resources and its divisions for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the following amounts, or so much thereof as is necessary, to be used for the following purposes:

| | 1986-1987 <u>Fiscal Year</u> |
|---|---------------------------------|
| 1. For maintenance and development of boating facilities and access to public waters | \$ 374,100 |
| 2. For deposit in the state fish and game protection fund for the administration and enforcement of navigation laws and boat safety | \$ 100,000 |

The balance of the amount computed as provided in section 324.84 for the fiscal year beginning July 1, 1986 and ending June 30, 1987 is appropriated for the purposes provided in section 324.79, subsections 1, 2, 3 and 5. The unencumbered or unobligated balances of funds specifically allocated for such projects for the fiscal year ending June 30, 1987, shall revert to the fund from which appropriated June 30, 1989.

Sec. 507. There is appropriated from the general fund of the state to the Iowa state water resources research institute for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of one hundred thousand (100,000) dollars, or so much thereof as is necessary, for research approved by the panel created in 1984 Iowa Acts, chapter 1303, section 20.

Sec. 508. If House File 2488 is enacted by the Seventy-first General Assembly, 1986 Session, and becomes law, there is appropriated from the general fund of the state to the interstate agricultural grain marketing commission for the fiscal period beginning July 1, 1986 and ending June 30, 1988, the sum of fifty thousand (50,000) dollars for the state's initial contribution to the commission for expenses incurred by the commission.

Sec. 509. Section 99D.13, subsection 2, Code 1985, is amended to read as follows:

2. Winnings forfeited under subsection 1 shall escheat to the state and be paid over to the director of revenue and finance and to the extent appropriated by the general assembly shall be used for the benefit of the department of agriculture and land stewardship to the extent necessary to administer section 99D.22 and the remainder shall be deposited as per provided in chapter 556.

Sec. 510. All federal grants to and the federal receipts, not otherwise appropriated, of the agencies appropriated funds under this division of this Act are appropriated for the purposes set forth in the federal grants or receipts, unless otherwise provided by the general assembly.

DIVISION VII
REGULATORY AND LICENSING

Sec. 601. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

| | 1986-1987 <u>Fiscal Year</u> |
|--|---------------------------------|
| 1. PROFESSIONAL LICENSING AND REGULATION DIVISION | |
| a. BOARD OF ARCHITECTURAL EXAMINERS | |
| For salaries, support, maintenance, and other operational purposes | \$ 42,000 |

| | |
|---|--------------|
| b. BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS | |
| For salaries, support, maintenance, and other operational purposes | \$ 11,000 |
| c. BOARD OF ACCOUNTANCY | |
| For salaries, support, maintenance, and other operational purposes | \$ 213,000 |
| d. STATE BOARD OF ENGINEERING AND LAND SURVEYING EXAMINERS | |
| For salaries, support, maintenance, and other operational purposes | \$ 138,000 |
| e. IOWA REAL ESTATE COMMISSION | |
| For salaries, support, maintenance, and other operational purposes | \$ 146,000 |
| <p>The licensing boards for which general fund appropriations have been provided for in paragraphs "a", "b", and "d" may expend additional funds, if those additional expenditures are directly the cause of actual examination expenses exceeding funds budgeted for examinations. Before a licensing board included in paragraphs "a", "b", and "d" expends or encumbers an amount in excess of the funds budgeted for examinations, the department of management shall approve the expenditure or encumbrance. Before approval is given, the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the board and the board does not have other funds from which examination expenses can be paid. Upon approval of the department of management the licensing board may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected as fees from additional examination applicants and shall be treated as repayment receipts as defined in section 8.2, subsection 5.</p> | |
| 2. BANKING DIVISION | |
| For salaries, support, maintenance, and other operational purposes to be used as startup funding for the banking revolving fund | \$ 295,000 |
| 3. CREDIT UNION DIVISION | |
| For salaries, support, maintenance, and other operational purposes to be used as startup funding for the credit union revolving fund | \$ 50,000 |
| 4. INSURANCE DIVISION | |
| For salaries, support, maintenance, and other operational purposes | \$ 1,650,000 |
| Of the amount appropriated in this subsection, three hundred fifty thousand (350,000) dollars is to be used as startup funding for the insurance examination revolving fund. | |
| 5. GAMING DIVISION | |
| For salaries, support, maintenance, and other operational purposes | \$ 49,000 |
| <p>Notwithstanding section 99D.5, subsection 4, members of the racing commission shall receive an annual salary of six thousand (6,000) dollars for the fiscal year beginning July 1, 1986 and ending June 30, 1987 and the fiscal year beginning July 1, 1987 and ending June 30, 1988. This section shall prevail over any inconsistent provisions of 1986 Iowa Acts, Senate File 2175 and any provision of 1986 Iowa Acts, Senate File 2175 relating to compensation for members of the racing commission shall not be applicable for the fiscal year beginning July 1, 1986 and ending June 30, 1987 or the fiscal year beginning July 1, 1987 and ending June 30, 1988.</p> | |
| 6. UTILITIES DIVISION | |
| For salaries, support, maintenance, and other operational purposes including the consumer advocate to be used as startup funding for the utilities division revolving fund | \$ 725,000 |

Sec. 602. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to the following named agencies, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

| | 1986-1987 Fiscal Year |
|--|--------------------------|
| 1. AUDITOR OF STATE | |
| For salaries, support, maintenance, and other operational purposes | \$ 1,868,000 |
| 2. CAMPAIGN FINANCE DISCLOSURE COMMISSION | |
| For salaries, support, maintenance, and other operational purposes | \$ 155,000 |
| 3. DEPARTMENT OF INSPECTIONS AND APPEALS | |
| For salaries, support, maintenance, and other operational purposes | \$ 2,614,790 |
| The department may charge state departments, agencies, and commissions for services rendered and the payments received shall be considered repayment receipts as defined in section 8.2, subsection 5. | |
| 4. FOSTER CARE REVIEW BOARD | |
| For salaries, support, maintenance, and other operational purposes | \$ 129,000 |
| 5. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION | |
| For salaries, support, maintenance, and other operational purposes | \$ 24,523 |
| 6. SECRETARY OF STATE | |
| a. For salaries, support, maintenance, and other operational purposes | \$ 1,044,000 |
| b. For editing and printing the Iowa official register | \$ 62,000 |

The secretary of state is responsible for the printing of the Iowa official register and the centralized printing department of the department of general services is responsible for the distribution of the Iowa official register.

The secretary of state shall not collect a fee for providing persons with the Iowa official register. If additional copies of the Iowa official register are required for distribution, the secretary of state shall not reprint the most expensive version of the Iowa official register but shall reprint the version that is less expensive for distribution.

Sec. 603. Notwithstanding section 123.53, there is appropriated from the beer and liquor control fund to the alcoholic beverages control division of the department of commerce for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of nine million two hundred thirty-five thousand (9,235,000) dollars for salaries, support, maintenance and other operational purposes, including funds to maintain existing warehouse distribution positions for the fiscal year beginning July 1, 1986 and ending June 30, 1987 or additional funds as necessary for the orderly and efficient operation of the liquor system, subject to the approval of the department of management. Funds appropriated by this section may also be expended for the transition expenses.

The state liquor inventory shall be placed on a bailment system.

Sec. 604. There is appropriated from the general fund of the state to the department of employment services for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following sums, or so much thereof as is necessary, to be used for the purposes designated:

| | |
|--|--------------|
| 1. DIVISION OF LABOR SERVICES | |
| For salaries, support, maintenance, and other operational purposes | \$ 1,563,000 |

2. DIVISION OF INDUSTRIAL SERVICES

For salaries, support, maintenance, and other operational purposes \$ 946,199

It is the intent of the general assembly that the discount table for commutations in 500 Iowa Admin. Code §6.3, which was in effect immediately prior to March 20, 1985 and which was based on a simple rather than compound interest factor, shall be uniformly applied to all commutations approved by the industrial commissioner prior to March 20, 1985 as a valid interpretation of the general assembly's intent to commute future workers' compensation payments to a present worth lump-sum payment pursuant to sections 85.45 and 85.47. It is further the intent of the general assembly that the supreme court's reinterpretation of the general assembly's intent, concerning the commutation of future workers' compensation payments to a present worth lump-sum payment under sections 85.45 and 85.47, shall be uniformly applied to all commutations approved by the industrial commissioner on or after March 20, 1985.

Sec. 605. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of three hundred twenty-six thousand (326,000) dollars, or so much thereof as is necessary, to reimburse the department of inspections and appeals for inspection and appeals services provided to the state department of transportation.

Sec. 606. There is appropriated from the banking revolving fund to the banking division of the department of commerce for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of three million nine hundred five thousand (3,905,000) dollars, or so much thereof as is necessary, for salaries, support, maintenance, and other operational purposes of the banking division. Of the funds deposited in the banking revolving fund, the treasurer of state shall transfer from the fund and credit to the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of two hundred ninety-five thousand (295,000) dollars to reimburse the general fund of the state for startup funding provided for the banking revolving fund from the general fund of the state.

Sec. 607. There is appropriated from the credit union revolving fund to the credit union division of the department of commerce for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of five hundred forty-one thousand (541,000) dollars, or so much thereof as is necessary, for salaries, support, maintenance, and other operational purposes of the credit union division. Of the funds deposited in the credit union revolving fund, the treasurer of state shall transfer from the fund and credit to the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of fifty thousand (50,000) dollars to reimburse the general fund of the state for startup funding provided for the credit union revolving fund from the general fund of the state.

Sec. 608. There is appropriated from the insurance examination revolving fund to the insurance division of the department of commerce for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of one million one hundred fifty thousand (1,150,000) dollars, or so much thereof as is necessary, for salaries, support, maintenance, and other operational purposes of the insurance division. Of the funds deposited in the insurance examination revolving fund, the treasurer of state shall transfer from the fund and credit to the general fund of the state the sum of three hundred fifty thousand (350,000) dollars for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to reimburse the general fund of the state for startup funding provided for the insurance examination revolving fund from the general fund of the state.

Sec. 609. There is appropriated from the savings and loan revolving fund to the savings and loan division of the department of commerce for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of three hundred forty-five thousand (345,000) dollars, or so much thereof as is necessary, for salaries, support, maintenance, and other operational purposes of the savings and loan division.

Sec. 610. There is appropriated from the utilities trust fund to the utilities division of the department of commerce for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of three million seven hundred eighty-nine thousand four hundred (3,789,400) dollars, or so much thereof as is necessary, for salaries, support, maintenance, and other operational purposes of the utilities division. There is appropriated from the utilities trust fund to the consumer advocate office of the department of justice for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of eight hundred ninety-two thousand (892,000) dollars, or so much thereof as may be necessary, for salaries, support, maintenance, and operational purposes of the office. Of the funds deposited in the utilities trust fund, the treasurer of state shall transfer from the fund and credit to the general fund of the state the sum of seven hundred twenty-five thousand (725,000) dollars for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to reimburse the general fund of the state for startup funding provided for the utilities trust fund from the general fund of the state.

Sec. 611. Section 19A.3, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 25. The administrator and the deputy administrator of the credit union division of the department of commerce, all members of the credit union review board, and all employees of the credit union division.

NEW SUBSECTION. 26. The superintendent and the deputy superintendent of the banking division of the department of commerce, all members of the state banking board, and all employees of the banking division.

NEW SUBSECTION. 27. The superintendent of savings and loan associations and all employees of the savings and loan division of the department of commerce.

Sec. 612. Section 20.4, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 11. Persons employed by the credit union division of the department of commerce.

NEW SUBSECTION. 12. Persons employed by the banking division of the department of commerce.

NEW SUBSECTION. 13. Persons employed by the savings and loan division of the department of commerce.

Sec. 613. Section 476.10, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The commission shall ascertain the total of its expenditures during each year which are reasonably attributable to the performance of its duties under this chapter. The commission shall add to this total the certified expenses of the consumer advocate as provided under section 475A.6 and shall deduct all amounts chargeable directly to any specific utility under any law. The remainder shall be assessed by the commission to the public utilities in proportion to their respective gross operating revenues during the last calendar year derived from intrastate public utility operations and shall be assessed within ninety days of the close of the calendar year based upon an estimate of the commission expenditures for the first half of the commission's fiscal year and again within ninety days of the close of the fiscal year as necessary to conform the amount of the assessment to the requirements of this section may be assessed by the commission on a quarterly basis. Assessments may be made quarterly based upon estimates of the utility division's and the consumer advocate's expenditures for the fiscal year. Beginning with the fiscal year beginning July 1, 1987, the first assessment for any fiscal year may be made by the utility division by May 15 of the preceding fiscal year and shall be paid by the utility on or before the following July 1. Not more than ninety days following the close of the fiscal year, the utilities division shall conform the amount of the prior fiscal year's assessments to the requirements of this section. Public utilities exempt from rate regulation under this chapter shall not be assessed for remainder expenses incurred during review of

rate-regulated public utilities under section 476.31 or 476.32, but such remainder expenses shall be assessed proportionally as provided in this section among only the rate-regulated public utilities. The total amount which may be assessed to the public utilities under authority of this paragraph shall not exceed two-tenths of one percent of the total gross operating revenues of the public utilities during the calendar year derived from intrastate public utility operations. However, the total amount which may be assessed in any one calendar year to a public utility under this section shall not exceed three-tenths of one percent of the utility's total gross operating revenues derived from intrastate public utility operation in the last preceding year. For public utilities exempted from rate regulation under this chapter, the assessments under this paragraph shall be computed at one-half the rate used in computing the assessment for other utilities.

Sec. 614. Section 476.10, Code 1985, is amended by adding the following new unlettered paragraph:

NEW UNLETTERED PARAGRAPH. Fees paid to the utilities division shall be deposited in a utilities trust fund. The treasurer of state shall hold these funds in an account that shall be established in the names of the administrator of the utilities division and the consumer advocate for the payment, upon appropriation by the general assembly, of the expenses of the utility division and the consumer advocate division of the department of justice. This fund is subject at all times to the warrant of the department of revenue and finance, drawn upon written requisition of the administrator of the utilities division, the administrator's designated representative, the consumer advocate, or the consumer advocate's designated representative for the payment of all salaries and other expenses necessary to carry out the duties of the utilities division or the consumer advocate division. Subject to section 476.10, the utilities division or the consumer advocate division may keep on hand with the treasurer of state funds in excess of the current needs of the utilities division or the consumer advocate division. Transfers shall not be made from the general fund of the state or any other fund for the payment of the expenses of the divisions. No part of the funds held by the treasurer of state for the account shall be transferred to the general fund of the state or any other fund. The funds held by the treasurer of state for the account shall be invested by the treasurer of state and the income derived from these investments shall be credited to the general fund of the state. The authority to modify allotments provided in section 8.31 shall not apply to funds appropriated from the fund created in this section.

The administrator and consumer advocate shall account for receipts and disbursements according to the separate duties imposed upon the utilities and consumer advocate divisions by the laws of this state and each separate duty shall be fiscally self-sustaining.

Sec. 615. Section 505.7, Code 1985, is amended to read as follows:
505.7 FEES.

All fees and charges of every character whatsoever which are required by law to be paid by insurance companies and associations shall be payable to the commissioner of the insurance division of the department of commerce or department of revenue and finance, as provided by law, whose duty it shall be to account for and pay over the same to the treasurer of state at the time and in the manner provided by law. However, fees paid for the inspection or examination of an insurer or other entity subject to regulation by the department shall be deposited in a special trust fund. The treasurer of state shall hold these funds in an account that shall be established in the name of the commissioner for the payment of the inspection and examination expenses of the department upon appropriation by the general assembly. This fund is subject at all times to the warrant of the department of revenue, drawn upon written requisition of the commissioner or the commissioner's designated representative, for the payment of all salaries and other expenses necessary to carry out the inspection or examination duties of the insurance department. The commissioner may keep on hand with the treasurer of state funds in excess of the current needs of the department. Transfers shall not be made from the

general fund of the state or any other fund for the payment of the inspection and examination expenses of the department. No part of the funds held by the treasurer of state for the account of the commissioner shall be transferred to the general fund of the state or any other fund. The funds held by the treasurer of state for the account of the commissioner shall be invested by the treasurer of state and the income derived from these investments shall be credited to the general fund of the state.

The commissioner shall account for receipts and disbursements according to the separate inspection and examination duties imposed upon the commissioner by the laws of this state and each separate inspection and examination duty shall be fiscally self-sustaining.

Sec. 616. Section 524.207, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

524.207 EXPENSES OF THE DEPARTMENT OF BANKING DIVISION – FEES.

All expenses required in the discharge of the duties and responsibilities imposed upon the department of banking division of the department of commerce, the superintendent, and the state banking board by the laws of this state shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the fund established in this section. All of these fees are payable to the superintendent. The superintendent shall pay all the fees and other money received by the superintendent to the treasurer of state within the time required by section 12.10. The treasurer of state shall hold these funds in an account that shall be established in the name of the superintendent for the payment of the expenses of the department. This fund is subject at all times to the warrant of the department of revenue and finance, drawn upon written requisition of the superintendent or the superintendent's designated representative, for the payment of all salaries and other expenses necessary to carry out the duties of the banking division of the department of commerce. The superintendent may keep on hand with the treasurer of state funds in excess of the current needs of the department to the extent approved by the state banking board. Transfers shall not be made from the general fund of the state or any other fund for the payment of the expenses of the department. No part of the funds held by the treasurer of state for the account of the superintendent shall be transferred to the general fund of the state or any other fund, except as follows: One hundred thousand dollars each fiscal year shall be transferred to the general fund of the state. That amount shall be considered as one of the costs of the department. The funds held by the treasurer of state for the account of the superintendent shall be invested by the treasurer of state and the income derived from these investments shall be credited to the general fund of the state.

The authority to modify allotments provided in section 8.31 shall not apply to funds appropriated from the fund created in this section and held for the superintendent.

The superintendent shall account for receipts and disbursements according to the separate duties imposed upon the superintendent by the laws of this state and each separate duty shall be fiscally self-sustaining.

Sec. 617. Section 524.219, unnumbered paragraph 1, Code 1985, is amended to read as follows:

524.219 FEES FOR EXAMINATIONS.

A state bank, and any private bank subject to examination, supervision, and regulation by the superintendent, shall pay to the superintendent a fee, established by the state banking board, based on the time required for the examination and the administrative costs and expenses incurred in the discharge of the duties imposed upon the superintendent by this chapter. The fee shall include, but not be limited to costs and expenses for salaries, expenses and travel for employees, office facilities, supplies, and equipment. Such fee shall apply equally to all state banks and private banks subject to examination, and may not be changed more frequently than annually and when changed, shall be effective on January 1 of the year following the year in which the change was approved.

Sec. 618. NEW SECTION. 533.67 EXPENSES OF THE CREDIT UNION DIVISION – FEES.

All expenses required in the discharge of the duties and responsibilities imposed upon the credit union division, the administrator, and the credit union review board by the laws of this state shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the fund established in this section. All of these fees are payable to the administrator. The administrator shall pay all the fees and other money received by the superintendent to the treasurer of state within the time required by section 12.10. The treasurer of state shall hold these funds in an account that shall be established in the name of the administrator for the payment of the expenses of the department. This fund is subject at all times to the warrant of the department of revenue and finance, drawn upon written requisition of the administrator or the administrator's designated representative, for the payment of all salaries and other expenses necessary to carry out the duties of the department. The administration may keep on hand with the treasurer of state funds in excess of the current needs of the department to the extent approved by the credit union review board. No transfers shall be made from the general fund of the state or any other fund for the payment of the expenses of the division. No part of the funds held by the treasurer of state for the account of the administrator shall be transferred to the general fund of the state or any other fund, except as follows: Forty thousand dollars each fiscal year shall be transferred to the general fund of the state. The amount shall be considered as one of the costs of the division. The funds held by the treasurer of state for the account of the administrator shall be invested by the treasurer of state and the income derived from these investments shall be credited to the general fund of the state.

The authority to modify allotments provided in section 8.31 shall not apply to funds appropriated from the fund created in this section and held for the administrator.

The administrator shall account for receipts and disbursements according to the separate duties imposed upon the administrator by the laws of this state and each separate duty shall be fiscally self-sustaining.

Sec. 619. Section 534.408, subsection 1, Code 1985, is amended to read as follows:

1. PAYABLE TO STATE AUDITOR OF STATE. Associations shall pay fees by delivering to the supervisor a check payable to the state auditor of state. All fees collected under the provisions of this chapter shall be deposited with the treasurer of state in a separate fund to be known as the savings and loan revolving fund, except fifteen thousand dollars each fiscal year shall be transferred to the general fund of the state. The amount shall be considered as one of the costs of the savings and loan division. All expenses necessary to carry out the provisions of this chapter shall be paid from the savings and loan revolving fund and appropriated by the general assembly from the fund.

The authority to modify allotments provided in section 8.31 shall not apply to funds appropriated from the savings and loan fund.

Sec. 620. 1986 Iowa Acts, Senate File 540, section 11, is amended to read as follows:

SEC. 11. NEW SECTION. 56.14 POLITICAL ADVERTISEMENTS.

A person who causes the publication or distribution of published material after July 1, 1984 designed to promote or defeat the nomination or election of a candidate for public office or the passage of a constitutional amendment or public measure shall include conspicuously on the published material the identity and address of the person responsible for the material. If the person responsible is an organization, the name of one officer of the organization shall appear on the material. However, if the organization is a committee which has filed a statement of organization under this chapter, only the name of the committee is required to be included on the published material. This section does not apply to the editorials or news articles of a newspaper or magazine which are not political advertisements. For the purpose of this section, "published material" means any newspaper, magazine, shopper, outdoor advertising facility, poster, yard sign including hand lettered signs, direct mailing, brochure, or any other form of printed general public political advertising, however, the identification need not be

conspicuous on posters and yard signs including hand lettered signs. This section does not apply to bumper stickers, pins, buttons, pens, matchbooks and similar small items upon which the inclusion of the disclaimer would be impracticable or to published material which is subject to federal regulations regarding a disclaimer requirement.

Sec. 621. There is appropriated out of the funds made available to this state pursuant to section 903 of the federal Social Security Act, as amended, one million sixty-eight thousand nine hundred forty-two (1,068,942) dollars, to the job services division of the department of employment services for the prepayment of the principal balance of a lease-purchase agreement for data processing equipment used by the department in the performance of departmental functions under chapter 96.

The moneys appropriated in this section shall not be obligated after June 30, 1988. The amount obligated pursuant to this section during any twelve-month period beginning on July 1 and ending on the following June 30 shall not exceed the amount available for obligation pursuant to section 903 of the federal Social Security Act, as amended, and as reflected in the accounts of the department of job service and the United States department of labor.

Sec. 622. Section 96.9, subsection 4, paragraphs a and b, Code 1985, are amended to read as follows:

a. Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act may not be requisitioned from this state's account or used except for the payment of benefits and for the payment of expenses incurred for the administration of this chapter. Such money may be requisitioned pursuant to subsection 3 of this section for the payment of benefits. Such money may also be requisitioned and used for the payment of expenses incurred for the administration of this chapter but only pursuant to a specific appropriation by the legislature and only if the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which (1) specifies the purposes for which such money is appropriated and the amounts appropriated therefor, (2) limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law, and (3) limits the amount which may be obligated during a twelve-month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the Social Security Act during the same twelve-month period and the ~~twenty-four~~ thirty-four preceding twelve-month periods, exceeds (ii) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such ~~twenty-five~~ thirty-five twelve-month periods.

b. Amounts credited to this state's account in the unemployment trust fund under section 903 of the Social Security Act which are obligated for administration or paid out for benefits shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during a twelve-month period specified herein may be charged against any amount credited during such a twelve-month period earlier than the ~~twenty-fourth~~ thirty-fourth preceding such period.

Sec. 623. SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND EXPENDITURES.

1. Notwithstanding the provisions of section 96.13, subsection 3, which restrict the use of moneys in the special employment security contingency fund, moneys in the fund on June 30, 1986, shall not be transferred by the treasurer of state to either the temporary emergency surcharge fund or to the unemployment compensation fund, but shall be available to the department of job service, for the fiscal year beginning July 1, 1986, and ending June 30, 1987, for expenditure under subsection 2.

2. The department of job service shall only expend moneys, which are credited to the special employment security contingency fund during the fiscal year beginning July 1, 1986, and ending June 30, 1987, including moneys which are available to the department of job service under subsection 1, in accordance with the following restrictions:

a. The department may expend up to fifty thousand (50,000) dollars from the fund for the purchase and installation of an electrical transformer for its state administrative office building.

b. The department may expend up to two hundred thousand (200,000) dollars from the fund for the support of county labor survey economic development teams.

c. Any balance of moneys in the special employment security contingency fund shall be deposited in a separate account in the state treasury to be known as the department approved training fund. Notwithstanding section 453.7, interest and earnings from moneys deposited in the department approved training fund shall be credited to the fund. The department shall use moneys from the fund only to pay the instructional costs of training, relating to tuition and course fees, approved by the department pursuant to section 96.4 and 370 I.A.C. §4.39, §4.40, for individuals who demonstrate, to the department's satisfaction, that they are financially incapable of paying the instructional costs of the approved training. However, the department may expend up to thirty thousand (30,000) dollars from the fund for administrative costs related to payments for department approved training.

The payments shall not be made to the individual receiving approved training but shall be made directly to the institution or person providing the approved training. Payments shall not exceed one thousand dollars per individual trainee in any two-year period.

The department shall distribute information on the qualification requirements for and availability of payment for department approved training to individuals filing claims for benefits or receiving benefits under chapter 96.

Sec. 624. Notwithstanding the provisions of 1986 Iowa Acts, House File 2181, sections 11 and 13, health insurance coverage provided under House File 2181 needs not be effective until July 1, 1987, and notices required by section 11 need not be given until January 1, 1987.

Sec. 625. 1986 Iowa Acts, House File 2181, section 12, is repealed.

Sec. 626. All federal grants to and the federal receipts of the agencies appropriated funds under this division of this Act are appropriated for the purposes set forth in such federal grants or receipts unless otherwise provided by the general assembly.

DIVISION VIII
STATE GOVERNMENT

Sec. 701. There is appropriated from the general fund of the state to the office of the governor for the fiscal year commencing July 1, 1986 and ending June 30, 1987, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

| | 1986-1987 <u>Fiscal Year</u> |
|--|---------------------------------|
| 1. For salaries, support, maintenance, and miscellaneous purposes of the general office of the governor | \$ 643,650 |
| 2. For the governor's expenses connected with office | \$ 5,439 |
| 3. For salaries, support, and miscellaneous purposes of the governor's quarters at Terrace Hill | \$ 56,728 |
| 4. For the payment of expenses of ad hoc committees, councils, and task forces appointed by the governor to research and analyze a particular subject area relevant to the problems and responsibilities of state and local government, including the employment of professional, technical, and administrative staff and the payment of per diem, not exceeding forty dollars, and actual expenses of committee, council, or task force members | \$ 15,706 |

5. For salaries, support, maintenance, and miscellaneous purposes of the office of administrative rules coordinator \$ 58,053

Sec. 702. There is appropriated from the general fund of the state to the office of the lieutenant governor for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1986-1987
Fiscal Year

For salaries, support, maintenance, and miscellaneous purposes including the lieutenant governor's compensation and expenses as provided in subsection 2 of section 2.10 including service as a member of the legislative council and for per diem and expenses incurred while performing duties of the lieutenant governor when the general assembly is not in session \$ 102,339

Sec. 703. There is appropriated from the general fund of the state to the executive council for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1986-1987
Fiscal Year

For salaries, support, maintenance, and miscellaneous purposes \$ 39,605

Sec. 704. Section 8.20, Code 1985, is amended to read as follows:

8.20 CANCELLATION OF STATE WARRANTS.

The ~~state comptroller~~ director of revenue and finance as of March 31, June 30, September 30, and December 31 of each year shall cancel and request the treasurer of state to stop payment on all state warrants which have been outstanding and unredeemed by the state treasurer for ~~one year~~ six months or longer.

Sec. 705. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1986-1987
Fiscal Year

1. GENERAL OPERATIONS

For salaries, support, maintenance, and miscellaneous purposes \$ 4,590,964
Savings achieved in providing telecommunications services shall be used by the department of general services to increase efficiencies in the provision of those services.

2. DIVISION OF DATA PROCESSING

For salaries, support, maintenance, and miscellaneous purposes of the division of data processing \$ 6,217,905

3. CAPITOL PLANNING COMMISSION

For expenses of the members in carrying out their duties under chapter 18A \$ 1,255

4. UTILITY COSTS

For payment of utility costs \$ 1,804,755

5. RENTAL SPACE

For payment of lease or rental costs of buildings and office space at the seat of government as provided in section 18.12, subsection 9, notwithstanding section 18.16 \$ 890,311

6. To implement a risk management program \$ 184,666

Sec. 706. There is appropriated from the revolving funds designated to the department of general services for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amounts, or so much thereof as necessary, to be used for the purposes designated:

| | <u>1986-1987</u> <u>Fiscal Year</u> |
|--|--|
| DEPARTMENT OF GENERAL SERVICES — REVOLVING FUNDS | |
| 1. From the centralized printing permanent revolving fund established by section 18.57 for salaries, support, maintenance, and miscellaneous purposes | \$ 717,161 |
| 2. The remainder of the centralized printing permanent revolving fund is appropriated for the expense incurred in supplying paper stock, offset printing, copy preparation, binding, distribution costs, original payment of printing and binding claims and contingencies arising during the fiscal year beginning July 1, 1986 which are legally payable from this fund. | |
| 3. From the general service revolving fund established by section 18.9 for salaries, support, maintenance, and miscellaneous purposes | \$ 452,915 |
| 4. The remainder of the general service revolving fund is appropriated for the payment of expenses incurred through purchases by various state departments and for contingencies arising during the fiscal year beginning July 1, 1986 which are legally payable from this fund. | |
| 5. From the vehicle dispatcher revolving fund established by section 18.119 for salaries, support, maintenance, and miscellaneous purposes | \$ 434,540 |
| 6. The remainder of the vehicle dispatcher revolving fund is appropriated for the purchase of gasoline, oil, tires, repairs and all other maintenance expenses incurred in the operation of state-owned motor vehicles and for contingencies arising during the fiscal year beginning July 1, 1986 which are legally payable from this fund. | |

Sec. 707. There is appropriated from the general fund of the state to the following named agencies for the fiscal year commencing July 1, 1986 and ending June 30, 1987, the following amounts, or so much thereof as necessary, to be used for the purposes designated:

| | <u>1986-1987</u> <u>Fiscal Year</u> |
|---|--|
| 1. NATIONAL CONFERENCE OF STATE LEGISLATURES | |
| For support of the membership assessment | \$ 51,002 |
| 2. COMMISSION ON UNIFORM STATE LAWS | |
| For support of the commission and expenses of the members | \$ 8,538 |
| 3. PIONEER LAWMAKERS | |
| For expenses of the biennial meeting | \$ 707 |

Sec. 708. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to the department of management, the following amounts, or so much thereof as necessary, to be used for the purposes designated:

| | <u>1986-1987</u> <u>Fiscal Year</u> |
|---|--|
| 1. DEPARTMENT OF MANAGEMENT | |
| a. For salaries, support, maintenance, and miscellaneous purposes | \$ 1,344,812 |
| b. Juvenile victim restitution program | \$ 115,178 |
| 2. COUNCIL OF STATE GOVERNMENTS | |
| For support of the membership assessment | \$ 44,806 |
| 3. For the payment of per diems | \$ 299,915 |

Sec. 709. There is appropriated from the general fund of the state to the municipal assistance fund, established in section 405.1, for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amount, or so much thereof as necessary, to be used for state assistance to municipalities, with distribution in accordance with section 405.1.

1986-1987
Fiscal Year
 \$ 14,502,280

Sec. 710. There is appropriated from the general fund of the state to the county government assistance fund, established in section 334A.1, for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amount or so much thereof as is necessary, to be used for state assistance to counties, with the distribution in accordance with section 334A.2.

1986-1987
Fiscal Year
 \$ 3,195,236

Sec. 711. The treasurer of state shall apportion all moneys in the county indemnification fund to the county treasurers of the respective counties. The moneys in the fund, including interest income received by the fund, shall be allocated to each county in the same proportion that the county contributed to the fund. The treasurer of state shall apportion and remit the funds on or before July 15, 1986.

Sec. 712. Section 331.660, Code 1985, is amended to read as follows:

331.660 APPROPRIATION - INDIAN SETTLEMENT OFFICER.

There is appropriated annually from the general fund of the state to the county of Tama the sum of three thousand ~~five~~ three hundred ~~sixty-five~~ sixty-five dollars to be used by the county only for the payment of the salary and expenses of an additional deputy sheriff for the county. The principal duty of the deputy sheriff is to provide law enforcement on the Sac and Fox Indian settlement in the county of Tama. If possible, the deputy sheriff shall reside on the settlement. Additional funds necessary to pay the salary and expenses of the deputy sheriff shall be paid by the county of Tama.

Sec. 713. 1985 Iowa Acts, chapter 254, section 1, subsection 1, paragraph b, is amended to read as follows:

b. For the fiscal year beginning July 1, 1986 \$ 48,004,900
 44,000,000

Sec. 714. 1985 Iowa Acts, chapter 258, section 9, is amended to read as follows:

SEC. 9. COMPARABLE WORTH PAY ADJUSTMENTS. There is appropriated from the general fund of the state to the salary adjustment fund established in section 8.43 for the fiscal year beginning July 1, 1985 and ending June 30, 1986, the sum of ~~nineteen~~ eighteen million ~~eighty-five~~ eighty-five thousand ~~eight~~ eight hundred ~~fifteen~~ fifteen (~~19,000,000~~ 18,085,815) dollars, or so much thereof as is necessary, to be distributed to the various departments to supplement other general fund moneys appropriated by the general assembly to provide salary adjustments resulting from implementing actions taken under 1984 Iowa Acts, chapter 1314, including plans developed for agencies with positions which are exempt or partially exempt from the state merit system pursuant to 1984 Iowa Acts, chapter 1314, section 8.

Sec. 715. COMPARABLE WORTH PAY ADJUSTMENTS. There is appropriated from the general fund of the state to the salary adjustment fund established in section 8.43 for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of sixteen million six hundred seventeen thousand nine hundred forty (16,617,940) dollars, or so much thereof as necessary, to be distributed to the various departments to supplement other general fund moneys appropriated by the general assembly to provide salary adjustments resulting from implementing actions taken under 1984 Iowa Acts, chapter 1314, including plans developed for agencies with positions which are exempt or partially exempt from the state merit system pursuant to 1984 Iowa Acts, chapter 1314, section 8.

Sec. 716. There is appropriated from the general fund of the state, to the department of personnel for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amounts, or so much thereof as necessary, to be used for the purposes designated:

| | 1986-1987 Fiscal Year |
|---|--------------------------|
| 1. For salaries, support, maintenance, and miscellaneous purposes | \$ 2,928,227 |
| 2. To be transferred to the department of corrections for salary, support, maintenance, and miscellaneous purposes of the core personnel staff | \$ 222,206 |
| 3. To be transferred to the department of human services for salary, support, maintenance, and miscellaneous purposes of the core personnel staff | \$ 787,714 |
| 4. To be transferred to the department of transportation for salary, support, maintenance, and miscellaneous purposes of the core personnel staff | \$ 12,074 |
| 5. For salaries, support, maintenance, and other operational purposes for the administration of chapter 97 and chapter 97C and section 294.15 | \$ 145,785 |

Sec. 717. There is appropriated from the general fund of the state, to the public employment relations board for the fiscal year beginning July 1, 1986, and ending June 30, 1987, the sum of four hundred ninety-seven thousand six hundred eighty-seven (497,687) dollars, or so much thereof as necessary, for salaries, support, maintenance, and miscellaneous purposes related to the operation of the public employment relations board.

A person who desires to be reimbursed for legitimate costs incurred while performing service to the state must submit a receipt documenting such cost prior to receiving remuneration from the state.

Sec. 718. There is appropriated from the Iowa public employees' retirement system fund to the department of personnel for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amount, or so much thereof as is necessary, to be used for the following purposes:

| | 1986-1987 Fiscal Year |
|---|--------------------------|
| For salaries, support, maintenance, and other operational purposes to pay the costs of administration of the Iowa public employees' retirement system | \$ 1,773,465 |

Sec. 719. NEW SECTION. 28.110 IOWA WINE AND BEER PROMOTION BOARD.

An Iowa wine and beer promotion board is created. The board consists of three members appointed by the commission. Each member shall serve a term of two years on the board. One member shall represent the commission, one member shall represent the Iowa wine makers, and one member shall represent the Iowa beer makers. The board shall advise the commission on the best means to promote wine and beer made in Iowa.

Sec. 720. NEW SECTION. 28.111 PROMOTION OF IOWA WINE AND BEER.

The commission shall consult with the Iowa wine and beer promotion board on the best means to promote wine and beer made in Iowa. The commission has the authority to contract with private persons for the promotion of beer and wine made in Iowa. At the direction of the commission, the state comptroller shall issue warrants to the commission on the barrel tax fund created in section 123.143 and the gallonage tax fund created in section 123.183, which moneys may be used by the commission for the purpose of this section, including administrative expenses incurred under this section.

Sec. 721. Section 97B.49, subsection 3, Code Supplement 1985, is amended to read as follows:

3. For each member employed before January 1, 1976, who has qualified for prior service credit in accordance with the first paragraph of section 97B.43, there shall be determined a benefit of eight-tenths of one percent per year of prior service credit multiplied by the monthly rate of the member's total remuneration not in excess of three thousand dollars annually during the twelve consecutive months of the member's prior service for which ~~such that~~ total remuneration was the highest. An additional three-tenths of one percent of ~~such the~~ remuneration not in excess of three thousand dollars annually shall be payable for prior service during each year in which the accrued liability for benefit payments created by the abolished system is funded by appropriation from the general fund of the state of Iowa as provided under section 97B.56.

Sec. 722. Section 97B.49, subsection 7, Code Supplement 1985, is amended to read as follows:

7. Notwithstanding other provisions of this chapter, a member who is or has been employed as a conservation peace officer under section 107.13 and who retires between July 1, 1978 and June 30, 1982 and at the time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as a conservation peace officer, may elect to receive, in lieu of the receipt of any benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of forty-seven percent of the member's five-year average covered wage as a conservation peace officer, with benefits payable during the member's lifetime. For each conservation peace officer eligible for benefits under this subsection who retires on or after July 1, 1982, the percent used in computing the monthly retirement allowance is fifty. There is appropriated from the ~~general fund of the state to the Iowa department of job service from funds not otherwise appropriated state fish and game protection fund to the department of personnel~~ an amount determined by the Iowa public employees' retirement system sufficient to pay ~~eight and forty-three hundredths percent for the additional benefits to conservation peace officers provided by this section, as a percentage of the covered wages of each conservation peace officer, in addition to the contribution paid by the employer under section 97B.11; to finance increased benefits to conservation peace officers under this subsection.~~

Sec. 723. Section 97B.56, unnumbered paragraph 2, Code 1985, is amended to read as follows:

Commencing July 1, 1967, and each year thereafter, the contributions required to fund the actuarial liabilities from the abolished system shall be determined in accordance with section 97B.54. There is hereby ~~appropriated from the general fund of the state of Iowa the amount of contribution required under said section but not to exceed one million dollars per biennium. The amount of such contribution shall be deposited in the retirement fund in two annual installments not later than June 30 of each fiscal year.~~

Sec. 724. Section 123.3, subsection 21, Code Supplement 1985, is amended by striking the subsection.

Sec. 725. Section 123.3, subsection 27, Code Supplement 1985, is amended to read as follows:

27. "Retailer" means any person who shall sell, barter, exchange, offer for sale, or have in possession with intent to sell any alcoholic liquor ~~for consumption on the premises where sold, wine, or beer or wine for consumption either on or off the premises where sold.~~

Sec. 726. Section 123.16, subsection 2, paragraphs a and c, Code Supplement 1985, as amended by 1986 Iowa Acts, House File 2372, section 5, are amended to read as follows:

a. Purchases of alcoholic liquor and wine for resale by the department.

c. The establishment of retail wholesale prices of alcoholic liquor and wine sold by the department.

Sec. 727. Section 123.16, subsection 2, paragraph d, Code Supplement 1985, is amended by striking the paragraph.

Sec. 728. Section 123.20, subsection 5, Code Supplement 1985, is amended to read as follows:

5. To appoint ~~vendors~~, clerks, agents, or other employees required for carrying out the provisions of this chapter; to dismiss employees for cause; to assign employees to divisions as created by the director within the ~~department~~ division; and to designate their title, duties, and powers. All employees of the department are subject to chapter 19A unless exempt under section 19A.3.

Sec. 729. Section 123.20, subsection 8, Code Supplement 1985, as amended by 1986 Iowa Acts, House File 2372, section 6, is amended to read as follows:

8. To accept intoxicating liquors ordered delivered to the Iowa alcoholic beverage control department pursuant to section 127.8, subsection 1, and offer for sale and deliver such intoxicating liquors and wine for sale through the state liquor stores to class "E" liquor control licensees, unless the director determines that such intoxicating liquors and wine may be adulterated or contaminated. If the director determines that such intoxicating liquors and wine may be adulterated or contaminated the director shall order their destruction.

Sec. 730. Section 123.20, subsections 2 and 9, Code Supplement 1985, are amended by striking the subsections.

Sec. 731. Section 123.21, subsections 1 and 6, Code Supplement 1985, are amended to read as follows:

1. Prescribing the duties of officers, ~~vendors~~, clerks, agents, or other employees of the ~~department~~ division and regulating their conduct while in the discharge of their duties.

6. Providing for the issuance and distribution of price lists which show the price to be paid by ~~purchasers~~ class "E" liquor control licensees for each brand, class, or variety of liquor kept for sale under this chapter by the division, providing for the filing or posting of prices charged in sales between class "A" beer and class "A" wine permit holders and retailers, as provided in this chapter, and establishing or controlling the prices based on minimum standards of fill, quantity, or alcoholic content for each individual sale of intoxicating liquor or beer as deemed necessary for retail or consumer protection. However, ~~the department division does shall not have the authority to regulate~~ markups, prices, discounts, allowances, or other terms of sale at which alcoholic liquor may be purchased by the retail public or liquor control licensees from class "E" liquor control licensees or at which wine may be purchased and sold by class "A" and retail wine permittees, or change, nullify, or vary the terms of any an agreement between a holder of a vintner certificate of compliance and a class "A" wine permittee.

Sec. 732. Section 123.21, subsections 2, 3, and 8, Code Supplement 1985, as amended by 1986 Iowa Acts, House File 2372, section 7, are amended to read as follows:

2. Regulating the management, equipment, and merchandise of ~~state liquor stores and warehouses~~ in and from which alcoholic liquors and wine are transported, kept, or sold and prescribing the books and records to be kept therein.

3. Regulating the purchase of alcoholic liquor generally and the furnishing of the liquor and wine to state liquor stores established class "E" liquor control licensees under this chapter, and determining the classes, varieties, and brands of alcoholic liquors and wine to be kept in state warehouses or for sale at any state liquor store.

8. Prescribing, subject to this chapter, the days and hours during which ~~state liquor stores warehouses~~ shall be kept open for the purpose of the sale and delivery of alcoholic liquors and wine.

Sec. 733. Section 123.22, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The ~~department~~ division has the exclusive right of importation into the state of all forms of alcoholic liquor, except as otherwise provided in this chapter, and a person shall not import

alcoholic liquor, except that an individual of legal age may import and have in the individual's possession an amount of alcoholic liquor not exceeding one quart or, in the case of alcoholic liquor personally obtained outside the United States, one gallon for personal consumption only in a private home or other private accommodation. No distillery shall sell any alcoholic liquor within the state to any person but only to the department, except as otherwise provided in this chapter. ~~It is the intent of this~~ This section to vest vests in the department division exclusive control within the state both as purchaser and vendor of all alcoholic liquor sold by distilleries within the state or imported, except beer and wine, and except as otherwise provided in this chapter. ~~The department may continue to purchase wine from persons holding a vintner's certificate of compliance or a class "A" wine permit for resale in state liquor stores. The division shall act as the sole wholesaler of alcoholic liquor to class "E" liquor control licensees.~~

Sec. 734. Section 123.24, Code 1985, is amended to read as follows:

123.24 VENDORS - CASH SALES ALCOHOLIC LIQUOR SALES BY THE DIVISION - DISHONORED CHECKS - LIQUOR PRICES.

1. In the conduct and management of state liquor stores, the director is empowered to employ a person who shall be known as a "vendor" who shall, subject to the directions of the director, observe all provisions of this chapter and the rules and regulations of the department. No vendor of any state liquor store shall sell alcoholic liquor to any person except for cash or traveler's check. The division shall sell alcoholic liquor at wholesale only. The division shall sell alcoholic liquor to class "E" liquor control licensees only. The division shall offer the same price on alcoholic liquor to all class "E" liquor control licensees without regard for the quantity of purchase or the distance for delivery.

2. a. ~~Notwithstanding the preceding paragraph, a vendor may accept from a class "A", "B", "C" or "D"~~ The division may accept from a class "E" liquor control licensee, a cashier's check which shows the licensee is the remitter or a check issued by the licensee, in payment of alcoholic liquor purchased for resale. ~~In the event if a check is subsequently dishonored, the vendor division shall cause a notice of nonpayment and penalty to be served upon the class "E" liquor control licensee or upon any person in charge of the licensed premises. The notice shall state that if payment or satisfaction for the dishonored check is not made within ten days of the service of notice, the licensee's liquor control license shall be suspended by the procedures of under section 123.39. The notice of nonpayment and penalty shall be in a form prescribed by the director, and shall be served by a peace officer.~~

b. If upon notice and hearing under the procedures specified in section 123.39 and pursuant to the provisions of chapter 17A concerning a contested case hearing, the director determines that the class "E" liquor control licensee failed to satisfy the obligation for which the check was issued within ten days after the notice of nonpayment and penalty was served on the licensee as provided in paragraph "a" of this subsection, the director shall suspend the licensee's class "E" liquor control license for not less than three days but not more than thirty days.

c. Paragraphs "a" and "b" do not apply if a class "E" liquor control licensee tenders the department division three or more checks during a twelve-month period which are dishonored. Following notification to the department of dishonor of any a check after the second check so dishonored from the same licensee, the director shall suspend a licensee's class "E" liquor control license for not less than three nor more than thirty days, after notice and an opportunity for hearing. Payment of any a check whose dishonor subjects the licensee to suspension does not affect the liability of the licensee to suspension.

3. The price of alcoholic liquor sold by the division shall include a markup of up to sixty percent of the wholesale price paid by the division for the alcoholic liquor. The markup shall apply to all alcoholic liquor sold by the division; however, the division may increase the markup on selected kinds of alcoholic liquor sold by the division if the average return to the division on all sales of alcoholic liquor does not exceed the wholesale price paid by the division and the sixty percent markup.

Sec. 735. Section 123.25, Code 1985, as amended by 1986 Iowa Acts, House File 2372, section 8, is amended to read as follows:

123.25 CONSUMPTION ON PREMISES.

A vendor, An officer, clerk, agent, or employee of the department employed in any state liquor store or a state-owned warehouse shall not allow any alcoholic liquor or wine to be consumed on the premises, nor shall any a person consume any liquor on the premises except for testing or sampling purposes only.

Sec. 736. Section 123.26, Code 1985, is amended to read as follows:

123.26 RESTRICTIONS ON SALES — SEALS — LABELING.

Alcoholic liquor shall not be sold by the department division to a purchaser a class "E" liquor control licensee except in a sealed container with identifying markers as prescribed by the director and affixed on the premises of a state warehouse or store and no such container shall be opened upon the premises of a state warehouse or store. Possession of alcoholic liquors which do not carry the prescribed identifying markers is a violation of this chapter except as provided in section 123.22; and except as authorized by the council pursuant to section 123.56, subsection 4.

Sec. 737. Section 123.27, Code Supplement 1985, as amended by 1986 Iowa Acts, House File 2372, section 9, is amended to read as follows:

It is unlawful to transact the sale or delivery of alcoholic liquor or wine in, on, or from the premises of a state liquor store or warehouse:

1. After the closing hour as established by the director.
2. On any legal holiday except those designated by the director and approved by the executive council.
3. On any Sunday.
4. During other periods or days as designated by the director.

Sec. 738. Section 123.28, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

It is lawful to transport, carry, or convey alcoholic liquors from the place of purchase by the department division to a state warehouse, store, or depot established by the department division or from one such place to another and, when so permitted by this chapter, it is lawful for the division, a common carrier, or other person to transport, carry, or convey alcoholic liquor sold by a vendor from a state warehouse, store, depot, or point of purchase by the state to any place to which the liquor may be lawfully delivered under this chapter. The department shall deliver alcoholic liquor purchased by class "E" liquor control licensees. Class "E" liquor control licensees may deliver alcoholic liquor purchased by class "A", "B", or "C" liquor control licensees, and class "A", "B", or "C" liquor control licensees may transport alcoholic liquor purchased from class "E" liquor control licensees. Notwithstanding section 321.230, sections 321.225 and 321.226 do not apply to department division employees in the regular course of their employment. A common carrier or other person shall not break or open or allow to be broken or opened a container or package containing alcoholic liquor or use or drink or allow to be used or drunk any alcoholic liquor while it is being transported or conveyed, but this section does not prohibit a private person from transporting individual bottles or containers of alcoholic liquor exempted pursuant to section 123.22 and individual bottles or containers bearing the identifying mark prescribed in section 123.26 which have been opened previous to the commencement of the transportation. This section does not affect the right of a special permit or liquor control license holder to purchase, possess, or transport alcoholic liquors subject to the provisions of this chapter.

Sec. 739. Section 123.29, subsections 1 and 2, Code Supplement 1985, are amended to read as follows:

1. To a physician, pharmacist, dentist, or veterinarian, entitling the holder to purchase and import alcohol from distillers and wholesalers or from the ~~state liquor stores department~~ or a class "E" liquor control licensee for use medicinally and in compounding prescriptions and to sell the same alcohol for use medicinally in the compounded prescription only upon the prescription of a licensed physician or surgeon, or to use ~~such~~ the alcohol in manufacturing or compounding lotions, compounds, and like commodities not susceptible for beverage purposes, and to sell the same commodities for public use.

2. To a veterans home, sanitarium, hospital, college, or home for the aged which will entitle the holder to purchase and import alcohol from distillers and wholesalers or from the ~~state liquor stores division~~ or a class "E" liquor control licensee for use for medicinal, laboratory, and scientific purposes only.

Sec. 740. Section 123.29, unnumbered paragraph 5, Code Supplement 1985, is amended to read as follows:

Every person holding a special liquor permit under this chapter shall fill out in duplicate, on forms furnished by the department, the amount and kinds of liquors purchased, and shall retain one copy in the person's establishment for a period of two years. The ~~vender~~ of the state liquor store at which class "E" liquor control licensee from whom the purchase was made shall monthly forward the other copy to the department.

Sec. 741. Section 123.30, subsection 3, paragraphs a, b, and c, Code Supplement 1985, are amended to read as follows:

a. CLASS "A". A class "A" liquor control license may be issued to a club and shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees only the department, wine from the department or class "A" wine permittees only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to bona fide members and their guests by the individual drink for consumption on the premises only.

b. CLASS "B". A class "B" liquor control license may be issued to a hotel or motel and shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees only the department, wine from the department or class "A" wine permittees only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only; ~~however~~. However, beer may also be sold for consumption off the premises. Each license shall be effective throughout the premises described in the application.

c. CLASS "C". A class "C" liquor control license may be issued to a commercial establishment but must be issued in the name of the individuals who actually own the entire business and shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees only the department, wine from the department or class "A" wine permittees only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only; ~~however~~. However, beer may also be sold for consumption off the premises.

A special class "C" liquor control license may be issued and shall authorize the holder to purchase wine from the department or class "A" wine permittees only, and to sell wine and beer to patrons by the individual drink for consumption on the premises only; ~~however~~. However, beer may also be sold for consumption off the premises. The license issued to holders of a special class "C" license shall clearly state on its face that the license is limited.

Sec. 742. Section 123.30, subsection 3, Code Supplement 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. e. CLASS "E". A class "E" liquor control license may be issued and shall authorize the holder to purchase alcoholic liquor from the division only and

to sell the alcoholic liquor to patrons for consumption off the licensed premise and to other liquor control licensees. A class "E" license shall not be issued to premises at which gasoline is sold. A holder of a class "E" liquor control license may hold other liquor control licenses or wine or beer permits, but the premises licensed under a class "E" liquor control license shall be separate from other licensed premises. However, the holder of a class "E" liquor control license may also hold a class "B" wine or class "C" beer permit or both for the premises licensed under a class "E" liquor control license.

Sec. 743. Section 123.32, subsection 1, Code Supplement 1985, is amended to read as follows:

1. Filing of application. An application for a class "A", class "B", or class "C", or class "E" liquor control license, for a retail beer permit as provided in sections 123.128 and 123.129, or for a class "B" retail wine permit as provided in section 123.176, accompanied by the required fee and bond, shall be filed with the appropriate city council if the premises for which the license or permit is sought are located within the corporate limits of a city, or with the board of supervisors if the premises for which the license or permit is sought are located outside the corporate limits of a city. An application for a class "D" liquor control license and for a class "A" beer or class "A" wine permit, accompanied by the required fee and bond, shall be filed with the department, which shall proceed in the same manner as in the case of an application approved by local authorities.

Sec. 744. Section 123.36, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 9. Class "E" liquor control license, a sum of not less than seven hundred and fifty dollars, and not more than seven thousand five hundred dollars as determined on a sliding scale as established by the division taking into account the factors of square footage of the licensed premises, the location of the licensed premises, and the population of the area of the location of the licensed premises. Notwithstanding subsection 6, the holder of a class "E" liquor control license may sell alcoholic liquor for consumption off the licensed premises on Sunday subject to section 123.49, subsection 2, paragraph "b".

NEW SUBSECTION. 10. There is imposed a surcharge on the fee for each class "A", "B", or "C" liquor control license equal to thirty percent of the scheduled license fee. The surcharges collected under this section shall be deposited in the beer and liquor control fund, and notwithstanding subsection 8, no portion of the surcharges collected under this section shall be remitted to the local authority.

Sec. 745. Section 123.50, subsection 5, Code Supplement 1985, is amended by striking the subsection.

Sec. 746. Section 123.51, Code Supplement 1985, is amended to read as follows:

123.51 ADVERTISEMENTS FOR ALCOHOLIC LIQUOR, WINE, OR BEER.

1. Except as permitted by federal statute and regulations, there shall be no public advertisement or advertising of alcoholic liquors in any manner or form within the state.

2. No person shall publish, exhibit, or display or permit to be displayed any other advertisement or form of advertisement, or announcement, publication, or price list of, or concerning any alcoholic liquors, or where, or from whom the same may be purchased or obtained, unless permitted so to do by the regulations adopted by the department and then only in strict accordance with such regulations. This subsection shall not apply, however:

a. To the department.

b. To the correspondence, or telegrams, or general communications of the department, or its agents, servants, and employees.

e. To the receipt or transmission of a telegram or telegraphic copy in the ordinary course of the business of agents, servants, or employees of any telegraph company.

3 1. No signs or other matter advertising any brand of alcoholic liquor, beer, or wine shall be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell alcoholic liquor, beer, or wine at retail. This subsection does not prohibit the use of signs or other matter inside a fence or similar enclosure which wholly or partially surrounds the licensed premises.

2. A person shall not advertise the price or selection of alcoholic liquor for sale at retail other than within premises operated under a liquor control license.

4 3. Violation of this section shall be is a simple misdemeanor.

Sec. 747. Section 123.53, subsections 3, 7, and 8, Code Supplement 1985, are amended to read as follows:

3. The treasurer of state shall semiannually distribute a sum of money equal to at least ten percent of the gross sales made by the state liquor stores division but not less than six million four hundred thousand dollars to the cities of the state. ~~Such~~ The amount shall be distributed to the cities of the state in proportion to the population that each incorporated city bears to the total population of all incorporated cities of the state as computed by the latest federal census. A city may have one special federal census taken each decade, and the population figure thus obtained shall be used in apportioning amounts under this subsection beginning the calendar year following the year in which the special census is certified by the secretary of state. ~~Such~~ The apportionment shall be made semiannually as of July 1 and January 1 of each year. Warrants for the same apportionment shall be issued by the ~~state comptroller~~ director of revenue and finance upon certification of the treasurer of state and mailed to the city clerk of each incorporated city of the state and shall be made payable to ~~such~~ the incorporated city and shall be are subject to expenditure under the direction of the city council or other governing bodies of ~~such~~ the incorporated city for any lawful municipal purpose. It shall be is a lawful municipal purpose for cities to allocate a portion of the ~~above funds~~ moneys received for the purpose of financing the activities of a city commission or committee on alcoholism, ~~such~~ ~~commission or committee~~ to be appointed by the mayor or by the council or both. The commission or committee may use any funds so allocated for the treatment, rehabilitation, and education of alcoholics in Iowa.

7. The treasurer of state shall credit to the military service tax fund described in chapter 426A, a sum of money equal to at least five percent of the gross amount of sales made by the state liquor stores in the cities of the state division but not less than six million four hundred thousand dollars. Any amount thus credited shall be allocated to the various taxing districts of the state as reimbursement for losses of revenue due to exemption or remission of property taxes which would be imposed upon property upon which soldiers' exemptions or soldiers' tax credits are provided under ~~such terms as the general assembly may provide~~ provides.

8. The treasurer of state shall transfer into a special revenue account in the general fund of the state, a sum of money at least equal to seven percent of the gross amount of sales made by the state liquor stores in the cities of the state division from the beer and liquor control fund on a monthly basis but not less than nine million dollars annually, and any amounts so transferred shall be used by the department of substance abuse division of the department of public health for substance abuse treatment and prevention programs in an amount determined by the general assembly and any amounts received in excess of the amounts appropriated to the department of substance abuse division of the department of public health shall be considered part of the general fund balance. ~~This subsection is repealed June 30, 1987.~~

Sec. 748. Section 123.55, Code Supplement 1985, is amended to read as follows:

123.55 ANNUAL REPORT.

The council shall cause to be prepared an annual report to the governor of the state, ending with June 30 of each year, showing fully the results of the operations of the department covering the period since the last previous report. Such report shall show:

1. Amount of profit or loss from state liquor store division operations.
2. Number of state liquor stores opened, the number closed, and the number operating on last day included in report.
3. Amount of fees received from such stores, separately and in gross.
4. The current balance of the beer and liquor control fund, and the amount transferred from such the fund to the treasurer of state during the period covered by the report.
5. All other funds on hand and the source from which derived.
6. The total quantity and particular kind of alcoholic liquor sold.
7. The increase or decrease of liquor sales from the previous reporting period.
8. The number of liquor control licenses, wine permits, and beer permits issued, by class, the number in effect on the last day included in the report, and the number which have been suspended or revoked during the period covered by the report.
9. Amount of fees paid to the department division from liquor control licenses, wine permits, and beer permits, in gross, and the amount of liquor control license fees returned to local subdivisions of government as provided under this chapter.

Sec. 749. Section 123.57, Code 1985, is amended to read as follows:

123.57 EXAMINATION OF ACCOUNTS.

The financial condition and transactions of all offices, departments, ~~stores~~, warehouses, and depots of the department division shall be examined at least once each year by the state auditor and at shorter periods if requested by the director, governor, or executive council.

Sec. 750. Section 123.58, Code 1985, is amended to read as follows:

123.58 AUDITING.

All provisions of sections 11.6, 11.7, 11.10, 11.11, 11.14, 11.18, 11.21, and 11.23, relating to auditing of financial records of governmental subdivisions which are not inconsistent ~~herewith~~ with this chapter are ~~hereby made~~ applicable to the department division and its offices, ~~stores~~, warehouses, and depots.

Sec. 751. Section 123.136, unnumbered paragraph 1, Code 1985, is amended to read as follows:

In addition to the annual permit fee to be paid by all class "A" permittees under the provisions of this chapter there shall be levied and collected from such permittees on all beer manufactured for sale or sold in this state at wholesale and on all beer imported into this state for sale at wholesale and sold in this state at wholesale, a tax of ~~four five and thirty-four~~ eighty-nine hundredths dollars for every barrel containing thirty-one gallons, and at a like rate for any other quantity or for the fractional part of a barrel. However, no tax shall be levied or collected on beer shipped outside this state by a class "A" permittee or sold by one class "A" permittee to another class "A" permittee.

Sec. 752. Section 123.178, subsection 3, Code Supplement 1985, is amended to read as follows:

3. A person holding a class "B" wine permit may purchase wine for resale only ~~from the department or~~ from a person holding a class "A" wine permit.

Sec. 753. Section 123.183, Code Supplement 1985, is amended to read as follows:

123.183 WINE GALLONAGE TAX.

In addition to the annual permit fee to be paid by each class "A" wine permittee, there shall be levied and collected from each class "A" wine permittee on all wine manufactured for sale

and sold in this state at wholesale and on all wine imported into this state for sale at wholesale and sold in this state at wholesale, a tax of one dollar and fifty seventy-five cents for every wine gallon and a like rate for the fractional parts of a wine gallon. A tax shall not be levied or collected on wine sold by one class "A" wine permittee to another class "A" wine permittee. Revenue derived from the wine tax collected on wine manufactured for sale and sold in this state shall be deposited in the gallonage tax fund hereby created in the office of the treasurer of state. All other revenue derived from the wine tax shall be deposited in the liquor control fund established by section 123.53 and shall be transferred by the state comptroller to the general fund of the state. ~~The price of wine sold or offered for sale in state liquor stores which was not purchased by the department from a class "A" wine permittee shall include a markup over the wholesale price at least equal to the tax levied under this section.~~

Sec. 754. Section 123.48, Code 1985, and sections 123.23 and 123.96, Code Supplement 1985, are repealed.

Sec. 755. The alcoholic beverages control division of the department of commerce shall establish a program for employees of the division whose positions are terminated as a result of this Act and who do not qualify for or who choose not to accept early retirement. The program shall provide retraining for other positions within the division or otherwise within state government. The division shall give a preference to qualified persons previously employed by the division whose jobs were terminated as a result of this Act when hiring to fill vacant positions within the division. If after exhausting the requirements of collective bargaining agreements a vacancy still exists in any other state department, the other state department shall give preference to qualified persons previously employed by the alcoholic beverage control division whose jobs were terminated as a result of this Act.

Sec. 756. The alcoholic beverages control division of the department of commerce shall adopt reasonable procedures to expedite the release of lease obligations and to otherwise minimize expenses incurred as a result of this Act. The division shall continue to operate one or more state liquor stores after June 30, 1986 for the purpose of ensuring an efficient and orderly transition to a system of private retailers. The division shall not close a state liquor store before June 30, 1987 unless a class "E" liquor control licensee begins operations within the particular store's market area. *However, the division shall not operate a liquor store after June 30, 1987. *However, the division shall not operate a state liquor store after June 30, 1987. The provisions of the Code concerning the operation of state liquor stores shall remain in effect to the extent applicable in the form as they existed prior to the effective date of this Act and they shall so remain in effect until the division ceases operation of any liquor stores. The division shall maintain the existing warehouse distribution personnel for the transition period of July 1, 1986 through June 30, 1987.

Sec. 757. Effective July 1, 1986 the division shall cease offering for sale and selling wine at wholesale to liquor control licensees and class "B" wine permittees. The state shall continue to sell wine at retail to purchasers at state liquor stores as provided by this Act.

Sec. 758. Notwithstanding section 742 of this Act which creates a new lettered paragraph "e" to section 123.30, subsection 3, Code Supplement 1985, a person operating an agency store may obtain a class "E" liquor control license for the premises designated as an agency store despite the fact that gasoline is also sold on the premises.

Sec. 759. The division shall not contract for any other agency stores nor allow the operation of any other agency stores other than those agency stores operating on May 1, 1986.

*According to enrolled Act

Sec. 760. No state liquor store shall be discontinued before March 1, 1987 and no class "E" liquor control licensee shall be allowed to begin doing business before March 1, 1987. However, the division shall not operate a liquor store after June 30, 1987.

Sec. 761. The division shall adopt rules prior to October 1, 1986 for the approval of applications for class "E" liquor control licenses.

Sec. 762. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to the department of public defense, the following amounts, or so much thereof as necessary, to be used for the purposes designated:

| | 1986-1987 Fiscal Year |
|--|--------------------------|
| 1. For salaries, support, maintenance, and miscellaneous purposes | \$ 3,191,828 |
| Notwithstanding section 29A.33, the per capita annual allowance to units will be five dollars per capita to be paid on a semiannual basis in installments of two dollars fifty cents per capita for the fiscal year beginning July 1, 1986 and ending June 30, 1987. The per capita allowance shall be used for morale purposes and be for the welfare of the troops and in no circumstances expended for support and maintenance. | |
| 2. For the war orphans educational aid fund | \$ 14,278 |

Sec. 763. NEW SECTION. 477A.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "911 service" means a service which provides the user of a public telephone system the ability to reach a public safety answering point by dialing the digits 9-1-1.
2. "Public agency" means the state government and any unit of local government or special purpose district located in whole or in part within the state that provides or has authority to provide fire fighting, law enforcement, ambulance, medical, or other emergency services.
3. "Public safety agency" means a functional unit of a public agency that provides fire fighting, law enforcement, ambulance, medical, or other emergency services.
4. "Private safety entity" means a private entity which provides emergency fire, ambulance, or medical services whether by full or part-time employees or on a volunteer basis.
5. "Public safety answering point" means a communications facility operated on a twenty-four hour basis and serving participating jurisdictions, that initially receives 911 calls and either directly dispatches emergency response services, or relays the calls to the appropriate public safety agency.
6. "Commission" means the state emergency telephone number commission established by section 477A.3.

Sec. 764. NEW SECTION. 477A.2 911 SERVICE.

1. After the effective date of this Act, when 911 service is established in a service area each public agency, public safety agency, and private safety entity serving territory within the service area shall participate in providing the 911 service. The 911 service shall be established according to a written plan which has the written approval of the governing bodies of each public agency, public safety agency, and private safety entity serving territory within the 911 service area.
2. This chapter does not prohibit or discourage participation in or the provision of 911 service covering the territory of more than one public agency, public safety agency, or private safety entity. A system established pursuant to this section may serve the territory of more than one public agency, public safety agency, or private safety entity or may include a part of their respective territories. Public agencies, public safety agencies, and private safety entities may enter into agreements under chapter 28E to provide 911 service.
3. The digits "911" shall be the primary emergency telephone number within the 911 service areas established under this section. A public safety agency or a private safety entity

whose services are available through a 911 system may maintain a separate secondary backup number for emergencies, and shall maintain a separate number for nonemergency telephone calls.

4. A 911 system shall be capable of transmitting requests for law enforcement, fire fighting, and emergency medical and ambulance services to a public safety agency or agencies that provide the requested service at the place where the call originates. A 911 system may also provide for transmitting requests for disaster services, poison control, suicide prevention, and other emergency services. The public safety answering point shall be capable of receiving calls from hearing impaired persons through a telecommunications device for the deaf. Conferencing capability with counseling, aid to handicapped, and other services as deemed necessary for identifying appropriate emergency response services may be provided by the 911 service.

A public safety answering point may transmit emergency response requests to private safety entities.

Sec. 765. NEW SECTION. 477A.3 STATE EMERGENCY TELEPHONE NUMBER COMMISSION CREATED.

The state emergency telephone number commission is created in the office of disaster services of the department of public defense. The director of the office of disaster services shall serve as chairperson of the commission. The office of disaster services shall provide the meeting facilities for the commission. The division of communications, department of general services, shall provide administrative and technical support for the commission with the support of the staff of the respective members of the commission. The members of the commission are as follows:

1. One person appointed by the commissioner of public safety.
2. One person appointed by the league of Iowa municipalities.
3. One person appointed by the Iowa state association of counties.
4. One person appointed by the legislative communications review committee.
5. One person from the Iowa commerce commission.
6. Twelve persons appointed by the governor as follows:
 - a. Two persons representing fire departments, one representing a paid fire department and the other representing a volunteer fire department.
 - b. Two persons representing city police departments, one representing a city with a population of fifty thousand or more, and the other from a smaller city.
 - c. Two persons representing county sheriff departments, one representing a county with a population of twenty-five thousand or more, and the other representing a smaller county.
 - d. Two persons representing emergency ambulance and medical service departments, one representing a public ambulance and medical service, and the other representing a private ambulance and medical service.
 - e. Two persons representing exchange carriers providing public telephone service in Iowa, one representing a telephone company subject to rate regulation under section 476.1 and one representing a telephone company that is not subject to rate regulation under section 476.1.
 - f. Two persons who are qualified by education or employment experience to evaluate alternative financing methods.

Vacancies shall be filled in the same manner as the original appointments are made. Terms shall commence upon appointment and shall run until the commission is abolished by repeal.

Sec. 766. NEW SECTION. 477A.4 MEETINGS.

1. The chairperson shall call the first meeting of the commission within thirty days of the appointment of the members. A majority of the members of the commission constitute a

quorum and the concurrence of a quorum is required on any question relating to the commission's official duties. Commission members shall serve without compensation. Members who are not government employees shall be reimbursed from funds appropriated in section 7 of this Act for actual expenses incurred in the performance of duties. The commission shall meet as necessary, but at least once each month until the report required by section 477A.5 is completed.

2. Public agencies and exchange carriers providing public telephone service in Iowa shall cooperate, within time, personnel, and budgetary limitations, in providing information, data, surveys, and studies as requested by the commission.

3. The commission may apply for, receive, and expend any private or public funds to implement this chapter.

4. The commission shall hold public hearings, prior to making its recommendations to the general assembly, and shall provide Iowans with information on 911 service to stimulate public interest and comment.

Sec. 767. NEW SECTION. 477A.5 RECOMMENDATIONS TO GENERAL ASSEMBLY.

The commission shall submit a written report and recommendations for an overall plan to implement 911 service to the general assembly not later than January 10, 1987. The recommendations shall include, but are not limited to:

1. The responsibilities that should be assumed by state and local public agencies and public safety agencies and by exchange carriers providing public telephone service in implementing statewide 911 service.

2. The size of 911 service areas necessary to operate effectively and to achieve economies of scale and the local government coordination necessary to establish 911 service.

3. Whether it is necessary or desirable for an existing or new state agency to be given the responsibility for monitoring, reviewing, supervising, or coordinating the implementation of statewide 911 service.

4. The equipment, capability and operational standards that should be established for 911 service, including procedures for transmitting calls, that will result in the shortest response time in emergencies and the best service to the public.

5. An estimate of the cost to state and local public agencies to plan, implement, and operate 911 systems throughout the state. The cost reported should indicate the current costs of telephone and related services as well as the incremental costs of 911 implementation.

6. Whether it is necessary or desirable for the general assembly to establish a deadline by which every public agency and public or private safety agency must establish or participate in 911 service.

7. Whether it is necessary or desirable for the general assembly to allow a public agency or utility to seek a waiver of all or some of the time limits for implementing 911 service.

8. Identification and listing of all existing federal, state, local, and private funding sources available for implementation of 911 service. The report shall discuss the merits of alternative methods of collecting the necessary revenues including an increase in taxes, an imposition of a surcharge on the amounts paid by every person in the state for intrastate telephone service, and combinations of these methods.

9. How public agency costs for the planning, installation, and continued operation of the 911 system should be met and from which sources.

10. Legislation needed to implement statewide 911 services.

Sec. 768. NEW SECTION. 477A.6 REPEAL.

Sections 477A.3 through 477A.6 are repealed effective six years from the effective date of this Act.

Sec. 769. There is appropriated to the office of disaster services from the general fund the sum of five thousand (5,000) dollars for the purposes of sections 477A.1 to 477A.5.

Sec. 770. Section 8.33, unnumbered paragraph 2, Code 1985, is amended to read as follows:

No payment of an obligation for goods and services shall be charged to an appropriation subsequent to the last day of the fiscal term for which the appropriation is made unless such goods or services are received on or before September 15 the last day of the following fiscal year, except that repair projects, purchase of specialized equipment and furnishings, and other contracts for services and capital expenditures for the purchase of land or the erection of buildings or new construction or remodeling, which were committed and in progress prior to the end of the fiscal term are excluded from this provision.

Sec. 771. Section 29A.9, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The governor shall also provide for the participation of the national guard, or any part of it, in training at such times and places as designated by the secretary of defense necessary to insure readiness for public defense or federal service.

Sec. 772. Section 18.117, Code 1985, is amended to read as follows:

18.117 PRIVATE USE – RATE FOR STATE BUSINESS.

A state officer or employee shall not use a state-owned motor vehicle for personal private use, nor shall the officer or employee be compensated for driving a privately owned motor vehicle unless it is done on state business with the approval of the state vehicle dispatcher, and in that case the officer or employee shall receive ~~twenty-two cents per mile effective July 1, 1981, and twenty-four~~ twenty-one cents per mile effective July 1, 1982. A statutory provision stipulating necessary mileage, travel, or actual expenses reimbursement to a state officer falls under the mileage reimbursement limitation provided in this section unless specifically provided otherwise. Any peace officer employed by the state as defined in section 801.4 who is required to use a private vehicle in the performance of official duties shall receive reimbursement for mileage expense at the rate specified in this section. However, the state vehicle dispatcher may delegate authority to officials of the state, and department heads, for the use of private vehicles on state business up to a yearly mileage figure established by the director of general services and approved by the executive council. If a state motor vehicle has been assigned to a state officer or employee, the officer or employee shall not collect mileage for the use of a privately owned vehicle unless the state vehicle assigned is not usable.

This section does not apply to officials and employees of the state whose mileage is paid by other than state agencies and this section does not apply to elected officers of the state, judicial officers, or court employees.

Sec. 773. Section 79.9, Code 1985, is amended to read as follows:

79.9 CHARGE FOR USE OF AUTOMOBILE BY OTHER THAN STATE OFFICER OR EMPLOYEE.

When a public officer or employee, other than a state officer or employee, is entitled to be paid for expenses in performing a public duty, a charge shall be made, allowed and paid for the use of an automobile, as determined by the local governing body, in an amount not exceeding ~~twenty-two cents per mile for actual and necessary travel effective July 1, 1981, and in an amount not exceeding twenty-four~~ twenty-one cents per mile effective July 1, 1982. A statutory provision stipulating necessary mileage, travel, or actual reimbursement to a local public officer or employee falls within the mileage reimbursement limitation specified in this section unless specifically provided otherwise. A political subdivision may authorize the use of private vehicles for the conduct of official business of the political subdivision at an annual amount in lieu of actual and necessary travel expense reimbursement provided in this section. A peace officer, other than a state officer or employee, as defined in section 801.4 who is required to use a private vehicle in the performance of official duties shall receive

reimbursement for mileage expense at the rate specified in this section.

Sec. 774. If after exhausting the requirements of collective bargaining agreements a vacancy still exists in any other state department or agency, the other state department or agency shall give preference to qualified persons previously employed by the executive branch of state government whose jobs are terminated as a result of reorganization.

Sec. 775. Section 331.404, Code 1985, is repealed.

Sec. 776. All federal grants to and the federal receipts of the agencies appropriated funds under this division of this Act, not otherwise appropriated, are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly.

Sec. 777. Section 770 of this Act is retroactive to March 1, 1986.

Sec. 778. Section 144 of this Act takes effect retroactive to April 30, 1986.

Approved May 31, 1986, except the items which I hereby disapprove and which are designated as paragraphs 2, 3 and 4 of section 1, subsection 2; section 15; paragraph 2 of section 110, subsection 1.a.; and section 138; each of these four items are bracketed in ink and initialed by me. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, *Governor*

Dear Madam Secretary:

I hereby transmit House File 2484, an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive.

House File 2484 is approved May 31, 1986 with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as paragraphs 2, 3 and 4, of Section 1, Subsection 2, which reads as follows:

Of the funds appropriated by this subsection, one hundred thousand (100,000) dollars, or so much thereof as is necessary, shall be expended to develop a state tourism marketing plan. The plan shall be provided to the legislative council upon completion. Of the funds appropriated by this subsection, one million (1,000,000) dollars shall not be expended prior to the completion of the state tourism marketing plan and presentation of the plan to the legislative council.

There is created a tourism marketing plan task force. The director of the department of economic development or the director's designee shall serve as chairperson of the tourism marketing plan task force. The task force shall consist of five members. The director shall appoint a representative of the state conservation commission, a representative of the recreation, tourism, and leisure study committee, a representative of the department of cultural affairs, and a representative of the tourism industry from the private sector.

The task force shall develop guidelines for the preparation of a comprehensive statewide tourism marketing plan and tourism information delivery system plan, recommendations from which shall be submitted by the task force to the legislative council for the release of withheld funds.

Section 1, Subsection 2, of House File 2484 appropriates \$1.4 million for tourism promotion programs to the Iowa Department of Economic Development. I am disappointed that the legislature did not adopt my recommendation to provide \$2.6 million in tourism promotion money. These additional funds could be used to promote tourism attractions in the state of Iowa.

Nevertheless, the increased appropriation by the General Assembly is welcomed and will provide an immediate economic stimulus to the state of Iowa.

I cannot approve, however, language which is included in this appropriation which would hamstring the department and the expenditure of the tourism funds. The department already has a successful plan in place for tourism marketing promotion. Last year that plan resulted in a 20% increase in tourism spending. Tourism requests are already up almost 10% in Iowa. What is needed now is funding to provide the tools to implement that existing marketing plan. In order to avoid an unnecessary and unwise delay in the expenditure of tourism marketing funds, I am disapproving language which would prevent the immediate implementation of our tourism marketing efforts.

I am unable to approve Section 15 in its entirety.

Section 15 directs the Department of Transportation to establish an additional permit center at the junction of Iowa highways 151, 61 and 52. However, there is no convenience to the industry or efficiency in government to be gained by opening another center. For over 10 years, truckers have been able to pick up a telephone, make one call to the existing 24-hour center and have all necessary permits transmitted by wire anywhere they wish in the country. A consensus of the Department of Transportation's Motor Carrier Advisory Committee (composed of members of the industry and related businesses) is that the section should be vetoed. Moreover, many truck stop operators use permit transmittals as a business enhancement and could view this as more government intrusion.

The restructuring bill appropriately maintains the authority of the Department of Transportation Commission to make the decisions affecting these matters. This section would inappropriately involve the legislature in those decisions. For those reasons I hereby disapprove Section 15 of House File 2484.

I disapprove a portion of Section 110, Subsection 1.a, which reads as follows:

The state board of regents shall not assess charges to the three institutions of higher education under the control of the state board for fiscal year beginning July 1, 1986, in excess of the charges to the three institutions assessed and approved by the state board as of April 1, 1986 for the fiscal year ending June 30, 1986.

Section 110 of House File 2484 includes a provision which limits the ability of the State Board of Regents to secure funding. The state board serves a critical role coordinating the efforts of the three public institutions of higher education and applying appropriate public policy input into the decision-making process. In order to discharge their governance responsibilities appropriately, the Board of Regents' office needs the flexibility. This language could prevent the office from providing the services and the management that we expect from a governing board and is therefore disapproved.

I hereby disapprove Section 138 in its entirety.

Section 138 of House File 2484 includes a substantial change in the method to reimburse parents for non-public transportation. I am a strong supporter of such a reimbursement. And, I am concerned that this change will limit the availability of this reimbursement for some families. The present reimbursement system is working appropriately and has been funded adequately. With the disapproval of this section, we will be able to maintain the current system and ensure funds for the reimbursement of non-public school parents.

For the above reasons, I hereby respectfully disapprove of these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2484 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD, *Governor*

CHAPTER 1247
SUPPLEMENTAL APPROPRIATIONS
H.F. 2380

AN ACT relating to and making supplemental appropriations for the fiscal year beginning July 1, 1985 and ending June 30, 1986 and making the Act effective upon publication.

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

Section 1. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1985 and ending June 30, 1986 the sum of three hundred seventy-two thousand eight hundred twenty-three (372,823) dollars, or so much thereof as is necessary, to provide salary adjustments required by implementation action taken under 1984 Iowa Acts, chapter 1314.

Sec. 2. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1985 and ending June 30, 1986 the sum of two million eighty-one thousand one hundred seventeen (2,081,117) dollars, or so much thereof as is necessary, to provide salary adjustments required by implementation action taken under 1984 Iowa Acts, chapter 1314.

Sec. 3. There is appropriated from the road use tax fund to the general fund of the state for the fiscal year beginning July 1, 1985 and ending June 30, 1986 the sum of one hundred seventy-nine thousand three hundred eighty-six (179,386) dollars, or so much thereof as is necessary, to provide salary adjustments required by implementation action taken under 1984 Iowa Acts, chapter 1314.

Sec. 4. Notwithstanding section 321.145, there is transferred from the road use tax fund to the general fund of the state for the fiscal year beginning July 1, 1985 and ending June 30, 1986 the sum of twenty-eight thousand seven hundred thirty-five (28,735) dollars, or so much thereof as is necessary, to provide salary adjustments required by implementation action taken under 1984 Iowa Acts, chapter 1314.

Sec. 5. A supplemental authorization is authorized for each departmental revolving, trust, or special fund for which the general assembly has established an operating budget in an amount necessary to provide salary adjustments required by implementation action taken under 1984 Iowa Acts, chapter 1314. The supplemental authorization allowed under this section is not applicable to the road use tax fund or the primary road fund.

Sec. 6. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1985, and ending June 30, 1986, to the department of human services for the medical assistance program fifteen million six hundred thousand (15,600,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by 1985 Iowa Acts, chapter 259, section 3, subsection 2.

Sec. 7. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1985, and ending June 30, 1986, the sum of twenty thousand (20,000) dollars, or so much thereof as is necessary, for the preparation of an implementation plan to establish a single central clearinghouse for the receipt and disbursement of child support payments, which shall be completed and reported to the standing committees on appropriations of the general assembly. The clerks of the district court shall cooperate with the department in the preparation of the implementation plan. The department may contract for preparation of the implementation plan without using request-for-proposal procedures. The implementation plan shall include the financial impact of and methods for implementation of the clearinghouse, the staffing, equipment, and data processing

requirements of the clearinghouse, the anticipated federal and state expenditures for the clearinghouse, a cost-benefit analysis of the clearinghouse, the extent to which the implementation of the clearinghouse would conform to federal law and regulation, the impact of the clearinghouse on other state agencies, and a timetable which would assure implementation of the clearinghouse by January 1, 1987. Funds appropriated by this section may be expended or encumbered after June 30, 1986. Notwithstanding section 8.33, any remaining unencumbered funds appropriated under this section shall revert to the general fund of the state on June 30, 1987.

Sec. 8. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1985 and ending June 30, 1986, the sum of sixty thousand (60,000) dollars, or so much thereof as is necessary, for use of the cooperative extension service in agriculture and home economics of Iowa state university of science and technology. The funds shall be used by the cooperative extension service of agriculture and home economics for continuation of the rural concern hotline. The funds shall be used to manage and administer the hotline which provides assistance to Iowa farm families needing information, counseling and referral services on farm financial and stress management and issues facing those families currently and in the near future.

Sec. 9. 1985 Iowa Acts, chapter 254, section 1, subsection 1, paragraph a, is amended to read as follows:

| | |
|---|-------------------|
| a. For the fiscal year beginning July 1, 1985 | \$ 12,091,500 |
| | <u>11,491,500</u> |

Sec. 10. 1985 Iowa Acts, chapter 239, section 7 is amended to read as follows:

SEC. 7. There is appropriated to the department of human services for the fiscal year commencing July 1, 1985, and ending June 30, 1986, three million (3,000,000) dollars, or so much thereof as is necessary, to provide for extension and operation of the medically needy program under the medical assistance program to supplemental security income-related groups. The program shall begin on April 1, 1986. This appropriation is in addition to other funds provided to the department, and shall be matched with available federal funds.

It is the intent of the general assembly that individuals eligible for medical assistance under the medically needy program shall be provided all covered services except for services in institutions for mental disease, skilled nursing facilities and all intermediate care facilities, including those for the mentally retarded. Individuals in medical facilities who receive medical assistance through the medically needy program shall be allowed to retain a personal needs allowance for any month in which they are eligible. The certification period shall be two months.

Sec. 11. 1985 Iowa Acts, chapter 255, section 1, subsections 1, 2, and 4, are amended to read as follows:

| | 1985-1986 Fiscal Year |
|--|--------------------------|
| 1. BOARD OF ARCHITECTURAL EXAMINERS | |
| For salaries, support, maintenance, and other operational purposes | \$ 39,000 |
| | <u>44,490</u> |
| 2. BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS | |
| For salaries, support, maintenance, and other operational purposes | \$ 10,000 |
| | <u>11,487</u> |

4. STATE BOARD OF ENGINEERING AND LAND SURVEYING EXAMINERS

| | | |
|--|----|----------------|
| For salaries, support, maintenance, and other operational purposes | \$ | 124,000 |
| | | <u>143,660</u> |

Sec. 12. Section 327H.20, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The department may enter into agreements with railroad corporations, the United States government, persons, cities, and counties for carrying out the purposes of this chapter. Agreements entered into between the department and railroad corporations under this section may require a railroad corporation to reimburse all or part of the costs paid from the railroad assistance fund from revenue derived from all railroad cars and traffic using the main line, branch line, switching yard or sidings defined in the agreement. An agreement which does not require the repayment of railroad assistance funds used for rehabilitation projects shall require the railroad corporation to establish and maintain a separate corporation account to which an amount equal to all or part of the costs paid from the railroad assistance fund shall be credited from revenue derived from all railroad cars and traffic using the main line, branch line, switching yard or siding defined in the agreement. However, one-half of the funds credited to the railroad assistance fund shall be expended as nonreimbursable grants for rehabilitation programs. Credits to the corporation account by the railroad corporation may be used for the improvement, restoration, or conservation of the railroad corporation's main line, branch lines, switching yards and sidings within the state. The agreement shall stipulate the terms and conditions governing the use of credits to the corporation account as well as a penalty for the use of the account in a manner other than as provided in the agreement.

Sec. 13. Section 327H.24, Code 1985, is amended to read as follows:

327H.24 NO REVERSION OF FUNDS.

Moneys deposited in the railroad assistance fund shall not be subject to ~~sections 8.33 and section 8.39~~. However, moneys credited to the fund by a city, county, or railroad district which are unexpended or unobligated following the expiration of an agreement shall be paid back to the city, county, or railroad district.

Sec. 14. 1985 Iowa Acts, chapter 257, section 7, subsection 3, is amended by striking the subsection.

Sec. 15. Notwithstanding section 99E.10, for the fiscal year beginning July 1, 1985 and ending June 30, 1986, any moneys in excess of sixty thousand (60,000) dollars credited to the gamblers assistance fund during the fiscal year is transferred to the general fund of the state and is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1985 and ending June 30, 1986 for the medical assistance program to supplement funds appropriated by 1985 Iowa Acts, chapter 259, section 3, subsection 2.

Sec. 16. 1985 Iowa Acts, chapter 239, section 8, is repealed.

Sec. 17. There is appropriated from the general fund of the state to the department of general services for the fiscal period beginning July 1, 1985 and ending June 30, 1987 the sum of nine hundred thousand (900,000) dollars, or so much thereof as is necessary, to be used for capitol restoration. The moneys appropriated to the department of general services for capitol restoration under this section shall be in addition to any other moneys appropriated for this purpose. Notwithstanding section 8.33, unobligated or unencumbered funds appropriated by this section remaining as of June 30, 1987 shall revert to the general fund of the state on September 30, 1987.

Sec. 18. Notwithstanding section 327H.24, for the fiscal year beginning July 1, 1985 and ending June 30, 1986, an amount equal to one million five hundred thousand (1,500,000) dollars

credited to the railroad assistance fund shall not be subject to reversion but shall remain in the railroad assistance fund.

Sec. 19. Moneys appropriated under this Act for the fiscal year beginning July 1, 1985 and ending June 30, 1986 are not subject to the reduction of three point eighty-five percent mandated under executive order 19.

Sec. 20. This Act, being deemed of immediate importance, takes effect from and after its publication in the Solon Economist, a newspaper published in Solon, Iowa, and in the Oskaloosa Daily Herald, a newspaper published in Oskaloosa, Iowa.

Approved May 7, 1986

Pursuant to the authority vested in the undersigned Secretary of State of the State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1985, there being no newspaper by the name of the Oskaloosa Daily Herald, published in Oskaloosa, Iowa, I hereby designate the Oskaloosa Herald, published in Oskaloosa, Iowa, to publish the foregoing Act, House File 2380.

MARY JANE ODELL, *Secretary of State*

I hereby certify that the foregoing Act, House File 2380, was published in the Oskaloosa Herald, Oskaloosa, Iowa, on May 12, 1986, and in the Solon Economist, Solon, Iowa, on May 13, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1248

FARM MEDIATION AND TORT STUDY APPROPRIATION

H.F. 2490

AN ACT to appropriate moneys to the department of justice for farm mediation services and the judicial department to fund a tort liability litigation study for the fiscal year beginning July 1, 1985 and ending June 30, 1986.

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

Section 1. There is appropriated from the general fund of the state to the department of justice the sum of fifty thousand (50,000) dollars for the fiscal year beginning July 1, 1985 and ending June 30, 1986, for the administrative costs of the farm mediation service administered by the farm crisis program coordinator. The amounts appropriated under this section are not subject to section 8.33.

Sec. 2. The judicial department shall compile information relating to tort liability litigation, including but not limited to the numbers and types of petitions filed and the numbers and amounts of judgments rendered in the various types of cases, for the period of July 1, 1983 through July 1, 1986, and for such period prior to July 1, 1983 as the department determines to be feasible, and shall report such information to the legislative council by September 15, 1986. The judicial department is authorized to contract for the information compilation required under this section.

Sec. 3. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1986 and ending June 30, 1987 the sum of sixty thousand (60,000) dollars, or so much thereof as is necessary, for the use of the study referred to in section 2 of this Act.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in *The Messenger*, a newspaper published in Fort Dodge, Iowa, and in the *North Iowa Times*, a newspaper published in McGregor, Iowa.

Approved May 20, 1986

I hereby certify that the foregoing Act, House File 2490, was published in *The Messenger*, Fort Dodge, Iowa, on May 24, 1986, and in the *North Iowa Times*, McGregor, Iowa, on May 28, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1249

OIL OVERCHARGE FUNDS APPROPRIATION

S.F. 2305

AN ACT relating to the use and appropriation of oil overcharge funds and the establishment of an energy conservation trust fund and an agricultural energy management fund.

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

Section 1. **DECLARATION OF LEGISLATIVE INTENT.** The purpose of this Act is to provide for the expenditure of a portion of the funds to be allocated and disbursed to the state and citizens of Iowa under the decision in the case of *United States v. Exxon Corporation*. The intent of this Act is to expend these funds fully within the letter and spirit of the guidelines established in the decision in that case. These guidelines include use of the funds under one or more of the following five existing federal energy conservation programs: (1) the program under part A of the Energy Conservation in Existing Buildings Act of 1976, 42 U.S.C. § 6861 et seq.; (2) the programs under part D of Title III of the Energy Policy and Conservation Act, 42 U.S.C. § 6321 et seq.; (3) the program under part G of Title III of the Energy Policy and Conservation Act, 42 U.S.C. § 6371 et seq.; (4) the program under the National Energy Extension Service Act, 42 U.S.C. § 7001 et seq.; and (5) the program under the Low-Income Home Energy Assistance Act of 1981, 42 U.S.C. § 8621 et seq. These programs include weatherization of buildings; implementing state energy conservation programs; cutting energy consumption in, or finding cheaper alternate energy sources for, schools and hospitals; promoting conservation by small businesses and individuals; and helping indigent people pay home utility bills. The purpose of the domestic petroleum price regulations that were violated by Exxon Corporation was to keep oil prices down, to relieve consumers of some of the burden of towering oil costs. The five energy conservation programs identified in the court decision operate to reduce that same burden, either by reducing overall consumption through conservation or by direct financial assistance to those most in need.

Sec. 2. **NEW SECTION. 93.11 ENERGY CONSERVATION TRUST FUND — ESTABLISHED — RECEIPTS AND DISBURSEMENTS.**

1. A separate account is created in the state treasury to be known as the energy conservation trust fund. Notwithstanding section 453.7, interest and earnings on investments from the moneys in the fund shall be credited to the fund. This state on behalf of itself, its citizens, and its political subdivisions accepts any moneys awarded or allocated to the state, its citizens, or its political subdivisions as a result of the 1985 federal court decision finding Exxon Corporation in violation of federal petroleum pricing regulations and requiring Exxon Corporation to pay the amount of the judgment in the case, plus accrued interest, to a federal escrow account for distribution by the United States department of energy to the states for use in one or more of the five federal energy programs specified in Pub. L. No. 97-377, § 155, 96 Stat. 1830, 1919 (1982). The moneys shall be deposited in the energy conservation trust fund.

The energy conservation trust fund is established to provide for an orderly, efficient, and effective mechanism to make maximum use of funds available to this state, pursuant to federal court cases involving the violation of federal petroleum pricing regulations, in order to increase energy conservation efforts and thereby to save the citizens of this state energy expenditures.

The moneys received pursuant to the federal court decision involving Exxon Corporation shall be expended, to the extent possible, over a period of no more than six years.

2. The treasurer of state shall be the custodian of the energy conservation trust fund and shall invest the moneys in the fund, in consultation with the energy fund disbursement council established in subsection 3 and the investment board of the Iowa public employees' retirement system, in accordance with the following guidelines:

- a. To maximize the rate of return on moneys in the fund while providing sufficient liquidity to make fund disbursements, including contingency disbursements.
- b. To absolutely insure the fund against loss.
- c. To use such investment tools as are necessary to achieve these purposes.

3. An energy fund disbursement council is established. The council shall be composed of the governor or the governor's designee, the director of the department of management, who shall serve as the council's chairperson, the administrator of the division of community action agencies of the department of human rights, the administrator of the energy and geological resources division of the department of natural resources, and a designee of the director of the department of transportation, who is knowledgeable in the field of energy conservation. The council shall be staffed by the energy and geological resources division of the department of natural resources. The attorney general shall provide legal assistance to the council.

The council shall:

- a. Oversee the investment of moneys deposited in the energy conservation trust fund.
- b. Make recommendations to the governor and the general assembly regarding annual appropriations from the energy conservation trust fund.
- c. Work with the energy and geological resources division in adopting administrative rules necessary to administer expenditures from the fund, encourage applications for grants and loans, to review and select proposals for the funding of competitive grants and loans from the energy conservation trust fund, and evaluate their comparative effectiveness.
- d. Monitor expenditures from the fund.
- e. Approve any grants or contracts awarded from the energy conservation trust fund in excess of five thousand dollars.
- f. Prepare, in conjunction with the energy and geological resources division, an annual report to the governor and the general assembly regarding earnings of and expenditures from the energy conservation trust fund.

4. The administrator of the energy and geological resources division of the department of natural resources shall be the administrator of the energy conservation trust fund. The administrator shall disburse moneys from the fund appropriated by the general assembly, in accordance with the applicable federal court order and other related federal law and regulations, subject to the approval of the energy fund distribution council where applicable. The council, after consultation with the attorney general, shall immediately approve the disbursement of moneys from the fund for projects which meet the strict guidelines of the five existing federal energy conservation programs specified in Pub. L. No. 97-377, § 155, 96 Stat. 1830, 1919 (1982). The council shall approve the disbursement of moneys from the fund for other projects only if the projects meet one or more of the following conditions:

- a. The projects meet the guidelines for allowable projects under a modification order entered by the federal court in the case involving Exxon Corporation.
- b. The projects meet the guidelines for allowable projects under a directive order entered by the federal court in the case involving Exxon Corporation.

c. The projects meet the guidelines for allowable projects under regulations adopted or written clarifications issued by the United States department of energy.

Sec. 3. NEW SECTION. 467E.1 AGRICULTURAL ENERGY MANAGEMENT FUND.

1. The agricultural energy management fund is created within the department of agriculture and land stewardship. The fund shall be used to finance education and demonstration projects regarding tillage practices and the management of fertilizer and pesticide use which result in management practices that reduce energy inputs in agriculture and reduce potential for groundwater contamination.

2. An agricultural energy management advisory council is established which shall consist of the secretary of agriculture and the chief administrator of each of the following organizations or the administrator's designee:

- a. The energy and geological resources division of the department of natural resources.
- b. The environmental protection division of the department of natural resources.
- c. Iowa state university of science and technology college of agriculture.
- d. Iowa state university of science and technology college of engineering.
- e. Iowa state water resource research institute.
- f. State university of Iowa department of preventative medicine and environmental health.
- g. Division of soil conservation of the department of agriculture and land stewardship.
- h. Iowa cooperative extension service in agriculture and home economics.

The secretary of agriculture shall be the chairperson of the council. The presiding officers of the senate and house shall each appoint two nonvoting members, not more than one of any one political party, to serve on the advisory council for a term of two years. The council may invite the administrators of the United States geological survey and the federal environmental protection agency to each appoint a person to meet with the council in an advisory capacity. The council shall meet quarterly or upon the call of the chairperson. The council shall review possible uses of the funds and the effectiveness of current and past expenditures of the fund. The council shall make recommendations to the department of agriculture and land stewardship on the uses of the fund.

3. The department of agriculture and land stewardship shall report annually to the standing committees on energy and environmental protection of the house and senate on the projects conducted with the agricultural energy management fund.

Sec. 4. ENERGY CONSERVATION TRUST FUND APPROPRIATIONS. There is appropriated from the funds available in the energy conservation trust fund, established in section 93.11, for the fiscal year beginning July 1, 1986, and ending June 30, 1987, to the energy and geological resources division of the department of natural resources for disbursement under section 93.11, the following amounts, or so much thereof as is necessary, to be used for the purposes designated consistent with the expressed legislative intent of this Act:

| | 1986-1987 |
|--|--------------------|
| | <u>Fiscal Year</u> |
| 1. For energy weatherization projects, to be transferred to the division of community action agencies of the department of human rights for weatherization efforts under the federal weatherization program, including the use of the moneys in the most effective manner to conserve energy such as retrofitting furnaces and boilers and providing for the acquisition of new furnaces and boilers | \$ 1,500,000 |
| 2. For qualifying energy conservation programs for low-income persons, including but not limited to energy weatherization projects | \$ 1,500,000 |
| 3. For energy audits and engineering analyses of public buildings pursuant to the requirements of House File 2387, if enacted by the Seventy-first General Assembly | \$ 1,500,000 |

| | | |
|---|----|-----------|
| 4. For energy conservation grants and contracts to be used to fund, on a competitive basis, cost-effective and environmentally sound energy conservation and renewable resource projects which meet the guidelines of one or more of the five federal energy programs specified in Pub. L. No. 97-377, § 155, 96 Stat. 1830, 1919 (1982) | \$ | 900,000 |
| 5. For deposit in the agricultural energy management fund created in section 467E.1 for use by the division of soil conservation of the department of agriculture and land stewardship | \$ | 1,000,000 |
| 6. For energy conservation expenditures related to the highway system which will conserve energy by improving traffic flow, reducing traffic congestion, or improving traffic safety, to be transferred to the department of transportation .. | \$ | 3,000,000 |
| 7. For energy conservation expenditures related to mass transit which will aid rural and community-based transit and vanpooling, aid ride-sharing and carpooling programs, and provide new or additional commuter services, to be transferred to the department of transportation | \$ | 1,700,000 |
| 8. To be transferred to the state board of regents for technical assistance studies to identify potential energy conservation opportunities within their buildings, funding of fifty percent matching grants for the installation of cost-effective energy conservation measures identified in the studies, and energy extension projects | \$ | 1,500,000 |
| 9. For a solar ethanol project to be administered by the center for industrial research and service | \$ | 150,000 |

Sec. 5. ADMINISTRATIVE FUNDS. Notwithstanding section 93.14, not more than five hundred thousand (500,000) dollars of the funds in the energy research and development fund may be used for the administration of the energy programs funded under section 4, subsections 1 through 4 of this Act.

Sec. 6. REQUEST TO MODIFY COURT ORDER. The administrator of the energy and geological resources division of the department of natural resources, in collaboration with the attorney general, shall request the federal court to modify its order in the case involving Exxon Corporation to allow use of the moneys deposited in the energy conservation trust fund, established in section 93.11, to defray the costs associated with the federal court case and with administering the distribution of the moneys in the fund and to allow the use of the moneys in the fund in a manner fully consistent with achieving the energy conservation goals of this Act.

Sec. 7. FUTURE REPEAL. Section 93.11, Code 1985, is repealed effective July 1, 1992.

Sec. 8. FUND CARRYOVERS. Notwithstanding section 8.33, all unencumbered or unobligated moneys remaining from the funds which were apportioned to this state under Pub. L. No. 97-377 and which were appropriated under 1983 Iowa Acts, chapter 207, section 5, and under 1983 Iowa Acts, chapter 202, section 21, as well as any interest accrued in the petroleum overcharge fund through June 30, 1986 are appropriated to the energy policy council or its successor agency to continue the programs established under 1983 Iowa Acts, chapter 207, section 5, as amended by 1985 Iowa Acts, chapter 265, sections 3 and 4, and under 1983 Iowa Acts, chapter 202, section 21, during the fiscal year beginning July 1, 1986.

Approved May 22, 1986

CHAPTER 1250
BLOCK GRANT APPROPRIATIONS
S.F. 2304

AN ACT appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date.

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

DIVISION I

Section 1. ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the department of public health, two million nine hundred thirty-six thousand (2,936,000) dollars for the federal fiscal year beginning October 1, 1986. Funds appropriated by this section are the anticipated funds to be received from the federal government for the designated federal fiscal year under Pub. L. No. 97-35, Title IX, Subtitle A, and Pub. L. No. 97-414 which provides for the alcohol and drug abuse and mental health services 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.

2. Seventeen and eight-tenths percent of the funds appropriated in subsection 1 shall be transferred to the division of mental health, mental retardation, and developmental disabilities within the department of human services and allocated for community mental health centers. Of this amount, ten percent must be used to initiate new mental services for severely disturbed children and adolescents and new comprehensive community mental health programs for unserved areas or underserved populations.

3. Funds appropriated in subsection 1 shall not be used by the department of public health for administrative expenses. The department of public health shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1 from funds appropriated to the department from the general fund of the state. The auditor of state shall bill the department of public health for the costs of the audit.

4. Five percent of the funds appropriated in subsection 1 shall be used to initiate and provide new alcohol and drug abuse services to women.

5. After deducting the funds allocated in subsections 2 and 4 the remaining funds appropriated in subsection 1 shall be allocated according to the following percentages to supplement appropriations for the following programs within the department of public health:

| | |
|---|---------------|
| a. Drug abuse programs | 38.89 percent |
| b. Alcohol abuse programs | 38.89 percent |
| c. Alcohol and drug prevention programs | 22.22 percent |

Sec. 2. MATERNAL AND CHILD HEALTH SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the state department of public health, the sum of five million four hundred sixty thousand six hundred seventy-two (5,460,672) dollars for the federal fiscal year beginning October 1, 1986. The funds appropriated by this section are the funds anticipated to be received from the federal government for the designated federal fiscal year under Pub. L. No. 97-35, Title XXI, Subtitle D, as amended, which provides for the maternal and child health services 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.

2. Sixty-three percent of the funds appropriated in subsection 1 shall be allocated to supplement appropriations for maternal and child health programs within the state department of public health. Of these funds, forty-eight thousand seven hundred twenty (48,720) dollars shall be set aside for sudden infant death syndrome, and two hundred eight thousand nine hundred fifty (208,950) dollars shall be set aside for the statewide perinatal care program.

Thirty-seven percent of the funds appropriated in subsection 1 shall be allocated to the university of Iowa hospitals and clinics under the control of the state board of regents for mobile and regional child health specialty clinics. The university of Iowa hospitals and clinics shall not receive an allocation for indirect costs from the funds for this program.

3. An amount not exceeding one hundred twenty-two thousand thirty (122,030) dollars of the funds allocated in subsection 2 to the state department of public health shall be used by the state department of public health for administrative expenses. From the funds set aside by this subsection for administrative expenses, the state department of public health shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state department of public health's portion of the funds allocated in subsection 2. The auditor of state shall bill the state department of public health for the costs of the audit.

It is the intent of the general assembly that the departments of public health, human services, and education and the university of Iowa's mobile and regional child health specialty clinics continue to pursue to the maximum extent feasible the coordination and integration of services to women and children in selected pilot areas. It is expected that these agencies prepare a progress report for the general assembly indicating objectives accomplished and barriers encountered in the pursuit of these integration efforts.

4. Those federal maternal and child health services block grant funds transferred from the federal preventive health and health services block grant funds under section 3, subsection 4, of this Act for the federal fiscal year beginning October 1, 1986, are transferred to the maternal and child health programs and to the university of Iowa's mobile and regional child health specialty clinics according to the percentages specified in section 2, subsection 2, of this Act.

5. The department of public health shall administer the statewide maternal and child health program and the crippled children's program by conducting mobile and regional child health specialty clinics and conducting other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential handicapping conditions and chronic illnesses in accordance with the requirements of Title V of the Social Security Act.

Sec. 3. PREVENTIVE HEALTH AND HEALTH SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the state department of public health, one million forty-seven thousand four hundred ninety-five (1,047,495) dollars for the federal fiscal year beginning October 1, 1986. Funds appropriated by this section are the funds anticipated to be received from the federal government for the designated federal fiscal year under Pub. L. No. 97-35, Title IX, Subtitle A, which provides for the preventive health and health services 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.

2. An amount not exceeding one hundred thousand three hundred seventeen (100,317) dollars of the funds appropriated in subsection 1 shall be used by the state department of public health for administrative expenses. From the funds set aside by this subsection for administrative expenses, the state department of public health shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the state department of public health for the costs of the audit.

3. Of the funds appropriated in subsection 1, the specific amount of funds required by Pub. L. No. 97-35, Title IX, Subtitle A, shall be allocated to the rape prevention program.

4. Pursuant to Pub. L. No. 97-35, Title IX, Subtitle A, as amended, seven percent of the funds appropriated in subsection 1 is transferred within the special fund in the state treasury established under section 8.41, for use by the state department of public health as authorized by Pub. L. No. 97-35, Title XXI, Subtitle D, as amended, and section 2 of this Act.

5. After deducting the funds allocated and transferred in subsections 2, 3, and 4, the remaining funds appropriated in subsection 1 shall be allocated for use of the following programs in amounts determined by the department of public health: fluoridation program, risk reduction services, health incentive program, hypertension program, and emergency medical services.

DIVISION II

Sec. 4. COMMUNITY SERVICES APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the division of community action agencies of the department of human rights, the sum of three million seven hundred sixty-eight thousand six hundred (3,768,600) dollars for the federal fiscal year beginning October 1, 1986. Funds appropriated by this section are the funds anticipated to be received from the federal government for the designated federal fiscal year under Pub. L. No. 97-35, Title VI, Subtitle B, which provides for the community services block grant. The division of community action agencies of the department of human rights shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

b. The director of the division of community action agencies of the department of human rights shall allocate not less than ninety-seven percent of the amount of the block grant to programs benefiting low-income persons based upon the size of the poverty-level population in the area represented by the community action areas compared to the size of the poverty-level population in the state.

2. An amount not exceeding three percent of the funds appropriated in subsection 1 for the federal fiscal year beginning October 1, 1986 shall be used by the division of community action agencies of the department of human rights for administrative expenses. From the funds set aside by this subsection for administrative expenses, the division of community action agencies of the department of human rights shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the division of community action agencies of the department of human rights for the costs of the audit.

Sec. 5. COMMUNITY DEVELOPMENT APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of economic development, the sum of twenty-four million nine hundred thousand (24,900,000) dollars for the federal fiscal year beginning October 1, 1986. Funds appropriated by this section are the funds anticipated to be received from the federal government for the designated federal fiscal year under Pub. L. No. 97-35, Title III, Subtitle A, which provides for the community development block grant. The department of economic development shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding nine hundred ninety-one thousand (991,000) dollars for the federal fiscal year beginning October 1, 1986 shall be used by the department of economic development for administrative expenses for the community development block grant. The total amount used for administrative expenses includes four hundred ninety-five thousand five hundred (495,500) dollars for the federal fiscal year beginning October 1, 1986 of funds appropriated in subsection 1 and a matching contribution from the state equal to four hundred ninety-five thousand five hundred (495,500) dollars from the appropriation of state funds for the community development block grant and state appropriations for related activities of the department of economic development. The total administrative expenses at the state level, from both federal and state sources, shall not exceed four percent of the amount appropriated in subsection 1. From the funds set aside for administrative expenses by this subsection, the department of economic development shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the department of economic development for the costs of the audit.

DIVISION III

Sec. 6. EDUCATION APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of education for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the amount received from Pub. L. No. 97-35, Title V, Subtitle D, chapter 2, not to exceed five million seven hundred thousand (5,700,000) dollars, which provides for the education 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.

2. Twenty percent of the funds appropriated in subsection 1, not to exceed one million one hundred forty thousand (1,140,000) dollars, shall be used by the department for basic skills development, state leadership and support services, educational improvement and support services, special projects, and state administrative expenses and auditing. However, not more than two hundred thousand (200,000) dollars shall be used by the department for state administrative expenses.

3. Eighty percent of the funds appropriated in subsection 1 shall be allocated by the department to local educational agencies in this state, as local educational agency is defined in Pub. L. No. 97-35, Title V, Subtitle D. The amount allocated under this subsection shall be allocated to local educational agencies according to the following percentages and enrollments:

a. Seventy-five percent shall be allocated on the basis of enrollments in public and approved nonpublic schools.

b. Twenty percent shall be allocated on the basis of the number of disadvantaged children in local educational agencies whose incidence ratio for disadvantaged children is above the state average incidence ratio.

c. Five percent shall be allocated on the basis of the number of limited English-speaking children whose language imposes a barrier to learning.

Sec. 7. Funds appropriated in section 6 of this Act shall not be used to aid schools or programs that illegally discriminate in employment or educational programs on the basis of sex, race, color, national origin, or disability.

DIVISION IV

Sec. 8. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the division of community action agencies of the department of human rights, the sum of thirty-six million seven hundred nineteen thousand eight hundred (36,719,800) dollars for the fiscal year beginning October 1, 1986. The funds appropriated by this section are the funds anticipated to be received from the federal government for the designated federal fiscal years under Pub. L. No. 97-35, Title XXVI, as amended by Pub. L. No. 98-558, which provides for the low-income home energy assistance block grants. The division of community action agencies of the department of human rights shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding two million eight hundred ninety-two thousand (2,892,000) dollars or nine percent of the funds appropriated in subsection 1, whichever is less, may be used for administrative expenses, not more than two hundred ninety thousand (290,000) dollars of which shall be used for administrative expenses of the division of community action agencies of the department of human rights. From the total funds set aside by this subsection for administrative expenses, an amount sufficient to pay the cost of an audit of the use and administration of the state's portion of the funds appropriated is allocated for that purpose. The auditor shall bill the division of community action agencies of the department of human rights for the costs of the audit. The remaining funds shall be used for administrative expenses of the community action agencies.

3. The remaining funds appropriated in this section shall be allocated to help eligible households, as defined in accordance with Pub. L. No. 97-35, as amended by Pub. L. No. 98-558, to meet the costs of home energy. After reserving a reasonable portion of the remaining funds

not to exceed one million (1,000,000) dollars to carry forward into the federal fiscal year beginning October 1, 1987, at least ten percent and not more than fifteen percent of the remaining funds appropriated by this section shall be used for low-income residential weatherization or other related home repairs for low-income households.

4. An eligible household must be willing to allow residential weatherization or other related home repairs in order to receive home energy assistance. If the eligible household resides in rental property, the unwillingness of the landlord to allow residential weatherization or other related home repairs shall not prevent the household from receiving home energy assistance.

DIVISION V

Sec. 9. SOCIAL SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of human services, the sum of thirty-three million eighty-four thousand nine hundred seventy-two (33,084,972) dollars for the fiscal year beginning October 1, 1986. Funds appropriated by this subsection are the funds anticipated to be received from the federal government for the designated federal fiscal year under Pub. L. No. 97-35, Title XXIII, Subtitle C, as codified in 42 U.S.C. sections 1397-1397f, which provides for the social services block grant. The department of human services shall expend the funds appropriated by this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Not more than one million nine hundred seven thousand nine hundred thirty-two (1,907,932) dollars of the funds appropriated in subsection 1 shall be used by the department of human services for general administration for the federal fiscal year beginning October 1, 1986. From the funds set aside by this subsection for general administration, the department of human services shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the department of human services for the costs of the audit.

3. In addition to the allocation for general administration in subsection 2, the remaining funds appropriated in subsection 1 shall be allocated to supplement appropriations for the federal fiscal year beginning October 1, 1986 for the following programs within the department of human services:

| | 1986-1987 Federal Fiscal Year |
|--|-------------------------------------|
| a. Field operations | \$ 13,068,647 |
| b. Home-based services | \$ 153,002 |
| c. Foster care | \$ 4,847,444 |
| d. Community-based services | \$ 776,329 |
| e. Local administrative costs and other local services | \$ 12,199,070 |
| f. Volunteers | \$ 132,548 |

Sec. 10. SOCIAL SERVICES BLOCK GRANT PLAN. The department of human services during each fiscal year shall develop a plan for the use of federal social services block grant funds for the subsequent state fiscal year.

The proposed plan shall include all programs and services at the state level which the department proposes to fund with federal social services block grant funds, and shall identify state and other funds which the department proposes to use to fund the state programs and services.

The proposed plan shall also include all local programs and services which are eligible to be funded with federal social services block grant funds, the total amount of federal social services block grant funds available for the local programs and services, and the manner of distribution of the federal social services block grant funds to the counties. The proposed plan

shall identify state and local funds which will be used to fund the local programs and services.

The proposed plan shall be submitted with the department's budget requests to the governor and the general assembly.

DIVISION VI

Sec. 11. PROCEDURE FOR REDUCED FEDERAL FUNDS.

1. Except for section 6 of this Act, if the funds received from the federal government for the block grants specified in this Act are less than the amounts appropriated, the funds actually received shall be prorated by the governor for the various programs, other than for the rape prevention program under section 3, subsection 3, of this Act, for which each block grant is available according to the percentages that each program is to receive as specified in this Act. However, if the governor determines that the funds allocated by the percentages will not be sufficient to effect the purposes of a particular program, or if the appropriation is not allocated by percentage, the governor may allocate the funds in a manner which will effect to the greatest extent possible the purposes of the various programs for which the block grants are available.

2. Before the governor implements the actions provided for in subsection 1, the following procedures shall be taken:

a. The chairpersons and ranking members of the standing committees of the senate and house on appropriations, the director of the legislative fiscal bureau, and the appropriate chairpersons and ranking members of subcommittees of those committees shall be notified of the proposed action.

b. The notice shall include the proposed allocations, and information on the reasons why particular percentages or amounts of funds are allocated to the individual programs, the departments and programs affected, and other information deemed useful. Chairpersons notified shall be allowed at least two weeks to review and comment on the proposed action before the action is taken.

Sec. 12. PROCEDURE FOR INCREASED FEDERAL FUNDS.

1. If funds received from the federal government in the form of block grants exceed the amounts appropriated in sections 1, 2, 3, and 6, subsection 3, of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional funds shall not be prorated for administrative expenses.

2. If funds received from the federal government from block grants exceed the amounts appropriated in section 5 of this Act, one hundred percent of the excess is appropriated to the community development block grant program. Not more than two percent of the excess may be used for additional administrative expenses if the amount or any portion of it is equally matched by the current state appropriation for related activities of the department of economic development.

3. If funds received from the federal government in the form of block grants exceed the amounts appropriated in section 6, subsection 2, of this Act, the excess shall be deposited in the special fund created in section 8.41 and is subject to appropriation by the general assembly.

4. If funds received from the federal government from block grants exceed the amounts appropriated in section 8 of this Act, at least ten percent and not more than fifteen percent of the excess shall be allocated to the low-income weatherization program.

5. If funds received from the federal government in the form of block grants exceed the amounts appropriated in section 1 and section 9, subsection 1 of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional funds shall not be prorated for administrative expenses.

6. If funds received from the federal government from community services block grants exceed the amounts appropriated in section 4 of this Act, one hundred percent of the excess is allocated to the community services block grant program.

Sec. 13. PROCEDURE FOR CONSOLIDATED, CATEGORICAL, OR EXPANDED FEDERAL BLOCK GRANTS. Notwithstanding section 8.41, federal funds made available to the state which are authorized for the federal fiscal year beginning October 1, 1986 resulting from the federal government consolidating former categorical grants into block grants, or which expand block grants included in Pub. L. No. 97-35, to include additional programs formerly funded by categorical grants, which are not otherwise appropriated by the general assembly, are appropriated for the programs formerly receiving the categorical grants, subject to the conditions of this section. The governor shall, whenever possible, allocate from the block grant to each program in the same proportion as the amount of federal funds received by the program during the 1986 federal fiscal year as modified by the 1986 Session of the Seventy-first General Assembly for the fiscal year beginning July 1, 1986 compared to the total federal funds received in the 1986 federal fiscal year by all programs consolidated into the block grant. However, if one agency did not have categorical funds appropriated for the federal fiscal year ending September 30, 1986 but had anticipated applying for funds during the fiscal year ending September 30, 1987, the governor may allocate the funds in order to provide funding.

If the amount received in the form of a consolidated or expanded block grant is less than the total amount of federal funds received for the programs in the form of categorical grants for the 1986 federal fiscal year, state funds appropriated to the program by the general assembly to match the federal funds shall be reduced by the same proportion of the reduction in federal funds for the program. State funds released by the reduction shall be deposited in a special fund in the state treasury and are available for appropriation by the general assembly. The governor shall notify the chairpersons and ranking members of the senate and house committees on appropriations, the legislative fiscal director, and the appropriate chairpersons and ranking members of the subcommittees of those committees before making the allocation of federal funds or any proportional reduction of state funds under this section. The notice shall state the amount of federal funds to be allocated to each program, the amount of federal funds received by the program during the 1986 federal fiscal year, the amount by which state funds for the program will be reduced according to this section and the amount of state funds received by the program during the 1986 fiscal year. Chairpersons notified shall be allowed at least two weeks to review and comment on the proposed action before the action is taken.

If the amount received in the form of a consolidated or expanded block grant is more than the total amount of federal funds received for the programs in the form of categorical grants for the 1986 federal fiscal year, the excess funds shall be deposited in the special fund created in section 8.41 and are subject to the provisions of that section.

Sec. 14. 1985 Iowa Acts, chapter 268, section 11, is amended to read as follows:

SEC. 11. PROCEDURE FOR REDUCED FEDERAL FUNDS.

1. Except for section 1, subsections 1 and 2, section 6 and section 9, subsection 4 of this Act, if the funds received from the federal government for the block grants specified in this Act are less than the amounts appropriated, the funds actually received shall be prorated by the governor for the various programs, other than for the rape prevention program under section 3, subsection 3, of this Act, for which each block grant is available according to the percentages that each program is to receive as specified in this Act. However, if the governor determines that the funds allocated by the percentages will not be sufficient to effect the purposes of a particular program, or if the appropriation is not allocated by percentage, the governor may allocate the funds in a manner which will effect to the greatest extent possible the purposes of the various programs for which the block grants are available.

2. Before the governor implements the actions provided for in subsection 1, the following procedures shall be taken:

a. The chairpersons and ranking members of the standing committees of the senate and house on appropriations, the director of the legislative fiscal bureau, and the appropriate chairpersons and ranking members of subcommittees of those committees shall be notified of the proposed action.

b. The notice shall include the proposed allocations, and information on the reasons why particular percentages or amounts of funds are allocated to the individual programs, the departments and programs affected, and other information deemed useful. Chairpersons notified shall be allowed at least two weeks to review and comment on the proposed action before the action is taken.

3. If the funds received from the federal government for the alcohol and drug abuse and mental health services block grant, pursuant to section 1 of this Act, are less than the amounts appropriated, the difference shall be divided equally between the department of substance abuse and the allocation for community mental health centers within the department of human services until the total difference is equal to six hundred forty-four thousand (644,000) dollars. If the total difference exceeds such amount, the remainder of the reduction shall be prorated according to the percentages set in section 1 of this Act.

Sec. 15. 1985 Iowa Acts, chapter 268, is amended by adding the following new section:

SEC. _____. REDESIGNATION OF CERTAIN FUNDS. Funds appropriated to a department which ceases to exist June 30, 1986 if Senate File 2175 is enacted are appropriated to its successor agency or agency responsible for the affected program after June 30, 1986.

Sec. 16. The governor may transfer funds not exceeding one million one hundred eighty thousand (1,180,000) dollars from funds already appropriated from the general fund of the state before June 30, 1986, and funds shall not revert to the general fund prior to such transfer to the department of human services for purposes specified in the 1985 Iowa Acts, chapter 268, section 9, subsection 3.

Sec. 17. This Act, being deemed of immediate importance, takes effect on and after its publication in the Ames Daily Tribune, a newspaper published in Ames, Iowa, and in the Grinnell Herald-Register, a newspaper published in Grinnell, Iowa.

Approved May 27, 1986

I hereby certify that the foregoing Act, Senate File 2304, was published in the Grinnell Herald-Register, Grinnell, Iowa, on June 2, 1986, and in the Ames Daily Tribune, Ames, Iowa, on June 6, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1251

OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR

First Time Passed S.J.R. 1

A JOINT RESOLUTION proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor.

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

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 2 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 2. The governor and the lieutenant governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly. Each of them shall hold office for four years from the time of installation in office and until a successor is elected and qualifies.

2. Section 3 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 3. The electors shall designate their selections for governor and lieutenant governor as if these two offices were one and the same. The names of nominees for the governor and the lieutenant governor shall be grouped together in a set on the ballot according to which nominee for governor is seeking office with which nominee for lieutenant governor, as prescribed by law. An elector shall cast only one vote for both a nominee for governor and a nominee for lieutenant governor. The returns of every election for governor and lieutenant governor shall be sealed and transmitted to the seat of government of the state, and directed to the speaker of the house of representatives who shall open and publish them in the presence of both houses of the general assembly.

3. Section 4 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1952, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 4. The nominees for governor and lieutenant governor jointly having the highest number of votes cast for them shall be declared duly elected. If two or more sets of nominees for governor and lieutenant governor have an equal and the highest number of votes for the offices jointly, the general assembly shall by joint vote proceed, as soon as is possible, to elect one set of nominees for governor and lieutenant governor. If, upon the completion by the general assembly of the canvass of votes for governor and lieutenant governor, it appears that the nominee for governor in the set of nominees for governor and lieutenant governor receiving the highest number of votes has since died or resigned, is unable to qualify, fails to qualify, or is for any other reason unable to assume the duties of the office of governor for the ensuing term, the powers and duties shall devolve to the nominee for lieutenant governor of the same set of nominees for governor and lieutenant governor, who shall assume the powers and duties of governor upon inauguration and until the disability is removed. If both nominees for governor and lieutenant governor are unable to assume the duties of the office of governor, the person next in succession shall act as governor.

4. Section 5 of Article IV of the Constitution of the State of Iowa is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 5. Contested elections for the offices of governor and lieutenant governor shall be determined by the general assembly as prescribed by law.

Sec. 2. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 15 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 15. The official terms of the governor and lieutenant governor shall commence on the Tuesday after the second Monday of January next after their election and shall continue until their successors are elected and qualify. The governor and lieutenant governor shall be paid compensation and expenses as provided by law. The lieutenant governor, while acting as governor, shall be paid the compensation and expenses prescribed for the governor.

2. Section 18 of Article IV of the Constitution of the State of Iowa is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 18. The lieutenant governor shall have the duties provided by law and those duties of the governor assigned to the lieutenant governor by the governor.

3. Section 19 of Article IV of the Constitution of the State of Iowa as amended by amendment number 2 of the Amendments of 1952 is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 19. If there be a vacancy in the office of the governor and the lieutenant governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of governor, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above causes, shall be incapable of performing the

duties pertaining to the office of governor the same shall devolve upon the speaker of the house of representatives; and if the speaker of the house of representatives, for any of the above causes, shall be incapable of performing the duties of the office of governor, the justices of the supreme court shall convene the general assembly by proclamation and the general assembly shall organize by the election of a president by the senate and a speaker by the house of representatives. The general assembly shall thereupon immediately proceed to the election of a governor and lieutenant governor in joint convention.

Sec. 3. The foregoing proposed amendments to the Constitution of the State of Iowa are referred to the general assembly to be chosen at the next general election for members of the general assembly and the secretary of state is directed to cause them to be published for three consecutive months before the date of that election as provided by law.

CHAPTER 1252

JUDICIAL NOMINATING COMMISSIONS

First Time Passed S.J.R. 2002

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa regarding the political affiliation and gender of members of judicial nominating commissions.

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

Section 1. The following amendment to the Constitution of the State of Iowa is proposed: Unnumbered paragraph 3, section 16, Article V of the Constitution of the State of Iowa, as adopted by the amendment of 1962 is amended by striking the paragraph and adopting in lieu thereof the following:

Due consideration shall be given to area and gender representation in the appointment and election of Judicial Nominating Commission members. Appointive and elective members of Judicial Nominating Commissions shall serve for six-year terms, are ineligible for a second six-year term on the same commission, shall hold no office of profit of the United States or of the state during their terms, and shall have other qualifications as prescribed by law. As near as may be, the terms of one-third of the members shall expire every two years.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the general assembly to be chosen at the next general election for members of the general assembly, and the secretary of state is directed to cause it to be published for three consecutive months before the date of that election as provided by law.

CHAPTER 1253

ADMINISTRATIVE RULE NULLIFICATION

S.J.R. 2003

A JOINT RESOLUTION to nullify an administrative rule on required permit application for certain feedlots.

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

Section 1. Iowa administrative code 900-65.3, subrule 1, paragraph c, is nullified.

RULES OF CIVIL PROCEDURE*

CHAPTER 1254

RULES OF CIVIL PROCEDURE

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF CHANGES
IN THE IOWA RULES OF CIVIL
PROCEDURE



REPORT OF THE
SUPREME COURT

TO: MR. DONOVAN PEETERS, SECRETARY OF THE LEGISLATIVE COUNCIL OF
THE STATE OF IOWA:

Pursuant to Iowa Code sections 602.4201 (1985) and 602.4202 (Supp. 1985), the Supreme Court of Iowa has prescribed and hereby reports to the Secretary of the Legislative Council the attached exhibits reflecting the amendments to the corresponding Iowa Rules of Civil Procedure, which are issued this date:

- | | |
|-------------|------------|
| Exhibit "A" | Rule 49(a) |
| Exhibit "B" | Rule 50 |
| Exhibit "C" | Rule 69(a) |
| Exhibit "D" | Form 4 |

Pursuant to Iowa Code section 602.4202(2) (Supp. 1985), these changes are to take effect July 1, 1986.

Respectfully submitted,

THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
April 3, 1986

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council hereby acknowledge delivery to me on the third day of April, 1986, the Report of the Supreme Court pertaining to the Iowa Rules of Civil Procedure.

/s/ Donovan Peeters
Secretary of the Legislative Council

*See also Ch1043: Ch1108:§55

EXHIBIT "A"

49. Original notice - issuance and form.

(a) Written directions for the service of the original notice and copy of petition shall be delivered to the clerk with the petition. There shall also be delivered to the clerk with the petition the original notice to be served and sufficient copies of both. The original notice shall contain the name of the court and the names of the parties, be directed to the defendant, state the name and address of the plaintiff's attorney, if any, otherwise the plaintiff's address, and the time within which these rules require the defendant to serve, and within a reasonable time thereafter file, a written special appearance, motion, or answer, and shall notify defendant that in case of defendant's failure to do so judgment by default will be rendered against the defendant for the relief demanded in the petition. Except in small claims and cases involving only liquidated damages, the original notice shall not state the amount of any money damages claimed.

EXHIBIT "B"

50. Serving copies of original notice and petition. The original notice and copy of petition shall be served together except when service is by publication. If service is by publication the original notice alone shall be published and shall also contain a general statement of the claim or claims and, subject to the limitation in R.C.P. 69(a), the relief demanded, and, if for money, the amount thereof.

EXHIBIT "C"

69. General rules of pleading.

(a) Claims for relief. A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim, or cross-petition, shall contain (1) a short and plain statement of the claim showing that the pleader is entitled to relief, and (2) a demand for judgment for the type of relief to which he one deems himself one's self entitled. Relief in the alternative or of several different types may be demanded. Except in small claims and cases involving only liquidated damages, a pleading shall not state the specific amount of money damages sought but shall state whether the amount of damages is more or less than the jurisdictional amount. The specific amount and elements of monetary damages sought may be discovered by the use of interrogatories.

EXHIBIT "D"

4. FORM OF ORIGINAL NOTICE FOR PUBLICATION.
IN THE IOWA DISTRICT COURT FOR COUNTY

Plaintiff(s), No
(INSERT "LAW"
OR "EQUITY".)

vs.

Defendant(s). ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, which petition prays (1)
The plaintiff's attorney is, whose address is, Iowa

You are further notified that unless, on or before the (2) day of, 19...., you serve, and within a reasonable time thereafter file, a written special appearance, motion, or answer, in the Iowa District Court for County, at the courthouse in, Iowa, judgment by default will be rendered against you for the relief demanded in the petition.

(SEAL)

.....
CLERK OF THE ABOVE COURT
..... COUNTY COURTHOUSE
....., IOWA

NOTE:

The attorney who is expected to represent the defendant ~~should~~ shall be promptly advised by defendant of the service of this notice. [(1) Here make a general statement of the claim or claims and, subject to the limitation in R.C.P. 69(a), the relief demanded, and if for money, the amount thereof (R.C.P. 50). (2) Date inserted here must not be less than 20 days after the day of the last publication of the original notice (R.C.P. 53).]

CHAPTER 1255
RULES OF CIVIL PROCEDURE

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF CHANGES
IN THE IOWA RULES OF CIVIL
PROCEDURE



REPORT OF THE
SUPREME COURT

TO: MR. DONOVAN PEETERS, SECRETARY OF THE LEGISLATIVE COUNCIL OF
THE STATE OF IOWA:

Pursuant to Iowa Code section 602.4201 (1985) and section 602.4202 (Supp. 1985), the Supreme Court of Iowa has prescribed and hereby reports to the Secretary of the Legislative Council concerning the attached exhibits reflecting the amendments to the corresponding Iowa Rules of Civil Procedure, which are issued this date:

| | |
|-------------|-------------|
| Exhibit "A" | Rule 59(a) |
| Exhibit "B" | Rule 117(d) |
| Exhibit "C" | Rule 121 |
| Exhibit "D" | Rule 122(e) |
| Exhibit "E" | Rule 127 |
| Exhibit "F" | Rule 128 |
| Exhibit "G" | Rule 140(d) |
| Exhibit "H" | Rule 182. |

Pursuant to Iowa Code section 602.4202(2) (Supp. 1985) these changes are to take effect July 1, 1986.

Respectfully submitted,

THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
February 13, 1986

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council of the State of Iowa, hereby acknowledge delivery to me on the twenty-sixth day of February, 1986, the Report of the Supreme Court pertaining to the Iowa Rules of Civil Procedure.

/s/ Donovan Peeters
Secretary of the Legislative Council

EXHIBIT "A"

59. Returns of service.

(a) Signature—fees. Iowa officers may make unsworn returns of original notices served by them, as follows: Any sheriff or deputy sheriff, as to service in ~~his~~ the sheriff's or deputy sheriff's own or a contiguous county; any other peace officer, ~~or~~ bailiff, or marshal, as to service in his or her own territorial jurisdiction. The court shall take judicial notice of such signatures. All other returns, except those specified in R.C.P. 56.1~~"(d)"~~ and 56.1~~"(e)"~~, shall be proved by the affidavit of the person making the service. If served in the state of Iowa by a person other than such peace officer acting within the territories above defined or in another state by a person other than a sheriff or other peace officer, ~~no reasonable fees or mileage shall be allowed therefor, not to exceed those allowed to a sheriff under Iowa Code section 331.655, shall be taxed as costs.~~

EXHIBIT "B"

117. Motion days - disposition of motions.

* * * *

(d) A "motion" within this rule is any paper denominated as such, or any other matter requiring attention or order of court before the trial of the issues on their merits, including a special appearance and ~~objections to interrogatories.~~

* * * *

EXHIBIT "C"

121. Discovery methods.

(a) Parties may obtain discovery by one or more of the following methods: ~~D~~depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property, for inspection and other purposes; physical and mental examinations; and requests for admission.

(b) The rules providing for discovery and inspection shall be liberally construed and shall be enforced to provide the parties with access to all relevant facts. Discovery shall be conducted in good faith, and responses to discovery requests, however made, shall fairly address and meet the substance of the request.

(c) Unless the court orders otherwise under R.C.P. 123, the frequency of use of these methods is not limited. The court shall order otherwise if it determines that: (1) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; (2) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or (3) the discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the litigation.

EXHIBIT "D"

122. Scope of discovery.

* * * *

(e) Motions relating to discovery. No motion relating to depositions or discovery shall be filed by the clerk or considered by the court unless the motion alleges that counsel for the moving party has made a good faith but unsuccessful attempt to resolve the issues raised by the motion with opposing counsel without intervention of the court. If said motion relates to an interrogatory, a request for admission, or a request for production, the disputed interrogatory or request with the answer or response, if any, shall be attached to the motion.

EXHIBIT "E"

127. Requests for admission. A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of R.C.P. 122 set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. The request may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the original notice upon that party.

Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within thirty days after service of the request, or within such shorter or longer time as the court may on motion allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by ~~his~~ the party's attorney, but, unless the court shortens the time, a defendant shall not be required to serve answers or objections before the expiration of sixty days after service of the original notice upon ~~him~~ defendant. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify ~~his~~ the party's answer or deny only a part of the matter of which an admission is requested, ~~he~~ the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless ~~he~~ the party states that ~~he~~ the party has made reasonable inquiry and that the information known or readily obtainable by ~~him~~ the party is insufficient to enable ~~him~~ the party to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; ~~he~~ the party may, subject to the provisions of R.C.P. 134^(c), deny the matter or set forth reasons why ~~he~~ the party cannot admit or deny it.

The party who has requested the admission may move to determine the sufficiency of the answers or objections. Unless the court determines that an objection is justified, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The court may, in lieu of these orders, determine that final disposition of the request be made at a pretrial conference or at a designated time prior to trial. The provisions of R.C.P. 134^(a)(4) apply to the award of expenses incurred in relation to the motion.

A party shall not serve more than thirty requests for admission on any other party except upon agreement of the parties or leave of court granted upon a showing of good cause. A motion for leave of court to serve more than thirty requests for admission must be in writing and shall set forth the proposed requests and the reasons establishing good cause for their use.

EXHIBIT "F"

128. Effect of admission.

Any matter admitted under this rule R.C.P. 127 is conclusively established in the pending action unless the court on motion permits withdrawal or amendment of the admission. Subject to the provisions of R.C.P. 138 governing amendment of a pretrial order, the court may permit withdrawal or amendment when the presentation of the merits of the action will be subserved thereby and the party who obtained the admission fails to satisfy the court that withdrawal or amendment will prejudice ~~him~~ that party in maintaining ~~his~~ that party's action or defense on the merits. Any admission made by a party under this rule R.C.P. 127 may be used as an evidentiary admission only in any other proceeding.

EXHIBIT "G"

140. Depositions upon oral examination.

* * * *

[NEW]

(d) Depositions by telephone.

Any deposition permitted by these rules may be taken by telephonic means.

A party desiring to take the deposition of any person upon oral examination by telephonic means shall give reasonable notice thereof in writing to every other party to the action. Such notice shall contain all other information required by paragraph (b)(1) herein and shall state that the telephone conference will be arranged and paid for by the initiating party. No part of the expense for telephone service shall be taxed as costs.

The person reporting the testimony shall be in the presence of the witness unless otherwise agreed by all parties.

If any examining party desires to present exhibits to the witness during the deposition, copies shall be sent to the deponent and the parties prior to the taking of the deposition.

Nothing in this rule shall prohibit a party or counsel from being in the presence of the deponent when the deposition is taken.

EXHIBIT "H"

182. Motions for continuance.

(a) Motions for continuance shall be filed without delay after the grounds therefor become known to the party or his the party's counsel. Such a motion may be amended only to correct a clerical error.

(b) A case shall not lose its place on the calendar when a party applies for time to seek a continuance, unless it is then continued at the option of the other party at applicant's costs, whereupon the clerk shall forthwith enter judgment for costs unless otherwise ordered by the court or agreed by the parties. No case assigned for trial shall be continued ex parte. All motions for continuance in a case set for trial shall be signed by counsel, if any, and approved in writing by the party represented, unless such approval is waived by court order.

CHAPTER 1256
RULES OF CIVIL PROCEDURE

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF A CHANGE
IN THE IOWA RULES OF CIVIL
PROCEDURE

}

REPORT OF THE
SUPREME COURT

TO: THE HONORABLE JOHN McINTEE, RANKING MEMBER OF THE HOUSE
JUDICIARY AND LAW ENFORCEMENT COMMITTEE OF THE 1986 REGULAR
SESSION OF THE SEVENTY-FIRST GENERAL ASSEMBLY OF THE STATE OF
IOWA:

Pursuant to Iowa Code section 602.4201 (1985) and section 602.4202 (Supp. 1985), the Supreme Court of Iowa has prescribed and hereby reports to the Ranking Member of the House Judiciary and Law Enforcement Committee the attached Exhibit "A", concerning the amending of Rule 80 of the Iowa Rules of Civil Procedure, which is issued on this date.

Pursuant to Iowa Code section 602.4202(2) (Supp. 1985), this change is to take effect April 1, 1986.

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
January 21, 1986

ACKNOWLEDGMENT

I, the undersigned, Ranking Member of the House Judiciary and Law Enforcement Committee, hereby acknowledge delivery to me on the twenty-first day of January, 1986, the Report of the Supreme Court pertaining to the Iowa Rules of Civil Procedure.

/s/ John McIntee
Ranking Member of the House Judiciary
and Law Enforcement Committee

EXHIBIT "A"

80. Verification abolished—affidavits.

(a) Pleadings need not be verified unless special statutes so require and, where a pleading is verified, it is not necessary that subsequent pleadings be verified unless special statutes so require. Counsel's signature to every motion, or pleading, or other paper shall be deemed his a certificate that: there are good grounds for making the claims therein, and that it is not interposed for delay; counsel has read the motion, pleading, or other paper; that to the best of counsel's knowledge, information, and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose, such as to harass or cause an unnecessary delay or needless increase in the cost of litigation. If a motion, pleading, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a motion, pleading, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of the reasonable expenses incurred because of the filing of the motion, pleading, or other paper, including a reasonable attorney fee. The signature of a party who is not represented by counsel shall impose a similar obligation on such party.

(b) If a party commencing an action has in the preceding five-year period unsuccessfully prosecuted three or more actions, the court may, if it deems the actions to have been frivolous, stay the proceedings until that party furnishes an undertaking secured by cash or approved sureties to pay all costs resulting to opposing parties to the action including a reasonable attorney fee.

(c) Any motion asserting facts as the basis of the order it seeks, and any pleading seeking interlocutory relief, shall contain an affidavit of the person or persons knowing the facts requisite to such relief. A similar affidavit shall be appended to all petitions which special statutes require to be verified.

CHAPTER 1257
RULES OF CIVIL PROCEDURE

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF A CHANGE
IN THE IOWA RULES OF CIVIL
PROCEDURE

}

REPORT OF THE
SUPREME COURT

TO: MR. DONOVAN PEETERS, SECRETARY OF THE LEGISLATIVE COUNCIL OF
THE STATE OF IOWA:

Pursuant to Iowa Code sections 602.4201 and 602.4202, as amended (1985), the Supreme Court of Iowa has prescribed and hereby reports to the Secretary of the Legislative Council the attached Exhibit "A", concerning the amending of Rule 181.2(b) of the Iowa Rules of Civil Procedure, which is issued on this date.

Pursuant to Iowa Code section 602.4202(2), as amended (1985), this change is to take effect February 3, 1986.

Respectfully submitted,

THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson

W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
December 3, 1985

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council of the State of Iowa, hereby acknowledge delivery to me on the sixth day of December, 1985, of the Report of the Supreme Court pertaining to the Iowa Rules of Civil Procedure.

/s/ Donovan Peeters

Secretary of the Legislative Council

EXHIBIT "A"

181.2. Trial assignments.

* * * *

(b) Small claims appeals. At least twice each month, the clerk of court shall present to a district judge or district associate judge authorized by statute to hear the appeal the file and any transcript or exhibits in each small claims case in which appeal was taken more than ~~ten~~ twenty days previously. The judge shall decide the appeal upon the record without oral argument unless, within ~~ten~~ twenty days after the appeal was taken, a party filed with the clerk of court a written request for oral argument specifying the issues to be argued, in which event the judge shall schedule oral argument. Additional evidence shall not be received except as authorized by statute.

CHAPTER 1258
RULES OF CIVIL PROCEDURE

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF A CHANGE
IN THE IOWA RULES OF CIVIL
PROCEDURE

}

REPORT OF THE
SUPREME COURT

TO: MR. DONOVAN PEETERS, SECRETARY OF THE LEGISLATIVE COUNCIL OF
THE STATE OF IOWA:

Pursuant to Iowa Code sections 602.4201 and 602.4202, as amended (1985), the Supreme Court of Iowa has prescribed and hereby reports to the Secretary of the Legislative Council the attached Exhibit "A", concerning the striking of Rule 380 of the Iowa Rules of Civil Procedure, which is issued on this date.

Pursuant to Iowa Code section 602.4202(2), as amended (1985), this change is to take effect February 3, 1986.

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson

W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
November 25, 1985

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council of the State of Iowa, hereby acknowledge delivery to me on the twenty-fifth day of November, 1985, the Report of the Supreme Court pertaining to the Iowa Rules of Civil Procedure.

/s/ Donovan Peeters

Secretary of the Legislative Council

EXHIBIT "A"

RULES OF CIVIL PROCEDURE

In light of the statutory reference of Iowa Code section 602.1202 (1985), Iowa Rule of Civil Procedure 380 is hereby stricken.

RULES OF CRIMINAL PROCEDURE*

CHAPTER 1259

RULES OF CRIMINAL PROCEDURE

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF THE
AMENDMENT OF IOWA RULE
OF CRIMINAL PROCEDURE
22(3)(e)



REPORT OF THE
SUPREME COURT

TO: BURNETTE E. KOEBERNICK, ACTING SECRETARY OF THE LEGISLATIVE
COUNCIL OF THE STATE OF IOWA:

Pursuant to Iowa Code sections 602.4201 and 602.4202, the Supreme Court of Iowa has prescribed and hereby reports to the Legislative Council the attached Exhibit "A", constituting an amendment to Iowa Rule of Criminal Procedure 22(3)(e), which has been issued on this date. Pursuant to Iowa Code section 602.4202(3), this amendment is to take effect sixty (60) days after the date of this report.

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
June 5, 1985

ACKNOWLEDGMENT

I, the undersigned, Acting Secretary of the Legislative Council of the State of Iowa, hereby acknowledge delivery to me on the fifth day of June, 1985, of the Report of the Supreme Court pertaining to Rules of Criminal Procedure.

/s/ Burnette E. Koebernick
Acting Secretary of the Legislative Council

*See also ch1106,§1; ch1108,§56

EXHIBIT "A"

IOWA RULE OF CRIMINAL PROCEDURE 22(3)(e)

Rule 22. Judgment.

3. Imposition of sentence.

e. Notification of right to appeal. After imposing sentence in a case, the court shall advise the defendant of his or her statutory right to appeal and the right of a person who is unable to pay the costs of appeal to apply to the court for appointment of counsel and the furnishing of a transcript of the evidence as provided in Iowa Code sections 814.9 and 814.11.

Such notification shall advise defendant that filing a notice of appeal within the time and in the manner specified in ~~Iowa Code section 814.4~~ rule 101, rules of appellate procedure, is jurisdictional and failure to comply with these provisions shall preclude defendant's right of appeal.

The trial court shall make compliance with this rule a matter of record.

CHAPTER 1260
RULES OF CRIMINAL PROCEDURE

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF A CHANGE
 IN THE IOWA RULES OF
 CRIMINAL PROCEDURE

}

REPORT OF THE
 SUPREME COURT

TO: MR. DONOVAN PEETERS, SECRETARY OF THE LEGISLATIVE COUNCIL OF
 THE STATE OF IOWA:

Pursuant to Iowa Code section 602.4201 (1985) and section 602.4202 (Supp. 1985), the Supreme Court of Iowa has prescribed and hereby reports to the Secretary of the Legislative Council the attached Exhibit "A", concerning the amending of Rule 30 of the Iowa Rules of Criminal Procedure, which is issued on this date. The current forms for an application for, an endorsement on, and a return of service for, a search warrant are rescinded. The attached Exhibit "A" reflects the amendments to the application for, the endorsement on, and a return of service for, the search warrant.

Pursuant to Iowa Code section 602.4202(2) (Supp. 1985), this change is to take effect July 1, 1986.

Respectfully submitted,
 THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson

W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
 February 13, 1986

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council of the State of Iowa, hereby acknowledge delivery to me on the twenty-sixth day of February, 1986, the Report of the Supreme Court pertaining to the Iowa Rules of Criminal Procedure.

/s/ Donovan Peeters

Secretary of the Legislative Council

EXHIBIT "A"

Rule 30. Forms for warrants.

An application for a search warrant shall be in substantially the following form:
[NEW]

Case No. _____

State of Iowa, County of _____

APPLICATION FOR SEARCH WARRANT

Being duly sworn, I, the undersigned, say that at the place (and on the person(s) and in the vehicle(s)) described as follows:

in _____ County, there is now certain property, namely:

which is:

- _____ Property that has been obtained in violation of law.
- _____ Property, the possession of which is illegal.
- _____ Property used or possessed with the intent to be used as the means of committing a public offense or concealed to prevent an offense from being discovered.
- _____ Property relevant and material as evidence in a criminal prosecution.

The facts establishing the foregoing ground(s) for issuance of a search warrant are as set forth in the attachment(s) made part of this application.

Applicant

Subscribed and sworn to before me this _____ day of _____, 19 _____.

Judge or Magistrate

_____ Judicial District,
_____ County, Iowa

WHEREFORE, the undersigned asks that a search warrant be issued.

County Attorney

By _____
Assistant County Attorney

Case No. _____

ATTACHMENT A

Applicant's name: _____

Occupation: _____ No. of years: _____

Assignment: _____ No. of years: _____

Your applicant conducted an investigation and received information from other officers and other sources as follows:

(_____ See attached investigative and police reports.)

Case No. _____

INFORMANT'S ATTACHMENT

(Note: Prepare separate attachment for each informant.)

Peace officer _____ received information from an informant whose name is:

_____ Confidential because disclosure of informant's identity would:

_____ Endanger informant's safety;

_____ Impair informant's future usefulness to law enforcement.

The informant is reliable for the following reason(s):

_____ The informant is a concerned citizen who has been known by the above peace officer for _____ years and who:

_____ Is a mature individual.

_____ Is regularly employed.

_____ Is a student in good standing.

_____ Is a well-respected family or business person.

_____ Is a person of truthful reputation.

_____ Has no motivation to falsify the information.

_____ Has no known association with known criminals.

_____ Has no known criminal record.

_____ Has otherwise demonstrated truthfulness. (State in the narrative the facts that led to this conclusion.)

_____ Other: _____

_____ The informant has supplied information in the past _____ times.

_____ The informant's past information has helped supply the basis for _____ search warrants.

_____ The informant's past information has led to the making of _____ arrests.

_____ Past information from the informant has led to the filing of the following charges:

_____ Past information from the informant has led to the discovery and seizure of stolen property, drugs, or other contraband.

_____ The informant has not given false information in the past.

_____ The information supplied by the informant in this investigation has been corroborated by law enforcement personnel. (Indicate in the narrative the corroborated information and how it was corroborated.)

_____ Other: _____

The informant has provided the following information.

An endorsement on a search warrant shall be in substantially the following form:

[NEW]

Case No. _____

ENDORSEMENT ON SEARCH WARRANT APPLICATION

- 1. In issuing the search warrant, the undersigned relied upon the sworn testimony of the following person(s) together with the statements and information contained in the application and any attachments thereto. The court relied upon the following witnesses:

Name

Address

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

- 2. Abstract of Testimony. (As set forth in the application and the attachments thereto, plus the following information.)

- 3. The undersigned has relied, at least in part, on information supplied by a confidential informant (who need not be named) to the peace officer(s) shown on Attachment(s)

- 4. The information appears credible because (select):

_____ A. Sworn testimony indicates this informant has given reliable information on previous occasions; or,

_____ B. Sworn testimony indicates this informant has not been used before but that either the informant appears credible or the information appears credible for the following reasons:

- 5. The information (is/is not) found to justify probable cause.
- 6. I therefore (do/do not) issue the warrant.

Judge or Magistrate

The form of a return of search warrant shall be substantially as follows:

RETURN OF SERVICE

State of Iowa)
)
_____ County) ss.

I, _____, being a peace officer in and for _____ County, state of Iowa, certify that the attached search warrant came into my hands on the _____ day of _____, 19_____, and on the _____ day of _____, 19_____, I executed the warrant by making a search of the described person, premises, or thing and found the following property: (state kind and quantity)

which property I seized by virtue of the attached warrant and which I now hold subject to further order of the court.

I have further executed the attached warrant by giving a copy of the warrant, together with a receipt for the property taken to _____, or;

No person having been found on the premises, I have left a copy of the inventory and a receipt for the property taken at the place where the property taken was found.

I, the officer by whom the attached warrant was executed, do certify that the above inventory contains a true and detailed account of the property taken by me on the warrant, and is accurate to the best of my knowledge.

Fees _____
Services _____
Mileage _____
Cartage _____

(Peace Officer)

[NEW]
Subscribed and sworn to before me this _____ day of _____, 19_____.

Judge, Magistrate, Clerk, or
Deputy Clerk of the District
Court, or Notary Public

CHAPTER 1261
RULES OF CRIMINAL PROCEDURE

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF A CHANGE
IN THE IOWA RULES OF
CRIMINAL PROCEDURE



REPORT OF THE
SUPREME COURT

TO: MR. DONOVAN PEETERS, SECRETARY OF THE LEGISLATIVE COUNCIL OF THE STATE OF IOWA:

Pursuant to Iowa Code section 602.4201 (1985) and section 602.4202 (Supp. 1985), the Supreme Court of Iowa has prescribed and hereby reports to the Secretary of the Legislative Council the attached Exhibit "A", concerning the amending of Rule 54(7) of the Iowa Rules of Criminal Procedure, which is issued on this date.

Pursuant to Iowa Code section 602.4202(2) (Supp. 1985), this change is to take effect July 15, 1986.

Respectfully submitted,

THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson

W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
May 7, 1986

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council hereby acknowledge delivery to me on the twelfth day of May, 1986, the Report of the Supreme Court pertaining to the Iowa Rules of Criminal Procedure.

/s/ Donovan Peeters

Secretary of the Legislative Council

EXHIBIT "A"

Rule 54. Appeals.

* * * *

7. Review by supreme court. After the decision on appeal the defendant may apply for discretionary review pursuant to Iowa Code sections ~~814.4~~ and 814.6(2)("d"), and the plaintiff may apply for discretionary review pursuant to Iowa Code sections ~~814.4~~ and 814.5(2)("d"). Procedure on discretionary review shall be as prescribed in rules 201-203 of the rules of appellate procedure.

RULES OF APPELLATE PROCEDURE

CHAPTER 1262
RULES OF APPELLATE PROCEDURE

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF A CHANGE
IN THE IOWA RULES OF
APPELLATE PROCEDURE

}

REPORT OF THE
SUPREME COURT

TO: MR. DONOVAN PEETERS, SECRETARY OF THE LEGISLATIVE COUNCIL OF
THE STATE OF IOWA:

Pursuant to Iowa Code section 602.4201 (1985) and section 602.4202 (Supp. 1985), the Supreme Court of Iowa has prescribed and hereby reports to the Secretary of the Legislative Council the attached Exhibit "A", concerning the amending of Rule 5(b) of the Iowa Rules of Appellate Procedure, which is issued on this date.

Pursuant to Iowa Code section 602.4202(2) (Supp. 1985), this change is to take effect July 1, 1986.

Respectfully submitted,

THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson

W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
February 11, 1986

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council of the State of Iowa, hereby acknowledge delivery to me on the thirteenth day of February, 1986, the Report of the Supreme Court pertaining to the Iowa Rules of Appellate Procedure.

/s/ Donovan Peeters

Secretary of the Legislative Council

EXHIBIT "A"

Rule 5. Time for appeal.

* * * *

(b) Notwithstanding these rules, an order disposing of an action as to fewer than all of the parties to the suit, even if their interests are severable, or finally disposing of fewer than all the issues in the suit, even if the issues are severable, may be appealed within the time for an appeal from the order, judgment, or decree finally disposing of the action as to remaining parties or issues.

* * * *

RULES OF PROBATE PROCEDURE

CHAPTER 1263

RULES OF PROBATE PROCEDURE

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF CHANGES
IN THE IOWA RULES OF
PROBATE PROCEDURE

}

REPORT OF THE
SUPREME COURT

TO: BURNETTE E. KOEBERNICK, ACTING SECRETARY OF THE LEGISLATIVE COUNCIL OF THE STATE OF IOWA:

Pursuant to Iowa Code section 602.4201 (1985) and section 602.4202 as amended by senate file 570, 71st General Assembly, 1st Session (1985) (1985 Iowa Legislative Service No. 5, at 183-84 [West's]), the Supreme Court of Iowa has prescribed and hereby reports to the Legislative Council the attached Exhibit A, constituting changes in Rule 2 and Rule 4 of the Iowa Rules of Probate Procedure, which are issued on this date.

Pursuant to Iowa Code section 602.4202(2), as amended, these rules are to take effect November 15, 1985.

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
September 5, 1985

ACKNOWLEDGMENT

I, the undersigned, Acting Secretary of the Legislative Council of the State of Iowa, hereby acknowledge delivery to me on the fifth day of September, 1985, of the Report of the Supreme Court pertaining to the Iowa Rules of Probate Procedure.

/s/ Burnette E. Koebornick
Acting Secretary of the Legislative Council

EXHIBIT A
Rules of Probate Procedure

1. Amend Rule 2, subparagraph b as follows:

(b) When fees for ordinary services are sought pursuant to Iowa Code sections 633.197 and 633.198, proof of the nature and extent of responsibilities assumed and services rendered shall be required. Unless special circumstances should be called to the court's attention, the contents of the court probate file may be relied upon as such proof. In determining the value of gross assets of the estate for purposes of section 633.197, the court shall not include the value of joint tenancy property excluded from the taxable estate pursuant to section 450.3(5) or the value of life insurance payable to a designated beneficiary.

2. Amend Rule 4 as follows:

Rule 4. Report of referee.

A report of a referee in probate shall be in substantially the following form:

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
IN THE MATTER OF THE
ESTATE OF
Deceased.
REPORT OF REFEREE
Probate No. _____

COMES NOW the duly appointed Referee and reports to the Court as follows:
The _____ Report has been filed in this Estate. The Referee has examined said Report and reports to the Court as follows:

- 1. Notice of Appointment published: YES ___ NO ___
2. Fiduciaries fees ordered or waived: YES ___ NO ___
3. Attorney fees ordered: YES ___ NO ___
(A) Itemization was requested and provided: YES ___ NO ___
(B) If not, statement required by Iowa Code section 633.477(11), was made: YES ___ NO ___
4. Income tax acquittance filed: YES ___ NO ___
5. Inheritance tax clearance filed: YES ___ NO ___
6. A list of distributees is shown: YES ___ NO ___
7. A description of real estate is shown: YES ___ NO ___
8. Certificates of change of title to real estate, as required, to be issued by the Clerk of Court: YES ___ NO ___
9. All claims filed have been paid or released: YES ___ NO ___
10. Notice of hearing on this Report waived: YES ___ NO ___
(A) If not waived, proper proof of service of notice is on file: YES ___ NO ___
11. Accounting is waived: YES ___ NO ___
12. Court costs have been paid: YES ___ NO ___
13. If estate is testate and spouse is not personal representative, spouse has filed an election to take under or against the Will: YES ___ NO ___

WHICH _____

14. Receipts for all specific bequests: YES _____ NO _____

15. Federal estate tax closing letter and proof of payment is on file (not required for closing): YES _____ NO _____

16. Thirty-day written notice of final settlement has been given to or waived by the department of revenue (see Iowa Code section 450.58 (as modified by H.F. 761, section 4, 1985 Session of 71st G.A.)): YES _____ NO _____

13. 17. Remarks: _____

Dated this _____ day of _____, 19_____.

Referee in Probate

CHAPTER 1264
RULES OF PROBATE PROCEDURE

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF CHANGES
IN THE IOWA RULES OF
PROBATE PROCEDURE

}

REPORT OF THE
SUPREME COURT

TO: BURNETTE E. KOEBERNICK, ACTING SECRETARY OF THE LEGISLATIVE COUNCIL OF THE STATE OF IOWA:

Pursuant to Iowa Code section 602.4201 (1985) and section 602.4202 as amended by the 71st General Assembly, 1st Session (1985 Iowa Legislative Service No. 5, at 183-84 [West's]), the Supreme Court of Iowa has prescribed and hereby reports to the Legislative Council the attached Exhibit A, constituting a change in the Iowa Rules of Probate Procedure, which has been issued on this date.

Pursuant to Iowa Code section 602.4202(2), as amended, this rule is to take effect November 1, 1985.

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
August 22, 1985

ACKNOWLEDGMENT

I, the undersigned, Acting Secretary of the Legislative Council of the State of Iowa, hereby acknowledge delivery to me on the twenty-second day of August, 1985, of the Report of the Supreme Court pertaining to the Iowa Rules of Probate Procedure.

/s/ Burnette E. Koebornick
Acting Secretary of the Legislative Council

EXHIBIT A

IOWA RULES OF PROBATE PROCEDURE

Rule 6. Interlocutory report.

If the final report of the personal representative required by Iowa Code section 633.477 is not filed within eighteen months after the date of the second publication of the notice to creditors, the personal representative shall at that time file an interlocutory report in accordance with section 633.469. The report shall identify the work remaining to be done in the estate and shall include an estimate of the period within which the work will be completed. The personal representative shall provide copies of the report to all interested parties by mailing, and proof of mailing shall be filed with the clerk. An order of the court approving the report shall not be required unless hearing on the report is held upon request of the personal representative or an interested party. The provisions of section 633.32 and rule 5 of these rules shall apply to the report required by this rule.

HOUSE CONCURRENT RESOLUTION 133

A Concurrent Resolution relating to the board of regents' ten-year building program and providing for the purchase of equipment.

WHEREAS, pursuant to section 262A.3, the state board of regents prepared and within seven days after the convening of the Seventy-first General Assembly of the State of Iowa, Second Session, submitted to the Seventy-first General Assembly, Second Session, for approval the proposed ten-year building program for each institution of higher learning under the jurisdiction of the board, containing a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, together with an estimate of the cost of each of the buildings and facilities and an estimate of the maximum amount of bonds which the board expects to issue under chapter 262A for the fiscal year beginning July 1, 1986, and ending June 30, 1987; and

WHEREAS, the projects contained in the building program are deemed necessary for the proper performance of the instructional, research, and service functions of the institutions; and

WHEREAS, section 262A.4 provides that the state board of regents, after authorization by a constitutional majority of each house of the General Assembly and approval by the Governor, may undertake and carry out at the institutions of higher learning under the jurisdiction of the board any project as defined in chapter 262A; and

WHEREAS, chapter 262A authorizes the state board of regents to borrow money and to issue and sell negotiable revenue bonds to pay all or any part of the cost of carrying out projects at any institution payable solely from and secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution; and

WHEREAS, to further the educational objectives of the institutions, the state board of regents requests authorization to undertake and carry out certain projects at this time and to finance their cost by borrowing money and issuing negotiable bonds under chapter 262A in a total amount not to exceed five million (5,000,000) dollars, the remaining cost of the projects to be financed by capital appropriations or by federal or other funds lawfully available; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the proposed ten-year building program submitted by the state board of regents for each institution of higher learning under its jurisdiction is approved; and

BE IT FURTHER RESOLVED, That no commitment is implied or intended by approval to fund any portion of the proposed ten-year building program submitted by the state board of regents beyond the portion that is approved by the Seventy-first General Assembly, Second Session, and the Governor; and

BE IT FURTHER RESOLVED, That during the fiscal year which commences July 1, 1986, and which ends June 30, 1987, the maximum amount of bonds which the state board of regents expects to issue under chapter 262A unless additional bonding is authorized is five million (5,000,000) dollars, all or any part of which may be issued during the fiscal year ending June 30, 1987, and if all that amount should not be issued during the fiscal year ending June 30, 1987, any remaining balance may be issued during the fiscal year ending June 30, 1988, and this plan of financing is approved; and

BE IT FURTHER RESOLVED, That the state board of regents is authorized to undertake and carry out the following projects and to pay all or any part of the cost of carrying out the

projects by borrowing money and issuing negotiable revenue bonds under chapter 262A in a total amount not to exceed five million (5,000,000) dollars:

State University of Iowa

Biotechnology equipment
Laser science and engineering equipment
Cost of issuance of bonds

Iowa State University of Science and Technology

Biotechnology equipment
Microelectronics equipment
Cost of issuance of bonds

University of Northern Iowa

Instructional, research, and computational equipment
Cost of issuance of bonds

Adopted H.J. 1838, S.J. 1525

Approved May 27, 1986

HOUSE CONCURRENT RESOLUTION 134

A Concurrent Resolution relating to the board of regents' ten-year building program and providing for Gilman hall remodeling, phase II, at Iowa state university of science and technology.

WHEREAS, pursuant to section 262A.3, the state board of regents prepared and within seven days after the convening of the Seventy-first General Assembly of the State of Iowa, Second Session, submitted to the Seventy-first General Assembly, Second Session, for approval the proposed ten-year building program for each institution of higher learning under the jurisdiction of the board, containing a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, together with an estimate of the cost of each of the buildings and facilities and an estimate of the maximum amount of bonds which the board expects to issue under chapter 262A for the fiscal year beginning July 1, 1986, and ending June 30, 1987; and

WHEREAS, the projects contained in the building program are deemed necessary for the proper performance of the instructional, research, and service functions of the institutions and for fire and environmental safety purposes of the institutions; and

WHEREAS, section 262A.4 provides that the state board of regents, after authorization by a constitutional majority of each house of the General Assembly and approval by the Governor, may undertake and carry out at the institutions of higher learning under the jurisdiction of the board any project as defined in chapter 262A; and

WHEREAS, chapter 262A authorizes the state board of regents to borrow money and to issue and sell negotiable revenue bonds to pay all or any part of the cost of carrying out projects at any institution payable solely from and secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution; and

WHEREAS, to further the educational objectives of the institutions, the state board of regents requests authorization to undertake and carry out a certain project at this time and to finance its cost by borrowing money and issuing negotiable bonds under chapter 262A in a total amount not to exceed five million four hundred thousand (5,400,000) dollars, the remaining cost of the project to be financed by capital appropriations or by federal or other funds lawfully available; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the proposed ten-year building program submitted by the state board of regents for each institution of higher learning under its jurisdiction is approved; and

BE IT FURTHER RESOLVED, That no commitment is implied or intended by approval to fund any portion of the proposed ten-year building program submitted by the state board of regents beyond the portion that is approved by the Seventy-first General Assembly, Second Session, and the Governor; and

BE IT FURTHER RESOLVED, That during the fiscal year which commences July 1, 1986, and which ends June 30, 1987, the maximum amount of bonds which the state board of regents expects to issue under chapter 262A unless additional bonding is authorized is five million four hundred thousand (5,400,000) dollars, all or any part of which may be issued during the fiscal year ending June 30, 1987, and if all that amount should not be issued during the fiscal year ending June 30, 1987, any remaining balance may be issued during the fiscal year ending June 30, 1988, and this plan of financing is approved; and

BE IT FURTHER RESOLVED, That the state board of regents is authorized to undertake and carry out the Gilman hall remodeling—phase II at Iowa state university of science and technology and to pay all or any part of the cost of carrying out the project by borrowing money and issuing negotiable revenue bonds under chapter 262A in a total amount not to exceed five million four hundred thousand (5,400,000) dollars.

Adopted H.J. 1834, S.J. 1525

Approved May 27, 1986

HOUSE CONCURRENT RESOLUTION 135

A Concurrent Resolution relating to the board of regents' ten-year building program and providing for the construction and equipping of a classroom/office building at the university of northern Iowa.

WHEREAS, pursuant to section 262A.3, the state board of regents prepared and within seven days after the convening of the Seventy-first General Assembly of the State of Iowa, Second Session, submitted to the Seventy-first General Assembly, Second Session, for approval the proposed ten-year building program for each institution of higher learning under the jurisdiction of the board, containing a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, together with an estimate of the cost of each of the buildings and facilities and an estimate of the maximum amount of bonds which the board expects to issue under chapter 262A for the fiscal year beginning July 1, 1986, and ending June 30, 1987; and

WHEREAS, the projects contained in the building program are deemed necessary for the proper performance of the instructional, research, and service functions of the institutions and for economic development for this state; and

WHEREAS, section 262A.4 provides that the state board of regents, after authorization by a constitutional majority of each house of the General Assembly and approval by the Governor, may undertake and carry out at the institutions of higher learning under the jurisdiction of the board any project as defined in chapter 262A; and

WHEREAS, chapter 262A authorizes the state board of regents to borrow money and to issue and sell negotiable revenue bonds to pay all or any part of the cost of carrying out projects at any institution payable solely from and secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution; and

WHEREAS, to further the educational objectives of the institutions, the state board of regents requests authorization to undertake and carry out a certain project at this time and to

finance its cost by borrowing money and issuing negotiable bonds under chapter 262A in a total amount not to exceed ten million two hundred thousand (10,200,000) dollars, the remaining cost of the project to be financed by capital appropriations or by federal or other funds lawfully available; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the proposed ten-year building program submitted by the state board of regents for each institution of higher learning under its jurisdiction is approved; and

BE IT FURTHER RESOLVED, That no commitment is implied or intended by approval to fund any portion of the proposed ten-year building program submitted by the state board of regents beyond the portion that is approved by the Seventy-first General Assembly, Second Session, and the Governor; and

BE IT FURTHER RESOLVED, That during the fiscal year which commences July 1, 1986, and which ends June 30, 1987, the maximum amount of bonds which the state board of regents expects to issue under chapter 262A unless additional bonding is authorized is ten million two hundred thousand (10,200,000) dollars, all or any part of which may be issued during the fiscal year ending June 30, 1987, and if all that amount should not be issued during the fiscal year ending June 30, 1987, any remaining balance may be issued during the fiscal year ending June 30, 1988, and this plan of financing is approved; and

BE IT FURTHER RESOLVED, That the state board of regents is authorized to undertake and carry out the construction and equipping of a classroom/office building at the university of northern Iowa and to pay all or any part of the cost of carrying out the project by borrowing money and issuing negotiable revenue bonds under chapter 262A in a total amount not to exceed ten million two hundred thousand (10,200,000) dollars.

Adopted H.J. 1836, S.J. 1528

Approved May 27, 1986

HOUSE CONCURRENT RESOLUTION 136

A Concurrent Resolution relating to the board of regents' ten-year building program and providing for the chemistry-botany remodeling, phase II at the university of Iowa.

WHEREAS, pursuant to section 262A.3, the state board of regents prepared and within seven days after the convening of the Seventy-first General Assembly of the State of Iowa, Second Session, submitted to the Seventy-first General Assembly, Second Session, for approval the proposed ten-year building program for each institution of higher learning under the jurisdiction of the board, containing a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, together with an estimate of the cost of each of the buildings and facilities and an estimate of the maximum amount of bonds which the board expects to issue under chapter 262A for the fiscal year beginning July 1, 1986, and ending June 30, 1987; and

WHEREAS, the projects contained in the building program are deemed necessary for the proper performance of the instructional, research, and service functions of the institutions and for fire and environmental safety purposes of the institutions; and

WHEREAS, section 262A.4 provides that the state board of regents, after authorization by a constitutional majority of each house of the General Assembly and approval by the Governor, may undertake and carry out at the institutions of higher learning under the jurisdiction of the board any project as defined in chapter 262A; and

WHEREAS, chapter 262A authorizes the state board of regents to borrow money and to issue and sell negotiable revenue bonds to pay all or any part of the cost of carrying out

projects at any institution payable solely from and secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution; and

WHEREAS, to further the educational objectives of the institutions, the state board of regents requests authorization to undertake and carry out a certain project at this time and to finance its cost by borrowing money and issuing negotiable bonds under chapter 262A in a total amount not to exceed eight million five hundred fifty thousand (8,550,000) dollars, the remaining cost of the project to be financed by capital appropriations or by federal or other funds lawfully available; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the proposed ten-year building program submitted by the state board of regents for each institution of higher learning under its jurisdiction is approved; and

BE IT FURTHER RESOLVED, That no commitment is implied or intended by approval to fund any portion of the proposed ten-year building program submitted by the state board of regents beyond the portion that is approved by the Seventy-first General Assembly, Second Session, and the Governor; and

BE IT FURTHER RESOLVED, That during the fiscal year which commences July 1, 1986, and which ends June 30, 1987, the maximum amount of bonds which the state board of regents expects to issue under chapter 262A unless additional bonding is authorized is eight million five hundred fifty thousand (8,550,000) dollars, all or any part of which may be issued during the fiscal year ending June 30, 1987, and if all that amount should not be issued during the fiscal year ending June 30, 1987, any remaining balance may be issued during the fiscal year ending June 30, 1988, and this plan of financing is approved; and

BE IT FURTHER RESOLVED, That the state board of regents is authorized to undertake and carry out the chemistry-botany remodeling—phase II at the state university of Iowa and to pay all or any part of the cost of carrying out the project by borrowing money and issuing negotiable revenue bonds under chapter 262A in a total amount not to exceed eight million five hundred fifty thousand (8,550,000) dollars.

Adopted H.J. 1832, S.J. 1527

Approved May 27, 1986

SENATE CONCURRENT RESOLUTIONS

[Priorities determined by Legislative Council, SCR 52]

- SCR 101 Commemoration of lives lost due to farm crisis. Adopted, S.J. 58, 65, 98; Introduced, H.J. 125.
- SCR 102 Proposed corn loan rates protested. Adopted, S.J. 58, 66, 90, 91; Introduced, H.J. 112.
- SCR 103 Commemoration of Martin Luther King, Jr. Day, January 20, 1986. Adopted, S.J. 102, 105, 108; Introduced, H.J. 125.
- SCR 104 Investigation of grain standards. Adopted, S.J. 132, 147, 204, 264; Introduced, H.J. 292, 545.
- SCR 105 Tribute to Edward H. Jones (not printed, HCR 104 substituted). Introduced, S.J. 142, 144.
- SCR 106 Hon. Cooper Evans recommendation to President Reagan for Deputy Secretary of Agriculture. Introduced, S.J. 187, 190, 193. Withdrawn, S.J. 193. [HCR 105 substituted]
- SCR 107 American Indian recognition. Adopted, S.J. 209, 226, 589, 666; Adopted, H.J. 727, 940.
- SCR 108 Encourage legislation to correct inequities in Social Security for persons born between 1917 and 1921. Introduced, S.J. 313, 335. [See SCR 111, HCR 115]
- SCR 109 Funding of several research projects at Iowa State University recommended. Adopted, S.J. 356, 357, 501; Introduced, H.J. 566.
- SCR 110 Removal of minimum nine percent interest rate on farm contract sales recommended. Adopted, S.J. 480, 491, 676; Adopted, H.J. 727, 1556.
- SCR 111 Congress urged to address discrimination created by Social Security "NOTCH" reducing benefits to individuals born between 1917 and 1921. Introduced, S.J. 497, 547. [See SCR 108, HCR 115]
- SCR 112 Recognition of veterans of China-Burma-India theater of operations during World War II. Adopted, S.J. 543, 566, 614, 615; Adopted, H.J. 686, 720.
- SCR 113 Freeze on testing of nuclear weapons. Introduced, S.J. 543, 566.
- SCR 114 Governor Branstad requested to prevent sending Iowa National Guard units to Honduras. Introduced, S.J. 543, 566. [See HCR 122]
- SCR 115 Remedy inequitable financial participation by the state in reimbursing nursing home providers. Introduced, S.J. 569, 582.
- SCR 116 Designate July 1986 as "Buy America" month. Adopted, S.J. 667, 669, 760, 1010, 1200; Introduced, H.J. 1494. [See HCR 123]
- SCR 117 1986 Farm Progress Show, September 30 to October 2, 1986, near Alleman, Iowa. Adopted, S.J. 827, 856, 891, 1010, 1201; Introduced, H.J. 1494.
- SCR 118 Black Hawk County Viet Nam Veterans Memorial supported. Adopted, S.J. 846, 863, 1010, 1201; Adopted, H.J. 1494, 1610. [See HCR 124]
- SCR 119 Psychologists to be granted clinical privileges and staff membership in organized health care systems. Introduced, S.J. 1009, 1026.
- SCR 120 Civil Rights Restoration Act of 1985 supported. Introduced, S.J. 1225, 1244, 1261. [See HCR 128]
- SCR 121 Joint meeting regarding declining beef cattle prices. Introduced, S.J. 1243, 1244, 1261.
- SCR 122 Dissolution of marriage—interim study. Introduced, S.J. 1249, 1262, 1293.
- SCR 123 Conservancy districts sunset—interim study. Introduced, S.J. 1257, 1262, 1293.
- SCR 124 Iowa State Fair continuation as state entity—interim study. Introduced, S.J. 1272, 1282, 1315. [See SCR 128]

- SCR 125 Congratulating Jennifer J. Demmon, winner of 1986 American Legion National Oratorical Contest. Adopted, S.J. 1357, 1367, 1370, 1371; Adopted, H.J. 1806, 1943, 1944.
- SCR 126 Board of Regents' ten-year building program—Gilman Hall at Iowa State University and chemistry-botany remodeling and biotechnology equipment at State University of Iowa. Introduced, S.J. 1390, 1396, 1400, 1548. [See HCR 133, 134, 136]
- SCR 127 Civil War refugees in El Salvador. Introduced, S.J. 1426, 1427, 1436, 1437. [See HCR 130]
- SCR 128 Iowa State Fair as state entity and sunset of watershed planning districts—interim study. Introduced, S.J. 1409, 1413, 1434. [See SCR 124]
- SCR 129 Inmates' rights at Iowa correctional facilities—interim study. Introduced, S.J. 1409, 1413, 1434.
- SCR 130 Department of management to study creation of department of higher education and department of professional and occupational licensing. Introduced, S.J. 1409, 1413, 1434.
- SCR 131 Code publication subcommittee. Introduced, S.J. 1426, 1427, 1436, 1437.
- SCR 132 Study of procedures for appeal of equalization orders and real property assessments to the state board of tax review and appeal procedures. Introduced, S.J. 1434, 1446, 1452.
- SCR 133 Rights of privacy—interim study. Introduced, S.J. 1435, 1446, 1452.
- SCR 134 Interim studies of various proposals introduced. Adopted, S.J. 1448, 1449; Adopted, H.J. 1945, 2058.
- SCR 135 Private instruction and instruction in nonpublic schools not approved by department of public instruction—interim study. Introduced, S.J. 1524. [See HCR 137]
- SCR 136 Telecommunications for state agencies—interim study. Introduced, S.J. 1524.
- SCR 137 Codes of Ethics of Senate and House of Representatives—interim study. Introduced, S.J. 1554, 1555.
- SCR 138 School finance—interim study. Introduced, S.J. 1555.
- SCR 139 Title problems caused by transfer of mineral rights—interim study. Introduced, S.J. 1568.
- SCR 140 Sine die adjournment, May 2, 1986. Adopted, S.J. 1610, 1611; Adopted, H.J. 2319.
- SCR 141 Bill of rights interim study committee duties. Introduced, S.J. 1592.

HOUSE CONCURRENT RESOLUTIONS

[Priorities determined by Legislative Council, SCR 52]

- HCR 101 Joint convention, January 14, 1986, 10:00 a.m., Governor Terry E. Branstad's condition of the state message. Adopted, H.J. 6; Adopted, S.J. 20, 21, 35.
- HCR 102 Joint convention, January 17, 1986, 10:00 a.m., message by Supreme Court Chief Justice W. Ward Reynoldson, on the condition of the judicial department. Adopted, H.J. 7; Adopted S.J. 20, 21.
- HCR 103 Explanations to be required on reprinted bills. Introduced, H.J. 102.
- HCR 104 Edward H. Jones tribute for his many years of dedication and contributions to the legislative process through lobbying. Adopted, H.J. 141; Adopted, S.J. 144. [Substituted for SCR 105]
- HCR 105 Hon. Cooper Evans recommended for Deputy Secretary of Agriculture. Adopted, H.J. 189; Adopted, S.J. 178, 193. [Substituted for SCR 106]
- HCR 106 American Indian recognition urged each year on Monday of the week of Thanksgiving. Introduced, H.J. 230.
- HCR 107 Federal government requested to make payments in lieu of taxes for land withdrawn, purchased, or bought under trust status by the federal government. Introduced, H.J. 238.
- HCR 108 Adding new Joint Rule 24 to define an "appropriation bill". Introduced, H.J. 328.
- HCR 109 Directing College Aid Commission to disseminate information about loans, scholarships, and grants. Introduced, H.J. 340.
- HCR 110 Federal grain inspectors requested at foreign ports of destination for grading of grain shipped from the United States. Introduced, H.J. 357, 377.
- HCR 111 Long-term supply management program recommended. Introduced, H.J. 357, 404.
- HCR 112 Interim study of township government. Introduced, H.J. 434.
- HCR 113 "Iowa Homecoming '86" endorsed. Adopted, H.J. 358, 465, 639; Adopted, S.J. 674, 725, 761, 1011, 1202.
- HCR 114 Interim study of health care for indigent population of Iowa. Adopted, H.J. 464, 488, 682; Introduced, S.J. 716, 739, 784.
- HCR 115 Social Security program discrimination against individuals born between 1917 and 1921. Adopted, H.J. 518, 1456; Adopted, S.J. 1247, 1262, 1293, 1368, 1393. [See SCR 108, 111]
- HCR 116 Women's History Week proclaimed March 2-8, 1986. Adopted, H.J. 519, 521; Adopted, S.J. 503, 547, 589, 613.
- HCR 117 Establish Iowa as a center for biotechnology. Introduced, H.J. 519.
- HCR 118 Double the acres of woodland in Iowa by 2010. Introduced, H.J. 518, 532.
- HCR 119 Dale L. Renaud honored as 1985-1986 National Commander of the American Legion. Adopted, H.J. 548, 1120, 1121; Adopted, S.J. 993, 1000, 1008, 1009.
- HCR 120 Research project funding for Iowa State University. Introduced, H.J. 546, 566.
- HCR 121 Minimum interest rate of nine percent on farm contract sales urged. Introduced, H.J. 546, 566.
- HCR 122 Iowa National Guard units not be sent to Honduras. Adopted, H.J. 566, 581, 638-640, 647-649; Introduced, S.J. 716, 739, 784, 1226, 1325-1327, 1333, 1334. [See SCR 114]
- HCR 123 July, 1986 designated as "Buy America" month. Introduced, H.J. 708. [See SCR 116]
- HCR 124 Support for Black Hawk County Viet Nam Veterans Memorial. Introduced, H.J. 986, 1610. [SCR 118 substituted]

- HCR 125 Honeybee as state insect. Introduced, H.J. 1118.
- HCR 126 Prevention of untimely teenage pregnancies—interim study committee. Introduced, H.J. 1212.
- HCR 127 Job Training Partnership Act funding continued. Adopted, H.J. 1295, 1556; Adopted, S.J. 1320, 1322, 1386, 1448, 1454.
- HCR 128 Civil Rights Restoration Act of 1985 supported. Adopted, H.J. 1493, 2138; Introduced, S.J. 1603. [See SCR 120]
- HCR 129 Medical Clerks and Medical Secretaries Day, May 8, 1986. Adopted, H.J. 1550, 1596; Adopted, S.J. 1338, 1358, 1368, 1393.
- HCR 130 Civil war refugees in El Salvador. Adopted, H.J. 1577, 1609; Introduced, S.J. 1363, 1367, 1386. [See SCR 127]
- HCR 131 Residential heating and electrical services—interim study. Introduced, H.J. 1628.
- HCR 132 Teaching of global studies and conflict resolution in elementary and secondary schools. Adopted, H.J. 1860, 2138; Introduced, S.J. 1603.
- HCR 133 Board of Regents' ten-year building program and purchase of equipment. Adopted, H.J. 1830, 1836-1838; Adopted, S.J. 1425, 1446, 1493, 1525, 1530, 1531. Signed by Governor 5/27/86.
- HCR 134 Board of Regents' ten-year building program providing for Gilman Hall remodeling, phase II at Iowa State University of Science and Technology. Adopted, H.J. 1829, 1832-1834; Adopted, S.J. 1425, 1446, 1493, 1526, 1530, 1531. Signed by Governor 5/27/86.
- HCR 135 Board of Regents' ten-year building program providing for classroom/office building at University of Northern Iowa. Adopted, H.J. 1829, 1834-1836; Adopted, S.J. 1425, 1426, 1446, 1493, 1528. Signed by Governor 5/27/86.
- HCR 136 Board of Regents' ten-year building program providing for chemistry-botany remodeling, phase II at State University of Iowa. Adopted, H.J. 1829-1832; Adopted, S.J. 1426, 1446, 1494, 1527, 1530, 1531. Signed by Governor 5/27/86.
- HCR 137 Private instruction and instruction in nonpublic schools not approved by department of public instruction—interim study. Introduced, H.J. 1945. [See SCR 135]
- HCR 138 Livestock industry—interim study. Introduced, H.J. 2321.
- HCR 139 Affordable housing, the homeless, and utility shut-offs—interim study. Introduced, H.J. 2321.

SENATE RESOLUTIONS

- SR 101 Amend rules 12, 33, 38, 39, and 60 of the permanent Rules of the Senate. Adopted, S.J. 19, 20.
- SR 102 Gubernatorial appointments requiring Senate confirmation. Adopted, S.J. 308, 313, 315, 316.
- SR 103 State nursery termination study by interim committee. Adopted, S.J. 998, 1010, 1200.
- SR 104 Confirmation of certain appointments deferred. Adopted, S.J. 1225, 1226, 1239.
- SR 105 Hon. Joe Brown, recognition by Senate for his years of legislative service. Adopted, S.J. 1551.
- SR 106 Hon. Douglas Ritsema, recognition by Senate for his years of legislative service. Adopted, S.J. 1582, 1583.
- SR 107 Hon. Milo Colton, recognition by Senate for his years of legislative service. Adopted, S.J. 1559.
- SR 108 Hon. Arthur A. Small, Jr., recognition by Senate for his years of legislative service. Adopted, S.J. 1587.
- SR 109 Hon. Arne Waldstein, recognition by Senate for his years of legislative service. Adopted, S.J. 1575, 1576.
- SR 110 Hon. Arthur L. Gratias, recognition by Senate for his years of legislative service. Adopted, S.J. 1553, 1554.
- SR 111 Daily expenses of the Senate. Adopted, S.J. 1583, 1584.
- SR 112 Amendments to permanent Rules of the Senate—Rules 6, 12, 31, 34, and 60. Adopted, S.J. 1583, 1586.

HOUSE RESOLUTIONS

- HR 101 Amend House Rule 32 by defining "appropriation bills". Introduced, H.J. 328.
- HR 102 House Code of Ethics and House Rules Governing Lobbyists—interim study. Introduced, H.J. 2034.

**TABLE OF SENATE AND HOUSE FILES
AND JOINT RESOLUTIONS**

SENATE FILES

| File No. | Chap. No. | File No. | Chap. No. | File No. | Chap. No. |
|-------------|--------------|-------------|--------------|-------------|--------------|
| 97 | 1221 | 2044 | 1147 | 2213 | 1055 |
| 106 | 1187 | 2049 | 1132 | 2214 | 1047 |
| 108 | 1045 | 2050 | 1126 | 2215 | 1032 |
| 120 | 1030 | 2051 | 1014 | 2221 | 1048 |
| 159 | 1031 | 2064 | 1006 | 2222 | 1051 |
| 166 | 1133 | 2069 | 1127 | 2226 | 1038 |
| 178 | 1107 | 2083 | 1134 | 2227 | 1079 |
| 199 | 1021 | 2084 | 1234 | 2228 | 1091 |
| 245 | 1108 | 2088 | 1110 | 2232 | 1049 |
| 276 | 1012 | 2093 | 1073 | 2234 | 1128 |
| 293 | 1188 | 2097 | 1193 | 2239 | 1092 |
| 314 | 1198 | 2100 | 1111 | 2242 | 1192 |
| 326 | 1013 | 2101 | 1163 | 2246 | 1136 |
| 432 | 1022 | 2104 | 1074 | 2247 | 1082 |
| 444 | 1106 | 2108 | 1112 | 2248 | 1219 |
| 447 | 1217 | 2116 | 1152 | 2253 | 1162 |
| 476 | 1089 | 2123 | 1148 | 2255 | 1151 |
| 477 | 1129 | 2124 | 1015 | 2262 | 1080 |
| 499 | 1009 | 2133 | 1052 | 2265 | 1211 |
| 505 | 1161 | 2143 | 1075 | 2268 | 1165 |
| 508 | 1130 | 2150 | 1076 | 2270 | 1216 |
| 530 | 1005 | 2151 | 1077 | 2275 | 1081 |
| 532 | 1036 | 2152 | 1024 | 2276 | 1093 |
| 540 | 1023 | 2155 | 1053 | 2277 | 1094 |
| 549 | 1125 | 2159 | 1095 | 2283 | 1166 |
| 557 | 1109 | 2165 | 1135 | 2284 | 1189 |
| 590 | 1010 | 2166 | 1025 | 2291 | 1212 |
| 2003 | 1050 | 2175 | 1245 | 2294 | 1236 |
| 2015 | 1090 | 2177 | 1149 | 2295 | 1235 |
| 2029 | 1046 | 2193 | 1054 | 2296 | 1210 |
| 2037 | 1146 | 2207 | 1150 | 2302 | 1199 |
| 2041 | 1037 | 2210 | 1218 | 2303 | 1244 |
| 2043 | 1131 | 2212 | 1078 | 2304 | 1250 |
| | | | | 2305 | 1249 |

SENATE JOINT RESOLUTIONS

| No. | Chap. No. |
|------|--------------|
| 1 | 1251 |
| 2002 | 1252 |
| 2003 | 1253 |

**TABLE OF SENATE AND HOUSE FILES
AND JOINT RESOLUTIONS**

HOUSE FILES

| File No. | Chap. No. | File No. | Chap. No. | File No. | Chap. No. |
|-------------|--------------|-------------|--------------|-------------|--------------|
| 123 | 1225 | 2204 | 1060 | 2395 | 1072 |
| 166 | 1142 | 2208 | 1097 | 2397 | 1175 |
| 244 | 1001 | 2216 | 1172 | 2400 | 1185 |
| 268 | 1040 | 2219 | 1180 | 2401 | 1159 |
| 340 | 1041 | 2220 | 1098 | 2402 | 1119 |
| 392 | 1170 | 2221 | 1144 | 2403 | 1138 |
| 497 | 1113 | 2222 | 1063 | 2405 | 1203 |
| 635 | 1008 | 2225 | 1016 | 2407 | 1223 |
| 645 | 1004 | 2229 | 1200 | 2409 | 1123 |
| 660 | 1018 | 2230 | 1085 | 2412 | 1207 |
| 665 | 1227 | 2239 | 1105 | 2414 | 1240 |
| 710 | 1056 | 2245 | 1228 | 2416 | 1066 |
| 712 | 1033 | 2252 | 1086 | 2417 | 1157 |
| 714 | 1028 | 2280 | 1145 | 2422 | 1177 |
| 717 | 1116 | 2287 | 1017 | 2423 | 1168 |
| 721 | 1043 | 2288 | 1194 | 2424 | 1169 |
| 724 | 1153 | 2293 | 1071 | 2426 | 1088 |
| 732 | 1176 | 2297 | 1064 | 2433 | 1179 |
| 736 | 1003 | 2300 | 1209 | 2435 | 1067 |
| 764 | 1007 | 2301 | 1174 | 2442 | 1120 |
| 767 | 1034 | 2303 | 1181 | 2443 | 1190 |
| 2001 | 1101 | 2313 | 1096 | 2446 | 1103 |
| 2017 | 1002 | 2325 | 1039 | 2448 | 1196 |
| 2026 | 1061 | 2330 | 1182 | 2451 | 1068 |
| 2032 | 1114 | 2336 | 1115 | 2452 | 1160 |
| 2035 | 1171 | 2344 | 1229 | 2455 | 1139 |
| 2060 | 1191 | 2345 | 1099 | 2456 | 1104 |
| 2065 | 1237 | 2347 | 1065 | 2457 | 1224 |
| 2066 | 1238 | 2348 | 1137 | 2458 | 1178 |
| 2067 | 1222 | 2349 | 1201 | 2460 | 1140 |
| 2068 | 1019 | 2350 | 1183 | 2462 | 1226 |
| 2069 | 1020 | 2351 | 1026 | 2463 | 1141 |
| 2070 | 1011 | 2352 | 1058 | 2465 | 1124 |
| 2078 | 1143 | 2353 | 1027 | 2471 | 1241 |
| 2082 | 1057 | 2354 | 1184 | 2472 | 1213 |
| 2091 | 1029 | 2363 | 1186 | 2473 | 1214 |
| 2097 | 1069 | 2369 | 1118 | 2475 | 1208 |
| 2098 | 1083 | 2370 | 1155 | 2477 | 1215 |
| 2110 | 1044 | 2372 | 1122 | 2478 | 1205 |
| 2113 | 1070 | 2376 | 1158 | 2480 | 1206 |
| 2120 | 1121 | 2378 | 1195 | 2481 | 1230 |
| 2128 | 1117 | 2379 | 1100 | 2483 | 1243 |
| 2158 | 1164 | 2380 | 1247 | 2484 | 1246 |
| 2164 | 1154 | 2381 | 1035 | 2485 | 1204 |
| 2167 | 1239 | 2384 | 1087 | 2488 | 1197 |
| 2178 | 1233 | 2387 | 1167 | 2489 | 1231 |
| 2181 | 1156 | 2388 | 1173 | 2490 | 1248 |
| 2189 | 1062 | 2389 | 1059 | 2491 | 1232 |
| 2191 | 1084 | 2390 | 1102 | 2492 | 1242 |
| 2197 | 1042 | 2393 | 1202 | 2493 | 1220 |

**TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985**

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|------------------------|----------------------------|-------------------------------|----------------------------|---|
| 1.6 | 1245,§1971 | 7A.28 | 1245,§1264 | 8.19 | 1245,§451 |
| 2.9 | 1245,§2001 | 7A.41 | 1185,§2; 1245,§123 | 8.20 | 1245,§451; 1246,§704 |
| 2.12 S | 1244,§1 | 7A.42 | 1185,§2; 1245,§123 | 8.21 | 1245,§2015 |
| 2.13 | 1244,§2 | 7A.43 | 1185,§2; 1245,§123 | 8.22 | 1245,§2016 |
| 2.16 | 1245,§2002 | 7A.44 | 1185,§2; 1245,§123 | 8.23 | 1245,§2017 |
| 2.32 S | 1245,§2003 | 7A.45 | 1185,§2; 1245,§123 | 8.24 | 1245,§2018 |
| 2.35 | 1245,§2004 | 7A.46 | 1185,§2; 1245,§123 | 8.30 | 1245,§2019 |
| 2.41 | 1245,§2005 | 7A.47 | 1185,§2; 1245,§123 | 8.31 | 1245,§1972 |
| 2.43 | 1245,§301 | 7A.48 | 1185,§2; 1245,§123 | 8.32 | 1244,§4 |
| 2.45(2) | 1245,§2006 | 7A.49 | 1185,§2; 1245,§123 | 8.33 | 1245,§2020; 1246,§770 |
| 2.46(5) | 1245,§302 | 7A.51 S | 1245,§1340 | 8.37 | 1245,§2021 |
| 2.52 S | 1245,§2007 | 7A.52 S | 1245,§1340,2012 | 8.39 | 1245,§2022 |
| 2.55 S | 1245,§2008 | 7A.53 S | 1245,§1340 | 8.41(2) | 1245,§2023 |
| 2.76 | 1245,§2042 | 7A.54 S | 1245,§1340 | 11.28 | 1245,§1973 |
| 2.77 | 1245,§2042 | 7B.4 S | 1245,§822 | 12 | 1001,§1;1085,§2; 1096,§1-9;1245,§824 |
| 2.78 | 1245,§2042 | 8 | 1245,§106,2013 | 12.1 | 1245,§823 |
| 2.79 | 1245,§2042 | 8.4 | 1245,§103 | 13 | 1214,§2-6 |
| 2.80 | 1245,§2042 | 8.6 S | 1245,§105 | 13A.2 | 1245,§2056 |
| 2.81 | 1245,§2042 | 8.6(1-3) S | 1244,§3 | 13A.6 | 1245,§2057 |
| 2.91 | 1245,§2009,2052 | 8.6(5-8) S | 1244,§3 | 13A.8 | 1245,§2058 |
| 2.91(1) | 1245,§2009 | 8.6(9) S | 1016,§1; 1244,§3;1246,§121 | 13A.9 | 1245,§2059 |
| 2A.1 | 1245,§2010 | 8.6(10) S | 1245,§2014 | 13A.10 | 1245,§2060 |
| 2B | 1245,§2054 | 8.6(13) S | 1245,§2014 | 13B.2 | 1245,§516 |
| 3.4 | 1245,§2011 | 8.6(17) S | 1245,§2014 | 13B.6(2) | 1245,§517 |
| 7.18 | 1245,§1340 | 8.6(19) S | 1244,§3 | 14.13(1c) S | 1242,§5 |
| 7A | 1190,§2-7 | 8.6(20) S | 1245,§104 | 14.13(1d) S | 1242,§5 |
| 7A.1 | 1245,§123 | 8.7 | 1245,§451 | 14.13(2) S | 1242,§6 |
| 7A.2 | 1190,§1; 1245,§123 | 8.8 | 1245,§451 | 14.13(3) S | 1242,§6 |
| 7A.3 | 1245,§101 | 8.9 | 1245,§451 | 14.21 S | 1238,§1 |
| 7A.3(2-5) | 1245,§102 | 8.10 | 1245,§451 | 16 | 1245,§1265 |
| 7A.3(7-9) | 1245,§102 | 8.11 | 1245,§451 | 17.3(8) S | 1245,§904 |
| 7A.4 | 1245,§123 | 8.12 | 1245,§451 | 17.3(10) S | 1245,§904 |
| 7A.5 | 1245,§123 | 8.13 | 1245,§451 | 17.22 | 1238,§2 |
| 7A.6 | 1245,§123 | 8.14 | 1245,§451 | 17A.2(7) | 1245,§2036 |
| 7A.11 | 1190,§11; 1245,§852 | 8.15 | 1245,§451 | 17A.3(1a) | 1245,§2037 |
| 7A.12 | 1190,§11; 1245,§852 | 8.16 | 1245,§451 | 17A.4(4a) | 1245,§2038 |
| 7A.13 | 1190,§11; 1245,§852 | 8.17 | 1245,§451 | 17A.4(6) | 1245,§2038 |
| 7A.21 | 1245,§1264 | 8.18 | 1245,§451 | 17A.8(1a) | 1245,§2024 |
| 7A.22 | 1245,§1264 | | | 17A.8(9) | 1245,§2039 |
| 7A.23 | 1245,§1264 | | | 17A.16(2) | 1245,§518 |
| 7A.24 | 1245,§1264 | | | 18 | 1245,§309 |
| 7A.25 | 1245,§1264 | | | 18.3 | 1245,§303 |
| 7A.26 | 1245,§1264 | | | 18.3(1) | 1132,§1 |
| 7A.27 | 1245,§1264 | | | 18.6 | 1132,§2; 1245,§304,1974 |
| | | | | 18.8 | 1245,§305 |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985—Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|--|----------------------------|-------------------------------------|----------------------------|-------------------------|
| 18.11 | 1245,§306 | 19A.3 S | 1245,§205; 1246,§611 | 28.5 | 1245,§852 |
| 18.12 | 1245,§307 | 19A.4 | 1245,§206 | 28.6 | 1245,§852 |
| 18.97(13) S | 1237,§1 | 19A.5 | 1245,§264 | 28.7 S | 1142,§1; 1245,§852 |
| 18.97(14) S | 1237,§1 | 19A.6(2) | 1245,§207 | 28.8 | 1245,§852 |
| 18.100 | 1237,§2 | 19A.6(5) | 1245,§207 | 28.9 | 1245,§852 |
| 18.115(4) S | 1245,§1975 | 19A.7(4) | 1245,§208 | 28.10 | 1245,§852 |
| 18.116 | 1245,§1976 | 19A.8 | 1244,§9; 1245,§210 | 28.41 | 1245,§852 |
| 18.117 | 1245,§1977; 1246,§772 | 19A.8(2) | 1245,§209 | 28.42 | 1245,§852 |
| 18.133(1) | 1245,§308 | 19A.8(3) | 1245,§210 | 28.43 | 1245,§852 |
| 18.133(3) | 1245,§2049 | 19A.8(6-8) | 1245,§210 | 28.44 | 1245,§852 |
| 18.135(2) | 1245,§310 | 19A.9 S | 1245,§210,212 | 28.45 | 1245,§852 |
| 18.135(3) | 1245,§310 | 19A.9(1) S | 1245,§211 | 28.46 | 1245,§852 |
| 18.136 S | 1245,§123,2053 | 19A.9(2) S | 1245,§211 | 28.51 | 1245,§825 |
| 18.141 | 1245,§123,2053 | 19A.9(13) S | 1245,§211 | 28.52 | 1245,§826 |
| 18.142 | 1245,§123,2053 | 19A.9(18) S | 1245,§211 | 28.53 | 1245,§827 |
| 18.143 | 1245,§123,2053 | 19A.9(19) S | 1245,§211 | 28.55 | 1245,§828 |
| 18.164 | 1211,§2 | 19A.9(23) S | 1245,§211 | 28.61 | 1245,§852 |
| 18.164(2) | 1211,§1 | 19A.11 | 1245,§213 | 28.62 | 1245,§852 |
| 18.165(1b) | 1211,§3 | 19A.13 | 1245,§214 | 28.63 | 1245,§852 |
| 18.165(2) | 1211,§4 | 19A.14 | 1238,§38; 1245,§215 | 28.64 | 1245,§852 |
| 18.166 | 1211,§5 | 19A.17 | 1245,§216 | 28.65 | 1245,§852 |
| 18.168 | 1211,§6 | 19A.18 | 1021,§1; 1245,§217 | 28.66 | 1245,§852 |
| 18.169 | 1211,§7 | 19A.19 | 1245,§218 | 28.83(3) | 1245,§829 |
| 18.175 S | 1245,§852 | 20.1 | 1238,§39; 1245,§229 | 28.83(6) | 1245,§829 |
| 18.176 S | 1245,§852 | 20.4 | 1246,§612 | 28.86 | 1245,§830 |
| 18.177 S | 1245,§852 | 20.4(10) | 1245,§230 | 28.89 S | 1244,§11 |
| 18.178 S | 1245,§852 | 20.18 | 1118,§1 | 28B.1 | 1245,§2027 |
| 18.179 S | 1245,§852 | 22.7 S | 1184,§1; 1228,§1 | 28B.1(1) | 1245,§2027 |
| 18.180 S | 1245,§852 | 23.1(2) S | 1245,§311 | 28C.2(2b) | 1245,§2028 |
| 18A.1 | 1245,§2025 | 24.26 | 1245,§107 | 28C.2(5) | 1245,§2028 |
| 18A.2(2) | 1245,§2026 | 24.48 | 1245,§108 | 28C.2(6) | 1245,§2028 |
| 18A.5 | 1244,§8 | 25A.2(1) | 1172,§1 | 28C.5 | 1245,§109 |
| 18B | 1245,§1340 | 25A.14 | 1211,§8,9 | 28C.8 | 1073,§1 |
| 18B.10 | 1213,§1; 1245,§264 | 26.1 | 1245,§1978 | 29 | 1245,§1702 |
| 18B.13 S | 1245,§1340 | 28 | 1125,§1-3;1185,§1; 1246,§719,720 | 29.1 | 1245,§1701 |
| 19 | 1154,§1 | 28.1 | 1245,§852 | 29A.9 | 1246,§771 |
| 19.16 | 1238,§57; 1245,§1992 | 28.2 | 1245,§852 | 29A.14(1) | 1244,§12 |
| 19A | 1159,§1; 1244,§10; 1245,§202,204,219 | 28.3 | 1245,§852 | 29A.57(1) | 1245,§1703 |
| 19A.1 | 1245,§201 | 28.4 | 1245,§852 | 29A.59 | 1238,§57; 1245,§1992 |
| 19A.2(1-3) | 1245,§203 | | | 31.10 | 1164,§2 |
| 19A.2(5) | 1245,§203 | | | 33.1 | 1164,§1 |
| | | | | 33.2 | 1163,§1,2 |
| | | | | 33.2(8) | 1163,§3 |
| | | | | 35A.1 | 1245,§1704 |
| | | | | 35A.2 | 1245,§1705 |
| | | | | 35A.2(2) | 1245,§1706 |
| | | | | 35A.3 | 1245,§1707 |
| | | | | 35A.6 | 1245,§1708 |
| | | | | 35A.7 | 1245,§1709 |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985—Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|---------------------|----------------------------|----------------------------|----------------------------|------------------------|
| 35A.8 | 1245,§1710 | 55 | 1021,§2; 1245,§2061 | 83A.2(1) S | 1245,§602 |
| 35A.9 | 1245,§1711 | 56 | 1023,§11 | 83A.2(2) S | 1245,§2050 |
| 37.9 | 1200,§1 | 56.2 | 1023,§1 | 83A.2(5) S | 1245,§602 |
| 39.22 S | 1117,§1 | 56.3(2) | 1023,§2 | 83A.3 S | 1245,§603,2053 |
| 41.1(10b) | 1238,§3 | 56.5 | 1023,§4 | 83A.4 | 1245,§603,2053 |
| 43 | 1224,§6 | 56.5(2) | 1023,§3 | 83A.5 | 1245,§603,2053 |
| 43.16 | 1224,§1 | 56.6(1) | 1023,§6 | 83A.6 S | 1245,§603,2053 |
| 43.17 | 1224,§39 | 56.6(1b) | 1023,§5 | 84.2 | 1245,§1812 |
| 43.23 | 1224,§2 | 56.6(3) | 1023,§9; 1224,§38 | 84.2(16) | 1245,§1810 |
| 43.24(3) | 1155,§1 | 56.6(3b(10)) | 1023,§7 | 84.2(20) | 1245,§1811 |
| 43.67 | 1224,§3 | 56.6(3g) | 1023,§8 | 84.4 | 1245,§1813,1815 |
| 43.93 | 1224,§4 | 56.13 | 1023,§10 | 84.4(1b) | 1245,§1814 |
| 43.100 | 1224,§5 | 56.18 S | 1236,§2 | 84.5 | 1245,§1815,1816 |
| 45.1 | 1224,§7 | 56.18(1) S | 1236,§1 | 84.7 | 1245,§1816 |
| 46.7 | 1119,§1 | 56.18(2) S | 1236,§2 | 84.11 | 1245,§1815,1816 |
| 46.8 | 1119,§2 | 56.18(3) S | 1236,§2 | 85 | 1074,§1;1104,§1 |
| 47.5(3) | 1245,§312 | 57.1(2c) | 1112,§3 | 85.36 | 1074,§2 |
| 47.7(1) | 1245,§313 | 64.6 S | 1211,§10 | 85.61(1) S | 1104,§2 |
| 47.7(2) | 1245,§313 | 64.6(22) S | 1245,§1901 | 85.61(2) S | 1074,§3; 1104,§3 |
| 48.3 | 1224,§8 | 64.7 | 1211,§46 | 85.61(3b) S | 1074,§4 |
| 48.6(9) | 1224,§9 | 69 | 1245,§2041 | 85.61(3c) S | 1074,§4 |
| 48.7(1b) | 1224,§10 | 69.3 S | 1237,§3 | 85A.10 | 1101,§1 |
| 48.27(1) | 1010,§1 | 69.8(4) S | 1155,§2 | 85A.20 | 1245,§905 |
| 48.27(2) | 1010,§2 | 69.14 | 1224,§33 | 85A.21 | 1245,§906 |
| 48.27(5) | 1010,§3 | 69.16 | 1245,§2040 | 85A.22 | 1245,§907 |
| 48.30 | 1112,§1;1238,§4 | 73 | 1245,§831-837 | 85A.23 | 1245,§908 |
| 48.31(4) | 1112,§2; 1238,§5 | 73.1 | 1096,§10 | 85A.24 | 1245,§909 |
| 49.31(2) | 1224,§11 | 73.5 | 1096,§11 | 85A.25 | 1245,§910 |
| 49.31(3) | 1224,§12 | 79 | 1245,§234,240 | 86.8 | 1245,§911 |
| 49.99 | 1224,§13 | 79.1 S | 1244,§13; 1245,§231,232 | 86.9 | 1245,§912 |
| 49.107 | 1224,§14 | 79.9 | 1246,§773 | 86.24 | 1238,§46; 1245,§913 |
| 49.131 | 1023,§12 | 79.16(2) | 1245,§233 | 86.26 | 1238,§47 |
| 50.48 | 1224,§16 | 79.17(1) | 1063,§1 | 86.29 | 1238,§48 |
| 50.48(1) | 1224,§15 | 79.20 | 1245,§235 | 86.32 | 1238,§49 |
| 52 | 1224,§27 | 79.24 | 1245,§236 | 86.39 | 1238,§50 |
| 52.1(2) | 1224,§17 | 79.25(2) S | 1245,§237 | 86.42 | 1238,§51 |
| 52.1(2a) | 1224,§18 | 79.25(3a-c) S | 1245,§238 | 88.1(3) | 1245,§519 |
| 52.5 | 1224,§19 | 79.25(3d) S | 1245,§239 | 88.2(1) | 1245,§914 |
| 52.16 | 1224,§20 | 80.15 | 1245,§241 | 88.2(4) | 1245,§914 |
| 52.21 | 1224,§21 | 80.26 | 1245,§1601 | 88.2(5) | 1244,§14 |
| 52.21(3) | 1224,§22 | 80.39(1) S | 1140,§1; 1237,§4 | 88.3(1) | 1245,§520 |
| 52.23 | 1224,§23 | 80B.6 | 1245,§2029 | 88.3(2) | 1245,§520 |
| 52.31 | 1224,§24 | 80C.1 | 1245,§110 | 88.5(1b) | 1245,§521 |
| 52.34 | 1224,§25 | 80C.2 S | 1245,§111 | 88.10 | 1245,§550 |
| 52.35 | 1224,§26 | 83.2(2) | 1245,§601 | 88A.1(2) | 1245,§915 |
| 53 | 1224,§29 | 83.2(3) | 1245,§601 | | |
| 53.2 | 1224,§28 | | | | |
| 53.8(1) | 1224,§30 | | | | |
| 53.43 | 1224,§31 | | | | |
| 53.49 | 1224,§32 | | | | |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985—Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|----------------------|----------------------------|--------------------------------|----------------------------|-----------------------|
| 88B.1(2) | 1245,§916 | 96.6(3-8) | 1245,§522 | 97B.50(1a) | 1243,§19 |
| 88B.3(1) | 1245,§917 | 96.7(3d) | 1166,§2 | 97B.50(1b) | 1243,§20 |
| 88B.3(4) | 1245,§917 | 96.7(10) | 1066,§1 | 97B.50(2-4) | 1243,§21 |
| 91.1 | 1245,§918 | 96.7(15) | 1209,§1 | 97B.51 | 1243,§22 |
| 91.2 | 1245,§919 | 96.7A S | 1166,§4 | 97B.56 | 1246,§723 |
| 91.4 | 1244,§15 | 96.9(4a) | 1246,§622 | 97C.2(5) | 1245,§258 |
| 91.4(5) | 1245,§920 | 96.9(4b) | 1246,§622 | 97C.19 | 1245,§259 |
| 91.5(3) | 1245,§921 | 96.10 | 1245,§933 | 98.1(10) | 1245,§401 |
| 91A.2 S | 1124,§7 | 96.11(4) S | 1245,§934 | 98.1(23) | 1245,§401 |
| 91A.2(4d) S | 1124,§6 | 96.11(7f) S | 1245,§524 | 98.13(2) | 1007,§5; 1241,§1 |
| 91B | 1124,§9 | 96.13(3a) | 1209,§2 | 98.22(1) | 1007,§6; 1241,§2 |
| 92.5(11) | 1245,§922 | 96.19 | 1245,§525,935 | 98.28 | 1007,§7 |
| 92.6(7) | 1245,§923 | 96.23 | 1034,§2,3 | 98.29 | 1007,§8; 1241,§3,4 |
| 92.8(21) | 1245,§924 | 96.25 | 1245,§1979 | 98.42(12) | 1245,§402 |
| 92.11(2c) | 1016,§2 | 97.51(1) | 1245,§242 | 98.46(6) | 1007,§9 |
| 92.16 | 1245,§925 | 97.51(1c) | 1245,§242 | 98.48(2) | 1241,§5 |
| 92.21 S | 1245,§926 | 97.51(3) | 1245,§242 | 99A.10 S | 1052,§1 |
| 93 | 1167,§2,3;1249,§2 | 97.52 | 1244,§19 | 99B | 1201,§12 |
| 93.1 | 1245,§1819 | 97A.1(4) | 1245,§243 | 99B.1 | 1042,§1 |
| 93.1(1) | 1245,§1817 | 97A.2 | 1245,§244 | 99B.1(6) | 1201,§1 |
| 93.1(4) | 1245,§1818 | 97A.5(1) | 1245,§245 | 99B.1(16) | 1245,§711 |
| 93.2 | 1245,§1899"O",2053 | 97A.5(5) | 1245,§246 | 99B.2(1) | 1201,§2; 1245,§712 |
| 93.3 | 1245,§1899"O" | 97A.5(6) | 1245,§247 | 99B.2(2) | 1201,§2 |
| 93.4 | 1245,§1899"O" | 97A.6(4) | 1243,§1 | 99B.5(1b) S | 1201,§3 |
| 93.5 | 1245,§1899"O" | 97A.6(8) | 1243,§2 | 99B.5(1d) S | 1201,§3 |
| 93.6 | 1245,§1899"O" | 97A.7(4) | 1245,§248 | 99B.5(1e) S | 1201,§3 |
| 93.7 | 1245,§1820,1822 | 97B | 1243,§23,24 | 99B.5(1g) S | 1201,§3 |
| 93.7(13) | 1245,§1821 | 97B.1 | 1245,§249 | 99B.6 | 1002,§2; 1201,§6 |
| 93.8 | 1245,§1822 | 97B.3 | 1245,§250 | 99B.6(1) | 1002,§1; 1201,§4 |
| 93.10 | 1245,§1822 | 97B.4 | 1245,§251 | 99B.6(2) | 1201,§5 |
| 93.14 | 1244,§16 | 97B.5 | 1245,§252 | 99B.7(1c) S | 1201,§7 |
| 93.15 | 1167,§4; 1244,§17 | 97B.7(2b) S | 1245,§253 | 99B.7(1d) S | 1201,§7 |
| 93.16 | 1245,§1822 | 97B.8 S | 1243,§3; 1244,§20;1245,§254 | 99B.7(1"l") S | 1042,§2 |
| 93.17 | 1245,§1822 | 97B.25 | 1245,§255 | 99B.7(1m) S | 1201,§7 |
| 93.23 | 1244,§18 | 97B.26 | 1245,§256 | 99B.7(3a) S | 1201,§8 |
| 93.24 | 1245,§1822 | 97B.27 | 1245,§257 | 99B.7(3b) S | 1201,§9 |
| 93.25 | 1245,§1822 | 97B.41(1b) | 1243,§4,5 | 99B.8 | 1201,§10 |
| 93.26 | 1245,§1822 | 97B.41(11) | 1243,§6 | 99B.14 | 1201,§11 |
| 93.27 | 1245,§1822 | 97B.41(13c) | 1243,§7 | 99B.15 | 1002,§3 |
| 93.28 | 1245,§1822 | 97B.41(19) | 1243,§8 | 99C.2 | 1245,§936 |
| 93.29 | 1245,§1822 | 97B.45 | 1243,§9 | 99D.5(1) | 1245,§713 |
| 94.2 | 1245,§927 | 97B.49 S | 1243,§18 | 99D.5(4) | 1245,§714 |
| 94.4 | 1245,§928 | 97B.49(3) S | 1246,§721 | 99D.6 | 1245,§715 |
| 95.1 | 1245,§929 | 97B.49(5) S | 1243,§10 | 99D.13(2) | 1246,§509 |
| 95.2 | 1245,§930 | 97B.49(7) S | 1243,§11; 1246,§722 | 99E.2(2) S | 1245,§403 |
| 95.3 | 1245,§931 | 97B.49(8a) S | 1243,§12-14 | 99E.3(1) S | 1245,§404 |
| 95.5 | 1245,§932 | 97B.49(10) S | 1243,§15,16 | | |
| 96 | 1166,§3 | 97B.49(13) S | 1243,§17 | | |
| 96.3(5) | 1034,§1 | | | | |
| 96.5(1) S | 1166,§1 | | | | |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985 — Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|-------------------------------|----------------------------|------------------------------|----------------------------|--|
| 99E.3(3) S | 1245,§404 | 107.2 | 1245,§1899“O” | 109.22 | 1244,§24 |
| 99E.4(2) S | 1245,§405 | 107.5 | 1245,§1899“O” | 109.29 | 1141,§20 |
| 99E.7 S | 1245,§406 | 107.7 | 1245,§1899“O” | 109.41(5) | 1133,§1 |
| 99E.8 S | 1245,§407 | 107.8 | 1245,§1899“O” | 109.48 | 1133,§2,3 |
| 99E.9 S | 1042,§5 | 107.10 | 1064,§1; 1245,§1899“O” | 109.56 S | 1245,§1854 |
| 99E.9(3) S | 1042,§3 | 107.11 | 1245,§1899“O” | 109.58 | 1245,§1855 |
| 99E.9(3d) S | 1245,§408 | 107.12 | 1245,§1899“O” | 109.61 | 1245,§1854 |
| 99E.9(3g) S | 1245,§408 | 107.13 | 1245,§1828,1854 | 109.67 | 1245,§1854 |
| 99E.9(3i) S | 1002,§4 | 107.14 | 1245,§1829 | 109.99 | 1141,§20 |
| 99E.9(3n) S | 1245,§409 | 107.16 S | 1244,§22 | 109.100 | 1141,§20; 1245,§1854 |
| 99E.9(4) S | 1042,§4 | 107.17 | 1244,§23; 1245,§1830,1831 | 109.101 | 1141,§20 |
| 99E.9(5) S | 1052,§2; 1245,§410 | 107.18 | 1245,§1832 | 109.105 | 1141,§20 |
| 99E.10(1) S | 1042,§6; 1207,§20;1244,§21 | 107.19 | 1245,§1833,1834 | 109.106 | 1141,§20 |
| 99E.10(2) S | 1068,§1 | 107.20 | 1245,§1835,1845 | 109.107 | 1141,§20 |
| 99E.11 S | 1245,§411 | 107.21 | 1245,§1899“O” | 109.108 | 1141,§20 |
| 99E.13(1) S | 1245,§412 | 107.24 | 1245,§1845 | 109.109 | 1141,§20 |
| 99E.13(2-4) S | 1245,§412 | 107.24(2a) | 1245,§1836 | 109.110 | 1141,§20 |
| 99E.13(7) S | 1245,§412 | 107.24(9) | 1245,§1837 | 109.111 | 1141,§20 |
| 99E.14 S | 1245,§413 | 107.27 | 1245,§1838,1845 | 109.112 | 1141,§20 |
| 99E.16(1) S | 1042,§7 | 107.28 | 1245,§1839,1845 | 109.113 | 1141,§20; 1245,§1854 |
| 99E.16(2) S | 1042,§8 | 107.29 | 1245,§1840,1845 | 109.114 | 1141,§20 |
| 99E.18(4) S | 1042,§9 | 107.31 | 1245,§1841,1845 | 109.115 | 1141,§20 |
| 100.3 | 1018,§1 | 107.32 | 1245,§1842,1845 | 109.116 | 1141,§20 |
| 100.34 | 1018,§2 | 107.33 | 1245,§1843,1845 | 109.117 | 1141,§20 |
| 100A.1(1) | 1051,§1 | 107.34 | 1245,§1844,1845 | 109.118 | 1141,§20 |
| 101A.7 | 1029,§1 | 108 | 1245,§1846 | 109.131 | 1245,§1854 |
| 103A.44 | 1245,§1340 | 108.7 | 1245,§1847 | 109A.1(1) | 1245,§1856 |
| 103A.45 | 1245,§1339 | 108.10 | 1245,§1854 | 109A.1(2) | 1245,§1857 |
| 103A.45(4) | 1245,§1339 | 108A.1 | 1245,§1849 | 110 | 1141,§16; 1231,§2-8;1240,§3,11; 1245,§1858 |
| 104.1 | 1157,§2 | 108A.1(1) | 1245,§1848 | 110.1 | 1114,§1 |
| 104.1(1) | 1157,§1 | 109.1 | 1245,§1852 | 110.1(1c) | 1240,§1 |
| 104.1(3) | 1245,§937 | 109.1(12) | 1245,§1850 | 110.1(1d) | 1240,§1 |
| 104.1(4) | 1245,§937 | 109.1(13) | 1245,§1851 | 110.1(5) | 1141,§17 |
| 104.1(15-17) | 1245,§937 | 109.7 | 1245,§1855 | 110.1(6) | 1141,§17 |
| 104.3 | 1157,§3 | 109.14 | 1245,§1855 | 110.1(7a-e) | 1141,§17 |
| 104.10(2) | 1245,§526 | 109.15 | 1245,§1853 | 110.2 | 1141,§20 |
| 106.2 | 1245,§1825,1826 | 109.17 | 1141,§20 | 110.3 | 1114,§2;1231,§1 |
| 106.2(4) | 1245,§1823 | 109.19 | 1245,§1855 | 110.5 S | 1114,§3 |
| 106.2(12) | 1245,§1824 | | | 110.6 | 1240,§2; 1245,§1877 |
| 106.3 | 1245,§1826 | | | 110.8 | 1240,§4 |
| 106.4 | 1245,§1826 | | | 110.9 | 1245,§1878 |
| 106.12 | 1143,§1 | | | 110.21 | 1245,§1877 |
| 106.31(1b) | 1227,§1 | | | 110.24 S | 1240,§5-7; 1245,§1877 |
| 107.1 | 1245,§1827 | | | 110.25 | 1240,§13 |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985—Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|----------------------------------|----------------------------|------------------------------|----------------------------|-----------------------|
| 110.27 S | 1240,§8; 1245,§1877 | 111A.9 | 1245,§1879 | 123.19(2) S | 1237,§6 |
| 110.32 | 1240,§9; 1245,§1878 | 111A.10 | 1245,§1868 | 123.20(1) S | 1122,§6; 1245,§738 |
| 110.36 | 1240,§10 | 111B.1 | 1245,§1869 | 123.20(2) S | 1246,§730 |
| 110.42 | 1240,§12 | 111B.3 | 1245,§1877 | 123.20(5) S | 1246,§728 |
| 110A | 1245,§1859 | 111B.4 | 1245,§1870 | 123.20(7) S | 1122,§6 |
| 110A.1 | 1245,§1877 | 111B.7 | 1245,§1871 | 123.20(8) S | 1122,§6; 1246,§729 |
| 110A.3 | 1245,§1877 | 111B.8(3) | 1245,§1872 | 123.20(9) S | 1246,§730 |
| 110A.5 | 1245,§1877 | 111B.8(4) | 1245,§1872 | 123.21 S | 1245,§739 |
| 110B.1(2) | 1245,§1860 | 111B.8(12) | 1245,§1872 | 123.21(1) S | 1246,§731 |
| 111.1 | 1245,§1861,1992; see 1238,§57 | 111B.11 | 1245,§1877 | 123.21(2) S | 1122,§7; 1246,§732 |
| 111.3 | 1245,§1877 | 111D.1 | 1245,§1873 | 123.21(3) S | 1122,§7; 1246,§732 |
| 111.4 | 1245,§1862,1877 | 111D.2 | 1245,§1874 | 123.21(6) S | 1246,§731 |
| 111.7 | 1245,§1980 | 112 | 1245,§1875 | 123.21(8) S | 1122,§7; 1246,§732 |
| 111.8 | 1245,§1981 | 112.1 | 1245,§1877 | 123.22 S | 1246,§733 |
| 111.11 | 1245,§1982 | 112.3 | 1245,§1876 | 123.23 S | 1246,§754 |
| 111.11(2) | 1237,§5 | 114.3 | 1245,§716 | 123.24 | 1246,§734 |
| 111.20 | 1245,§1877 | 114.8 | 1245,§717 | 123.25 | 1122,§8; 1246,§735 |
| 111.22 | 1245,§1863 | 114.9 | 1245,§718 | 123.26 | 1246,§736 |
| 111.24 | 1245,§1983 | 116.3(1) | 1245,§719 | 123.27 S | 1122,§9; 1246,§737 |
| 111.26 | 1245,§1864 | 116.3(2) | 1245,§720,721 | 123.28 S | 1020,§1; 1246,§738 |
| 111.32 | 1244,§25; 1245,§1877 | 117.8 | 1245,§722 | 123.29 S | 1246,§740 |
| 111.35 | 1245,§1877 | 117.11 | 1245,§762 | 123.29(1) S | 1246,§739 |
| 111.36 | 1245,§1877 | 117.12 | 1245,§723 | 123.29(2) S | 1246,§739 |
| 111.37 | 1245,§1878 | 117.14 | 1245,§724 | 123.30(3) S | 1246,§742 |
| 111.41 | 1245,§1877 | 117.42 | 1238,§6 | 123.30(3a-c) S | 1246,§741 |
| 111.42 | 1245,§1877 | 118.1 | 1245,§725 | 123.32(1) S | 1246,§743 |
| 111.44 | 1245,§1878 | 118.5 | 1245,§726 | 123.34(3) S | 1237,§7 |
| 111.58 | 1245,§1877 | 118.12 | 1245,§727 | 123.36 S | 1246,§744 |
| 111.60 | 1245,§1877 | 118A.3 | 1245,§728 | 123.46 S | 1067,§1 |
| 111.62 | 1245,§1865 | 118A.5 | 1245,§729 | 123.48 | 1246,§754 |
| 111.63 | 1245,§1877 | 118A.7 | 1245,§730 | 123.49(1) S | 1211,§11 |
| 111.64 | 1245,§1877 | 123 | 1001,§2;1220,§24; 1221,§1 | 123.49(2a) S | 1002,§5 |
| 111.66 | 1245,§1877 | 123.1 S | 1122,§1 | 123.50(5) S | 1246,§745 |
| 111.67 | 1245,§1877 | 123.3 S | 1122,§3 | 123.51 S | 1246,§746 |
| 111.70 | 1245,§1877 | 123.3(8) S | 1122,§2 | 123.53(3) S | 1246,§747 |
| 111.71 | 1245,§1877 | 123.3(9) S | 1122,§4 | 123.53(7) S | 1246,§747 |
| 111.73 | 1245,§1877 | 123.3(21) S | 1246,§724 | 123.53(8) S | 1246,§747 |
| 111.75 | 1245,§1877 | 123.3(27) S | 1246,§725 | 123.55 S | 1246,§748 |
| 111.77 | 1245,§1877 | 123.4 S | 1245,§731 | 123.57 | 1246,§749 |
| 111.79 | 1245,§1877 | 123.5 | 1245,§732 | 123.58 | 1246,§750 |
| 111.80 | 1245,§1877 | 123.6 S | 1245,§733 | 123.92 S | 1211,§12 |
| 111.80(3) | 1245,§1866 | 123.8 | 1245,§734 | 123.96 S | 1246,§754 |
| 111.85 S | 1245,§1877 | 123.10 | 1245,§735 | 123.136 | 1246,§751 |
| 111A.3 | 1245,§1879 | 123.15 S | 1245,§736 | 123.150 S | 1122,§10 |
| 111A.4(2) | 1245,§1867 | 123.16(1) S | 1245,§737 | | |
| 111A.4(3) | 1097,§1; 1245,§1867 | 123.16(2a) S | 1122,§5; 1246,§726 | | |
| 111A.6 | 1245,§1879 | 123.16(2c) S | 1122,§5; | | |
| 111A.7 | 1245,§1879 | 123.16(2d) S | 1246,§726 | | |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985 — Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|-------------------------------------|----------------------------|-----------------|----------------------------|-----------------------------|
| 123.178(3) S | 1246,§752 | 135.1(1) | 1245,§1101 | 136B | 1245,§1150 |
| 123.183 S | 1246,§753 | 135.1(2) | 1245,§1101 | 136C.3(2) | 1217,§1 |
| 125 | 1001,§11,15,16 | 135.2 | 1245,§1102 | 136C.10 | 1217,§2 |
| 125.2(4) | 1245,§1122 | 135.6 | 1245,§1103 | 139A.1(4) | 1245,§1712 |
| 125.2(6) | 1245,§1122 | 135.11 | 1245,§1104 | 139A.2 | 1245,§1713 |
| 125.3 | 1245,§1123 | 135.12 | 1245,§1148 | 139A.3 | 1245,§1714 |
| 125.5 | 1245,§1124 | 135.13 | 1245,§1148 | 139A.4 | 1245,§1715 |
| 125.6 | 1245,§1125 | 135.14 | 1245,§1148 | 139A.6 | 1245,§1716 |
| 125.7 | 1245,§1126 | 135.15 | 1245,§1106 | 139A.7 | 1245,§1717 |
| 125.8 | 1245,§1127 | 135.37 | 1245,§1148 | 139A.8 | 1245,§1718 |
| 125.9(3) | 1245,§1128 | 135.39 | 1245,§1108 | 139A.9 | 1245,§1719 |
| 125.12(1) | 1001,§3; 1245,§1129 | 135.62(2c) | 1245,§1109 | 145.2 | 1160,§1; 1245,§1028,2030 |
| 125.12(2) | 1001,§3 | 135.63 | 1245,§1110 | 145.3(3) S | 1160,§2 |
| 125.12(3) | 1001,§3 | 135.63(2) | 1150,§1 | 145.3(3h) S | 1180,§1 |
| 125.12(4) | 1245,§1129 | 135.91 | 1245,§1111 | 145.3(4) S | 1160,§3; 1245,§1029 |
| 125.12(7) | 1245,§1129 | 135.94 | 1245,§1112 | 147 | 1211,§16 |
| 125.13(1) | 1001,§4 | 135A.5 | 1245,§550 | 147.1(6) S | 1211,§13 |
| 125.15 | 1245,§1130 | 135B | 1200,§2 | 147.14(2) | 1003,§1 |
| 125.18 | 1245,§1131 | 135B.10 | 1245,§527 | 147.14(3) S | 1022,§1 |
| 125.20 | 1245,§1132 | 135B.11(2) | 1245,§528 | 147.24 | 1245,§1141 |
| 125.25 | 1001,§5; 1245,§1133 | 135C.6 S | 1245,§1113 | 147.135 | 1211,§14 |
| 125.32 | 1001,§6; 1245,§1134 | 135C.25(2) | 1245,§1027 | 147A.1(6-8) | 1245,§1142 |
| 125.32(2) | 1001,§6 | 135C.36(1) | 1168,§1 | 147A.2 | 1245,§1148 |
| 125.32(4) | 1001,§6 | 135D.1(2) | 1245,§1114 | 147A.3 | 1245,§1148 |
| 125.33(2) | 1001,§7; 1245,§1135 | 135D.2 | 1245,§1148 | 147A.4 | 1245,§1143 |
| 125.33(3) | 1001,§7 | 135D.3 | 1245,§1148 | 147A.5(2) | 1245,§1144 |
| 125.33(4) | 1001,§7 | 135D.4 | 1245,§1148 | 147A.5(3) | 1245,§1144 |
| 125.34(3) | 1001,§8 | 135D.5 | 1245,§1148 | 148 | 1211,§17 |
| 125.38(1) | 1245,§1136 | 135D.6 | 1245,§1148 | 148A.1 | 1238,§7 |
| 125.38(2) | 1245,§1136 | 135D.7 | 1245,§1148 | 148C.5 S | 1245,§1145 |
| 125.39(2) | 1001,§9 | 135D.8 | 1245,§1148 | 148D.1(5) | 1245,§2051 |
| 125.43 | 1001,§10 | 135D.11 | 1245,§1148 | 148D.3 | 1245,§2053 |
| 125.44 | 1001,§12,13; 1220,§25;1245,§1137 | 135D.12 | 1245,§1148 | 148D.4 | 1245,§2053 |
| 125.45 | 1001,§22 | 135D.13 | 1245,§1148 | 148D.5 | 1245,§2053 |
| 125.45(1) | 1245,§1138 | 135D.14 | 1245,§1148 | 151 | 1127,§1 |
| 125.47 | 1001,§22 | 135D.15 | 1245,§1148 | 154.3(7) S | 1237,§8 |
| 125.49 | 1001,§22 | 135D.16 | 1245,§1148 | 154A.7 | 1245,§1146 |
| 125.50 | 1001,§22 | 135D.17 | 1245,§1148 | 154A.17(1) | 1245,§1147 |
| 125.51 | 1001,§22 | 135D.19 | 1245,§1148 | 155.26 S | 1237,§9 |
| 125.52 | 1001,§22 | 135D.20 | 1245,§1148 | 155.37(1a) | 1219,§1 |
| 125.53 | 1001,§22 | 135D.21 | 1245,§1148 | 159.1(1) | 1245,§604 |
| 125.54 | 1001,§14 | 135D.22 | 1244,§26 | 159.1(2) | 1245,§604 |
| 125.57 | 1001,§22 | 135D.24(1) S | 1139,§1 | 159.2(2) | 1245,§605 |
| 127 | 1140,§19 | 135D.24(3) S | 1245,§1115 | 159.3 | 1245,§606 |
| 127 S | 1140,§19 | 135E.7 | 1245,§1139 | 159.5 | 1137,§1; 1245,§607,608 |
| 135 | 1245,§1105,1107 | 135F.13 S | 1245,§1140 | 159.6 | 1245,§609 |
| | | 136.1 | 1245,§1119 | 159.20 | 1245,§610 |
| | | 136.3(7) | 1245,§1120 | 159.21 | 1245,§852 |
| | | 136.9 | 1245,§1121 | | |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985—Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|-------------------|----------------------------|-------------------|----------------------------|-----------------|
| 159.25 | 1245,§852 | 172A.1(6) | 1245,§623 | 183A.8 S | 1076,§1 |
| 159.26 | 1245,§852 | 172B.1(4) | 1245,§624 | 183A.9 S | 1100,§18 |
| 159.27 | 1245,§852 | 172C.5 | 1173,§20 | 184A.1(7c) | 1100,§20 |
| 162.2(10) | 1245,§611 | 172C.8(1) | 1173,§1 | 184A.1(7d) | 1100,§20 |
| 163.26(1) | 1245,§612 | 172C.13 | 1091,§5 | 185.1(1) | 1245,§633 |
| 163.26(2) | 1245,§612 | 173.1 | 1245,§625 | 185.10 | 1100,§21 |
| 163.35(2) | 1245,§613 | 173.1(1) | 1245,§626 | 185.15 | 1195,§5 |
| 163A.1(1) | 1245,§614 | 173.1(4) | 1245,§626 | 185.25 | 1195,§6 |
| 164.1(1) | 1245,§615 | 173.9 | 1245,§627 | 185C.1(1) | 1245,§634 |
| 164.1(7) | 1036,§1 | 173.14(9) | 1244,§28 | 185C.10 | 1100,§22 |
| 164.1(8) | 1036,§2 | 175 | 1026,§5;1027,§4 | 187.1(1) | 1245,§635 |
| 164.1(9) | 1036,§3 | 175.2 S | 1026,§1; | 187.16 | 1245,§2053 |
| 164.3 | 1036,§4 | | 1027,§1 | 188.49 | 1121,§1 |
| 164.4 | 1036,§5 | 175.2(3) S | 1026,§2; | 188.50 | 1121,§5 |
| 164.9 | 1036,§6 | | 1245,§628 | 189.1(2) | 1245,§636 |
| 164.13 | 1036,§7 | 175.2(14) S | 1026,§2 | 189.1(3) | 1245,§636 |
| 164.14 | 1036,§8 | 175.3(1) S | 1026,§3; | 189A.2(1) | 1245,§637 |
| 164.21 | 1036,§9 | | 1027,§2;1245,§629 | 189A.2(2) | 1245,§637 |
| 165.2 | 1245,§616 | 175.4 | 1027,§3 | 191A.1(2) | 1245,§544 |
| 165.15 | 1245,§617 | 175.5 | 1026,§4 | 191A.1(3) | 1245,§544 |
| 166A.1(1) | 1245,§618 | 175.7(1) | 1245,§630 | 191A.1(10) | 1245,§544 |
| 166B.1(3) | 1245,§619 | 175.30 | 1078,§1 | 191A.3 | 1245,§545 |
| 166C.2(1) | 1245,§620 | 176A.2 | 1245,§838 | 191A.7 | 1245,§546 |
| 166C.2(2) | 1245,§620 | 176A.9(1) | 1245,§839 | 191A.14 | 1245,§547 |
| 168.1(2) | 1245,§621 | 179.5 S | 1100,§1 | 192A.1(2) | 1245,§638 |
| 170 | 1245,§535 | 179.6 S | 1238,§8 | 192A.1(3) | 1245,§638 |
| 170.1 | 1245,§529 | 179.7 S | 1238,§9 | 192A.13 | 1238,§10 |
| 170.2 | 1245,§529 | 181 | 1100,§6,7 | 194.3(1) | 1245,§639 |
| 170.4 | 1245,§531,532 | 181.1 | 1100,§2 | 195.3(1) | 1245,§640 |
| 170.5 | 1245,§533 | 181.3 | 1100,§3 | 196A.1(7) | 1245,§641 |
| 170.46 | 1245,§534 | 181.4 | 1100,§4 | 196A.9 | 1100,§23 |
| 170A | 1041,§2 | 181.6(3) | 1100,§5 | 196A.19 | 1100,§24 |
| 170A.2 | 1041,§1 | 181.10 | 1195,§1 | 198.3(1) | 1245,§642 |
| 170A.2(2) | 1245,§536 | 181.13 | 1100,§8 | 204.204 S | 1037,§2 |
| 170A.2(3) | 1245,§536 | 181.14 | 1195,§2 | 204.204(4u) S | 1037,§1 |
| 170A.2(5) | 1245,§536 | 181.15 | 1195,§3 | 204.206 S | 1037,§5 |
| 170A.2(10) | 1245,§536 | 181.19 | 1195,§4 | 204.206(2a) S | 1037,§3 |
| 170A.3 | 1245,§537 | 182.1(8) S | 1245,§631 | 204.206(7) S | 1037,§4 |
| 170A.4 | 1245,§538,539,540 | 183A | 1100,§19 | 204.505 | 1140,§19 |
| 170A.4(4) | 1245,§539 | 183A.1 S | 1100,§10 | 204A.6 | 1140,§19 |
| 170A.5 | 1244,§27 | 183A.1(1) S | 1100,§9 | 206.2(9) | 1245,§643 |
| 170B | 1041,§3 | 183A.1(5) S | 1100,§9 | 206.2(10) | 1245,§643 |
| 170B.2(1) | 1245,§541 | 183A.1(7) S | 1245,§632 | 214A | 1146,§2 |
| 170B.2(2) | 1245,§541 | 183A.2 S | 1100,§11 | 214A.1(1) S | 1146,§1 |
| 170B.2(7) | 1245,§541 | 183A.3 S | 1100,§12 | 214A.1(2) S | 1245,§644 |
| 170B.3 | 1245,§542,543 | 183A.4 S | 1100,§13 | 217A | 1220,§26 |
| 170B.3(4) | 1245,§543 | 183A.5(3) S | 1100,§14 | 218.10 | 1245,§260 |
| 172.1(4) | 1245,§622 | 183A.5(9) S | 1100,§15 | 218.13 | 1245,§264 |
| 172A.1(5) | 1245,§623 | 183A.6 S | 1100,§16 | 218.16 | 1213,§2; |
| | | 183A.7 S | 1100,§17 | | 1245,§264 |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985—Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|-------------------------|----------------------------|------------------------|----------------------------|-------------------------|
| 218.58 | 1245,§314 | 246.108(1) S | 1245,§1503 | 258.9 | 1245,§1431 |
| 218.94 | 1244,§29 | | | 258.11 | 1245,§1432 |
| 220 | 1212,§2-7; 1245,§842 | 246.108(5) S | 1245,§315 | 258A.3(2a) | 1245,§1880 |
| 220.1(26) S | 1212,§1 | 246.310 S | 1075,§1 | 258A.6(4) | 1211,§15 |
| 220.1(28) S | 1245,§840 | 246.314 S | 1245,§316 | 259 | 1245,§1440 |
| 220.6(4) | 1237,§10 | 246.315 S | 1245,§317 | 259.2 | 1245,§1434 |
| 220.10(1) | 1245,§841 | 246.316 S | 1245,§318 | 259.3 | 1237,§14; 1245,§1435 |
| 220.39 | 1128,§1 | 246.317 S | 1244,§31 | 259.4 | 1245,§1436 |
| 220.95 | 1244,§30 | 246.706 S | 1075,§2 | 259.4(1) | 1237,§15 |
| 222.73 | 1169,§1 | 246.805(7a) S | 1245,§1505 | 259.4(3) | 1237,§15 |
| 225C | 1246,§315 | | | 259.4(13) | 1237,§15 |
| 230.15 | 1001,§17 | 246.901 S | 1245,§1506 | 259.5 | 1237,§16; 1245,§1437 |
| 230.20 | 1169,§2 | 246.902 S | 1245,§1525 | 259.6 | 1245,§1438 |
| 232.8(1) | 1186,§1,2 | 246.903 S | 1245,§1507 | 259.8 | 1245,§1439 |
| 232.22 | 1186,§3 | 246.904 S | 1245,§1508 | 259A.5 S | 1245,§1441 |
| 232.49(1) | 1186,§4 | 246.906 S | 1245,§1509 | 260 | 1245,§1453 |
| 232.51 | 1186,§5 | 246.908(1) S | 1245,§1510 | 260.2 | 1245,§1442 |
| 232.68(2b) S | 1177,§1 | 248 | 1112,§13 | 260.3 S | 1245,§1443 |
| 232.68(2d) S | 1177,§1 | 249A.4(8) | 1245,§2031 | 260.6 | 1245,§1444 |
| 232.75 | 1238,§11 | 249B | 1045,§1; 1245,§1031 | 260.9 | 1245,§1445 |
| 232.82(1) | 1186,§6 | 250.16 S | 1237,§13 | 260.10 | 1245,§1446 |
| 232.89(4) | 1186,§7 | 252B | 1246,§316 | 260.11 | 1245,§1447 |
| 232.95(2a) | 1186,§8 | 252D | 1191,§3; 1246,§318 | 260.15 S | 1246,§124 |
| 232.97(1) | 1186,§9 | 252D.1(1) S | 1245,§1421 | 260.19 | 1245,§1448 |
| 232.98(1) S | 1186,§10 | 252D.1(2) S | 1246,§317 | 260.21 | 1245,§1449 |
| 232.116(3c) | 1186,§11 | 252D.1(3) S | 1191,§1 | 260.27 | 1245,§1450 |
| 232.133(1) | 1186,§12 | 252D.2(1) | 1191,§2 | 260.28 S | 1245,§1451 |
| 232A.1 | 1245,§112 | 257 | 1245,§1499A | 260.30 | 1245,§1499A |
| 233.1(2) | 1046,§1 | 257 S | 1245,§1499A | 260.31(2) | 1245,§1452 |
| 234.1(4a) | 1245,§1419 | 257.10(13) S | 1213,§3; 1245,§261 | 261.1(4) S | 1245,§2032 |
| 234.9 S | 1237,§11 | | | 261.3 | 1245,§1454 |
| 235A.15(2f) S | 1177,§2 | 257.18(17) S | 1016,§3 | 261.35(5) | 1246,§25 |
| 236 | 1179,§4 | 257.44 S | 1246,§162 | 261.38(1) | 1246,§26 |
| 236.3 S | 1237,§12 | 257A | 1245,§1424 | 261.38(2) | 1246,§27 |
| 236.5(2d) | 1179,§1 | 257A.1 S | 1246,§122 | 261A.5 | 1245,§1455 |
| 236.11 | 1179,§2 | 257A.5(1) S | 1245,§1422 | 261A.6 | 1245,§843 |
| 236.12(2) S | 1179,§3 | | | 262 | 1246,§127 |
| 237.1(3c) | 1245,§1418 | 257A.5(2) S | 1245,§1423 | 262.9 | 1245,§844; 1246,§125 |
| 237.16 | 1245,§549 | | | 262.21 | 1213,§4 |
| 237A.21 | 1044,§1 | 257A.7 S | 1246,§123 | 262.44(1) | 1246,§126 |
| 237B | 1245,§1265 | 258 | 1245,§1426,1430,1433 | 262A | 1246,§129 |
| 241.3(2) | 1245,§938 | | | 262A.5 | 1246,§128 |
| 241.4 | 1245,§2053 | 258.3 S | 1245,§1425 | 263A | 1246,§130 |
| 241.5 | 1245,§2053 | 258.4 | 1245,§1427 | 266 | 1188,§1-7;1229,§2 |
| 244.10 | 1245,§1420 | 258.5 | 1245,§1428 | 270 | 1246,§132 |
| 246.105 S | 1245,§1501 | 258.7 S | 1245,§1429 | 270.9(2) | 1246,§131 |
| 246.106 S | 1245,§1502 | | | | |
| 246.108 S | 1245,§1504 | | | | |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985—Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|-----------------|----------------------------|------------------|----------------------------|-----------------|
| 272A.4 | 1245,§1456 | 281.3(2) | 1245,§1478 | 303.14 | 1245,§1312 |
| 272B.2 | 1245,§2033 | 281.4 | 1245,§1479,1480 | 303.15 | 1245,§1313 |
| 273 | 1226,§19 | 281.7 | 1245,§1481 | 303.20(4) | 1245,§1315 |
| 273.2 S | 1245,§1457 | 281.9(1d) S | 1237,§18 | 303A.1 S | 1245,§1340 |
| 273.3(3) S | 1245,§1458 | 281.9(4) S | 1245,§1482 | 303A.2 S | 1245,§1340 |
| 273.3(7-9) S | 1245,§1458 | 281.9(7) S | 1245,§1482 | 303A.3 S | 1245,§1340 |
| | 1245,§1458 | 281.11 | 1245,§1483 | 303A.4 S | 1245,§1340 |
| 273.3(10) S | 1246,§133 | 281.12 S | 1244,§33 | 303A.5 S | 1245,§1340 |
| 273.3(15) S | 1213,§5 | 282.7(1) S | 1245,§1484 | 303A.6 S | 1245,§1340 |
| 273.4(3) | 1245,§1459 | 282.19 S | 1244,§34; | 303A.7 S | 1245,§1340 |
| 273.9(3-5) | 1245,§1460 | | 1245,§1485 | 303B.6(2) S | 1245,§1332 |
| 274.42 S | 1245,§1461 | 282.27 S | 1244,§35; | 303B.6(9-11) S | 1245,§1332 |
| 275.8 | 1245,§1462 | | 1245,§1486 | | 1245,§1332 |
| 275.12(2b) | 1226,§1 | 283.1 | 1245,§1487 | 304A.1 | 1245,§1340 |
| 275.12(2d) | 1226,§1 | 285.1(3) S | 1246,§135 | 304A.2 | 1245,§1340 |
| 275.15 S | 1226,§2; | 285.2 | 1246,§136,137 | 304A.3 | 1245,§1340 |
| | 1239,§1 | 285.6 S | 1245,§1488 | 304A.4 | 1245,§1340 |
| 275.16 S | 1237,§17 | 291.9 S | 1016,§8 | 304A.5 | 1245,§1340 |
| 275.23 | 1245,§1463 | 291.10(1) S | 1016,§4 | 304A.6 | 1245,§1340 |
| 275.25(4) S | 1239,§2 | 291.10(11) S | 1016,§5 | 304A.6(6) | 1246,§142 |
| 275.31 S | 1226,§3 | 292.1 | 1246,§162 | 304A.7 | 1245,§1340 |
| 275.33(2) S | 1239,§3 | 294.15 S | 1245,§262 | 304A.8(1) | 1245,§1333 |
| 275.39 | 1245,§1464 | 294.16 | 1213,§7 | 304A.8(2) | 1245,§1333 |
| 275.54 | 1245,§1465 | 296 | 1211,§18 | 304A.9 | 1245,§1334 |
| 276.3(6) | 1245,§1466 | 297.22 S | 1223,§1-3 | 304A.10 | 1245,§1335 |
| 276.6 | 1245,§1499A | 297.26 | 1238,§56; | 304A.11 | 1245,§1336 |
| 276.7 | 1245,§1499A | | 1245,§1489,1984 | 304A.12 | 1245,§1337 |
| 277.29 | 1112,§10; | 297.27 | 1245,§1985 | 304A.14 | 1245,§1338 |
| | 1238,§12 | 297.28 | 1245,§1986 | 305.1 | 1245,§1881 |
| 279 | 1167,§1;1226,§5 | 298.11 | 1016,§6 | 305.2 | 1245,§1882 |
| 279.10(4) S | 1245,§1467 | 299.2(5) | 1245,§1490 | 305.11 | 1245,§1899"O" |
| 279.15(1) | 1239,§4 | 302 | 1246,§141 | 305A | 1228,§2 |
| 279.29 | 1226,§4 | 302.1 | 1246,§140 | 306.6(2) | 1245,§2034 |
| 280.13 S | 1245,§1468 | 302.1(1) | 1246,§139 | 306.22 | 1245,§1987 |
| 280.16 S | 1245,§1499B | 302.13 | 1246,§162 | 306.42(2) | 1245,§1902 |
| 280A.18(1) | 1245,§1469 | 302.13 S | 1016,§7 | 307 | 1244,§39-41; |
| 280A.18(2) | 1245,§1469 | 303 | 1238,§52,54; | | 1245,§1924,1925 |
| 280A.18(5) | 1245,§1469 | | 1244,§38; | 307.1(4) | 1245,§1903 |
| 280A.23 | 1246,§134 | | 1245,§1301-1304, | 307.6 | 1245,§1904 |
| 280A.23(9) | 1213,§6 | | 1314,1316-1331 | 307.10 | 1245,§1905 |
| 280A.25 S | 1245,§1470 | 303.1 | 1245,§1305 | 307.10(5) | 1245,§1905 |
| 280A.26 | 1245,§1471 | 303.2 | 1245,§1306 | 307.10(6) | 1245,§1906 |
| 280A.33(4) S | 1245,§1472 | 303.3 | 1245,§1340 | 307.10(7) | 1245,§1905 |
| | 1245,§1472 | 303.4 | 1245,§1307 | 307.10(10) | 1245,§1905 |
| 280A.33(7-10) S | 1245,§1472 | 303.5 | 1245,§1340 | 307.10(11) | 1245,§1905 |
| | 1245,§1472 | 303.5(2) | 1245,§1308 | 307.11 | 1245,§1907,1908 |
| 280A.35 | 1245,§1473 | 303.6 | 1245,§1309 | | 1245,§1907,1908 |
| 280A.38 | 1245,§1474 | 303.9 | 1244,§36 | 307.12 | 1245,§1909 |
| 280A.39 | 1245,§1475 | 303.11 | 1244,§37 | 307.14 | 1245,§1969 |
| 281.1 S | 1245,§1476 | 303.12 | 1245,§1310 | 307.15 | 1245,§1969 |
| 281.3 | 1245,§1477 | 303.13 | 1245,§1311 | 307.16 | 1245,§1969 |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985—Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|-----------------|----------------------------|-----------------|----------------------------|-----------------|
| 307.17 | 1245,§1969 | 321.121 | 1210,§3 | 321G.15 | 1245,§1877 |
| 307.18 | 1245,§1969 | 321.122(1) | 1210,§4 | 321G.22 | 1070,§1 |
| 307.19 | 1245,§1969 | 321.122(2) | 1182,§3 | 322 | 1084,§1 |
| 307.20 | 1245,§1969 | 321.166(6) | 1225,§2 | 322.26 | 1237,§46 |
| 307.21 | | 321.178(1) | 1220,§28 | 322A.1(7) | 1245,§1940 |
| | 1245,§1910,1911 | 321.184 | 1048,§1 | 322A.6 | 1244,§42 |
| 307.22 | | 321.191 | 1220,§29 | 322A.7 | 1245,§1941 |
| | 1245,§1912,1913 | 321.196 S | 1220,§30 | 322E.1 | 1090,§1 |
| 307.22(4) | 1245,§1912 | 321.209(2) | 1220,§31 | 324.2 | 1116,§1 |
| 307.23 | | 321.210 | 1009,§1; | 324.2 S | 1245,§414 |
| | 1245,§1914,1915 | | 1220,§32 | 324.3(4) | 1116,§2 |
| 307.24 | 1245,§1916 | 321.210A S | 1019,§1 | 324.3(5) | 1116,§3 |
| 307.25 | 1245,§1917 | 321.211 | 1246,§29 | 324.4 | 1007,§10 |
| 307.25(2) | 1245,§1918 | 321.213 | 1220,§33 | 324.17(13) | 1141,§18 |
| 307.25(6) | 1245,§1919 | 321.218 S | 1220,§34 | 324.18 | 1241,§6 |
| 307.26 | | 321.228(2) | 1220,§35 | 324.19 | 1241,§7 |
| | 1245,§1920,1921 | 321.233 S | 1220,§36 | 324.33 | 1116,§4; |
| 307.27 | 1245,§1922 | 321.236 | 1056,§2 | | 1245,§415 |
| 307.27(5) | 1220,§27 | 321.236(1) S | 1238,§14 | 324.35 | 1116,§5 |
| 307.29(2) | 1245,§1923 | 321.237 | 1056,§3 | 324.56 | 1245,§1942 |
| 307A.2(3) | 1245,§1926 | 321.252 | 1060,§1,2 | 324.57(6) | 1245,§416 |
| 307A.3 | 1245,§1969 | 321.281 S | 1220,§47 | 324.65 | 1007,§11-13; |
| 307A.4 | 1245,§1969 | 321.282 | 1220,§48 | | 1246,§30 |
| 307A.5 | 1245,§1969 | 321.283 S | 1220,§49 | 324.66 | 1007,§14 |
| 307A.7 | 1245,§1969 | 321.354 | 1056,§4 | 324.68 | 1007,§15; |
| 307A.8 | 1245,§1969 | 321.428 | 1245,§1935 | | 1241,§8 |
| 307B.6(10) | 1245,§1927 | 321.437 | 1210,§5 | 324A.2(2) S | 1245,§417 |
| 308.3(7) | 1245,§1928 | 321.445 | 1009,§2; | 325.1 | 1161,§2 |
| 308.4(2) S | 1245,§1929 | | 1211,§43 | 325.1(4) | 1245,§1943 |
| 308.4(3) S | 1246,§28 | 321.446(3) | 1069,§1 | 325.1(8) | 1161,§1 |
| 308.6 | 1245,§1930 | 321.453 | 1210,§6 | 325.1(9) | 1161,§1 |
| 308.7 | 1245,§1931 | 321.456 | 1182,§4 | 325.2 | 1245,§1944 |
| 308.8 | 1245,§1932 | 321.492 | 1245,§1936 | 325.2(1-5) | 1161,§3 |
| 310.27 S | 1058,§1 | 321.513(1) | 1245,§1937 | 325.3 | 1161,§4; |
| 310.36 | 1245,§1933 | 321.555(1b) | 1220,§37 | | 1245,§1945 |
| 311 | 1024,§2 | 321.555(2) | 1009,§3 | 325.4 | 1161,§5; |
| 311.7 S | 1024,§1 | 321A.17(1) | 1220,§38 | | 1245,§1946 |
| 315.5 S | 1245,§1934 | 321B | 1220,§50 | 325.5 | 1161,§6 |
| 321.1 | 1056,§1 | 321B S | 1220,§50 | 325.6 | 1161,§7 |
| 321.1(39) S | 1071,§1 | 321C.1 | 1245,§1938 | 325.7 | 1161,§8 |
| 321.1(40) S | 1238,§13 | 321D.1 | 1245,§1939 | 325.8 | 1161,§9 |
| 321.1(43) S | 1210,§1; | 321E.2 | 1210,§7 | 325.9 | 1161,§10 |
| | 1237,§19 | 321E.14 | 1210,§8 | 325.12 | 1161,§11 |
| 321.1(71) | 1210,§2 | 321G.1 | 1245,§1877 | 325.13 | 1161,§12 |
| 321.19(1) S | 1042,§10 | 321G.1(1) | 1245,§1883 | 325.18 | 1161,§13 |
| 321.34(4) S | 1182,§1 | 321G.2 | 1031,§1 | 325.25 | 1161,§14 |
| 321.34(7) | 1225,§1 | 321G.3 | 1031,§2 | 325.26(1) | 1161,§15; |
| 321.99 | 1055,§1 | 321G.4 | 1235,§1 | | 1238,§15 |
| 321.104(3-5) S | | 321G.5 | 1031,§3 | 325.33 | 1245,§1947 |
| | 1237,§20 | 321G.6 | 1031,§4; | 326.5 | 1245,§1948 |
| 321.105 | 1182,§2 | | 1235,§2 | 326.18 | 1245,§1949 |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985—Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|-----------------|----------------------------|-----------------|----------------------------|--------------------|
| 327.1(4) | 1245,§1950 | 331.602(13) S | 1091,§1 | 384.13(2) | 1245,§118 |
| 327.2 | 1245,§1951 | 331.602(20) S | 1091,§2 | 384.13(4) | 1245,§118 |
| 327.3 | 1245,§1952 | 331.602(33) S | 1091,§2 | 384.13(5) | 1245,§118 |
| 327.4 | 1245,§1953 | 331.602(38) | 1108,§4 | 384.14 | 1245,§119 |
| 327.23 | 1245,§1954 | 331.602(44) S | 1155,§6 | 384.15(2) | 1245,§120 |
| 327A.1(5) | 1245,§1955 | 331.653(21) S | 1121,§2 | 384.15(7) | 1245,§120 |
| 327A.2 | 1245,§1956 | 331.653(33) S | 1220,§39 | 384.24(3) | 1211,§24 |
| 327A.20 | 1245,§1957 | 331.653(43) | 1108,§5 | 384.50 | 1241,§9 |
| 327C.1 | 1245,§1958 | 331.653(44) S | 1108,§5 | 384.51 | 1241,§10 |
| 327C.2 | 1161,§16 | 331.653(71) S | 1155,§7 | 384.56(3) | 1241,§11 |
| 327C.10 | 1245,§1959 | 331.660 | 1246,§712 | 384.60 | 1241,§12 |
| 327D.1 | 1161,§17 | 331.756(5) S | 1238,§17 | 384.63 | 1241,§13 |
| 327D.2(10) | 1245,§1960 | 331.756(26) | 1001,§21 | 384.65(3) | 1215,§1 |
| 327D.13 | 1245,§1961 | 331.756(28) | 1245,§1117 | 387 | 1245,§852 |
| 327F.38 | 1237,§46 | 331.756(52) S | 1112,§11 | 400.2 | 1138,§1 |
| 327G.1 | 1245,§1962 | 331.756(85) S | 1155,§8 | 400.4 | 1138,§2 |
| 327G.61(2) | 1245,§1963 | 331.902(3) | 1079,§1 | 400.6 | 1138,§3 |
| 327G.62 | 1245,§1964 | 331.903(1) | 1061,§1 | 400.7 | 1138,§4 |
| 327G.78 | 1245,§1965 | 331.907(2) | 1095,§1 | 400.9(3) | 1138,§5 |
| 327G.79 | 1245,§1966 | 333A.2(1) | 1245,§116 | 400.13 | 1171,§1 |
| 327H.18 | 1238,§16 | 333A.3(1) | 1245,§117 | 400.19 | 1138,§6 |
| 327H.20 | 1247,§12 | 333A.3(3) | 1245,§117 | 400.20 | 1138,§7 |
| 327H.24 | 1247,§13 | 333A.5 | 1245,§123 | 400.22 | 1138,§8 |
| 328.12 | 1245,§1967 | 334A.2 | 1244,§43 | 400.27 | 1138,§9 |
| 328.12(1-15) | 1245,§1967 | 347 | 1072,§1;1200,§7 | 400.28 | 1138,§10,11 |
| | 1245,§1967 | 347.9 | 1200,§3 | 400.29(4) | 1021,§3 |
| 331 | 1202,§4 | 347.28 | 1200,§4 | 403.17(9) S | 1237,§23 |
| 331.211(2) | 1004,§1 | 347.29 | 1200,§5 | 404.2(3) | 1245,§848 |
| 331.301 S | 1211,§19 | 347.30 | 1200,§6 | 404.2(6a) | 1245,§849 |
| 331.302 | 1202,§3 | 349.6 | 1013,§1 | 405.1 | 1244,§44 |
| 331.304 | 1245,§1116 | 349.7(2) | 1183,§1 | 409.1 | 1080,§1 |
| 331.322(16) | 1108,§1 | 349.14 | 1183,§2 | 410.6(1) | 1243,§26 |
| 331.323(1) | 1155,§3 | 349.17 | 1183,§3 | 410.6(2) | 1243,§26 |
| 331.401(1c) | 1001,§18 | 357B | 1057,§2 | 411 | 1203,§5;1243,§30 |
| 331.403(1) | 1245,§113 | 357B.1 | 1057,§1 | 411.5(1e) | 1203,§1 |
| 331.403(3) | 1245,§113 | 364 | 1202,§2 | 411.5(8) | 1203,§2 |
| 331.404 | 1246,§775 | 364.3 S | 1202,§1; | 411.6(4) | 1243,§27 |
| 331.421(2) | 1237,§21 | | 1245,§1118 | 411.6(7a) | 1203,§3 |
| 331.423(2) | 1237,§22 | 364.4 S | 1211,§22 | 411.6(8) | 1243,§28 |
| 331.424(1"l") | 1211,§20 | 368.7 | 1245,§845 | 411.7(2) | 1203,§4 |
| 331.434(1) | 1245,§114 | 368.8 | 1245,§846 | 411.9 | 1243,§29 |
| 331.434(3) | 1245,§114 | 368.9 | 1245,§847 | 411.20(2) | 1244,§45 |
| 331.435 | 1245,§115 | 372.4 | 1171,§2 | 414.7 | 1098,§1 |
| 331.441(2b) | 1211,§21 | 376.2 | 1224,§34 | 421 | 1007,§19-21; |
| 331.502(42) | 1108,§2 | 376.4 | 1224,§35 | | 1244,§46,47; |
| 331.502(44) | 1108,§3 | 376.7 | 1224,§36 | | 1245,§424-438,2046 |
| 331.502(49) | 1155,§4 | 376.9 | 1224,§37 | 421.1 | 1245,§418 |
| 331.508(3) | 1001,§19 | 384 | 1211,§25 | 421.2 | 1245,§419 |
| 331.552(10) | 1001,§20 | 384.12(18) S | 1211,§23 | 421.4 | 1245,§420 |
| 331.552(30) | 1155,§5 | 384.13 | 1245,§118 | 421.7 | 1007,§17 |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985 — Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|-------------------------------|----------------------------|-------------------------------|----------------------------|-------------------------|
| 421.7(2) | 1007,§16 | 422.42 S | 1241,§24 | 425.3 | 1241,§32 |
| 421.9(3) | 1245,§421 | 422.45 | 1187,§1 | 425.33 | 1241,§33 |
| 421.17 S | 1007,§18; 1245,§422 | 422.45 S | 1201,§13 | 425.34 | 1241,§34 |
| 421.17(6) S | 1091,§4 | 422.45(2) S | 1238,§21 | 425.39 | 1244,§51 |
| 421.17(25e) S | 1237,§24 | 422.45(27a) S | 1241,§25 | 426.6 | 1245,§442 |
| 421.30(2) | 1245,§423 | 422.47(3b) | 1007,§29 | 426.7 | 1244,§52 |
| 421.30(5) | 1245,§423 | 422.52 | 1007,§30 | 426.8 | 1245,§443 |
| 421.30(6) | 1245,§423 | 422.53(2) | 1007,§31 | 426.10 | 1245,§444 |
| 421.30(8) | 1245,§423 | 422.53(5) | 1007,§31; 1241,§26 | 426A.4 | 1244,§53 |
| 422.3(2) S | 1245,§439 | 422.57(1) | 1241,§27 | 427.1(23) S | 1200,§8 |
| 422.3(4) S | 1245,§439 | 422.58(1) | 1007,§32 | 427.1(26) S | 1241,§35 |
| 422.3(5) S | 1213,§8 | 422.58(2) | 1007,§33 | 427.1(36) | 1113,§1 |
| 422.5 S | 1232,§1 | 422.60 | 1241,§28 | 427.1(36) S | 1113,§2 |
| 422.5(1o) S | 1213,§9; 1236,§3.4 | 422.62 S | 1237,§25 | 427.2 | 1153,§1 |
| 422.7 S | 1232,§2; 1236,§5;1243,§33 | 422.63 | 1194,§2 | 427.6 | 1241,§36 |
| 422.7(9) S | 1241,§14 | 422.73(1) S | 1194,§3 | 427.17 | 1244,§55 |
| 422.7(11) S | 1241,§14 | 422.73(2) S | 1237,§26 | 427.17(3) | 1245,§445 |
| 422.7(18a) S | 1238,§18 | 422.100 | 1244,§48 | 427.17(4) | 1244,§54 |
| 422.10 S | 1007,§22 | 422.110 | 1241,§29 | 427A.6 | 1245,§446 |
| 422.12(2) | 1236,§6; 1241,§15 | 422.110(4) | 1141,§19 | 427B.11 | 1245,§447 |
| 422.12(3) | 1236,§7; 1241,§15 | 422A.1 | 1199,§1; 1241,§30;1244,§49 | 427B.13 | 1244,§56 |
| 422.16(1) | 1208,§1; 1241,§16 | 422B.1(1) S | 1199,§2 | 428A.14 | 1241,§48 |
| 422.16(10b) | 1007,§23,24 | 422B.1(2) S | 1199,§2 | 429.1 | 1241,§37 |
| 422.16(11) | 1241,§16 | 422B.1(3) S | 1199,§3 | 434.2 | 1241,§49 |
| 422.16(14) | 1007,§25 | 422B.1(4) S | 1199,§3 | 434.3 | 1241,§49 |
| 422.17 | 1241,§17 | 422B.1(6) S | 1199,§4 | 434.4 | 1241,§49 |
| 422.23 | 1241,§18 | 422B.1(7a) S | 1199,§5 | 434.5 | 1241,§49 |
| 422.25(1) | 1241,§19 | 422B.1(9) S | 1199,§6 | 435.1(6) | 1245,§448 |
| 422.25(2) | 1007,§26 | 422B.5 S | 1199,§9 | 435.1(7) | 1245,§448 |
| 422.27(1) S | 1054,§1; 1238,§19;1241,§20 | 422B.6 S | 1199,§9; 1245,§440 | 435.5 | 1007,§38 |
| 422.28 | 1007,§27; 1241,§21 | 422B.7 S | 1199,§9 | 435.6 | 1241,§38 |
| 422.33(2) S | 1194,§1 | 422B.8 S | 1042,§11; 1199,§7 | 437.4 | 1241,§39 |
| 422.33(4) S | 1236,§8; 1241,§22 | 422B.9 S | 1245,§441 | 437.5 | 1241,§40 |
| 422.33(5) S | 1007,§28 | 422B.10(1) S | 1199,§8 | 441.8 | 1245,§449 |
| 422.35 | 1236,§9 | 423.1(1) S | 1246,§31 | 441.26 | 1107,§1 |
| 422.35(6) | 1241,§23 | 423.4 S | 1189,§2 | 441.31 | 1230,§1 |
| 422.35(7a) | 1238,§20 | 423.4(1) S | 1205,§1 | 441.32 | 1230,§2 |
| 422.35(8) | 1241,§23 | 423.4(10) S | 1189,§1 | 441.37 | 1028,§1 |
| 422.37(5) | 1213,§10 | 423.7 | 1241,§31 | 441.65 | 1241,§41 |
| | | 423.9 | 1007,§34 | 442 | 1226,§7,11 |
| | | 423.13 | 1007,§35 | 442.2(1) | 1226,§6 |
| | | 423.18(1) | 1007,§36 | 442.3 | 1246,§143 |
| | | 423.22 | 1007,§37 | 442.7(7h) S | 1245,§1491 |
| | | 425.1(1) | 1244,§50 | 442.12 S | 1245,§1492 |
| | | 425.2 | 1109,§1 | 442.13 S | 1246,§161 |
| | | | | 442.13(1) S | 1244,§57; 1245,§1493 |
| | | | | 442.13(9) S | 1244,§57; 1245,§1493 |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985 — Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|---------------------------------------|----------------------------|--------------------|----------------------------|------------------------------|
| 442.13(11) S | 1244,§57; 1245,§1493 | 455B.104 | 1245,§1899“O” | 455B.211(1) | 1245,§1890 |
| 442.13(12) S | 1244,§57; 1245,§1493 | 455B.105 | 1245,§1899 | 455B.212 | 1245,§1891,1899 |
| 442.13(14) S | 1244,§57 | 455B.105(7) | 1245,§1887 | 455B.213 | 1245,§1899 |
| 442.13(15) S | 1244,§57; 1245,§1493 | 455B.106 | 1245,§1899,1899“O” | 455B.213(2) | 1245,§1892 |
| 442.27 | 1246,§144 | 455B.107 | 1245,§1899 | 455B.213(3) | 1245,§1892 |
| 442.27(12) | 1245,§1494 | 455B.109 | 1245,§1899 | 455B.214 | 1245,§1899“O” |
| 442.39 S | 1226,§8,10 | 455B.131 | 1245,§1899B | 455B.215 | 1245,§1899“O” |
| 442.39(2) S | 1226,§9 | 455B.134 | 1245,§1899 | 455B.216 | 1245,§1893 |
| 442.44 S | 1246,§162 | 455B.135 | 1245,§1899,1899B | 455B.217 | 1245,§1894 |
| 443.7 | 1241,§42 | 455B.136 | 1245,§1899,1899B | 455B.218 | 1245,§1895 |
| 445.1 | 1139,§2 | 455B.137 | 1245,§1899B | 455B.219 | 1245,§1896 |
| 445.8(2) | 1139,§3 | 455B.138 | 1245,§1899 | 455B.221 | 1245,§1897 |
| 445.8(3) | 1139,§3 | 455B.139 | 1245,§1899 | 455B.222 | 1245,§1898 |
| 446.9 | 1139,§4 | 455B.140 | 1245,§1899 | 455B.241 | 1245,§1899 |
| 446.10 | 1139,§5 | 455B.141 | 1245,§1899 | 455B.242 | 1245,§1899 |
| 446.12 | 1139,§6 | 455B.143 | 1245,§1899,1899B | 455B.243 | 1245,§1899 |
| 447.9 | 1139,§7;1241,§43 | 455B.145 | 1245,§1899,1899B | 455B.244 | 1245,§1899 |
| 447.10 | 1139,§8 | 455B.146 | 1245,§1899,1899B | 455B.262 S | 1245,§1899B |
| 447.13 | 1139,§9 | 455B.147 | 1245,§1899,1899B | 455B.264 S | 1245,§1899A,1899B |
| 450.3 S | 1237,§27 | 455B.149 | 1245,§1899 | 455B.265 S | 1245,§1899A,1899B |
| 450.58 S | 1054,§2; 1241,§44 | 455B.171(4) S | 1144,§1 | 455B.266 S | 1245,§1899A,1899B |
| 450.63(2) | 1007,§39 | 455B.171(8) S | 1144,§1 | 455B.266(3) S | 1136,§1 |
| 450.94(3) | 1007,§40 | 455B.171(26) S | 1237,§29 | 455B.267 S | 1245,§1899A |
| 450.94(3) S | 1241,§45 | 455B.171(28) S | 1237,§29 | 455B.268 S | 1245,§1899A |
| 450A.1(4) | 1245,§450 | 455B.173 S | 1245,§1899A | 455B.271 S | 1245,§1899A,1899B |
| 450A.1(8) | 1245,§450 | 455B.174 | 1245,§1899,1899B | 455B.273 | 1245,§1899 |
| 450A.2 | 1241,§46 | 455B.175 | 1245,§1899 | 455B.275(3) | 1144,§2 |
| 451.6 | 1241,§47 | 455B.178 | 1245,§1899 | 455B.279(1) | 1144,§3 |
| 453.4 | 1243,§31 | 455B.179 | 1245,§1899 | 455B.280 | 1238,§61; 1245,§668,1899 |
| 453.25 S | 1237,§28 | 455B.181 | 1245,§1899,1899B | 455B.301(4) S | 1175,§1 |
| 455.50 | 1008,§1 | 455B.183 | 1245,§1899,1899B | 455B.303 | 1245,§1899 |
| 455.64(2) S | 1099,§1 | 455B.185 | 1245,§1899 | 455B.304 S | 1174,§1-3 |
| 455.70 | 1050,§1 | 455B.186 | 1245,§1899 | 455B.305 | 1175,§2; 1245,§1899,1899B |
| 455.111 S | 1099,§2 | 455B.191 S | 1245,§1899A | 455B.306 | 1175,§3; 1245,§1899 |
| 455.223 | 1238,§61 | | | | |
| 455B | 1115,§1,2; 1175,§6;1245,§1888,1889 | | | | |
| 455B.101 | 1245,§1884 | | | | |
| 455B.102 | 1245,§1899“O” | | | | |
| 455B.103 | 1245,§1886,1899 | | | | |
| 455B.103(3-5) | 1245,§1885 | | | | |
| 455B.103(7) | 1245,§1885 | | | | |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985—Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|------------------------|----------------------------|---------------------------------|----------------------------|---------------------------|
| 455B.307 | 1245,§1899 | 455B.429 | 1245,§1899 | 462.15 | 1099,§3 |
| 455B.308 | 1245,§1899 | 455B.430 | 1025,§10; 1115,§3;1245,§1899 | 467A.2 | 1245,§645 |
| 455B.309 S | 1175,§4; 1181,§3 | 455B.431 | 1025,§11; 1245,§1899 | 467A.3 | 1238,§61; 1245,§647 |
| 455B.309(2) S | 1181,§2 | 455B.432 | 1245,§1899 | 467A.3(3) | 1245,§646 |
| 455B.310(3) S | 1175,§5 | 455B.443 | 1245,§1899 | 467A.4(1-3) S | 1245,§648 |
| 455B.331 | 1245,§1899 | 455B.444 | 1245,§1899 | 467A.4(4) S | 1245,§649 |
| 455B.335 | 1245,§1899 | 455B.445 | 1245,§1899 | 467A.4(4g-m) S | 1245,§668 |
| 455B.336 | 1245,§1899 | 455B.448(1) | 1149,§2 | 467A.4(4n) S | 1245,§650 |
| 455B.337 | 1245,§1899 | 455B.450 | 1245,§1899 | 467A.7 | 1238,§61 |
| 455B.339 | 1245,§1899 | 455B.451 | 1245,§1899 | 467A.7(16) | 1245,§651 |
| 455B.340 | 1245,§1899,1899B | 455B.455 | 1245,§1899 | 467A.10 | 1245,§652 |
| 455B.362 | 1245,§1899 | 455B.464 S | 1245,§1899A | 467A.11 | 1245,§653 |
| 455B.381 | 1245,§1899 | 455B.474 S | 1245,§1899A | 467A.12 | 1245,§654 |
| 455B.381(2) | 1025,§1 | 455B.475 S | 1245,§1899A | 467A.13 | 1238,§61 |
| 455B.383 | 1245,§1899B | 455B.476 S | 1245,§1899A | 467A.42(1) | 1245,§655 |
| 455B.384 | 1245,§1899 | 455B.477 S | 1245,§1899A | 467A.42(2a) | 1245,§656 |
| 455B.385 | 1245,§1899 | 455B.478 S | 1245,§1899A | 467A.42(2b) | 1245,§656 |
| 455B.387 | 1245,§1899 | 455C.1(7) S | 1245,§1899C | 467A.44 | 1245,§657 |
| 455B.388 | 1245,§1899 | 455C.1(8) S | 1245,§1899C | 467A.45 | 1245,§658 |
| 455B.389 | 1245,§1899 | 455C.1(9) S | 1245,§1899D | 467A.46 | 1245,§659 |
| 455B.391 | 1245,§1899,1899B | 455D.3(1) | 1245,§939 | 467A.48(1) | 1245,§660 |
| 455B.391(2) | 1158,§1 | 455D.3(3) | 1245,§1899E | 467A.48(2) | 1245,§660 |
| 455B.392 | 1245,§1899 | 455D.4(1) | 1135,§1 | 467A.53 | 1238,§61 |
| 455B.392(1) | 1158,§2,3 | 455D.8 | 1135,§2 | 467A.62(2) | 1238,§22 |
| 455B.411 | 1025,§3 | 455D.8(2) | 1245,§940 | 467A.71(1) S | 1244,§58 |
| 455B.411(1) | 1025,§2 | 455D.8(4) | 1245,§940,1899F | 467A.71(3) | 1245,§661 |
| 455B.411(2) | 1025,§2 | 455D.12(2) | 1245,§941 | 467B.1 | 1238,§61 |
| 455B.412 S | 1245,§1899B | 455D.13(2b) | 1245,§1899G | 467B.2 | 1238,§61 |
| 455B.412(2) | 1025,§4 | 455D.15(1) | 1245,§942,1899H | 467B.3 | 1238,§61 |
| 455B.413 | 1245,§1899 | 455D.16 S | 1245,§1899“O” | 467B.5 | 1238,§61 |
| 455B.414 | 1245,§1899 | 455D.17 | 1245,§1899I,1899J | 467B.10 | 1238,§61 |
| 455B.415 | 1245,§1899 | 455D.18 | 1245,§1899“O” | 467D | 1245,§668 |
| 455B.416 | 1245,§1899 | 455D.19 | 1245,§1899“O” | 467D.2 | 1238,§61 |
| 455B.418 | 1245,§1899 | | | 467D.2(1) | 1238,§41; 1245,§662 |
| 455B.421 | 1245,§1899 | | | 467D.2(4) | 1245,§663 |
| 455B.422 S | 1149,§1; 1245,§1988 | | | 467D.3 | 1238,§42,61; 1245,§664 |
| 455B.423 | 1025,§5; 1245,§1899 | | | 467D.4 | 1238,§61 |
| 455B.425 | 1025,§6; 1245,§1899 | | | 467D.5 | 1238,§61 |
| 455B.426 | 1025,§7; 1245,§1899 | | | 467D.6 | 1238,§61 |
| 455B.427 | 1025,§8; 1245,§1899 | | | 467D.7 | 1238,§61 |
| 455B.428 | 1025,§9; 1245,§1899 | | | 467D.8 | 1238,§61 |
| | | | | 467D.10 | 1238,§61 |
| | | | | 467D.11 | 1238,§61 |
| | | | | 467D.12 | 1238,§61; 1245,§665 |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985—Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|-----------------------------|----------------------------|-----------------|----------------------------|---------------------|
| 467D.13 | 1238,§61; 1245,§666 | 496A.130 | 1173,§9 | 521A.2(3a) | 1102,§4 |
| 467D.14 | 1238,§61 | 499.2 | 1196,§1 | 521A.2(3b) | 1102,§5 |
| 467D.15 | 1238,§61 | 499.30 | 1196,§2,3 | 521A.2(3d) | 1102,§6 |
| 467D.16 | 1238,§61 | 499.33 | 1196,§4 | 521A.2(3e) | 1102,§7 |
| 467D.17 | 1238,§61; 1245,§667 | 499.36(4) | 1196,§5 | 521A.2(5) | 1102,§8 |
| 467D.18 | 1238,§61 | 499.48 | 1196,§6 | 521A.3(1) | 1102,§9 |
| 467D.19 | 1238,§61 | 499.65 | 1196,§7 | 521A.3(2b) | 1102,§10 |
| 467D.20 | 1238,§61 | 499.66 | 1196,§8 | 521A.3(2("1")) | 1102,§11 |
| 467D.20 S | 1238,§61 | 503.2 | 1206,§1 | 521A.4 | 1102,§17 |
| 467D.21 | 1238,§61 | 504A.70 | 1173,§10 | 521A.4(1) | 1102,§12 |
| 467D.22 | 1238,§61 | 504A.75 | 1173,§20 | 521A.4(2) | 1102,§14 |
| 467D.23 | 1238,§61 | 504A.76 | 1173,§20 | 521A.4(2b) | 1102,§13 |
| 467D.24 | 1238,§61 | 504A.80 | 1173,§12 | 521A.4(2c) | 1102,§13 |
| 469 | 1245,§1899L | 504A.80(4) | 1173,§11 | 521A.4(3) | 1102,§15 |
| 469.1 | 1245,§1899N | 504A.83 | 1173,§13 | 521A.4(4) | 1102,§16 |
| 469.2 | 1245,§1899N | 504A.85(10) | 1173,§14 | 521A.4(10) | 1102,§18 |
| 469.3 | 1245,§1899N | 504A.85(11) | 1173,§14 | 521A.5(1) | 1102,§19 |
| 469.4 | 1245,§1899N | 504A.85(12) | 1173,§15 | 521A.5(3) | 1102,§20 |
| 469.5 | 1245,§1899N | 504A.85(13) | 1173,§15 | 521A.6(1) | 1102,§21 |
| 469.9 | 1245,§1899K | 505.1 | 1245,§745 | 521A.6(2) | 1102,§22 |
| 469.10 | 1245,§1899N | 505.2 | 1245,§1989 | 521A.10 | 1102,§23 |
| 469.11 | 1245,§1899N | 505.7 | 1246,§615 | 524.205(3) | 1245,§747 |
| 469.12 | 1245,§1899N | 508B.1(5) S | 1237,§30 | 524.206 | 1245,§748 |
| 469.26 | 1245,§1899N | 508B.2 S | 1237,§31 | 524.207 | 1246,§616 |
| 469.29 | 1245,§1899M | 508B.9 S | 1237,§32 | 524.208 | 1245,§749 |
| 474.1 | 1245,§740 | 508B.15 S | 1237,§33 | 524.219 | 1246,§617 |
| 474.10 | 1245,§741 | 509.3 | 1180,§2 | 533 | 1246,§618 |
| 475A.1(1) | 1245,§742 | 509.3(4) | 1124,§8 | 533.6(4) | 1053,§1 |
| 475A.1(5) | 1245,§743 | 509A.13 | 1243,§32 | 533.51(3) | 1245,§750 |
| 475A.3(1) | 1245,§744 | 514 | 1180,§9 | 533.52 | 1245,§751 |
| 476A.3(2) | 1245,§744 | 514.1 | 1180,§3 | 533.53(4) | 1245,§752 |
| 475A.3(3) | 1244,§59 | 514.5 | 1180,§4 | 533.55 | 1245,§753 |
| 475A.7 | 1244,§60; 1245,§746 | 514.7 | 1180,§5 | 533.56 | 1245,§754 |
| 476 | 1039,§1;1110,§1; 1162,§1 | 514.23 S | 1180,§6 | 533.57 | 1245,§755 |
| 476.10 | 1246,§613,614 | 514B | 1180,§10 | 534.401(1) | 1245,§756 |
| 476.61 S | 1134,§1 | 514B.1(2) | 1180,§7 | 534.408(1) | 1246,§619 |
| 478.16 | 1198,§1 | 514B.7 | 1180,§8 | 535 | 1081,§1;1085,§1 |
| 496A.52 | 1173,§20 | 514D.5(3) | 1045,§2 | 536.13(1a) S | 1237,§34 |
| 496A.108 | 1173,§2 | 514D.5(4) | 1045,§2 | 536A.2(4) | 1245,§757 |
| 496A.113 | 1173,§20 | 515.20 | 1038,§1 | 536A.3 | 1245,§758 |
| 496A.114 | 1173,§20 | 515B.1 | 1184,§2 | 536A.6 | 1245,§759 |
| 496A.118 | 1173,§4 | 515B.2(3) | 1184,§3 | 536B | 1165,§3,4 |
| 496A.118(4) | 1173,§3 | 515B.2(3a) | 1184,§4 | 536B.2(2) | 1245,§760 |
| 496A.121 | 1173,§5.6 | 515B.2(3b) | 1184,§5 | 536B.6 | 1245,§761 |
| 496A.124(14) | 1173,§7 | 515B.5(1a) | 1184,§6 | 536B.7 | 1165,§1 |
| 496A.124(15) | 1173,§7 | 515B.9 | 1184,§7 | 536B.8(3) | 1165,§2 |
| 496A.124(16-18) | 1173,§8 | 515B.10 | 1184,§8 | 537.2501(2b) | 1151,§1 |
| | | 521A | 1102,§24 | 537A.4 S | 1125,§4 |
| | | 521A.1 | 1102,§1 | 542.1 S | 1006,§1; 1152,§2 |
| | | 521A.1(6) | 1102,§2 | 542.1(1) S | 1245,§669 |
| | | 521A.2(1h) | 1102,§3 | | |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985 – Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|---------------------------------|----------------------------|-----------------|----------------------------|-----------------|
| 542.1(3) S | 1152,\$1 | 554.9307(1) S | 1126,\$1 | 602.1301(2b) S | |
| 542.3 S | 1152,\$4 | 554.9307(4) S | 1126,\$2 | | 1245,\$121 |
| 542.3(4) S | 1152,\$3 | 554.9404(1) S | 1237,\$35 | 602.1303(3) | 1108,\$6 |
| 542.3(5) S | 1152,\$3 | 554.9501 | 1214,\$7 | 602.1611(1) | 1243,\$34 |
| 542.3(7) S | 1152,\$3 | 557A.11(1a) S | | 602.1611(2) | 1243,\$34 |
| 542.4 | 1006,\$2;1152,\$5 | | 1237,\$36 | 602.6201(3) | 1148,\$1 |
| 542.9 | 1152,\$6 | 558.46 | 1079,\$7 | 602.6201(3f) | 1012,\$1 |
| 542.10 | 1152,\$7 | 558.47 | 1079,\$7 | 602.6201(10) | 1148,\$2 |
| 542.12 | 1152,\$8 | 558.57 S | 1079,\$2 | 602.6302(1) | 1015,\$1 |
| 542.15 S | 1152,\$9 | 558.58(1) | 1079,\$3 | 602.6302(2) | 1015,\$2 |
| 542.18(2) | 1152,\$10 | 558.66 S | 1079,\$4 | 602.6302(4) | 1015,\$3 |
| 542.19(2) | 1152,\$11 | 561 | 1214,\$8 | 602.6304(1) | 1015,\$4 |
| 542A.1 | 1245,\$670 | 565.3 | 1245,\$1990 | 602.6305(3) | 1015,\$5 |
| 543.1 | 1006,\$3;1152,\$13 | 565A | 1035,\$26 | 602.6306(2) | 1012,\$2 |
| 543.1(1) | 1245,\$671 | 565A.2(1c) | 1238,\$23 | 602.6504 | 1119,\$3 |
| 543.1(8) | 1152,\$12 | 566 | 1030,\$1-4 | 602.8102(46) S | |
| 543.2 | 1152,\$14 | 567.3(3) | 1214,\$9 | | 1112,\$12 |
| 543.3(3) | 1152,\$15 | 571 | 1033,\$3 | 602.8102(51) S | |
| 543.4(1) | 1152,\$16 | 571.3 | 1033,\$1 | | 1220,\$40 |
| 543.4(2) | 1152,\$16 | 571.4 | 1033,\$2 | 602.8102(91) | 1108,\$7 |
| 543.4(4) | 1152,\$16 | 572.15 | 1017,\$1 | 602.8102(92) | 1108,\$7 |
| 543.4(6) | 1152,\$16 | 573.2 | 1246,\$32 | 602.8102(129) S | |
| 543.4(7) | 1152,\$16 | 589 | 1139,\$10 | | 1140,\$2 |
| 543.5 | 1152,\$17 | 598.1(2) | 1245,\$1495 | 602.8105(1) S | 1011,\$1 |
| 543.6 | 1152,\$19 | 598.21(8) S | 1079,\$5 | 602.8105(1s) S | |
| 543.6(4) | 1152,\$18 | 598.22 S | | | 1238,\$24 |
| 543.6(5) | 1152,\$18 | | 1246,\$319,320 | 602.9103 S | 1243,\$44 |
| 543.11 | 1006,\$4; 1152,\$20,21 | 598.41(1) S | 1179,\$5 | 602.9104 | 1243,\$35 |
| 543.12 | 1152,\$22 | 598.41(3) S | 1179,\$6 | 602.9105 | 1243,\$44 |
| 543.13 | 1006,\$5; 1152,\$23 | 600A | 1123,\$1 | 602.9107 | 1243,\$36 |
| 543.13(1) | 1152,\$24 | 601 | 1245,\$1265 | 602.9108 | 1243,\$37 |
| 543.13(3) | 1152,\$24 | 601A.5(11) | 1245,\$1991 | 602.9114 | 1243,\$38 |
| 543.14 | 1152,\$25 | 601A.9 S | 1245,\$1496 | 602.9115 | 1243,\$39 |
| 543.15 | 1006,\$6; 1103,\$1;1152,\$26 | 601A.9(1-3) S | | 602.9204 | 1243,\$41 |
| 543.17(4) | 1152,\$27 | | 1245,\$1496 | 602.11101(1) | 1108,\$8 |
| 543.18(3) | 1152,\$28 | 601A.16(1) S | | 602.11101(6) S | 1111,\$1 |
| 543.28 | 1103,\$2 | | 1245,\$263 | 607 | 1108,\$57 |
| 543.34 | 1152,\$29 | 601B | 1245,\$1265 | 608 | 1108,\$58 |
| 543.39(2) | 1152,\$30 | 601B S | 1245,\$1265 | 609 | 1108,\$58 |
| 545 | 1173,\$17,18 | 601D | 1245,\$1263 | 613 | 1211,\$32 |
| 545.104 | 1173,\$16 | 601E.6(1) | 1225,\$3,4 | 613A.1(1) | 1172,\$2 |
| 545.1105 | 1173,\$19 | 601E.6(3a) | 1225,\$5 | 613A.4 | 1211,\$33 |
| 545.1106 | 1091,\$5 | 601E.6(3b) | 1225,\$6 | 613A.7 | 1211,\$34 |
| 548.2(1e) | 1087,\$1 | 601E.6(3c) | 1225,\$7 | 613A.12 | 1211,\$35 |
| 548.2(1f) | 1087,\$2 | 601F | 1245,\$1265 | 614.1 | 1120,\$1 |
| 551 | 1234,\$1 | 601F S | 1245,\$1265 | 617 | 1211,\$36 |
| 554.8402(3a) | 1047,\$1 | 601H | 1190,\$12 | 618 | 1183,\$6 |
| 554.9307 S | 1126,\$3 | 601H.5 | 1245,\$943 | 618.3 | 1183,\$4 |
| | | 601I | 1245,\$1265 | 618.11 | 1183,\$5 |
| | | 601J.6(2) | 1245,\$1968 | 619 | 1211,\$38 |
| | | 602 | 1243,\$40 | 619.18 | 1211,\$37 |

TABLE OF CHAPTERS AND SECTIONS REPEALED OR AMENDED
CODE AND SUPPLEMENT 1985 — Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|-------------------------|----------------------------|----------------------|----------------------------|------------------|
| 624.23(1) S | 1014,§1 | 668 | 1211,§40,41 | 731 | 1089,§1 |
| 624.24 S | 1014,§2 | 668.3 | 1211,§39 | 804.7 S | 1179,§7 |
| 627.6 | 1216,§6 | 682.23 | 1032,§2 | 804.31 S | 1220,§42 |
| 627.6(5) | 1216,§4 | 690.4 | 1075,§4 | 805.6(1a) S | 1238,§31 |
| 627.6(10) | 1216,§5 | 691.2 | 1147,§1 | 805.6(6) S | 1237,§44 |
| 631 | 1238,§25 | 691.5 | 1245,§1602 | 805.8 S | 1221,§3 |
| 631.1 | 1077,§1 | 691.6(3) | 1245,§1603 | 805.8(2p) | 1116,§6 |
| 631.4(1) | 1077,§2 | 691.7 | 1245,§1604 | 805.8(2p) S | 1007,§41 |
| 633.63(3) S | 1131,§1 | 692.2(1b) S | 1245,§1605 | 809A S | 1140,§19 |
| 633.123(2) S | 1032,§1 | 692.2(5) S | 1245,§1606 | 815.1 | 1075,§5;1238,§34 |
| 633.132(1) | 1047,§2 | 692.15 | 1237,§42 | 816.3 | 1237,§45 |
| 633.172(2) | 1131,§2 | 692.19 | 1245,§1607 | 901.3(5) | 1178,§2 |
| 633.222 | 1086,§1 | 707 | 1220,§41 | 901.5 | 1178,§3 |
| 633.376 | 1245,§1497 | 708.7(5) | 1238,§28 | 902.3 | 1220,§43 |
| 633.481 | 1079,§6 | 710.6 S | 1145,§1 | 902.9(4) | 1220,§44 |
| 642.22 S | 1238,§26 | 710.10(1) S | 1238,§29 | 904 | 1245,§1525 |
| 648.5 | 1130,§1 | 714.19(10) | 1245,§1498 | 904 S | 1245,§1525 |
| 648.10 | 1130,§2 | 714.22(1) S | 1237,§43 | 905.2 | 1172,§3 |
| 648.19 | 1130,§3 | 714.22(2) S | 1237,§43 | 905.3 | 1062,§1 |
| 648.22 | 1130,§4 | 715.1(2) | 1042,§12 | 906.1 | 1245,§1518 |
| 649.5 | 1237,§37 | 715.1(3) | 1222,§1 | 906.3 | 1245,§1519 |
| 650.16 | 1237,§38 | 715.6 | 1222,§2 | 906.4 | 1245,§1520 |
| 651.4 | 1237,§39 | 717 | 1083,§1;1121,§4 | 906.5 S | 1245,§1521 |
| 654 | 1214,§10-12; 1216,§2 | 717.2 | 1121,§3 | 906.6 | 1245,§1522 |
| 654.6 | 1216,§3 | 719.4(1) | 1040,§1 | 906.15 | 1005,§1 |
| 654.14 | 1214,§13 | 719.4(2) | 1040,§1 | 906.16 | 1245,§1523 |
| 654.15 S | 1216,§9 | 719.4(3) | 1040,§1; 1238,§30 | 907.3(1g) | 1220,§45 |
| 654.15(1) S | 1216,§7 | 724.25(1) | 1065,§1 | 908.4 | 1245,§1524 |
| 654.15(2) S | 1216,§8 | 725.3 | 1046,§2 | 910.7 | 1075,§6 |
| 656 | 1214,§28 | 725.9(5) S | 1052,§3 | 910A | 1178,§4-16 |
| 656.2(1d) | 1237,§41 | 725.15 S | 1125,§5 | 910A.3 S | 1105,§2 |
| 657A.1(3) S | 1059,§1 | 726.2 | 1105,§1 | 910A.5 S | 1178,§20 |
| 657A.10(2) S | 1238,§27 | 728.12 | 1176,§3 | 912.1(4) | 1220,§46 |
| 663.44 | 1237,§40 | 728.12(1) | 1176,§1 | 912.4(4) S | 1178,§17 |
| 663A.2(7) | 1075,§3 | 728.12(2) | 1176,§2 | 912.4(5) S | 1178,§17 |
| | | | | 912.13 S | 1178,§18 |

**TABLE OF CHAPTERS AND SECTIONS REFERRED TO
CODE AND SUPPLEMENT 1985**

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|--|----------------------------|--|----------------------------|--|
| 2.10 | 1245,§1607,2043 | 8.39 | 1192,§1,2; 1246,§303,408 | 18.12 | 1238,§52; 1244,§36;1245,§1308; 1246,§101 |
| 2.10(2) | 1246,§702 | 8.41 | 1245,§808; 1250,§1-6,8,9,12,13 | 18.12(9) | 1246,§705 |
| 2.12 | 1154,§2; 1243,§24;1245,§1607 | 8.43 | 1246,§715 | 18.15 | 1140,§15 |
| 2.32 | 1245,§901,933 | 11.18 | 1245,§1247 | 18.16 | 1244,§36; 1246,§101,705 |
| 2.32(8) | 1245,§1010 | 11.19 | 1245,§1247 | 18.57 | 1246,§706 |
| 2.43 | 1245,§305 | 12.10 | 1246,§616,618 | 18.117 | 1245,§1909 |
| 3.3 | 1242,§5 | 12A | 1245,§252 | 18.119 | 1246,§706 |
| 4.1(13) | 1156,§1 | 13 | 1214,§15,20 | 18.135(3) | 1245,§308 |
| 4.7 | 1245,§2055 | 14.13 | 1245,§2064; 1238,§37 | 18.160 | 1211,§6 |
| 4.8 | 1238,§58 | 17 | 1245,§1804 | 18.161 | 1211,§6 |
| 7.15 | 1246,§409 | 17A | 1009,§2;1036,§5; 1039,§2;1085,§1;1096,§4; 1125,§3;1140,§18; 1141,§1;1143,§1; 1144,§3;1152,§35; 1156,§2,9;1167,§1; 1180,§10;1181,§1; 1190,§7;1211,§27; 1212,§7; 1214,§27,1220,§14,26; 1238,§47,48;1244,§47; 1245,§222,226,508,515, 648,702,710,804,821, 922-924,1008,1015,1018, 1131,1210,1216,1224, 1236,1241,1254,1260, 1316,1321,1407,1417, 1435,1441,1454,1462, 1482,1514,1710, 1804-1806,1909; 1246,§111,133,160; 1250,§1-6,8,9 | 18.162 | 1211,§6 |
| 7A | 1245,§109 | | | 18.163 | 1211,§6 |
| 7A.3 | 1245,§122 | | | 18.164 | 1211,§6 |
| 7A.8 | 1245,§122 | | | 18.165 | 1211,§6 |
| 7A.41 | 1185,§1 | | | 18.166 | 1211,§6 |
| 7A.42 | 1185,§1 | | | 18.167 | 1211,§6 |
| 7A.43 | 1185,§1 | | | 18.168 | 1211,§6 |
| 7A.44 | 1185,§1 | | | 18.169 | 1211,§6 |
| 7A.45 | 1185,§1 | | | 18A | 1246,§705 |
| 7A.46 | 1185,§1 | | | 19.16 | 1238,§57; 1245,§1992 |
| 7A.47 | 1185,§1 | | | 19.33 | 1245,§808 |
| 7A.48 | 1185,§1 | | | 19A | 1021,§2;1190,§4; 1214,§4,16; 1245,§252,260,413,504, 515,749,806,843,1010, 1102,1202,1217,1302, 1331,1409,1804, 1882,1925; 1246,§10,12 |
| 7A.49 | 1185,§1 | | | 19A.1 | 1245,§5 |
| 7B | 1245,§808,903 | | | 19A.3 | 1245,§744 |
| 8 | 1245,§803,1202,2013 | | | 19A.4 | 1245,§201 |
| 8.2(5) | 1246,§205,601,602 | | | 19A.9(2) | 1245,§718,729 |
| 8.4 | 1245,§5 | | | 19A.14 | 1238,§38 |
| 8.22 | 1245,§2015,2045 | | | 20 | 1245,§201,211,234,240; 1246,§110,120,147,407 |
| 8.23 | 1245,§201,206, 1515,1804,2015 | | | 20.1 | 1238,§39; 1245,§229 |
| 8.24 | 1245,§2015 | 17A.2 | 1007,§18 | 20.9 | 1245,§234 |
| 8.25 | 1245,§2015 | 17A.4(2) | 1246,§111,314 | 21 | 1214,§26 |
| 8.26 | 1245,§2015 | 17A.5(2b) | 1246,§111,314 | 22 | 1178,§15;1184,§8; 1211,§6;1214,§26 |
| 8.27 | 1245,§2015 | 17A.16 | 1245,§515 | 23 | 1245,§314 |
| 8.28 | 1245,§2015 | 17A.18(3) | 1241,§26 | 23.12 | 1231,§3 |
| 8.29 | 1245,§2015 | 17A.19 | 1245,§515 | | |
| 8.31 | 1246,§303,614,616,619 | 17A.19(2) | 1245,§515 | | |
| 8.33 | 1007,§42; 1159,§1;1207,§18; 1244,§61; 1246,§102,103,105,401, 413,414,504,505; 1247,§7,13,17;1248,§1; 1249,§8 | 17A.19(6) | 1245,§515 | | |
| | | 18 | 1245,§314,317,1316 | | |
| | | 18.2 | 1245,§5 | | |
| | | 18.6 | 1244,§36 | | |
| | | 18.9 | 1246,§706 | | |

TABLE OF CHAPTERS AND SECTIONS REFERRED TO
CODE AND SUPPLEMENT 1985 — Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|------------------------------------|----------------------------|---|----------------------------|---|
| 23.13 | 1231,\$3 | 28.108 S | 1245,\$808 | 84 | 1245,\$1804,1806 |
| 23.14 | 1231,\$3 | 28E | 1072,\$1;1188,\$4; 1203,\$4;1211,\$2; 1245,\$1303; 1246,\$110,132 | 85 | 1244,\$10; 1245,\$431,902; 1246,\$11,13 |
| 23.15 | 1231,\$3 | | | 85.34(2) | 1104,\$1 |
| 23.16 | 1231,\$3 | | | 85.34(3) | 1104,\$1 |
| 24.3 | 1200,\$1 | 29.1 | 1245,\$5 | 85.45 | 1246,\$604 |
| 24.4 | 1200,\$1 | 29A.33 | 1246,\$762 | 85.47 | 1246,\$604 |
| 24.5 | 1200,\$1 | 29A.59 | 1238,\$57; 1245,\$1992 | 85A | 1104,\$1; 1238,\$50;1244,\$10; 1245,\$431,902 |
| 24.9 | 1200,\$1 | | | 85A.20 | 1245,\$906-910 |
| 24.10 | 1200,\$1 | 39.17 | 1243,\$12 | 85B | 1104,\$1; 1238,\$50;1244,\$10; 1245,\$902,911 |
| 24.11 | 1200,\$1 | 43.2 | 1010,\$1 | 86 | 1104,\$1;1244,\$10; 1245,\$431,902 |
| 24.12 | 1200,\$1 | 43.22 | 1224,\$1 | 86.1 | 1245,\$902 |
| 24.16 | 1200,\$1 | 48.3 | 1224,\$28 | 86.17 | 1238,\$47,51 |
| 25 | 1244,\$47 | 49.81 | 1224,\$10 | 86.24 | 1238,\$46 |
| 25A | 1172,\$3; 1214,\$4,16;1244,\$47 | 49.104(2) | 1224,\$14 | 86.26 | 1238,\$47 |
| 28 | 1245,\$122 | 50.1 | 1224,\$21 | 87 | 1245,\$902 |
| 28.11 | 1245,\$808 | 50.13 | 1224,\$23 | 88 | 1245,\$515,526,902,920 |
| 28.14 | 1245,\$808 | 50.17 | 1224,\$23 | 88A | 1245,\$902,920 |
| 28.15 | 1245,\$808 | 50.24 | 1224,\$21 | 88B | 1245,\$902,920 |
| 28.16 | 1245,\$808 | 50.48 | 1224,\$23 | 89 | 1245,\$902,920 |
| 28.17 | 1245,\$808 | 52.34 | 1224,\$26 | 90 | 1245,\$944 |
| 28.25 | 1245,\$808 | 52.35(2) | 1224,\$27 | 91 | 1245,\$902 |
| 28.26 | 1245,\$808 | 53.2 | 1224,\$29 | 91.2 | 1245,\$520,902,914,929, 936,937 |
| 28.27 | 1245,\$808 | 53.40 | 1224,\$29 | 91A | 1245,902,920 |
| 28.28 | 1245,\$808 | 56.6 | 1023,\$4 | 91B | 1124,\$6; 1245,\$902,920 |
| 28.29 | 1207,\$2,12; 1245,\$808 | 56.6(1b) | 1023,\$9 | 92 | 1245,\$902,920 |
| 28.51 | 1245,\$808 | 56.6(3) | 1224,\$38 | 92.21 | 1245,\$922 |
| 28.52 | 1245,\$808 | 64.6 | 1211,\$3 | 93 | 1245,\$1804,1806 |
| 28.53 | 1245,\$808 | 69.14 | 1010,\$1 | 93.14 | 1249,\$5 |
| 28.54 | 1245,\$808 | 69.16 | 1245,\$1805,1806 | 93A | 1245,\$944 |
| 28.55 | 1245,\$808 | 69.19 | 1245,\$449,515, 710,715,740,756,803, 1127,1251,1257,1305, 1329,1403,1511,1805, 1806 | 94 | 1245,\$902,920 |
| 28.81 | 1245,\$808 | 73 | 1245,\$804,806 | 95 | 1245,\$902,920 |
| 28.82 | 1245,\$808 | 73.1 | 1096,\$12 | 95.1 | 1245,\$930 |
| 28.83 | 1245,\$808 | 73.3 | 1096,\$11 | 96 | 1190,\$4; 1245,\$515,902; 1246,\$621,623 |
| 28.84 | 1245,\$808 | 73.4 | 1096,\$11 | 96.3 | 1104,\$1 |
| 28.85 | 1245,\$808 | 75 | 1231,\$3 | 96.4 | 1246,\$623 |
| 28.86 | 1245,\$808 | 79 | 1245,\$201 | 96.6 | 1245,\$257 |
| 28.87 | 1245,\$808 | 79.9 | 1108,\$16 | 96.7(3a) | 1166,\$2 |
| 28.88 | 1245,\$808 | 80 | 1245,\$515 | | |
| 28.89 | 1245,\$808 | 80.1 | 1245,\$5 | | |
| 28.90 | 1245,\$808 | 80B.11(5) | 1246,\$411 | | |
| 28.91 | 1245,\$808 | 83 | 1245,\$609,648,1806 | | |
| 28.92 | 1245,\$808 | 83A | 1245,\$609,648,1806 | | |
| 28.93 | 1245,\$808 | | | | |
| 28.94 | 1245,\$808 | | | | |
| 28.101 | 1238,\$45; 1245,\$808,817,819 | | | | |
| 28.106 S | 1245,\$808 | | | | |
| 28.107 S | 1245,\$808 | | | | |

TABLE OF CHAPTERS AND SECTIONS REFERRED TO
CODE AND SUPPLEMENT 1985 — Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|-------------------------|----------------------------|------------------------|----------------------------|-----------------|
| 96.7(15) | 1209,\$2 | 99E | 1002,\$2,3,5; | 123.10 | 1245,\$709 |
| 96.10 | 1245,\$902,935 | 1042 | \$1,2,11;1052,\$1,3; | 123.30(3) S | 1246,\$758 |
| 96.13(3) | 1246,\$623 | | 1125,\$2;1199,\$7; | 123.36(8) | 1001,\$15 |
| 96.19(20) | 1166,\$3 | | 1238,\$37;1245,\$422 | 123.46 | 1220,\$4 |
| 97 | 1244,\$19; | 99E.10 | 1042,\$13; | 123.49(2b) | 1246,\$744 |
| | 1245,\$259;1246,\$716 | | 1244,\$6;1246,\$310; | 123.53 | 1246,\$603 |
| 97.50 | 1244,\$19 | | 1247,\$15 | 123.53(8) | 1001,\$2 |
| 97.51 | 1244,\$19 | 99E.10(2) | 1068,\$4 | 123.56(4) | 1246,\$736 |
| 97.52 | 1244,\$19 | 104 | | 123.143 | 1246,\$720 |
| 97.53 | 1244,\$19 | | 1245,\$515,902,920,944 | 123.143(1) | 1001,\$15 |
| 97A | 1245,\$201; | 106 | | 123.183 | 1246,\$720 |
| | 1246,\$408,409 | | 1245,\$1804,1805,1829 | 125 | 1245,\$1104 |
| 97A.1 | 1245,\$211 | 106.52 | 1246,\$505 | 125.2(2) | 1001,\$24 |
| 97A.5 | 1245,\$201 | 106A | 1245,\$1829 | 125.7(1) | 1245,\$1120 |
| 97A.6(1b) | 1243,\$2 | 107 | | 125.7(7) | 1245,\$1120 |
| 97A.6(9) | 1243,\$2 | | 1245,\$1804,1805,1829 | 125.13(1) | 1001,\$15 |
| 97B | 1190,\$4;1192,\$7; | 107.20 | 1245,\$1807 | 125.33 | 1169,\$2; |
| | 1243,\$30,34;1244,\$19; | 108 | | | 1220,\$22 |
| | 1245,\$201,259,515,843 | | 1245,\$1804,1805,1829 | 125.34 | 1169,\$2 |
| 97B.3 | 1245,\$254 | 108A | 1245,\$1804,1805, | 125.44 | 1001,\$24; |
| 97B.7 | 1246,\$123 | | 1829 | | 1220,\$3 |
| 97B.8 | 1245,\$201,249 | 109 | 1141,\$1;1220,\$23; | 125.45 | 1001,\$9,10 |
| 97B.11 | 1243,\$5,11,18 | | 1245,\$1804,1805,1829 | 125.86 | 1220,\$3 |
| 97B.26 | 1245,\$255 | 109.38 | 1240,\$6 | 135.1 | 1180,\$1,9 |
| 97B.41(12) | | 109.115 | 1141,\$1 | 135.12 | 1245,\$1104 |
| | 1243,\$23,30 | 109A | | 135.14 | 1245,\$1106 |
| 97B.49(5) | 1243,\$18 | | 1245,\$1804,1805,1829 | 135.63 | 1246,\$206 |
| 97B.56 | 1246,\$721 | 110 | 1141,\$1;1220,\$23; | 135A | 1245,\$1104 |
| 97B.69 | 1243,\$34 | | 1245,\$1804,1805,1829 | 135B | 1245,\$1104 |
| 97C | 1244,\$19; | 110.1 | 1141,\$18,19 | 135B.1(1) | 1156,\$1; |
| | 1245,\$252,259,944; | 110A | | | 1200,\$8 |
| | 1246,\$716 | | 1245,\$1804,1805,1829 | 135C | 1245,\$1104; |
| 98 | 1007,\$2 | 110B | | | 1246,\$206 |
| 98.28 | 1007,\$20 | | 1245,\$1804,1805,1829 | 135C.1 | 1150,\$1; |
| 98.46 | 1007,\$20 | 111 | | | 1245,\$1004 |
| 99B | 1052,\$1,3; | | 1245,\$1804,1805,1829 | 135C.1(2) | 1156,\$4 |
| | 1245,\$706 | 111B | | 135C.1(3) | 1156,\$4 |
| 99B.3 | 1201,\$2 | | 1245,\$1804,1805,1829 | 135C.1(4) | 1156,\$1; |
| 99B.5 | 1201,\$13 | 111D | 1245,\$1804,1805 | | 1245,\$1018 |
| 99B.7 | 1201,\$6 | 112 | 1245,\$1804,1805 | 135D | 1245,\$1104 |
| 99B.7(1m) | 1201,\$2 | 114 | 1245,\$710 | 135D.14 | 1245,\$1114 |
| 99C | | 116 | 1245,\$710 | 135D.15 | 1245,\$1114 |
| | 1245,\$902,920,944 | 117 | 1245,\$710 | 136.1 | 1245,\$1149 |
| 99D | 1002,\$3; | 118 | 1245,\$710 | 136A | 1245,\$1104 |
| | 1245,\$706 | 118A | 1245,\$710,729 | 136C | 1245,\$1104 |
| 99D.5(4) | 1246,\$601 | 123 | 1201,\$2;1245,\$709 | 136C.3(2) | 1217,\$2 |
| 99D.6 | 1245,\$706 | 123.3 | 1002,\$2,4; | 139 | 1245,\$1104 |
| 99D.13 | 1246,\$503 | | 1201,\$6 | 140 | 1245,\$1104 |
| 99D.22 | 1246,\$503,509 | 123.3(33) | 1221,\$4 | 142 | 1245,\$1104 |

TABLE OF CHAPTERS AND SECTIONS REFERRED TO
CODE AND SUPPLEMENT 1985—Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|--|----------------------------|-----------------------|----------------------------|---------------------------|
| 144 | 1245,§1104 | 204.406 | 1246,§401 | 246.902 | |
| Title VIII | 1180,§10 | 204.413 | 1246,§401 | | 1245,§1505,1518 |
| 147 | 1245,§1105 | 204.506 | 1140,§15 | 246.903 | 1245,§1518 |
| 147A | 1245,§1104 | 206.2(1) | 1135,§1 | 246.904 | 1245,§1518 |
| 148 | 1160,§2; 1180,§2,5,7,10; 1211,§14,16;1225,§1,4 | 217.1 | 1245,§5 | 246.905 | 1245,§1518 |
| 148C | 1246,§110 | 217.20 | 1245,§431 | 246.906 | 1245,§1518 |
| 148C.1(6) | 1217,§1; 1220,§11 | 217.23(2) | 1246,§311 | 246.907 | 1245,§1518 |
| 149 | 1160,§2 | 218.96 | 1246,§304 | 246.908 | 1245,§1518 |
| 150 | 1160,§2; 1180,§2,5,7,10;1211,§14; 1225,§1,4 | 220 | 1245,§824 | 246.909 | 1245,§1518 |
| 150A | 1160,§2; 1180,§2,5,7,10; 1211,§14,16;1225,§1,4 | 220.1 | 1216,§9 | 247A.10 | 1246,§402 |
| 151 | 1180,§2,5,7,10 | 220.1(26) | 1212,§3 | 248.9 | 1112,§11,12 |
| 153 | 1180,§10;1211,§16 | 222.73 | 1246,§306 | 248.12 | 1112,§3 |
| 155.3(11) | 1220,§2 | 225C.7 | 1246,§307 | 248.17 | 1112,§12 |
| 159.2 | 1245,§5 | 225C.10(2a) | 1246,§307 | 249A | 1156,§7; 1246,§110,111 |
| 159.5(14) | 1245,§1104 | 225C.10(3) | 1246,§307 | 249B.35 | 1245,§1027 |
| 162.2 | 1083,§1 | 225C.26 | 1246,§206 | 252.43 | 1246,§303 |
| 164.1(9) | 1036,§7 | 229 | 1082,§6;1246,§305 | 252A | 1246,§316,319 |
| 164.6 | 1036,§6 | 229.24 | 1082,§6 | 252C | 1246,§316,319 |
| 170.2 | 1245,§532,540 | 229.25 | 1082,§6 | 252D.1 | 1246,§316,319 |
| 170A.2 | 1245,§532,540 | 230.20 | 1082,§6; 1246,§305 | 252D.1(3) | 1191,§2 |
| 172C.1 | 1173,§5; 1214,§10,13,14,17 | 230.21 | 1082,§6 | 252D.4(1) | 1191,§2 |
| 172C.1(8) | 1027,§4 | 230.25 | 1082,§6 | 255 | 1246,§110,111 |
| 172C.4 | 1214,§9 | 230.26 | 1082,§6 | 255.24 | 1246,§110 |
| 175 | 1212,§3,4; 1245,§824 | 230A | 1156,§1 | 257.10(11) | 1245,§1444 |
| 175A | 1245,§824 | 230A.13 | 1082,§6 | 257.18(17) | 1016,§7 |
| 181 | 1100,§1 | 232.8(1) | 1186,§3 | 257.24 | 1245,§211 |
| 181.3 | 1100,§5 | 232.19 | 1067,§1;1220,§1 | 257.25 | |
| 182 | 1100,§1 | 232.47 | 1186,§12 | | 1245,§1411,1418 |
| 183A | 1100,§1 | 232.52 | 1186,§12 | 257.25(13) | 1245,§1498 |
| 183A.2 | 1100,§19 | 232.55 | 1220,§33 | 257.25(14) | 1245,§1490 |
| 183A.3 | 1100,§19 | 232.69 | 1178,§14 | 257A.2 | 1246,§141 |
| 183A.6 | 1100,§19 | 232.74 | 1082,§6 | 257A.7(2) | 1246,§140 |
| 183A.7 | 1100,§19 | 232.103 | 1246,§305 | 257A.7(3) | 1246,§140 |
| 184A | 1100,§1 | 232.111 | 1123,§1 | 258 | 1245,§1407; 1246,§105 |
| 185 | 1100,§1 | 232.117 | 1123,§1 | 258.14 | 1246,§105 |
| 185C | 1100,§1 | 232.141 | 1246,§303 | 259 | 1245,§1407 |
| 188.49 | 1121,§2 | 232.141(4) | 1246,§303 | 259.1 | 1237,§14-16 |
| 188.50 | 1121,§2 | 232.142(4) | 1246,§303 | 259.2 | 1237,§14 |
| 189 | 1137,§1 | 232.147 | 1082,§6 | 260 | 1245,§1407,1411 |
| 196A | 1100,§1 | 234 | 1246,§316,319 | 260.2 | 1245,§1444 |
| 198 | 1152,§1,13 | 236.2 | 1179,§4 | 261.9 | 1246,§4 |
| 198.1 | 1152,§13 | 236.8 | 1179,§2 | 261.10 | 1246,§4 |
| | | 236.12(2) | 1179,§7 | 261.11 | 1246,§4 |
| | | 237A.13(4) | 1246,§303 | 261.12 | 1246,§4 |
| | | 237A.18 | 1246,§303 | 261.13 | 1246,§4 |
| | | 237A.21 | 1044,§2 | 261.14 | 1246,§4 |
| | | 246.102 | 1245,§5 | 261.15 | 1246,§4 |
| | | 246.202 | 1245,§1514 | 261.16 | 1246,§4 |
| | | 246.702 | 1075,§3 | 261.18 | 1246,§5 |
| | | 246.901 | 1245,§1518 | | |

TABLE OF CHAPTERS AND SECTIONS REFERRED TO
CODE AND SUPPLEMENT 1985—Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|---------------------------|----------------------------|--------------------------|----------------------------|--|
| 261.19 | 1246,§5 | 282.24 | 1245,§1411; 1246,§117 | 321.279 | 1220,§41 |
| 261.25 | 1246,§16 | 282.27 | 1246,§118,119 | 321.281 | 1012,§1,2; 1220,§25,35-37,40,42,45, 46;1246,§402 |
| 261.25(1) | 1246,§4 | 285.1(3) | 1246,§136 | 321.282 | 1220,§35,36 |
| 261.45 | 1246,§17 | 285.1(3c) | 1246,§137 | 321.283(3) | 1220,§25 |
| 261.53 | 1246,§18 | 290 | 1245,§1407 | 321.285 | 1056,§2 |
| 261.61 | 1246,§114 | 294 | 1192,§7 | 321.293 | 1056,§2 |
| 261.62 | 1246,§114 | 294.15 | 1246,§716 | 321.445 | 1009,§1,3 |
| 261.63 | 1246,§19,114 | 301.1 | 1246,§105 | 321.446 | 1009,§2 |
| 261A | 1245,§824 | 302.1A | 1246,§121 | 321.446(6) | 1211,§43 |
| 262.9 | 1245,§808 | 302.13 | 1016,§1; 1245,§424 | 321B | 1140,§3; 1220,§27,34,38,39,42,45; 1246,§408 |
| 262A | 1245,§844; HCR 133-136 | 303.9(1) | 1246,§101 | 321B.4 | 1220,§33 |
| 262A.3 | HCR 133-136 | 303.12 | 1245,§1303 | 321B.13 | 1220,§33,46 |
| 262A.4 | 1246,§126; HCR 133-136 | 303A.8 | 1245,§1303 | 321B.16 | 1220,§46 |
| 262A.5 | 1246,§110 | 304A.11 | 1245,§1334 | 321E | 1210,§5 |
| 263A | 1245,§844 | 304A.12 | 1245,§1334 | 321E.8 | 1210,§7 |
| 272A | 1246,§105 | 304A.21 | 1245,§1303 | 321G | 1245,§1804,1805,1829 |
| 273.6(1a-c) | 1246,§144 | 304A.22 | 1245,§1303 | 321G.6 | 1031,§2 |
| 273.11 | 1246,§115,119 | 304A.23 | 1245,§1303 | 321G.7 | 1246,§505 |
| 275 | 1239,§4 | 304A.24 | 1245,§1303 | 322 | 1234,§1 |
| 275.1 | 1226,§6 | 304A.25 | 1245,§1303 | 322.2(21) | 1234,§1 |
| 275.18 | 1226,§6,7,11 | 304A.26 | 1245,§1303 | 324 | 1007,§2;1199,§7 |
| 275.20 | 1226,§6,7,11 | 304A.27 | 1245,§1303 | 324.57(9) | 1116,§1,4; 1161,§7 |
| 275.29 | 1245,§1411 | 304A.28 | 1245,§1303 | 324.57(11) | 1116,§1-5 |
| 275.30 | 1245,§1411 | 304A.29 | 1245,§1303 | 324.63 | 1007,§21 |
| 275.31 | 1245,§1411 | 304A.30 | 1245,§1303 | 324.65 | 1007,§19-21 |
| 278.1(2) | 1223,§1 | 305 | 1245,§1804 | 324.84 | 1246,§506 |
| 279.8 | 1129,§1 | 305A | 1030,§1 | 324A | 1007,§2 |
| 279.9 | 1129,§1 | 306 | 1024,§2 | 325.1 | 1161,§16,17 |
| 279.27 | 1245,§1410 | 307.2 | 1245,§5 | 325.26 | 1161,§7,14 |
| 279.34 | 1246,§134 | 307A.7 | 1246,§12 | 325.28 | 1161,§7 |
| 279.35 | 1246,§134 | 307B | 1245,§824 | 325.35 | 1161,§7 |
| 279.36 | 1246,§134 | 308 | 1245,§808 | 326 | 1182,§3;1189,§1 |
| 280.4 | 1246,§105 | 309 | 1024,§2 | 327F.37 | 1245,§902,920 |
| 280.12 | 1245,§1417 | 314 | 1024,§2 | 327G.78 | 1245,§1966 |
| 280.12(2) | 1226,§12 | 317 | 1024,§2 | 327H.24 | 1247,§18 |
| 280.15 | 1226,§8,10 | 319 | 1024,§2 | 331.301(11) | 1211,§19 |
| 280A | 1246,§105,145,146 | 321 | 1140,§3;1234,§1 | 331.323 | 1155,§4-8 |
| 280A.2 | 1220,§22; 1246,§105 | 321.1 | 1084,§1;1220,§41 | 331.424(1"l") | 1211,§19,45 |
| 280A.17 | 1246,§153,155 | 321.1(68d) | 1234,§1 | 331.427(2b) | 1200,§1 |
| 280A.23 | 1245,§808 | 321.105 | 1225,§3 | 331.441(2b) | 1211,§19 |
| 280B | 1244,§6; 1245,§808 | 321.145 | 1246,§20; 1247,§4 | 331.504 | 1004,§1 |
| 280C S | 1245,§808 | 321.166(6) | 1225,§3 | 331.655 | 1255,Exh."A" |
| 281.9 | 1246,§118 | 321.236(1) | 1238,§31 | 331.776 | 1111,§1 |
| 281.12 | 1246,§116,119 | 321.236(13) | 1056,§3 | | |
| 282.19 | 1246,§117,119 | 321.239 | 1056,§2 | | |
| | | 321.277 | 1220,§41 | | |
| | | 321.278 | 1220,§41 | | |

TABLE OF CHAPTERS AND SECTIONS REFERRED TO
CODE AND SUPPLEMENT 1985—Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|---------------------------|----------------------------|----------------------------|----------------------------|--|
| 331.777 | 1111,\$1 | 422.58 | 1007,\$20,30 | 453 | 1096,\$2 |
| 331.802(3j) | 1246,\$204 | 422.59 | 1007,\$30 | 453.7 | 1244,\$61; 1246,\$623;1249,\$2 |
| 331.902(3) | 1079,\$4 | 422.66 | 1007,\$20 | 455.20 | 1050,\$1 |
| 331.903 | 1243,\$12 | 422.72 | 1007,\$21 | 455.21 | 1050,\$1 |
| 331.907 | 1155,\$3 | 422.74 | 1241,\$16 | 455.22 | 1050,\$1 |
| 334A.1 | 1246,\$710 | 422.100 | 1246,\$8 | 455.23 | 1050,\$1 |
| 334A.2 | 1246,\$710 | 422A | 1007,\$2;1199,\$7 | 455.24 | 1050,\$1 |
| 347.9 | 1200,\$9 | 422B | 1199,\$10 | 455B | 1137,\$1;1181,\$1; 1245,\$1804,1806 |
| 356.43 | 1246,\$402 | 422B.1(3) S | 1199,\$5 | 455B.219 | 1245,\$1880 |
| 357 | 1181,\$1 | 422B.1(4) S | 1199,\$5 | 455B.263(5) | 1136,\$1 |
| 357A | 1181,\$1 | 423 | 1007,\$2 | 455B.263(6) | 1136,\$1 |
| 362 | 1181,\$1 | 423.7 | 1187,\$1 | 455B.302 | 1174,\$3; 1175,\$4 |
| 368.9 | 1245,\$808 | 423.13 | 1007,\$19,21 | 455B.305 | 1174,\$3 |
| 384.12(18) | 1211,\$45 | 423.18 | 1007,\$20 | 455B.306 | 1175,\$2,4 |
| 400 | 1118,\$1;1220,\$1 | 427.1(23) | 1200,\$7 | 455B.309(3) | 1175,\$6 |
| 400.13 | 1138,\$3;1171,\$2 | 429.2 | 1241,\$37 | 455B.310 | 1175,\$4; 1181,\$3 |
| 400.14 | 1138,\$3 | 429.3 | 1241,\$37 | 455B.392 | 1158,\$1 |
| 405.1 | 1246,\$709 | 432 | 1156,\$1,2 | 455B.411 | 1025,\$4 |
| 411.5(12b) | 1243,\$30 | 432.2 | 1094,\$3 | 455B.411(1) | 1025,\$1 |
| 411.6(1b) | 1243,\$28 | 435.5 | 1007,\$20 | 455B.412 | 1025,\$4 |
| 411.6(5) | 1203,\$5 | 441.19 | 1028,\$1 | 455B.413 | 1025,\$4 |
| 411.8 | 1203,\$2 | 442 | 1246,\$158 | 455B.414 | 1025,\$4 |
| 411.8(1f) | 1243,\$30 | 442.4 | 1016,\$7 | 455B.415 | 1025,\$4 |
| 411.15 | 1203,\$5 | 442.6 | 1226,\$5,19; 1246,\$146 | 455B.416 | 1025,\$4 |
| 419 | 1212,\$2 | 442.7 | 1246,\$146 | 455B.417 | 1025,\$4 |
| 419.1(2) | 1212,\$3 | 442.9 | 1226,\$7 | 455B.418 | 1025,\$4 |
| 421.2 | 1245,\$5 | 442.12 | 1246,\$158 | 455B.419 | 1025,\$4 |
| 421.7 | 1007,\$18; 1246,\$30 | 442.26 | 1226,\$3,7; 1246,\$119 | 455B.420 | 1025,\$4 |
| 421.17(6) | 1091,\$2 | 442.27 | 1016,\$7 | 455B.421 | 1025,\$4 |
| 422 | 1007,\$2 | 442A | 1245,\$824 | 455B.443 | 1149,\$1 |
| 422.3 | 1213,\$1-7; 1245,\$219 | 443.6 | 1028,\$1 | 455C | 1245,\$1804,1806; 1246,\$31 |
| 422.7 | 1236,\$4 | 446.9 | 1139,\$1,2 | 455D | 1245,\$902,920,944 |
| 422.9(3) | 1213,\$9 | 446.10 | 1139,\$5 | 455D.17 | 1245,\$940,1899F,1899G |
| 422.9(3a) | 1213,\$9 | 446.18 | 1139,\$4 | 455D.19 | 1245,\$942,1899H |
| 422.9(3b) | 1213,\$9 | 447 | 1139,\$4 | 467A | 1245,\$609,648; 1246,\$504 |
| 422.9(3c) | 1213,\$9 | 447.9 | 1139,\$8 | 467A.4 | 1245,\$646 |
| 422.16 | 1007,\$20 | 447.10 | 1139,\$9 | 467A.7(17) | 1246,\$504 |
| 422.20 | 1007,\$21 | 447.12 | 1139,\$8 | 467A.7(19) | 1246,\$504 |
| 422.25 | 1007,\$20 | 450 | 1007,\$2 | 467A.47 | 1246,\$504 |
| 422.43(11) | 1187,\$1 | 450.1 | 1238,\$19 | 467A.48 | 1246,\$504 |
| 422.47(3b,e) | 1007,\$30 | 450.3(5) | 1263 | 467A.75 | 1246,\$504 |
| 422.50 | 1007,\$30 | 450.58 | 1263 | 467B | 1245,\$609,648 |
| 422.51 | 1007,\$30 | 450.63 | 1007,\$20 | | |
| 422.52 | 1007,\$19,21,30 | 450A | 1007,\$2 | | |
| 422.52(3) | 1007,\$14 | 450A.12 | 1007,\$20 | | |
| 422.54 | 1007,\$30 | 450B | 1007,\$2 | | |
| 422.55 | 1007,\$30 | 451 | 1007,\$2 | | |
| 422.56 | 1007,\$30 | 451.12 | 1007,\$20 | | |
| 422.57 | 1007,\$30 | 452.10 | 1203,\$4 | | |

TABLE OF CHAPTERS AND SECTIONS REFERRED TO
CODE AND SUPPLEMENT 1985—Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|---------------------------------|----------------------------|--|----------------------------|---------------------------------|
| 467C | 1245,§609,648 | 507B | | 515 | 1211,§18,19,22,34; 1245,§708 |
| 467D | 1245,§609,648 | | 1211,§18,19,22,34; 1245,§708 | 515.80 | 1124,§5 |
| 467D.2(1) | 1172,§1,2 | 507C | | 515A | 1211,§18,19,22,34; 1245,§708 |
| 469 | 1245,§1804,1806 | | 1211,§18,19,22,34; 1245,§708 | 515B | 1211,§18,19,22,34; 1245,§708 |
| 472.26 | 1153,§1 | 508 | | | 1211,§18,19,22,34; 1245,§708 |
| 474.1 | 1245,§707 | 508A | | 515B.5(1a) | 1184,§7 |
| 476 | 1245,§707,740 | | 1211,§18,19,22,34; 1245,§708 | 515B.10(1a) | 1184,§1 |
| 476.1 | 1246,§765 | 509 | | 515C | 1211,§18,19,22,34; 1245,§708 |
| 476.2 | 1162,§1 | | 1211,§18,19,22,34; 1245,§708 | 515D | 1211,§18,19,22,34; 1245,§708 |
| 476.10 | 1162,§1; 1244,§59;1246,§614 | 509A | | 516 | 1211,§18,19,22,34; 1245,§708 |
| 476.17 | 1162,§1 | | 1211,§18,19,22,34; 1245,§708 | 516A | 1211,§18,19,22,34; 1245,§708 |
| 476.20 | 1039,§1 | 509A.14 | | 517 | 1211,§18,19,22,34; 1245,§708 |
| 476.21 | 1039,§1;1162,§1 | | 1211,§18,19,22,34; 1245,§708 | 517A | 1211,§18,19,22,34; 1245,§708 |
| 476.22 | 1162,§1 | 510 | | 518 | 1211,§18,19,22,34; 1245,§708 |
| 476.23 | 1162,§1 | | 1211,§18,19,22,34; 1245,§708 | 518A | 1211,§18,19,22,34; 1245,§708 |
| 476.24 | 1162,§1 | 510 | | 518B | 1211,§18,19,22,34; 1245,§708 |
| 476.25 | 1162,§1 | | 1211,§18,19,22,34; 1245,§708 | 519 | 1211,§18,19,22,34; 1245,§708 |
| 476.26 | 1162,§1 | 511 | | 519A | 1211,§18,19,22,34; 1245,§708 |
| 476.41 | 1039,§1;1162,§1 | | 1211,§18,19,22,34; 1245,§708 | 520 | 1211,§18,19,22,34; 1245,§708 |
| 476.42 | 1039,§1;1162,§1 | 512 | | 521 | 1211,§18,19,22,34; 1245,§708 |
| 476.43 | 1039,§1;1162,§1 | | 1211,§18,19,22,34; 1245,§708 | 521A | 1211,§18,19,22,34; 1245,§708 |
| 476.44 | 1039,§1;1162,§1 | 512A | | 521A.4 | 1102,§23 |
| 476.45 | 1162,§1 | | 1211,§18,19,22,34; 1245,§708 | 521A.5 | 1102,§23 |
| 476.51 | 1039,§1;1162,§1 | 513 | | 522 | 1211,§18,19,22,34; 1245,§708 |
| 476.61 | 1039,§1 | | 1211,§18,19,22,34; 1245,§708 | | |
| 476.61 S | 1134,§2 | 514 | | | |
| 476A | 1039,§1; 1245,§707,740 | | 1124,§1;1156,§1; 1211,§18,19,22,34; 1241,§25;1245,§708 | | |
| 478 | 1039,§1; 1245,§707,740 | 514.7 | | | |
| 479 | 1245,§707,740 | | 1180,§6,9 | | |
| Title XIX | 1211,§8 | 514.15 | | | |
| 491 | 1206,§1 | | 1094,§2,3 | | |
| 496 | 1115,§2,3 | 514.23 | | | |
| 499 | 1206,§1 | | 1156,§1 | | |
| 499.30 | 1196,§1 | 514A | | | |
| 502 | 1245,§708,745 | | 1211,§18,19,22,34; 1245,§708 | | |
| 503 | 1245,§708,745 | 514B | | | |
| 504A | 1154,§1 | | 1124,§1; 1156,§1,11; 1211,§18,19,22,34; 1245,§708 | | |
| Title XX | 1180,§10; 1211,§8;1245,§708 | 514B.31 | | | |
| 505 | 1211,§18,19,22,34; 1245,§708 | | 1156,§1,2 | | |
| 505.2 | 1245,§708 | 514C | | | |
| 506 | 1211,§18,19,22,34; 1245,§708 | | 1211,§18,19,22,34; 1245,§708 | | |
| 507 | 1211,§18,19,22,34; 1245,§708 | 514C.1 | | | |
| 507A | | | 1156,§7 | | |
| | 1211,§18,19,22,34; 1245,§708 | 514D | | | |
| | | | 1211,§18,19,22,34; 1245,§708 | | |
| | | 514D.2 | | | |
| | | | 1045,§1 | | |

TABLE OF CHAPTERS AND SECTIONS REFERRED TO
CODE AND SUPPLEMENT 1985— Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|---------------------------------|----------------------------|---------------------------------|----------------------------|-------------------------------|
| 523 | 1211,§18,19,22,34; 1245,§708 | 546.11(3) | 1245,§702 | 633 | 1035,§24 |
| 523A | 1211,§18,19,22,34; 1245,§708 | 553 | 1246,§405 | 633.3(7) | 1131,§1 |
| 523B | 1211,§18,19,22,34; 1245,§708 | 554 | 1033,§1; 1214,§19,21;1231,§3 | 633.32 | 1264 |
| 523C | 1211,§18,19,22,34; 1245,§708 | 556 | 1125,§3 | 633.63 | 1245,§1323 |
| Title XXI | 1211,§8 | 556.8 | 1125,§3 | 633.197 | 1263 |
| 524 | 1245,§703 | 558.58(1) | 1079,§4 | 633.469 | 1264 |
| 524.201 | 1245,§703 | 562A.24 | 1130,§3 | 633.477 | 1264 |
| 527.2(1) | 1222,§1 | 562A.32 | 1130,§3 | 642.21 | 1216,§5,6 |
| 533 | 1245,§704 | 562B.22 | 1130,§3 | 642.22 | 1216,§6 |
| 533.55 | 1245,§704 | 562B.25 | 1103,§3 | 648.5 | 1130,§2 |
| Title XXII | 1211,§8 | 565A | 1035,§22,26 | 654 | 1214,§19,21 |
| 534 | 1245,§705 | 566A | 1030,§1 | 654.6 | 1216,§6 |
| 534.401 | 1245,§705 | 598.1 | 1246,§316 | 654.15(2) | 1216,§11 |
| Title XXIII | 1211,§8 | 598.22 | 1246,§316 | 656 | 1214,§19,21 |
| 535.2(3a) | 1115,§1 | 598.23 | 1246,§316,319 | 656.1 | 1214,§28 |
| 535.3 | 1203,§5 | 600A.5 | 1123,§1 | 656.2 | 1214,§28 |
| 535C | 1245,§708,745 | 600A.9 | 1123,§1 | 656.3 | 1214,§28 |
| 536 | 1245,§703 | 601B.6(9) | 1245,§305 | 656.4 | 1214,§28 |
| 536A | 1245,§703 | 601D.3 | 1245,§1263 | 656.5 | 1214,§28 |
| 536A.22 | 1165,§4 | 601D.4 | 1245,§1263 | 668.3(1) | 1211,§43 |
| 536B | 1245,§703 | 601E.6 | 1225,§2 | 675 | 1246,§316,319 |
| 536B.7 | 1165,§2,4 | 602 | 1192,§1 | 701.7 | 1112,§1-3,10; 1238,§4,5,12 |
| 537,Art.7 | 1238,§25 | 602,Art.9 | 1243,§33 | 702.5 | 1177,§1 |
| 537.1301 | 1085,§1 | 602.1101 | 1108,§11 | 702.11 | 1178,§4 |
| 537.2501 | 1151,§1 | 602.1101(5) | 1111,§1 | 707.5 | 1220,§10 |
| 537.5105 | 1216,§5 | 602.1202 | 1258,Exh."A" | 709 | 1178,§14 |
| 542 | 1245,§609,741 | 602.1509 | 1108,§16 | 709.3 | 1005,§1 |
| 542.3 | 1152,§31 | 602.8102(47) | 1246,§316,319 | 709.4 | 1005,§1 |
| 542.3(4b) | 1152,§6 | 602.8106 | 1202,§2,4 | 709.8 | 1005,§1 |
| 542.4 | 1152,§10 | 602.8106(3) | 1202,§4 | 709.10 | 1246,§204 |
| 542.9 | 1152,§3 | 602.9107 | 1243,§40 | 714.1(5) | 1126,§3 |
| 542.12 | 1152,§36 | 602.9107(3) | 1243,§40 | 714.16 | 1246,§405 |
| 542A | 1245,§609,741 | 602.9108 | 1243,§40 | 714.18(2) | 1237,§43 |
| 543 | 1152,§1,9; 1245,§609,741 | 602.9115 | 1243,§40 | 720 | 1112,§8 |
| 543.1 | 1152,§31 | 602.9204 | 1243,§40 | 720.2 | 1088,§5 |
| 543.2 | 1152,§18 | 602.9208 | 1243,§40 | 724.1 | 1238,§32,33 |
| 543.6 | 1152,§14-16,21,30,32 | 602.9209 | 1243,§40 | 725.5 | 1046,§1 |
| 543.6(4b) | 1152,§14 | 602.11115(1) | 1243,§34 | 725.10 | 1046,§1 |
| 543.13 | 1152,§29 | 602.11115(2) | 1243,§34 | 725.11 | 1046,§1 |
| 543.39 | 1152,§9 | 607.5 | 1108,§8 | 726 | 1178,§14 |
| 545.206 | 1173,§16 | 608 | 1108,§1,6 | 728 | 1140,§15 |
| 545.1106 | 1091,§3 | 608.1 | 1108,§2,4,7 | 801.4 | 1067,§1 |
| | | 608.5 | 1108,§7 | 802 | 1186,§1 |
| | | 609 | 1108,§3,7 | 804.5 | 1067,§1 |
| | | 613A.4 | 1211,§34 | 805.6(1a) | 1238,§14 |
| | | 618.11 | 1139,§5;1183,§3 | 808 | 1220,§10 |
| | | 625.22 | 1238,§25 | 808.3 | 1220,§10 |
| | | 627.6 | 1216,§3 | 808.9 | 1220,§10 |
| | | | | 809 | 1220,§10 |
| | | | | 809A | 1140,§1,2 |

TABLE OF CHAPTERS AND SECTIONS REFERRED TO
CODE AND SUPPLEMENT 1985 – Continued

| Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter | Code Chapter or Section | Acts Chapter |
|----------------------------|-----------------|----------------------------|-------------------|----------------------------|--------------------------------|
| 811 | 1186,§3 | 904.5 | 1245,§1524 | 910.3 | 1178,§6 |
| 814.4 | 1259;1261 | 905.2 | 1172,§1 | 910A.2 S | 1178,§19 |
| 815 | 1075,§3 | 905.9 | 1246,§402 | 910A.3 S | 1178,§19 |
| 901.5(3) | 1220,§2 | 906.5 | 1246,§401 | 910A.4 S | 1178,§19 |
| 901.7 | 1246,§402 | 906.17 | 1246,§402 | 910A.5 | 1178,§18 |
| 902.7 | 1246,§401 | 907.3 | 1220,§2,4 | 910A.5 S | 1178,§17 |
| 902.8 | 1246,§401 | 907.3(2) | 1220,§2 | 912 | 1178,§7;1220,§17; 1246,§408 |
| 902.9 | 1176,§1,2 | 910 | 1075,§3;1178,§6,7 | 912.1 | 1178,§5 |
| 902.9(4) | 1220,§43 | 910.2 | 1075,§5 | | |

**TABLE OF SESSION LAWS REPEALED OR AMENDED
IN ACTS OF THE SEVENTY-FIRST
GENERAL ASSEMBLY, 1986 SESSION**

ACTS OF THE SEVENTY-FIRST GENERAL ASSEMBLY, 1986 SESSION

| File | Acts Chapter |
|---|-----------------|
| Senate File 499,§2(ch 1009) | 1211,§43 |
| Senate File 505(ch 1161) | 1238,§15 |
| Senate File 540,§9(ch 1023) | 1224,§38 |
| Senate File 540,§11(ch 1023) | 1246,§620 |
| Senate File 2175(ch 1245) | 1238,§35 |
| Senate File 2175(ch 1245) | 1238,§36 |
| Senate File 2175(ch 1245) | 1238,§47 |
| Senate File 2175(ch 1245) | 1244,§6 |
| Senate File 2175(ch 1245) | 1244,§7 |
| Senate File 2175(ch 1245) | 1244,§30 |
| Senate File 2175(ch 1245) | 1244,§46 |
| Senate File 2175(ch 1245) | 1244,§47 |
| Senate File 2175(ch 1245) | 1244,§60 |
| Senate File 2175,§215(ch 1245) | 1238,§38 |
| Senate File 2175,§229(ch 1245) | 1238,§39 |
| Senate File 2175,§655(ch 1245) | 1238,§40 |
| Senate File 2175,§662(ch 1245) | 1238,§41 |
| Senate File 2175,§664(ch 1245) | 1238,§42 |
| Senate File 2175,§804(2)(ch 1245) | 1238,§43 |
| Senate File 2175,§808(7)(ch 1245) | 1238,§44 |
| Senate File 2175,§817(ch 1245) | 1238,§45 |
| Senate File 2175,§913(ch 1245) | 1238,§46 |
| Senate File 2175,§1303(ch 1245) | 1238,§52 |
| Senate File 2175,§1308(ch 1245) | 1238,§53 |
| Senate File 2175,§1314(ch 1245) | 1238,§54 |
| Senate File 2175,§1489(ch 1245) | 1238,§55 |
| Senate File 2175,§1984(ch 1245) | 1238,§56 |
| Senate File 2175,§1992(ch 1245) | 1238,§57 |
| Senate File 2175,§2046(ch 1245) | 1238,§59 |
| Senate File 2175,§2065(ch 1245) | 1238,§60 |
| Senate File 2303,§7(ch 1244) | 1238,§36 |
| House File 764(ch 1007) | 1241,§21 |
| House File 764,§8(ch 1007) | 1241,§4 |
| House File 2017,§1(ch 1002) | 1201,§4,6 |
| House File 2017,§2(ch 1002) | 1201,§6 |
| House File 2181,§12(ch 1156) | 1246,§625 |
| House File 2225(ch 1016) | 1246,§121 |
| House File 2353,§5(ch 1027) | 1216,§10 |
| House File 2372,§5(ch 1122) | 1246,§726 |
| House File 2372,§6(ch 1122) | 1246,§729 |
| House File 2372,§7(ch 1122) | 1246,§732 |
| House File 2372,§8(ch 1122) | 1246,§735 |
| House File 2372,§9(ch 1122) | 1246,§737 |
| House File 2443,§8(ch 1190) | 1207,§21 |
| House File 2460,§15(ch 1140) | 1238,§32 |

ACTS OF THE SEVENTY-FIRST GENERAL ASSEMBLY, 1985 SESSION

| Acts | | Acts | | Acts | |
|-------------------------|----------|-----------------------|----------|-------------------------|-----------|
| Chapter | Chapter | Chapter | Chapter | Chapter | Chapter |
| 33,§301(1) | 1068,§2 | 33,§302(2) | 1068,§4; | 239,§8 | 1247,§16 |
| 33,§301(1a) | 1207,§1 | | 1207,§12 | 253,§1 | 1242,§7 |
| 33,§301(1b) | 1207,§1 | 33,§302(2c) | 1068,§3 | 253,§2 | 1246,§407 |
| 33,§301(2) | 1207,§2 | 33,§302(3) | 1190,§9; | 254,§1(1a) | 1247,§9 |
| 33,§301(3a) | 1207,§3 | | 1207,§14 | 254,§1(1b) | 1246,§713 |
| 33,§301(3d) | 1207,§4 | 33,§302(3a) | 1207,§13 | 254,§1(2b) | 1246,§415 |
| 33,§301(3f) | 1207,§5 | 33,§302(3c) | 1207,§13 | 254,§1(3b) | 1246,§416 |
| 33,§301(4a-c) | 1207,§6 | 33,§302(3d) | 1207,§13 | 254,§2(1) | 1246,§120 |
| 33,§301(4d) | 1207,§7 | 33,§302(4a) | 1207,§15 | 255,§1(1,2,4) | 1247,§11 |
| 33,§301(4e,f) | 1207,§8 | 33,§302(4b) | 1207,§15 | 256,§11 | 1246,§33 |
| 33,§301(5) | 1207,§10 | 33,§302(4c) | 1207,§16 | 256,§12 | 1207,§19 |
| 33,§301(5a) | 1207,§9 | 33,§302(5) | 1207,§18 | 257,§7(3) | 1247,§14 |
| 33,§302(1a) | 1207,§11 | 33,§302(5a) | 1207,§17 | 258,§9 | 1246,§714 |
| 33,§302(1b) | 1190,§8; | 33,§303 | 1207,§19 | 263,§7(1) | 1246,§107 |
| | 1207,§11 | 79,§1 | 1229,§1 | 268 | 1250,§15 |
| | | 239,§7 | 1247,§10 | 268,§11 | 1250,§14 |

ACTS OF THE SEVENTIETH GENERAL ASSEMBLY, 1983 SESSION

| Chapter | Acts |
|-------------------|---------|
| Chapter | Chapter |
| 147,§14 | 1075,§7 |

**TABLE OF SESSION LAWS REFERRED TO IN
ACTS OF THE SEVENTY-FIRST GENERAL ASSEMBLY,
1986 SESSION**

ACTS OF THE SEVENTY-FIRST GENERAL ASSEMBLY, 1986 SESSION

| File | Acts Chapter |
|---------------------------------------|-----------------|
| Senate File 499(ch 1009) | 1218,§2 |
| Senate File 499,§2(ch 1009) | 1211,§43 |
| Senate File 505(ch 1161) | 1238,§15 |
| Senate File 2116(ch 1152) | 1246,§501 |
| Senate File 2116,§33(ch 1152) | 1246,§501 |
| Senate File 2175(ch 1245) | 1207,§14 |
| Senate File 2175(ch 1245) | 1244,§60 |
| Senate File 2175(ch 1245) | 1238,§36 |
| Senate File 2175(ch 1245) | 1238,§58 |
| Senate File 2175(ch 1245) | 1250,§15 |
| Senate File 2175(ch 1245) | 1246,§601 |
| Senate File 2175,§662(ch 1245) | 1238,§41 |
| Senate File 2175,§664(ch 1245) | 1238,§42 |
| Senate File 2175,§817(ch 1245) | 1185,§1 |
| Senate File 2175,§913(ch 1245) | 1238,§47 |
| Senate File 2175,§1984(ch 1245) | 1238,§56 |
| House File 764(ch 1007) | 1241,§21 |
| House File 764,§8(ch 1007) | 1241,§4 |
| House File 2017,§1(ch 1002) | 1201,§4,6 |
| House File 2017,§2(ch 1002) | 1201,§6 |
| House File 2181(ch 1156) | 1246,§624 |
| House File 2181,§11,13(ch 1156) | 1246,§624 |
| House File 2225(ch 1016) | 1246,§121 |
| House File 2353(ch 1027) | 1207,§10 |
| House File 2372,§5(ch 1122) | 1246,§726 |
| House File 2372,§6(ch 1122) | 1246,§729 |
| House File 2372,§7(ch 1122) | 1246,§732 |
| House File 2372,§8(ch 1122) | 1246,§735 |
| House File 2372,§9(ch 1122) | 1246,§737 |
| House File 2387(ch 1167) | 1249,§4 |
| House File 2412,§7(b)(ch 1207) | 1190,§10 |
| House File 2412,§9(ch 1207) | 1190,§10 |
| House File 2488(ch 1197) | 1246,§508 |

ACTS OF THE SEVENTY-FIRST GENERAL ASSEMBLY, 1985 SESSION

| | | Acts | | | Acts |
|----------------|-------|------------|--------------|-------|-------------|
| Chapter | | Chapter | Chapter | | Chapter |
| 33 | ..... | 1027,\$5 | 33,\$302(4) | ..... | 1207,\$19 |
| 33,\$301 | ..... | 1185,\$1 | 33,\$302(4b) | ..... | 1245,\$808 |
| 33,\$301 | ..... | 1238,\$37 | 33,\$302(5b) | ..... | 1244,\$6 |
| 33,\$301(2) | ..... | 1207,\$19 | 33,\$303 | ..... | 1238,\$37 |
| 33,\$301(3) | ..... | 1207,\$19 | 148,\$4 | ..... | 1263 |
| 33,\$301(3d) | ..... | 1207,\$13 | 239,\$1 | ..... | 1094,\$1,4 |
| 33,\$301(4) | ..... | 1207,\$19 | 239,\$3 | ..... | 1094,\$2,4 |
| 33,\$301(4b) | ..... | 1207,\$15 | 239,\$8 | ..... | 1156,\$3 |
| 33,\$301(5d) | ..... | 1244,\$6 | 253 | ..... | 1246,\$410 |
| 33,\$302 | ..... | 1238,\$37 | 256,\$12 | ..... | 1207,\$19 |
| 33,\$302(2) | ..... | 1245,\$808 | 259,\$3(2) | ..... | 1247,\$6,15 |
| 33,\$302(2) | ..... | 1207,\$19 | 259,\$3(3) | ..... | 1246,\$303 |
| 33,\$302(3) | ..... | 1207,\$19 | 260,\$12(3) | ..... | 1246,\$505 |
| 33,\$302(3c,d) | ..... | 1245,\$808 | 265,\$3,4 | ..... | 1249,\$8 |
| | | | 268,\$9(3) | ..... | 1250,\$16 |

ACTS OF THE SEVENTIETH GENERAL ASSEMBLY, 1984 SESSION

| | Acts |
|--------------|--------------------|
| Chapter | Chapter |
| 1303,\$18(3) | 1246,\$505 |
| 1303,\$20 | 1246,\$507 |
| 1310,\$3(2) | 1246,\$303 |
| 1314 | 1247,\$1-5 |
| 1314 | 1246,\$20-23 |
| 1314 | 1246,\$715 |
| 1314,\$8 | 1246,\$715 |

ACTS OF THE SEVENTIETH GENERAL ASSEMBLY, 1983 SESSION

| | Acts |
|-------------|------------------|
| Chapter | Chapter |
| 147 | 1075,\$7 |
| 186 | 1192,\$1 |
| 186,\$10301 | 1246,\$406 |
| 202,\$21 | 1249,\$8 |
| 205,\$6 | 1242,\$3 |
| 205,\$7 | 1242,\$1,3 |
| 207,\$5 | 1249,\$8 |

ACTS OF THE SIXTY-NINTH GENERAL ASSEMBLY, 1981 SESSION

| | Acts |
|---------|-----------------|
| Chapter | Chapter |
| 9,\$6 | 1244,\$59 |
| 9,\$7 | 1244,\$59 |

ACTS OF THE SIXTY-FOURTH GENERAL ASSEMBLY, 1972 SESSION

| | Acts |
|-----------|-----------------|
| Chapter | Chapter |
| 1124,\$43 | 1243,\$30 |

ACTS OF CONGRESS REFERRED TO

| | Acts Chapter |
|--|-------------------|
| Beef Promotion and Research Act of 1985 | 1100,§7 |
| Carl D. Perkins Vocational Education Act, Public Law 98- 524 | 1244,§6 |
| Clean Water Act of 1977, Public Law 95- 217 | 1246,§505 |
| Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. §9601) | 1025,§3 |
| Consumer Product Safety Act (15 U.S.C. §2051 et seq.) | 1135,§2 |
| Energy Conservation in Existing Buildings Acts of 1976 (42 U.S.C. §6861 et seq.) part A | 1249,§1 |
| Energy Policy and Conservation Act (42 U.S.C. §6321 et seq.) part D of Title III | 1249,§1 |
| Energy Policy and Conservation Act (42 U.S.C. §6371 et seq.) part G of Title III | 1249,§1 |
| Food and Drug Act | 1137,§1 |
| Food Security Act of 1985, Public Law 99-198, §1324 | 1126,§1 |
| Housing and Community Development Act of 1974, Public Law 93-383, §201 "a" | 1190,§4 |
| Internal Revenue Code of 1954 | 1213,§7 |
| Internal Revenue Code of 1954 | 1241,§16 |
| Internal Revenue Code of 1954 | 1243,§33 |
| Internal Revenue Code of 1954, §21 | 1236,§6 |
| Internal Revenue Code of 1954, §21 | 1241,§15 |
| Internal Revenue Code of 1954, §24(c) | 1241,§15 |
| Internal Revenue Code of 1954, §40 | 1241,§14,23 |
| Internal Revenue Code of 1954, §41(c) | 1241,§15 |
| Internal Revenue Code of 1954, §44 A | 1236,§6; 1241,§15 |
| Internal Revenue Code of 1954, §44 B | 1241,§14,23 |
| Internal Revenue Code of 1954, §44 E | 1241,§14,23 |
| Internal Revenue Code of 1954, §51 | 1241,§14,23 |
| Internal Revenue Code of 1954, §55 | 1241,§22,28 |
| Internal Revenue Code of 1954, §56 | 1241,§22,28 |
| Internal Revenue Code of 1954, §57 | 1241,§22,28 |
| Internal Revenue Code of 1954, §57(a)(8) | 1236,§3,8 |
| Internal Revenue Code of 1954, §57(a)(11) | 1236,§3 |
| Internal Revenue Code of 1954, §58 | 1241,§22,28 |
| Internal Revenue Code of 1954, §165 | 1236,§5,9 |
| Internal Revenue Code of 1954, §170 | 1245,§1322 |
| Internal Revenue Code of 1954, §263(c) | 1236,§5 |
| Internal Revenue Code of 1954, §403(b) | 1245,§219 |
| Internal Revenue Code of 1954, §415 | 1243,§36 |
| Internal Revenue Code of 1954, §415(d) | 1243,§36 |
| Internal Revenue Code of 1954, §461(i)(3) | 1236,§4 |
| Internal Revenue Code of 1954, §464(e) | 1236,§4,5,9 |
| Internal Revenue Code of 1954, §465(d) | 1236,§4 |
| Internal Revenue Code of 1954, §501(c)(7) | 1201,§7 |
| Internal Revenue Code of 1954, §501(c)(8) | 1201,§7 |
| Internal Revenue Code of 1954, §501(c)(12) | 1206,§1 |
| Internal Revenue Code of 1954, §611 | 1236,§5 |
| Internal Revenue Code of 1954, §613 | 1236,§5,9 |
| Internal Revenue Code of 1954, §1211 | 1236,§5,9 |
| Internal Revenue Code of 1954, §1231 | 1236,§5,9 |
| Internal Revenue Code of 1954, §2032A(b)(4) | 1236,§5 |
| Internal Revenue Code of 1954, §2032A(b)(5) | 1236,§5 |
| Internal Revenue Code of 1954, §2032A(e)(2) | 1236,§5 |

| | Acts |
|---|-------------------|
| | Chapter |
| Internal Revenue Code of 1954, §2602(c)(5)(B) | 1241, §46 |
| Internal Revenue Code of 1954, §2602(c)(5)(C) | 1241, §46 |
| Internal Revenue Code of 1954, §3204(m)(1) | 1241, §16 |
| Internal Revenue Code of 1954, §3402(m)(1) | 1241, §16 |
| Investment Company Act of 1940 (15 U.S.C. §80a) | 1032, §1,2 |
| Job Training Partnership Act | 1245, §808, 1021 |
| Job Training Partnership Act of 1982 | 1246, §1 |
| Job Training Partnership Act of 1982, §121 | 1244, §6 |
| Job Training Partnership Act of 1982, §123 | 1244, §6,7 |
| Job Training Partnership Act of 1982, §501 | 1244, §6 |
| Job Training Partnership Act of 1982, Public Law 97-300, §123 | 1245, §820 |
| Job Training Partnership Act of 1982, Title III | 1245, §820 |
| Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. §8621 et seq.) | 1249, §1 |
| National Energy Extension Service Act (42 U.S.C. §7001 et seq.) | 1249, §1 |
| Older Americans Act of 1965 | 1245, §1008, 1015 |
| Older Americans Act of 1965, §3027(a)(12) | 1245, §1016 |
| Older Americans Act of 1965 (42 U.S.C. §3001 et seq.) | 1245, §1004 |
| Pork Promotion Act | 1100, §18, 19 |
| Pork Promotion, Research, and Consumer Information Act of 1985 | 1100, §10 |
| Public Law 97-35 | 1250, §8, 13 |
| Public Law 97-35, Title III, Subtitle A | 1250, §5 |
| Public Law 97-35, Title V, Subtitle D, chapter 2 | 1250, §6 |
| Public Law 97-35, Title VI, Subtitle B | 1250, §4 |
| Public Law 97-35, Title IX, Subtitle A | 1250, §1,3 |
| Public Law 97-35, Title XXI, Subtitle D | 1250, §2,3 |
| Public Law 97-35, Title XXIII, Subtitle C | 1250, §9 |
| Public Law 97-35, Title XXVI | 1250, §8 |
| Public Law 97-377 | 1249, §8 |
| Public Law 97-377, §155, 96 Stat. 1830, 1919 (1982) | 1249, §2,4 |
| Public Law 97-414 | 1250, §1 |
| Public Law 98-558 | 1250, §8 |
| Public Law 99-198, §1324 | 1126, §3 |
| Rehabilitation Act of 1973, §7(10) | 1154, §1 |
| Social Security Act of 1967, Regulation 220.4 | 1044, §1 |
| Social Security Act, Title II (42 U.S.C. ch 7) | 1245, §1440 |
| Social Security Act, Title IV-D | 1246, §318 |
| Social Security Act, Title IV, Part E | 1246, §303 |
| Social Security Act, Title IV-E | 1246, §303 |
| Social Security Act, Title V | 1245, §1104 |
| Social Security Act, Title V | 1246, §204 |
| Social Security Act, Title XVI (42 U.S.C. ch 7) | 1245, §1440 |
| Social Security Act, Title XVIII | 1156, §1 |
| Social Security Act, Title XVIII | 1169, §2 |
| Social Security Act, Title XVIII | 1180, §2,5,7 |
| Social Security Act, Title XVIII | 1246, §309 |
| Social Security Act, Title XIX | 1156, §1 |
| Social Security Act, Title XIX | 1169, §2 |
| Social Security Act, Title XIX | 1246, §303 |
| Social Security Act, Title XIX | 1246, §321 |
| Social Security Act, §903 | 1246, §621 |
| United States Housing Act of 1937, §8“f” | 1190, §4 |
| United States Warehouse Act | 1152, §9 |
| United States Warehouse Act (7 U.S.C. 241) | 1152, §32 |
| Vocational Education Act of 1963 | 1245, §1470 |
| Wagner-Peyser Act, §7(b) | 1244, §6 |
| Water Pollution Control Act (33 U.S.C. 466 et seq.), §202 | 1246, §505 |

UNITED STATES CODE REFERRED TO

| | Acts |
|--------------------------------------|-------------|
| | Chapter |
| 23 U.S.C., §158 | 1221, §4 |
| 42 U.S.C., §197-1397f | 1250, §9 |
| 42 U.S.C., §9601 | 1025, §3 |
| 49 U.S.C., §10927(a)(1) | 1161, §15 |
| Title 20, U.S.C., §35c, "a"(5) | 1245, §1470 |

CODE OF FEDERAL REGULATIONS REFERRED TO

| | Acts |
|------------------------------------|----------|
| | Chapter |
| 7 C.F.R., §657.5(a) | 1149, §2 |
| 9 C.F.R., §78.1 | 1036, §2 |
| 29 C.F.R., §1910.1200 et seq. | 1135, §2 |
| 40 C.F.R., §302.4 | 1025, §3 |
| 49 C.F.R., §392.16 | 1009, §2 |
| 49 C.F.R., §567.4(g)(3) | 1234, §1 |
| 49 C.F.R., §571.209-571.210 | 1009, §2 |

**RULES OF CIVIL PROCEDURE
REPORTED BY THE IOWA SUPREME COURT**

| | | Acts | | | Acts |
|--------|-------|--------------|----------------------|-------|--------------|
| Rule | | Chapter | Rule | | Chapter |
| 49(a) | ..... | 1254,Exh."A" | 122(e) | ..... | 1255,Exh."D" |
| 50 | ..... | 1254,Exh."B" | 127 | ..... | 1255,Exh."E" |
| 59(a) | ..... | 1255,Exh."A" | 128 | ..... | 1255,Exh."F" |
| 69(a) | ..... | 1254,Exh."C" | 140(d)(new) | ..... | 1255,Exh."G" |
| 80 | ..... | 1256,Exh."A" | 181.2(b) | ..... | 1257,Exh."A" |
| 117(d) | ..... | 1255,Exh."B" | 182 | ..... | 1255,Exh."H" |
| 121 | ..... | 1255,Exh."C" | 380(stricken) | ..... | 1258,Exh."A" |
| | | | Form 4 following 381 | ..... | 1254,Exh."D" |

**RULES OF CIVIL PROCEDURE AMENDED OR REPEALED
BY THE SEVENTY-FIRST GENERAL ASSEMBLY, 1986 SESSION**

| Rule | Acts |
|---------|----------------|
| | Chapter |
| 56.1(a) | 1043,§1 |
| 187(a) | 1108,§55 |

RULES OF CIVIL PROCEDURE REFERRED TO

| | | Acts |
|----------|-------|-------------------|
| Rule | | Chapter |
| 69(a) | ..... | 1254,Exh."B", "D" |
| 127 | ..... | 1255,Exh."F" |
| Div. III | ..... | 1140,§10 |

**RULES OF CRIMINAL PROCEDURE REPORTED BY
THE IOWA SUPREME COURT**

| | | Acts |
|----------|-------|--------------|
| Rule | | Chapter |
| 22(3)"e" | ..... | 1259,Exh."A" |
| 30 | ..... | 1260,Exh."A" |
| 54(7) | ..... | 1261,Exh."A" |

**RULES OF CRIMINAL PROCEDURE AMENDED BY
THE SEVENTY-FIRST GENERAL ASSEMBLY,
1986 SESSION**

| | | Acts |
|-------|-------|----------|
| Rule | | Chapter |
| 16(1) | ..... | 1106,§1 |
| 17(1) | ..... | 1108,§56 |

**RULES OF APPELLATE PROCEDURE REPORTED BY
THE IOWA SUPREME COURT**

| Rule | Acts Chapter |
|------------|-----------------|
| 5(b) | 1262,Exh.“A” |

RULES OF APPELLATE PROCEDURE REFERRED TO

| Rule | Acts Chapter |
|-----------|-----------------|
| 101 | 1259,Exh.“A” |

**RULES OF PROBATE PROCEDURE REPORTED BY
THE IOWA SUPREME COURT**

| Rule | Acts Chapter |
|--------------|-----------------|
| 2(b) | 1263,Exh.“A”1 |
| 4 | 1263,Exh.“A”2 |
| 6(new) | 1264,Exh.“A” |

RULES OF PROBATE PROCEDURE REFERRED TO

| Rule | Acts Chapter |
|---------|-----------------|
| 5 | 1264,Exh.“A” |

**TABLE OF PROPOSED AMENDMENTS TO THE CONSTITUTION
OF THE STATE OF IOWA
IN ACTS OF THE SEVENTY-FIRST GENERAL ASSEMBLY
1986 SESSION**

| Article | Section | Acts Chapter |
|----------|----------------|-----------------|
| IV | 2-5 | 1251,§1 |
| IV | 15,18,19 | 1251,§2 |
| V | 16 | 1252,§1 |

VETOED BILLS

Senate File 249
Senate File 2052

ITEM VETO

| | Acts Chapter |
|--|-----------------|
| House File 764,second sentence of §42 | 1007 |
| House File 2484,§1(2)par.2-4;15;110(1a)par.2;138 | 1246 |

IOWA CODES REFERRED TO IN ACTS OF THE SEVENTY-FIRST GENERAL ASSEMBLY, 1986 SESSION

| Code | Section | Acts Chapter |
|------------|-------------|-----------------|
| 1981 | 341.1 | 1243,§12 |

GOVERNOR'S EXECUTIVE ORDER REFERRED TO IN ACTS OF THE SEVENTY-FIRST GENERAL ASSEMBLY, 1986 SESSION

| | Acts Chapter |
|-----------------------------|-----------------|
| Executive Order No.19 | 1247,§19 |

IOWA ADMINISTRATIVE CODE REFERRED TO IN ACTS OF THE SEVENTY-FIRST GENERAL ASSEMBLY, 1986 SESSION

| | Acts Chapter |
|----------------|-----------------|
| 370-4.39 | 1246,§623 |
| 370-4.40 | 1246,§623 |
| 500-6.3 | 1246,§604 |

IOWA ADMINISTRATIVE CODE RULE NULLIFIED IN ACTS OF THE SEVENTY-FIRST GENERAL ASSEMBLY, 1986 SESSION

| | Acts Chapter |
|--------------------|-----------------|
| 900-65.3(1c) | 1253,§1 |

INDEX

References are to chapters and sections therein. Numerals and letters in parenthesis indicate subsections and paragraphs within a section.

ABANDONED OR UNCLAIMED PROPERTY

- Buildings, abatement by rehabilitation, city population requirement, ch 1059
- Dogs and cats, ch 1083
- Investment raffle proceeds, ch 1125,§3(4)

ABATEMENT

- Abandoned buildings, city population requirement, ch 1059

ABORTION

- Appropriation, medically necessary, ch 1246,§110(2b),303(2,12)
- Medical assistance fund, ch 1246,§110(2b)

ABUSE

- Child abuse, *see CHILDREN, Abuse*
- Domestic abuse
 - Program grants, ch 1246,§303(9d)
 - Registry funded, ch 1220,§17
 - Temporary custody, visitation rights, ch 1179,§1
- Substance abuse, *see SUBSTANCE ABUSE*

ACADEMY OF SCIENCE

- Appropriations, ch 1246,§109

ACCOUNTANCY BOARD

- See also REORGANIZATION, STATE, Commerce Department*
- Appropriations, ch 1246,§601(1c)

ACTIONS

- Driver license, application for restoration, OWI, ch 1220,§4(3)
- Frivolous, ch 1211,§36,47
- Motor vehicle warranties, court costs, fees, ch 1090
- Personal injury, wrongful death, damages, ch 1211,§37,47
- Prepayment of fees, costs or security, ch 1088,§1
- Real property improvement, statute of limitations, ch 1120
- Replevin, small claims, concurrent jurisdiction, ch 1077
- Restitution for damages, OWI, ch 1220,§2(8)
- Thresher's or cornsheller's lien, time limit, ch 1033,§2

ADMINISTRATIVE PROCEDURES

- Contested cases, tax assessment disputes, ch 1007,§18,46
- Industrial commissioner decision, judicial review, ch 1238,§47
- Pork producers council, referendum, ch 1100,§18
- Transportation department
 - Driver license revocation, OWI
 - Applicability, ch 1220,§51,52
 - Judicial review, ch 1220,§14

ADMINISTRATIVE RULES

See also specific agencies

- Administrative rules review committee
 - Editorial duties, administrative Code, ch 1242
 - Publications, price, duties stricken, ch 1238,§1,2
- Aging commission, medicare supplement coverage disclosure, ch 1045
- Agriculture department
 - Bottled water, ch 1137
 - Bovine brucellosis, ch 1036,§1,3,5
 - Ice sold in sealed containers, ch 1137
- Alcoholic beverage control
 - Class "E" liquor licensees, ch 1246,§731,732,761
 - Wine, state stores and warehouses, ch 1122,§7;ch 1246,§732
- Attorney general
 - Farm mediation service, ch 1214,§27,30
 - Motor vehicles, sale or lease, price discrimination, ch 1234
 - Seized and forfeitable property, disposition, ch 1140,§18
- Automated fingerprint identification system (AFIS) computer committee, ch 1207,§18,22
- Blind, commission for the, ch 1050,§61
- Budget review committee, area school budget review, ch 1246,§160
- Chiropractors, utilization and cost control review committees, ch 1180,§10
- Commerce commission
 - Electric cooperatives and small electric utilities, rate regulation, ch 1039
 - Grain indemnity fund, ch 1152,§33,35,40
 - Grain warehouse licenses, ch 1152,§17,40

ADMINISTRATIVE RULES—Continued

Commerce department

- Alcoholic beverages division, ch 1245,§736,739
- Credit union division, ch 1245,§753
- Department and division rulemaking, ch 1245,§702
- General counsel, ch 1245,§741
- Industrial loan corporation thrift guaranty law, ch 1245,§761
- Professional licensing and regulation division, ch 1245,§710

Conservation commission

- Boating near diver's flag prohibited, ch 1143
- Commercial fishing, penalties, ch 1141,§1
- Snowmobiles, competition registration, ch 1031,§1

Coordinator

- Appropriation, ch 1246,§701(5)
- Editorial duties, administrative Code, ch 1242
- Interim study committee, ch 1246,§313

Corrections department

- Crimes identified, ch 1246,§401
- OWI, substance abuse treatment program, funding, ch 1220,§26
- Substance abuse (OWI) facilities standards, ch 1246,§402
- Work release, ch 1245,§1519,1521

Cultural affairs department

- Administration, ch 1245,§1302
- Authority to create divisions, ch 1245,§1301
- Historical society, ch 1245,§1305,1308
- Library division, ch 1245,§1328,1330
- Public broadcasting, ch 1245,§1321
- Terrace Hill commission, ch 1245,§1315

Dental examiners board, utilization and cost control review committee, ch 1180,§10

Education department

- Area education agency
 - Administrators, ch 1245,§1445
 - Program plans, ch 1245,§1460
- Area schools funding plan, ch 1246,§160
- Board of educational examiners, evaluator approval, ch 1245,§1453
- College aid commission, administration, ch 1245,§1454
- General responsibilities, ch 1245,§1407
- High school equivalency diplomas, ch 1245,§1441
- Juvenile homes, curriculum, ch 1246,§133

ADMINISTRATIVE RULES—Continued

Education department—Continued

Special education

- Gifted and talented, ch 1245,§1416
- Transportation equipment, ch 1245,§1482

Standards

- Schools, ch 1245,§1411,1417,1426
- Teachers, ch 1245,§1417,1426

Teachers

- Certificate, ch 1245,§1447
- Gifted and talented, ch 1245,§1416
- Standards, ch 1245,§1417,1426
- Substitute, certificate, ch 1245,§1448
- Vocational education board, community colleges, ch 1245,§1435,1470

Egg council membership, ch 1100,§23

Elections commissioner

- Certification, printed record, votes cast, ch 1224,§21
- Voting machines, ch 1224,§19

Employment services department

- Child labor, ch 1245,§922-924,926
- Hazardous chemicals risk, ch 1245,§940

Energy fund disbursement council, ch 1249,§2(3c)

Energy policy council, schools, energy audits, ch 1167,§1

Family farm development authority, agricultural loan assistance program, ch 1027,§4

Feedlots, rule nullified by legislature, ch 1253

Finance authority, economic development bond bank program, ch 1212,§7

Fingerprint ID, ch 1207,§18,22

General services department

- Data processing facilities, elections, ch 1245,§312
- Parking facilities, ch 1245,§306

Human rights department

- Blind, division for the, ch 1245,§1260
- Children, youth, and families division, ch 1245,§1216
- Community action agencies division, ch 1245,§1241
- Deaf services division, ch 1245,§1254
- Persons with disabilities division, ch 1245,§1236
- Spanish-speaking people division, ch 1245,§1210
- Status of women division, ch 1245,§1224

ADMINISTRATIVE RULES — Continued

Human services department
 Adoption, subsidized, ch 1246,§314
 Block grant funds, supplementation,
 ch 1246,§314
 Care facilities, drugs, providers, reim-
 bursement, ch 1246,§314
 Children, services, sliding-fee payment
 schedules, ch 1246,§312
 Collection services center, effective
 transfer dates, ch 1246,§316
 Interim study committee, ch 1246,§313
 Juvenile justice, county-based reimburse-
 ments, ch 1246,§314
 Medical assistance reimbursement,
 ch 1246,§314
 Mental health and retardation services,
 expenditure of funds, ch 1246,§307(1)
 Inspections and appeals department, em-
 ployment appeal board, ch 1245,§515
 Insurance commissioner
 Insurance holding companies, ch 1102,§11
 Iowa comprehensive health association,
 ch 1156,§2,9,13
 Liability insurance assistance programs,
 ch 1211,§29,47
 Liability insurance data, ch 1211,§27,47
 Insurance department, medicare supple-
 ment coverage disclosure, ch 1045
 Iowa development commission, investment
 raffle program, ch 1125,§3(5)
 Labor bureau, stairway chair lifts and
 wheelchair lifts, ch 1157
 Law enforcement academy, psychological
 testing, ch 1246,§411
 Lottery agency
 Investment raffle program, ch 1125,§3(5)
 Licensee identified on ticket,
 ch 1042,§3,14
 Medical examiners board, utilization and
 cost control review committee,
 ch 1180,§10
 Natural resources department
 Administration of chapter, director,
 ch 1245,§1804
 Administration of chapter, environmen-
 tal protection commission, natural re-
 source commission, ch 1245,§1804-1806
 Citizen actions, ch 1245,§1888,1889
 County conservation boards,
 ch 1245,§1868
 Energy and geological resources division,
 energy conservation trust fund,
 ch 1249,§2(3c)
 Water treatment plants, ch 1245,§1898

ADMINISTRATIVE RULES — Continued

Nullification of rule requiring permit ap-
 plication for certain feedlots, ch 1253
 Personnel department
 Career executive program, ch 1245,§212
 Merit system, ch 1245,§211,212
 Salaries and leaves, ch 1244,§13
 Pharmacy examiners board, controlled sub-
 stances, exceptions, ch 1037,§4,5
 Planning and programming
 Conservation corps programs, ch 1190,§3
 Young adult program, academic repay-
 ment incentives, ch 1190,§7
 Public health department
 Dental examiners, ch 1245,§1107
 Emergency medical care, ch 1245,§1143
 Health board, ch 1245,§1120
 Interim study committee, ch 1246,§313
 Medical examiners, ch 1245,§1107
 Nursing care, expenditure of funds,
 ch 1246,§204(10b)
 Nursing examiners, ch 1245,§1107
 Obstetrical newborn care, ch 1246,§111(2)
 Pharmacy examiners, ch 1245,§1107
 Renal disease, assistance,
 ch 1246,§204(10a)
 Substance abuse
 Accounting system, ch 1245,§1132
 Prevention and programs,
 ch 1245,§1120,1123
 Public safety department,
 ch 1245,§1603,1606,1607
 Revenue department
 Agricultural land tax credit, ch 1245,§433
 Taxes paid under protest, ch 1007,§18,46
 Vendor invoices, ch 1245,§433
 Soil conservation division, ch 1245,§648
 Substance abuse
 Accounting system, ch 1245,§1132
 Commission, ch 1001,§5-7,25
 Prevention, ch 1245,§1120,1123
 Treatment, contract for care, OWI,
 ch 1220,§25
 Tax amnesty Act, exemption, ch 1007,§4,47
 Transportation department
 Handicapped identification devices and
 stickers, ch 1225,§1,4-8
 Motor carriers
 Liability insurance limits, financial re-
 sponsibility, ch 1161,§15
 Safety regulations and inspections,
 ch 1161,§4
 Notice posted in liquor stores, OWI laws,
 ch 1220,§24
 Seat belt standards, ch 1009,§2

ADMINISTRATIVE RULES—Continued
Transportation department—Continued

- Transportation commission,
ch 1245,§1970
- Transportation regulation authority,
ch 1245,§1970
- Transporters, ch 1071
- Truck operators and contract carriers,
ch 1245,§1952
- Treasurer of state
 - Credit and financial services, ch 1085
 - Horticultural crops, identification, linked
deposits, ch 1096,§4,12,13
- Water, air and waste management depart-
ment
 - Feedlots, rule nullified by legislature,
ch 1253
 - Flood plain, water use, violations, ap-
peals, ch 1144,§3
 - Hazardous waste management,
ch 1025,§4
 - Hazardous wastes, storage facility sites,
ch 1149,§1
 - Sanitary disposal projects, wells, moni-
toring groundwater, ch 1174,§3
 - Sanitary landfills
 - Grants, applications, ch 1175,§6
 - Uncontained liquid waste prohibited,
ch 1174,§1
 - Water supply systems, testing, ch 1181,§1

ADOPTIONS

- Subsidized
 - Administrative rules, ch 1246,§314
 - Appropriation, ch 1246,§303(7a,12)
 - Medical assistance reimbursement rates,
ch 1246,§309(3)
 - Services, funds transferred,
ch 1246,§303(8a,12)

ADVERTISING

- Alcoholic beverages, ch 1246,§746
- Dairy products advertisements and coupons
allowed, ch 1238,§10
- Lotto game, budget limitation,
ch 1042,§13,14
- Political advertisers identified,
ch 1023,§11,12;ch 1246,§620
- Registration of marks, ch 1087
- Tourist attractions signing, ch 1060

AFFIDAVITS

- Court costs, inability to pay, ch 1088,§1-3
- Property tax credit, natural resource, wild-
life areas, ch 1113,§2

AFFIDAVITS—Continued

- Verification not required, ch 1211,§38,47
- Victim, witness harassment, injunction,
ch 1178,§12

AGE

- Conservation corps programs, minimum age
for wages, ch 1190,§3
- Drinking age to 21, ch 1221
- Green thumb program participants,
ch 1190,§4(1c)
- Jurors, minimum qualifications, ch 1108,§12
- Jury service, discrimination prohibited,
ch 1108,§10
- Public employees retirement,
ch 1243,§2,9-15,18-21,28
- Sexual abuse, child victim services,
ch 1178,§14
- Students, protected areas, searches,
ch 1129,§2,4
- Transfers to minors, custodial property,
ch 1035,§14,18-20
- Young adult program participants,
ch 1190,§4(1a)

AGING COMMISSION

- See also REORGANIZATION, STATE,
Elder Affairs Department*
- Administrative rules, medicare supplement
coverage disclosure, ch 1045
- Conservation corps, employment programs
combined, ch 1190
- Director
 - Long-term care data, collect, analyze,
ch 1160,§3
 - Member, health data commission,
ch 1160,§1
- Green thumb program, ch 1190
- Medicare supplement coverage disclosure,
ch 1045
- Retired Iowans employment program,
ch 1190,§12;ch 1245,§943,1020

AGREEMENTS

- Artist's works, consignments, ch 1233
- Corrections department, judicial district,
OWI offenders, funding, ch 1246,§402
- Horticultural crops, linked deposits,
ch 1096,§6,7,13
- Lottery, joint, political subdivisions of other
states, ch 1042,§4,14
- Lottery promotions by business entities,
ch 1042,§5,14
- Retirement systems for cities, joint invest-
ments, ch 1203,§4

AGREEMENTS—Continued

School districts, joint investments, pending claims, ch 1226,§4

AGRICULTURAL DEVELOPMENT AUTHORITY

See also *REORGANIZATION, STATE, Agriculture and Land Stewardship Department*

Agricultural loan assistance program

Appropriation, ch 1027,§5;
ch 1216,§10,13,15

Established, ch 1027,§2,4

Federal assistance programs, ch 1027,§4

Interest rate buydown program,
ch 1027,§4

Legislative findings, ch 1027,§3

Lottery proceeds transferred, ch 1027,§5;
ch 1207,§10,22

Penalties, ch 1027,§4

Period for eligible agreements, ch 1027,§5

Qualifications, ch 1027,§4

Rulemaking, ch 1027,§4

“Agricultural producer” defined,
ch 1026,§1,6

Agricultural producer loans, ch 1026

Beginning or displaced farmers operating loan, ch 1078

Board makeup, ch 1026,§3;ch 1027,§2,6

Economic development bond bank program,
projects, ch 1212,§4

Establishment of authority, ch 1026,§3,6

Family farm development authority re-named, ch 1026,§2,6

“Lending institution” defined, ch 1027,§1

AGRICULTURAL GRAIN MARKETING, INTERSTATE COMPACT

General, ch 1197

Commission

Administration, ch 1197, Art. IV

Appropriation, initial biennium, ch 1197,
Art. V

Audits, ch 1197, Art. V(d,e)

Budget to governor, ch 1197, Art. V

Bylaws, adoption and publication,
ch 1197, Art. III(a4,6,9;b)

Committees established, ch 1197, Art.
III(b)

Created, membership, ch 1197, Art. III

Donations and grants, ch 1197, Art.
III(a7,10)

Employees, employment conditions,
ch 1197, Art. III(a5,6)

Executive director, appointment and
duties, ch 1197, Art. III(a5)

AGRICULTURAL GRAIN MARKETING, INTERSTATE COMPACT—Continued

Commission—Continued

Powers and duties, ch 1197, Art. IV,V

Reports to general assembly and governor, ch 1197, Art. III(a10)

Created, policy and purpose, ch 1197, Art.
I,VI

Definitions, ch 1197, Art. II

Enactment by states, ch 1197, Art. VI

Membership, ch 1197, Art. VI

Termination, ch 1197, Art. VI

AGRICULTURE

See also *REORGANIZATION, STATE, Agriculture and Land Stewardship Department; Economic Development Department*

Beef and soybean referendum, ch 1195

Beef cattle producers association, membership, ch 1100,§3

Brucellosis eradication, cattle, ch 1036

Commodity boards, membership, assessments collection, funds, ch 1100,§1-30

Cooperative extension service, appropriation, ch 1246,§110(3c)

Corn promotion board, ex officio members, ch 1100,§22

Dairy products advertisements and coupons allowed, ch 1238,§10

Diversification administrator, funds, legislative intent, ch 1246,§501(1)

Economic development specialists, staff, legislative intent, funds, ch 1246,§501(1)

Economic emergency, continuance,
ch 1216,§8,11,13,15

Energy management fund, ch 1249,§3

Farm crisis relief, legal assistance, mediation, ch 1214,§1-30

Farmers' market manager and specialist, legislative intent, ch 1246,§501(1e)

Farm fund, investment proceeds credit to revolving fund, ch 1075,§2

Farm tourist, host information, ch 1142

Financial crisis, legislative findings,
ch 1216,§1

Grain

Dealers, see also *GRAIN AND GRANA-RIES, Dealers*

Depositors and sellers indemnity fund, appropriation, ch 1246,§501(3)

Marketing compact, see *AGRI-CULTURAL GRAIN MARKETING, INTERSTATE COMPACT*

AGRICULTURE—Continued

- Horticultural crops, linked deposit program, *general*, ch 1096,§1-13
- Horticultural expansion and development, ch 1193
- Horticultural programs
 - Alternative agricultural products market evaluation funds, legislative intent, ch 1246,§501(1)
 - Centralized facilities development, funds, legislative intent, ch 1246,§501(1)
 - Electronic marketing funds, legislative intent, ch 1246,§501(1)
 - Farmers' market development funds, legislative intent, ch 1246,§501(1)
 - Marketing promotions funds, legislative intent, ch 1246,§501(1)
- Iowa egg council, fund, claims, ch 1100,§24
- Iowa grain and feed association, nominations, ch 1100,§21
- Land foreclosures, *see FARMS AND FARMERS, Mortgage Foreclosures*
- Land, limited partnership requirements, ch 1091
- Land ownership, nonresident aliens, ch 1214,§9,30
- Liens
 - Agricultural supply dealer, filing fee, ch 1011
 - Cornshellers, filing, fees, ch 1033
 - Threshers, filing, fees, ch 1033
- Loans
 - Agricultural development authority, ch 1026
 - Assistance, bond bank program, ch 1212,§1-6
 - Assistance program, ch 1027
 - Beginning or displaced farmers, operating loans, ch 1078
 - Farm interest rate buydown program, ch 1027
- Mediation notice, foreclosure, ch 1214,§12
- Milk producer records, purchased milk, ch 1238,§8,9
- Multiflora rose eradication cost reimbursement, application, ch 1246,§502
- Pesticides used in farming, hazardous risks, ch 1135,§1
- Pork producers council, *general*, ch 1100,§9-17
- Property, foreclosure, receivership, ch 1214,§13,30
- Property, secured interest, ch 1214,§19,30

AGRICULTURE—Continued

- Rural concern hotline, appropriation, ch 1246,§110(3c)
- Security interest in farm products, ch 1126
- Soil conservation, cost-sharing funds, restrictions removed, ch 1238,§22
- Soil conservation practices, financial incentives, ch 1246,§504(2,3)
- Soybean promotion board, ex officio members, ch 1100,§21
- Telephone line, farm family assistance, appropriation, ch 1246,§110(3c); ch 1247,§8,19,20
- Turkey marketing council, definition, ch 1100,§20
- Warehouses, *see GRAIN AND GRANARIES, Warehouses*

AGRICULTURE AND LAND

STEWARDSHIP DEPARTMENT

- See also REORGANIZATION, STATE, Agriculture and Land Stewardship Department*
- Agricultural diversification program, legislative intent, ch 1246,§501(1)
- Agricultural energy management fund
 - Advisory council established, ch 1249,§3(2)
 - Appropriation, ch 1249,§4(5)
 - Creation, ch 1249,§3
 - Report to general assembly, ch 1249,§3(3)
- Appropriations
 - Farm commodity division, ch 1246,§501(5)
 - Fertilizer fund, transfer, ch 1246,§501(1)
 - General administration
 - General*, ch 1246,§501(1)
 - Commercial feed fund, transfer, ch 1246,§501(1)
 - Dairy trade practice fund, transfer, ch 1246,§501(1)
- Horticultural division
 - Alternative agricultural products market evaluation program, legislative intent, ch 1246,§501(1e)
 - Centralized facilities development program, legislative intent, ch 1246,§501(1e)
 - Electronic marketing program, legislative intent, ch 1246,§501(1e)
 - Farmers market development program, legislative intent, ch 1246,§501(1e)

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT—Continued

Appropriations—Continued

Horticultural division—Continued

- Marketing promotions program, legislative intent, ch 1246,§501(1e)
- Matching federal grants, ch 1246,§501(1e)
- Indemnity fund, escrow, advance funds, reimbursement, ch 1246,§501(3)
- Iowa horse and dog breeders fund, administration, ch 1246,§503,509
- Laboratory division
 - General*, ch 1246,§501(4)
 - Commercial feed fund, transfer, ch 1246,§501(4)
 - Fertilizer fund, transfer, ch 1246,§501(4)
 - Pesticide fund, transfer, ch 1246,§501(4)
- Multiflora rose eradication cost reimbursement, ch 1246,§502
- Regulatory division, ch 1246,§501(2)
- Soil conservation
 - General*, ch 1246,§504(1)
 - Conservation practices, financial incentives, ch 1246,§504(2,3)
 - Cost-sharing funds, ch 1246,§504(3a)
 - Family-operated farms, financial incentives, ch 1246,§504(3f)
 - Financial incentive payments, natural resources funds, ch 1246,§504(3h)
 - Forest lands fencing incentives, ch 1246,§504(3g)
 - Grants, allocations, ch 1246,§504(2,3)
 - Management practices, legislative intent, ch 1246,§504(3d,i)
 - Research and demonstration projects, ch 1246,§504(3c)
 - Staff reduction, legislative intent, ch 1246,§504(1)
 - Summer construction incentives, ch 1246,§504(3e)
 - Unencumbered funds, ch 1246,§504(4)
 - Watershed projects, special, ch 1246,§504(3e)
 - Watersheds above publicly owned lakes, ch 1246,§504(3b)
- Soil conservation committee, allocations, ch 1246,§504(2,3)
- Soil conservation district commissioners, allocations, ch 1246,§504(3d,e)
- Beef cattle producers association, membership, organization, ch 1100,§2,30

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT—Continued

- Food establishments, license fees, ch 1244,§27
 - Iowa horse and dog breeders fund, appropriation, ch 1246,§509
 - Publications, subscription fees, ch 1246,§501(1f)
 - Secretary of agriculture
 - Agricultural energy management advisory council, chairperson, ch 1249,§3(2)
 - Beef cattle producers association executive committee
 - Appointments, ch 1100,§25,30
 - Elections, assistance, ch 1100,§6,30
 - Member, appointment, vacancy, ch 1100,§3,30
 - Corn promotion board, member, ch 1100,§22,30
 - Multiflora rose eradication plan, ch 1246,§502(2,3)
 - Pork producers council
 - Appointments, ch 1100,§26,30
 - Membership, ch 1100,§11,13,30
 - Referendum conducted, ch 1100,§18,30
 - Reimbursement of expenses, ch 1100,§19,30
 - Soybean promotion board, member, ch 1100,§21,30
 - Turkey marketing council, appointments, ch 1100,§20,30
 - Soil conservation division
 - Agricultural energy management advisory council, membership, ch 1249,§3(2g)
 - Energy conservation trust fund appropriation, ch 1249,§4(5)
- AGRICULTURE DEPARTMENT**
See also AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT; REORGANIZATION, STATE, Agriculture and Land Stewardship Department
- Administrative rules
 - Bottled water, ch 1137
 - Bovine brucellosis, ch 1036,§1,3,5
 - Ice sold in sealed containers, ch 1137
 - Bottled water, tests and standards, ch 1137
 - Brucellosis eradication, cattle, ch 1036
 - Horticulture division
 - Diversification administrator, duties, ch 1193

AGRICULTURE DEPARTMENT—

Continued

Horticulture division—Continued

- Economic development program, ch 1193
- Farmers market program established, ch 1193
- Marketing promotion, ch 1193
- Market specialist, data processing program expansion, ch 1193
- Ice sold in sealed containers, ch 1137
- Secretary
 - Beef and soybean assessments referendum, ch 1195
 - Grain indemnity fund board, membership, ch 1152,§34,40

AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC)

Appropriations

- General*, ch 1246,§303(1,12)
- Child support recovery, funds transferred, ch 1246,§303(4,12a)
- Education and training plan, ch 1246,§303(1,12)
- Self-employed individuals, waiver request, ch 1246,§303(1)

ALCOHOLIC BEVERAGES CONTROL DIVISION

See also REORGANIZATION, STATE, Commerce Department

- Accounts, examination, ch 1246,§749
- Administrative rules
 - Class "E" liquor licensees, ch 1246,§731,732,761
 - State warehouses, organization and operation, ch 1122,§7;ch 1246,§732
- Advertisements, ch 1246,§746
- Agency stores, limitation, ch 1246,§759
- Appropriations
 - General*, ch 1246,§603
 - Transition expenses, ch 1246,§603
 - Warehouse distribution positions, ch 1246,§603
- Auditing, ch 1246,§750
- Barrel tax, ch 1246,§751
- Beer and liquor control fund
 - Cities, allocation, ch 1246,§747
 - Military service tax fund, allocation, ch 1246,§747
 - Substance abuse programs, allocation, ch 1246,§747
- Class "E" license
 - Application, ch 1246,§743
 - Beginning date, ch 1246,§760

ALCOHOLIC BEVERAGES CONTROL

DIVISION—Continued

Class "E" license—Continued

- Dishonored checks, ch 1246,§734
- Fee, ch 1246,§744
- Gasoline sales on premises, ch 1246,§742,758
- Issuance, ch 1246,§742
- Licensees authorized to purchase, ch 1246,§741
- Liquor prices, ch 1246,§734
- Rulemaking, ch 1246,§731,732,761
- Seals, labeling, sale restrictions, ch 1246,§736
- Special permits for purchases, ch 1246,§739,740
- Sunday sales privilege, ch 1246,§744
- Transportation restrictions, ch 1246,§738
- Closing date, state stores, ch 1246,§756,760
- Code citation of Act, ch 1122,§1
- Council
 - Annual report, contents, ch 1246,§748
 - Director actions, review, ch 1122,§5; ch 1246,§726,727
 - Definitions revised, ch 1122,§2-4; ch 1246,§724,725
 - Director, powers and duties, ch 1122,§6; ch 1246,§728-730
 - Dishonored checks, ch 1246,§734
 - Employees displaced, job preference, ch 1246,§755
 - Liquor inventory, bailment system, ch 1246,§603
 - Monopoly by state, ch 1246,§733
 - Price markup, ch 1246,§734
 - Sales permitted, ch 1246,§734
 - Seals, labeling, sales restrictions, ch 1246,§736
 - State liquor store phaseout, *general*, ch 1246,§724-761
 - State warehouse premises
 - Consumption of liquor, ch 1122,§8; ch 1246,§735
 - Sales or deliveries prohibited, ch 1122,§9; ch 1246,§737
 - Surcharge on liquor license fee, ch 1246,§744
 - Transition to system of private retailers, ch 1246,§755,756
 - Transportation restrictions, ch 1246,§738
 - Warehouse distribution personnel, employment, ch 1246,§756
 - Wholesaling of liquor, state monopoly, ch 1246,§733

ALCOHOLIC BEVERAGES CONTROL DIVISION - Continued

Wine

- Class "B" permits, purchase for resale, ch 1246,§752
- Gallonage tax, ch 1246,§753
- Open container prohibited in motor vehicle, ch 1020
- Retail sales by state continued, ch 1246,§757
- Sunday sales before New Years Day, ch 1122,§10
- Wholesaling by state ended, ch 1246,§757

ALCOHOLICS AND ALCOHOLISM

See also MOTOR VEHICLES, Operating While Under the Influence of Alcohol or Drugs

- Host not liable, guest intoxication, ch 1211,§11,47
- Liability, sale or service (Dramshop Act), ch 1211,§12,47

ALIENS

- Nonresident, agricultural land ownership, ch 1214,§9,30

ALIMONY

- Collection services center, payment and distribution, ch 1246,§316

ALZHEIMER'S DISEASE

- Support program, appropriation, ch 1246, §203(6)
- Veterans home unit, appropriation, ch 1246,§304(2)

AMBULANCES

- Iowa comprehensive health association, coverage, ch 1156,§4,13

AMERICAN PRODUCTS

- Motor vehicle purchases, preference, ch 1132

AMNESTY

- Tax amnesty program, ch 1007, *see also TAXATION, Amnesty Program*

AMUSEMENT DEVICES

- Sales tax, machine identification sticker, ch 1241,§24

ANIMALS

See also FISH AND WILDLIFE

- Assessment of porcine animals, ch 1076
- Bovine brucellosis, ch 1036
- Cats, abandonment, ch 1083
- Cruelty to animals, penalty, ch 1121,§3
- Disabled animals, destruction, ch 1121
- Dogs, abandonment, ch 1083
- Neglected and abused, disposition, ch 1121,§4
- Students, searches, drug sniffing prohibited, ch 1129,§2

APPEAL AND REVIEW

- Cigarette tax, revision of tax, ch 1007,§8,46
- Civil service, employee discharge, ch 1138,§7-9
- Hazardous conditions, claims, ch 1158,§3
- Income tax, individual, appeal for revision, time limit, ch 1007,§27,46;ch 1241,§21
- Industrial commissioner decision, judicial review, ch 1238,§47-49
- Inheritance tax revision, ch 1007,§40,46
- Motor vehicles, operating while under influence of alcohol or drugs, license revocation, ch 1220,§13,14
- Seized, forfeitable property, ch 1140,§6,14
- Water use, flood plain orders, ch 1144,§3

APPROPRIATIONS

- Academy of science, ch 1246,§109
- Accountancy board, ch 1246,§601(1c)
- Administrative rules coordinator, ch 1246,§701(5)
- Agricultural grain marketing, interstate compact, financing, ch 1246, Art.V
- Agriculture and land stewardship department
 - General*, ch 1246,§501(1)
 - Farm commodity division, ch 1246,§501(5)
 - Horticultural division
 - Alternative agricultural products market evaluation program, ch 1246,§501(1e)
 - Centralized facilities development program, ch 1246,§501(1e)
 - Electronic marketing program, ch 1246,§501(1e)
 - Farmers market development program, ch 1246,§501(1e)
 - Marketing promotions program, ch 1246,§501(1e)
 - Indemnity fund and escrow, ch 1246,§501(3)

APPROPRIATIONS—Continued

Agriculture and land stewardship department—Continued

Iowa horse and dog breeders fund, administration, ch 1246,§503

Laboratory division, *general*, ch 1246,§501(4)

Multiflora rose eradication cost reimbursement, ch 1246,§502

Publications, subscription fees, establishment, ch 1246,§501(1f)

Regulatory division, ch 1246,§501(2)

Soil conservation
General, ch 1246,§504(1)
Agricultural energy management fund, ch 1249,§4(5)
Financial incentives, conservation practices, ch 1246,§504(2-4)
Grants, allocations, ch 1246,§504(2-4)
Unencumbered funds, reversion, ch 1246,§504(4)

Alcoholic beverages control division, ch 1246,§603

Architectural examiners board, ch 1246,§601(1a);ch 1247,§11,19,20

Area school funding plan, ch 1246,§145-163

Attorney general
General, ch 1246,§405(1)
Competition law, enforcement, contingency, ch 1246,§405(2)
Consumer fraud education, contingency, ch 1246,§405(3)
Dispute resolution program grants, ch 1246,§405(6)

Farm crisis program
Legal assistance, ch 1246,§413
Mediation service, administrative costs, ch 1246,§414;ch 1248,§1

Office automation, personnel costs, ch 1207,§18,22

Prosecuting attorney training program, ch 1246,§405(4)

Prosecuting intern program, ch 1246,§405(5)

Auditor of state, ch 1246,§602(1)

Banking division
General, ch 1246,§606
Banking revolving fund startup, ch 1246,§601(2),606

Blind, division for, human rights department, ch 1246,§104

Campaign finance disclosure commission, ch 1246,§602(2)

APPROPRIATIONS—Continued

Capitol planning commission, ch 1246,§705(3)

Civil rights commission, ch 1246,§201

College aid commission
General, ch 1246,§16-18
Administration, tuition grants, elder law education, ch 1246,§4
Forgivable loan program, lottery funds, ch 1207,§6,15,22
Guaranteed student loan program, ch 1246,§17,27
Osteopathic college, subvention program, ch 1246,§5
Scholarships, ch 1246,§16(2)
Science and mathematics loan program, ch 1246,§18
Supplemental grant program, ch 1246,§19,114
Tuition grants, ch 1246,§16(1,3)

Commerce department, ch 1246,§601

Comparable worth pay adjustments, ch 1246,§20-23,714,715;
ch 1247,§1-5,19,20

Comprehensive health association, ch 1156,§12,13

Comptroller
School districts, debt service aid, ch 1226,§3
School districts, supplemental aid, ch 1226,§7

Conservation commission, outdoor recreation and parks projects, ch 1207,§3,13,22

Conservation corps, young adult program, ch 1190,§9,10;ch 1207,§14,22

Corrections department
General, ch 1246,§402(1)
Adult correctional institutions, ch 1246,§401(1)
Community-based corrections
Judicial districts, correctional services departments, ch 1246,§402
Preinstitutional, postconvictional, halfway houses, parole services, ch 1246,§403
Core personnel staff, ch 1246,§716(2)

Counties, temporary confinement, reimbursement, ch 1246,§402(4)

Federal prison reimbursement, ch 1246,§402(5)

Jail inspectors, salaries, maintenance, ch 1246,§402(7)

APPROPRIATIONS — Continued
 Corrections department — Continued

Mount Pleasant correctional facilities,
 ch 1246,§402(6)
 Muslim imam services, ch 1246,§402(5)
 Substance abuse, OWI, facilities
 Salaries, maintenance, ch 1246,§402(3)
 Staff, bed space, ch 1246,§402
 Work release, parole violators, tempo-
 rary confinement, county reimburse-
 ment, ch 1246,§402(4)
 Council of state governments,
 ch 1246,§708(2)
 County government assistance fund,
 ch 1246,§710
 County indemnification fund, apportion-
 ment, ch 1246,§711
 Credit union division, ch 1246,§601(3)
 Cultural affairs department
 Arts division
General, ch 1246,§101(1)
 Amana art show, ch 1246,§102(5)
 Cedar Rapids science station,
 ch 1246,§102(2)
 Clinton riverboat theater,
 ch 1246,§102(6)
 Davenport river development project,
 ch 1246,§102(7)
 Dubuque great rivers hall of fame,
 ch 1246,§102(4)
 Herbert Hoover memorial,
 ch 1246,§102(1)
 Ottumwa arts council, ch 1246,§102(3)
 Promotion of the arts, ch 1246,§102(8)
 Herbert Hoover birthplace foundation,
 ch 1246,§101(7)
 Historical division
General, ch 1246,§101(2)
 Blood Run national historic landmark,
 ch 1246,§2
 Bow-String bridge, ch 1246,§103(4)
 Centennial building, Iowa City,
 ch 1246,§103(5)
 Gardner cabin, ch 1246,§103(1)
 Matthew Edel blacksmith shop,
 ch 1246,§103(2)
 Montauk at Clermont, repairs,
 ch 1246,§103(3)
 Old Fort Madison, ch 1246,§103(6)
 Promotion of historical sites,
 ch 1246,§103(9)
 Rock Island depot, Council Bluffs,
 ch 1246,§103(7)
 Territorial capitol, Burlington,
 ch 1246,§103(8)

APPROPRIATIONS — Continued
 Cultural affairs department — Continued

Library division
 Regional library, ch 1246,§101(3b)
 State library, ch 1246,§101(3a)
 Public broadcasting division,
 ch 1246,§101(4)
 State fair board, ch 1246,§101(5)
 Terrace Hill authority, ch 1246,§101(6)
 Disaster services, office of emergency tele-
 phone number system, ch 1246,§769
 Dispute resolution centers, ch 1246,§405
 Drainage assessments, conservation com-
 mission lands, ch 1008
 Economic development department
General, ch 1246,§1
 Asian trade office, ch 1246,§1(5)
 Child care, displaced homemakers, sup-
 plemental funding, ch 1246,§1(12)
 Community development block grant,
 ch 1250,§5,11-13
 Community development, federal hous-
 ing, urban development grants,
 ch 1246,§1(7)
 Export finance program, ch 1246,§1(6)
 Grant Wood Gothic House, intent lan-
 guage, ch 1246,§1(2)
 Job training, dislocated workers,
 ch 1246,§1(8)
 Mississippi river parkway commission,
 ch 1246,§1(9)
 Youth services, Iowa youth corps,
 ch 1246,§1(10,11)
 Education department
General, ch 1246,§105(1)
 Federal block grant fund allocation,
 ch 1250,§6,7,11-17
 Fire service education, ch 1246,§105(1b)
 Foreign language appropriation repealed,
 ch 1246,§162
 Foreign language programs,
 ch 1246,§105(1b)
 Mental retardation, evaluator process,
 ch 1246,§105(1c)
 Merged area schools
General, ch 1246,§105(11)-108
 Salary increases, certified employees,
 ch 1246,§120
 Vocational education programs,
 ch 1246,§105(11b)
 Non-English speaking students,
 ch 1246,§105(10)
 Permanent revolving fund, ch 1244,§32
 Professional teaching practices commis-
 sion, ch 1246,§105(4)

APPROPRIATIONS—Continued

Education department—Continued

- School budget review committee, ch 1246,§105(8)
- School food service, ch 1246,§105(6)
- Textbooks, nonpublic schools, ch 1246,§105(7)
- Vocational education
 - Administration, ch 1246,§105(2)
 - Secondary schools, ch 1246,§105(3)
- Vocational rehabilitation division, ch 1246,§105(9)
- Vocational youth organization fund, ch 1246,§105(5)
- Elder affairs department
 - General*, ch 1246,§203(1)
 - Alzheimer's disease support program, ch 1246,§203(6)
 - Area agencies on aging, ch 1246,§203(2)
 - Elderly services programs, ch 1246,§203(7)
 - Older Iowans legislature, ch 1246,§203(4)
 - Retired Iowans community employment program, ch 1246,§203(3)
 - Retired seniors volunteer program, ch 1246,§203(5)
- Employment services department, ch 1246,§604,621
- Energy conservation trust fund
 - Agricultural energy management fund, ch 1249,§4(5)
 - Highway system, related programs, ch 1249,§4(6)
 - Low-income home energy assistance, ch 1249,§4(2),5
 - Mass transit services, ch 1249,§4(7)
 - Projects meeting federal guidelines, ch 1249,§4(4),5
 - Regents buildings, energy conservation, ch 1249,§4(8)
 - Schools and school districts, energy audits, ch 1249,§4(3),5
 - Solar ethanol project, ch 1249,§4(9)
 - Weatherization programs, ch 1249,§4(1),5
- Energy research and development fund, administrative funds, limitation, ch 1249,§5
- Engineering and land surveying examiners board
 - General*, ch 1246,§601(1d)
 - Supplemental funds, ch 1247,§11,19,20
- Executive council
 - General*, ch 1246,§703
- World trade center construction, funds deleted, ch 1207,§9,17,22

APPROPRIATIONS—Continued

- Fair board, ch 1246,§101(5)
- Family farm development authority, agricultural loan program, ch 1027,§5
- Federal grants and receipts appropriated, ch 1246,§34,163,208,321,417,510,626,776
- Foreign trade, Asian offices, ch 1246,§1(5,6)
- Foster care review board, ch 1246,§602(4)
- General services department
 - General*, ch 1246,§705(1)
 - Capitol planning commission, ch 1246,§705(3)
 - Capitol restoration, ch 1247,§17,19,20
 - Data processing division, ch 1246,§705(2)
 - Rental space, ch 1246,§705(5)
 - Revolving funds, ch 1246,§706
 - Risk management program, ch 1246,§705(6)
 - Utility costs, ch 1246,§705(4)
- Governor
 - General*, ch 1246,§701(1)
 - Ad hoc committees, councils, task forces, ch 1246,§701(4)
 - Administrative rules coordinator, ch 1246,§701(5)
 - Expenses, ch 1246,§701(2)
 - Terrace Hill, ch 1246,§701(3)
- Human rights department
 - General*, ch 1246,§202(1)
 - Blind, division for, ch 1246,§104
 - Children, youth, and families division, ch 1246,§202(5)
 - Community services block grant, ch 1250,§4,11-17
 - Deaf services division, ch 1246,§202(6)
 - Low-income home energy assistance, block grant funds, ch 1250,§8,11-17
 - Persons with disabilities division, ch 1246,§202(3)
 - Spanish-speaking people division, ch 1246,§202(2)
 - Status of women division, ch 1246,§202(4)
- Human services department
 - General*, ch 1246,§301
 - Abortion, medically necessary, conditions, ch 1246,§303(2,12)
 - Adoption services, ch 1246,§303(7a,8a,12)
 - Aid to families with dependent children (AFDC)
 - General*, ch 1246,§303(1,12)
 - Education and training plan, ch 1246,§303(1,12)
 - Blind, supplementary assistance, ch 1246,§303(5,12)

APPROPRIATIONS — Continued
Human services department — Continued

Brain injured, registry, ch 1246,§303(11)
Capital expenditures excluded,
 ch 1246,§322
Child abuse prevention grant program,
 ch 1246,§303(9c)
Child care center financial assistance,
 ch 1246,§303(9b)
Children, home-based services,
 ch 1246,§303(7)
Children, runaway, services,
 ch 1246,§303(9i)
Child support payment clearinghouse,
 ch 1247,§7,19,20
Child support recovery
 General, ch 1246,§303(4,12a)
 Aid to families with dependent children
 funds transferred,
 ch 1246,§303(4,12a)
 Central clearinghouse, ch 1207,§18,22
Community-based services,
 ch 1246,§303(2,9,12)
Core personnel staff, ch 1246,§716(3)
Day care, protective, ch 1246,§303(9h)
Displaced homemakers, ch 1246,§303(9a)
Domestic abuse program grants,
 ch 1246,§303(9d)
Drug utilization review program,
 ch 1246,§303(2,12)
Education and training plan,
 ch 1246,§302(1),303(1)
Family centered services,
 ch 1246,§303(7c)
Family planning, ch 1246,§303(7b)
Federal funding enhancement project,
 ch 1246,§303(8d,e,12a)
Field operations, ch 1246,§302(1)
Foster care
 General, ch 1246,§303(8,12)
 Foster parent training,
 ch 1246,§303(8c,12)
 Research assistance, universities,
 ch 1246,§303(8f)
Gamblers assistance funds transferred,
 ch 1247,§15,19,20
Health maintenance organization pro-
 jects, ch 1246,§303(2,12)
Home-based services, ch 1246,§303(2,7,12)
Hospital-schools
 General, ch 1246,§306
 Title XIX funds, ch 1246,§321
Indians, aid, ch 1246,§303(6)
Intermediate care facilities, provider re-
 imbursement, ch 1246,§303(2,12)

APPROPRIATIONS — Continued
Human services department — Continued

Juvenile homes
 County or multicounty,
 ch 1246,§303(9e)
 Iowa juvenile home, ch 1246,§304(1)
Juvenile justice, county-based, reim-
 bursement, ch 1246,§303(10)
Juvenile services, intent language,
 ch 1246,§303(9f,g)
Local services, ch 1246,§302(1)
Medical assistance
 General, ch 1246,§303(2,12)
 Gamblers assistance funds transferred,
 ch 1247,§15,19,20
 Lottery revenue, ch 1247,§15,19,20
 SSI-income related groups, intent,
 ch 1247,§10,19,20
 Supplemental funds, ch 1247,§6,19,20
Medical contracts, ch 1246,§303(3)
Medically needy program, supplemental
 security income-related groups,
 ch 1246,§303(2,12)
Mental health institutes
 General, ch 1246,§305
 Title XIX funds, ch 1246,§321
Mental health, mental retardation ser-
 vices fund, ch 1246,§307
Protective service workers,
 ch 1246,§302(3)
Rural underinsured citizens, medical
 care, ch 1246,§303(2,12)
Social services block grant funds,
 ch 1246,§308; ch 1250,§9-17
Special programs, *general*, ch 1246,§303,
 see also various programs herein
Training school, ch 1246,§304(1)
Veterans home
 General, ch 1246,§304(2)
 Alzheimer's disease unit,
 ch 1246,§304(2)
Volunteer services, ch 1246,§302(2)
Women, infants and children program,
 funds transferred, ch 1246,§303(2,12)
Indian settlement officer, ch 1246,§712
Industrial services division, ch 1246,§604(2)
Inspections and appeals department
 General, ch 1246,§602(3)
 Demonstration waiver project, staff sup-
 port, ch 1246,§207
Insurance examination revolving fund, dis-
 tribution, ch 1246,§608
Insurance premium tax, revenue set-aside
 repealed, ch 1247,§16,19,20

APPROPRIATIONS — Continued

- Interstate agricultural grain marketing commission, ch 1246,§508
- Iowa development commission
 - Advertising and tourism budget, ch 1246,§33
 - Agricultural biotechnology research, ch 1207,§7,15,22
 - Business incubators, ch 1207,§13,22
 - Farm foreign trade activities, ch 1207,§5,22
 - Federal procurement offices, ch 1207,§13,22
 - Foreign trade promotion, funds deleted, ch 1207,§6,22
 - Iowa main street program, ch 1207,§13,22
 - Satellite centers for research and marketing, ch 1207,§13,22
 - Speculative business loan guarantees, ch 1207,§2,12,22
 - Tourism and marketing, ch 1207,§13,22
- Iowa plan fund, distribution
 - Community economic betterment account
 - Future appropriations from allotments, ch 1207,§19,22
 - Speculative business loan guarantees, ch 1207,§2,12,22
 - Education, agriculture research and development account
 - Agricultural biotechnology research, ch 1207,§7,15,22
 - Alternative crops and livestock study, funds deleted, ch 1207,§8,22
 - College or university economic development and research, ch 1207,§7,15,22
 - Farm management program, funds deleted, ch 1207,§8,16,22
 - Foreign trade promotion, funds deleted, ch 1207,§6,22
 - Forgivable loan program, ch 1207,§6,15,22
 - Future appropriations from allotments, ch 1207,§19,22
 - Reallocation of funds, ch 1207,§1(b),22
 - Value added research, funds deleted, ch 1207,§6,22
- Jobs now account
 - Allotment, ch 1190,§8; ch 1207,§11,14,21,22
 - Business incubators, ch 1207,§13,22
 - Child care services program, ch 1207,§4,13,22

APPROPRIATIONS — Continued

Iowa plan fund, distribution — Continued

Jobs now account — Continued

- Conservation corps, young adult program, ch 1190,§9,10;ch 1207,§14,22
- Displaced homemaker program, ch 1207,§4,13,22
- Farm foreign trade activities, ch 1207,§5,22
- Federal procurement offices, ch 1207,§13,22
- Future appropriations from allotments, ch 1207,§19,22
- Iowa main street program, ch 1207,§13,22
- Outdoor recreation and parks projects, ch 1207,§3,13,22
- Reallocation of funds, ch 1207,§1(b),11,22
- Satellite centers for research and marketing, ch 1207,§13,22
- Small business loan guarantee program, ch 1207,§14,22
- Summer youth program, ch 1207,§14,22
- Tourism and marketing, ch 1207,§13,22
- Jobs now capitals account
 - Agricultural loan assistance program, ch 1027,§5;ch 1207,§10,22
 - Child support recovery central clearinghouse, ch 1207,§18,22
 - Fingerprint computer, ch 1207,§18,22
 - Hazardous waste research program, ch 1207,§10,18,22
 - Justice department office automation, personnel costs, ch 1207,§18,22
 - Mason City armory construction, ch 1207,§18,22
 - Reallocation of funds, ch 1207,§1(a),11,22
 - Small business development centers, ch 1207,§18,22
 - Solar energy conversion program, ch 1207,§10,22
 - World trade advisory committee, ch 1207,§10,18,22
 - World trade center construction, funds deleted, ch 1207,§9,17,22
- Revenue transfers, use in prior fiscal year, ch 1207,§20,22
- Iowa public employees' retirement system
 - Abolished system, accrued liability, funding, ch 1246,§721,723
 - Conservation peace officers, ch 1246,§722

APPROPRIATIONS—Continued

Job services division, data processing equipment, federal funds, ch 1246,§621

Job training partnership, unused funds, ch 1244,§7

Judicial department

- Collective bargaining, ch 1246,§407
- Court reorganization implementation, ch 1246,§406
- Courts, *general*, ch 1246,§406
- Salaries and support, ch 1246,§406
- Tort liability study, ch 1248

Labor services division, ch 1246,§604(1)

Landscape architectural examiners board

- General*, ch 1246,§601(1b)
- Supplemental funds, ch 1247,§11,19,20

Law enforcement academy

- General*, ch 1246,§411
- Basic training, ten-week course, ch 1246,§411
- Jailer training, technical assistance, ch 1246,§412
- Psychological testing, officer candidates, ch 1246,§411

Legislative council

- Alternative crops and livestock study, funds deleted, ch 1207,§8,22
- World trade advisory committee, ch 1207,§18,22

Lieutenant governor, *general*, ch 1246,§702

Management department

- General*, ch 1246,§708(1a)
- Council of state governments, ch 1246,§708(2)
- Juvenile victim restitution program, ch 1246,§708(1b)
- Per diems, ch 1246,§708(3)

Mental health, mental retardation services fund, ch 1246,§307

Municipal assistance fund, ch 1246,§709

National conference of state legislatures, ch 1246,§707(1)

Natural resources department

- General*, ch 1246,§505
- AIDEX superfund, legislative intent, ch 1246,§505(5,7)
- Alternative solid waste disposal projects, reimbursement expenses, ch 1246,§505(7)
- Fish and game protection fund

 - Capital projects, contingencies, ch 1246,§505(1d)
 - Fish and wildlife, *general*, ch 1246,§505(1a)

APPROPRIATIONS—Continued

Natural resources department—Continued

Fish and game protection fund—Continued

- Navigation laws, water safety, administration, enforcement, ch 1246,§505(1c)
- Snowmobile laws, enforcement, ch 1246,§505(1b)
- Green thumb program, ch 1246,§505(2)
- Marine fuel tax fund

 - Boating facilities, maintenance, development, ch 1246,§506(1)
 - Navigation laws, boat safety, administration, enforcement, ch 1246,§506(2)

- Reimbursement, federal agencies, cooperative contracts, ch 1246,§505(4)
- Sewage treatment, governing bodies, federal grants, ch 1246,§505(7)
- Unencumbered funds, ch 1246,§505(7)
- Obstetrical, newborn care, ch 1246,§111(7)
- Occupational safety and health review commission, ch 1246,§602(5)
- Old-age and survivors' insurance system, administration, ch 1246,§716(5)
- Parole board, ch 1246,§404
- Payment for goods and services, time limitation, ch 1246,§770,777
- Personnel department

 - General*, ch 1246,§716(1)
 - Conservation peace officers' retirement, ch 1246,§722
 - Core personnel staff, ch 1246,§716(2-4)
 - IPERS, administration costs, ch 1246,§718
 - Old-age and survivors' insurance system, administration, ch 1246,§716(5)
 - Social security, administrative expense, ch 1246,§716(5)
 - Teachers' state pension, administration, ch 1246,§716(5)

- Pioneer lawmakers, ch 1246,§707(3)
- Planning and programming

 - Child care services program, ch 1207,§4,13,22
 - Conservation corps, young adult program, ch 1190,§9,10; ch 1207,§14,22
 - Displaced homemaker program, ch 1207,§4,13,22

- Public defense department

 - General*, ch 1246,§762(1)
 - Mason City armory construction, ch 1207,§18,22

APPROPRIATIONS—Continued
Public defense department—Continued

- Per capita allowance to unit,
ch 1246,§762(1)
- War orphans educational fund,
ch 1246,§762(2)
- Public employment relations board,
ch 1246,§717
- Public health department
 - Alcohol and drug abuse, mental health
services block grant, ch 1250,§1,11-17
 - Central administration division,
ch 1246,§204(1)
 - Community health division
 - General*, ch 1246,§204(10a)
 - Chronic renal disease program,
ch 1246,§204(10a)
 - Grants to local boards,
ch 1246,§204(10b)
 - Homemaker-home health aide pro-
gram, ch 1246,§204(10c)
 - Public health nursing program,
ch 1246,§204(10b)
 - Well-elderly clinics, ch 1246,§204(10d)
 - Dental examiners board,
ch 1246,§204(5),205
 - Disease prevention division,
ch 1246,§204(3)
 - Health planning and development divi-
sion, ch 1246,§204(2)
 - Maternal and child health services block
grant, ch 1250,§2,11-17
 - Medical examiners, state board,
ch 1246,§204(6),205
 - Nursing examiners board,
ch 1246,§204(7),205
 - Personal and family health division
 - General*, ch 1246,§204(9a)
 - Birth defects, central registry pro-
gram, ch 1246,§204(9a)
 - Birth defects, genetics counseling pro-
gram, ch 1246,§204(9a)
 - Sexual abuse investigations,
ch 1246,§204(9b)
 - Specialized child health care services,
ch 1246,§204(9a)
 - Specialized medical home care pro-
gram, ch 1246,§204(9a)
 - Sudden infant death syndrome au-
topsies, ch 1246,§204(9c)
 - University of Iowa hospitals,
ch 1246,§204(9a)
 - Pharmacy examiners board,
ch 1246,§204(8),205

APPROPRIATIONS—Continued
Public health department—Continued

- Preventive health and health services
block grant, ch 1250,§3,11-17
- Professional licensure,
ch 1246,§204(4),205
- Substance abuse division,
ch 1246,§204(11)
- Public instruction department, area educa-
tion agency, school economy task force,
ch 1226,§17,20
- Public safety department
 - General*, ch 1246,§408(1)
 - Arson investigators, ch 1246,§408(2)
 - Capitol security division, ch 1246,§408(3)
 - Fingerprint computer system,
ch 1207,§18,22
 - Highways, administration, ch 1246,§409
 - Highway safety, uniformed force,
ch 1246,§410
 - Inspections, ch 1246,§408(2)
 - Investigations
 - General*, ch 1246,§408(4a)
 - Beer and liquor law enforcement,
ch 1246,§408(4a)
 - Pari-mutuel law enforcement agents,
ch 1246,§408(4c)
 - State building code, administration,
ch 1246,§408(2)
 - Undercover purchases, ch 1246,§408(4b)
- Railroad assistance fund
 - Appropriation stricken, ch 1247,§14,19,20
 - Rehabilitation, nonreimbursable grant,
earmarked funds, ch 1247,§12,19,20
 - Reversion of funds, ch 1247,§13,18-20
- Real estate commission, ch 1246,§601(1e)
- Regents board
 - General*, ch 1246,§110(1)
 - Braille and sight-saving school,
ch 1246,§110(6)
 - Deaf, school for, ch 1246,§110(5)
 - Energy conservation in buildings,
ch 1249,§4(8)
- Iowa State University
 - General*, ch 1246,§110(1b,c;3a)
 - Agricultural experiment station,
ch 1246,§110(3b)
 - Cooperative extension service,
ch 1246,§110(3c)
 - Farm management program, funds de-
leted, ch 1207,§8,16,22
 - Hazardous waste research program,
ch 1207,§10,18,22
 - Industrial research and service center,
ch 1246,§110(3d)

APPROPRIATIONS — Continued

Regents board — Continued

Iowa State University — Continued

Research and instructional equipment,
legislative intent, ch 1246,§110(3a)

Revenue deficiencies, ch 1246,§110(1b)

Rural concerns telephone line,
ch 1246,§110(3c);ch 1247,§8,19,20

Small business development centers,
ch 1207,§18,22

Solar energy conversion program,
ch 1207,§10,22

Value added research, funds elimi-
nated, ch 1207,§6,22

Salary increases, supplemental,
ch 1246,§110(1c)

University of Iowa

General,ch 1246,§110(1b,c;2a)

College of medicine, diabetes mellitus
research, ch 1246,§110(2a)

Hospital school, ch 1246,§110(2h)

Hygienic laboratory, ch 1246,§110(2g)

Oakdale campus, ch 1246,§110(2i)

Psychiatric hospital, ch 1246,§110(2f)

Research and instructional equipment,
legislative intent, ch 1246,§110(2a)

Revenue deficiencies, ch 1246,§110(1b)

University of Iowa hospitals

General,ch 1246,§110(2b)

Abortions, condition, ch 1246,§110(2b,e)

Child health care services,
ch 1246,§110(3b)

Child health specialty clinics,
ch 1246,§204(9a)

Family practice program,
ch 1246,§110(2b)

Indigent patients, treatment,
ch 1246,§110(2b-e)

Mobile and regional child health
specialty clinics, ch 1250,§2,11-17

Muscular dystrophy, related genetic
disease programs, ch 1246,§204(9a)

Organ transplants, indigent patients,
intent language, ch 1246,§110(2c)

Perinatal program, statewide,
ch 1246,§204(9a)

University of Northern Iowa

General,ch 1246,§110(1b,c;4)

Revenue deficiencies, ch 1246,§110(1b)

Retirement

Airport firefighters, ch 1243,§18

Conservation peace officers, ch 1243,§11

Correctional officers, ch 1243,§16

APPROPRIATIONS — Continued

Retirement — Continued

Former legislators, employees, buyback,
ch 1243,§23

Termination incentive programs,
ch 1192,§1,2

Revenue and finance department

General,ch 1246,§3

General assembly expenses, warrants is-
sued, ch 1244,§1,2

Motor vehicle fuel tax fund, ch 1246,§6

Tax amnesty program

Administration, ch 1007,§42,47

Auditing staff, item veto, ch 1007,§42

Salaries, statutory, departmental funds,
ch 1242,§4

Savings and loan revolving fund, distribu-
tion, ch 1246,§609

Secretary of state, ch 1246,§602(6)

Shorthand reporters examiners,
ch 1246,§406

Social security, administrative expense,
ch 1246,§716(5)

Street and highway improvements, use of
federal moneys, ch 1244,§39

Supplemental, exemption from mandated
cuts, ch 1247,§19,20

Targeted small business loan guarantee
program, ch 1244,§30

Tax amnesty program, auditing staff, item
veto, ch 1007,§42

Teachers' state pension, administrative ex-
pense, ch 1246,§716(5)

Telephone line, farm family assistance,
ch 1247,§8,19,20

Terrace Hill authority, ch 1246,§101(6)

Tourism and promotion, ch 1246,§1

Tourism marketing plan task force, item
veto, ch 1246,§1(2)

Transportation department

General,ch 1246,§9

Aviation fund, ch 1246,§14

Comparable worth salary adjustments,
ch 1247,§1,2,19,20

Core personnel staff, ch 1246,§716(4)

Great river road, ch 1246,§28

Highway systems, energy conservation,
ch 1249,§4(6)

Inspections and appeals services reim-
bursement, ch 1246,§605

Mass transit system, energy conserva-
tion, ch 1249,§4(7)

Motor vehicle license suspension notice
costs, ch 1246,§29

APPROPRIATIONS—Continued
 Transportation department—Continued

Primary road fund, ch 1244,§40,41
 Road use tax fund, ch 1246,§10,11
 Salary adjustment fund, ch 1246,§21,22

Treasurer of state

General, ch 1246,§7
 County indemnification fund, apportionment, ch 1246,§711
 Moneys and credits replacement fund, ch 1246,§8

Unemployment trust fund account, administration expense, limitations, ch 1246,§622

Uniform state laws commission, ch 1246,§707(2)

Utilities trust fund, distribution, ch 1246,§610

Water resources research institute, ch 1246,§507

Wildlife habitat bond fund, ch 1231,§5

ARCHAEOLOGY

Site or resource, confidential, ch 1228

State archaeologist

Blood Run national historic landmark, ch 1246,§2
 Duties, ch 1228

ARCHITECTURAL EXAMINERS BOARD

See also REORGANIZATION, STATE, Commerce Department

Appropriation, *general*, ch 1246,§601(1a)

Appropriation, supplemental, ch 1247,§11,19,20

Examination excess expenses, approval, ch 1246,§601(1)

AREA EDUCATION AGENCIES

See also REORGANIZATION, STATE, Education Department

Administrative expenditures reduction, ch 1226,§19

Area education agency, school economy task force, ch 1226,§13-18,20

Juvenile homes

Education cost, ch 1246,§115
 Curriculum provided, ch 1246,§133

Media services, cost, ch 1246,§144,778

Permanent fund, interest apportionment, ch 1016

School district reorganization

Boundaries changed
 Objections considered separately, ch 1226,§2

AREA EDUCATION AGENCIES—Continued

School district reorganization—Continued
 Boundaries changed—Continued

Objections, filing deadline, ch 1239,§1
 Collective bargaining agreement, effective date, ch 1239,§3

Directors, commence management, ch 1239,§2

Subdistricts, population basis, multi-director, ch 1226,§1

Teacher contract termination notice, ch 1239,§4

School economy task force, ch 1226,§13-18,20

State foundation base, ch 1246,§143

Weighting plan, shared administration and programs, ch 1226,§8-11

AREA SCHOOLS

See SCHOOLS AND SCHOOL DISTRICTS, Area Schools

ARMED FORCES

See also NATIONAL GUARD

Elections, special absentee ballot, ch 1224,§29

War orphans educational aid, ch 1246,§762(2)

ARMORIES

Mason City armory, appropriation, ch 1207,§18,22

ARRESTS

Domestic abuse, ch 1179,§2,3,7

Intoxication, chemical test, right, ch 1067

ARSON

Investigations, disclosure, ch 1051

Investigators, appropriation, ch 1246,§408(2)

ART

Consignment, dealers, ch 1233,§1

Fine art

Consignments, ch 1233,§2-4
 Contracts voidable, ch 1233,§5
 Defined, ch 1233,§1

ARTS COUNCIL

See also REORGANIZATION, STATE, Cultural Affairs Department

Funds, interest earned, ch 1246,§142

Tourism information, ch 1060,§3

ARTS DIVISION

See CULTURAL AFFAIRS DEPARTMENT, Appropriations, Arts Division; REORGANIZATION, STATE, Cultural Affairs Department

ASSESSMENTS

See also TAXATION, Assessments

Beef and soybean referendum, ch 1195
 Beef promotion and research Act, 1985, ch 1100, §7,30
 Condemned taxable property, ch 1153
 Conservation commission lands, drainage assessments, ch 1008
 Industrial loan thrift guaranty corporation, ch 1165, §2
 Iowa comprehensive health association, ch 1156, §2
 Notice of assessment, ordinary mail, ch 1241, §37
 Pork producers council, ch 1076; ch 1100, §16
 Public improvements, state-owned lands, ch 1244, §40
 Public utilities, expenses, quarterly basis, ch 1246, §613
 Real property, report requirements, ch 1091
 Tax assessments, special
 Hearings, notice, ch 1241, §9-13,51
 Installment payments, ch 1215

ASSESSORS

See also REORGANIZATION, STATE, Revenue and Finance Department

City and county, real property transfer tax report requirements, ch 1091
 Hospitals, county, partial use for commercial purposes, ch 1200
 Rolls and information, handling and preservation, ch 1107
 Tax list, omitted property, notice, ch 1241, §42

ASSIGNMENTS

Support payments, wage, trust income assignments, ch 1246, §320

ATTACHMENTS

Agricultural property, ch 1214, §19,21,30
 Garnishment, expiration of execution, ch 1238, §26
 Judgment liens, child and spousal support, ch 1014

ATTORNEY GENERAL

Administrative rules
 Farm mediation service, ch 1214, §27,30

ATTORNEY GENERAL - Continued**Administrative rules - Continued**

Motor vehicles, sale or lease, price discrimination, ch 1234, §1(5a)
 Agricultural grain marketing, interstate compact, commission membership, ch 1197, Art. III(a1)

Appropriations

General, ch 1246, §405(1)
 Competition law enforcement, contingent, ch 1246, §405(2)
 Consumer fraud education, contingent, ch 1246, §405(3)
 Dispute resolution programs, ch 1246, §405(6)
 Farm crisis program
 Legal assistance, ch 1246, §413
 Mediation service, ch 1246, §414; ch 1248, §1
 Office automation, personnel costs, ch 1207, §18,22
 Prosecuting attorney training program, ch 1246, §405(4)
 Prosecuting intern program, ch 1246, §405(5)

Citizenship restoration, information to governor, ch 1112, §8

Commutation of sentence, information to governor, ch 1112, §8

Consumer advocate, salary, ch 1244, §59

Energy conservation trust fund, modify court order, ch 1249, §6

Energy fund disbursement council, assistance, ch 1249, §2(3,4)

Farm crisis program coordinator, duties, ch 1214, §2,15,27,29,30

Farm crisis relief, legal assistance, *general*, ch 1214, §1-30

Forfeitable property, ch 1140, §9-18

Hazardous conditions

Cleanup liabilities, costs, ch 1158, §1-3
 Water, air and waste management violations, ch 1158, §1-3

Motor vehicles, sale or lease, price discrimination prohibited, ch 1234

Pardons, information to governor, ch 1112, §8

Remission of fines and forfeitures, information to governor, ch 1112, §8

Reprieves, information to governor, ch 1112, §8

ATTORNEYS

Civil service employee representation, ch 1138, §9

ATTORNEYS—Continued

- Court-appointed, grand jury, fees, ch 1238,§34
- Dispute resolution programs, appropriation, ch 1246,§405(6)
- Farm crisis, legal assistance, ch 1214,§3,4,29,30
- Fees
 - Fire and police retirement system, ch 1203,§2
 - Juvenile justice, reimbursement, ch 1246,§303(10)
 - Motor vehicle warranty actions, ch 1090
 - Security interest in farm products, sale by debtor, ch 1126,§3,4
- Judicial nominating commissioners, ch 1119,§1,2
- Jury commission member, exclusion, ch 1108,§19
- Magistrates, county, appointing commissioners, ch 1119,§3
- Prosecuting attorney training program, appropriation, ch 1246,§405(4)
- Public defenders, status as county employee, ch 1111

AUDITOR OF STATE

- Appropriations, ch 1246,§602(1)
- Economic development department, block grant funds, ch 1250,§5
- Fees, savings and loan association, ch 1246,§619
- Human rights department, block grant funds, ch 1250,§4
- Human services department, block grant funds, ch 1250,§9
- Industrial loan guaranty fund, ch 1165,§2
- Public health department, block grant funds, ch 1250,§1-3

AUDITS

- Energy
 - Public utility program audits, access to results, ch 1110
 - Schools and school districts, ch 1167
- Grain dealers, election procedure, ch 1152,§3,9,40
- Grain warehouses, limited procedure, ch 1152,§18,40

AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS) COMPUTER COMMITTEE

- General*, ch 1207,§18,22

AUTOMOBILES

See MOTOR VEHICLES

AWARDS

- Punitive damages, ch 1211,§42,47

BANKING DIVISION

See also REORGANIZATION, STATE, Commerce Department

Appropriations

- General*, ch 1246,§606
- Banking revolving fund, ch 1246,§601(2),606
- Expenses, fees, ch 1246,§616
- Merit system applicability, ch 1246,§611
- Public employment relations (collective bargaining), exclusion, ch 1246,§612
- Superintendent, duties, ch 1246,§616

BANKRUPTCY

- Farms, *see FARM CRISIS PROGRAM*
- Judgments exempt from execution, ch 1216,§5,6,13,15
- Prevention of insolvencies, insurance guaranty association, ch 1184

BANKS AND BANKING

- Board, funds on hand with treasurer of state, approval, ch 1246,§616
- Corporate fiduciary, waiver of bond requirements, ch 1131
- Credit and financial services, disclosure of information, ch 1085
- Electronic transfer of funds, access device, false use, ch 1222,§1
- Examination, fees, ch 1246,§617
- Franchise tax refund, ch 1194,§2
- Grain dealers and warehouses, terms defined, ch 1006,§1,3,8
- Satellite terminal, ch 1222,§1(3)

BEEF CATTLE PRODUCERS ASSOCIATION

- Beef and soybean assessments referendum, ch 1195
- Excise tax, refund, ch 1100,§1,30
- Executive committee, membership, duties, ch 1100,§3,30
- Transition terms, executive committee, ch 1100,§25,30

BEER, WINE AND LIQUOR CONTROL

See also ALCOHOLIC BEVERAGES CONTROL DIVISION; REORGANIZATION, STATE, Commerce Department

BEER, WINE AND LIQUOR CONTROL -
Continued

- "Chemical test" defined, ch 1067
- Definitions, ch 1067
- Drinking age, prior law reinstated, contingencies, ch 1221,§4
- Drinking age to 21, ch 1221
- Driving under influence
 - Confinement, treatment, ch 1246,§402
 - License revocation, assessment, ch 1246,§408
- Federal funds contingent on drinking age of 21, ch 1221,§4
- Games of skill, chance, and raffles, ch 1201,§4,6,14
- Intoxication arrests, chemical test, right, ch 1067
- Liquor inventory, bailment system, ch 1246,§603
- Lottery ticket sales in taverns, ch 1002
- Notice posted, OWI laws, liquor stores or licensed premises, ch 1220, §24
- Sale or serving, underage persons, ch 1221
- Substance abuse programs, funding, ch 1001,§1,2,14,15,23,25
- Violations, underage persons, ch 1221
- Wine, motor vehicles, open container, ch 1020

BENEFITED DISTRICTS

- Fire protection, exchange of territories with township, ch 1057
- Water supply systems, contamination, testing, ch 1181,§1

BIDS AND BIDDERS

- Corrections department, substance abuse, OWI, facilities, ch 1246,§402
- Iowa-made products, preference, ch 1132,§2
- Water supply systems, laboratory tested, ch 1181,§1

BINGO

See GAMES AND RAFFLES

BLIND

- Appropriations
 - Braille and sight-saving school, ch 1246,§110(6)
 - Division for blind, ch 1246,§104
 - Supplementary assistance, ch 1246,303(5,12)

BLIND - Continued

- Braille and sight-saving school, merge with school for deaf, ch 1246,§132
- School census requirements deleted, ch 1016,§5,8,9

BLIND, COMMISSION FOR THE

- See also REORGANIZATION, STATE, Human Rights Department*
- Administrative rules, nonresidents, admission to centers, ch 1244,§61
- Centers for blind persons, admission, ch 1244,§61
- Duties, ch 1244,§61
- Earnings, expenditures, monthly statement to management department, ch 1244,§61
- Employment workshops, ch 1244,§61
- Products marketed, ch 1244,§61
- Vendor data base, application, ch 1170,§2

BLOOD

- Iowa comprehensive health association, coverage, ch 1156,§4,13

BOARDS

See COMMISSIONS AND BOARDS for general provisions, see also specific boards

BOATS AND VESSELS

- Boating facilities development, appropriation, ch 1246,§506(1)
- Boating near diver's flag prohibited, ch 1143
- Cargo, property transported, rivers bordering state, exemption, ch 1189,§2
- Marine fuel tax fund appropriated, ch 1246,§506
- Motorboats, horsepower restriction on artificial lakes, ch 1227
- Navigation law enforcement, appropriation, ch 1246,§505(1c),506(2)
- Recreational, sales and services tax, exemption, rental exception, ch 1238

BONDS

- Academic revenue bonds, ch 1246,§110(1b)
- Agricultural grain marketing, interstate compact, employees and officers, ch 1197, Art. III(a5)
- Agricultural land foreclosure, receivership appointment contingency, ch 1214,§13,30

BONDS—Continued

- Economic development bond bank program, ch 1212,§1-7
- Fiduciaries, investments in government obligations, ch 1032
- Forfeitable property, claim, appeal, ch 1140,§14
- General obligation
 - Cities, ch 1211,§24,47
 - Counties, ch 1211,§21,47
 - School districts, ch 1211,§18,47
- Grain dealers
 - Bonding for licensure, ch 1152,§18,19,38,40
 - Cooperative agreement indemnification, ch 1152,§11,40
 - Deficiency bond or letter of credit, ch 1152,§3,4,40
 - Indemnity fund participation replaces bond requirement, ch 1152,§5,40
 - Notice of cancellation, ch 1006,§1,2,7,8; ch 1152,§10,40
- Mechanic's lien, discharge, ch 1017
- Officers and fiduciaries, nonprofit corporation unemployment compensation, ch 1066
- Regents board, ten-year building program, HCR 133-HCR 136
- Revenue producing buildings, higher education institutions, ch 1246,§126
- Special fuel licensees, ch 1007,§14,45
- State officials
 - Blanket bond, ch 1211,§3,10,47
 - Risk management division, self-insurance, ch 1211,§3,47
- Surety
 - Corporate fiduciary bond waiver, ch 1131
 - Performance, maintenance bonds, ch 1246,§32
- Taxpayers, assessment disputes, ch 1007,§18,46
- Tax withholding agent, nonresident, ch 1007,§25,45
- Transfers to minors, custodial property, ch 1035,§15
- Warehouse operators, bonding for licensure, ch 1006,§3-8; ch 1152, §18,19,38,40
- Wildlife lands and habitat area, conservation commission, ch 1231

BRAIN INJURIES

- Definition, ch 1246,§315(1)
- Registry
 - Appropriation, ch 1246,§303(11)
 - Established, ch 1246,§315

BRUCELLOSIS

- Class system for states, ch 1036,§2
- Definitions, ch 1036,§1-3
- Imported cattle, ch 1036,§8
- Indemnification for slaughtered cattle, ch 1036,§9
- Movement of cattle, ch 1036,§7,8
- Retesting, ch 1036,§6
- Rules, ch 1036,§1,3,5
- Vaccination, ch 1036,§1,4

BUDGET AND FINANCIAL CONTROL

See also REORGANIZATION, STATE, Revenue and Finance Department

- Capitol restoration, reversion of funds, ch 1247,§17,19,20
- Child support clearinghouse, reversion of funds, ch 1247,§7,19,20
- Payment for goods and services, time limitation, ch 1246,§770,777
- Railroad assistance fund, reversion, ch 1247,§13,18-20
- School fund, interest apportionment, ch 1016

BUILDINGS

- Abatement of substandard housing, city population requirement, ch 1059
- Capitol restoration, appropriation, ch 1247,§17,19,20
- Higher education facilities, bonding authority, ch 1246,§126
- School buildings, sale or lease, ch 1223
- Stairway chair lifts and wheelchair lifts, ch 1157
- Weatherization programs, use of oil overcharge funds, ch 1249

BURIAL

- Memorial, unlawful possession, ch 1030,§4
- Sites, protection and preservation, ch 1030

BUSES

- Charter carriers, passenger service certificate, ch 1161,§7-9
- Motor carriers
 - Certification
 - Exemption, transporting elderly and handicapped persons, ch 1161,§7(5)
 - Regular route, ch 1161,§7,9,11-14
 - Transfer restrictions, ch 1161,§14
 - "Regular route motor carrier of passengers" defined, ch 1161,§2,16,17
 - Urban transit system, service area, ch 1161,§7

CAMPAIGN FINANCE DISCLOSURE

- Appropriation, ch 1246,§602(2)
- Consultant
 - Definition, ch 1023,§1
 - Disclosure report, ch 1023,§8
- Contributions, accounting, time limits, ch 1023,§2
- Disclosure reports
 - Consultants, disbursements, ch 1023,§8
 - Family members identified, ch 1023,§9; ch 1224,§38
 - General assembly, contribution amount, ch 1023,§5
 - Lobbyist or political committee contributions, ch 1023,§6
 - Performance contracts, ch 1023,§9; ch 1224,§38
 - Political committees, donor identified, ch 1023,§7
 - Statewide office candidates, contribution amount, ch 1023,§5
- Independent expenditures, notification, ch 1023,§10
- Organization statements, committees, ch 1023,§3
- Out-of-state committees, alternate method of filing, ch 1023,§4
- Political advertisements, "published materials" defined, ch 1023,§11;ch 1246,§620
- Political advertisers identified, ch 1023,§11,12;ch 1246,§620

CAPITOL PLANNING COMMISSION

- Appropriation, ch 1246,§705(3)
- Compensation, ch 1244,§8

CATS

- Abandonment, penalty, ch 1083

CATTLE

See *ANIMALS*

CEMETERIES

- Burial sites, protection and preservation, ch 1030
- Memorial, unlawful possession, ch 1030,§4

CERTIFICATES

- Certificated motor carriers, see *BUSES*; *MOTOR CARRIERS, Certificated Carriers*
- Chiropractic license, temporary issuance, ch 1127

CERTIFICATES—Continued**Elections**

- Portable tabulating devices, tested, ch 1224,§27
- Printed record, votes cast, ch 1224,§21
- Fiduciary security transfers, certificate duration, ch 1047
- Fire service institute, ch 1188,§4,5
- Hazardous waste cleanup, lien dissolution, ch 1115,§1
- Horticultural crop, linked deposits
 - Borrowing rate, ch 1096,§5,12,13
 - Eligible borrower, ch 1096,§5,12,13
- Registration, certification to vote, ch 1224,§9
- Residential care facility, certificate-of-need exclusion, ch 1150
- State beef council, qualified, ch 1100,§7
- Thrift, guaranteed, insured, ch 1165,§1,4
- Veterinarians, brucellosis vaccinations, ch 1036,§1

CERTIFIED PUBLIC ACCOUNTANTS

- Raffle drawings, duties, ch 1125,§3(5f)

CHECKOFF

- Income tax, political party contribution, ch 1236,§1,2

CHEMICAL SUBSTANCE ABUSE

See *SUBSTANCE ABUSE*

CHILDREN

See also *REORGANIZATION, STATE, Human Rights Department*

Abuse

- Definition revised, ch 1177,§1
- Domestic abuse, penalties, ch 1179
- Prevention grant program, appropriation, ch 1246,§303(9c)
- Reports
 - Access to information, ch 1177,§2
 - False reports, ch 1238,§11,28
 - Sexual abuse, under 18 years, ch 1177,§1
- Adoption services, appropriation, ch 1246,§303(7a,8a,12)
- Birth defects, genetic counseling program, funds, sliding-fee scale, ch 1246,§204(9)
- Central birth defects registry program, funds, ch 1246,§204(9a)
- Child and maternal health program, ch 1246,§204(9a)

CHILDREN — Continued

- Child care center, appropriation, ch 1246,§303(9b)
- Child care, supplemental funding, ch 1246,§1(12)
- Child health care services, university hospitals, ch 1246,§110(3b)
- Child health specialty clinics, mobile and regional, university hospitals, funds, ch 1250,§2,11-17
- Child support recovery, *see CHILD SUPPORT RECOVERY*
- Court testimony, limitation, ch 1105,§2
- Crippled children's program, ch 1246,§204(9a)
- Custody
 - Mental health institutes, ch 1246,§305(4)
 - Temporary, visitation rights, ch 1179,§1
 - Violations, custodial orders
 - Physical care provisions, penalty, ch 1145
 - Visitation or parental time provisions, penalty, ch 1145
- Day care
 - Advisory committee, membership, ch 1044
 - Block grant fund, supplementation, administrative rules, ch 1246,§314
 - Facility, funding eligibility, ch 1246,§303(9b)
 - Funds allocated, ch 1246,§308
 - Protective day care, appropriation, ch 1246,§303(9h)
 - Services, block grant funds, ch 1246,§308
- Education, block grant funds, disadvantaged, non-English speaking, ch 1250,§6,7,11-17
- Fire fighters, police officers, death benefits, ch 1243,§28
- Foster care
 - See also HUMAN SERVICES DEPARTMENT, Foster Care*
 - Appropriation, ch 1246,§303(8,9,12)
 - Educational costs, payment, ch 1246,§117
 - Federally funded, restriction, ch 1246,§303(8b)
 - Foster parent training, appropriation, ch 1246,§303(8c,12)
 - Research assistance, ch 1246,§303(8f)
 - Social services block grant funds, ch 1250,§9-17
- Grandparent visitation rights, ch 1123
- Handicapped, chronically ill, Title V, Social Security Act, ch 1250,§2,11-17

CHILDREN — Continued

- Handicapped, home-based services appropriation, ch 1246,§303(7a)
- Home-based services, appropriation, ch 1246,§303(7a)
- Human services department study, sliding-fee payment schedule, ch 1246,§312
- Illegitimate, inheritance, proving paternity, ch 1086
- Judgment liens for support, attachment, ch 1014
- Juvenile justice
 - Children in need of assistance, ch 1186,§6-11
 - Delinquent children, ch 1186,§1-5
 - Legal representation funds, ch 1246,§303(10)
 - Parent-child relationship, grounds for termination, ch 1186,§11
 - Sexual abuse, offender removed from household, ch 1186,§6
- Kidnapping, reference corrected, ch 1238,§29
- Medical assistance, appropriation, ch 1246,§303(2,12)
- Mobile and regional child health specialty clinics, funds, ch 1246,§204(9a)
- Motor vehicles, child restraint law, exemptions, ch 1069
- Muscular dystrophy and related genetic disease programs, funds, ch 1246,§204(9a)
- Orthopedic care, indigents, ch 1246,§111
- Peace officers, death benefits, ch 1243,§2
- Perinatal care program, funds, ch 1246,§204(9a); ch 1250,§2,11-17
- Prostitution, ch 1046
- Runaway risk, services funded, ch 1246,§303(9i)
- School census requirements deleted, ch 1016
- Sexual abuse investigations, funds, ch 1246,§204(9b)
- Sexual abuser, parole discharge, ch 1005
- Sexual exploitation, fine, penalty, ch 1176,§1-3
- Specialized child health care services, funds, ch 1246,§204(9a)
- Specialized medical home care program, funds, ch 1246,§204(9a)
- Sudden infant death syndrome
 - Autopsies, funds, ch 1246,§204(9c)
 - Federal block grants, ch 1250,§2,11-17
- Support obligations
 - Collection services center, ch 1246,§316-323

CHILDREN - Continued

Support obligations - Continued

- Delinquency, motion to quash, penalties for misrepresentation, ch 1191
- Support payment clearinghouse, plan, ch 1247,§7,19,20
- Transfers to minors, custodial property, ch 1035,§1-25
- Victim services, medical, mental health, ch 1178,§14
- War orphans educational aid, ch 1246,§762(2)

CHILD SUPPORT RECOVERY

Appropriations

- General*, ch 1246,§303(4,12a)
- Aid to families with dependent children, funds transferred, ch 1246, §303(4,12a)
- Assignment of income, ch 1191
- Central clearinghouse
 - Computer equipment, lottery funds appropriated, ch 1207,§18,22
 - Implementation plan, appropriation, ch 1247,§7,19,20
- Collection services center
 - Establishment, purpose, duties, ch 1246,§316-323
 - Wage withholding, ch 1246,§318
- Judgment liens, attachment, ch 1014

CHIROPRACTORS

- Certificate, temporary issuance, cancellation, ch 1127
- Examiners board
 - Temporary certificate
 - Cancellation, ch 1127
 - Eligibility, examination, determination, ch 1127
 - Utilization, cost control review committee, administrative rules, ch 1180,§9,10
- Insurance coverage, group policies, ch 1180

CHURCHES

- Wheelchair lifts, rules, ch 1157,§3

CIGARETTES AND TOBACCO

Cigarettes

- Notices, ordinary mail
 - Assessment of tax, unstamped cigarettes, ch 1241,§3,4,53
 - Permit revocation, hearing, ch 1241,§2
- Retail permits, city and county certification requirement, ch 1241,§1
- Taxation, *see TAXATION, Cigarettes, Tobacco*

CITATIONS

- Municipal and county infractions of ordinances, procedure, ch 1202,§2,3

CITIES

See also REORGANIZATION, STATE, Economic Development Department, Management Department

- Abatement of substandard housing, population restriction removed, ch 1059
- Ankeny golf course project, legalizing Act, ch 1049
- Arson investigations, disclosure of information, ch 1051
- Assessments, board of review, emergency members, ch 1230
- Assessments, special, ch 1215
- Assessors, *see ASSESSORS*
- Beer and liquor control fund, warrants issued, ch 1246,§747
- Bloomfield city council transfer of funds, legalizing Act, ch 1204
- Burial sites, protection and preservation, ch 1030
- Cigarettes, retail permits, certification requirement, ch 1241,§1
- Civil service
 - Attorney fee, paid by city, ch 1138,§9
 - City employees
 - Attorney representing employees, ch 1138,§9
 - Discharge or removal, appeal procedure, ch 1138,§7-9
 - Discharge or removal, subordinates, ch 1138,§6
 - Exceptions clarification, ch 1138,§3
 - Noncivil service position status, ch 1138,§4
 - Preference, reclassification and grade certificate, ch 1138,§4,10,11
 - Vacancies, examinations, ch 1138,§5
- Commissioners
 - Chairperson election, ch 1138,§2
 - Residency requirement change, ch 1138,§1
- Community development loans, repayment, ch 1185,§1
- Conference board, emergency members, board of review, ch 1230
- Council
 - City manager
 - Fire chief appointment, ch 1171
 - Police chief appointment, ch 1171
 - Job elimination, notice no longer required, ch 1138,§10

CITIES—Continued
Council—Continued

- Retirement systems, transfer of membership, approval, ch 1243,§30
- Zoning variances, power of council, ch 1098
- Economic development bond bank program, projects, ch 1212,§4
- Elections
 - Candidacy, ch 1224,§35
 - Runoff, ch 1224,§37
 - Terms, ch 1224,§34
- Emergency telephone number system (911 service), ch 1246,§763-769
- Employees
 - Leave of absence, political candidate, ch 1021
 - Retirement and termination incentive programs, ch 1192,§7
- Fire chief appointment, ch 1171
- Fire fighters and police officers retirement systems
 - Disability payments, federal income tax form, ch 1203,§3
 - Disability, third party liability, ch 1203,§5
 - Joint investments, ch 1203,§4
- Trustees
 - Attorney, per diem, ch 1203,§2
 - Member term change, ch 1203,§1,6
- Hazardous waste research and assistance program, Iowa State University, ch 1229,§2,3
- Hospitals, health benefit programs, ch 1072
- Iowa City community school district, property sale legalized, ch 1093
- Iowa horticultural crops, preference, violation, ch 1096,§11-13
- Liability insurance, indebtedness, ch 1211,§22-24,47
- Loans, community development, repayment, ch 1185,§1
- Local option taxes
 - Earnings tax provision stricken, ch 1199,§3,4,6,9,11
 - Hotel and motel, special election, ch 1199,§1,11
 - Restrictions, ch 1199,§2,5,11
 - Sales and services tax repeal by board of supervisors, ch 1199,§10,11,13
- Mileage reimbursement of public officers, ch 1246,§773
- Nominations by petition, population, ch 1224,§7

CITIES—Continued

- Ordinance or charter
 - Fire chief appointment, ch 1171
 - Police chief appointment, ch 1171
- Ordinances and resolutions, municipal infraction, penalty, ch 1202
- Police chief appointment, ch 1171
- Primary elections, recounts allowed, ch 1224,§15
- Public improvements, assessments, hearing, ch 1244,§40
- Resolution of necessity, hearing, ordinary mail notice, ch 1241,§10
- Sanitary disposal projects, grants, ch 1175,§4,6
- Self-insurance, risk pooling, ch 1211,§25,34,45,47
- Subdivisions, legal descriptions, approval, ch 1080
- Tax assessments, special, hearings, ordinary mail notice, ch 1241,§9-13,51
- Tax review board, emergency members, ch 1230
- Tort claims, ch 1211,§33,34,47
- Township clerk, residency, ch 1117
- Violation, municipal ordinance, penalty and procedure, ch 1202
- Zoning, board of adjustment, variances, ch 1098

CITIZENS

- Crime victims, intervention, ch 1178,§5
- Jury service, minimum qualifications, ch 1108,§12

CITIZENSHIP

- Restoration
 - Clerk's duties, filing of record, ch 1112,§8,9,12
 - Conditions prerequisite, ch 1112,§6-8,11,12
 - Convicted person's right, application to governor or parole board, ch 1112,§5
 - Copies required, ch 1112,§9
 - Governor's constitutional power not impaired, ch 1112,§4

CIVIL RIGHTS COMMISSION

- See also *REORGANIZATION, STATE, Personnel Department*
- Appropriation, ch 1246,§201

CIVIL SERVICE

- Appeals procedure
 - Attorney hired, ch 1138,§9
 - Employee discharged, ch 1138,§7-9
- City employees
 - Discharge or removal
 - Appeal procedure, ch 1138,§7-9
 - Subordinates, ch 1138,§6
 - Exemptions clarification, ch 1138,§3
 - Noncivil service position status, ch 1138,§4
 - Preference, reclassification and grade certificate, ch 1138,§4,10,11
 - Vacancies, examinations, ch 1138,§5
- Commission
 - Attorney representing employees, ch 1138,§9
 - Commissioners
 - Chairperson election, ch 1138,§2
 - Residency requirement change, ch 1138,§1
 - Job elimination notice not required, ch 1138,§10
- Fire chief appointment, ch 1171
- Grievance procedures, public employees, ch 1118
- Leave of absence, political candidate, ch 1021
- Police chief appointment, ch 1171

CLAIMS

- Agricultural products storage, bulk grain exclusion, ch 1152,§24-26,40
- Cattle producers association, fund, ch 1100,§8
- Citizen intervention, reimbursement, ch 1178,§5
- County indemnification fund repealed, ch 1246,§775
- Egg fund, ch 1100,§24
- Forfeitable property, state claim, ch 1140,§10-12
- Grain indemnity fund, terms, ch 1152,§36,39,40
- Grain storage, ch 1152,§8,15,16,40
- Hazardous conditions
 - Appeal, ch 1158,§3
 - Cleanup lien, ch 1115,§1
- Homestead tax credit
 - Claims filed after July 1, ch 1109
 - Disallowed claim, mail notification, ch 1241,§32
- Insurance guaranty association, ch 1184
- Performance or maintenance bonds, ch 1246,§32

CLAIMS—Continued

- Pork producers council, ch 1100,§17
- Real property improvements, statute of limitations, ch 1120
- Seized property, hearing, disposition, ch 1140,§6,7
- Services rendered to state, receipt required, ch 1246,§717
- Tort
 - Against local governments, ch 1211,§33,47
 - Against schools and school districts, ch 1211,§33,47
 - Against state, exceptions, ch 1211,§8,9,47
 - Agencies defined, ch 1172
- Transfers to minors, custodial property, ch 1035,§17,19
- Workers' compensation
 - Pneumoconiosis, ch 1101
 - State employees, ch 1244,§10

CODE CORRECTIONS

General, ch 1237; ch 1238

CODE EDITOR

- Conservancy districts renamed water resource districts, ch 1238,§61
- Editorial duties, ch 1242
- Iowa court rules, publication and price determined, ch 1238,§1
- Lottery, Iowa plan fund allotments, codified, ch 1238,§37
- Official publications, price determined, ch 1238,§2
- Statutes
 - Reference changes, ch 1178,§17-19
 - State reorganization, prevailing Act, ch 1238,§58

CODE OF IOWA

- Iowa plan fund, allotments codified, ch 1238,§37
- Price determined, ch 1238,§2
- Statutes, state reorganization, prevailing Act, ch 1238,§58

COLLECTION SERVICES CENTER

- Conversion, processing of support payments, effective dates, ch 1246,§316-323
- Notices, effecting transfer of functions, ch 1246,§316
- Support payments, establishment, purpose, duties, ch 1246,§316-323

COLLECTIVE BARGAINING

- Court employees, agreement, ch 1246,§407
- Grievance procedures, civil service employees, ch 1118
- Natural resources department, insurance premium payments, ch 1246,§408(4c)
- Public safety department, insurance premium payments, ch 1246,§408(4c)
- School district reorganization, base agreement, effective date, ch 1239,§3

COLLEGE AID COMMISSION

See also *REORGANIZATION, STATE, Education Department*

Appropriations

- General*, ch 1246,§16-18
- Administration, tuition grants, elder law education, ch 1246,§4
- Forgivable loan program, lottery funds, ch 1207,§6,15,22
- Guaranteed student loan program, ch 1246,§17,27
- Osteopathic college, subvention program, ch 1246,§5
- Scholarships, ch 1246,§16(2)
- Science and mathematics loan program, ch 1246,§18
- Supplemental grant program, ch 1246,§19,114
- Tuition grants, ch 1246,§16(1,3)
- "Eligible borrower" defined, ch 1246,§25
- Guaranteed student loans, reserve account, ch 1246,§26

COLLEGES AND UNIVERSITIES**Appropriations**

- Foster care research assistance, ch 1246,§303(8f)
- Iowa State University
 - General*, ch 1246,§110(1b,c),(3a)
 - Agricultural experiment station, ch 1246,§110(3b)
 - Cooperative extension service, ch 1246,§110(3c)
 - Farm management program, funds deleted, ch 1207,§8,16,22
 - Hazardous waste research program, ch 1207,§10,18,22
 - Industrial research and service center, ch 1246,§110(3d)
 - Research and instructional equipment, legislative intent, ch 1246,§110(3a)
 - Revenue deficiencies, ch 1246,§110(1b)
 - Rural concerns telephone line, ch 1246,§110(3c); ch 1247,§8,19,20

COLLEGES AND UNIVERSITIES —

Continued

Appropriations — Continued**Iowa State University — Continued**

- Small business development centers, ch 1207,§18,22
- Solar energy conversion program, ch 1207,§10,22
- Solar ethanol project, ch 1249,§4(9)
- Value added research, funds eliminated, ch 1207,§6,22
- University of Iowa
 - General*, ch 1246,§110(1b,c),(2a)
 - College of medicine, diabetes mellitus research, ch 1246,§110(2a)
 - Hospital school, ch 1246,§110(2h)
 - Hygienic laboratory, ch 1246,§110(2g)
 - Mobile and regional child health specialty clinics, ch 1250,§2,11-17
 - Oakdale campus, ch 1246,§110(2i)
 - Prisoner assistance clinic, legislative intent, ch 1246,§110(2a)
 - Psychiatric hospital, ch 1246,§110(2f)
 - Research and instructional equipment, legislative intent, ch 1246,§110(2a)
- University of Iowa hospitals
 - General*, ch 1246,§110(2b)
 - Abortions, conditions, ch 1246,§110(2b,e)
 - Child health care services, ch 1246,§110(2b)
 - Child health care services, public health department funds, ch 1246,§204(9a)
 - Family practice program, ch 1246,§110(2b)
 - Indigent patients, ch 1246,§110(2b-e),111
- University of Northern Iowa, *general*, ch 1246,§110(1b,c),(4)
- Conservation corps, repayment incentives for young adults, ch 1190,§7
- Foster care research assistance, appropriation, ch 1246,§303(8f)
- Grants, economic development and research purposes, ch 1207,§7,15,22
- Guaranteed student loans, ch 1246,§25,26
- Iowa State University
 - Agricultural energy management advisory council, membership, ch 1249,§3(2c,d)
 - Agricultural extension service ASSIST program, ch 1214,§20,30
 - Farm crisis relief, counseling, ch 1214,§4,29,30

COLLEGES AND UNIVERSITIES—
Continued

- Iowa State University—Continued
Agricultural extension service—
Continued
- Beef industry executive committee, dean of agriculture, member, ch 1100,§3,30
Corn promotion board, dean of agriculture, member, ch 1100,§22,30
Fire service institute, *general*, ch 1188,§1-7
Hazardous waste research and assistance program
Creation and responsibilities, ch 1229,§2,3
Grants received, ch 1229,§2,3
Liabilities, ch 1229,§2(6),3
Report to general assembly by industrial research center, ch 1229,§2(5)
President's duties, fire service institute, ch 1188,§6,7
Rural concerns telephone line, ch 1246,§110(3c);ch 1247,§8,19,20
Soybean promotion board, dean of agriculture, member, ch 1100,§21,30
Public policy research foundation, membership appointment, ch 1154,§1
Regents board, ten-year building program, HCR 133-HCR 136
University of Iowa, agricultural energy management advisory council membership, ch 1249,§3(2f)
University of Iowa hospitals, indigent obstetrical and orthopedic patient quotas, ch 1246,§111

COMMERCE COMMISSION

See also REORGANIZATION, STATE, Commerce Department

- Administrative rules
Electric cooperatives and small electric utilities, rate regulation, ch 1039
Grain indemnity fund, ch 1152,§33,35,40
Grain warehouse licenses, ch 1152,§17,40
Electric cooperatives and small electric utilities, deregulation, ch 1039
Emergency telephone number commission, membership, ch 1246,§765(5)
Energy conservation improvement pilot program terminated, ch 1134
Energy program audits, access to results, ch 1110
Grain dealers
Audit, financial statement and credit sale contract requirements, ch 1152,§3,9,40

COMMERCE COMMISSION—Continued
Grain dealers—Continued

- Bond cancellation notice, ch 1006,§1,2,7,8; ch 1152,§10,40
Cooperative agreements, indemnification, ch 1152,§11,40
Deficiency bond or letter of credit, filing and cancellation, ch 1152,§3,4,40
Inspections, ch 1152,§6,14,40
Licenses, terms and revocations, ch 1152,§3,7,8,40
Grain depositors and sellers indemnity fund, ch 1152,§33-36,40
Motorboat horsepower changes on artificial lakes, ch 1227
Public utilities
Assessments, quarterly basis, ch 1246,§613
Energy conservation, pilot program terminated, ch 1134
Utilities, municipally owned, regulation limitations, fee assessment, ch 1162
Warehouses, agricultural
Bulk grain exclusion, ch 1152,§24,40
Inspections, ch 1152,§14,18,40
Insurance, requirements and cancellation, ch 1103,§1;ch 1152,§20,26,40
Operators
Audit, financial statement, net worth, ch 1152,§18,24,30,40
Bonding, ch 1006,§3-8;ch 1152,§38,40
Definition revised, ch 1152,§12,13,31,40
Indemnity fund participation and claims, ch 1152,§32-40
License terms, ch 1152,§18-21,40
Receipt, evidence of inventory, ch 1152,§9,27,36,40
Tariff rate changes, ch 1103,§2

COMMERCE DEPARTMENT

See also REORGANIZATION, STATE, Commerce Department
Appropriations, ch 1246,§601
Director, salary range, ch 1242

COMMISSIONS AND BOARDS

See also specific commissions and boards
Board of health, residential care facilities, licensure standards, waiver committee, ch 1246,§206
Commodity boards, membership, assessments, appropriation, ch 1100,§1-30
Environmental protection commission, sewage treatment, federal grants, eligibility, ch 1246,§505

COMMISSIONS AND BOARDS—

Continued

- Grain indemnity fund board
 - General*, ch 1152, §34-37,40
 - Appropriated funds, ch 1246, §501(3)
- Interstate agricultural grain marketing commission, appropriation, ch 1246, §508
- Iowa comprehensive health association, ch 1156, §2,6,11,13
- Iowa horticultural crops, preference, ch 1096, §10,12,13
- Judicial nominating commission, ch 1119, §1,2
- Licensing boards, examination expenses excess, approval, ch 1246, §601(1)
- Magistrate, county, appointing commission, ch 1119, §3
- Natural resource commission
 - Private property acquisition, priority, ch 1246, §505
 - Watersheds above publicly owned lakes, priority list, ch 1246, §505(3)
- Tax review board, emergency members, ch 1230

COMMUNICATIONS

- Emergency telephone number system (911 service), ch 1246, §763-769

COMMUNITY DEVELOPMENT LOAN PROGRAM

- Funds transferred to special account, effective date, ch 1185, §3
- Loan repayments, ch 1185, §1
- Repealed, ch 1185, §2

COMMUTATION

- Sentence
 - Clerk's duties, filing of record, ch 1112, §8,9,12
 - Conditions prerequisite, ch 1112, §6-8,11,12
 - Convicted person's right, application to governor or parole board, ch 1112, §5
 - Copies required, ch 1112, §9
 - Governor's constitutional power not impaired, ch 1112, §4

COMPACTS

- Agricultural grain marketing, *see* **AGRICULTURAL GRAIN MARKETING, INTERSTATE COMPACT**
- Lottery, political subdivisions of other states, ch 1042, §4,14

COMPARABLE WORTH

- Appropriations, pay adjustments,
 - ch 1246, §20-23,714,715;
 - ch 1247, §1-5,19,20

COMPENSATION

See **COMPARABLE WORTH; SALARIES AND WAGES; UNEMPLOYMENT COMPENSATION; WORKERS' COMPENSATION**

COMPETITION LAW

- Appropriation, enforcement, ch 1246, §405(2)

COMPREHENSIVE HEALTH ASSOCIATION, IOWA

- General*, ch 1156, §1-13
- Appropriation, repealed, ch 1156, §12; ch 1246, §625
- Association policy, coverage and benefits, eligible expenses, ch 1156, §4,13
- Board of directors, membership, duties, ch 1156, §2,6,11,13
- Collective action, ch 1156, §10,13
- Definitions, ch 1156, §1,13
- Effective date, ch 1156, §11,13; ch 1246, §624
- Established, plan of operation, ch 1156, §2,13
- Expenses excluded, ch 1156, §5,13
- Health insurance trust fund, deposit of moneys, ch 1156, §3,13
- Medicare supplement policies offered, ch 1156, §6,13
- Notice of association policy, ch 1156, §11,13
- Policies
 - Deductible and coinsurance requirements, limitations, lifetime benefit, ch 1156, §6,13
 - Eligible persons, dependent coverage, preexisting conditions, ch 1156, §7,13
 - Renewal provisions, coverage, death of policyholder, ch 1156, §8,13
- Rules, ch 1156, §9,13

COMPTROLLER

See also **MANAGEMENT DEPARTMENT; REORGANIZATION, STATE, Revenue and Finance Department**

- Appropriations
 - School districts, debt service aid, ch 1226, §3
 - School districts, supplemental aid, ch 1226, §7
- Barrel tax fund, warrants issued, ch 1246, §720

COMPTROLLER—Continued

Duties transferred

- Beer and liquor control fund, warrants, city allocation, ch 1246,§747
- County government assistance fund, distribution, ch 1244,§43
- Fair board, financial operations control, ch 1244,§3
- General assembly, warrants, issuance, ch 1244,§1,2
- Homestead credit fund, ch 1244,§50
- Human services, financial operations control, ch 1244,§3
- Industrial property tax provision, ch 1244,§56
- Livestock tax credit, ch 1244,§54,55
- Military service tax credit, ch 1244,§53
- Mobile homes, semiannual tax, ch 1244,§26
- Moneys, credits replacement fund, allocation, ch 1244,§48
- Municipal assistance fund, distribution, ch 1244,§44
- Regents board, financial operations control, ch 1244,§3
- Retirement systems, police officers, fire fighters, ch 1244,§45
- School budget review committee, ch 1244,§57
- Warrants, unredeemed, cancellation, ch 1246,§704
- Farm-to-market road fund, temporary transfer, ch 1058
- Health insurance trust fund, ch 1156,§2
- Judges, salaries, retirement, contributions, ch 1243,§35
- Primary road fund, temporary transfer, ch 1058
- Salary adjustment fund, retirement and termination incentive programs, ch 1192,§1,2,6
- School fund, interest apportionment, ch 1016
- School reorganization, debt service aid, tax levy rate notification, ch 1226,§3
- School reorganization, tax levy, notification, ch 1226,§3
- Wine gallonage tax fund, ch 1246,§720

COMPUTERS

See also *REORGANIZATION, STATE, General Services Department, Data Processing*

- Agriculture department, development of farmers market program, ch 1193

COMPUTERS—Continued

- Assessment rolls and information, preservation, ch 1107
- Automated fingerprint identification system (AFIS) computer committee, ch 1207,§18,22
- Child support recovery central clearinghouse, lottery funds appropriated, ch 1207,§18,22
- Collection service center, transmission of data, recommendation, ch 1246,§316
- Nonprofit health service corporations, sales tax exemption, ch 1241,§25
- Vendors to state agencies in data base, ch 1170,§2

CONFIDENTIAL RECORDS

See also *PUBLIC RECORDS; RECORDS*

- Archaeological sites, ecological and resource information, ch 1228
- Arson investigations, disclosure, ch 1051
- Brain injured, central registry, ch 1246,§315
- Child abuse reports, research and access, ch 1177,§2
- Farm mediation service records, ch 1214,§26,30
- Insurance guaranty association, ch 1184
- Mental health information, disclosure, ch 1082
- Tax information, disclosure, ch 1007,§21,47

CONSANGUINITY AND AFFINITY

- Campaign finance disclosure reports, family members identified, ch 1023,§9; ch 1224,§38
- Incest, definition expanded, ch 1105,§1

CONSERVATION COMMISSION

See also *NATURAL RESOURCE COMMISSION; NATURAL RESOURCES DEPARTMENT; REORGANIZATION, STATE, Natural Resources Department*

- Administrative rules
 - Boating near diver's flag prohibited, ch 1143
 - Commercial fishing, penalties, ch 1141,§1
 - Fish and game, ch 1240
 - Snowmobiles, competition registrations, ch 1031,§1
- Appropriations, outdoor recreation and parks projects, ch 1207,§3,13,22
- Boating near diver's flag prohibited, ch 1143
- Bonds, issuance for wildlife lands and habitat areas, ch 1231

CONSERVATION COMMISSION —
Continued

Combined license, fur, fish, game
 Fee, ch 1114,§1
 Wildlife habitat stamp, ch 1114,§2
 Commercial fishing
 Authority, duties, ch 1141,§1
 Reciprocity agreements, other states,
 ch 1141,§13
 Reports required, ch 1141,§14
 Conservation corps employment programs,
 ch 1190
 County conservation board projects, ap-
 proval, ch 1097
 Director, wildlife habitat bond fund,
 ch 1231,§5
 Drainage assessments, conservation lands,
 ch 1008
 Ecologist, state, duties, ch 1228
 Fish and game, trout, wild turkey, deer,
 ch 1240
 Forfeited property, disposal, ch 1140,§15
 Funds, fish and wildlife, ch 1244,§23
 Income tax refund checkoff, fish and wild-
 life, ch 1244,§22
 Meetings, ch 1064
 Mussels, license requirements, possession,
 ch 1141,§4,12,21
 Peace officers, retirement benefits, financ-
 ing, ch 1246,§722
 Pigeons, season and method of taking,
 ch 1133
 Sale of park lands, approval, ch 1244,§25
 Snowmobiles, registration and numbering,
 ch 1031;ch 1235
 Tourism information, delivery recommenda-
 tions, ch 1060,§3
 Violations, roadblocks, routine vehicle, au-
 thorization, requirements, ch 1220,§23
 Wildlife lands and habitat area bonds
 Bondholders' rights, ch 1231,§8
 Bond issuance, ch 1231,§2,3
 Investment legality, ch 1231,§7
 Liability, state officials, ch 1231,§6
 Wildlife habitat bond fund created, pay-
 ment prescribed, ch 1231,§5

CONSERVATION CORPS

Account kept by treasurer, ch 1190,§6
 Administration, ch 1190,§3
 Age requirements
 Green thumb program, ch 1190,§4(1c)
 Wages, minimum age, ch 1190,§3

CONSERVATION CORPS — Continued
Age requirements — Continued

Young adult program, ch 1190,§4(1a)
 Contributions by benefited entities,
 ch 1190,§5
 Definitions, ch 1190,§1
 Eligibility of participants, ch 1190,§4
 Established, ch 1190,§2
 Funding of projects, ch 1190,§3
 Green thumb program
 Cash contributions, minimum,
 ch 1190,§5(2)
 Established, ch 1190,§2(1e)
 Participant eligibility, ch 1190,§4(1c)
 In-school program
 Cash contributions, minimum,
 ch 1190,§5(2)
 Established, ch 1190,§2(1b)
 Participant eligibility, ch 1190,§4(1b)
 "Lower income" defined, ch 1190,§4(1c)
 Merit system exemption, ch 1190,§4(2)
 Objectives, ch 1190,§2
 Priority for areas of economic need,
 ch 1190,§2(2)
 Public employees' retirement system, exclu-
 sion, ch 1190,§4(2)
 Report, annual, ch 1190,§3
 Summer youth program
 Cash contributions, minimum,
 ch 1190,§5(2)
 Established, ch 1190,§2(1c)
 Participant eligibility, ch 1190,§4(1b)
 Unemployment compensation benefits, ex-
 clusion, ch 1190,§4(2)
 Volunteer program
 Cash contributions, minimum,
 ch 1190,§5(2)
 Established, ch 1190,§2(1d)
 Participant eligibility, ch 1190,§4(1b)
 Young adult program
 Academic repayment incentives,
 ch 1190,§7
 Cash contributions, ch 1190,§5(1)
 Established, ch 1190,§2(1a)
 Lottery funds appropriated,
 ch 1190,§9,10;ch 1207,§14,22
 Participant eligibility, ch 1190,§4(1a)

CONSERVATORS

Qualification of private nonprofit corpora-
 tion, ch 1131
 Transfers to minors, custodial property,
 ch 1035,§6

**CONSTITUTIONAL AMENDMENTS,
IOWA**

- Governor and lieutenant governor
 - Team election, ch 1251,§1
 - Terms, compensation, duties, vacancies, ch 1251,§2
- Judicial nominating commissioners, political affiliation and gender, ch 1252

CONSTRUCTION

- Residential housing, finance authority, financing requirement, ch 1128

CONSUMER ADVOCATE

- Appropriation, ch 1246,§601(6)
- Commerce commission, certification of expenses, ch 1246,§613
- Employees' salaries, benefits, ch 1244,§59
- Salary fixed, attorney general, ch 1244,§59
- Utilities trust fund, ch 1246,§610,614

CONSUMER CREDIT CODE

- Credit insurance, unemployment coverage, ch 1151

CONSUMER FRAUDS

- Public education, appropriation, ch 1246,§405(3)

CONTAINERS

- Beverage, use tax, ch 1246,§31
- Labeling, *see* LABELS, MARKS, AND BRANDS
- Wine, open container banned in motor vehicle, ch 1020

CONTRACTORS

- Iowa horticultural crops, preference, violation, ch 1096,§11-13

CONTRACTS

- Artist's works, consignments, ch 1233
- Campaign finance disclosure reports, performance, ch 1023,§9;ch 1224,§38
- Commercial fishing, specifications, ch 1141,§1
- Corrections department
 - Federal prison reimbursement, ch 1246,§402(5)
 - Muslim imam, ch 1246,§402(5)
- Farm crisis, legal assistance, ch 1214,§2,29,30
- Grain dealers, credit-sale, ch 1152,§9,40
- Health group subscriber insurance contracts, ch 1180

CONTRACTS - Continued

- Investment raffle program, gaming contracts, exception, ch 1125,§4
- Iowa comprehensive health association, ch 1156,§2
- Lottery machines, Iowa preference, ch 1052
- Performance or maintenance bonds, ch 1246,§32
- Real estate, forfeiture, effects on Iowa income tax, ch 1232
- Transfers to minors, custodial property, ch 1035,§9,17
- Water conservation and use, ch 1136,§1

CONTROLLED SUBSTANCES

- Dronabinol, ch 1037,§4,5
- Drug abuse and prevention programs, funds, ch 1250,§1,11-17
- Forfeited property, disposition, ch 1140,§15(5a)
- Generic drugs, patient cost, savings, ch 1219
- Marijuana, medicinal use, ch 1037,§4,5
- Schedules I and II substances regulated, ch 1037

CONVEYANCES

- Real estate transfer fees, ch 1079

COOPERATIVE ASSOCIATIONS

- Bylaw change, reapportion districts, ch 1196,§5
- Earnings, formula for earnings, local and regional cooperatives, ch 1196,§2
- Liquidation, priority of assets, ch 1196,§6
- Local deferred patronage dividends, stock, definition, ch 1196,§1
- Membership sales, certain cooperatives exempt, ch 1206
- Merger or consolidation, dissent of stockholder, ch 1196,§7,8
- Regional cooperative, ch 1196

COOPERATIVE EXTENSION SERVICE

- Agricultural energy management advisory council membership, ch 1249,§3(2h)

CORN PROMOTION BOARD

- Excise tax, refund, ch 1100,§1,30
- Ex officio member, ch 1100,§22,30
- Transition terms, ch 1100,§29,30

CORPORATIONS

- Agents, duties, ch 1173,§6
- Annual report, ch 1173,§5,6

CORPORATIONS—Continued

- Articles of incorporation, publication eliminated, ch 1173,§2
- Farm, annual report, ch 1173,§5,6
- Fiduciary security transfers, certificate duration, ch 1047
- Foreign
 - Agents, duties, ch 1173,§6
 - Annual report, ch 1173,§5,6
 - Certificate of authority
 - Fees, filing, ch 1173,§7
 - Revocation, ch 1173,§4
 - Hospital service corporations, subscriber contract tax, effective date, ch 1094
 - Industrial loan thrift guaranty corporation, ch 1165
 - Nonprofit
 - Agent, duties, ch 1173,§13
 - Articles of incorporation, publication eliminated, ch 1173,§10
 - Cooperative associations, ch 1196
 - Foreign, filing fees, ch 1173,§14
 - Foreign, revocation, ch 1173,§12
 - Health service corporations, chiropractors included, ch 1180,§4
 - Public policy research foundation, ch 1154,§1
 - Qualification as conservator, ch 1131
 - Purchasing associations, certain cooperatives exempt, ch 1206
 - Reinstatement, ch 1173,§9
 - Taxation
 - Consolidated income tax return, affiliated group, ch 1213
 - Minimum tax on preference items, ch 1213
 - Tax delinquencies
 - Cigarette tax, officer liability, ch 1007,§5,6,45
 - Motor fuel tax, liability, ch 1007,§10,15,19,45,47
 - Sales and services tax, liability, ch 1007,§19,31,45,47
 - Use tax, liability, ch 1007,§19,34,37,45,47

CORRECTIONAL INSTITUTIONS

- See also REORGANIZATION, STATE, Corrections Department*
- Canteen fund profit, ch 1075,§1
- Crime victim notification, offender's release, escape, ch 1178,§10
- Escape, community-based correctional facility, penalty, ch 1040;ch 1238,§30
- Inmates
 - Citizenship rights, restoration, ch 1112,§8

CORRECTIONAL INSTITUTIONS—Continued

- Inmates—Continued
 - Commutation of sentence, ch 1112,§8
 - Discharge photograph, size specification removed, ch 1075,§4
 - Pardons, ch 1112,§8
 - Remission of fines and forfeitures, ch 1112,§8
 - Reprieves, ch 1112,§8
 - Superintendent, information to governor, ch 1112,§8
 - Warden, information to governor, ch 1112,§8

CORRECTIONAL PROGRAMS, COMMUNITY-BASED

- Appropriations, preinstitutional, postconvictional, halfway houses, ch 1246,§403
- Judicial district departments, citizen board members, ch 1062

CORRECTIONS DEPARTMENT

See also REORGANIZATION, STATE, Corrections Department

- Administrative rules
 - Crimes identified, ch 1246,§401
 - Substance abuse (OWI) facilities standards, ch 1246,§402
 - Substance abuse treatment program, funding, ch 1220,§26(4)
- Appropriations
 - General*, ch 1246,§402(1)
 - Adult correctional institutions, ch 1246,§401
 - Alcohol, drug treatment facility, ch 1246,§402
 - Core personnel staff, ch 1246,§716(2)
 - Federal prison, reimbursement, miscellaneous contracts, ch 1246,§402(5)
 - Fruit trees, planting, care, ch 1246,§401
 - Jail inspectors, salaries, maintenance, ch 1246,§402(7)
 - Mount Pleasant correctional facilities, ch 1246,§402(6)
 - Muslim imam services, contracted, ch 1246,§402(5)
 - Preinstitutional, postconvictional community-based corrections, halfway houses, ch 1246,§403
 - Staff, bed space, substance abuse (OWI) facilities, standards, ch 1246,§402
 - Work release, parole violators, temporary confinement, reimbursement, ch 1246,§402(4)
- Canteen fund profit, institutions, ch 1075,§1

CORRECTIONS DEPARTMENT -

Continued

Director

- Citizenship, restoration, recommendations, ch 1112,§8
- Commutation of sentence, duties, ch 1112,§9
- OWI, treatment facilities, work programs, ch 1220,§26
- Pardons, duties, ch 1112,§9
- Prison overcrowding, state of emergency, ch 1220,§26;ch 1246,§401
- Reprives, duties, ch 1112,§9
- Salary range, ch 1242
- Farm fund, investment proceeds credit to revolving fund, ch 1075,§2
- Inmates
 - Escape from custody, serious misdemeanor, ch 1040;ch 1238,§30
 - OWI, treatment facilities, ch 1220,§26
- Judicial districts, correctional service departments
 - Citizen board members, ch 1062
 - Employee retirement incentives, cost, ch 1192,§6
 - Tort claims Act, definition, ch 1172
- Luster heights honor camp facilities, OWI offenders, ch 1246,§401
- Men's reformatory, Anamosa, inmate population ceiling, ch 1246,§401
- OWI, imprisonment, not under custody of director, ch 1220,§43
- Parolees, parole plans, formulation, ch 1246,§401
- "Prison", "prison system" defined, ch 1246,§401
- Reports, monthly, to legislative fiscal bureau, ch 1246,§401
- Substance abuse, OWI, facilities establishment, bids, ch 1246,§402(2a)

COUNCIL OF STATE GOVERNMENTS

Appropriation, ch 1246,§708(2)

COUNCILS

- City elections
 - Candidacy, ch 1224,§35
 - Terms, ch 1224,§34
- Elections, challenging committee, membership prohibited, ch 1224,§14
- Iowa beef industry council
 - "Executive committee" defined, ch 1100,§5,30
 - Membership, ch 1100,§3,30

COUNTERFEITING

Lottery tickets, ch 1042,§9,12,14

COUNTIES*See also REORGANIZATION, STATE, Management Department***Appropriations**

- Social services block grant funds, allocation, ch 1250,§9-17
- Work release, parole violators, temporary confinement, reimbursement, ch 1246,§402(4)
- Assessments, board of review, emergency members, ch 1230
- Block grant funds, ch 1246,§308
- Burial sites, protection and preservation, ch 1030
- Child day care, block grant funds, ch 1246,§308
- Collection services center, support payment procedures, ch 1246,§316,319
- Combined offices, ch 1155
- Compensation board, salaries when offices combined, ch 1155,§3,9
- Conference board, emergency members, board of review, ch 1230
- Conservation board projects, approval, ch 1097
- County government assistance fund, appropriation, ch 1246,§710
- County indemnification fund, apportionment, ch 1246,§711
- Court reorganization, state funding delay, notification, legislative intent, ch 1246,§406
- District associate judge in lieu of magistrates, ch 1015
- Economic development bond bank program, projects, ch 1212,§4
- Elections
 - Mobile deputy registrars, ch 1010
 - Nomination objection heard, selection of county officers, ch 1155,§1,9
- Emergency telephone number system (911 service), ch 1246,§763-769
- Employees
 - Leave of absence, political candidate, ch 1021
 - Retirement and termination incentive programs, ch 1192,§7
- Funds, moneys and credits replacement, ch 1246,§8
- Hardin county conservation board, property purchase legalized, ch 1092

COUNTIES—Continued

Hazardous conditions, cleanup, lien, ch 1115,§1

Hospitals
Health benefit programs, ch 1072
Sale, lease, trustee selection, ch 1200

Hospital-schools, patient per diem rates, ch 1246,§306

Indemnification fund repealed, ch 1246,§775

Iowa horticultural crops, preference failure, violation, ch 1096,§11-13

Jail, OWI felony prisoners confined, ch 1220,§43,44

Juvenile justice, administrative rules, county-based reimbursements, ch 1246,§314

Liability insurance, ch 1211,§19-21,47

Local option taxes
Countywide levy mandated, ch 1199,§2,5,11
Earnings tax provision stricken, ch 1199,§3,4,6,9,11
Hotel and motel, special election, ch 1199,§1,11
Sales and services
Allocations, ch 1199,§8,11,12
Exemptions, ch 1199,§7,11,12
Repeal by board of supervisors, ch 1199,§10,11,13

Medical assistance reimbursement, mentally ill or retarded persons, ch 1246,§303(2,12)

Mental health and retardation services fund, use of funds, reports, ch 1246,§307

Mental health institutes and hospital-schools, average daily patient costs, computing, ch 1169

Mentally ill or retarded persons, reimbursement, ch 1246,§306

Moneys and credits replacement fund, allocation, ch 1244,§48

Newspapers, official, *see* **NEWSPAPERS**

Obstetrical, orthopedic patients, indigent, quotas, ch 1246,§111

Ordinances, county infractions, penalty, ch 1202

Public defenders, status as county employee, ch 1111

Public improvements, hearing, ch 1244,§40

Road improvements, private funds, maintenance, ch 1024

Sanitary disposal projects, grants, ch 1175,§4,6

Self-insurance, ch 1211,§34,45,47

COUNTIES—Continued

Substance abuse programs, funding, ch 1001

Tama county, special deputy for Indian settlement, appropriation, ch 1246,§712

Taxes, moneys and credits tax replacement fund, appropriations, ch 1246,§8

Tax review board, emergency members, ch 1230

Tort claims, ch 1211,§33,47

Violation, county ordinance, penalty and procedure, ch 1202

COUNTY OFFICERS

Appointive jury commission, excluded as member, ch 1108,§19

Assessor, *see* **ASSESSORS**

Attorney
Combining of offices, duties, ch 1155,§8,9
Deputies, assistants, and clerks, appointment, ch 1061
Elections, challenging committee, membership prohibited, ch 1224,§14
Forfeitable property, seizure, notice, ch 1140,§9,10,13
Information furnished to governor, ch 1112,§8,11
Professional collection services, recorded with clerk, ch 1238,§17
Seized property, application for return, ch 1140,§3
Substance abuser treatment costs, duties stricken, ch 1001,§21,22,25
Supervisor vacancies filled, ch 1155,§2,9
Victims registered, confidential, notification, ch 1178,§7,15

Auditor
Clerk to board of supervisors, ch 1004
Combining of offices, duties, ch 1155,§4,9
County memorial hospital, duties, ch 1200
Deputies, assistants, and clerks, appointment, ch 1061
Elections, challenging committee, membership prohibited, ch 1224,§14
Fire protection, exchange of territory agreement filing, ch 1057
Jury commission, ex officio member, ch 1108,§2,17
Jury duties, ch 1108,§3,28,36
Plats, failure to file, owner notified, ordinary mail, ch 1241,§41
Property tax assessment, protesting errors, ch 1028
School funds, apportionment, ch 1016,§6,9
School reorganization, tax levy and bonded indebtedness, ch 1226,§3

COUNTY OFFICERS—Continued
Auditor—Continued

- Subdivisions, legal descriptions, approval, ch 1080
- Substance abuser records, duties stricken, ch 1001,§19,22,25
- Tax list, omitted property, notice, ch 1241,§42
- Transfer fees, deeds and instruments, forms, ch 1079
- Combined duties, ch 1155
- Deputies, assistants, and clerks, appointment, ch 1061
- Elections, nomination objections heard, selection of county officers, ch 1155,§1,9
- Indemnification fund repealed, ch 1246,§775
- Recorder
 - Assessed valuation reports, ch 1091
 - Combining of offices, ch 1155,§6,9
 - Deputies, assistants, and clerks, appointment, ch 1061
 - Elections, challenging committee, membership prohibited, ch 1224,§14
 - Fire protection, exchange of territory agreement, ch 1057
 - Hazardous conditions, cleanup, ch 1115,§1
 - Jury commission, ex officio member, ch 1108,§4,17
 - Limited partnership reports, agricultural land, ch 1091
 - Real property transfer tax reports, ch 1091
 - Snowmobile registration fee increase, ch 1235
 - Subdivisions, legal descriptions, approval, ch 1080
 - Trade names, uniform registration, ch 1170,§1
 - Transfer forms, filing deeds and instruments, ch 1079,§2,3
- Salaries
 - Combined offices, ch 1155,§3,9
 - Schedule, reduction of proposed increase, ch 1095
- Sheriff
 - Animals, disabled, destruction, ch 1121,§2
 - Automated fingerprint identification system (AFIS) computer committee membership, ch 1207,§18,22
 - Combining of offices, duties, ch 1155,§7,9
 - Deputies, assistants, and clerks, appointment, ch 1061

COUNTY OFFICERS—Continued
Sheriff—Continued

- Elections, challenging committee, membership prohibited, ch 1224,§14
- Indian settlement, special deputy, appropriation, ch 1246,§712
- Motor vehicles, OWI, ch 1220,§39
- Motor vehicles, roadblocks, authorization, requirements, ch 1220,§23
- Notice served, jury commissioners or managers, ch 1108,§5,52
- Retirement systems, transfer of membership, ch 1243,§30
- Victim registered, notification, ch 1178,§9
- Victim's registration, confidential, ch 1178,§15
- Supervisors
 - Cigarettes, retail permits, certification requirement, ch 1241,§1
 - Clerk, appointment, ch 1004
 - County memorial hospital, operation, maintenance appropriation, ch 1200
 - Deputies, assistants, and clerks, appointment, ch 1061
 - Elections, challenging committee, membership prohibited, ch 1224,§14
 - Homemaker-home health aide program
 - Contracts for care, ch 1246,§204(10c)
 - Grants, allocation of funds, ch 1246,§204(10c)
 - Homestead credit claim disallowed, mail notification, ch 1241,§32
 - Jury commissioners, assistants, compensation, ch 1108,§1,6,26
 - Military tax exemption disallowed, ordinary mail notice, ch 1241,§36
 - Multiflora rose eradication, ch 1246,§502(2)
 - Newspapers, official publications, ch 1013; ch 1183
 - Retirement systems, transfer of membership, ch 1243,§30
 - Road improvements, private funds, maintenance, ch 1024
 - Rural residence district, establishment, duties, ch 1056,§1,2
 - Salary increase recommendations, county officers, ch 1095
 - Sales and services local option tax repeal, ch 1199,§10,11,13
 - Substance abuser in mental health institute, costs, ch 1001,§11,25
 - Substance abuse treatment, duties ch 1001, §18,22,25

COUNTY OFFICERS - Continued
Supervisors-Continued

- Tax exemption, natural resource, wildlife areas, ch 1113,§1
- Vacancies filled, ch 1155,§2,9
- Treasurer
 - Combining of offices, duties, ch 1155,§5,9
 - Deputies, assistants, and clerks, appointment, ch 1061
 - Drainage assessments, conservation commission lands, ch 1008
 - Elections, challenging committee, membership prohibited, ch 1224,§14
 - Eminent domain, property taxes, assessments, collectible, ch 1153
 - Moneys and credits replacement fund, ch 1246,§8
 - Property tax sale, duties, ch 1139
 - Substance abuse, funds transfer, duties stricken, ch 1001,§20,22,25
 - Transfer forms, filing deeds and instruments, ch 1079
 - Use tax, vehicle registration receipt, ch 1241,§31

COURTS

- Agricultural land, foreclosure, homestead, ch 1216,§2,13,15
- Animals, neglected and abused, disposition, ch 1121,§4
- Appropriations, *general*, ch 1246,§406
- Child custody orders, violations, ch 1145
- Children, court testimony limited, ch 1105,§2
- Child support delinquencies, motion to quash, ch 1191
- Costs, deferred, inability to pay, ch 1088
- Criminal, restitution
 - Hearing granted, court discretion, ch 1075,§6
 - Prosecution costs paid by convicted offender, ch 1075,§5
- District
 - Administrator, jury manager, appointment, consultation, ch 1108,§28
 - Associate judges
 - Appointment in lieu of magistrates, ch 1015
 - Felonies, OWI, jurisdiction, ch 1012
 - Jurisdictional amount, ch 1012
 - Retirement plan options, ch 1243,§34
 - Chief judge
 - Ex officio jury commissioner, selection, ch 1108,§17

COURTS - Continued
Chief judge-Continued

- Jurors, drawing option, ch 1108,§27
- Jury lists, records, ch 1108,§34
- Jury manager appointed, ch 1108,§28
- Jury pool, drawing, ch 1108,§38
- Child support orders, default and collection, ch 1246,§320
- Clerk
 - Child support delinquency, motion to quash, ch 1191
 - Child support payment clearinghouse, plan, ch 1247,§7,19,20
 - Citizenship restoration, ch 1112,§8,9(4),12
 - Collection services center, recordkeeping, ch 1246,§320
 - Commutation of sentences, ch 1112,§8,9(4),12
 - County magistrate appointing commission, nomination petition, ch 1119,§3
 - Dissolution of marriage, support payments, filing fee stricken, ch 1238,§24
 - Driver license suspension notice, ch 1019
 - Forfeiture of property, ch 1140,§10-12
 - Judgment liens, support, attachment, ch 1014
 - Jury duties, *see JURY, District Court Clerk*
 - Liens, filing fees, ch 1011
 - Motor vehicles, OWI, ch 1220,§2,4,10,22,40
 - Ordinance infractions, municipal, county, ch 1202,§2,3
 - Pardons, ch 1112,§8,9(4),12
 - Probate, real estate transfer fees, ch 1079
 - Professional collection services record, county attorney, ch 1238,§17
 - Real estate licensee list, public record provision stricken, ch 1238,§6
 - Remission of fines and forfeitures, ch 1112,§8,9(4),12
 - Reprieves, ch 1112,§8,9(4)
 - Seized property, ch 1140,§5
 - Support obligations, collection duties, ch 1246,§316-323
 - Support payments, procedure, effective date, ch 1246,§317-323
 - Transfer of functions to collection services center, ch 1246,§316-323
 - Transmit information, support orders, ch 1246,§316

COURTS – Continued

District—Continued

Clerk – Continued

Victims registered, notification,
ch 1178,§8,15

Voter registration, felony conviction,
notice to commissioner, ch 1112,§1,2;
ch 1238,§4,5

Decedent's estate, income tax determina-
tion, mailing of order, ch 1241,§18

Deferred judgment, license revocation,
OWI, ch 1220,§4(2)

Drinking drivers course, OWI conviction,
ch 1220,§22

Forcible entry and detainer, ch 1130,§1-4

Grandparent visitation rights, ch 1123

Industrial commissioner decision, judg-
ment, ch 1238,§51

Judges

See also Chief Judge above

Appointive jury commission, appoint-
ments, instructions, ch 1108,§18-24

Apportionment formula, ch 1148

Associate, retirement plan options,
ch 1243,§34

Seized, forfeitable property,
ch 1140,§6,9,12

Judicial review, OWI offense, ch 1220,§14

Motor vehicles, sale or lease, price dis-
crimination, ch 1234

Orders

Drinking drivers course, violation,
ch 1220,§3(1)

Substance abuse evaluation or treat-
ment, violation, ch 1220,§3(1)

Reports to the court

Drinking drivers course, ch 1220,§3,22

OWI, inpatient treatment of alcoholism
or drug addiction, ch 1220,§3(2)

Substance abuse treatment, facility ad-
ministrator, ch 1220,§3(1)

Small claims court

Concurrent jurisdiction, ch 1077

Persons barred, ch 1238,§25

Trial by jury, waiver, ch 1106

Domestic abuse, criminal action, mediation
prohibited, ch 1179,§4

Expert witness standards, medical, dental
malpractice, ch 1211,§16,47

Farm crisis program, mandatory mediation,
ch 1214, §19,28-30

Farm products subject to security interest,
sale by debtor, ch 1126,§3,4

Fiduciary security transfers, certificate
duration, ch 1047

COURTS – Continued

Grand jury, court-appointed attorney, fees,
ch 1238,§34

Judges

Net income, computation, ch 1243,§33

Prisoner relief from sentence, evidence to
governor, ch 1112,§8

Retirement annuity

Amount, cost of living adjustments,
ch 1243,§36

Options, judge and survivor,
ch 1243,§39,40

Senior judge, retired, ch 1243,§41

Retirement, deductions from salary,
ch 1243,§35

Jury, *see JURY*

Juvenile

Administrative rules, county-based reim-
bursements, ch 1246,§314

Appeals, delinquent acts, ch 1186,§12

Child in need of assistance proceedings

Examination, chemical dependency,
ch 1186,§10

Hearings, temporary removal, substan-
tial evidence, ch 1186,§8

Right to counsel, separate guardian,
ch 1186,§7

Sexual offender removed from house-
hold, substantial evidence, ch 1186,§6

Social investigation and report,
ch 1186,§9

Children, legal representation funding,
ch 1246,§303(10)

Delinquent children proceedings

Civil commitments, ch 1186,§5

Detention as adult, ch 1186,§3

Jurisdiction, statutes of limitations,
ch 1186,§1,2

Physical or mental examination, chemi-
cal dependency evaluation, ch 1186,§4

Domestic abuse, ch 1179

Mental health institutes, admission,
ch 1246,§305(4)

Motor vehicle law violations, OWI,
ch 1220,§33

Parent-child relationship, grounds for ter-
mination, ch 1186,§11

Magistrates, seizable and forfeitable prop-
erty, ch 1140,§6,12

Motor vehicle warrant actions, ch 1090

Pleadings, verification not required, ch
1211,§38,47

Public defender, employee of county,
ch 1111

COURTS – Continued

- Punitive damages
 - Awards, distribution, ch 1211, §42,47
 - Structure payment schedule, ch 1211, §39,47
- Replevin action, concurrent jurisdiction, ch 1077
- Rules
 - Jury selection, R.C.P. 187(a), ch 1108, §55
 - Jury selection, R.Cr.P. 17(1), ch 1108, §56
- Sentencing reduction, applicability dates, ch 1075, §7
- Small business, foreclosure, continuance, ch 1216, §7,8,13,15
- Small claims court
 - Concurrent jurisdiction, ch 1077
 - Persons barred, ch 1238, §25
- State administrator
 - Annuity, survivor of annuitant, approval, ch 1243, §39
 - Optional retirement annuity, approval, ch 1243, §40
- Supreme
 - Clerk
 - Citizenship restoration, ch 1112, §8,9(4)
 - Commutation of sentences, ch 1112, §8,9(4)
 - Judicial review, fees, ch 1238, §49
 - Pardons, ch 1112, §8,9(4)
 - Remission of fines and forfeitures, ch 1112, §8,9(4)
 - Reprieves, ch 1112, §8,9(4)
 - Gubernatorial succession, general assembly convened, ch 1251, §2
 - Judicial department annual budget request, ch 1246, §406
 - Judicial nominating commissioners election, clerk, filing, ch 1119, §1
 - Rules, publication and price determined, ch 1238, §1
 - Workers' compensation, commutation, future payments, reinterpretation, ch 1246, §604(2)
- Tax amnesty, tax law violators ineligible, ch 1007, §3(4),47
- Tort liability and implied warranty, statute of limitations, ch 1120
- Transfers to minors, custodial successor, ch 1035, §6,18,19
- Victim impact statements, consideration, ch 1178, §3,6
- Victim, witness harassment, restraining order, ch 1178, §12

CREDIT

- Accounts, cards, disclosure of information, ch 1085
- Consumer credit insurance, unemployment coverage, ch 1151
- Homestead tax
 - Claims filed after July 1, ch 1109
 - Disallowed claim, mail notification, ch 1241, §32
- Research activities tax credit
 - Corporate income tax, ch 1007, §28,44
 - Individual income tax, ch 1007, §22,44

CREDIT UNION DEPARTMENT

- Insolvency, management takeover, ch 1053

CREDIT UNION DIVISION

- See also REORGANIZATION, STATE, Commerce Department*
- Administrator, duties, ch 1246, §618
- Appropriation
 - General, ch 1246, §601(3)
 - Credit union revolving fund, startup, ch 1246, §601(3)
- Fees, ch 1246, §618
- Funds on hand with state treasurer, ch 1246, §618
- Merit system applicability, exception, ch 1246, §611
- Public employment relations (collective bargaining), exclusion, ch 1246, §612
- Revolving fund, distribution, ch 1246, §607

CREDIT UNIONS

- Insolvency, management takeover, ch 1053

CRIMES AND OFFENSES

- See also REORGANIZATION, STATE, Public Safety Department*
- Actions and proceedings, deferral of fees, perjury, ch 1088, §5
- Alcohol consumption, locations, violation, ch 1067
- Alcoholic beverages, underage persons, ch 1221
- Children and minors
 - Child abuse, false report, ch 1238, §11,28
 - Custody orders, violations, ch 1145
 - Domestic abuse, ch 1179
 - Kidnapping, reference corrected, ch 1238, §29
 - Sexual exploitation, penalty, ch 1176, §1-3
 - Support payment delinquencies, ch 1191
- Contempt, OWI, search warrant, refusal to submit, ch 1220, §10(5)
- Crime victim reparation, appropriation, ch 1246, §408

CRIMES AND OFFENSES—Continued

Definitions, OWI, ch 1220,§1
 Domestic abuse, ch 1179
 Electronic transfer of funds, access cards, false use, ch 1222,§1
 Employment practices, witness, criminal proceedings, ch 1178,§13
 Farm products subject to security interest, sale by debtor, ch 1126,§3,4
 Felonies
 Child custody orders, violation of physical care, ch 1145
 Child prostitution, ch 1046
 Definition, weapons law, ch 1065
 Financial instruments, false use, ch 1222
 Lottery tickets, false, ch 1042,§9,12,14
 Motor vehicles
 Homicide, OWI, reckless driving, ch 1220,§41
 Operating while under the influence of alcohol or drugs, third offense, ch 1220,§2(2)
 School election incumbent, vacancy, ch 1238,§12
 Sexual exploitation of children, fine, ch 1176,§1,2
 Incest, definition expanded, ch 1105,§1
 Jury service, violations, *see* *JURY, Violations*
 Misdemeanors
 Animals, cruelty, ch 1121,§3
 Boating near diver's flag, ch 1143
 Burial sites, disturbance, ch 1030,§2
 Child abuse, false report, ch 1238,§11
 Child custody orders, violation of visitation or parental time, ch 1145
 Child support delinquency, misrepresentation to secure assignment, ch 1191
 Corrections institution inmate, escape, ch 1238,§30
 Escape, correctional facilities, ch 1040; ch 1238,§30
 Fish and game violations, ch 1240,§12
 Motor vehicles
 Driving while license revoked, ch 1220,§21,34
 Homicide, drag racing, ch 1220,§41
 Homicide, eluding peace officer, ch 1220,§41
 Operating while under the influence of alcohol or drugs, ch 1220,§2(2)
 Price information, disclosure, ch 1084
 Registration, fraudulent use, ch 1055
 Pet abandonment, ch 1083

CRIMES AND OFFENSES—Continued
Misdemeanors—Continued

Sales and services tax violations, ch 1007,§33,47
 Sexual exploitation of children, purchase of prohibited material, ch 1176,§3
 Weapons law, "felony" defined, ch 1065
 Wine, open container in vehicle, ch 1020
 Perjury
 Citizenship restoration, testimony, ch 1112,§8
 Commutation of sentence, testimony, ch 1112,§8
 Pardons, testimony, ch 1112,§8
 Remission of fines and forfeitures, testimony, ch 1112,§8
 Reprieves, testimony, ch 1112,§8
 Sexual abuser of child, parole discharge, ch 1005
 Students, protected areas, searches, violation, ch 1129,§2
 Victim reparation program, "crime" defined, OWI, ch 1220,§46

CRIMINAL AND JUVENILE JUSTICE
PLANNING AGENCY

See *REORGANIZATION, STATE, Management Department*

CRIMINALISTICS LABORATORY

See also *REORGANIZATION, STATE, Public Safety Department*

Forfeiture hearings, reports admissible, ch 1147,§1

CRIMINAL PROCEDURE

Citizenship restoration, governor's constitutional power not impaired, ch 1112,§4
 Commutation of sentence, governor's constitutional power not impaired, ch 1112,§4
 Jury selection, R.Cr.P.17(1), ch 1108,§56
 Motor vehicle offenses, OWI
 Applicability of statutes, ch 1220,§51,52
 Community service work, fine alternative, ch 1220,§3(1)
 Confinement in county jail, probation, ch 1220,§3(1)
 Conviction, same occurrence violations, ch 1220,§2(4)
 Conviction, sentence, ch 1220,§43,44
 Deferred judgment, exception, ch 1220,§45

CRIMINAL PROCEDURE—Continued
Motor vehicle offenses, OWI—Continued

- Drinking drivers course, time credit, ch 1220,§3(1)
- Evidence admissible, chemical tests, ch 1220,§2(7),15,16,18
- Fine, alternative, unpaid community service, ch 1220,§2(2)
- Fines and imprisonment, ch 1220,§2(2)
- Implied consent to test, ch 1220,§6
- Imprisonment, credit for presentencing time, ch 1220,§2(2)
- Inpatient treatment, time credited against sentence, ch 1220,§3(2)
- License revocation
 - Hearing, appeal, ch 1220,§13
 - Personal injury, death, ch 1220,§4
- Proof of violation, alcohol concentration, ch 1220,§2(9)
- Restitution for damages, ch 1220,§2(8)
- Search warrants, ch 1220,§10
- Statute of limitation, corresponding statutes, ch 1220,§2(3)
- Substance abuse, evaluation, treatment, ch 1220,§3(1)
- Pardon, governor's constitutional power not impaired, ch 1112,§4
- Parole discharge, sexual abuser of child, ch 1005
- Postconviction procedure, alleged error exception, ch 1075,§3
- Remission of fines and forfeitures, governor's power, ch 1112,§4
- Reprive, governor's power, ch 1112,§4
- Restitution
 - Hearing granted, court discretion, ch 1075,§6
 - Prosecution costs paid by convicted offender, ch 1075,§5
- Sentencing reduction, applicability dates, ch 1075,§7
- Trial by jury, waiver, ch 1106

CROPS

- Horticultural, linked deposits, *general*, ch 1096,§1-13
- Soybean and beef assessments, referendum, ch 1195

CULTURAL AFFAIRS DEPARTMENT

See also *REORGANIZATION, STATE, Cultural Affairs Department*

Appropriations

Arts division

General, ch 1246,§101(1)

CULTURAL AFFAIRS DEPARTMENT—
Continued

Appropriations—Continued

Arts division—Continued

- Amana art show, ch 1246,§102(5)
- Cedar Rapids science station, ch 1246,§102(2)
- Clinton riverboat theater, ch 1246,§102(6)
- Davenport river development project, ch 1246,§102(7)
- Dubuque great rivers hall of fame, ch 1246,§102(4)
- Herbert Hoover memorial, ch 1246,§102(1)
- Ottumwa arts council, ch 1246,§102(3)
- Promotion of the arts, ch 1246,§102(8)
- Historical division
 - General*, ch 1246,§101(2)
 - Blood Run national historic landmark, ch 1246,§2
 - Bow-String bridge, ch 1246,§103(4)
 - Centennial building, Iowa City, ch 1246,§103(5)
 - Gardner cabin, ch 1246,§103(1)
 - Matthew Edel blacksmith shop, ch 1246,§103(2)
 - Montauk, ch 1246,§101(2),103(3)
 - Old Fort Madison, ch 1246,§103(6)
 - Promotion of historical sites, ch 1246,§103(9)
 - Rock Island depot, Council Bluffs, ch 1246,§103(7)
 - Territorial capitol, Burlington, ch 1246,§103(8)
- Library division
 - Regional library, ch 1246,§101(3b)
 - State library, ch 1246,§101(3a)
- Public broadcasting division, ch 1246,§101(4)
- State fair board, ch 1246,§101(5)
- Terrace Hill authority, ch 1246,§101(6)
- Board
 - Capital equipment replacement revolving fund, establishment, ch 1244,§38
 - Educational radio and television, equipment purchases, ch 1244,§38
- Director, salary range, ch 1242
- Gifts, ch 1244,§37
- Historical division
 - Archaeological sites, ecological and resource information, ch 1228
 - Tourism information, delivery recommendations, ch 1060,§3

CULTURAL AFFAIRS DEPARTMENT—

Continued

Historical division—Continued

Vendors, mementos, sale of,
ch 1246,§101(2)Public broadcasting division, sale of prop-
erty, ch 1246,§112Selling mementos, rental, lease agreements,
ch 1244,§36**CUSTODIANS**

Uniform transfers to minors Act

General, ch 1035,§1-25Custodial property, effecting transfer,
ch 1035,§9Custodial property, other laws not appli-
cable, ch 1035,§24

Custodian defined, ch 1035,§1

Existing custodianships, minors trans-
fers, effect, ch 1035,§22

Liability, ch 1035,§13,19

Nomination, ch 1035,§3

Powers, ch 1035,§13

Receipt, custodial property, ch 1035,§8

Termination, ch 1035,§20

Uniformity of laws, other states,
ch 1035,§23**DAIRY INDUSTRY COMMISSION**Milk producer records, purchased milk,
ch 1238,§8,9Products advertisements and coupons al-
lowed, ch 1238,§10

Refund, excise tax, ch 1100,§1

DAMAGESCivil, mental health information, unauthor-
ized disclosure, ch 1082,§2,7Overpass clearance, state, political subdivi-
sions not liable, ch 1182,§4,5Personal injury, amount not to be stated,
ch 1211,§37,47Personal injury, wrongful death,
ch 1211,§37,47Punitive, jury or court fix amount,
ch 1211,§42,47Thresher's or cornsheller's lien, satisfaction
not acknowledged, ch 1033,§3Witness, criminal proceedings, employment
practices, ch 1178,§13

Witness, liability immunity, ch 1178,§16

**DAY CARE ADVISORY COMMITTEE,
STATE**

Membership, terms, ch 1044

DEAF PERSONS*See also REORGANIZATION, STATE,
Human Rights Department*School for, merge with sight-saving school,
ch 1246,§132

State school, appropriation, ch 1246,§110(5)

Transportation of pupils, school for the
deaf, ch 1246,§131**DEATH**

Election candidates, primary, ch 1224,§2

Iowa comprehensive health policyholder,
continued coverage election,
ch 1156,§8,13Judges, retirement annuities,
ch 1243,§39,40

Peace officers, death benefits, ch 1243,§2

Uniform transfers to minors Act,
ch 1035,§11,18,20**DEBTS**Consumer credit insurance, unemployment
coverage, ch 1151Debt instruments, delivery of copies,
ch 1081**DEEDS**

Real estate transfer fees, ch 1079

Transfers to minors, custodian nomination,
ch 1035,§3**DEEDS OF TRUST**Agricultural property, default, notice,
ch 1214,§10-12,28-30**DEFAULT**

Agricultural property

Cure of default, ch 1214,§10,11,30

Mediation, ch 1214,§7,29,30

Economic development bond bank program,
foreclosure, ch 1212,§5**DEMONSTRATION WAIVER PROJECT***See INSPECTIONS AND APPEALS DE-
PARTMENT***DENTAL EXAMINERS BOARD**Administrative rules, utilization review
program, cost control, ch 1180,§9,10

Appropriation, ch 1246,§204(5)

Excess examination expenses, approval,
ch 1246,§205

Radiation licensing, ch 1217

Revenue estimates, ch 1246,§204

DENTISTS AND DENTISTRY

- Expert witness standards, disclosure, ch 1211,§16,40,47
- Iowa comprehensive health association, coverage, ch 1156,§4,13
- Prescription drugs, cost savings on generic substitution, ch 1219

DISABLED PERSONS

- See also REORGANIZATION, STATE, Human Rights Department*
- Jury service, automatic excuse, ch 1108,§13
- Passenger service, motor carrier exempt from certification, ch 1161,§7(5)
- Property tax relief, improper rent increase, notice, ch 1241,§33,34
- Residential care facilities, demonstration waiver project, ch 1246,§206
- School census requirements deleted, ch 1016,§5,8,9
- Veterans, vehicle registration plates, handicapped stickers, ch 1225,§2,3,8
- Workers' compensation, departments of human services and public instruction clients, ch 1104

DISASTER SERVICES, OFFICE OF

- See also REORGANIZATION, STATE, Public Defense Department*
- Appropriation, emergency telephone number system, ch 1246,§769
- Emergency telephone number system (911 service) ch 1246,§763-769

DISCLAIMER

- Political advertisements, ch 1023,§11; ch 1246,§620
- Transfers to minors, custodial property, ch 1035,§11,18

DISCOUNTS

- Motor vehicles, sale or lease, price discrimination prohibited, ch 1234
- Purchasing associations, certain cooperatives exempt, ch 1206

DISCRIMINATION

- Education, block grant funds, ch 1250,§6,7
- Jury service, ch 1108,§10
- Motor carrier of property, rates, ch 1161,§6
- Motor vehicles, sale or lease, price discrimination, ch 1234

DISEASES

- Alzheimer's
- Appropriations
 - Support program, ch 1246,§203(6)
 - Veterans home unit, ch 1246,§304(2)
- Bovine brucellosis, ch 1036
- Diabetes mellitus, research, appropriation, ch 1246,§110(2a)
- Occupational, claim, approval of industrial commissioner, ch 1238,§50
- Pneumoconiosis, employer liability, ch 1101

DISPLACED HOMEMAKER

- Appropriation, ch 1246,§303(9a)
- Job training, supplemental funding, ch 1246,§1(12)

DISPUTE RESOLUTION CENTERS

- Appropriation, ch 1246,§405
- Prosecuting attorney training program, ch 1246,§405

DISSOLUTION OF MARRIAGE

- Group health insurance benefits continued, ch 1124,§2,3,4,10
- Support payment, filing fee stricken, ch 1238,§24

DISTRICTS

- Conservancy
 - Definition, tort claims Act, ch 1172
 - Renamed "water resource districts", ch 1238,§61
- Representative district ten, Clinton township added, ch 1238,§3

DOGS

- Abandonment, penalty, ch 1083

DOMESTIC ABUSE

- See ABUSE, Domestic Abuse*

DONATIONS

- See GIFTS; GRANTS*

DRAINAGE AND LEVEE DISTRICTS

- Completion of work, meeting notice published, ch 1099,§2
- Subdistricts, petition to construct, notice, ch 1050
- Tax assessments
 - Conservation commission lands, ch 1008

DRAINAGE AND LEVEE DISTRICTS—
Continued

Tax assessments—Continued

- Interest, first installment, ch 1099,§1
- Trustees, elections, nomination petition, filing, ch 1099,§3

DRAMSHOP ACT

- Civil liability, sale and service of alcoholic liquor, ch 1211,§12,47

DRUGS AND DRUGGISTS

See also *CONTROLLED SUBSTANCES*

- Generic, medical assistance co-payment requirement, federal waiver, ch 1246,§303(2,12)
- Iowa comprehensive health association, coverage, ch 1156,§4,13
- Medical assistance reimbursement rate, ch 1246,§309(1d)
- Utilization review program, ch 1246,§303(2,12)

ECONOMIC DEVELOPMENT

See also *REORGANIZATION, STATE, Economic Development Department*

- Agricultural diversification, marketing promotion, ch 1193
- Bond bank program
 - Capital reserve fund requirement, ch 1212,§6
 - Established, ch 1212,§3
 - Legislative findings, ch 1212,§2
 - Loan agreements, ch 1212,§5
 - Powers, duties, ch 1212,§4
 - Security for bonds, ch 1212,§6
- Business expansion, grants, ch 1068,§1-4
- Community development loan program, repayments, ch 1185
- Conservation corps employment programs, ch 1190
- Grain marketing, see *AGRICULTURAL GRAIN MARKETING, INTER-STATE COMPACT*
- Hazardous waste research and assistance for cities, ISU, ch 1229
- Iowa plan, see *IOWA PLAN FUND FOR ECONOMIC DEVELOPMENT*
- Raffle program, venture capital activity, ch 1125

ECONOMIC DEVELOPMENT DEPARTMENT

See also *REORGANIZATION, STATE, Management Department*

ECONOMIC DEVELOPMENT DEPARTMENT—
Continued

- Administration, block grant funds, state auditor, ch 1250,§5
 - Appropriations
 - General, ch 1246,§1
 - Asian trade office, ch 1246,§1(5)
 - Child care, displaced homemakers, supplemental funding, ch 1246,§1(12)
 - Community development, federal housing, urban development, ch 1246,§1(7)
 - Community development, funds, ch 1250,§5,11-17
 - Export finance program, ch 1246,§1(6)
 - Job training, dislocated workers, ch 1246,§1(8)
 - Marketing program, ch 1246,§1(3,4)
 - Mississippi river parkway commission, ch 1246,§1(9)
 - Tourism marketing plan task force, item veto, ch 1246,§1(2)
 - Youth services, Iowa youth corps, ch 1246,§1(10,11)
 - Community development block grant, ch 1250,§5,11-17
 - Community development loan, repayments, ch 1185,§1
 - Community economic betterment account, ch 1185,§1,3
 - Director
 - Corn promotion board, member, ch 1100,§22
 - Salary range, ch 1242
 - Soybean promotion board, member, ch 1100,§21
 - Extension service, coordinate economic development program, ch 1246,§110(3c)
 - Grant Wood gothic house, intent language, ch 1246,§1(2)
 - Iowa product development corporation fund, ch 1244,§11
 - Self-employment loan program established, ch 1244,§5
- EDUCATION**
- Area education agency, school economy task force, ch 1226,§13-18,20
 - Commissioner, special education, payment, ch 1244,§35
 - Elder law education program, appropriation, ch 1246,§4
 - Film or video tape production, nonresident income tax withholding exemption, ch 1208
 - Fire service institute, ch 1188,§1-7

EDUCATION—Continued

- First in the nation in education foundation, funding, ch 1246,§121-123,140,141
- Foster care child, tuition, ch 1246,§117
- Juvenile homes, costs, ch 1246,§115
- Radiation operators and users, continuing education, ch 1217
- School economy task force, ch 1226,§12-16,18,20
- Sister states, resident student tuition at universities, ch 1246,§125
- Special education, costs, payment procedure, ch 1244,§35;ch 1246,§116,118,119
- Transportation
 - Nonpublic school pupils, item veto, ch 1246,§138
 - Public school pupils, reimbursement, ch 1246,§135
- Tuition grant program, appropriation, ch 1246,§4
- War orphans educational aid, ch 1246,§762(2)

EDUCATIONAL RADIO AND TELEVISION

- Equipment purchases, technical, ch 1244,§38

EDUCATION DEPARTMENT

See also *REORGANIZATION, STATE, Education Department*

- Administrative rules
 - Area schools funding plan, ch 1246,§159
 - Curriculum for juvenile homes, ch 1246,§133
- Appropriations
 - General, ch 1246,§105(1)
 - Area schools, funding plan, ch 1246,§145-163
 - Federal block grants, allocation to department and local agencies, ch 1250,§6,7,11-17
 - Fire service education, ch 1246,§105(1b)
 - Foreign language programs, ch 1246,§105(1a)
 - Mental retardation, evaluator approval process, ch 1246,§105(1c)
- Merged area schools
 - General, ch 1246,§105(11)-108
 - Employee pay adjustments, ch 1246,§120
 - Vocational education programs, ch 1246,§105(11b)

EDUCATION DEPARTMENT—Continued

Appropriations—Continued

- Non-English speaking students, ch 1246,§105(10)
- Professional teaching practices commission, ch 1246,§105(4)
- School budget review committee, ch 1246,§105(8)
- School food service, ch 1246,§105(6)
- Textbooks, nonpublic schools, ch 1246,§105(7)
- Vocational education
 - Administration, ch 1246,§105(2)
 - Secondary schools, ch 1246,§105(3)
 - Vocational rehabilitation division, ch 1246,§105(9)
 - Vocational youth organization fund, ch 1246,§105(5)
- Area schools
 - Budget review procedure, ch 1246,§158
 - Funding plan, ch 1246,§145-163
 - Standards, auditable, ch 1246,§113
- Board, state, vocational education programs, legislative intent, ch 1246,§105(3)
- Commissioner (director)
 - Children requiring special education, ch 1244,§33
 - School budget review committee, duties, ch 1244,§57
 - Special education, payment, ch 1244,§35
- Director
 - Salary range, ch 1242
 - Special education, costs, modification, ch 1246,§116-118
- Permanent revolving fund, ch 1244,§32
- Special education costs, payment procedure, ch 1244,§35;ch 1246,§116,118,119
- Tuition fees, ch 1246,§117

EGGS

- Excise tax, refunds, ch 1100,§1,30
- Iowa egg council, membership, ch 1100,§23,30
- Iowa egg fund, ch 1100,§24,30

ELDER AFFAIRS DEPARTMENT

See also *REORGANIZATION, STATE, Elder Affairs Department*

- Appropriations
 - General, ch 1246,§203(1)
 - Alzheimer's disease support program, ch 1246,§203(6)

ELDER AFFAIRS DEPARTMENT -

Continued

Appropriations - Continued

- Area agencies on aging, ch 1246, §203(2)
- Elderly services programs,
ch 1246, §203(7)
- Older Iowans legislature, ch 1246, §203(4)
- Retired Iowans community employment
program, ch 1246, §203(3)
- Retired seniors volunteer program,
ch 1246, §203(5)

Director

- Elderly services program, funds, restric-
tions, federal, ch 1246, §203(7)
- Salary range, ch 1242

ELDERLY PERSONS

See also *REORGANIZATION, STATE, Elder Affairs Department*

- Alzheimer's disease support program, ap-
propriation, ch 1246, §203(6)
- Area agencies on aging, appropriation,
ch 1246, §203(2)
- Conservation corps employment programs,
ch 1190
- Elderly services programs, appropriation,
ch 1246, §203(7)
- Green thumb program, appropriation,
ch 1246, §505(2)
- Older Iowans legislature, appropriation,
ch 1246, §203(4)
- Passenger service, motor carrier exempt
from certification, ch 1161, §7(5)
- Property tax relief, improper rent increase,
notice, ch 1241, §33,34
- Retired
 - Iowans community employment, appro-
priation, ch 1246, §203(3)
 - Iowans employment program,
ch 1190, §12; ch 1245, §943, 1020
 - Seniors volunteer program, appropria-
tion, ch 1246, §203(5)

ELECTIONS

- Absentee voting, "armed forces or overseas
ballot", envelope designation,
ch 1224, §31
- Affidavit to nomination papers, repealed,
ch 1224, §39
- Ballots
 - Absentee, "overseas" identification on
envelope, ch 1224, §31
 - City candidacy, ch 1224, §35

ELECTIONS - Continued**Ballots - Continued**

- City primaries, recounts, timetable,
ch 1224, §15,16
- Cumulative voting, void, ch 1224, §13
- Names rotated, arranged, ch 1224, §11,12
- Special absentee ballot, application,
ch 1224, §29
- Special paper ballots, ch 1224, §24
- Tabulated, ch 1224, §25
- Write-in name repeated, ch 1224, §13
- Campaign finance disclosure, *see CAM-
PAIGN FINANCE DISCLOSURE*
- Candidates
 - Committee requirements, ch 1224, §3
 - Primary election, death or withdrawal,
ch 1224, §2
 - Public employee, leave of absence,
ch 1021
- Caucus, place of holding, ch 1224, §4
- Certification of elector, registration,
ch 1224, §9
- Challenging committee, membership re-
strictions, ch 1224, §14
- Cities, recounts allowed, ch 1224, §15
- Commissioner
 - County, duties, ch 1224, §1,8,11,28-30
 - State, duties, ch 1224, §1,2,19,21
- Constitutional amendments, Iowa
 - Governor and lieutenant governor
Team election, ch 1251, §1
 - Terms, compensation, duties, vacan-
cies, ch 1251, §2
- Contests, grounds, felony conviction,
ch 1112, §3
- County central committee
 - Duties, ch 1224, §5
 - Officers, term, ch 1224, §6
- County commissioner
 - Duties, ch 1224, §1,8,11,28-30
 - Felony convictions, changes in registra-
tion, ch 1112, §1,2
 - Mobile deputy registrars, appointment,
ch 1010
- Drainage district trustee, nomination peti-
tion, filing, ch 1099, §3
- Election day, change of name, address,
ch 1224, §10
- Electronic voting machines, examination,
testing, tabulation, ch 1224, §18-27
- Judicial nominating commissions, eligibility
to vote, ch 1119, §1,2
- Mobile deputy registrars, appointment,
ch 1010

ELECTIONS — Continued**Nominations**

- Objections heard, combined county offices, ch 1155,§1,9
- Papers filed, not returned, ch 1224,§1
- Petition, ch 1224,§7

Political advertisers identified,
ch 1023,§11,12

Primary candidate, death or withdrawal,
ch 1224,§2

Registration of voters

- Felony convictions, notice to commissioner, ch 1112,§1,2;ch 1238,§4,5
- Forms, deadline for receipt, ch 1224,§8
- Mobile deputy registrars, appointment, ch 1010

School property disposal, voter approval eliminated, ch 1223

School, vacancy, felony conviction,
ch 1238,§12

Special election to fill vacancy in Congress or general assembly, restrictions,
ch 1224,§33

Testing portable tabulating devices,
ch 1224,§25

Township clerk, residence qualification,
ch 1117

Votes cast, special paper ballots,
ch 1224,§24

“Voting machine” defined, ch 1224,§18

Written statements of election, ch 1224,§23

ELECTRIC UTILITIES

See *PUBLIC UTILITIES*

ELEVATORS

Stairway chair lifts and wheelchair lifts,
ch 1157

EMERGENCY TELEPHONE NUMBER SYSTEM (911 Service)

Appropriation, ch 1246,§769

Commission

- Chairperson designated, ch 1246,§765
- Compensation and expenses, ch 1246,§766
- Creation, ch 1246,§765
- Defined, ch 1246,§763(6)
- Meetings, ch 1246,§766
- Membership, ch 1246,§765
- Public hearings required, ch 1246,§766(4)
- Report and recommendations,
ch 1246,§767
- Terms and vacancies, ch 1246,§765

Definitions, ch 1246,§763

EMERGENCY TELEPHONE NUMBER SYSTEM (911 Service)— Continued

Establishment of statewide 911 service,
ch 1246,§763-769

Repeal, ch 1246,§768

EMERGENCY VEHICLES

Child restraint law, exemption, ch 1069

EMINENT DOMAIN

Property taxes, assessment, payment,
ch 1153

EMPLOYEES

See also *REORGANIZATION, STATE, Personnel Department*

Agricultural grain marketing, interstate compact, retirement system,
ch 1197,Art. III(a6)

Cease and desist order against employer,
ch 1178,§13

City civil service, see *CITIES, Civil Service, City Employees*

Defined, workers' compensation benefits,
ch 1104

Department directors, boards, appointed nonelective persons, salary ranges,
ch 1242

Pneumoconiosis claims, employer liability,
ch 1101

Public

Grievance procedures, civil service,
ch 1118

Leave of absence, political candidate,
ch 1021

State

Alcoholic beverages control division employees, job preference, ch 1246,§755

Bonds, ch 1211,§3,10,47

Comparable worth, see *COMPARABLE WORTH*

Executive branch employees displaced, job preference, ch 1246,§774

Holidays, paid, ch 1163,§1,2

Human services, damaged property reimbursement, ch 1246,§311

Insurance, payroll deduction, ch 1063

Management training program and fund,
ch 1159

Mileage reimbursement, private auto used, ch 1246,§772

Natural resources department, insurance premium payment, ch 1246,§408(5)

EMPLOYEES—Continued
State—Continued

Public safety department, insurance premium payment, ch 1246,§408(5)
 Retirement incentive program, ch 1192,§1
 Salaries, department directors, appointed nonelective persons, ch 1242
 Tax-sheltered annuities, ch 1213
 Termination incentive program, ch 1192,§2
 Witness, criminal proceedings, ch 1178,§13
 Workers' compensation, owner-operator, certain trucks, exclusion, ch 1074,§4

EMPLOYERS

Employee as witness, retributive actions prohibited, ch 1178,§13
 Unemployment compensation, employer contribution, ch 1166
 Workers' compensation
 Partners and proprietors
 Benefit and premium rates, ch 1074,§2
 Coverage election, ch 1074,§1
 Pneumoconiosis, liability, ch 1101

EMPLOYMENT

Alcoholic beverages control division employees, job preference, ch 1246,§755
 Conservation corps programs, ch 1190
 Executive branch employees displaced, job preference, ch 1246,§774
 Retired Iowans employment program, ch 1190,§12;ch 1245,§943,1020
 Seniority rights, relinquishment, ch 1089
 Unemployment compensation, employer contribution, ch 1166
 Youth services administration, appropriation, ch 1246,§10

EMPLOYMENT APPEAL BOARD

See also REORGANIZATION, STATE, Inspections and Appeals Department
 Salary range, members, ch 1242

EMPLOYMENT SERVICES DEPARTMENT

See also REORGANIZATION, STATE, Employment Services Department
 Appropriation, general, ch 1246,§604
 Department approved training fund
 Administrative costs, ch 1246,§623
 Information distribution, training qualifications requirements, ch 1246,§623

EMPLOYMENT SERVICES DEPARTMENT—Continued

Department approved training fund—Continued

Interest, earnings credited to fund, ch 1246,§623
 Training costs, tuition, fees, approval, ch 1246,§623
 Director, salary range, ch 1242
 Self-employment loan program, ch 1244,§5
 Special employment security contingency fund, expenditures, ch 1246,§623
 Unemployment trust fund, contribution rate, ch 1246,§622

ENERGY

Agricultural energy management fund, ch 1249,§3
 Appropriation, low-income home energy assistance, ch 1250,§8,11-17
 Audits, conservation programs, access to results, ch 1110
 Conservation improvement pilot program terminated, ch 1134
 Conservation programs, use of oil overcharge funds, ch 1249
 Energy conservation trust fund, ch 1249
 Research and development fund, ch 1244,§16
 Schools and school districts
 Energy audits, ch 1167,§1,4; ch 1249,§4(3),5
 Energy bank program, ch 1167,§2
 Energy loan fund, ch 1167,§3
 Petroleum overcharge fund, energy audits, ch 1167,§4
 Utilities, municipally owned, regulation limitations, ch 1162

ENERGY POLICY COUNCIL

See also REORGANIZATION, STATE, Natural Resources Department
 Administrative rules, schools, energy conservation, audits, ch 1167,§1
 Comprehensive solar energy program, ch 1244,§18
 Director, energy projects, selection, ch 1244,§16
 Energy bank program, schools, establishment, ch 1167,§2
 Energy conservation trust fund
 Administrator designated, ch 1249,§2(4)
 Appropriated funds, distribution, ch 1249,§4

ENERGY POLICY COUNCIL — Continued

Energy conservation trust fund —
Continued

Court order, request to modify,
ch 1249,§6

Energy fund disbursement council

Administrative rules, ch 1249,§2(3c)

Annual report, ch 1249,§2(3f)

Attorney general, assistance,
ch 1249,§2(3,4)

Disbursement of moneys, approval,
ch 1249,§2(4)

Duties, ch 1249,§2(3)

Established, membership, ch 1249,§2(3)

Investment guidance, ch 1249,§2(2)

Staff, ch 1249,§2(3)

Established, ch 1249,§2

Fund carryovers, ch 1249,§8

Investment guidelines, ch 1249,§2(2)

Receipts and disbursements, ch 1249,§2

Repeal, ch 1249,§7

Energy loan fund, schools, ch 1167,§2,3

Energy research and development fund

Administrative funds, limitation,
ch 1249,§5

Energy conservation, projects, uses,
ch 1244,§16

Weatherization, energy assistance, re-
pealed, ch 1244,§16

Exxon corporation case, oil overcharge
funds, ch 1249,§1

Petroleum overcharge fund, energy conser-
vation for schools, ch 1167

ENGINEERING AND LAND**SURVEYING EXAMINERS BOARD**

See also *REORGANIZATION, STATE,*
Commerce Department

Appropriations

General, ch 1246,§601(1d)

Supplemental, ch 1247,§11,19,20

Examination excess expenses, approval,
ch 1246,§601(1)

ENGINEERS

Drainage subdistricts, petition to construct,
notice, ch 1050

ENVIRONMENTAL PROTECTION**COMMISSION**

See also *REORGANIZATION, STATE,*
Natural Resources Department

Sewage treatment, eligible project cost,
ch 1246,§505

ERRORS

Criminal postconviction procedure, alleged
error exception, ch 1075,§3

Property tax assessments, protesting er-
rors, ch 1028

ESCAPE

Community-based correctional facilities,
ch 1040;ch 1238,§30

ESTATES

Income tax determination, mailing of order,
ch 1241,§18

Personal representative, notice require-
ments, ch 1054;ch 1241,§20,44,50

Tax on estates, due date, ch 1241,§47,52

Tax penalties, exceptions, ch 1007,§20,45

Transfers to minors, custodial property,
ch 1035,§12

EVIDENCE

Forfeitable property, claim,
ch 1140,§11,13-15

Intoxication arrest, chemical test, ch 1067

Motor vehicles, OWI, chemical tests,
ch 1220,§15,16,18

Students, protected areas searches, viola-
tion, ch 1129,§4

EXAMINATIONS

Banks, fees, ch 1246,§617

Chiropractors, temporary certificates,
ch 1127

Electronic voting machines, elections,
ch 1224,§19

Radiation machine operators, ch 1217

EXECUTIVE COUNCIL

See also *REORGANIZATION, STATE,*
Executive Council

Appropriations

General, ch 1246,§703

World trade center construction, funds
deleted, ch 1207,§9,17,22

Civil reparations trust fund, ch 1211,§42,47

Drainage assessments, conservation com-
mission lands, ch 1008

Duties repealed

Corrections department, real estate op-
tions, approval, ch 1244,§31

Fair board expenditures approval,
ch 1244,§4

Human services, real estate purchases,
ch 1244,§29

EXECUTIVE COUNCIL — Continued**Duties repealed — Continued**

- National guard facilities, leasing approval, ch 1244,§12
- Petroleum overcharge fund, ch 1244,§17
- Public improvements, assessment, ch 1244,§40
- Real estate purchases, ch 1244,§29
- Sale of park lands, ch 1244,§25
- State fair, real estate purchases, ch 1244,§28
- Utility easement grants, approval, ch 1244,§29
- Workers' compensation insurance, approval, ch 1244,§10
- Fish and game protection fund, expenditures, contingency determination, ch 1246,§505(1d)
- Public broadcasting property, disposition, ch 1246,§112
- Public policy research foundation
 - Creation, ch 1154,§1,2
 - Funds, initial expenses, ch 1154,§2

EXPLOSIVES

- "Felony" defined, weapons law, ch 1065
- Storage facilities, federal inspection accepted, ch 1029

FAIR BOARD

- See also REORGANIZATION, STATE, Agricultural and Land Stewardship Department*
- Appropriation, ch 1246,§101(5)
- Real estate purchase, authority, ch 1244,§28

FAMILY

- See also REORGANIZATION, STATE, Human Rights Department*
- Centered services, appropriation, ch 1246,§303(7c)
- Day care advisory committee, membership, ch 1044
- Incest, definition expanded, ch 1105,§1
- Planning, appropriation, ch 1246,§303(7b)

FAMILY FARM DEVELOPMENT AUTHORITY

- Name changed, ch 1026,§2,6, *see also AGRICULTURAL DEVELOPMENT AUTHORITY*

FAMILY PRACTICE PROGRAM

- Appropriation, ch 1246,§110(2b)

FARM CRISIS PROGRAM

- Aliens, nonresident, land ownership, ch 1214,§9
- Coordinator, attorney general, duties, ch 1214,§2,15,27,29,30
- Default, ch 1214,§7
- Eligible organization, nonprofit, ch 1214,§3
- Foreclosure, mediation notice, ch 1214,§12
- Foreclosure, receivership preference, ch 1214,§13
- General assembly, findings, ch 1214,§1
- Homestead exemption, waiver, ch 1214,§8
- Legal assistance, eligibility, ch 1214,§5
- Mediation
 - Applicability of chapter, ch 1214,§17,30
 - Attorney general, coordinator, duties, ch 1214,§2,15,30
 - Confidentiality, ch 1214,§26,30
 - Definitions, ch 1214,§14,30
 - Extension of deadlines, ch 1214,§25,30
 - Farm mediation service, ch 1214,§16,19,20,26,27,30
 - Financial analyst and legal assistance, ch 1214,§20,30
 - Mandatory proceedings, ch 1214,§19,30
 - Mediator's duties, ch 1214,§22,30
 - Meeting, initial, ch 1214,§21,30
 - Notice, ch 1214,§28,30
 - Period of time, ch 1214,§23,30
 - Release, ch 1214,§24,30
 - Rules and forms, ch 1214,§27,30
 - Voluntary proceedings, ch 1214,§18,30
- Notice, default, right to cure, ch 1214,§10,11
- Program requirements, ch 1214,§4
- Reports, ch 1214,§6

FARMS AND FARMERS

- See also FARM CRISIS PROGRAM*
- Agricultural development, bond bank low interest rates, ch 1212,§1-6
- Agricultural property, default, notice, ch 1214,§10-12,29,30
- Agricultural property, foreclosure, receivership, ch 1214,§13,30; ch 1216,§8
- Agricultural supply dealer's lien, filing fee, ch 1011
- Beef and soybean assessments, referendum, ch 1195
- Corporations
 - Annual report, ch 1173,§5,6
 - Income tax, net apportionment, ch 1194,§1,4
- Farm fund, investment proceeds credit to revolving fund, ch 1075,§2
- Grain, *see GRAIN AND GRANARIES*

FARMS AND FARMERS - Continued

- Hazardous waste
 - Research and assistance program, Iowa State University, ch 1229,§2,3
 - "Toxic cleanup days" pilot program, ch 1229,§1,3
- Horticultural marketing development, ch 1193
- Horticultural products, linked deposit, ch 1096,§1-13
- Limited partnership, agricultural land, ch 1091
- Loan programs
 - Agricultural development authority, ch 1026
 - Bankhead-Jones farm tenant Act, operating loan, ch 1078
 - Beginning or displaced farmer, operating loan, ch 1078
 - Interest rate buydown program, ch 1027
- Mediation service, appropriation, ch 1248
- Mortgage foreclosures
 - Continuance, ch 1216,§8,13,15
 - Deficiency judgments, ch 1216,§3,13-15
 - Displaced farmer, operating loan, ch 1078
 - Exemptions from execution, ch 1216,§5,6,13,15
 - Homestead sale, redemption, ch 1216,§2,13,15
- Multiflora rose eradication cost reimbursement, ch 1246,§502(3)
- Pesticide use, hazardous risks, ch 1135,§1
- Rural underinsured, medical assistance, ch 1246,§303(2,12)
- Security interest in farm products, ch 1126
- Soil conservation, cost-sharing funds, restrictions removed, ch 1238,§22
- Telephone line, farm family assistance, ch 1246,§110(3c);ch 1247,§8,19,20
- Thresher's or cornsheller's liens, ch 1033
- Tourism
 - Bed and breakfast homes, ch 1041
 - Farm hosts, list published, ch 1142

FEDERAL FUNDS

- Appropriation of federal grants and receipts, ch 1246,§34,163,208,321,417, 510,626,776
- Block grant appropriations, ch 1250
- Block or categorical grant funding, procedure when changed, ch 1250,§11-14
- Energy loan fund for schools, federal funds accepted, ch 1167,§3

FEDERAL FUNDS - Continued

- Highway safety patrol, additional members, ch 1246,§409
- Human services department, federal receipts appropriated, ch 1246,§321
- Job services division, data processing equipment, appropriation, ch 1246,§621
- Social services, block grant supplementation, ch 1246,§308
- Street and highway improvements, federal moneys, ch 1244,§39
- Unemployment trust fund account, administration expense, limitations, ch 1246,§622

FEEDLOTS

- Administrative rule nullified, ch 1253

FEES

- Agricultural supply dealer's lien, ch 1011
- Banking division expenses, fund, ch 1246,§616
- Banks, examinations, ch 1246,§617
- Chiropractic licenses, ch 1127
- Commercial fishing, licenses, ch 1141,§4,21
- Court, deferred, ch 1088
- Credit and financial services, disclosure of information, ch 1085
- Credit union division expenses, fund, ch 1246,§618
- Cultural affairs department, mementos sold, ch 1244,§36
- Equipment usage, collection, ch 1244,§38
- Fire reports, ch 1018,§2
- Fish and game licenses, ch 1240
- Food service establishment, license, ch 1244,§27
- Grain depositors and sellers indemnity fund, ch 1152,§33,35,40
- Insurance companies, associations, ch 1246,§615
- Iowa comprehensive health association, referral, ch 1156,§2
- Landfill tonnage fee, ch 1175,§4
- Licensing boards, excess examination expenses, applicants, ch 1246,§601(1)
- Liens
 - Cornshellers, filing fees, ch 1033
 - Statutory, filing fees, ch 1011
 - Threshers, filing fees, ch 1033
- Management training system, state employees, ch 1159
- Merged area board of directors, certificates, ch 1244,§6

FEES — Continued

- Motor fuel tax refund permit, fee eliminated, ch 1241,§6
- Motor vehicle warranty actions, attorney fees, ch 1090
- Property tax sale, ch 1139
- Publication, official notices, ch 1183,§5
- Real estate conveyances, instruments, ch 1079
- Savings and loan associations, ch 1246,§619
- Snowmobiles
 - Competition registration, ch 1031,§2
 - Registration fee increase, ch 1235
- Substance abuse, OWI, residential facilities, daily, ch 1246,§402(2d)
- Utilities trust fund, fees deposited, ch 1246,§614

FELONIES

See *CRIMES AND OFFENSES, Felonies*

FERTILIZERS

- Horticultural products, linked deposit program, ch 1096,§6,12,13

FIDUCIARIES

See also *PROBATE CODE*

- Corporate, nonprofit, qualification, ch 1131
- Investments, U.S. government obligations, ch 1032
- Personal representative, notice requirements, ch 1054;ch 1241,§20,44,50
- Security transfers, certificate duration, ch 1047

FINANCE AUTHORITY, IOWA

- Administrative rules, economic bond bank program, ch 1212,§7
- Economic development bond bank program
 - General, ch 1212,§1-7
 - Capital reserve funds, ch 1212,§6
 - Chairperson, duties, ch 1212,§6
 - Established, ch 1212,§3
 - Irrevocable contracts, ch 1212,§6
 - Loan agreements, ch 1212,§5
 - Nonliability, ch 1212,§6
 - Powers, duties, ch 1212,§4
 - "Project" defined, ch 1212,§1
 - Security for bonds, ch 1212,§6
 - Validity of pledge, ch 1212,§6
- New construction financing requirement, ch 1128
- Rehabilitation of existing housing, financing, ch 1128

FINANCE AUTHORITY, IOWA — Continued**Reports**

- Housing rehabilitation financing, if demand unmet, ch 1128
- New construction requirement, noncompliance, ch 1128

FINANCIAL INSTITUTIONS

See also *BANKS AND BANKING; CREDIT UNIONS; SAVINGS AND LOAN ASSOCIATIONS; REORGANIZATION, STATE, Commerce Department*

- Corporate fiduciary, waiver of bond, ch 1131
- Credit and financial services, disclosure, ch 1085
- Defined, grain dealers and warehouses law, ch 1006,§1,3,8
- Electronic transfer of funds, access device, false use, ch 1222,§1
- Financial instruments, false use, penalty, ch 1222,§2
- Franchise tax refund, ch 1194,§2
- Horticultural crops, linked deposits
 - Certification of compliance, submitted, ch 1096,§7,12,13
 - Deposit agreement, state treasurer, ch 1096,§6,12,13
 - Eligible borrower, certification, ch 1096,§5,12,13
 - Liability, ch 1096,§9,12,13
 - Linked deposit loan package, forwarded to treasurer, ch 1096,§5,12,13
 - Loan amounts, ch 1096,§5,12,13
 - Loan uses, applications reviewed, ch 1096,§5,12,13
- Student loans, ch 1246,§25
- Tax penalties, exceptions, ch 1007,§20,45
- Transfers to minors, custodial property, ch 1035,§1-25

FINES AND FORFEITURES

- Motor vehicle, overtime parking, court costs, ch 1238,§14
- Remission
 - Clerk's duties, filing of record, ch 1112,§8,9,12
 - Conditions prerequisite, ch 1112,§6-8,11,12
 - Convicted person's right, application to governor or parole board, ch 1112,§5
 - Copies required, ch 1112,§9
 - Governor's constitutional power not impaired, ch 1112,§4

FINES AND PENALTIES

- Alcoholic beverage violations, under age persons, ch 1221,§1,3
- Animals, cruelty to, ch 1121
- Boating near diver's flag, ch 1143
- Burial site, disturbance, ch 1030
- Child prostitution, ch 1046
- Child support delinquencies, misrepresentation to secure assignment, ch 1191
- Commercial fishing, ch 1141,§15
- Corporations, ch 1173,§9
- Employment practices, witness, criminal proceedings, ch 1178,§13
- Escape, community-based correctional facilities, ch 1040
- Farm products subject to security interest, sale by debtor, ch 1126,§3,4
- Fish and game violations, ch 1240,§12
- Health care facilities, ch 1168
- Insurance holding companies, ch 1102,§23
- Lottery ticket, counterfeiting, ch 1042,§9,12,14
- Mental health information, unauthorized disclosure, ch 1082,§2,7
- Motor vehicles
 - License revocation, OWI, assessment, ch 1246,§408(1c)
 - License suspension, unpaid fines and penalties, ch 1019
 - Open wine container, ch 1020
 - OWI
 - Applicability, ch 1220,§51,52
 - Civil or criminal, ch 1220,§2(2,8),17
 - License revocation, assessment, ch 1246,§408(1c)
 - Search warrant, refusal to submit, ch 1220,§10(5)
 - Price information, disclosure, ch 1084
 - Registration, fraudulent use, ch 1055
 - Special truck violations, ch 1210,§3
- Ordinance violations, city and county, ch 1202
- Pet abandonment, ch 1083
- Scheduled violations
 - Alcoholic beverages, under age persons, ch 1221,§1,3
 - Motor fuel tax law, ch 1007,§41,47; ch 1116,§6
- Sexual exploitation, children, ch 1176,§1-3
- Snowmobiles, delinquent registration, ch 1031,§4
- Tax penalties, *see TAXATION, specific taxes thereunder*
- Thresher's or cornsheller's lien, satisfaction not acknowledged, ch 1033,§3

FIRE FIGHTERS

- Chief
 - Appeal procedure, employee removal, ch 1138,§8
 - Appointment by city manager, ch 1171
 - Employee, subordinate, discharge or removal, ch 1138,§6
- Death benefits, ch 1243,§28
- Disability retirement allowance, ch 1243,§27
- Retirement system
 - Disability payments, federal income tax form, ch 1203,§3
 - Disability, third party liability, ch 1203,§5
 - Joint investments, ch 1203,§4
- Trustees
 - Attorney, per diem, ch 1203,§2
 - Member term change, ch 1203,§1,6

FIRE MARSHAL

- Explosive storage facilities, federal inspection accepted, ch 1029
- Fees, fires reported, ch 1018,§2
- Inspections, appropriation, ch 1246,§408(2)
- Mileage payments to officials eliminated, ch 1018,§2
- Reports to fire marshal, ch 1018,§1
- Residential care facilities, safety inspections, demonstration waiver, ch 1246,§206

FIRES AND FIRE PROTECTION

- Arson investigations, disclosure, ch 1051
- Fire service institute, purpose, ch 1188,§2
- Mileage to officials eliminated, ch 1018,§2
- Reports
 - Emergency responses, ch 1018,§1
 - Fee, fires reported, ch 1018,§2
 - Monthly reporting, ch 1018,§1
- Services, exchange of territories, townships and benefited fire districts, ch 1057

FIRE SERVICE INSTITUTE

- Advisory committee created, ch 1188,§7
- Duties, ch 1188,§5
- Enrollment, ch 1188,§3
- Executive officer, ch 1188,§6
- Programs, ch 1188,§4
- State fire academy, purpose, ch 1188,§2
- Title, ch 1188,§1

FIRST IN THE NATION IN EDUCATION

- Funding, ch 1246,§123,140,141

FISH AND WILDLIFE

- See also REORGANIZATION, STATE, Natural Resources Department*
- Baits, commercial fishing, ch 1141,§8

FISH AND WILDLIFE—Continued

- Commercial fishing
 - Baits, ch 1141,§8
 - Conservation commission, authority, inspection, ch 1141,§1
 - Contraband articles, ch 1141,§1
 - Definitions, ch 1141,§2
 - Freshwater mussels, ch 1141,§12
 - Gear, *general*, ch 1141,§1,2,5,7
 - Gear, constant attendance required, ch 1141,§7
 - Licenses, gear tags, ch 1141,§4,13
 - Penalties, ch 1141,§15
 - Reciprocity, commercial fishing, turtle, mussel fishing, ch 1141,§13,21
 - Reciprocity, other states, ch 1141,§16
 - Refund, motor fuel tax, ch 1141,§18
 - Reports, ch 1141,§14
 - Sale of commercial fish, ch 1141,§10
 - Tagging of commercial gear, ch 1141,§6
 - Trotline restrictions, license, ch 1141,§4
 - Turtles, ch 1141,§11
 - Unlawful methods, ch 1141,§9
 - Where permitted, ch 1141,§3
- Fines and penalties, ch 1240,§12
- Fish and game protection fund
 - Administering division redesignated, ch 1244,§23
 - Appropriation, ch 1246,§505(1)
 - Conservation peace officers' retirement, financing, ch 1246,§722
- Fishing days, free, ch 1240,§11
- Guns, manner of conveyance, ch 1240,§10
- Hunter safety certificate, fees, ch 1240,§8
- Income tax refund checkoff, ch 1244,§22
- Licenses and permits
 - Combined, hunting, fishing, fur harvesting, ch 1114,§1,3
 - Deer, wild turkey, ch 1240,§3,4
 - License not required, definitions, landowners and tenants, ch 1240,§5,6
 - Minors, license requirements, ch 1240,§7
 - Nonresidents, fishing license, ch 1240,§1
 - Three-day fishing licenses, ch 1240,§1
 - Trout license stamp, exemption, ch 1240,§2
- Mussels, *general*, ch 1141,§4,12,21
- Pigeons, season and method of taking, ch 1133
- Public nuisance defined, ch 1240,§9
- Violations
 - Fines and penalties, ch 1240,§12
 - Roadblocks, routine vehicle, authorization, requirements, ch 1220,§23

FISH AND WILDLIFE—Continued

- Wildlife lands and habitat areas, bond issuance, ch 1231
- FLAG**
 - Diving, boating near diver's flag prohibited, ch 1143
- FLOOD CONTROL**
 - Flood plain permit application, verification not required, ch 1144,§2
- FOOD AND FOOD ESTABLISHMENTS**
 - See also REORGANIZATION, STATE, Inspections and Appeals Department*
 - Bed and breakfast homes, license exemption, ch 1041,§2
 - Licenses, ch 1244,§27
- FORCIBLE ENTRY AND DETAINER**
 - Affidavits, service by publication, ch 1130,§2
 - Hearings, notice, default, ch 1130,§1
 - Joinder of actions, exception, ch 1130,§3
 - Judgment, execution, time, ch 1130,§4
 - Jurisdiction, district court, ch 1130,§1
 - Notice of action
 - Personal service, time, ch 1130,§1
 - Publication, time, ch 1130,§2
 - Service of process
 - Personal, ch 1130,§1
 - Publication, ch 1130,§2
 - Time, ch 1130,§1,2
- FORECLOSURE**
 - Agricultural land
 - Receivership appointment, ch 1214,§13,30; ch 1216,§8
 - Right to cure default, notice, ch 1214,§10-12,29,30
 - Economic development bond bank program, ch 1212,§5
 - Farms, *see FARMS AND FARMERS, Mortgage Foreclosures*
 - Mediation notice, agriculture property, ch 1214,§12
 - Small business, continuance, ch 1216,§7,8,12,13,15
- FORESTS AND FORESTRY**
 - Forest lands fencing incentives, appropriation, ch 1246,§504(3g)
 - Taxation, exemptions, ch 1113,§1,2

FORFEITURES

- Criminalistics laboratory reports, admissible, ch 1147,§1
- Seizable and forfeitable property, ch 1140,§1-19

FOSTER CARE

- See *CHILDREN, Foster Care; HUMAN SERVICES DEPARTMENT, Foster Care*

FOSTER CARE REVIEW BOARD

- Appropriations, ch 1246,§602(4)

FRAUD

- Consumer education, contingent appropriation, ch 1246,§405(3)

FUNDS

- Agricultural energy management fund, ch 1249,§3
- AIDEX superfund, appropriation, ch 1246,§505(7)
- Alcoholic beverages control division, ch 1246,§603
- Arts council, interest earned, ch 1246,§142
- Banking division expenses, fees, ch 1246,§616
- Banking revolving fund
 - Appropriation, ch 1246,§601(2)
 - Banking division, distribution, ch 1246,§606
- Beer and liquor control fund, substance abuse programs, ch 1001,§1,2,14,15,23,25
- Capital equipment replacement revolving fund, ch 1244,§38
- Capital reserve fund, economic development bond bank program, ch 1212,§6
- Cattle and veal calf fund, ch 1100,§8
- Comprehensive health insurance trust fund
 - Created, ch 1156,§3,13
 - Premiums, payments, insufficient, ch 1156,§2,13
- County government assistance fund, ch 1244,§43
- County indemnification fund repealed, ch 1246,§775
- Credit union revolving fund, ch 1246,§601(3),607
- Crime victim reparation, reversion, ch 1246,§408(1c)
- Departmental revolving, trust, or special, comparable worth salary adjustments, ch 1247,§5,19,20

FUNDS — Continued

- Disability reserve account, transfer, ch 1246,§24
- Education department, permanent revolving fund, ch 1244,§32
- Employment services, department approved training fund, ch 1246,§623
- Energy conservation trust fund, oil overcharge funds, ch 1249
- Energy loan fund for schools, ch 1167,§3
- Farm crisis relief, legal services, ch 1214,§6,29,30
- Farm fund, investment proceeds credit to revolving fund, ch 1075,§2
- Farm-to-market road fund, temporary transfer, ch 1058
- Federal, see *FEDERAL FUNDS*
- First in the nation in education, ch 1246,§123,140,141
- Fish and game protection fund
 - Aquatic organisms, sale proceeds, ch 1141,§1
 - Conservation peace officers' retirement, ch 1246,§722
 - Contingency allocation, appropriation, ch 1246,§505
- Gamblers assistance fund
 - General, ch 1246,§310
 - Limitation, ch 1247,§15,19,20
- Grain depositors and sellers indemnity fund, ch 1246,§501(3)
- Grain indemnity fund, see *GRAIN AND GRANARIES, Grain Depositors and Sellers Indemnity Fund*
- Green thumb fund, appropriation, ch 1246,§505(2)
- Groundwater fund, landfill tonnage fee, ch 1175,§4; ch 1181,§3
- Hazardous substance remedial fund, ch 1025,§5,6
- Homestead credit fund, warrants issued, ch 1244,§50
- Horticultural crops, linked deposit, ch 1096,§3,12,13
- Insurance examination revolving fund, ch 1246,§601(4),608
- Insurance, inspection and examination expenses, special trust fund, ch 1246,§615
- Iowa egg fund, ch 1100,§24
- Iowa plan fund, see *IOWA PLAN FUND FOR ECONOMIC DEVELOPMENT*
- Iowa public employees' retirement system, ch 1243,§35
- Management training revolving fund created, ch 1159

FUNDS—Continued

Moneys and credits replacement, county allocation, ch 1244,§48
 Moneys and credits replacement fund, ch 1246,§8
 Municipal assistance fund, ch 1244,§44
 Obstetrical patient care, ch 1246,§111(7)
 Oil overcharge funds, Exxon corporation case, ch 1249,§1
 Permanent school fund, interest, ch 1246,§121,140,141
 Petroleum overcharge fund, schools, energy audits, ch 1167,§4
 Pork promotion, ch 1100,§17
 Primary road fund
 Appropriation, transportation department, ch 1246,§12,22
 Comparable worth salary adjustments, ch 1246,§22;ch 1247,§2,5,19,20
 Materials, equipment revolving fund, ch 1244,§41
 Public improvements, ch 1244,§40
 Streets, highways, improvement, ch 1244,§39
 Temporary transfer, ch 1058
 Public policy research foundation, endowment, ch 1154,§1
 Railroad assistance fund
 Appropriation stricken, ch 1247,§14,19,20
 Rehabilitation, nonreimbursable grant, earmarked funds, ch 1247,§12,19,20
 Reversion of funds, ch 1247,§13,18-20
 Road use tax fund
 Comparable worth salary adjustments, ch 1246,§20,21;ch 1247,§1,3,4,19,20
 Highway safety and uniformed force, ch 1246,§409
 Public safety department, administration, ch 1246,§409
 Supplement other funds, transportation department, ch 1246,§415
 Savings and loan revolving fund, ch 1246,§609,619
 Schools, permanent fund, interest apportionment, ch 1016
 Sinking fund, ch 1212,§6
 Special employment security contingency fund, ch 1246,§623
 Substance abuse, treatment and prevention, ch 1001
 Unemployment emergency tax, authority to transfer and allocate, ch 1209
 Utilities division revolving fund, startup, ch 1246,§601(6)

FUNDS—Continued

Utilities trust fund
 Appropriations, ch 1244,§59
 Consumer advocate office, distribution, ch 1246,§610,614
 Utilities division, distribution, ch 1246,§610,614

FUR

Hunting, fishing, fur harvesting, combined license, ch 1114

GAMBLING

See also GAMES AND RAFFLES; LOTTERY, STATE; PARI-MUTUEL WAGERING

Electronic gambling devices, Iowa preference, ch 1052
 Gamblers assistance fund, ch 1246,§310; ch 1247,§15,19,20

GAMES AND RAFFLES

Annual raffles, ch 1201,§3,14
 Bingo, merchandise prizes, amount, ch 1201,§7,14
 Dedication requirement, amount, ch 1201,§9,14
 Fairs, raffle tickets, sales tax exemption, ch 1201,§13,14
 Federal income tax, exemption, ch 1201,§7(m),14
 Gambling restrictions, exceptions, ch 1002,§3
 Licenses
 Limited license, ch 1201,§8,14
 Organizations, eligibility, ch 1201,§2,14
 Raffles, fee, ch 1201,§3,14
 Revocation, ch 1201,§2,5,11,14
 Schools, game nights, ch 1201,§10,14
 Liquor or beer on premises, ch 1201,§4,6,14
 Lottery tickets
 Sale during games and raffles, ch 1042,§2
 Use as prize, ch 1042,§1
 "Net receipts" redefined, ch 1201,§1,14
 Prizes
 Annual raffles, ch 1201,§3,14
 Cash or merchandise, amount, ch 1201,§7(d),14
 Income tax, ch 1201,§12,14
 Raffles
 See also VENTURE CAPITAL INVESTMENT ACT, Raffle Program
 CPA duties, ch 1125,§3(5f)
 Records and reports, amusement concessions, ch 1201,§2,14

GAMES AND RAFFLES—Continued

Schools, game nights, license, ch 1201,§10,14
 Taxation, ch 1201,§7,12-14
 Venture capital investment Act, *see* **VENTURE CAPITAL INVESTMENT ACT**

GAMING DIVISION

Appropriations, *general*, ch 1246,§601(5)
 Racing commission members, compensation, ch 1246,§601(5)

GARNISHMENT

Agricultural property, secured interest, ch 1214,§19,21,30
 Child support delinquencies, motion to quash assignment, ch 1191
 Property, expiration of execution, ch 1238,§26

GENDER

Judicial nominating commissioners, gender and political affiliation, constitutional amendment, ch 1252
 Public policy research foundation, membership restrictions, ch 1154,§1

GENERAL ASSEMBLY

Academy of science, report to fiscal bureau, intent, ch 1246,§109
 Administrative rule nullified, requiring permit application for certain feedlots, ch 1253
 Administrative rules interim study committee, membership, ch 1246,§313
 Agricultural diversification program, intent, ch 1246,§501(1f)
 Agricultural energy management advisory council, legislative members, ch 1249,§3(2)
 Agricultural grain marketing, interstate compact, commission membership, ch 1197,Art. III
 AIDEX superfund, intent, ch 1246,§505(7)
 Alternative agricultural products market evaluation, appropriation, intent, ch 1246,§501(1e)
 Area schools, salary adjustments, ch 1246,§120
 Banking division, funding, ch 1246,§616
 Block grant funds reduction, ch 1250,§11-17
 Business expansion, declaration, ch 1068,§2
 Campaign financing, reporting, ch 1023,§5,6
 Centralized facilities development, appropriation, intent, ch 1246,§501(1e)

GENERAL ASSEMBLY—Continued

Constitutional amendments, Iowa
 Governor and lieutenant governor
 Team election, ch 1251,§1
 Terms, compensation, duties, vacancies, ch 1251,§2
 Court reorganization, state funding delay, notification, intent, ch 1246,§406
 Credit union division, funding, ch 1246,§618
 Demonstration waiver project, intent, ch 1246,§206
 Economic development bond bank program
 Capital reserve fund requirement, notification, ch 1212,§6
 Finance authority, appropriation, ch 1212,§6
 Legislative findings, ch 1212,§2
 Legislative intent, bonds, notes, ch 1212,§6
 Elections, challenging committee, membership prohibited, ch 1224,§14
 Electronic marketing program, appropriation, intent, ch 1246,§501
 Farm crisis relief, findings, ch 1214,§1,29,30
 Farmers market development, appropriation, intent, ch 1246,§501(1e)
 Feedlots, administrative rule nullified, ch 1253
 Fish and game protection fund, contingency allocation, ch 1246,§505(1d)
 Grain dealers and warehouse operators, bonding, applicability of law, ch 1006,§7
 Horticultural crops, linked deposit program, sunset provisions, ch 1096,§12,13
 Human rights, children, youth, and families division, intent, ch 1246,§202(5)
 Human services, sliding-fee payment schedule study, services to children, ch 1246,§312
 Insurance, inspection and examination expenses, special trust fund, ch 1246,§615
 Iowa linked deposit Act, ch 1096,§3,12,13
 IPERS, former legislators, buyback, ch 1243,§23
 Licensing boards, examination expenses excess, funds budgeted, ch 1246,§601(1)
 Liens, child or spousal support, intent, ch 1014,§3
 Marketing promotions program, appropriation, intent, ch 1246,§501(1e)
 Medically needy program, effective date, intent, ch 1247,§10,19,20
 Obstetrical, newborn care program, intent, ch 1246,§111(8)

GENERAL ASSEMBLY — Continued

- Oil overcharge funds, guidelines for use, intent, ch 1249,§1
- Organ transplants, indigent patients, intent, ch 1246,§110(3c)
- OWI violators, Iowa medical, classification facility, ch 1246,§402
- President, requisitions, vouchers, authority repealed, ch 1244,§1,2
- Prisoner assistance, clinic, intent, ch 1246,§110(2a)
- Public policy research foundation, ch 1154,§1,2
- Public retirement systems committee, appointments, ch 1243,§24
- Public safety
 - Motor vehicle purchases limited, intent, ch 1246,§408(4c)
 - Transfer appropriations, notification, ch 1246,§408(5)
- Reports to general assembly
 - Agricultural energy management fund projects, ch 1249,§3(3)
 - Agricultural grain marketing, interstate compact, ch 1197,Art. III(a10)
 - Aid to families with dependent children, self-employed, waiver, ch 1246,§303(1)
 - Business license system, feasibility, ch 1170,§1
 - Child support payment clearinghouse, ch 1247,§7,19,20
 - Child support recovery, cost effectiveness, ch 1246,§303(4,12a)
 - Conservation corps programs, ch 1190,§3
 - Data base on vendors, ch 1170,§2
 - Drug utilization review program, ch 1219
 - Emergency telephone number system, ch 1246,§767
 - Energy conservation trust fund, ch 1249,§2(3f)
 - Federal funding enhancement project, Title XIX, Title IV-E, ch 1246,§303(8d)
 - Finance authority
 - Housing rehabilitation, if demand unmet, ch 1128
 - New construction, noncompliance, ch 1128
 - Hazardous waste
 - Research program, Iowa State University, ch 1207,§10;ch 1229,§2(5)
 - "Toxic cleanup days" pilot program, ch 1229,§1
 - Horticultural crops, linked deposit program, ch 1096,§8,12,13

GENERAL ASSEMBLY — Continued

Reports to general assembly — Continued

- Hospital licensure, health department, ch 1200,§10
- Insurance commissioner, liability insurance data, ch 1211,§27,47
- Investment raffle program, ch 1125,§3(6)
- Legislative fiscal bureau, retirement and incentives programs, ch 1192,§4
- Natural resources department, state superfund (AIDEX), ch 1246,§505(7)
- Public health nursing, annual evaluation, ch 1246,§204(10b)
- Public retirement systems committee, ch 1243,§24
- Regents board, projects funded by bonds, notes, ch 1246,§127,129,130
- Residential care facility, certificate-of-need exclusion, ch 1150
- Risk management division, annual, ch 1211,§7,47
- School economy task forces, ch 1226,§18
- Water supply systems, tests, ch 1181,§1
- Women and children, coordination of services, ch 1250,§2
- Representative district ten, Clinton township added, ch 1238,§3
- Residential care facilities, waiver committee, fire safety inspections, ch 1246,§206
- Retirement incentive program, members ineligible, ch 1192,§1(3b)
- Savings and loan revolving fund, ch 1246,§619
- School economy task force, study committee, ch 1226,§18
- School for deaf, blind, merger, ch 1246,§132
- Senate confirmations
 - See also REORGANIZATION, STATE, specific departments thereunder*
 - Grain indemnity fund board, ch 1152,§34,40
- Senate majority leader, requisitions, vouchers, authority, ch 1244,§1,2
- Soil conservation
 - Management practices, intent, ch 1246,§504(3i)
 - Staff reduction, legislative intent, ch 1246,§504(1)
- Tax amnesty moratorium, intent, ch 1007,§43,47
- Tourism information, delivery recommendations, deadline, ch 1060,§3

GENERAL ASSEMBLY—Continued

- University of Iowa appropriation, research and instructional equipment, intent, ch 1246,§110(2a)
- Utilities trust fund, ch 1246,§614
- Workers' compensation, commutation, future payments
 - Simple interest factor, intent, ch 1246,§604(2)
 - Supreme court's reinterpretation, intent, ch 1246,§604(2)

GENERAL SERVICES DEPARTMENT

See also *REORGANIZATION, STATE, General Services Department*

Appropriations

- General*, ch 1246,§705(1)
- Capitol planning commission, ch 1246,§705(3)
- Capitol restoration, ch 1247,§17,19,20
- Data processing division, ch 1246,§705(2)
- Rental space, ch 1246,§705(5)
- Revolving funds, ch 1246,§706
- Risk management program, ch 1246,§705(6)
- Utility costs, ch 1246,§705(4)
- Centralized printing, Iowa official register, distribution, ch 1246,§602(6b)
- Communications division, emergency telephone number commission, ch 1246,§765

Director

- American made products, duties, ch 1132,§1
- American motor vehicle purchases, life cycle costs, ch 1132
- Iowa made products, preference, ch 1132,§2
- Property forfeited, disposition, ch 1140,§15
- Salary range, ch 1242
- Lottery agency, unmarked cars, ch 1042,§10,14
- Risk management division
 - Bonds, surety, state employees, ch 1211,§3,10,47
 - Liability insurance, governmental subdivisions, ch 1211,§4,5,47
 - Loss management, assist governmental subdivisions, ch 1211,§1-6,47
 - Public records, access, ch 1211,§6,47
 - Report to general assembly, ch 1211,§7,47

GIFTS

See also *GRANTS*

- Blind, commission, acceptance, ch 1244,§61
- Cultural affairs department, acceptance, ch 1244,§37
- Energy loan fund, schools, accepted, ch 1167,§3
- Public policy research foundation, ch 1154,§1
- Raffle merchandise prizes, acceptance authorized, ch 1125,§3(5c)

GOVERNMENTAL SUBDIVISIONS

See *POLITICAL SUBDIVISIONS*

GOVERNOR

- Agricultural grain marketing, interstate compact, state withdrawal, ch 1197,Art. VI(c,d)

Appointments

- Agricultural grain marketing commission, interstate, ch 1197,Art. III(a1)
- Emergency telephone number commission, ch 1246,§765
- Grain indemnity fund board, ch 1152,§34,40
- IPERS advisory investment board, ch 1243,§3
- Public policy research foundation, ch 1154

Appropriations

- General*, ch 1246,§701(1)
- Ad hoc committees, councils, task forces, ch 1246,§701(4)
- Administrative rules coordinator, ch 1246,§701(5)
- Expenses, ch 1246,§701(2)
- Terrace Hill, governor's quarters, ch 1246,§701(3)
- Block grant funds, allocation, ch 1250,§11-17
- Budget reductions, across-the-board, restrictions, human services, ch 1246,§303(12)
- Citizenship restoration
 - Convicted person's right of application, ch 1112,§5
 - Copies required, ch 1112,§9
 - Power to grant not impaired, ch 1112,§4
 - Recommendations by parole board, ch 1112,§6,7
 - Reports to governor, ch 1112,§8
- Commutation of sentence
 - Convicted person's right of application, ch 1112,§5

GOVERNOR — Continued

Commutation of sentence — Continued

- Copies required, ch 1112,§9
- Power to grant not impaired, ch 1112,§4
- Recommendations by parole board, ch 1112,§6,7
- Reports to governor, ch 1112,§8
- Constitutional amendments, Iowa
 - Elected as team with lieutenant governor, ch 1251,§1
 - Terms, compensation, duties, vacancies, ch 1251,§2
- Convicted person's right of application, ch 1112,§5
- Economic emergency, continuance, ch 1216,§8,11,13,15
- Education department, permanent revolving fund, surplus, ch 1244,§32
- Election contests, restoration of citizenship, ch 1112,§3
- Employee termination incentive program, executive order, ch 1192,§2
- Energy fund disbursement council, membership, ch 1249,§2(3)
- Executive order, employee termination incentive program, ch 1192,§2
- Highway materials and equipment revolving fund surplus, reversion order, ch 1244,§41
- National guard, training for federal service, ch 1246,§771
- Pardons
 - Convicted person's right of application, ch 1112,§5
 - Copies required, ch 1112,§9
 - Power to grant not impaired, ch 1112,§4
 - Recommendations by parole board, ch 1112,§6,7
 - Reports to governor, ch 1112,§8
- Public policy research foundation, research requests, ch 1154,§1
- Public safety commissioner, federal funds, ch 1246,§409(1)
- Remission of fines and forfeitures
 - Convicted person's right of application, ch 1112,§5
 - Copies required, ch 1112,§9
 - Power to grant not impaired, ch 1112,§4
 - Recommendations by parole board, ch 1112,§6,7
 - Reports to governor, ch 1112,§8
- Reports to governor
 - Agricultural grain marketing commission, ch 1197,Art. III(a10)

GOVERNOR — Continued

Reports to governor — Continued

- Capital reserve fund, ch 1212,§6
- Energy conservation trust fund, ch 1249,§2(3f)
- Finance authority
 - Housing rehabilitation financing, if demand unmet, ch 1128
 - New construction requirement, non-compliance, ch 1128
- Horticultural crops, linked deposit program, ch 1096,§8,12,13
- Investment raffle program, ch 1125,§3(6)
- Public health nursing program, annual evaluation, ch 1246,§204(10b)
- Residential care facility, certificate-of-need exclusion, ch 1150
- Reprieves
 - Convicted person's right of application, ch 1112,§5
 - Copies required, ch 1112,§9
 - Power to grant not impaired, ch 1112,§4
 - Recommendations by parole board, ch 1112,§6,7
 - Reports to governor, ch 1112,§8
- Salaries, power to establish for executive branch, ch 1242

GRAIN AND GRANARIESCompact, *see* AGRICULTURAL GRAIN MARKETING, INTERSTATE COMPACT

Dealers

- Bond cancellation notice, ch 1006,§1,2,7,8; ch 1152,§10,40
- Claims against, ch 1152,§8,40
- Cooperative agreements with the states, ch 1152
- Credit-sale contract requirement, ch 1152,§3,9,40
- Deficiency bond or letter of credit
 - Cancellation notice, ch 1152,§4,40
 - Receiver appointment, ch 1152,§15,16,40
 - Requirements, ch 1152,§3,11,40
- Definitions revised, ch 1152,§1,12,31,40
- Financial statement requirement, ch 1152,§3,9,40
- Indemnity fund
 - Bond requirements, ch 1152,§38,40
 - Claims, terms, ch 1152,§36,39,40
 - Cooperative agreement, filing evidence, ch 1152,§11,40
 - Participation mandatory, ch 1152,§5,32,40

GRAIN AND GRANARIES—Continued
Dealers—Continued

- Inspection, premises, books and records, ch 1152,§6,40
- Licenses
 - Conditions, ch 1152,§3,38,40
 - Receivership, liability, ch 1152,§15,16,40
 - Revocation, ch 1152,§7,8,40
- Storage, required inventory, ch 1152,§9,40
- “Depositor” defined, ch 1152,§31,40
- Grain depositors and sellers indemnity fund
 - Administrative cost, ch 1152,§33,40
 - Advance funds appropriated, reimbursement, ch 1246,§501(3)
 - Bond requirements, ch 1152,§38,40
 - Bulk grain coverage, ch 1152,§25,27,40
 - Claims, terms, ch 1152,§36,39,40
 - Commerce commission, collect fees and authorize vouchers, ch 1152,§33,40
 - Created, ch 1152,§33,40
 - Definitions, ch 1152,§31,40
 - Depositors, disposition of proceeds in receivership, ch 1152,§16,40
 - Fees, participants, ch 1152,§33,35,40
 - Indemnity fund board
 - Administrative rules, ch 1152,§35,40
 - Claims against fund, ch 1152,§36,40
 - Duties and powers, ch 1152,§34-37,40
 - Escrow provision, administration expenses, ch 1246,§501(3)
 - Established, ch 1152,§34,40
 - Fee adjustments, ch 1152,§35,40
 - Membership, ch 1152,§34,40
 - License, suspensions and revocations, ch 1152,§33,40
 - Participation mandated, ch 1152,§5,22,32,40
 - Participation voluntary, federally licensed, ch 1152,§33,40
 - State obligation exclusion, ch 1152,§37,40
 - Treasurer of state, disbursements, ch 1152,§33,40
- Liens
 - Cornshellers, filing, fees, ch 1033
 - Threshers, filing, fees, ch 1033
- “Seller” defined, ch 1152,§2,31,40
- Storage, dust emission control equipment, ch 1246,§505(6)
- Warehouses
 - Bond or insurance insufficiency, ch 1006,§3-8
 - Inspection, commerce commission determines, ch 1152,§14,18,40

GRAIN AND GRANARIES—Continued
Warehouses—Continued

- Insurance exclusion, ch 1103,§1
- Insurance requirements and cancellation, ch 1152,§20,26,40
- License, United States warehouse Act, indemnity fund, voluntary participation, ch 1152,§32,40
- Operators
 - Agricultural products storage, bulk grain exclusion, ch 1152,§24,40
 - Bond requirement, ch 1152,§38,40
 - Definition revised, ch 1152,§12,13,31,40
 - Financial statement, net worth, audit procedure, ch 1152,§18,24,30,40
 - Indemnity fund, claim terms, ch 1152,§36,39,40
 - Indemnity fund, mandatory participation, ch 1152,§22,32,40
 - Insurance requirements and cancellations, ch 1152,§20,26,40
 - License terms, ch 1152,§18-21,38,40
 - Receipt, evidence of inventory, ch 1152,§9,27,36,40
 - Tariff rate changes, ch 1103,§2

**GRAIN DEPOSITORS AND SELLERS
INDEMNITY FUND**

See GRAINS AND GRANARIES, Grain Depositors and Sellers Indemnity Fund

GRANTS

See also GIFTS

- Agricultural diversification program, matching federal grants, ch 1193; ch 1246,§501(1e)
- Agricultural grain marketing commission, acceptance and reporting, ch 1197, Art. III(a7,10)
- Child abuse prevention grant program, ch 1246,§303(9c)
- Children, runaway risk, ch 1246,§303(9i)
- Domestic abuse program, ch 1246,§303(9d)
- Economic development projects, ch 1068
- Hazardous waste research program, grants accepted, ch 1229,§2,3
- Sanitary disposal projects, ch 1175,§4,6
- Water supply systems, ch 1181,§2,3

GRAVES

- Burial sites, protection and preservation, ch 1030
- Marker, veterans, ch 1237,§13
- Memorial, unlawful possession, ch 1030

GREEN THUMB PROGRAM

Appropriation, ch 1246,§505(2)
 Conservation employment programs combined, ch 1190

GUARDIANS

Child abuse information, authority to release, ch 1177,§2

HANDICAPPED PERSONS

See also REORGANIZATION, STATE, Human Rights Department

Conservation corps employment programs, ch 1190

Employment of handicapped committee, conservation corps, cooperation, ch 1190,§3

Jury service, discrimination prohibited, ch 1108,§10

Motor carrier exempt from certification, ch 1161,§7(5)

Motor vehicles

Disabled veterans plates, handicapped stickers, ch 1225,§2,3,8

Identification devices and stickers, ch 1225

Special plates, physician's statement required, ch 1225,§1,4,6,8

Residential care facilities, demonstration waiver project, ch 1246,§206

School census requirements deleted, ch 1016,§5,8,9

Wheelchair lifts, ch 1157

HAZARDOUS CHEMICALS RISKS**RIGHT TO KNOW**

See also REORGANIZATION, STATE, Natural Resources Department

Agricultural activities, applicability, ch 1135,§1

Farming, pesticides, application, ch 1135,§1

Federal regulations, consumer products, exceptions, ch 1135,§2

HAZARDOUS CONDITIONS

See WATER, AIR AND WASTE MANAGEMENT DEPARTMENT, Hazardous Conditions

HAZARDOUS SUBSTANCES

Definitions, ch 1025,§1-3

Disposal sites

Abandoned or uncontrolled

Cleanup, ch 1115,§1-3

HAZARDOUS SUBSTANCES—Continued

Disposal sites—Continued

Abandoned or uncontrolled—Continued

Investigation, ch 1025,§9

Registry, ch 1025,§7

Report, ch 1025,§8

Definitions, ch 1025,§1-3

Recording of site designation, ch 1025,§11

Research and assistance program, Iowa State University, ch 1229,§2,3

Use or transfer of sites, ch 1025,§10

Liability, ch 1158

Remedial fund, ch 1025,§5,6

Reports

Abandoned or uncontrolled disposal sites, ch 1025,§8

Remedial fund, ch 1025,§6

Rulemaking, hazardous waste management, ch 1025,§4

“Toxic cleanup days” pilot program, ch 1229,§1,3

HAZARDOUS WASTE

See WATER, AIR AND WASTE MANAGEMENT DEPARTMENT, Hazardous Waste

HEALTH

Comprehensive health association, ch 1156

Health care cost control, utilization review program, ch 1180,§9,10

Hospital health benefit programs, ch 1072

HEALTH CARE FACILITIES

See also REORGANIZATION, STATE, Public Health Department

Community health services and development, long term, ch 1200,§2

Intermediate, medical assistance reimbursement rate,

ch 1246,§303(2,12),309(1c)

Iowa comprehensive health association, coverage, ch 1156,§2,4,13

Mental health facilities, patient costs, ch 1169

Mental health information disclosure, ch 1082

Penalty, licensing violation, ch 1168

Residential care facilities

Certificate-of-need exclusion, ch 1150

Demonstration waiver project,

ch 1246,§206

HEALTH DATA COMMISSION

- Billing information, surgical procedures, pilot project, ch 1160,§2;ch 1180,§1
- Membership, ch 1160,§1
- Obstetrical patient care program, study, ch 1246,§111(6)

HEALTH DEPARTMENT

See *PUBLIC HEALTH DEPARTMENT; REORGANIZATION, STATE, Public Health Department*

HEALTH MAINTENANCE ORGANIZATIONS

- Appropriation, ch 1246,§303(2,12)
- Governing body, ch 1180,§8
- Group policies
 - Benefits continued, termination of employment, ch 1124
 - Conversion, ch 1124,§4,8,10
 - Coverage, terminated, modified, ch 1124,§5,10
 - Defined, ch 1124,§1
- Mental health information, disclosure, ch 1082
- Notice of comprehensive health association policy, ch 1156,§11,13

HEALTH SERVICE CORPORATIONS

- Computers, sales tax exemption, ch 1241,§25
- Group policies
 - Benefits continued, termination of employment, ch 1124
 - Conversion, ch 1124,§4,8,10
 - Coverage, terminated, modified, ch 1124,§5,10
 - Defined, ch 1124,§1
- Health care service providers, chiropractors included, ch 1180,§4
- Insurance premium tax, revenue set-aside repealed, ch 1247,§16,19,20
- Mental health information, disclosure, ch 1082
- Subscriber contract tax, effective date clarified, ch 1094

HEARING IMPAIRED PERSONS

See also *REORGANIZATION, STATE, Human Rights Department*

- Arrest for OWI, interpreter, ch 1220,§42
- Occupational hearing loss claim, industrial commissioner approval, ch 1238,§50
- School census requirements deleted, ch 1016,§5,8,9

HEARINGS

- Administrative, criminalistics laboratory reports admissible, ch 1147,§1

HEARINGS—Continued

- Cigarette tax determination, ch 1007,§8,46
- Forfeitable property, ch 1140,§12
- Forfeiture, criminalistics laboratory reports admissible, ch 1147,§1
- Hospitals, lease or sale of property, ch 1200,§6
- Motor vehicle franchisers, applicants, ch 1244,§42
- Motor vehicles, sale or lease, price discrimination, ch 1234
- Notice, ordinary mail
 - Cigarette permit revocation, ch 1241,§2
 - Motor fuel tax default, license cancellation, ch 1241,§8
 - Property tax relief, improper rent increase, ch 1241,§34
 - Sales tax permit revocation, ch 1241,§26
 - Special tax assessments, ch 1241,§9-13,51
 - Tobacco tax enforcement, ch 1241,§5
- Property tax exemptions, natural resource, wildlife areas, ch 1113,§1
- Public improvement, assessment, notice, ch 1244,§40
- Rural residence district, establishment, ch 1056,§2
- Sales tax permit revocation, request for hearing, ch 1241,§26
- School property, sale or lease, ch 1223,§1
- Seized property, return, ch 1140,§5,6
- Victim, witness, restraining order, ch 1178,§12

HERBERT HOOVER BIRTHPLACE FOUNDATION

- Appropriation, ch 1246,§102(1)

HIGHWAYS AND ROADS

See also *REORGANIZATION, STATE, Transportation Department*

- All-system permit, ch 1210,§7,8
- Farm-to-market road fund, temporary transfer, ch 1058
- Federal funds, improvements, contingent, ch 1244,§39
- Liability limitation, use of property adjoining highway, ch 1070
- Performance or maintenance bonds, ch 1246,§32
- Primary road fund
 - Appropriation, transportation department, ch 1246,§22
 - Comparable worth salary adjustments, ch 1247,§2,5,19,20
 - Materials, equipment revolving fund, ch 1244,§41

HIGHWAYS AND ROADS—Continued**Primary road fund—Continued**

Public improvements, ch 1244,§40

Streets, highways, improvement,
ch 1244,§39

Temporary transfer, ch 1058

Privately funded improvements, county
maintenance, ch 1024**Road use tax fund**Comparable worth salary adjustments
funded, ch 1246,§20,21;
ch 1247,§1,3-5,19,20Driver license suspension, costs of notice,
appropriation, ch 1246,§29Inspections and appeals services, reim-
bursement, ch 1246,§605Secondary roads, rural residence district,
speed, parking, ch 1056,§1,2,4

Tourist attraction signing, ch 1060

HISTORICAL DEPARTMENT*See CULTURAL AFFAIRS DEPART-
MENT; REORGANIZATION, STATE,
Cultural Affairs Department***HISTORIC PRESERVATION**Blood Run national historic landmark, ap-
propriation, ch 1246,§2

Burial sites, ch 1030

HOLDING COMPANIES**Insurance**

Definitions, ch 1102,§1,2,9

Dividends, ch 1102,§20

Domestic insurers, acquisition, merger,
ch 1102,§9-11Domestic insurers, material transactions,
ch 1102,§19

Investments, ch 1102,§3-8

Receivership, recovery, ch 1102,§24

Registration requirements*General*, ch 1102,§12-18Sanctions, penalties for failure to com-
ply, ch 1102,§18,23

Summary, ch 1102,§16,18

Violations, ch 1102,§18

HOLIDAYS"Floating" state holidays eliminated,
ch 1163,§3,4Legal public holiday, Martin Luther King,
Jr., birthday, ch 1164Martin Luther King, Jr., birthday,
ch 1163,§1

Veterans Day, ch 1163,§2

**HOMEMAKER-HOME HEALTH
SERVICE**Iowa comprehensive health association, cov-
erage, ch 1156,§4,13**HOMESTEADS**

Defined, ch 1216,§2

Exemption, waiver, contract, ch 1214,§8,30

Foreclosure sale, redemption,
ch 1216,§2,13,15**Tax credit**

Claims filed after July 1, ch 1109

Disallowed claim, mail notification,
ch 1241,§32**HORTICULTURE**Crops, linked deposit program, *general*,
ch 1096,§1-13Marketing promotion, expansion and devel-
opment, ch 1193Programs, funds, *general*, legislative intent,
ch 1246,§501(1)**HOSPITALS**Board of trustees, peer review committee,
ch 1211,§13,47Brain injuries, reporting, central registry,
ch 1246,§315

Chiropractic care, ch 1180

Community recreation facilities and pro-
grams, ch 1072**County**Lease, sale, use of property, authority,
ch 1200,§4,5Memorial hospitals, appropriation for op-
eration, ch 1200,§1Mental health institutes and hospital-
schools, average daily patient costs,
computing, ch 1169Sale or lease of property, procedure,
ch 1200,§6Tax status, commercial purposes,
ch 1200,§7,8

Trustee, eligibility, ch 1200,§3,9

Disciplinary action, board of trustees, physi-
cian's suspension, ch 1211,§14(3),47Energy conservation programs, use of oil
overcharge funds, ch 1249

Health care cost control, ch 1180

Hospital-schools, average daily patient
costs, billing counties, ch 1169

Insurance, chiropractors included, ch 1180

Iowa comprehensive health association, ser-
vices, ch 1156,§2,4-8,11Medical examiners board, investigation,
ch 1211,§14(3),47

HOSPITALS -- Continued

- Mental health information, disclosure,
ch 1082
- Physician, privilege to practice suspended,
ch 1211,§14(3),47
- Service corporations, subscriber contract
tax, ch 1094
- University of Iowa
 - Abortions, appropriations, conditions,
ch 1246,§110(2b,e)
 - Appropriations
 - General, ch 1246,§110(2b)
 - Child health care services,
ch 1246,§110(3b)
 - Family practice program,
ch 1246,§110(2b)
 - Indigent patients, treatment,
ch 1246,§110(2b-e)
 - Organ transplants, indigent patients,
intent language, ch 1246,§110(2c)
 - Psychiatric hospital, ch 1246,§110(5f)
 - Obstetrical, newborn care, indigents,
ch 1246,§111

HOSPITAL-SCHOOLS

- Appropriation, *general*, ch 1246,§110(2h),306
- Billing, patient-per-day cost, ch 1246,§306(3)
- Title XIX funds to general fund,
ch 1246,§321

HOTELS, INNS, AND MOTELS

- See also REORGANIZATION, STATE, In-
spections and Appeals Department*
- Bed and breakfast homes, license exemp-
tion, ch 1041,§3
- Local option tax
 - Sales and services tax exemption,
ch 1199,§7,11,12
 - Special election, ch 1199,§1,11

HOUSING

- See also FINANCE AUTHORITY, IOWA*
- Abatement of substandard housing, city
population requirement, ch 1059
- Economic development bond bank program,
ch 1212,§1-6

HUMAN RIGHTS DEPARTMENT

- See also REORGANIZATION, STATE,
Human Rights Department*
- Administration, block grant funds, state
auditor, ch 1250,§4
- Appropriations
 - Blind, division for, ch 1246,§104

HUMAN RIGHTS DEPARTMENT --
Continued

Appropriations -- Continued

- Central administration division,
ch 1246,§202(1)
- Children, youth, and families division, leg-
islative intent, ch 1246,§202(5)
- Community action agencies division
 - Community services block grant,
ch 1250,§4,11-17
 - Low-income home energy assistance,
block grant, ch 1250,§8,11-17
- Deaf services division, ch 1246,§202(6)
- Federal grants or receipts, full-time
equivalent positions, ch 1246,§208
- Persons with disabilities division,
ch 1246,§202(3)
- Spanish-speaking people division,
ch 1246,§202(2)
- Status of women division, ch 1246,§202(4)
- Community action agencies division
 - Administrator, energy fund disburse-
ment council, ch 1249,§2(3)
 - Community services, low-income persons,
funds, ch 1250,§4,11-17
 - Weatherization programs, appropriation,
ch 1249,§4(1),5
- Director, salary range, ch 1242
- Low-income home energy assistance, appro-
priation, ch 1250,§8,11-17

HUMAN SERVICES DEPARTMENT

- Abortion, medically necessary, conditions,
ch 1246,§303(2,12)
- Administration
 - Appropriation, ch 1246,§301
 - Block grant funds, state auditor,
ch 1250,§9
- Administrative rules
 - Adoption services, subsidized,
ch 1246,§314
 - Block grant funds, supplementation,
ch 1246,§314
 - Care facilities, drugs, providers, reim-
bursement rates, ch 1246,§314
 - Children services, sliding-fee payment
schedule, ch 1246,§312
 - Collection services center, effective
transfer dates, ch 1246,§316
 - Interim study committee, ch 1246,§313
 - Juvenile justice, county-based reimburse-
ment, ch 1246,§314
 - Medical assistance reimbursement rates,
ch 1246,§314

HUMAN SERVICES DEPARTMENT—
Continued

Administrative rules—Continued

- Mental health and retardation services fund, expenditure of funds, ch 1246,§307(1)
- Adoption services, subsidized, appropriation, ch 1246,§303(7a,8a,12)
- Aid to families with dependent children (AFDC)
 - Appropriations
 - General*, ch 1246,§303(1,12)
 - Education and training plan, ch 1246,§303(1,12)
 - Funds, transfer restrictions, ch 1246,§303(12)
 - Child support recovery, funds transferred, ch 1246,§303(4,12a)
 - Self-employed individuals, waiver request, ch 1246,§303(1)
- Appropriations
 - General*, ch 1246,§301
 - Abortion, medically necessary, conditions, ch 1246,§303(2,12)
 - Adoption services, subsidized, ch 1246,§303(7a,8a,12)
 - Aid to families with dependent children (AFDC)
 - General*, ch 1246,§303(1,12)
 - Education and training plan, ch 1246,§303(1,12)
 - Funds, transfer restrictions, ch 1246,§303(12)
 - Blind, supplementary assistance, ch 1246,§303(5,12)
 - Block grant supplementation, ch 1246,§308
 - Brain injured, registry, ch 1246,§303(11)
 - Capital expenditures excluded, ch 1246,§322
 - Child abuse prevention grant program, ch 1246,§303(9c)
 - Child care center financial assistance, ch 1246,§303(9b)
 - Children, runaway risk, services, ch 1246,§303(9i)
 - Child support payment clearinghouse, ch 1247,§7,19,20
 - Child support recovery, *general*, ch 1246,§303(4,12a)
 - Child support recovery central clearinghouse, ch 1207,§18,22
 - Community-based services, *general*, ch 1246,§303(2,9,12)

HUMAN SERVICES DEPARTMENT—
Continued

Appropriations—Continued

- Core personnel staff, ch 1246,§716(3)
- Day care, protective, ch 1246,§303(9h)
- Displaced homemaker, ch 1197,§303(9a)
- Domestic abuse program grants, ch 1246,§303(9d)
- Drug utilization review program, ch 1246,§303(2,12)
- Education and training plan, ch 1246,§302(1), 303(1,2,12)
- Family centered services, ch 1246,§303(7c)
- Family planning, ch 1246,§303(7b)
- Federal funding enhancement project, ch 1246,§303(8d)
- Field operations, ch 1246,§302(1)
- Foster care
 - General*, ch 1246,§303(8,12)
 - Contract review, transfer funds, ch 1246,§303(8e,12a)
 - Foster parent training, ch 1246,§303(8c,12)
 - Funds, transfer restrictions, ch 1246,§303(12)
 - Research assistance, universities, ch 1246,§303(8f)
- Health maintenance organization projects, ch 1246,§303(2,12)
- Home-based services, *general*, ch 1246,§303(2,7,12)
- Hospital-schools, Title XIX funds deposited general fund, ch 1246,§321
- Indians, aid, ch 1246,§303(6)
- Intermediate care facilities, provider reimbursement rate, ch 1246,§303(2,12)
- Juvenile homes
 - County or multicounty, ch 1246,§303(9e)
 - Iowa juvenile home, ch 1246,§304(1)
- Juvenile justice, county-based reimbursement, ch 1246,§303(10)
- Juvenile services, ch 1246,§303(9f,g)
- Local services, ch 1246,§302(1)
- Medical assistance
 - General*, see also various programs, ch 1246,§303(2,12)
 - Funds, transfer restrictions, ch 1246,§303(12)
 - Lottery revenue, ch 1247,§15,19,20
 - Providers, reimbursement rates, ch 1246,§309(1,3)

HUMAN SERVICES DEPARTMENT—
Continued

Appropriations—Continued

Medical assistance—Continued

- SSI-related groups, intent,
ch 1247,§10,19,20
- Supplemental, ch 1247,§6,19,20
- Medical care, rural underinsured citizens,
ch 1246,§303(2,12)
- Medical contracts, ch 1246,§303(3)
- Medically needy program, SSI-related
groups, ch 1246,§303(2,12)
- Mental health institutes, *general*,
ch 1246,§305
- Protective service workers,
ch 1246,§302(3)
- Social services block grant funding,
ch 1250,§9,11-17
- Special programs, *general*, *see also vari-*
ous programs, ch 1246,§303
- Training school, ch 1246,§304(1)
- Veterans home
General, ch 1246,§304(2)
- Alzheimer's disease unit,
ch 1246,§304(2)
- Volunteer services, ch 1246,§302(2)
- Women, infants and children program,
funds transferred, ch 1246,§303(2,12)
- Bill of rights study committee, federal fund-
ing enhancement project,
ch 1246,§303(8d)
- Blind, supplementary assistance,
ch 1246,§303(5,12)
- Block grant funds
Administration, audit, ch 1250,§9
- Child day care, allocation, ch 1246,§308
- Counties, allocation, ch 1246,§308
- Eligibility, income, ch 1246,§308
- Local services, allocation, ch 1246,§308
- Supplementation, ch 1246,§308
- Brain injured, central registry
Appropriation, ch 1246,§303(11)
- Procedure, ch 1246,§315
- Budget reductions, across-the-board, re-
strictions, ch 1246,§303(12)
- Child abuse
False reporting
Harassment provision stricken,
ch 1238,§28
- Simple misdemeanor, ch 1238,§11
- Prevention grant program, appropria-
tion, ch 1246,§303(9c)
- Sexual, reports investigated, controlled
access to information, ch 1177,§2

HUMAN SERVICES DEPARTMENT—
Continued

- Child care center, appropriation,
ch 1246,§303(9b)
- Child day care facility, fund eligibility,
ch 1246,§303(9b)
- Children
Administrative rules, day care block
grant supplementation, ch 1246,§314
- Medical assistance, *general*,
ch 1246,§303(2,12)
- Payment schedules, sliding-fee payment
study, ch 1246,§312
- Runaway risk, services funded,
ch 1246,§303(9i)
- Child support recovery
See also CHILD SUPPORT RECOVERY
Appropriation, *general*,
ch 1246,§303(4,12a)
- Programs and additional staff, justifica-
tion, ch 1246,§303(4,12a)
- Collection services center
Establishment, purpose, duties,
ch 1246,§316-323
- Notices, changes in support payment pro-
cedure, ch 1246,§316
- Notices, effective dates of transfer of
functions, ch 1246,§316
- Receipt and disbursement of payments,
recordkeeping, ch 1246,§320
- Transfer of duties, effective date,
ch 1246,§317,319,323
- Transfer of functions from district court,
effective dates, ch 1246,§316
- Wage withholding procedures,
ch 1246,§318
- Commissioner
Child support recovery, additional pro-
grams and staff, ch 1246,§303(4,12a)
- Gifts accepted, Iowa veterans home,
ch 1246,§304(2)
- Juvenile homes, county or multicounty,
apportionment, ch 1246,§303(9e)
- Long-term care data, collect, analyze,
ch 1160,§3
- Real estate purchases, sales, authority,
ch 1244,§29
- Utility easement grants, determination,
ch 1244,§29
- Community-based services
Appropriation, ch 1246,§303(2,9,12)
- Mentally ill or retarded persons, county
reimbursement, ch 1246,§303(2,12)
- Community health centers, fund allocation,
ch 1250,§1

HUMAN SERVICES DEPARTMENT —
Continued

Conservators, power to appoint, ch 1131
 Day care
 Advisory committee, membership,
 ch 1044
 Appropriation, protective day care,
 ch 1246,§303(9h)
 Protective, provider reimbursement
 rates, ch 1246,§309(3)
 Director
 Brain injured, central registry,
 ch 1246,§315
 Federal funding enhancement project
 Oversight committee appointed,
 ch 1246,§303(8d)
 Report to general assembly,
 ch 1246,§303(8d)
 Report to legislative council,
 ch 1246,§303(8d)
 Salary range, ch 1242,§2(4)
 Displaced homemaker, appropriation,
 ch 1246,§303(9a)
 Domestic abuse program grants,
 ch 1246,§303(9d)
 Drugs
 Appropriation, utilization review pro-
 gram, ch 1246,§303(2,12)
 Generic, copayment requirement, federal
 waiver to eliminate, ch 1246,§303(2,12)
 Employees, reimbursement for damaged
 property, ch 1246,§311
 Family-centered services
 Appropriation, ch 1246,§303(7c)
 Provider reimbursement rate,
 ch 1246,§309(3)
 Family planning
 Appropriation, ch 1246,§303(7b)
 Provider reimbursement rate,
 ch 1246,§309
 Federal funding enhancement project,
 ch 1246,§303(8d,e,12a)
 Federal grants and receipts, appropriation,
 ch 1246,§321
 Foster care
 Appropriation, *general*, ch 1246,§303(8,12)
 Family care, provider reimbursement
 rate, ch 1246,§309(3)
 Federal funding enhancement project,
 ch 1246,§303(8d,12)
 Federally funded, restriction,
 ch 1246,§303(8b,12)
 Foster parent training, appropriation,
 ch 1246,§303(8c,12)

HUMAN SERVICES DEPARTMENT —
Continued

Foster care — Continued

Funds, transfer restrictions,
 ch 1246,§303(12)
 Group care, provider reimbursement
 rate, ch 1246,§309(3)
 Research assistance, universities,
 ch 1246,§303(8f,12)
 Staff additions, appropriation,
 ch 1246,§303(8d,12)
 Surplus funds, transfer, reimbursement
 rate restorations, ch 1246,§303(8e,12a)
 Gamblers assistance fund, medical assist-
 ance supplement, ch 1247,§15,19,20
 Health maintenance organization, appro-
 priation, ch 1246,§303(2,12)
 Home-based services
 Appropriation, ch 1246,§303(2,7,12)
 Mentally ill or retarded persons, county
 reimbursement, ch 1246,§303(2,12)
 Hospital-schools
 Appropriation, *general*, ch 1246,§306
 Billing, patient-per-day costs,
 ch 1246,§306
 Client participation receipts,
 ch 1246,§306(2)
 Indians, aid, ch 1246,§303(6)
 Intermediate care facilities, provide reim-
 bursement rate, ch 1246,§303(2,12)
 Juvenile homes
 County or multicounty, appropriation,
 ch 1246,§303(9e)
 Iowa juvenile home, appropriation,
 ch 1246,§304(1)
 Juvenile justice, county-based reimburse-
 ment, ch 1246,§303(10)
 Juvenile services, appropriation, intent,
 ch 1246,§303(9f,g)
 Medical assistance
 Abortions, conditions, ch 1246,§303(2,12)
 Appropriation, *general*,
 ch 1246,§303(2,12), *see also various pro-*
 grams
 Drug utilization review program,
 ch 1246,§303(2,12)
 Federal funding enhancement project,
 ch 1246,§303(8d,e,12a)
 Funds, transfer restrictions,
 ch 1246,§303(12)
 Health maintenance organization, imple-
 mentation, ch 1246,§303(2,12)
 Home and community-based services, ap-
 propriation, ch 1246,§303(2,12)

HUMAN SERVICES DEPARTMENT –
Continued

Medical assistance—Continued

Medically needy program, SSI-related groups, ch 1246,§303(2,12)

Medicare guideline to increases, ch 1246,§309(1e)

Reimbursement

Abortion services, ch 1246,§303(2,12)

Home and community-based services, ch 1246,§303(2,12)

Intermediate care facilities, ch 1246,§303(2,12)

Mentally ill or retarded persons, ch 1246,§303(2,12)

Physician services, ch 1246,§309

Providers, ch 1246,§303(2,12)

Reimbursement rates

Administrative rules, ch 1246,§314

Adoption, subsidized, ch 1246,§309(3)

Foster care facilities, ch 1246,§309(3)

Hospital services, ch 1246,§309

In-home health-related care, ch 1246,§309(2)

Intermediate care facilities, ch 1246,§309(1c)

Intermediate care facilities for mentally retarded, ch 1246,§309(1)

Material costs of products, ch 1246,§309(1a,1b)

Medical transportation, ch 1246,§309

Mental health institutes, ch 1246,§309(1)

Pharmacy, drug products, ch 1246,§309(1d)

Protective day care, ch 1246,§309(3)

Providers, *general*, ch 1246,§309

Reduction of rates, ch 1246,§309(3)

Residential care facilities, ch 1246,§309(2)

Rural health clinic services, ch 1246,§309(1e)

Veterans home, ch 1246,§309

Rural health clinic rates, ch 1246,§309(1e)

Rural underinsured citizens, ch 1246,§303(2,12)

Skilled nursing facility, ch 1246,§309(1e)

Surgical procedures, utilization review, rates, ch 1246,§303(2,12)

Veterans' benefits established, intermediate care facilities, ch 1246,§303(2,12)

Women and children, contingent fund, ch 1246,§303(2,12)

HUMAN SERVICES DEPARTMENT –
Continued

Medical contracts, ch 1246,§303(3)

Medically needy program, expanded, ch 1246,§303(2,12)

Medically needy program, waiver, Title XIX, ch 1246,§303(2)

Mental health institutes

Average daily patient costs, computation, ch 1246,§305(3)

Child in need of assistance, ch 1246,§305(4)

Client participation receipts, ch 1246,§305(2)

Psychiatrists, recruitment and retention, ch 1246,§305(5)

Mental health, mental retardation services, appropriation, ch 1246,§307

Nonpublic assistance support recovery, additional staff justification, ch 1246,§303(4,12)

Protective service workers, appropriation, ch 1246,§302(3)

Providers of service, administrative rules representative, ch 1246,§313

Purchase of service

Pilot project, ch 1246,§308

Provider's payment system, ch 1246,§308

Reports to general assembly

Aid to families with dependent children, self-employed individuals, waiver request, ch 1246,§303(1)

Child support recovery, cost effectiveness, ch 1246,§303(4,12a)

Coordination and integration of services to women and children, ch 1250,§2

Federal funding enhancement project, ch 1246,§303(8d)

Sliding-fee payment schedule study, services to children, ch 1246,§312

Residential care facilities, demonstration waiver project, ch 1246,§206

Self-employment loan program, ch 1244,§5

Service providers, pilot project, ch 1246,§308

Sliding-fee payment schedule, services to children, ch 1246,§312

Social services block grant funds, allocation, ch 1250,§9,11-17

Staff additions, funding, ch 1246,§303(4,8d,12a)

Surgical procedures, utilization review efforts, ch 1246,§303(2)

Surplus funds, transfer, reimbursement rate restorations, ch 1246,§303(8e,12a)

HUMAN SERVICES DEPARTMENT—

Continued

- Training school, appropriation,
ch 1246,§304(1)
- Veterans, benefits, medical assistance, in-
termediate care facilities,
ch 1246,§303(2)
- Veterans home
 - Appropriations
 - General, ch 1246,§304(2)
 - Alzheimer's disease unit,
ch 1246,§304(2)
 - Gifts, authorization, ch 1246,§304(2)
 - Veterans per diem, deposited, general
fund, ch 1246,§321
- Volunteer services, appropriation,
ch 1246,§302(2)
- Workers' compensation benefits, ch 1104

HUNTING

See also *FISH AND WILDLIFE;*
REORGANIZATION, STATE, Nat-
ural Resources Department

- License and permits, combined fur, fish and
game, ch 1114,§1

ICE

- Sale in sealed containers, ch 1137

IMMUNITY

- Victims, witness assistance, ch 1178,§16

INCENTIVES

- Motor vehicles, sale or lease, price breaks
or incentives, ch 1234
- Retirement incentive program, benefits, eli-
gibility, ch 1192,§1

INDIANS

- Appropriation, ch 1246,§303(6)
- Settlement officer, standing appropriation,
ch 1246,§712

INDIGENTS

- Home utility assistance, oil overcharge
funds, ch 1249
- Public defenders, county employee status,
ch 1111
- University hospitals
 - Medical treatment, appropriation,
ch 1246,§110(2b-e)
 - Obstetrical, orthopedic care, ch 1246,§111
 - Organ transplants, legislative intent,
ch 1246,§110(3c)

INDUSTRIAL COMMISSIONER

See also *REORGANIZATION, STATE,*
Employment Services Department

- Judgment by district court, ch 1238,§51
- Judicial review, ch 1238,§47-49
- Occupational disease or hearing loss claims,
approval, ch 1238,§50
- Salary range, ch 1242
- Workers' compensation, commutation, fu-
ture payments, approval,
ch 1246,§604(2)

**INDUSTRIAL LOAN THRIFT
GUARANTY CORPORATION**

General, ch 1165

INHERITANCE

See also *TAXATION, Inheritance Tax*
Illegitimate child, proving of paternity,
ch 1086

INJUNCTIONS

- Motor vehicles, sale or lease, price dis-
crimination, ch 1234
- Victim, witness harassment, ch 1178,§12

INJURIES

- Brain damage, registry, ch 1246,§303(11),315

INMATES

- Discharge photograph, size specification re-
moved, ch 1075,§4
- Postconviction procedure, alleged error ex-
ception, ch 1075,§3
- Prison overcrowding emergency,
ch 1246,§401(1)
- Restitution
 - Hearing granted, court discretion,
ch 1075,§6
 - Prosecution costs, ch 1075,§5
- Sentence reduction
 - Applicability dates, ch 1075,§7
 - Prison overcrowding, ch 1246,§401(1)

INSOLVENCY

- Credit unions, management by adminis-
trator, ch 1053
- Insurance guaranty association, ch 1184

INSPECTIONS

- Commercial fishing, conservation commis-
sion, ch 1141,§1
- Explosive storage facilities, federal inspec-
tion, ch 1029

INSPECTIONS — Continued

- Fire marshal, appropriation, ch 1246, §408(2)
- Grain dealers, premises and accounts, ch 1152, §6,40
- Grain warehouses, ch 1152, §14,18,21,40
- School lockers, notice, ch 1129, §1

**INSPECTIONS AND APPEALS
DEPARTMENT**

See also REORGANIZATION, STATE, Inspections and Appeals Department

Appropriations

General, ch 1246, §602(3)

Demonstration waiver project, staff support, ch 1246, §207

Federal grants or receipts, full-time equivalent positions, ch 1246, §208

Demonstration waiver project, residential care facilities, provider requirements, ch 1246, §206

Director

Demonstration waiver project, temporary waiver committee, members appointed, ch 1246, §206

Salary range, ch 1242

Repayment receipts, supplemental appropriations, ch 1246, §602(3)

Residential care facilities, demonstration waiver project, ch 1246, §206

State departments charged, services rendered, ch 1246, §602(3)

INSTRUMENTS

Uniform transfers to minors Act, ch 1035, §9,16,18,21

INSURANCE

See also WORKERS' COMPENSATION

Accident and health

Comprehensive health association, ch 1156

Group policies

Benefits after employment terminated, ch 1124

Conversion, ch 1124, §4,8,10

Coverage, terminated, modified, ch 1124, §5,10

Defined, ch 1124, §1

Premium tax, revenue set-aside repealed, ch 1247, §16,19,20

Agricultural warehouse operators, ch 1006

Arson investigations, disclosure of information, ch 1051

INSURANCE — Continued

Automobile, premium reduction, seat belt law, ch 1218

Commissioner

Comprehensive health association

Duties, ch 1156, §2,9,13

Rulemaking, ch 1156, §9,13

Comprehensive health association

General, ch 1156, §1-13

Premium taxes, credited, ch 1156, §2,13

Consumer credit insurance, unemployment coverage, ch 1151

County indemnification fund repealed, ch 1246, §775

Group policies

Chiropractic services covered, optional, ch 1180

Continuation of benefits, employment terminated, ch 1124

Guaranty association

General, ch 1184

Claims, limitations, exclusions, procedures, ch 1184

Confidential records, ch 1184

Insolvent, liquidated insurers, ch 1184

Membership, ch 1184

Residence definitions, ch 1184

Guaranty capital, mutual companies, ch 1038

Health care providers, utilization review, cost control review committees, ch 1180, §9,10

Health care services, prepaid group plans, ch 1180, §7

Holding companies, ch 1102, *see also HOLDING COMPANIES*

Hospital service corporations, subscriber contract tax, effective date, ch 1094

Liability

Assistance programs, commissioner institute, ch 1211, §28,29,47

Cities, ch 1211, §22-25,47

Commissioner, continuing study of the industry, ch 1211, §31,47

Counties, ch 1211, §19-21,47

Governmental subdivisions, ch 1211, §4,5,47

Motor vehicle carriers, seating capacity limit, ch 1161, §15; ch 1238, §15

Rate adjustment review, ch 1211, §30,47

Schools and school districts, ch 1211, §18,47

Self-insurance, risk pooling

Cities, ch 1211, §25,34,45,47

Counties, ch 1211, §21,34,35,47

INSURANCE—Continued**Liability—Continued**

- Study commission established, ch 1211,§44,47
- Life, health, premiums payment
- Natural resources department, ch 1246,§408(4c)
- Public safety department, ch 1246,§408(4c)
- Medicare supplement coverage disclosure, ch 1045
- Mental health benefits, information disclosure, ch 1082
- Mutual companies, conversion to stock, policyholder's approval, ch 1237,§32,33
- Mutual companies, guaranty capital, ch 1038
- Mutual insurer, service corporation, ch 1180,§6
- Nonlife companies, guaranty capital, ch 1038
- Nonprofit health service corporations, computers, sales tax exemption, ch 1241,§25
- Payroll deduction, state employees, ch 1063
- Public employees' group health, retirees, ch 1243,§32
- Retirement and termination incentive programs, state employees, ch 1192,§1(2)
- Rural underinsured, medical assistance, ch 1246,§303(2,12)
- Seat belt law, automobile rate reduction, ch 1218
- Self insurers, health data commission, ch 1180,§1
- State employees, tax-sheltered annuities, ch 1213
- Stock company, conversion from mutual, policyholder's approval, ch 1237,§32,33
- Unemployment compensation, employer rate reduction, ch 1166
- Warehouse operators
 - Insufficiency of bond or insurance, ch 1152,§20,40
 - Notice of cancellation, ch 1006,§4,6-8; ch 1152,§26,40
- Warehouses, licensed, grain storage exclusion, ch 1103,§1

INSURANCE ASSISTANCE ACT*General, ch 1211***INSURANCE DEPARTMENT***See also REORGANIZATION, STATE, Commerce Department***Administrative rules**

- Insurance holding companies, ch 1102,§11
- Liability insurance, ch 1211,§27,29,47

INSURANCE DEPARTMENT—Continued**Administrative rules—Continued**

- Medicare supplement coverage disclosure, ch 1045
- Commissioner
 - Automobile insurance premium reduction, seat belt law, ch 1218
 - Consumer credit insurance, unemployment coverage, ch 1151,§3
 - Guaranty capital, mutual companies, ch 1038
 - Health data commission, billing data collected, ch 1160,§2
 - Health maintenance organization, establish guidelines, ch 1180,§8
 - Health plans, determine benefits, ch 1124,§4
 - Insurance holding companies, examinations of affiliates, ch 1102,§21
- Liability insurance
 - Continuing study, insurance industry, ch 1211,§31,47
 - Market assistance program, ch 1211,§28,47
 - Rate adjustment review, ch 1211,§30,47
 - Risk-sharing program, implement, ch 1211,§28,47
 - Study commission, member, ch 1211,§44,47
- Grain indemnity fund board, member, ch 1152,§34,40
- Insurance guaranty association, ch 1184
- Medicare supplement coverage disclosure, ch 1045
- Membership sales, certain cooperatives exempt, ch 1206

INSURANCE DIVISION*See also REORGANIZATION, STATE, Commerce Department***Appropriations**

- General*, ch 1246,§601(4)
- Insurance examination revolving fund, ch 1246,§601(4)
- Commissioner
 - Duties, ch 1246,§615
 - Inspection, examination expenses, fees, ch 1246,§615
- Insurance examination revolving fund, distribution, ch 1246,§608

INTEREST

- Blind commission, accrued interest, gifts, ch 1244,§61

INTEREST—Continued

- Drainage or levee tax assessments, installment payments, ch 1099,§1
- Employment services, department approved training fund, ch 1246,§623
- Farm interest rate buydown program, ch 1027
- Investment raffle program, ch 1125,§3
- Newspapers, official, selection contest pending, ch 1183,§2
- School fund, apportionment, ch 1016
- Tax amnesty program, ch 1007,§3(3),47
- Tax indebtedness to state, ch 1007,§16,47
- Unemployment emergency surcharge fund, ch 1209

**INTERGOVERNMENTAL RELATIONS
ADVISORY COMMITTEE**

- Sunset provision extended, ch 1073

**INTERSTATE AGRICULTURAL GRAIN
MARKETING COMMISSION**

- Appropriation, expenses, ch 1246,§508
- Commission created, appropriation, ch 1197,§1, Art. III;ch 1246,§508

INVESTMENTS

- Energy conservation trust fund invested, ch 1249,§2(2)
- Fiduciaries, U.S. government obligations, ch 1032
- Insurance holding companies, ch 1102,§3-8
- Raffle proceeds, venture capital activity, ch 1125
- Retirement systems for cities, joint agreements, ch 1203,§4
- School districts joint agreement, pending claims, ch 1226,§4
- Wildlife habitat bonds, legal investment, ch 1231,§7

IOWA DEVELOPMENT COMMISSION

See also ECONOMIC DEVELOPMENT DEPARTMENT; REORGANIZATION, STATE, Economic Development Department

- Administrative rules, investment raffle program, ch 1125,§3(5)
- Appropriations
 - Advertising and tourism budget, ch 1246,§33
 - Agricultural biotechnology research, ch 1207,§7,15,22
 - Business incubators, ch 1207,§13,22

**IOWA DEVELOPMENT COMMISSION—
Continued****Appropriations—Continued**

- College or university economic research and development, ch 1207,§7,15,22
- Farm foreign trade activities, ch 1207,§5,22
- Federal procurement offices, ch 1207,§13,22
- Foreign trade promotion, funds eliminated, ch 1207,§6,22
- Iowa main street program, ch 1207,§13,22
- Satellite centers for research and marketing, ch 1207,§13,22
- Speculative business loan guarantees, ch 1207,§2,12,22
- Tourism and marketing, ch 1207,§13,22
- Business license system, feasibility report, ch 1170,§1
- Farm tourism, overnight host list, ch 1142
- Investment raffle program, ch 1125
- Tourism information, delivery recommendations, ch 1060,§3
- Vendors to state agencies in data base, ch 1170,§2
- Venture capital investment Act, ch 1125
- Wine and beer promotion board, ch 1246,§719,720

IOWA OFFICIAL REGISTER

- Printing, distribution, ch 1246,§602(6b)

**IOWA PLAN FUND FOR ECONOMIC
DEVELOPMENT**

See also LOTTERY, STATE

- Codification of allotments, ch 1238,§37
- Community economic betterment account
 - Community development loan repayments deposited, ch 1185,§1,3
 - Future appropriations from allotments, ch 1207,§19,22
 - Speculative business loan guarantees, ch 1207,§2,12,22
- Economic development grants, ch 1068
- Education, agriculture research and development account
 - Agricultural biotechnology research, ch 1207,§7,15,22
 - Alternative crops and livestock study, funds deleted, ch 1207,§8,22
 - College or university economic development and research, ch 1207,§7,15,22
 - Farm management program, funds deleted, ch 1207,§8,16,22

IOWA PLAN FUND FOR ECONOMIC DEVELOPMENT—Continued

Education, agriculture research and development account—Continued

Foreign trade promotion, funds deleted, ch 1207,§6,22

Forgivable loan program, ch 1207,§6,15,22

Future appropriations from allotments, ch 1207,§19,22

Reallocation of funds, ch 1207,§1(b),22

Value added research, funds deleted, ch 1207,§6,22

Jobs now account

Allotment, ch 1190,§8; ch 1207,§11,14,21,22

Business incubators, ch 1207,§13,22

Child care services program, ch 1207,§4,13,22

Conservation corps, young adults, ch 1190,§9,10;ch 1207,§14,22

Displaced homemaker program, ch 1207,§4,13,22

Farm foreign trade activities, ch 1207,§5,22

Federal procurement offices, ch 1207,§13,22

Future appropriations from allotments, ch 1207,§19,22

Iowa main street program, ch 1207,§13,22

Outdoor recreation and parks projects, ch 1207,§3,13,22

Reallocation of funds, ch 1207,§1(b),11,22

Satellite centers for research and marketing, ch 1207,§13,22

Small business loan guarantee program, ch 1207,§14,22

Summer youth program, ch 1207,§14,22

Tourism and marketing, ch 1207,§13,22

Jobs now capitals account

Agricultural loan assistance program, ch 1027,§5;ch 1207,§10,22

Child support recovery central clearinghouse, ch 1207,§18,22

Fingerprint computer, ch 1207,§18,22

Hazardous waste research program, ch 1207,§10,18,22

Justice department, office automation, personnel costs, ch 1207,§18,22

Mason City armory construction, ch 1207,§18,22

Reallocation of funds, ch 1207,§1(a),11,22

Small business development centers, ch 1207,§18,22

IOWA PLAN FUND FOR ECONOMIC DEVELOPMENT—Continued

Jobs now capitals account—Continued

Solar energy conversion program, ch 1207,§10,22

World trade advisory committee, ch 1207,§10,18,22

World trade center construction, funds deleted, ch 1207,§9,17,22

Revenue transfers, prior fiscal year, ch 1207,§20,22

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)

See also REORGANIZATION, STATE, Personnel Department

Administration agreements, ch 1244,§19

Advisory investment board

Director's expenses, ch 1244,§20

Membership, appointments, ch 1243,§3

Age 59, 30 years service, penalty reduced, ch 1243,§21

Age 62, 30 years service, no penalty, ch 1243,§9

Airport fire fighters, monthly allowance, ch 1243,§18

Allowance, monthly payments, ch 1243,§10

Appropriations

Abolished system, accrued liability, ch 1246,§723

Administrative costs, ch 1246,§718

Conservation peace officers, ch 1246,§722

Prior service credits, ch 1246,§721

Benefits calculated, three highest years, ch 1243,§8

Conservation corps program, exemption, ch 1190,§4(2)

Conservation peace officer, monthly allowance, ch 1243,§11

Correctional officer, monthly allowance, ch 1243,§15,16

Covered wages limitation, increased, ch 1243,§5

Dividend payments, certain retirees, ch 1243,§17

Early retirement incentives, ch 1192

Energy conservation trust fund, investment guidance, ch 1249,§2(2)

Fire fighters, police officers, death benefits, ch 1243,§28

Fire fighters, police officers, disability retirement, ch 1243,§27

Former legislators, employees, buyback, ch 1243,§23

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)—Continued

- Military service exceptions, ch 1243,§29
- Peace officer, arson investigator, retirement, ch 1243,§42
- Peace officer, monthly allowance, ch 1243,§12,14
- Personnel department, interim study, ch 1243,§45
- Public retirement systems committee, ch 1243,§24
- "Retired member" defined, ch 1243,§6
- School district employee, contract, uninterrupted service, ch 1243,§7
- Spouse, retirement option selection, ch 1243,§22
- Transfer of membership, ch 1243,§30

IOWA STATE UNIVERSITY

See *COLLEGES AND UNIVERSITIES, Iowa State University*

IOWA UNIFORM TRANSFERS TO MINORS ACT

- Applicability, ch 1035,§21
- Application and construction, uniformity, ch 1035,§23
- Custodial property
 - Care, ch 1035,§12
 - Creating, effecting transfer, ch 1035,§9
 - Receipt, ch 1035,§8
 - Use, ch 1035,§14
- Custodian
 - Determination of liability, ch 1035,§19
 - Expenses, compensation, bond, ch 1035,§15
 - Nomination, ch 1035,§3
 - Powers, ch 1035,§13
 - Resignation, death, removal, successor, ch 1035,§18
- Custodianship
 - Existing effect, ch 1035,§22
 - Single, ch 1035,§10
 - Termination, ch 1035,§20
- Definitions, ch 1035,§1
- Laws not applicable, ch 1035,§24
- Scope and jurisdiction, ch 1035,§2
- Third person, exemption, liability, ch 1035,§16,17
- Title, ch 1035,§25
- Transfers, ch 1035,§4-7,11

ITEM VETOES

See *VETOES, Items Vetoed*

JAILS

- County, OWI, felony conviction, imprisonment, ch 1220,§43,44
- Victim notification, offender's release, escape, ch 1178,§9

JOB SERVICE DIVISION

See also *REORGANIZATION, STATE, Employment Services Department; Inspections and Appeals Department*

- County labor survey economic development teams, ch 1246,§623
- Data processing equipment, federal funds, ch 1246,§621
- Electronic transformer, ch 1246,§623
- Nonprofit organization unemployment surety bond, ch 1066
- Unemployment compensation
 - Employer rate changes, ch 1166
 - Fund transfers, ch 1209

JOINT EXERCISE OF POWERS

- Emergency telephone number system, ch 1246,§764(2)
- Hospitals, health benefit plans, ch 1072

JUDGES

See also *COURTS, Judges*

- Citizenship restoration, trial evidence to governor, ch 1112,§8
- District associate judges
 - Appointment in lieu of magistrates, ch 1015
 - Jurisdiction, ch 1012
 - Jurisdictional amount, ch 1012

JUDGMENTS

- Deficiency, agricultural land, ch 1216,§3,13-15
- Exemptions from executions, ch 1216,§5,6,13,15
- Industrial commissioner decision, district court, ch 1238,§51
- Payment method, court determination, ch 1211,§39,47

JUDICIAL DEPARTMENT**Appropriations**

- Administration, juvenile justice, county reimbursement, ch 1246,§303(10)

Courts

- General, ch 1246,§406
- Administrators, ch 1246,§406
- Reorganization, implementation, ch 1246,§406

- Tort liability study, ch 1248

JUDICIAL DEPARTMENT—Continued

- Collection services center, establishment, ch 1246,§316-323
- Collective bargaining, ch 1246,§407
- Court administrator, civil reparations trust fund, ch 1211,§42,47
- Forfeitable property, law enforcement use, ch 1140,§15
- Retirement incentive program, judicial of-ficers ineligible, ch 1192,§1(3d)
- Supreme court, reorganization funding de-lay, notification, legislative intent, ch 1246,§406

JUDICIAL DISTRICTS

- Correctional services department
 - Citizen board members, ch 1062
 - Retirement incentives established, ch 1192,§6
 - Substance abuse, OWI, offenders
 - Employment counseling services, daily fee, ch 1246,§402
 - Facilities, beds, treatment, ch 1246,§402
- Juvenile court, children, legal representa-tion funding, ch 1246,§303(10)

JUDICIAL ELECTION DISTRICTS

- District judgeships, apportionment, ch 1148

JUDICIAL NOMINATING COMMISSIONS

- Constitutional amendment, Iowa, commis-sioners, ch 1252
- Eligibility to vote, ch 1119,§1

JUDICIAL RETIREMENT SYSTEM

- Annuity amounts, cost of living adjust-ments, ch 1243,§36
- District associate judges, retirement plan options, ch 1243,§34
- Forfeiture of benefits, refund, ch 1243,§38
- Individual accounts, refund, ch 1243,§37
- Retirement annuity
 - Optional, judge and survivor, ch 1243,§40
 - Senior judges, ch 1243,§41
 - Survivor of annuitant, ch 1243,§39
- Salary deductions, ch 1243,§35
- Tax, net income, computed, ch 1243,§33

JURY

- Appointive commission
 - Appointment, ch 1108,§19-21
 - Assistants, compensation, ch 1108,§26

JURY—Continued**Appointive commission—Continued**

- Attorneys excluded, ch 1108,§19
- Compensation, expenses, ch 1108,§25
- County officers excluded, ch 1108,§19
- Instructions, district court judge, ch 1108,§24
- Jurors, selection, ch 1108,§18
- Jury lists, ch 1108,§29-35
- Panels, drawing, ch 1108,§35
- Qualification, tenure, ch 1108,§23
- Source lists, ch 1108,§30
- Vacancy, ch 1108,§22
- Chief judge of judicial district, ch 1108, *see also COURTS, District, Chief Judge*
- Commissions, assistants, compensation, ch 1108,§1,6
- Compensation, mileage, ch 1108,§8,16
- County auditor, duties, ch 1108,§2,3,17,28,36
- County sheriff, notice served, ex officio com-missioners, manager, ch 1108,§5,52
- Court employees, delinquencies, duties, penalties, ch 1108,§54
- Definitions, ch 1108,§11
- District court clerk
 - Appointive commissions, ch 1108,§7,20,21,23
 - Ballot boxes, custody, ch 1108,§36,42
 - Certified lists filed, preserved, ch 1108,§33,34
 - Commission, ex officio member, duties, ch 1108,§7,17
 - Ex officio commissions, ch 1108,§39,52
 - Manager, ch 1108,§28,52
 - Names drawn, disposition, ch 1108,§50
 - Notice to serve, ch 1108,§38
 - Panel drawn, duties, ch 1108,§35,39,41,43,52,55,56
 - Parking reimbursement, ch 1108,§8,16
 - Selection illegal, new drawing, ch 1108,§45
- District court judges, ch 1108, *see also COURTS, District, Judges*
- Ex officio commission
 - Ballot box, clerk, ch 1108,§42
 - Commissioner's absence, ch 1108,§40
 - Commissioner selected by judge, ch 1108,§17
 - County auditor, commissioner, ch 1108,§2,17
 - County recorder, commissioner, ch 1108,§4,17
 - District court clerk, commissioner, ch 1108,§7,17

JURY — Continued

Ex officio commission — Continued

- Illegal selection, new drawing, ch 1108,§45
- Jurors, report notice, lists filed, ch 1108,§43
- Jury pool, drawing, notification, ch 1108,§38,39
- Lists, correcting illegality, ch 1108,§51
- Lists, drawing details, ch 1108,§41
- Names drawn, disposition, ch 1108,§50
- Notice to meet, ch 1108,§52
- Officers, delinquency, penalty, ch 1108,§54
- Panel selection, ballot boxes sealed, custody, ch 1108,§36
- Subsequent drawing, method, ch 1108,§49
- Grand, court-appointed attorney, fees, ch 1238,§34
- Judicial division of county, ch 1108,§31
- Jurors
 - Compensation, mileage, ch 1108,§8,16
 - Definition, ch 1108,§11
 - Discharged, notice to report, ch 1108,§46
 - Dismissal by court, ch 1108,§14
 - Employer discrimination, penalty, civil action, ch 1108,§53
 - Service requirements, ch 1108,§37
- Lists
 - Appointive commission, duties, ch 1108,§18,29-33
 - Certification, filing, ch 1108,§32,33
 - Ex officio commission, drawing, duties, ch 1108,§38-45,49-52
 - Grand or petit jurors, ch 1108,§27-31,35,36,42,43,50,51
 - Illegality, correction, ch 1108,§51
 - Jury manager, duties, ch 1108,§28-36,38,41,43,50,51
 - Jury wheel, ch 1108,§35
 - Master, ch 1108,§18,28-30
 - Source, ch 1108,§18,28-30
 - Storage, electronic, ch 1108,§33,36
- Manager
 - Appointment, duties, ch 1108,§28
- Jurors
 - Drawing, ch 1108,§41
 - Notice to report, lists filed, ch 1108,§43
 - Selection, records, ch 1108,§27
- Jury lists, ch 1108,§29-35
- Legal duties, delinquency, penalty, ch 1108,§54
- Lists, correcting illegality, ch 1108,§51
- Names drawn, disposition, ch 1108,§50

JURY — Continued

Manager — Continued

- Notice to meet, ch 1108,§52
- Panel, drawing, duties, ch 1108,§35
- Pool, time of drawing, notification, ch 1108,§38
- Records, lists, preservation, ch 1108,§34,36
- Source lists, officials to furnish, ch 1108,§30
- Subsequent drawing, method, ch 1108,§49
- Officers, delinquency, penalty, ch 1108,§54
- Panel, ch 1108,§11,35,47,48
- Pool, ch 1108,§11,38,47
- Selection
 - Appointive commission, ch 1108,§18-25,29-35
 - Ballot boxes, custody, ch 1108,§36
 - Ballots, ch 1108,§35,36,41,42
 - Cancellation for illegality, ch 1108,§45
 - Discrimination prohibited, ch 1108,§10
 - Drawing, ch 1108,§27-31,41
 - Electronic data processing, ch 1108,§27,33-36,41,50
 - Ex officio commission, ch 1108,§17,36-52
 - Grand or petit, *general*, ch 1108,§27,29-31,35-37,42,43,50,51
 - Illegal, new drawing, ch 1108,§45
 - Judicial division of county, ch 1108,§31
 - Jury manager, ch 1108,§27-41,43,49-52
 - Lists, *general*, ch 1108,§18,28-36
 - Notice to report, ch 1108,§43
 - R.C.P.187(a), ch 1108,§51
 - R.Cr.P.17(1), ch 1108,§52
- Service
 - Contempt, failure to appear, ch 1108,§44
 - Contempt, false excuse, ch 1108,§15
 - Discrimination prohibited, ch 1108,§10
 - Dismissal by court, ch 1108,§14
 - Employer discrimination, penalty, civil action, ch 1108,§53
 - Excuses, ch 1108,§13-15
 - Grand or petit jurors
 - Compensation, mileage, ch 1108,§8,16
 - Discretionary excuse, ch 1108,§14
 - Notice to report, ch 1108,§43
 - Qualifications, disqualifications, ch 1108,§12
 - Requirements, ch 1108,§37
 - Right and obligation, ch 1108,§9
 - State's policy, ch 1108,§9
- Violations
 - Contempts, ch 1108,§44,53
 - Delinquency of officers, court employees, ch 1108,§54

JUSTICE DEPARTMENT

See *ATTORNEY GENERAL*

JUVENILE HOMES

Appropriations

County or multicounty juvenile homes,
ch 1246,§303(9e)

Iowa juvenile home, ch 1246,§304(1)

Education costs, reimbursement,
ch 1246,§115

School instructional materials, ch 1246,§133

JUVENILE JUSTICE

See also *COURTS, Juvenile; CHILDREN, Juvenile Justice*

Administrative rules, county-based reim-
bursements, ch 1246,§314

Child abuse

Definition revised, ch 1177,§1

False report, simple misdemeanor,
ch 1238,§11

Reports and records, research access,
ch 1177,§2

County-based, reimbursement, appropria-
tion, ch 1246,§303(10)

Mental health institutes, guest status,
ch 1246,§305(4)

JUVENILES

See also *CHILDREN*

Community-based juvenile services, appro-
priation, ch 1246,§303(9f,g)

Driver license, revocation or suspension,
OWI, ch 1220,§33

Victim restitution program, appropriation,
ch 1246,§708(1b)

KEROSENE

Labeling, ch 1146,§2

LABELS, MARKS, AND BRANDS

Bottled water, ch 1137

Commercial fishing, ch 1141,§10

Ice sold in sealed containers, ch 1137

Kerosene, ch 1146,§2

Registrable, ch 1087

LABOR BUREAU

See also *REORGANIZATION, STATE, Employment Services Department*

Administrative rules, stairway chair lifts
and wheelchair lifts, ch 1157

Hazardous chemicals, consumer products,
federal regulations, ch 1135,§2

LABOR BUREAU—Continued

Renamed, division of labor services,
ch 1244,§15

Stairway chair lifts and wheelchair lifts,
ch 1157

LABOR LAWS

See also *COLLECTIVE BARGAINING*

Child work permit, school census record,
ch 1016,§2,9

Employers, work absence, drinking drivers
course, ch 1220,§22(4)

Expanding employment, incentives,
ch 1166,§3

Seniority rights, relinquishment, ch 1089

LABOR SERVICES DIVISION

Appropriations, ch 1246,§604(1)

LAKES

See *WATERS AND WATERCOURSES*

LAND

Agricultural

Alien ownership, ch 1214,§9,30

Notice, right to cure default, ch 1214

Conservation commission

County board projects, approval, ch 1097

Drainage assessments, ch 1008

Farmland, prime, hazardous waste storage
site, ch 1149,§2

Horticultural products, loans,
ch 1096,§6,12,13

Park lands, conveyances, ch 1244,§25

School land, sale or lease, ch 1223

State land, special tax assessment hearing,
notice, ch 1241,§11

Strip mined, reclamation, ch 1175,§5

Subdivisions, legal descriptions, approval,
ch 1080

Tax assessments, public improvements,
ch 1244,§40

LANDSCAPE ARCHITECTURAL**EXAMINERS BOARD**

See also *REORGANIZATION, STATE, Commerce Department*

Appropriation, supplemental,
ch 1247,§11,19,20

Board of examiners

Appropriations, ch 1246,§601(1b)

Excess examination expenses,
ch 1246,§601(1)

LAW ENFORCEMENT ACADEMY

- Administrative rules, psychological testing, ch 1246,§411
- Appropriation, ch 1246,§411
- Basic training, ten-week course, ch 1246,§411
- Burial memorial, confiscation and return, ch 1030,§4
- Jailer training, technical assistance, ch 1246,§412
- Psychological testing of officers, candidates, ch 1246,§411

LEASES

- Hospitals, commercial use, ch 1200,§4,5
- Lease-purchase agreements, job service division, data processing equipment, ch 1246,§621
- Motor vehicles, price discrimination prohibited, ch 1234
- School building
 - Property tax determination, ch 1223,§3
 - Voter approval eliminated, ch 1223

LEAVE OF ABSENCE

- Public employee, political candidate, ch 1021

LEGALIZING ACTS

- Ankeny city council, golf course project, ch 1049
- Bloomfield city council, transfer of funds, ch 1204
- Hardin county conservation board, property purchase, ch 1092
- Iowa City community school district, property sale, ch 1093

LEGAL SERVICES

- Farm crisis, legal assistance eligibility, ch 1214,§1-30

LEGAL TENDER

- Lottery ticket purchases, ch 1042,§8,14
- Tax amnesty program, ch 1007,§3(1),47

LEGISLATIVE COUNCIL

See Also *REORGANIZATION, STATE, General Services Department*

- Administrative rules, interim study committee, membership, ch 1246,§313
- Appropriations
 - Alternative crops and livestock study, funds deleted, ch 1207,§8,22
 - World trade advisory committee, ch 1207,§10,22

LEGISLATIVE COUNCIL — Continued

- Public policy research foundation
 - Funds, initial expenses, ch 1154,§2
 - Membership appointments, ch 1154,§1
 - Studies requests, ch 1154,§1
- Public retirement systems committee actions, approval, ch 1243,§24
- Reports, federal funding enhancement project, ch 1246,§303(8d)
- School economy task force, legislative study committee, ch 1226,§18

LEGISLATIVE FISCAL BUREAU

- Academy of science, reports, ch 1246,§109
- Block grant funds, allocation of funds, ch 1250,§11-17
- Corrections department, reports, ch 1246,§401
- Obstetrical patient care program, study, ch 1246,§111(6)
- Osteopathic college, financial audits, ch 1246,§5
- Public retirement systems committee, assistance, ch 1243,§24
- Regents, reports, ch 1246,§127,129,130
- Retirement or termination incentives, state employees, ch 1192,§4
- University hospitals, indigent patient report, appropriation condition, ch 1246,§110(2d)

LEGISLATIVE OVERSIGHT

Note: See ch 1245, unless otherwise indicated

- General*, §2001-2072
- Accounting principles, §2046; ch 1238, §59
- Administrative rules review committee
 - General*, §2036-2039
 - Administrative Code update reflecting reorganization, §2065; ch 1238, §60
 - Appointment, §2024
 - Computerization of Code, §2044
 - Objections to rules, §2038
- Appropriations
 - Bill defined, §2011
 - Expenditure availability, §2019
 - Fiscal basis, §2021
 - Reorganization Act, interpretation, §2072
 - Reversion of unobligated funds, §2020
 - Standing appropriations, report, §2014
 - Transfer of funds, interdepartmental, §2022
- Attorney general, appointment, prosecuting attorneys training coordinator, §2056

LEGISLATIVE OVERSIGHT—Continued

Boards and commissions, state
 Expenses, compensation, §2055
 Leaves of absence, §2061
 Members, continuing terms, §2069
 Boundary commission, membership, §2009
 Budget and financial control
 Budget, contents, transmitted, §2015,2016
 Expenditures, department estimates, §2017
 Fiscal year basis, §2015,2021
 Legislative fiscal bureau, agencies' reports, §2013
 Revenue estimating conference, §2045
 Capitol planning commission
 Membership, §2025
 Terms, §2026
 Code editor
 Administrative Code
 Computerizing, report to legislative council, §2044
 Update to reflect reorganization, §2065;ch 1238,§60
 Reorganization, uniform terminology, §2064
 College aid commission membership, §2032
 Communications review committee, appointment, §2004
 Community cultural grants program, commission membership, §2012
 Compensation commission membership, §2010
 Cultural affairs department, library services improvement plan, §2070
 Education commission of the states, §2033
 Employees, state, transfer by reorganization, §2062
 Federal funds, budgeting process, §2023
 Functional classification review board, §2034
 General assembly
 Bills
 Appropriations bills defined, §2011
 Prefiling, time limits, §2002
 Journals, bound and preserved, §2001
 Members appointed to boards, political balance, §2040
 Reports to general assembly
 Library services, improvement plans, §2070
 Life cycle cost and energy efficiency standards, §2071

LEGISLATIVE OVERSIGHT—Continued
 General assembly—Continued

Senate, appointments, confirmation and reconfirmation, §2003
 Senate majority leader, appointments
 Administrative rules review committee, §2024
 Boundary commission, §2009
 Capitol planning commission, §2025
 College aid commission, §2032
 Communications review committee, §2004
 Community cultural grants program commission, §2012
 Compensation commission, §2010
 Education commission of the states, §2033
 Functional classification review board, §2034
 Health data commission, §2030
 Intergovernmental relations advisory committee, §2028
 Interstate cooperation commission, §2027
 Law enforcement academy council, §2029
 Legislative council, §2005
 Legislative fiscal committee, §2006
 Medical assistance advisory council, §2031
 General services department, life cycle cost and energy efficiency standards, report to general assembly, §2071
 Governor
 Administrative rules, rescission, §2038
 Appointments, reconfirmation, §2003
 Budget, annual, contents, transmitted, §2015,2016
 Executive orders, status as rules, §2036
 Legislation proposed, deadlines, §2002
 Revenue estimating conference, §2045
 Health data commission, membership, appointments, §2030
 Highways, functional classification review board, §2034
 Human services department, medical assistance advisory council, §2031
 Intergovernmental relations advisory committee, appointments, §2028
 Interstate cooperation commission, appointments, §2027
 Justice department, prosecuting attorneys training coordinator, §2056

LEGISLATIVE OVERSIGHT—Continued

- Law enforcement academy, council, appointments, §2029
- Legislative council
 - Administrative Code, computerization, §2044
 - Membership, appointments, §2005
 - Professional and occupational licensing department, study, §2048
- Legislative fiscal bureau
 - Budget and financial control, reports, §2013
 - Director
 - Revenue estimating conference, §2045
 - Subpoenas, power to issue, §2007
 - Government accountability, performance audit, legislative intent, §2008
- Legislative fiscal committee, membership, appointment, §2006
- Legislative reorganization oversight committee, §2043
- Libraries, improve services, report, §2070
- Lieutenant governor, appointments in effect, §2035
- Life cycle cost analysis, standards implementation, report, §2071
- Management department
 - Budget and financial control, §2013
 - Executive director
 - Budget and financial control, income estimate, §2018
 - Duties and powers, §2014
 - Professional and occupational licensing department, study, §2048
- Medical assistance advisory council, §2031
- Personnel department, state employees, transfer under reorganization, §2066
- Professional and occupational licensing department, study, §2048
- Prosecuting attorneys training coordinator, *general*, §2056-2060
- Reorganization, state government
 - See also REORGANIZATION, STATE, various departments thereunder*
 - Employees, state, transfer under reorganization, §2062
 - General assembly, *general*, §2001-2072
 - Legislation inconsistent with federal law, §2047
 - Transition provisions, §2065-2069; ch 1238, §60
 - Women, minorities, impact of legislation, §2063
- Revenue estimating conference, §2045

LEGISLATIVE OVERSIGHT—Continued

- State officers and departments
 - Accountability to general assembly, §2008
 - Boards and commissions
 - Gender balance, §2041
 - General assembly members, political balance, §2040
 - Members, compensation, §2055
 - Budget and financial control, department expenditure estimates, §2017
 - Reorganization, state government
 - Duties, powers, §2067
 - Rules, actions, §2065; ch 1238, §60
 - Signs, logos, §2068
 - Transition provisions, §2065-2069; ch 1238, §60
 - Subpoenas, legislative fiscal bureau director, power to issue, §2007
 - Women, state employees, reorganization impact, §2063

LEGISLATIVE SERVICE BUREAU

- Public retirement systems committee, assistance, ch 1243, §24

LEGISLATURE

See GENERAL ASSEMBLY

LIABILITIES

See specific index headings

LIBRARIES

- See also CULTURAL AFFAIRS DEPARTMENT, Appropriations, Library Division; REORGANIZATION, STATE, Cultural Affairs Department*
- Blind, physically handicapped persons, services provided, ch 1244, §61

LICENSES AND PERMITS

- All-system highway and street, ch 1210, §7,8
- Bed and breakfast homes, exemptions, ch 1041
- Business license system, feasibility report, ch 1170, §1
- Chiropractic, temporary certificate, ch 1127
- Cigarette permits
 - Retail permits, city and county certification requirement, ch 1241, §1
 - Revocation, hearing, notice, ch 1241, §2
 - Tax delinquency, permit denied or revoked, ch 1007, §5,6,45
- Combined fur, fish and game licenses, ch 1114, §1,3

LICENSES AND PERMITS—Continued

- Commercial fishing
 - Fees, ch 1141,§4,21
 - Issuance, ch 1141,§1,4,21
 - Revocation, ch 1141,§1
- Food establishments, ch 1244,§27
- Grain dealers
 - Bond cancellation, notice, ch 1006,§1,2,7,8
 - Class 1 and 2 license conditions, ch 1152,§3,40
 - Revocation, ch 1152,§7,8,40
- Hazardous waste storage facility, site licenses, ch 1149,§1
- Motor fuel distributor, tax delinquency, ch 1007,§10,45
- Motor fuel tax
 - Default, notice of license cancellation, ch 1241,§8
 - Refund permit
 - Fee eliminated, ch 1241,§6
 - Invalidation, ch 1241,§6,7
- Motor vehicles, *see* **MOTOR VEHICLES, Driver License**
- Mussels, ch 1141,§4
- Radiation operators and users, ch 1217
- Raffles, investment program, rulemaking, ch 1125,§3(5j,k)
- Sales tax permit delinquency, ch 1007,§31,45
- Sanitary landfills, plans filed, timetable, ch 1175,§2,3
- Substance abuse programs, ch 1001,§4,25
- Warehouse operators
 - Bond for licensure, ch 1006,§3-8
 - Class 1 and 2 license conditions, ch 1152,§18,40
 - Revocation, ch 1152,§20,21,40

LIENS

- Agricultural supply dealers, filing fee, ch 1011
- Alcoholism treatment, abolishment of liens, repealed, ch 1001,§22,25
- Cornshellers, documents filed, fees, ch 1033
- Economic development bond bank program, ch 1212,§6
- Fees, filing and entering, ch 1011
- Hazardous substances, conditions, cleanup, ch 1115,§1
- Judgment liens
 - Attachment, time, ch 1014
 - Child or spousal support, attachment, ch 1014
- Mechanic's lien, discharge, ch 1017

LIENS—Continued

- Property rights, nonforfeitable, ch 1140,§16
- Statutory, filing fee, ch 1011
- Threshers, documents filed, fees, ch 1033
- Wildlife habitat bond fund, ch 1231,§4

LIEUTENANT GOVERNOR

- Appropriation, ch 1246,§702
- Constitutional amendments, Iowa
 - Elected as team with governor, ch 1251,§1
 - Terms, compensation, duties, vacancies, ch 1251,§2

LIMITATION OF ACTIONS

- Improvements to realty, ch 1120
- Thresher's or cornsheller's lien, ch 1033

LINKED DEPOSIT ACT

- Application, ch 1096,§5,12,13
- Created, title, ch 1096,§1
- Definitions, ch 1096,§2,12,13
- Horticultural, nontraditional crops, loan moneys, ch 1096
- Legislative findings, purpose, ch 1096,§3,12,13
- Liability, ch 1096,§9,12,13
- Linked deposits, limitations, ch 1096,§4,12,13
- Loans, ch 1096,§7,12,13
- Preference authorized, conditions, ch 1096,§10,12,13
- Reports, ch 1096,§8,12,13
- Treasurer's actions, ch 1096,§6,12,13
- Violations, ch 1096,§11-13

LIVESTOCK

- Feedlots, administrative rule nullified, ch 1253
- Sales subject to security interest, ch 1126

LOANS

- Agricultural development authority, ch 1026
- Agricultural loan assistance program, ch 1027
- Beginning and displaced farmers, ch 1078
- Campaign finance disclosure reports, family members identified, ch 1023,§9; ch 1224,§38
- Community development loans, repayment, ch 1185,§1
- Debt instruments, delivery of copies, ch 1081

LOANS—Continued

- Economic development aid, ch 1068,§3
- Economic development bond bank program, agreements, ch 1212,§5
- Energy conservation measures, schools, ch 1167,§3
- Energy “loans” defined, ch 1167,§3
- Forgivable student loan program, lottery funds appropriated, ch 1207,§6,15,22
- Horticultural crops, linked deposits
 - Amounts, ch 1096,§5,12,13
 - Deposit agreements, ch 1096,§6,7,12,13
 - Rates, ch 1096,§5,7,12,13
- Industrial loan thrift guaranty corporation, restrictions, ch 1165,§3
- School districts, area schools, energy conservation, ch 1167,§3
- Self-employment loan program, ch 1185,§1(6);ch 1244,§5
- Small business loan guarantee program, lottery funds, ch 1207,§14,22
- Student loans, college aid commission, ch 1246,§25

LOBBYISTS

- Campaign contributions reported, ch 1023,§6

LODGING HOUSES

- Farm tourism
 - Bed and breakfast homes, license exemption, ch 1041
 - Host list published, ch 1142

LOTTERY, STATE

See also REORGANIZATION, STATE, Revenue and Finance Department

- Administrative rules
 - Licensee identified on ticket, ch 1042,§3,14
 - Venture capital investment raffle, ch 1125,§3(5)
- Advertising budget limitation, lotto, ch 1042,§13,14
- Agreements
 - Business entities, lottery promotions, ch 1042,§5,14
 - Political subdivision of other state, joint lottery, ch 1042,§4,14
- Business promotional agreements, ch 1042,§5,14
- Commissioner renamed director, ch 1244,§21
- Compacts, joint lottery, ch 1042,§4,14

LOTTERY, STATE—Continued

- Electronic gambling devices, ch 1052
- Expenses, ch 1244,§21
- “Financial instrument” defined, ch 1042,§12,14
- Gamblers assistance fund, limitations, ch 1246,§310;ch 1247,§15,19,20
- Gambling restrictions, exceptions, ch 1002
- Iowa plan fund, allocation
 - See also IOWA PLAN FUND FOR ECONOMIC DEVELOPMENT*
- Community economic betterment account, speculative business loans, ch 1207,§2,12,22
- Education, agriculture research and development account
 - Agricultural biotechnology research, ch 1207,§7,15,22
 - Alternative crops and livestock study, funds deleted, ch 1207,§8,22
 - College or university economic development, research, ch 1207,§7,15,22
 - Farm management program, funds deleted, ch 1207,§8,16,22
 - Foreign trade promotion, funds deleted, ch 1207,§6,22
 - Forgivable loan program, ch 1207,§6,15,22
 - Reallocation of funds, ch 1207,§1(b),22
 - Value added research, funds deleted, ch 1207,§6,22
- Jobs now account
 - Allotment, ch 1190,§8; ch 1207,§11,14,21,22
 - Business incubators, ch 1207,§13,22
 - Child care services program, ch 1207,§4,13,22
 - Conservation corps, young adult program, ch 1190,§9,10;ch 1207,§14,22
 - Displaced homemaker program, ch 1207,§4,13,22
 - Farm foreign trade activities, ch 1207,§5,22
 - Federal procurement offices, ch 1207,§13,22
 - Iowa main street program, ch 1207,§13,22
 - Outdoor recreation and parks projects, ch 1207,§3,13,22
 - Reallocation of funds, ch 1207,§1(b),11,22
 - Satellite centers for research and marketing, ch 1207,§13,22
 - Small business loan guarantee program, ch 1207,§14,22

LOTTERY, STATE—Continued
 Iowa plan fund, allocation—Continued
 Jobs now account—Continued
 Summer youth program, ch 1207,§14,22
 Tourism and marketing, ch 1207,§13,22
 Jobs now capitals account
 Agricultural loan assistance program,
 ch 1027,§5;ch 1207,§10,22
 Hazardous waste research program,
 ch 1207,§10,18,22
 Reallocation of funds,
 ch 1207,§1(a),11,22
 Solar energy conversion program,
 ch 1207,§10,22
 World trade advisory committee,
 ch 1207,§10,18,22
 World trade center construction, funds
 deleted, ch 1207,§9,17,22
 Iowa plan fund, distribution
 Agricultural loan assistance program,
 ch 1027,§5;ch 1207,§10
 Codification of allotments, ch 1238,§37
 Community economic betterment account
 Community development loan pro-
 gram, fund carryovers, ch 1185,§1,3
 Future appropriations from allotments,
 ch 1207,§19,22
 Economic development grants, ch 1068
 Education, agriculture research and de-
 velopment account, ch 1207,§19,22
 Jobs now account, future appropriations
 from allotments, ch 1207,§19,22
 Jobs now capitals account
 Child support recovery central clear-
 inghouse, ch 1207,§18,22
 Fingerprint computer, ch 1207,§18,22
 Justice department, office automation,
 personnel costs, ch 1207,§18,22
 Mason City armory construction,
 ch 1207,§18,22
 Revenue transfers, quarterly,
 ch 1207,§20,22
 Joint lottery games, ch 1042,§4,14
 Legal tender, ch 1042,§8,14
 Licensee
 Identification on ticket, ch 1042,§3,14
 Legal tender, ch 1042,§8,14
 Lotto advertising budget limitation,
 ch 1042,§13,14
 Medical assistance program, funding,
 ch 1247,§15,19,20
 Penalty, counterfeit ticket, ch 1042,§9,12,14
 Preference in contracts, lottery machines,
 ch 1052

LOTTERY, STATE—Continued
 Prizes
 Payments, percent of revenue,
 ch 1042,§6,14
 Tickets as merchandise prizes,
 ch 1042,§1,14
 Raffles, investment program, *see VEN-
 TURE CAPITAL INVESTMENT
 ACT*
 Taxation, local sales and services tax ex-
 emption on winnings, ch 1042,§11,14;
 ch 1199,§7,11,12
 Tickets
 Counterfeiting, ch 1042,§9,14
 False use of a financial instrument,
 ch 1042,§12,14
 Licensee identification, ch 1042,§3,14
 Local sales and services tax exemption,
 ch 1042,§11,14;ch 1199,§7,11,12
 Merchandise prizes, ch 1042,§1,14
 Sales
 Games, raffles, ch 1042,§2,14
 Lottery agency, ch 1042,§7,8,14
 Mail, ch 1042,§8,14
 Taverns, ch 1002
 Telephone, ch 1042,§8,14
 Unmarked cars, security purposes,
 ch 1042,§10,14
 Venture capital investment Act, *see VEN-
 TURE CAPITAL INVESTMENT
 ACT*
LOW-INCOME PERSONS
 Conservation corps employment programs,
 ch 1190
 Home energy assistance, appropriation,
 ch 1249,§4(2),5
MACHINERY
 Farm tractors, equipment, linked deposit
 program, ch 1096,§5,12,13
 Lottery machine contracts, Iowa prefer-
 ence, ch 1052
MAGISTRATES
See also COURTS
 Commissioners appointed, ch 1119,§3
 District associate judge, substitution,
 ch 1015
 Property, seized and forfeitable,
 ch 1140,§6,12
 Search warrants, motor vehicle accidents,
 OWI, ch 1220,§10

MALPRACTICE

- Hospitals, disciplinary action, ch 1211,§14(3)
- Medical examiners board, investigation, hearing, ch 1211,§14,17,47
- Peer review committee records, confidential, ch 1211,§14(2),47

MANAGEMENT DEPARTMENT

See also REORGANIZATION, STATE, Management Department

- Alcoholic beverages control division, additional funds, approval, ch 1246,§603
- Appropriations
 - General*, ch 1246,§708(1a)
 - Council of state governments, ch 1246,§708(2)
 - Juvenile victim restitution program, ch 1246,§708(1b)
 - Per diems, ch 1246,§708(3)
- Architectural examiners, excess expenses, approval, ch 1246,§601(1)
- Area schools funding plan, duties, ch 1246,§145-163
- Director
 - Blind commission, receipts, ch 1244,§61
 - Energy fund disbursement council chairperson, ch 1249,§2(3)
 - Public health department, licensing boards, expenses, ch 1246,§205
 - Salary range, ch 1242
 - School budget review committee, duties, ch 1244,§57
- Engineering and land surveying examiners, excess expenses, approval, ch 1246,§601(1)
- Guaranteed student loans, loan reserve, ch 1246,§26
- Landscape architectural examiners, excess expenses, approval, ch 1246,§601(1)
- Media services, schools, cost, ch 1246,§144,778
- Merged area schools, general aid payments, ch 1246,§108
- School for deaf, blind, merger plan to general assembly, ch 1246,§132
- University hospitals, indigent patient report, appropriation condition, ch 1246,§110(2d)

MANAGEMENT TRAINING SYSTEM

- Management training program
 - Funded, ch 1159
 - State employees program established, ch 1159

MANUFACTURERS

- Electronic gambling devices, Iowa preference, ch 1052
- "Final stage manufacturer" and "incomplete vehicle" defined, ch 1238,§13

MARKETS AND MARKETING

- Agriculture economic diversification, ch 1193
- Economic development department, appropriation, ch 1246,§1(3,4)
- Grain marketing, *see AGRICULTURAL GRAIN MARKETING, INTER-STATE COMPACT*

MARKS

See LABELS, MARKS, AND BRANDS

MARTIN LUTHER KING, JR.

- Birthday, legal public holiday, ch 1164
- Holiday, paid, state employees, ch 1163,§1

MEDIA

- Area education agency, services, cost, ch 1246,§144,778
- Film, television, or educational production, nonresident income tax withholding exemption, ch 1208

MEDIATION

- Farm mediation services, ch 1248,§1-4
- Notice, foreclosure, agricultural property, ch 1214,§12

MEDICAL ASSISTANCE

See also APPROPRIATIONS, Human Services Department, Medical Assistance; HUMAN SERVICES DEPARTMENT, Medical Assistance

- Appropriations
 - Abortions, conditions, ch 1246,§110(2b,e)
 - Indigent patients, ch 1246,§110(2b-e)
- Obstetrical, orthopedic care, ch 1246,§111
- Providers
 - Exceptions, ch 1246,§309
 - Reimbursement and per diem rates, ch 1246,§309

MEDICAL EXAMINERS BOARD

- Appropriation, ch 1246,§204(6)
- Examination, excess expenses, approval, ch 1246,§205
- Membership, ch 1003
- Physician's competence, ch 1211,§14(3,17,47)

MEDICAL EXAMINERS BOARD—
Continued

Revenue estimates, ch 1246,§204
Utilization review program, cost control, administrative rules, ch 1180,§9,10

MEDICAL EXAMINER, STATE
See also REORGANIZATION, STATE, Public Safety Department
Appropriation, ch 1246,§408

MEMBERSHIP SALES
Purchasing associations, certain cooperatives exempt, ch 1206

MEMORIALS
Burial memorials, unlawful possession, ch 1030,§4

MENTAL HEALTH
Brain injury, central registry, ch 1246,§315
Disclosure of information
General, ch 1082
Administrative, ch 1082,§5,7
Compulsory, ch 1082,§6,7
Court order, ch 1082,§6,7
Definitions, ch 1082,§1,7
Penalties, unauthorized disclosure, ch 1082,§2,7
Privacy, anonymity, ch 1082,§6,7
Prohibitions, exceptions, record, ch 1082,§1,2,7
Revocation of authorization, ch 1082,§4,7
Voluntary, ch 1082,§3,7
Mental health and retardation services fund
Appropriation, ch 1246,§307
County use of funds, reports, ch 1246,§307
Mental health, retardation, developmental disabilities, funds, ch 1250,§1,11-17
Professional, disclosure of information, ch 1082

MENTAL HEALTH INSTITUTES
Appropriations, *general*, ch 1246,§305
Child in need of assistance, admission requirements, ch 1246,§305(4)
Patients
Costs, average daily, computing, ch 1169,§305(5)
Disclosure of information, ch 1082
Psychiatrists, recruitment and retention, ch 1246,§305(5)
Substance abuse treatment, funding, ch 1001,§10

MENTAL HEALTH INSTITUTES—
Continued

Title XIX funds to general fund, ch 1246,§321

MENTALLY ILL PERSONS
Delinquent children, civil commitment proceedings, ch 1186,§5
Disclosure of information, *see MENTAL HEALTH, Disclosure of Information*
Health care facilities, patient costs, ch 1169
Home and community-based services, county reimbursement, ch 1246,§303(2,12)
Medical assistance, county reimbursement, ch 1246,§305(3),306
Residential care facilities, demonstration waiver project, ch 1246,§206

MENTALLY RETARDED PERSONS
Delinquent children, civil commitment proceedings, ch 1186,§5
Disclosure of information, *see MENTAL HEALTH, Disclosure of Information*
Home and community-based services, county reimbursement, ch 1246,§303(2,12)
Medical assistance, county reimbursement, ch 1246,§306
Medical assistance rates, per diem, ch 1246,§309
Residential care facilities
Certificate-of-need exclusion, ch 1150
Demonstration waiver project, ch 1246,§206
School census requirements deleted, ch 1016,§5,8,9

MERGED AREA SCHOOLS
See SCHOOLS AND SCHOOL DISTRICTS, Area Schools

MERIT EMPLOYMENT DEPARTMENT
See also REORGANIZATION, STATE, Personnel Department
Director, management training system, fees, ch 1159
Management training system, administration, ch 1159
Retirement and termination incentives program, duties, ch 1192,§1,2,4

MERIT SYSTEM
See also REORGANIZATION, STATE, Personnel Department

MERIT SYSTEM—Continued

- Banking division applicability, exception, ch 1246,§611
- Conservation corps program exemption, ch 1190,§4(2)
- Credit union division, applicability, exception, ch 1246,§611
- Grievance procedures, civil service employees, ch 1118
- Leave of absence, political candidate, ch 1021
- Management training program and fund established, ch 1159
- Savings and loan division, applicability, exception, ch 1246,§611

MILEAGE

- Public officer or employee, reimbursement limitation, ch 1246,§773
- State officer or employee, reimbursement rate, ch 1246,§772

MINES AND MINING

- See also REORGANIZATION, STATE, Agriculture and Land Stewardship Department*
- Explosive storage facilities, federal inspection accepted, ch 1029

MINORS

- See also CHILDREN*
- Brain injured reporting, central registry, confidentiality, ch 1246,§315
- Child in need of assistance, admission requirements, ch 1246,§305(4)
- Driver license, withdrawal of signed consent, ch 1048
- Fish and game licenses, ch 1240
- Students, protected areas, searches, ch 1129,§1-4
- Transfers to, custodial property, ch 1035,§1-25

MISDEMEANORS

- See CRIMES AND OFFENSES, Misdemeanors*
- Employee dismissal, child support wage assignment, ch 1246,§320

MISSING PERSONS

- Information clearinghouse, funded, ch 1220,§17

MISSISSIPPI RIVER PARKWAY

- Appropriation, ch 1246,§1(9)

MOBILE HOMES AND PARKS

See also REORGANIZATION, STATE, Public Health Department

- Tax sale, notice, ch 1139

MORATORIUMS

- Tax amnesty program, legislative intent, ch 1007,§43,47

MORTGAGE

- Agricultural land, default, notice, ch 1214,§10-12,29,30
- Deficiency judgments, ch 1216,§3,13-15
- Foreclosure
 - Agricultural land, ch 1216,§3,6,8,13-15
 - Homestead sale, redemption, ch 1216,§2,13,15
 - Small business, ch 1216,§7,8,12,13,15

MOTOR CARRIERS

- Certificated carriers
 - Buses, *see BUSES, Motor Carriers, Certification*
 - Carrier of property, certificate requirement, ch 1161,§7-10
 - Certificate of convenience and necessity, ch 1161,§7-14
 - Charter carriers, passenger certificate, ch 1161,§7-10
 - Elderly and handicapped passenger service, exempt from certification, ch 1161,§7(5)
 - Financial ability of applicant, ch 1161,§9
 - Liability insurance, seating capacity limit, ch 1161,§15;ch 1238,§15
 - Newspapers, transportation, condition to certificate, ch 1161,§10
 - Regular route passenger certificate, ch 1161,§7,9,11-14
 - Temporary service, ch 1161,§7
 - Transfer or lease of certificate, restrictions, ch 1161,§14
- Definitions expanded, ch 1161,§1,2,16,17
- Insurance, liability, seating capacity limit, ch 1161,§15;ch 1238,§15
- Jurisdiction of transportation department not applicable, ch 1161,§16,17
- Property, carriers of
 - Certification, ch 1161,§7-10
 - Definition, ch 1161,§2
 - Rate regulation limitation, ch 1161,§4
 - Rates, lawful, ch 1161,§6
 - Transportation authority powers, ch 1161,§3-5
- "Regular route" defined, ch 1161,§2,16,17

MOTOR CARRIERS—Continued

Urban transit system, service area,
ch 1161,§7

MOTORCYCLES

Seat belt exemption, ch 1009,§2

MOTOR FUEL TAX

See also TAXATION, Motor Fuel Tax

Revenue and finance department, appropriation, ch 1246,§6

Use tax program, appropriation, ch 1246,§6

MOTORIZED BICYCLES

Minor's license, withdrawal of signed consent, ch 1048

MOTOR VEHICLE FUEL

Motor fuel tax, *see TAXATION, Motor Fuel Tax*

"Motor vehicle fuel" defined, ch 1146,§1

MOTOR VEHICLES

See also REORGANIZATION STATE, Transportation Department

American made, life cycle costs, ch 1132,§1

Automobile insurance premium reduction, seat belt law, ch 1218

Automotive fluids, sales tax exemption, ch 1187

Car pool driver exempt from certification, ch 1161,§7(6,7)

Carriers, *see MOTOR CARRIERS; BUSES*

Chauffeur, definition amended, ch 1210,§1

Child restraint law, exemptions, ch 1069

Definitions

"Final stage manufacturer", ch 1238,§13

"Incomplete vehicle", ch 1238,§13

"Motor vehicle", ch 1220,§41

Driver education, substance abuse, ch 1220,§28

Driver license

Minors, withdrawal of signed consent, ch 1048

Revocation, OWI, penalty, ch 1246,§402

Suspension notice, ch 1019

Emergency vehicles, child restraint law, exemption, ch 1069

"Fleet purchase" law, ch 1234

Handicapped identification devices and stickers, ch 1225

Hearing impaired persons, OWI arrest, interpreter, ch 1220,§42

Interstate commerce vehicles, use tax, exemption, ch 1189,§1

MOTOR VEHICLES—Continued

Intoxicated drivers, alcohol concentration, ch 1220,§2

Lease or sale, price discrimination prohibited, ch 1234

License renewal, OWI information issued to applicant, ch 1220,§30

Lottery agency security, unmarked cars, ch 1042,§10,14

Mandatory revocation of license, ch 1220,§34

Mileage expense reimbursement, ch 1246,§772,773

Nonresidents, child restraint law, exemption stricken, ch 1069

Operating while under the influence of alcohol or drugs

Alcohol concentration, definition, ch 1220,§1

Applicability of previous statutes, ch 1220,§51

Arrests, preliminary screening test, ch 1220,§5

Blood test, refusal to submit, evidence, ch 1220,§6-18

Breath test, refusal to submit, evidence, ch 1220,§5-18

Chemical tests, *general*, ch 1220,§5-18

Chemical tests results available, ch 1220,§11

Confinement, treatment, ch 1246,§402

Crime victim reparation fund, ch 1220,§17

Crime victim reparation program, "crime" defined, ch 1220,§46

Criminal penalties, ch 1220,§2(2)

Deferred judgment, exception, ch 1220,§45

Definitions, ch 1220,§1

"Drinking drivers course" defined, ch 1220,§3(1),22

Driving while license denied or revoked, penalty, ch 1220,§21

"Habitual offender" defined, ch 1220,§37

Implied consent to test, ch 1220,§6,27

Implied consent to test, dead or unconscious persons, ch 1220,§7,8,10(8)

Independent chemical tests, ch 1220,§11

Inpatient treatment, contract for care, ch 1220,§3(2)

Intoxicated, alcohol concentration, ch 1220,§2

Involuntary manslaughter, search warrant, ch 1220,§10

Notice posted, OWI laws, liquor stores or licensed premises, ch 1220,§24

MOTOR VEHICLES—Continued

Operating while under the influence of alcohol or drugs—Continued

- Peace officers, duties, ch 1220,§5-13
- Person's rights, ch 1220,§13(1)
- Preliminary screening test, ch 1220,§5,6
- Prescription drugs, ch 1220,§2(6)
- Previous offenses, ch 1220,§2(3)
- Restitution for damages, ch 1220,§2(8)
- Revocation of license
 - Assessment, ch 1246,§402
 - Chemical tests, refusal to submit, ch 1220,§8,9
 - Civil penalty, ch 1220,§17
 - Conviction or court order, ch 1220,§4
 - Effective date, ch 1220,§9
 - Financial responsibility, ch 1220,§38
 - Hearing, appeal, judicial review, ch 1220,§13,14
 - Juvenile drivers, ch 1220,§33
 - Nonresident, ch 1220,§19
 - Reinstatement fees, ch 1220,§29
 - Restoration application, qualifications, ch 1220,§4
 - Temporary license, effective date, ch 1220,§12
 - Temporary restricted license, ch 1220,§13,20
 - Test result revocation, ch 1220,§12
 - Substance abuse evaluation, treatment, ch 1220,§3(1)
 - Urine test, ch 1220,§6-18
- OWI, *see subhead Operating While Under the Influence of Alcohol or Drugs above*
- Parking violation court costs, ch 1238,§31
- Price information disclosure, ch 1084
- Recreational, sales and services tax, exemption, rental exception, ch 1238,§21
- Registration and title
 - Disabled veterans plates, handicapped sticker, ch 1225,§2,3,8
 - Fees, trailers, semitrailers, ch 1182,§2,3,5
 - Fraudulent use, penalty, ch 1055
 - Handicapped plates, physician's statement required, ch 1225,§1,4,6,8
 - Six-year plates for trailers, semitrailers, ch 1182,§1,5
 - Special plates, illegal display, penalty, ch 1055
- Rural residence district
 - Defined, ch 1056,§1
 - Speed, parking regulations, signs, ch 1056,§2-4

MOTOR VEHICLES—Continued

- Sale or lease, price discrimination, ch 1234
- Sales and services tax, exemption, rental exception, ch 1238,§21
- Scheduled fines, fuel tax violations, ch 1007,§41,47;ch 1116,§6
- Seat belts
 - Automobile insurance reduction, ch 1218
 - Educational programs, ch 1009,§2
 - Equipment violations, ch 1009,§2
 - Exemptions from usage, ch 1009,§2
 - Habitual offender status, exemption, ch 1009,§3
 - Mandatory use, ch 1009,§2
 - Nonuse, civil action, ch 1211,§43,47
 - Peace officers, enforcement, ch 1009,§2
 - Point system, driver license, ch 1009,§1
 - Rules, safety standards, ch 1009,§2
- Snowmobiles, *see SNOWMOBILES*
- Traffic laws, highway provisions, exceptions, ch 1220,§35
- Traffic laws, road workers exempt, exceptions, ch 1220,§36
- "Transporter" defined, rulemaking, ch 1071
- Trucks
 - Fees, multiyear registration plates, ch 1182,§2,3,5
 - Height, maximum, ch 1182,§4,5
 - Mirrors, rearview, ch 1210,§5
 - Motor carriers, *see MOTOR CARRIERS*
 - Owner-operator, workers' compensation, exclusions, ch 1074,§4
 - Permits, excess height, ch 1182,§4,5
 - Six-year registration plates, ch 1182,§1,5
 - Special, definition amended, ch 1210,§2
 - Special, increased weight, ch 1210,§2,3
 - Special, registration fee, ch 1210,§3,4
- Use tax, vehicle registration receipt, ch 1241,§31
- Van pool driver, exempt from certification, ch 1161,§7(6,7)
- Violations
 - Chemical tests, OWI, ch 1220,§5-18
 - Crime victim reparation fund, ch 1220,§17
 - District associate judge, jurisdiction, ch 1012
 - Drinking drivers course, failure to complete, penalty, ch 1220,§3(1),22
 - Driving while license revoked, penalty, ch 1220,§21,34
 - Habitual offender, OWI, ch 1220,§37
 - Homicide
 - Drag racing, penalty, ch 1220,§41
 - Eluding a peace officer, penalty, ch 1220,§41

MOTOR VEHICLES—Continued**Violations—Continued****Homicide—Continued**

OWI, penalty, ch 1220,§41

Reckless driving, penalty, ch 1220,§41

Operating while under the influence, penalties, ch 1220,§2

Overtime parking, court costs, ch 1238,§14

Roadblocks, emergency or routine vehicle, ch 1220,§23

Search warrants, OWI, ch 1220,§10

Seat belts, ch 1009

Speeding, point system, ch 1220,§32

Substance abuse treatment, failure to complete, penalty, ch 1220,§3(1)

Warranty actions, court costs, fees, ch 1090

Wine, open container in vehicle prohibited, ch 1020

MUNICIPALITIES

Municipal assistance fund, appropriation, ch 1246,§709

Ordinance, violation, penalty and procedure, ch 1202

Utilities, municipally owned, regulation limitations, ch 1162

MUSSELS

Commercial fishing, license, possession, ch 1141,§4,12,21

Commercial freshwater mussel fishing, ch 1141,§1-19

NAMES*See also TRADE NAMES*

Ballots, write-in name repeated, ch 1224,§13

Candidates, rotation on ballot, ch 1224,§11

Election registration, changes, ch 1224,§10

NATIONAL CONFERENCE OF STATE LEGISLATURES

Appropriation, ch 1246,§707(1)

NATIONAL GUARD*See also REORGANIZATION, STATE, Public Defense Department*

Facilities leased, ch 1244,§12

Per capita allowance to unit, ch 1246,§762(1)

Training for federal service, ch 1246,§771

NATURAL RESOURCE COMMISSION*See also REORGANIZATION, STATE, Natural Resources Department***NATURAL RESOURCE COMMISSION—Continued**

Private property acquisition, priority, ch 1246,§505

Watersheds above publicly owned lakes, priority list, ch 1246,§505(3)

NATURAL RESOURCES**DEPARTMENT***See also REORGANIZATION, STATE, Natural Resources Department***Appropriations***General*, ch 1246,§505

AIDEX superfund, legislative intent, ch 1246,§505(5,7)

Alternative solid waste disposal projects, reimbursement expenses, ch 1246,§505(7)

Fish and game protection fund

Capital projects, contingencies, ch 1246,§505(1d)

Fish and wildlife, ch 1246,§505(1a)

Navigation laws, water safety, ch 1246,§505(1c)

Snowmobile laws, enforcement, ch 1246,§505(1b)

Green thumb program, ch 1246,§505(2)

Marine fuel tax fund

Boating facilities, maintenance, development, ch 1246,§506(1)

Navigation laws, boat safety, administration, enforcement, ch 1246,§506(2)

Reimbursement, federal agencies, cooperative contracts, ch 1246,§505(4)

Sewage treatment, governing bodies, federal grants, ch 1246,§505(7)

Unencumbered funds, ch 1246,§505(7)

Director

Ecological and resource information, confidential, duties, ch 1228

Salary range, ch 1242

Energy and geological resources division**Administrator**

Agricultural energy management advisory council, member, ch 1249,§3(2a)

Energy conservation trust fund, duties, ch 1249,§2(4)

Energy fund disbursement council, member, ch 1249,§2(3)

Energy conservation trust fund

Annual report, ch 1249,§2(3f)

Appropriated funds, distribution, ch 1249,§4

NATURAL RESOURCES DEPARTMENT—Continued

Energy and geological resources division—Continued

- Energy fund disbursement council, staff, ch 1249,§2(3)
- Exxon corporation case, court order modification, ch 1249,§6
- Environmental protection commission, sewage treatment, federal grants, ch 1246,§505(7)
- Environmental protection division administrator, agricultural energy management advisory council member, ch 1249,§3(2b)
- Grain storage facilities, dust emission control equipment, ch 1246,§505(6)
- Natural resource commission
 - See also REORGANIZATION, STATE, Natural Resources Department*
 - Acquisition of private property, priority, ch 1246,§505
 - Watersheds above publicly owned lakes, priority list, ch 1246,§505(3)
- Report to general assembly, AIDEX super-fund, ch 1246,§505(7)
- Retirees, life, health insurance benefits, ch 1246,§408(4c)

NEGLIGENCE

- Electric transmission lines, ch 1198

NEWSPAPERS

- Beef cattle producers association, executive committee, election notice, ch 1100,§6
- Drainage project completion, meeting notice, ch 1099,§2
- Grain dealers, notice of license revocation, ch 1152,§8,40
- Official newspapers
 - Common ownership, ch 1013
 - Cost, official publications, ch 1183,§3
- Fees
 - Columnar material, ch 1183,§5
 - Photographic reproductions, ch 1183,§5
 - "Newspaper" defined, ch 1183,§4
 - Selection contest, interest payment, ch 1183,§2
 - Subscribers, how determined, ch 1183,§1
 - Type size, minimum, ch 1183,§3
 - Zoned editions of same newspaper, ch 1183,§6
- Political advertisers identified, ch 1023,§11,12;ch 1246,§620

NEWSPAPERS—Continued

- Transportation, motor carrier, condition to certificate, ch 1161,§10
- Warehouse operators, notice of license revocation, ch 1152,§25,40

NONRESIDENTS

- Child restraint law, exemption stricken, ch 1069
- Fishing licenses, ch 1240,§1
- Income tax
 - Declaration of estimate, ch 1241,§17,51
 - Withholding agent, bonding, ch 1007,§25,45

NOTES

- Economic development bond bank program, ch 1212,§3-6
- Fiduciaries, investments in government obligations, ch 1032
- Finance authority, proceeds from sales, newly constructed housing units, ch 1128

NOTICE

- Agricultural grain marketing, interstate compact, commission meetings, ch 1197, Art. III(a4)
- Agricultural land, right to cure default, ch 1214,§10,19,30
- Agricultural property, forfeiture, mediation, ch 1214,§12,28-30
- Child victim services, ch 1178,§14
- Chiropractor's license, termination, ch 1127
- Collection services center, support payment, ch 1246,§316,319
- Crime victims, offender's release, escape, ch 1178,§9
- Crime victims registered, ch 1178,§7-11
- Drainage project completion, ch 1099,§2
- Drainage subdistrict, petition to construct, ch 1050
- Estate or trust, personal representative, discharge, ch 1054
- Farm crisis, legal assistance terminated, written, ch 1214,§2,29,30
- Forcible entry and detainer, hearing, ch 1130,§1,2
- Forfeiture of property, ch 1140,§8-11
- Grain dealers
 - Bonding for licensure, ch 1006,§1,2,7,8
 - Bond, surety, cancellation, ch 1152,§10,40
 - Deficiency bond or letter of credit cancellation, ch 1152,§4,40
 - License revocation, ch 1152,§8,40

NOTICE—Continued

- Hazardous conditions liability, appeal, ch 1158,§3
 - Iowa comprehensive health association, policy, effective date, ch 1156,§11,13; ch 1246,§624
 - Motor vehicles
 - License suspension, ch 1019
 - Price discrimination violation, ch 1234
 - Newspaper publication
 - Common ownership, ch 1013
 - Cost, official publications, ch 1183,§3
 - Fees
 - Columnar material, ch 1183,§5
 - Photographic reproductions, ch 1183,§5
 - Iowa beef industry council, executive committee, election, ch 1100,§6,30
 - "Newspaper" defined, ch 1183,§4
 - Selection contest, interest payment, ch 1183,§2
 - Subscribers, how determined, ch 1183,§1
 - Type size, minimum, ch 1183,§3
 - Zoned editions of same newspaper, ch 1183,§6
- Ordinary mail
- Cigarette permit revocation, hearing, ch 1241,§2
 - Cigarettes, unstamped, assessment of tax, ch 1241,§3,4,53
 - Homestead credit claim disallowed, ch 1241,§32
 - Hotel and motel tax, ch 1241,§30
 - Income tax (individual)
 - Computation of tax, interest, penalty, ch 1241,§19
 - Revision of tax, ch 1241,§21
 - Inheritance tax, refund or credit due, ch 1241,§45
 - Military tax exemption disallowed, ch 1241,§36
 - Motor fuel tax default, license cancellation, hearing, ch 1241,§8
 - Plats, failure to file, owner notified, ch 1241,§41
 - Property tax exemption revocation, ch 1241,§35
 - Property tax relief, improper rent increase, hearing, ch 1241,§34
 - Railway mileage tax, ch 1241,§38-40
 - Sales tax, ch 1241,§27
 - Sales tax permit revocation, hearing, ch 1241,§26
 - Tax assessments, special, hearing, ch 1241,§9-13,51

NOTICE—Continued

Ordinary mail—Continued

- Tax list, omitted property, ch 1241,§42
 - Taxpayer's assessment, ch 1241,§37
 - Tobacco tax enforcement, hearing, ch 1241,§5
 - Original notice, substitute service on spouse, R.C.P. 56.1(a), ch 1043
 - Personal representative, ch 1054; ch 1241,§20,44,50
 - Pre-elections, portable vote tabulation devices tested, ch 1224,§27
 - Property, delinquent tax sales, redemption, ch 1139
 - Public improvement, assessment, hearing, ch 1244,§40
 - Real estate, tax redemption, expiration, ch 1241,§43
 - Rural residence district, hearing, ch 1056,§2
 - School district reorganization, debt service aid and tax levy, ch 1226,§3
 - Seized property, release, disposition, ch 1140,§7
 - Students, protected areas, searches, ch 1129
 - Teacher contract termination, school reorganization, ch 1239,§4
 - Transfers to minors, custodial property, ch 1035,§18
- Warehouse operator
- Bond or insurance cancellation, ch 1006; ch 1152,§26,40
 - Deficiency bond or letter of credit cancellation, ch 1152,§19,40
 - License suspension or revocation, ch 1152,§20,21,24,25,40
 - Publication of notice of license revocation, ch 1152,§25,40

NURSES

- Iowa comprehensive health association, coverage, ch 1156,§4,13
- Mental health nursing, disclosure of information, ch 1082
- OWI, chemical testing, liability, ch 1220,§10,11

NURSING EXAMINERS BOARD

- See also REORGANIZATION, STATE, Public Health Department*
- Appropriation, ch 1246,§204(7)
 - Composition of board, ch 1022
 - Excess examination expenses, approval, ch 1246,§205
 - Revenue estimates, ch 1246,§204

OBLIGATIONS

Wildlife habitat bond fund, bond anticipation notes, ch 1231,§3

OBSCENITY

Material subject to forfeiture, destroyed, ch 1140,§15

Sexual exploitation of children, fine, penalty, ch 1176,§1-3

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

See also *REORGANIZATION, STATE, Inspections and Appeals Department*

Appropriations, ch 1246,§602(5)

OFFENSES

See *CRIMES AND OFFENSES*

OIL

Exxon corporation case, use of funds, ch 1249

OLD-AGE AND SURVIVORS**INSURANCE SYSTEM**

See also *REORGANIZATION, STATE, Personnel Department*

Administration agreements, ch 1244,§19

Appropriation, administrative expense, ch 1246,§716(5)

ORDERS

Child custody orders, violations, ch 1145

Testimony of child, limited duration, ch 1105,§2

Victim, witness harassment, restraining, ch 1178,§12

ORDINANCES

City and county, violations, penalties and procedures, ch 1202

ORPHANS

War orphans educational aid, ch 1246,§762(2)

OSTEOPATHY AND OSTEOPATHIC MEDICINE

Expert witness standards, disclosure, ch 1211,§16,40,47

Handicapped vehicle plates, physician's statement, ch 1225,§1,4,6,8

Subvention program, appropriation, ch 1246,§5

Surgical procedures, billing data, ch 1160,§2

PARDONS

Clerk of court, duties, ch 1112,§8,9,12

Conditions prerequisite, ch 1112,§6-8,11,12

Convicted person's right, ch 1112,§5

Copies required, ch 1112,§9

Governor's constitutional power not impaired, ch 1112,§4

PARI-MUTUEL WAGERING

Gambling restrictions, exception, ch 1002

Iowa horse and dog breeders fund, administration, appropriation, ch 1246,§503

Law enforcement agents, appropriation, ch 1246,§408(4c)

Racing commission members, compensation, ch 1246,§601(5)

PARKS

See also *REORGANIZATION, STATE, Natural Resources Department*

Conservation corps employment program, ch 1190

Hazardous waste storage site, location, ch 1149,§2

Outdoor recreation and parks projects, lottery funds appropriated, ch 1207,§3,13,22

State park lands, conveyances to cities and counties, ch 1244,§25

PAROLE

Crime victim registered, notification, release, ch 1178,§11

Sexual abuser of child, parole discharge, ch 1005

PAROLE BOARD

See also *REORGANIZATION, STATE, Corrections Department*

Appropriations, ch 1246,§404

Crime victim registered, notification, ch 1178,§11

Full-time members, salary range, ch 1242

Recommendations to governor

Citizenship restoration, ch 1112,§6,7

Commutation of sentence, ch 1112,§6,7

Convicted person's right of application, ch 1112,§5

Pardons, ch 1112,§6,7

Remission of fines and forfeitures, ch 1112,§6,7

Reprieves, ch 1112,§6,7

PARTNERSHIPS

Limited

County recorder, duties, ch 1091,§3

PARTNERSHIPS — Continued
Limited — Continued

- Farming or agricultural land report requirements, ch 1091
- Service of process, agents, ch 1173, §16-18
- Tax delinquencies
 - Cigarette tax, liability, ch 1007, §5,45
 - Motor fuel tax, liability, ch 1007, §10,19,45,47
 - Sales and services tax, liability, ch 1007, §19,31,45,47
 - Use tax, liability, ch 1007, §19,34,37,45,47

PATERNITY

- Illegitimate child, inheritance, proving paternity, ch 1086

PEACE OFFICERS

- Animals, disabled, destruction, ch 1121, §1,5
- Appropriations, retirement, accident, disability, ch 1246, §408(4a,c)
- Definition, ch 1220, §1
- Domestic abuse, contempt of court, duties, liability, ch 1179
- Forfeitable property, seizure, ch 1140, §9
- Intoxication arrest, duties, ch 1067
- Mileage expense reimbursement rate, ch 1246, §772,773
- Motor vehicles
 - Implied consent to test, OWI, duties, ch 1220, §6,8,11
 - License revocation, OWI, duties, ch 1220, §9,12
 - Preliminary screening test, OWI arrest, ch 1220, §5
 - Roadblocks, emergency or routine vehicle, ch 1220, §23
 - Search warrants, accidents, OWI, ch 1220, §10
- Police
 - Chief
 - Appeal procedure, employee removed, ch 1138, §8
 - Appointment by city manager, ch 1171
 - Employee subordinate, discharge or removal, ch 1138, §6
 - Retirement system
 - Disability payments, federal income tax form, ch 1203, §3
 - Disability, third party liability, ch 1203, §5
 - Joint investments, ch 1203, §4
 - Trustees, attorney, per diem, ch 1203, §2

PEACE OFFICERS — Continued

Police — Continued

Retirement system — Continued

- Trustees, member term change, ch 1203, §1,6
- Seat belts, enforcement, ch 1009, §2
- Seized property, inventory written, ch 1140, §4
- Students, protected areas, searched, ch 1129, §3

PEER REVIEW COMMITTEE

- Hospital trustee, member, ch 1211, §13,47
- Records confidential, ch 1211, §14(2),47

PENALTIES

See *FINES AND PENALTIES*

PENITENTIARY AND MEN'S REFORMATORY

Inmates

- Citizenship rights, restoration, ch 1112, §5
- Commutation of sentence, ch 1112, §5
- Fines and forfeitures, remission, ch 1112, §5
- Pardons, reprieves, ch 1112, §5
- Warden, information to governor, ch 1112, §8

PENSIONS

See *RETIREMENT*

PERMITS

See *LICENSES AND PERMITS*

PERSONAL PROPERTY

- Tax sale, redemption, procedure, ch 1139
- Use tax, when applicable, ch 1205

PERSONAL REPRESENTATIVE

- Defined for income tax purposes, ch 1238, §19
- Estate, corporate, nonprofit, qualification, ch 1131
- Notice requirements, ch 1054; ch 1241, §20,44,50
- Uniform transfers to minors Act, ch 1035, §1-25

PERSONNEL DEPARTMENT

See also *REORGANIZATION, STATE, Personnel Department*

- Administrative rules, salaries, leaves, ch 1244, §13

PERSONNEL DEPARTMENT -
Continued

Agreements, administration of retirement systems, ch 1244,§19

Appropriations

General, ch 1246,§716(1)

Conservation peace officers' retirement, ch 1246,§722

Core personnel staff, ch 1246,§716(2-4)

Old-age and survivors' insurance system, administration, ch 1246,§716(5)

Social security, administrative expense, ch 1246,§716(5)

Teachers' state pension, administrative expense, ch 1246,§716(5)

Transportation department

Merit system, ch 1246,§10,12

Workers' compensation claims, ch 1246,§11,13

Director

Salary range, ch 1242

Workers' compensation claims, ch 1244,§10

Public retirement systems committee, directives, ch 1243,§25,45

Workers' compensation claims, ch 1244,§10

PESTICIDES

Agriculture, applicators, hazardous risks, ch 1135,§1

PETROLEUM OVERCHARGE FUND

Exxon corporation case, use of funds, ch 1249

Schools and school districts, energy conservation assistance, ch 1167,§4

PHARMACY AND PHARMACISTS

Medical assistance reimbursement rate, ch 1246,§309(1d)

Prescription drugs, generic substitution, ch 1219

PHARMACY EXAMINERS BOARD

See also REORGANIZATION, STATE, Public Health Department

Administrative rules, controlled substances, exceptions, ch 1037,§4,5

Appropriation, ch 1246,§204(8)

Excess examination expenses, approval, ch 1246,§205

Revenue estimates, ch 1246,§204

PHYSICAL THERAPISTS

Iowa comprehensive health association, coverage, ch 1156,§4,13

Treatment, podiatrist's prescription, ch 1238,§7

PHYSICIANS AND SURGEONS

Billing information, health data commission, ch 1160,§2;ch 1180,§1

Brain injury, reported, central registry, ch 1246,§315

Comprehensive health association, coverage, ch 1156,§4,13

Family practice program, appropriation, ch 1246,§110(2b)

Handicapped vehicle plates, physician's statement, ch 1225,§1,4,6,8

Implied consent law, certification of person's incapacity, ch 1220,§7

License suspension, revocation

Expert witness standards, ch 1211,§16,40,47

Inadmissible evidence, ch 1211,§14,15,47

Voluntary agreement to restrict practice, ch 1211,§17,47

Mental health information, disclosure, ch 1082

OWI, chemical testing, liability, ch 1220,§10,11

Prescription, generic drug, cost saving, ch 1219

Radiation licensing, advisory committee composition, ch 1217

Surgical procedures, medical assistance, physician education programs, ch 1246,§303(2,12)

PHYSICIANS' ASSISTANTS

Family practice program, appropriation, ch 1246,§110(2b)

Medical examiners board, membership, ch 1003

OWI, chemical testing, liability, ch 1220,§10,11

Radiation licensing, ch 1217

PIGEONS

Season and methods for taking, ch 1133

PIONEER LAWMAKERS

Appropriation, ch 1246,§707(3)

PLANNING AND PROGRAMMING OFFICE

See also *REORGANIZATION, STATE, Management Department*

Administrative rules

- Conservation corps programs, ch 1190,§3
- Young adult program, academic repayment incentives, ch 1190,§7

Appropriations

- Child care services, ch 1207,§4,13,22
- Conservation corps, young adults, ch 1190,§9,10;ch 1207,§14,22
- Displaced homemaker program, ch 1207,§4,13,22
- Community development loans, ch 1185
- Conservation corps, see *CONSERVATION CORPS*

PLATS

- Notice, failure to file plat, ch 1241,§41
- Subdivisions, legal descriptions, approval, ch 1080

PODIATRIST

- Prescription drugs, generic substitution, cost savings, ch 1219
- Prescription, physical therapy treatment, ch 1238,§7
- Surgical procedures, billing data collected, ch 1160,§2

POLICE OFFICERS

- Automated fingerprint identification system (AFIS) computer committee membership, ch 1207,§18,22
- Death benefits, ch 1243,§28
- Disability retirement allowance, ch 1243,§27
- Roadblocks, authorization, requirements, ch 1220,§23

POLITICAL ACTIVITY

- Mobile deputy registrars, ch 1010
- Public employee, leave of absence, ch 1021

POLITICAL PARTIES

- Campaign finance disclosure, see *CAMPAIGN FINANCE DISCLOSURE*
- Checkoff, income tax contributions, ch 1236,§1,2
- Judicial nominating commissioners, political affiliation and gender, constitutional amendment, ch 1252

POLITICAL SUBDIVISIONS

- Liability insurance
 - Cities, ch 1211,§22-25,47

POLITICAL SUBDIVISIONS—Continued

Liability insurance—Continued

- Counties, ch 1211,§19-21,47
- Loss management assistance, risk management division, ch 1211,§1,2,47
- Schools and school districts, ch 1211,§18,47
- Self-insurance program, risk pooling, ch 1211,§21,25,34,45,47
- Liability limitation, use of property adjoining highway, ch 1070
- Overpass clearance, not liable for truck damage, ch 1182,§4,5
- Retirement and termination incentive programs, establish, limitations, tax levy authority, ch 1192,§7
- Tort claims, ch 1211,§33,47

POPULAR NAME STATUTES

- Agricultural grain marketing, interstate compact, ch 1197
- “Buckle-up” law, ch 1009
- Business-industry information training network Act, ch 1244,§6,7;ch 1245,§820,821
- “Buy American” products, preference, ch 1132
- Early retirement Act, ch 1192
- Fire service institute Act, ch 1188
- “Fleet purchase” law, ch 1234
- “Green thumb” program, ch 1190
- “Host not liable” law, guest intoxication, ch 1211,§11,47
- Linked deposit Act, ch 1096
- “No-wake” law, motorboat operation, ch 1227
- “Right-to-speed” provision, ch 1220,§32
- Tax amnesty program, ch 1007
- “Toxic cleanup days” pilot program, ch 1229
- “Umbrella agencies,” see *REORGANIZATION, STATE*
- Uniform transfers to minors Act, ch 1035
- Venture capital investment Act, ch 1125

PORK PRODUCERS COUNCIL

- Assessment, deduction, ch 1100,§16
- Assessments suspended during national order, ch 1100,§19
- Creation, membership, ch 1100,§11
- Duties, powers, ch 1100,§14,15
- Excise tax, refund, ch 1100,§1
- Executive committee, transition, terms, ch 1100,§25
- “First purchaser” defined, ch 1100,§9
- First purchaser, excise tax, deduction, ch 1100,§16

PORK PRODUCERS COUNCIL—
Continued

“Market development” defined, ch 1100,§9
 “Pork promotion Act” defined, ch 1100,§10
 Refund of assessment, ch 1076
 Terms of service, ch 1100,§12
 Vacancies, ch 1100,§13

PREFERENCES

Alcoholic beverages control division employees, job preference, ch 1246,§755
 American, Iowa-made products purchases, ch 1132
 Conservation corps programs, lower-income person preferred, ch 1190,§4(1c)
 Executive branch employees displaced in reorganization, job preference, ch 1246,§774
 Iowa horticultural products, ch 1096,§10-13
 Lottery machine contracts, Iowa preference, ch 1052

PRESCRIPTIONS

Generic drugs, patient cost saving, ch 1219

PRICES

Motor vehicles
 Price information, disclosure, ch 1084
 Sale or lease, price discrimination prohibited, ch 1234

PRISONS AND PRISONERS

See also CITIZENS; FINES AND FORFEITURES; FINES AND PENALTIES; PARDONS; REPRIEVES; SENTENCE

Canteen fund profit, benefit, ch 1075,§1
 Inmates, escape from custody, serious misdemeanor, ch 1040;ch 1238,§30
 Prisoner assistance clinic, University of Iowa appropriation, ch 1246,§110(2a)
 Prison overcrowding emergency, ch 1246,§401(1)

PROBATE CODE

Conservators, private nonprofit corporation, qualification, ch 1131
 Estates, cooperatives, cash allocation, deceased members, ch 1196,§3,4
 Fiduciaries
 Corporate, nonprofit, qualification, ch 1131
 Investments, U.S. government obligations, ch 1032

PROBATE CODE—Continued

Fiduciary security transfers, certificate duration, ch 1047
 Illegitimate child, proving of paternity, ch 1086
 Real estate transfer fees, ch 1079,§4-6

PRODUCTS LIABILITY

Nonmanufacturers, retailers, limitations, ch 1211,§32,47
 State-of-the-art defense, ch 1211,§41,47

PROFESSIONS AND OCCUPATIONS

Expert witnesses, disclosure, ch 1211,§40
 Licensing boards, excess examination expenses, approval, ch 1246,§205
 Professional licensure, appropriation, revenue estimates, ch 1246,§204(4,8)

PROMOTIONAL ACTIVITIES

Agriculture promotion, farm tourist host listing, ch 1142
 Tourist attractions, highway signs, ch 1060
 Wine and beer made in Iowa, ch 1246,§719,720

PROPERTY

Forfeitable, *see SEIZABLE AND FORFEITABLE PROPERTY, Forfeitable Property*
 Garnishment, expiration of execution, ch 1238,§26
 Gifts, blind commission, accrued interest, ch 1244,§61
 Hazardous conditions
 Debtor's reports, liabilities, assets, ch 1115,§3
 Lien, cleanup, ch 1115,§1
 Motor carriers, transportation, ch 1161, *see also MOTOR CARRIERS, Property, Carriers of*
 Seizable and forfeitable, *see SEIZABLE AND FORFEITABLE PROPERTY*
 Taxable, eminent domain, ch 1153
 Taxation
See also TAXATION, Property
 Assessment errors, protests, ch 1028
 Natural resource, wildlife areas, exemption, ch 1113,§1,2

PROSTITUTION

Child prostitution, ch 1046

PSYCHOLOGISTS

Mental health information, disclosure,
ch 1082

PUBLICATION

Area school, statement of disbursements,
ch 1246,§134
Code official publications, price determined,
ch 1238,§2
Constitutional amendments, Iowa, publica-
tion, ch 1251,§3
Farm tourist host list, ch 1142
Iowa court rules, publication and price de-
termined, ch 1238,§1
Newspapers, *see* **NEWSPAPERS**, *Official
Newspapers*
Notice, *see* **NOTICE**
Political advertisers identified,
ch 1023,§11,12;ch 1246,§620
Tax sale, real and personal property, costs,
ch 1139

PUBLIC BROADCASTING**DEPARTMENT**

See **CULTURAL AFFAIRS DEPART-
MENT**, *Public Broadcasting Division*

PUBLIC DEFENDERS

Indigent clients, defense, ch 1111
Judicial department, no supervisory power,
ch 1111

PUBLIC DEFENSE DEPARTMENT

See also **REORGANIZATION, STATE**,
Public Defense Department

Appropriations

General,ch 1246,§762(1)
Mason City armory construction,
ch 1207,§18,22
Per capita allowance to unit,
ch 1246,§762(1)
War orphans educational fund,
ch 1246,§762(2)
Emergency telephone number commission,
ch 1246,§765

**PUBLIC EMPLOYMENT RELATIONS
BOARD**

Appropriation, ch 1246,§717
Banking division, exclusion, ch 1246,§612
Credit union division, exclusion,
ch 1246,§612
Savings and loan division, exclusion, ch 1246
School district reorganization, base agree-
ment, effective date, ch 1239,§3

PUBLIC HEALTH DEPARTMENT

See also **REORGANIZATION, STATE**,
Public Health Department

Administration, block grant funds,
ch 1250,§1-3,11-17

Administrative rules

Chronic renal disease, financial assis-
tance, ch 1246,§204(10a)
Interim study committee, ch 1246,§313
Obstetrical, newborn care, ch 1246,§111(2)
Public health nursing care, expenditures,
ch 1246,§204(10b)

Appropriations

Block grant, alcohol and drug abuse, men-
tal health services, ch 1250,§1,11-17
Central administration division,
ch 1246,§204(1)
Community health division
General,ch 1246,§204(10a)
Chronic renal disease program,
ch 1246,§204(10a)
Grants, local boards of health,
ch 1246,§204(10b)
Homemaker-home health aide pro-
gram, ch 1246,§204(10c)
Public health nursing program,
ch 1246,§204(10b)
Well-elderly clinics, ch 1246,§204(10d)

Dental examiners board,
ch 1246,§204(5),205

Disease prevention division,
ch 1246,§204(3)

Health planning and development divi-
sion, ch 1246,§204(2)

Maternal and child health services block
grant allocations, ch 1250,§2,11-17

Medical examiners, state board,
ch 1246,§204(6),205

Nursing examiners board,
ch 1246,§204(7),205

Personal and family health division

General,ch 1246,§204(9a)
Birth defects, central registry pro-
gram, ch 1246,§204(9a)
Birth defects, genetics counseling pro-
gram, ch 1246,§204(9a)
Sexual abuse investigations,
ch 1246,§204(9b)
Specialized child health care services,
ch 1246,§204(9a)
Specialized medical home care pro-
gram, ch 1246,§204(9a)
Sudden infant death syndrome autop-
sies, ch 1246,§204(9c)
University of Iowa hospitals,
ch 1246,§204(9a)

PUBLIC HEALTH DEPARTMENT—

Continued

Appropriations—Continued

- Pharmacy examiners board,
 - ch 1246,§204(8),205
- Preventive health and health services
 - block grant, ch 1250,§3,11-17
- Professional licensure,
 - ch 1246,§204(4),205
- Substance abuse division,
 - ch 1246,§204(11)
- Block grant funds, ch 1250,§1-3,11-17
- “Chore services” defined, ch 1246,§204(10c)
- Commissioner
 - Billing information, surgical procedures,
 - pilot project, ch 1160,§2
 - Long-term care data compiled, ch 1160,§3
 - Medical licensure, revoked, suspended,
 - restricted, ch 1211,§17,47
- Community health division
 - Chronic renal disease program,
 - ch 1246,§204(10a)
 - Homemaker-home health aide program,
 - ch 1246,§204(10c)
 - Public health nursing program, elderly
 - and low-income, ch 1246,§204(10b)
- Crippled children’s program,
 - ch 1246,§204(9a)
- Director, salary range, ch 1242
- Elderly and low-income persons
 - Defined, ch 1246,§204(10b,c)
 - Homemaker-home health aide services,
 - ch 1246,§204(10c)
 - Public health nursing program,
 - ch 1246,§204(10b)
- “Homemaker-home health aide services”
 - defined, ch 1246,§204(10c)
- Hospitals
 - Licensure procedure review, report,
 - ch 1200,§10
 - Long-term community health services
 - plan, ch 1200,§2
- Licensing boards
 - Budget preparation, ch 1246,§204
 - Excess examination expenses, approval,
 - ch 1246,§205
- Maternal and child health program,
 - ch 1246,§204(9a);ch 1250,§2,11-17
- Obstetrical, newborn care, indigents,
 - ch 1246,§111
- Obstetrical patient care fund, administra-
 - tion, ch 1246,§111(7)
- Preventive health and health services, rape
 - prevention block grant,
 - ch 1250,§3,11-17

PUBLIC HEALTH DEPARTMENT—

Continued

Professional licensure

- Excess examination expenses, approval,
 - ch 1246,§205
 - Revenue estimates, ch 1246,§204
 - “Protective services” defined,
 - ch 1246,§204(10c)
 - Providers of service, administrative rules
 - representative, ch 1246,§313
 - Public health nursing program
 - Annual evaluation, reports,
 - ch 1246,§204(10b)
 - Appropriation, allocation of funds,
 - ch 1246,§204(10b)
 - Elderly and low-income persons, contract
 - for care, ch 1246,§204(10b)
 - Evaluation and report, ch 1246,§204(10b)
 - Radiation emitting equipment, operator
 - training, ch 1217
 - Reports to general assembly
 - Coordination and integration of services
 - to women and children, ch 1250,§2
 - Public health nursing program, evalua-
 - tion, ch 1246,§204(10b)
 - Residential care facility, certificate-of-
 - need exclusion, ch 1150
 - Reports to governor
 - Public health nursing program, evalua-
 - tion, ch 1246,§204(10b)
 - Residential care facility, certificate-of-
 - need exclusion, ch 1150
 - Residential care facility, certificate-of-need
 - exclusion, ch 1150
 - Substance abuse
 - OWI, facilities
 - Annual review, ch 1246,§402(2c)
 - Licensing, ch 1246,§402(3)
 - Treatment facilities, licensure standards,
 - ch 1220,§26
 - Women, infants and children program,
 - funds transferred, contingent,
 - ch 1246,§303(2,12)
- PUBLIC IMPROVEMENTS**
- Performance or maintenance bonds,
 - ch 1246,§32
- PUBLIC INSTRUCTION DEPARTMENT**
- See also EDUCATION DEPARTMENT;
REORGANIZATION, STATE, Educa-
tion Department*
- Appropriation, area education agency,
 - school economy task force,
 - ch 1226,§17,20

PUBLIC INSTRUCTION DEPARTMENT—Continued

- Area education agency, school economy task force
 - General*, ch 1226, §13-18, 20
 - Appropriation, ch 1226, §17, 20
 - Legislative study committee, ch 1226, §18
 - Reports to general assembly, ch 1226, §18
- Census, school, requirements deleted, ch 1016
- Drinking drivers course, report to the court, fees, ch 1220, §22
- Driver education course, substance abuse instruction, ch 1220, §28
- Renamed education department, children, special education, ch 1244, §33, 35
- School directors certification of operating fund and administrative expenditures
 - Area education agencies, ch 1226, §19
 - School districts, ch 1226, §5
- School economy task force, ch 1226, §12-16, 18, 20
- Seat belts, educational programs, ch 1009, §2
- Workers' compensation benefits, ch 1104

PUBLIC POLICY RESEARCH FOUNDATION

- Board of directors
 - Duties, ch 1154, §1
 - Membership, terms, ch 1154, §1, 2
- "Community based organizations" defined, ch 1154, §1
- Creation, ch 1154, §1
- Funds, initial expenses, ch 1154, §2

PUBLIC RECORDS

- Archaeological sites, ecological and resource information, ch 1228
- Peer review committee, confidential, ch 1211, §14(2), 47
- Risk management division, access, ch 1211, §6, 47

PUBLIC SAFETY DEPARTMENT

See also REORGANIZATION, STATE, Public Safety Department

- Ammunition and firearms, public auction, ch 1238, §33
- Appropriations
 - Administration, ch 1246, §408
 - Capitol security division, ch 1246, §408(3)
 - Crime prevention programs, ch 1246, §408
 - Criminal justice information system, ch 1246, §408(1a)

PUBLIC SAFETY DEPARTMENT—Continued

Appropriations—Continued

- Fingerprint computer system, ch 1207, §18, 22
- Highway safety
 - Administration, federal funds, ch 1246, §409(1)
 - Patrol, additional members, funding, ch 1246, §409(1)
 - Uniformed force, ch 1246, §410
- Investigations, ch 1246, §408(4)
- Medical examiner, *general*, ch 1246, §408(5)
- Pari-mutuel law enforcement agents, ch 1246, §408(4c)
- Radio communication, ch 1246, §408(1b)
- State building code, administration, ch 1246, §408(2)
- Transfer of funds, notification, ch 1246, §408(5)
- Undercover purchases, criminal investigation, local law enforcement agents, ch 1246, §408(4b)
- Victim compensation program, ch 1246, §408(1c)
- Automated fingerprint identification system (AFIS) computer committee, ch 1207, §18, 22
- Commissioner
 - Automated fingerprint identification system (AFIS) computer committee chairperson, ch 1207, §18, 22
- Intoxication arrest, device approval, ch 1067; ch 1220, §5
- Motor vehicles, OWI, chemical tests, ch 1220, §11
- Roadblocks, authorization, requirements, ch 1220, §23
- Salary range, ch 1242
- Crime victim reparation fund, ch 1220, §17
- Criminal investigation, inmates, discharge photograph, ch 1075, §4
- Domestic abuse registry, funded, ch 1220, §17
- Highway safety patrol, roadblocks, ch 1220, §23
- Insurance premiums, retired employees, ch 1246, §408(4c)
- Missing person clearinghouse, funded, ch 1220, §17
- Property forfeited, used, ch 1140, §15
- Retirees, life, health insurance benefits, ch 1246, §408(1c)

PUBLIC SAFETY DEPARTMENT—
Continued

- Roadblocks, authorization, requirements, ch 1220,§23
- Seat belts, educational programs, ch 1009,§2
- Weapons, forfeited property, disposition, ch 1238,§32

PUBLIC UTILITIES

See also REORGANIZATION, STATE, Commerce Department

- Assessment for expenditures, quarterly, ch 1246,§613
- Consumer advocate, certification, assessment expenses, ch 1246,§613
- Customer collections charge terminated, energy improvement program, ch 1134
- Electric cooperatives and small electric utilities, deregulation, ch 1039
- Electric energy, sales and services local option tax exemption, ch 1199,§7,11,12
- Electric transmission lines, presumption of negligence repealed, ch 1198
- Energy conservation improvement pilot program terminated, ch 1134
- Energy program audits, access to results, ch 1110
- Municipally owned, regulation limitations, ch 1162
- Natural gas, sales and services local option tax exemption, ch 1199,§7,11,12
- Utilities trust fund, regulations, ch 1246,§614

PURCHASES AND PURCHASING

- American motor vehicles, life cycle costs reduction, preference, ch 1132,§1
- Associations purchase at discount, exemptions, ch 1206
- Iowa products, preference, ch 1132,§2
- Vendors to state agencies in data base, ch 1170,§2

RACING COMMISSION

See also REORGANIZATION, STATE, Commerce Commission

- Members, compensation, ch 1246,§601(5)

RADIATION

- Advisory committee created, ch 1217
- Licensing requirements, ch 1217

RAFFLES

See GAMES AND RAFFLES; LOTTERY, STATE; VENTURE CAPITAL INVESTMENT ACT, Raffle Program

RAILROADS

See also REORGANIZATION, STATE, Transportation Department

- Assistance fund
 - Appropriation stricken, ch 1247,§14,19,20
 - Construction of railroad lines included, ch 1238,§16
 - Rehabilitation, nonreimbursable grants, earmarked funds, ch 1247,§12,19,20
 - Reversion of funds, ch 1247,§13,18-20
- Land ownership records, annual updates, repeal, ch 1241,§49
- Mileage tax
 - Exceptions from penalty provisions, ch 1007,§20,45
 - Notifications by ordinary mail, ch 1241,§38-40
 - Penalty for violations, ch 1007,§38,45

RAPE

See also CHILDREN, Abuse

- Abortions, conditions, ch 1246,§110(2e)
- Rape prevention program, block grant funds, ch 1250,§11-17

REAL ESTATE

- Abandoned, uncontrolled disposal sites, registry, ch 1115,§3
- Agricultural land, foreclosure continuance, ch 1216,§8,13,15
- Assessment, equalized value, rural and urban, ch 1091
- Brokers, licensee list availability, ch 1238,§6
- Judgment liens, child and spousal support, attachment, ch 1014
- Lien, hazardous conditions, cleanup, ch 1115,§1-3
- Railroad land ownership records, annual updates, repeal, ch 1241,§49
- Small business, foreclosure continuance, ch 1216,§7,8,12,13,15
- Subdivided land, legal descriptions, approval, ch 1080
- Tax assessment errors, protests, ch 1028
- Tax exemptions, establishment of priorities, ch 1113,§1
- Tax redemption right, notice of expiration, ch 1241,§43

REAL ESTATE—Continued

- Tax sale, redemption, procedure, ch 1139
- Transfers, credit on tax, inapplicable provision repealed, ch 1241,§48,51
- Transfer tax reports, ch 1091

REAL ESTATE COMMISSION

See also *REORGANIZATION, STATE, Commerce Department*

- Appropriations, *general*, ch 1246,§601(1e)
- Licensee list availability, ch 1238,§6

REAL PROPERTY

See also *REAL ESTATE*

- Economic development, grant, ch 1068,§4
- Forcible entry and detainer, ch 1130,§1-4
- School lands, sale or lease, ch 1223
- Statute of limitations, tort liability, ch 1120
- Transfer fees, ch 1079
- Transfers to minors, custodial, ch 1035,§9,12,13

RECEIVERS

- Agricultural property foreclosure, appointment, ch 1214,§13

RECIPROCITY

- Bait dealers, fishing, hunting, trapping, licenses, ch 1141,§16
- Commercial fishing, commercial turtle, mussel fishing, other states, ch 1141,§13,21

RECORDS

See also *CONFIDENTIAL RECORDS; PUBLIC RECORDS*

- Bottled water, maintenance and review, ch 1137
- Economic development department, loans, small business, ch 1244,§5
- Transfers to minors, custodial property, ch 1035,§12,18
- Voting machines, printed records, ch 1224,§20,22

RECREATIONAL ACTIVITIES

See also *TOURISM*

- Community recreation facilities and programs, ch 1072
- Outdoor recreation and parks projects, lottery funds appropriated, ch 1207,§3,13,22
- Tourist attraction signing, ch 1060

REDEMPTION

- Real estate, tax sale, ch 1139

REFERENDUM

- Beef and soybean assessments, ch 1195
- Pork producers council, ch 1100,§18

REFUNDS

- Beef cattle, excise tax, ch 1100,§1,30
- Corn, excise tax, ch 1100,§1,30
- Dairy industry, excise tax, ch 1100,§1,30
- Eggs, excise tax, ch 1100,§1,30
- Income tax, amounts less than one dollar, ch 1241,§16,51
- Motor fuel tax
 - Invalidation of permit, ch 1241,§6,7
 - Refund permit, fee eliminated, ch 1241,§6
- Pork, excise tax, ch 1100,§1,30
- Pork promotion assessment, ch 1076
- Sheep and wool, excise tax, ch 1100,§1,30
- Soybeans, excise tax, ch 1100,§1,30
- Turkeys, excise tax, ch 1100,§1,30

REGENTS BOARD**Appropriations**

- General*, ch 1246,§110(1)
- Braille and sight-saving school, ch 1246,§110(6)
- Deaf, school for, ch 1246,§110(5)
- Energy conservation in buildings, ch 1249,§4(8)
- Iowa State University
 - General*, ch 1246,§110(1b,c;3a)
 - Agricultural experiment station, ch 1246,§110(3b)
 - Cooperative extension service, ch 1246,§110(3c)
 - Farm management program, funds deleted, ch 1207,§8,16,22
 - Hazardous waste research program, ch 1207,§10,18,22
 - Industrial research and service center, ch 1246,§110(3d)
 - Research and instructional equipment, legislative intent, ch 1246,§110(3a)
 - Revenue deficiencies, ch 1246,§110(1b)
 - Rural concerns telephone line, ch 1246,§110(3c);ch 1247,§8,19,20
 - Small business development centers, ch 1207,§18,22
 - Solar energy conversion program, ch 1207,§10,22
 - Solar ethanol project, ch 1249,§4(9)
 - Value added research, funds eliminated, ch 1207,§6,22
- Salary increases, supplemental, ch 1246,§110(1c)
- University of Iowa
 - General*, ch 1246,§110(1b,c;2a)

REGENTS BOARD—Continued
 Appropriations—Continued
 University of Iowa—Continued

- College of medicine, diabetes mellitus research, ch 1246,§110(2a)
- Hospital school, ch 1246,§110(2h)
- Hygienic laboratory, ch 1246,§110(2g)
- Oakdale campus, ch 1246,§110(2i)
- Prisoner assistance clinic, legislative intent, ch 1246,§110(2a)
- Psychiatric hospital, ch 1246,§110(2f)
- Research and instructional equipment, legislative intent, ch 1246,§110(2a)
- Revenue deficiencies, ch 1246,§110(1b)
- University of Iowa hospitals
 - General*, ch 1246,§110(2b)
 - Abortions, conditions, ch 1246,§110(2b,e)
 - Child health care services, mobile and regional, ch 1246,§110(2b); ch 1250,§2,11-17
 - Child health specialty clinics, ch 1246,§204(9a)
 - Family practice program, ch 1246,§110(2b)
 - Indigent patients, treatment, ch 1246,§110(2b-e)
 - Muscular dystrophy, related genetic disease programs, ch 1246,§204(9a)
 - Organ transplants, indigent patients, intent language, ch 1246,§110(2c)
 - Perinatal program, statewide, ch 1246,§204(9a)
- University of Northern Iowa
 - General*, ch 1246,§110(1b,c,4)
 - Revenue deficiencies, ch 1246,§110(1b)
- Assess charges to three state universities, item veto, ch 1246,§110(1a)
- Bonds
 - Academic revenue, ch 1246,§110(1b)
 - Buildings, revenue producing, ch 1246,§126
- Employee retirement incentives, criteria, ch 1192,§5
- Executive secretary, salary range, ch 1242
- Public policy research foundation, membership appointment, ch 1154,§1
- Reports to general assembly, projects funded by bonds, notes, ch 1246,§127,129,130
- Schools for deaf, blind, merger requirements, ch 1246,§132

REGENTS BOARD—Continued

- Sister states, resident student tuition, ch 1246,§125
- Ten-year building program
 - Iowa State University
 - Biotechnology equipment, HCR 133
 - Cost of issuance of bonds, HCR 133
 - Gilman Hall remodeling, phase II, HCR 134
 - Microelectronics equipment, HCR 133
 - University of Iowa
 - Biotechnology equipment, HCR 133
 - Chemistry-botany remodeling, phase II, HCR 136
 - Cost of issuance of bonds, HCR 133
 - Laser science and engineering equipment, HCR 133
 - University of Northern Iowa
 - Classroom/office building, HCR 135
 - Cost of issuance of bonds, HCR 133
 - Instructional, research, and computational equipment, HCR 133
- University of Iowa hospitals, report to general assembly, coordination of services, women and children, ch 1250,§2
- Vendor data base, application, ch 1170,§2

REGISTRATION

- Crime victim, confidential, ch 1178,§15
- Insurance holding companies, ch 1102,§12-18
- Motor vehicles, *see MOTOR VEHICLES, Registration and Title*
- Snowmobiles, ch 1031; ch 1235

REHABILITATION

- Workers' compensation, departments of human services and public instruction, clients, ch 1104

RELATIVES

- Incest, definition expanded, ch 1105,§1

REORGANIZATION, STATE

Agriculture and Land Stewardship Department; *See also AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT*

Note: *See* ch 1245, unless otherwise indicated

General, §601-671

Administrative rules, soil conservation division, §648

REORGANIZATION, STATE—Continued
Agriculture and Land Stewardship Department—Continued

- Agricultural development authority
 - Definitions, §628
 - Established, location, §629
 - Executive director, staff appointed, §630
 - Powers, membership, §629
- Cattle, tuberculosis eradication, §616,617
- Coal mining
 - Definitions, §601,602
 - Law enforcement, §609
- Commodities, farm, marketing, §610
- Comptroller, reports required, soil conservation division, §654
- Conservancy district plans, watershed planning, §667
- Conservancy districts, §662; *see also Water Resource Districts, Watershed Planning Districts below*
- Conservation of natural resources
 - Soil, §645
 - Water, §645
 - Water resource districts, ch 1238, §41,42,61
 - Watershed planning districts, §662-667; ch 1238, §41,42,61
- Cooperation with other entities, §606
- Definitions, §604
- Drugs, pure food and drug law, definition amended, §636
- Fair board, *see State Fair Board below*
- Family farm development authority
 - See also Agricultural Development Authority above*
 - Executive director appointment, §630
 - Name change, §629
- Farm commodity division
 - Appointment, director, §610
 - Created, duties, §610
- Governor
 - Appointments, family farm development authority, §630
 - Report, soil conservation division, §653
 - State fair board membership, §626
- Grain
 - Bargaining agents
 - Definition, §670
 - Law enforced, §609
 - Dealers, law enforced, §609
 - Grain dealers, definition, §669
- Iowa State University
 - Cooperation with department, §606
 - President, state fair board member, §626

REORGANIZATION, STATE—Continued
Agriculture and Land Stewardship Department—Continued

- Mining, coal, definitions, enforcement, §601,602,609
- Natural resources department
 - Conservancy districts, watershed planning, §667,668
 - Soil conservation division membership, director, §648
- Objectives, §605
- Powers and duties, §608,609
- Secretary of agriculture
 - Appointment, agricultural development authority executive director, §630
 - Department head, §607
 - Fair board, state, member, §626
 - Soil conservation committee membership, §648
- Soil conservation
 - Commissioners
 - Duties, §651
 - Regulations, adoption, hearing, §657-659
 - Rules, §657,658
 - Conservancy districts renamed, §662,664; ch 1238, §41,42,61
 - Conservation practices
 - Revolving loan fund, §661
 - Sharing costs, §660
 - Definitions, amended, added, §646,647,655,656
 - Districts, discontinuance, §652
 - Interagency coordinating committee abolished, §650
 - Law enforced, §609
 - Legislative policy declaration, §645
 - Soil conservation committee, state, §648
 - Soil conservation department, name change, §648
 - Soil conservation division
 - Administrative rules, §648
 - Duties and powers, §649
 - Established, §648
 - Expenditure estimates, §654
 - Functions, §648
 - Power to establish, §608
 - Reports, §653,654
 - State fair board, created, location, membership, §625-627
- Tuberculosis, bovine, eradication, §616
- Veterinarian, accredited, §617
- Warehouses, bonded
 - Definitions, §671
 - Law enforced, §609

REORGANIZATION, STATE—Continued
Agriculture and Land Stewardship Department—Continued

Water resource districts, ch 1238, §41,42,61
Waters and watercourses, conservation, law enforced, §609
Watershed planning districts
Budget and financial control, §665,666
Coordination with natural resources department, §668
Definitions, §662,663
Effective date, chapter repeal, §668
Name change, §662; ch 1238, §41,42,61
Plan, §667

Commerce Department; See also COMMERCE COMMISSION; COMMERCE DEPARTMENT

Note: See ch 1245, unless otherwise indicated
General, §701-763

Accountancy commission
Compensation, §721
Staff, §720
Transfer, §719
Administrative rules
Alcoholic beverages division, §736,739
Commerce department, general counsel, §741
Credit union division, §753
Department and division rulemaking, §702
Industrial loan corporation thrift guaranty law, §761
Professional licensing and regulation division, §710
Administrators, divisions, responsibilities, §702
Alcoholic beverages division
See also ALCOHOLIC BEVERAGES CONTROL DIVISION
Administrator
Appointment, §735
Duties and powers, §738
Commission
Bond, §734
Compensation, §733
Created, §732
Duties, §737
Created, §731
Duties, §709
Hearing board, appointed, §736
Appointments
Accountancy commission members, §719
Alcoholic beverages division administrator, §735

REORGANIZATION, STATE—Continued
Commerce Department—Continued
Appointments—Continued

Architectural examiners commission members, §725
Commerce department director, §702
Consumer advisory panel, §746; ch 1244, §60
Consumer advocate, §742
Engineering and land surveying examiners commission members, §716
Gaming division administrator, §715
Landscape architectural examiners commission members, §728
Professional licensing and regulation division administrator, §710
Savings and loan associations superintendent, §756
Utilities division board, §740
Architectural examiners commission
Appointment, members, §725
Compensation, §727
Duties, staff, §726
Reorganization, §725
Attorney general appointments
Consumer advisory panel, members, §746; ch 1244, §60
Consumer advocate, §742
Auditor of state
Industrial loan corporation thrift guaranty law, §761
Industrial loan law, administration, §759
Savings and loan associations, supervision, §756
Banking division
Banking board, compensation, §747
Created, location, §748
Duties, §703
Employees, §749
Industrial loan corporation thrift guaranty law, §761
Industrial loan law, §759
Superintendent
Industrial loan companies, supervision, §759
Industrial loan corporation thrift guaranty law, rules, §761
Beer and liquor control department, *see Alcoholic Beverages Division above*
Bingo, licenses issued, §712
Bonds, official, public officers and employees
Alcoholic beverages commission members, §734

REORGANIZATION, STATE—Continued
 Commerce Department—Continued
 Bonds, official, public officers and employees—Continued

- Alcoholic beverages division administrator, §735
- Racing commission administrator, §715
- Code chapter repeal, July 1, 1988, §763
- Consumer advisory panel, appointment, §746; ch 1244, §60
- Consumer advocate
 - Appointment, §742
 - Employees under merit system, §744
 - Office location, §744
 - Removal, §743
- Credit union division
 - Credit union review board, compensation, §752
 - Definitions, §750
 - Deputy superintendent, §754
 - Duties, §704
 - Employees, expenses reimbursed, §755
 - Reorganized, §751
 - Superintendent
 - Appointment, §753
 - Rulemaking authority, §753
- Definitions, §701
- Department, divisions, rulemaking authority, §702
- Director, appointment and responsibilities, §702
- Division administrators, responsibilities, §702
- Divisions named
 - Alcoholic beverages, §702
 - Banking, §702
 - Credit union, §702
 - Gaming, §702
 - Insurance, §702
 - Professional licensing and regulation, §702
 - Savings and loan, §702
 - Utilities, §702
- Engineering and land surveying examiners commission
 - Appointment, duties, compensation, §716-718
 - Organization, §718
- Gaming division
 - See also Racing Commission below*
 - Administrator, appointment, §715
 - Duties, §706
 - Games of skill, chance, and raffles, licensure authority, §711, 712
 - Licenses issued, §712

REORGANIZATION, STATE—Continued
 Commerce Department—Continued
 Gaming division—Continued

- Organization, §711, 712
- Racing commission, duties, §706
- Governor's appointments
 - Accountancy commission members, §719
 - Alcoholic beverages division administrator, §735
 - Architectural examiners commission members, §725
 - Commerce department director, §702
 - Consumer advisory panel, §746; ch 1244, §60
 - Engineering and land surveying examiners commission members, §716
 - Landscape architectural examiners commission members, §728
 - Professional licensing and regulation division administrator, §710
 - Racing commissioners, §713
 - Savings and loan associations superintendent, §756
 - Utilities division board, §740
- Industrial loan law
 - Administration, §759
 - Corporation thrift guaranty law, §760
 - Definitions, §757
 - License to operate company, §758
- Insurance division
 - Duties, §708
 - Reorganization, §745
- Justice department
 - Consumer advisory panel, §746
 - Consumer advocate division, §744
- Landscape architectural examiners commission
 - General*, §728-730
 - Compensation, §730
 - Duties, §729
 - Reorganization, §728
- Professional licensing and regulation division
 - Accountancy commission, §719
 - Administrator, appointment, §710
 - Architectural examiners commission, §725
 - Duties, §710
 - Engineering and land surveying examiners commission, §716
 - Landscape architectural examiners commission, §728
 - Licensing boards included, rulemaking authority, §710
 - Real estate commission, §722

REORGANIZATION, STATE—Continued
Commerce Department—Continued

- Racing commission
Administrator, appointment, §715
Commissioners
Appointment, term, §713
Compensation, §714
Reorganization, §706,713
- Real estate commission
Commissioners
Appointment, §722
Compensation, §723
Fees and expenses, §724
Reorganization, §722
Staff, §722
- Repeal, Code chapter, July 1, 1988, §763
- Revenue and finance department, games of skill, chance and raffles, licensure authority transfer, §711,712
- Rulemaking authority, departments, divisions, §702
- Savings and loan (associations) division
Duties, §705
Reorganization, §756
Superintendent, §756
- Senate confirmation, appointees,
§702,710,713,715,716,719,725,728,
735,740,742,756
- Surveyors, *see Engineering and Land Surveying Examiners Commission above*
- Utilities division
Administrator designated, §740
Duties, §707
General counsel, §741
Reorganization, §740
Utilities board, §740
- Corrections Department; See also CORRECTIONS DEPARTMENT**
- Note: See ch 1245, unless otherwise indicated
General, §1501-1526
- Administrative rules, parole board, work release program, §1519,1521
- Appointments, governor, parole board members, qualifications, §1513,1514
- Corrections, board of
Duties, §1501
Meetings, compensation, §1502
- Director, duties and powers, §1503-1505
- Employees directive to cooperate with parole board, §1522
- Governor appointments, parole board members, senate confirmation, §1514
- Mount Pleasant correctional facility, §1504
- Parole board
Administration, §1515

REORGANIZATION, STATE—Continued
Corrections Department—Continued
Parole board—Continued

- Appointment, §1513,1526
- Appointment of new members, transition provisions, §1526
- Compensation, §1516
- Duties, §1514
- Inmate record review, §1521
- Membership, §1512
- Parole time, sentence, §1523
- Qualifications, §1513
- Risk assessment program, §1517
- Salaries and expenses, §1516
- Transition, §1526
- Violation of parole, probable cause hearing, §1524
- Work release program
Agreement by inmate, §1507
Authority, §1519
Duties, §1506-1510
Eligibility of prior forcible felon, §1521
Established, §1506
Inmate housing and status, §1508,1509
Release standards, §1520
Rules, §1519
Violators, temporary housing, §1510
- Prison industries, director's duties, §1505
- Senate confirmation, governor's appointees, §1514
- Cultural Affairs Department; See also CULTURAL AFFAIRS DEPARTMENT**
- Note: See ch 1245, unless otherwise indicated
General, §1301-1340
- Administrative rules
Administration, §1302
Authority to create divisions, §1301
Historical society, §1305,1308
Library division, §1328,1330
Public broadcasting, §1321
Terrace Hill commission, §1315
- Administrative services section, duties and powers, §1303
- Appointments, governor
Arts council members and chairperson, §1325
Cultural affairs department director, §1301
Cultural affairs intradepartmental advisory council, §1304
Historical society board of trustees, §1305
Library commission members, §1329

REORGANIZATION, STATE—Continued
Cultural Affairs Department—Continued
Appointments, governor—Continued

- Public broadcasting board members, §1319
- Terrace Hill commission members, §1316
- Archives and historical museums, *see Historical Division below*
- Arts division
 - Administrator, powers, §1327
 - Art in state buildings, §1333,1338
 - Arts council, §1325,1326,1340
 - Duties and powers, §1303
- Community cultural grants program, §1301,1340
- Director
 - Appointment, salary, §1301
 - Duties, §1302
 - Powers, §1308
- Division administrators, duties, §1301
- Divisions named
 - Arts council, §1301
 - Historical society, board of trustees, §1301
 - Library commission, §1301
 - Public broadcasting board, §1301
 - Terrace Hill commission, §1301
- Division responsibilities, §1303
- Duties, §1301
- Educational radio and television, *see Public Broadcasting Division below*
- Grant applications, procedure, §1301
- Historical department, §1305,1340
- Historical division
 - Archives, §1310-1313
 - Duties and powers, §1303,1309; ch 1238,§52,53
 - Historical board, duties and powers, §1309
 - Terrace Hill commission, §1316
- Historical resource development program, §1314;ch 1238,§54
- Historical society, state
 - Board of trustees
 - Advisory function, §1307
 - Established, §1305
 - Officers, meetings, §1306
 - Rulemaking authority, §1305,1308
 - State historic building code, §1339,1340
 - Membership rules, §1307
 - Preservation districts, §1315
- Intradepartmental advisory council, §1304
- Libraries
 - Law library, *general*, §1331

REORGANIZATION, STATE—Continued
Cultural Affairs Department—Continued
Libraries—Continued

- Library commission
 - Administrator, appointment, §1301
 - Established, duties and powers, §1329
- Library department, §1340
- Library division
 - Administrator, appointment, §1301
 - Definitions, §1329
 - Duties and powers, §1303
- Medical library, §1331
- Regional library system, trustees, powers and duties, §1332
- Rulemaking authority, §1328,1330
- State library, §1331,1340
- Public broadcasting division
 - Administrator, appointment, §1301
 - Autonomy, §1302
 - Competition with private sector, §1322
 - Educational radio and television, §1317-1324
 - Public broadcasting board
 - Administrator, appointment, §1301,1318
 - Advisory committees, §1319
 - Created, §1319
 - Duties, membership, §1319,1320
 - Facilities and permits, §1321
 - Meetings, §1320
 - Revenue retained, §1324
 - Rulemaking authority, §1321
 - Trusts, power to administer, §1323
 - Senate confirmation, governor's appointee, §1301
 - State publications deposited, §1330
- Supreme court, library commission members, appointments, §1329
- Terrace Hill commission, duties and powers, rulemaking authority, §1315,1316,1340
- Economic Development Department; *See also ECONOMIC DEVELOPMENT DEPARTMENT; IOWA DEVELOPMENT COMMISSION***
- Note: *See* ch 1245, unless otherwise indicated
- General*, §801-852
- Activities
 - Agricultural marketing program, §809-811
 - Industrial and business export trade plan, §815
 - Iowa business-industry information and training network, §816-821; ch 1238,§36,45;ch 1244,§5-7

REORGANIZATION, STATE—Continued
Economic Development Department—
Continued
Activities—Continued

- Youth corps, §812-814
- Agriculture
 - Agricultural development authority, §850
 - Agricultural marketing board, §809-811,852
 - Agricultural products advisory council, §811
 - Secretary of agriculture, economic development board, §803;ch 1238,§35
- Appointments, governor, §803;ch 1238,§35
- Bonds, public
 - State agencies and political subdivisions, bonding activities coordinated, §823,824
- Underwriters, authority to do business, §851
- Cities
 - Annexation, §845
 - City development board
 - Creation, §847
 - Urban revitalization, §848,849
 - Revitalization areas, designation, requirement deleted, §849
 - Severing territory, §846
 - Urban revitalization, requirement deleted, §849
- City development board, services, §847
- Created, §805
- Definitions, §802
- Director, duties, §805,806
- Divisions authorized, §807
- Economic development board
 - Created, membership, §803;ch 1238,§35
 - Duties, §804;ch 1238,§43
 - Senate confirmation, governor's appointees, §803;ch 1238,§35
- Economic protective and investment authority, §850
- Education
 - Advance funding authority, §850
 - College aid commission, organization, §850
 - Higher education loan authority
 - Employees exempt, merit system, §843
 - Organization, §850
 - Iowa State University of Science and Technology, county agricultural extension service, §838,839
 - Regents, board of, powers and duties, §844

REORGANIZATION, STATE—Continued
Economic Development Department—
Continued

- Employment, youth corps, §812-814
- Exports
 - Department responsibilities, §808
 - Industrial and business export trade plan, §815
- Finance authority
 - Definitions, §840
 - Economic development department, organization, §850
 - Loans, surplus funds, §841
 - Targeted small business loan program, §842
- Governor appointments, senate confirmation, §803;ch 1238,§35
- Grants and gifts, §810
- High technology council, advisory function, §825-827
- Inventors, state funded research, §808
- Investment, commercial, limitation, §828
- Iowa business-industry information and training network, §816-821
- Iowa State University of Science and Technology, county agricultural extension service, §838,839
- Job training partnership program
 - Economic development department responsibility, §808
 - Iowa business-industry information and training network, §816-821; ch 1238,§36,45;ch 1244,§5-7
 - Services provided, §822
- Objectives, §801
- Product development program
 - Board of directors, compensation, §829
 - Organization, §829
 - President, appointment and duties, §830
- Purchasing, state departments, set-asides, procedures, §831-837
- Railway finance authority, transportation department, organization, §850
- Regents board, powers and duties, §844
- Responsibilities
 - Exporting, §808(4)
 - Finance, §808(1)
 - Job training and entrepreneurial assistance, §808(6)
 - Local government and service coordination, §808(3)
 - Marketing, §808(2)
 - Miscellaneous, §808(8)
 - Small business, §808(7)
 - Tourism, §808(5)

REORGANIZATION, STATE—Continued
Economic Development Department—
Continued

- Senate confirmation of governor's appointments, §803;ch 1238,§35
- Small business
 - Economic development department assistance, §808
 - Targeted small business loan program, §842;ch 1244,§30
 - Targeted small business procurement, §831-837
- State officers and departments, bonding activities, §823,824
- Tourism, promotion, §808
- Trade and commerce
 - Exports, promotion, §808,815
 - Industrial and business export trade plan, §815
- Transportation department, railway finance authority, organization, §850
- Urban revitalization, tax exemptions, filing plan, procedure, §848
- Youth corps, §812-814

Education Department; See also EDUCATION DEPARTMENT; PUBLIC INSTRUCTION DEPARTMENT

Note: See ch 1245, unless otherwise indicated

General, §1401-1499B

- Administrative rules
 - Area education agency
 - Administrators, §1445
 - Program plans, §1460
 - Board of educational examiners, evaluator's approval, §1453
 - College aid commission, administration, §1454
 - General responsibilities, §1407
 - High school equivalency diplomas, §1441
 - Special education
 - Gifted and talented, §1416
 - Transportation equipment, §1482
 - Standards
 - Schools, §1411,1417,1426
 - Teachers, §1417,1426
 - Teachers
 - Certificate, §1447
 - Gifted and talented, §1416
 - Standards, §1417,1426
 - Substitute, certificate, §1448
 - Vocational education board, community colleges, §1435,1470
- Advertising, unlawful, §1498

REORGANIZATION, STATE—Continued
Education Department—Continued

- Appointments, governor
 - Budget review committee members, §1492
 - Education board, state, members, §1403
 - Education commissioner (director), §1408
 - Nonpublic school advisory committee, §1415
- Area education agency
 - Administrators, §1445,1459
 - Board, duties and powers, §1458
 - Established, §1457
 - Funding, §1460
 - Media materials distributed, §1494
- Area vocational schools and community colleges
 - Advisory council abolished, §1466,1499A
 - Approval standards and procedure, §1472
 - Commissioner, powers, §1470
 - Existing community or junior colleges, §1471
 - Funds, §1469
 - Land, purchase or sale, limitation, §1473
 - Lease agreements, §1474
 - Merged areas, combining, §1475
- Budget review committee, §1492
- Children
 - Allowance, probate code, §1497
 - Child and family services, definition, §1419
 - Child support
 - Accredited school, §1495
 - Recovery, definitions, §1421
 - Compulsory education, exceptions, §1490
 - Foster care facilities, §1418
- Civil rights, §1496
- College aid commission
 - Autonomy, §1454
 - Higher education loan authority, §1455
 - Rulemaking authority, §1454
- Definitions, §1402
- Director (Commissioner)
 - Appointed, §1408
 - Duties, §1409,1489;ch 1238,§55
 - Professional staff, §1410
 - Reorganization directive, §1499
 - Senate confirmation, governor's appointee, §1408
- Discrimination, §1492
- Educational examiners board, state
 - Area education agency administrators, certificate, rulemaking, §1445

REORGANIZATION, STATE—Continued
 Education Department—Continued
 Educational examiners board, state—
 Continued

- Certificates
 - Applicants, out-of-state, §1446
 - Expiration, §1447
 - Required, §1444
 - Substitute teacher, §1448
 - Validity, §1449
- Coaching authorization, rules, §1452
- Evaluator's approval requirement, §1453
- Expenditures certified, paid, §1451
- Personnel, §1443
- Powers, §1442
- Student teaching, agreements, §1450
- Education board, state
 - Accreditation for school districts, §1411
 - Accredited schools, standards, §1417
 - Compensation, §1405
 - Duties, §1407
 - Educational standards, established, §1411
 - Established, §1403
 - High school equivalency diplomas, rule-making, §1441
 - Meetings, §1406
 - Oath, vacancies, §1404
 - Senate confirmation, governor's appointees, §1403
 - Teacher training, criteria, §1416
 - Vocational education board, rulemaking, §1435
- Established, §1401
- Executive council, mining camp sale, §1489; ch 1238, §55
- Federal funds, acceptance authorized, §1487
- First in the nation in education foundation
 - Administration, §1424
 - Governing board, §1422
- Foster care
 - Definitions, §1418
 - Juvenile home, contract, §1420
 - School attendance, §1485
- Fund, permanent revolving, §1414
- Higher education loan authority, §1455
- High school equivalency diplomas, rule-making, §1441
- Human services, child and family services, definition, §1419
- Mining camp schools, sale, §1489; ch 1238, §55
- Professional teaching practices commission, compensation, §1456

REORGANIZATION, STATE—Continued
 Education Department—Continued

- School foundation program, allowable growth, §1491
- Schools
 - Accreditation, §1411
 - Accreditation standards, §1417
 - Area education agency administrators, certificate, rulemaking, §1445
 - Attendance, compulsory, exceptions, §1490
 - Attendance in another district, §1484
 - Budget review committee, established, §1492, 1493
 - Community education Act, state advisory council abolished, §1466, 1499A
 - Contests and competitions, student participation, §1468
- Districts
 - Boundaries, adjusting, §1461
 - Boundaries changed, frequency, §1463
 - Dissolution, hearing, §1465
 - Joint districts, planning, §1462
 - Petition, reorganization, §1464
- Foundation program, allowable growth, §1491
- Instructors and services, sharing, §1412
- Nonpublic schools, advisory committee, §1415
- Nonresident pupils, attendance, §1413
- Reorganization of districts, §1462-1465
- Special education directors, powers, §1479, 1480
- Standards, educational, §1411
- Starting date for classes, request early start, §1467
- Tuition
 - Child in foster care, §1485
 - Child in institution, §1486
- Uniform school requirements, interscholastic contests, §1468
- Senate confirmation, governor's appointees, §1403, 1408
- Special education
 - General, §1476-1483
 - Division created, §1476
 - Duties and powers, §1477, 1478
- Teachers
 - Certificate required, §1444
 - Educational examiners board, §1442-1453
 - Instructors, services shared, §1412
 - Professional teaching practices commission, compensation, §1456

REORGANIZATION, STATE—Continued
Education Department—Continued

Transportation, state aid, §1488
 Unfair or discriminatory practice, §1496
 Vocational education board
 Duties, §1426
 Education board designated as, §1435
 Education commissioner, duties, §1427
 Federal aid accepted, conditions, §1428
 Local advisory council, §1431
 Personnel, §1425
 Plan for vocational education, §1433
 Rulemaking authority, vocational rehabilitation, §1435
 Salaries and expenses, §1432
 Vocational education council, §1429,1430
 Vocational education council, §1430
 Vocational training and rehabilitation
 Education board designated as vocational education board, §1435
 Education commissioner, cooperation with federal authority, §1435
 Federal authorities, agreement with, effective, §1440
 Rehabilitation funds, custody, treasurer, §1434
 Vocational education board, rulemaking authority, §1435
 Vocational rehabilitation division
 Cooperation plan with certain state agencies, §1437
 Duties, §1436,1437
 Established, §1435
 Gifts and donations, §1438,1439

Elder Affairs Department; See also
ELDER AFFAIRS DEPARTMENT;
AGING COMMISSION

Note: See ch 1245, unless otherwise indicated

General, §1001-1030

Aging commission

Abolished, §1031

Members continue in office, commission of elder affairs, §1030

Aging, state plan developed, §1012

Appointments

Governor

Commission members, §1005

Executive director, §1010

House speaker, commission members, §1005

Senate majority leader, commission members, §1005

Area agencies on aging, §1013,1014

Care review committee, §1018,1027

REORGANIZATION, STATE—Continued
Elder Affairs Department—Continued

Commission of elder affairs

General, §1005-1008

Aging commission members, carryover, §1030

Appointment, §1005

Duties and powers, §1008

Long-term care resident's advocate, duties, §1016-1018

Definitions, §1004

Duties and powers, §1011

Employment training programs, §1019-1025

Established, §1009

Executive director

Appointment and confirmation, §1010

Health data commission, member, §1028

Legislative findings, §1002

Long-term care

Coordinating unit, §1026

Resident's advocate, §1015-1018

Policy, §1003

Programs

Advocacy coordination, §1025

Elder law education, §1022

Elderly services, §1024

Employment and training, §1021

Retired Iowans community employment, §1020

Retired senior volunteers, financial support, §1023

Senior community service employment, §1019

Senate confirmation, governor's appointee, §1005,1010

Employment Services Department; See also EMPLOYMENT SERVICES DEPARTMENT

Note: See ch 1245, unless otherwise indicated

General, §901-944

Administrative rules

Child labor, §922-924,926

Hazardous chemicals risk, §940

Appointments, governor

Employment services department director, §901

Job service commissioner, §933

Labor commissioner, §919

Athletics, commissioner, §936

Child labor

Occupations permitted and prohibited, §922,926

Permits, §925

Code editor, codification powers, §944

REORGANIZATION, STATE—Continued
Employment Services Department—
Continued

- Coordinating committee, §902
- Creation, organization, §901
- Director, appointment, duties, §901
- Disabled persons, job training and placement, §903
- Displaced homemakers, program coordination, §938
- Divisions named
 - Industrial services division, §901
 - Job service division, §901
 - Labor services division, §901
- Elevators, state elevator code, definitions, §937
- Employment agencies, licensing, §929-932
- Employment bureau, job service of Iowa, §927,928
- Employment security, *see Job Service Division below*
- Governor appointees, senate confirmation, §901,919,933
- Hazardous chemicals risk right to know Act
 - Administrative rules, §940,941
 - Complaints, community information, §941
 - Fire departments, information required, §942
 - Workers, information provided, §940
- Industrial services division
 - Industrial commissioner
 - Decisions, appeal, §913;ch 1238,§46,47
 - Duties, §911
 - Occupational disease compensation, investigation, §905-910
 - Reports, §912
 - Responsibilities, §902
- Job service division
 - Commissioner
 - Appointment, §933
 - Duties and powers, §934
 - Employment service, duties, §927
 - Job training partnership program, §903
 - Definitions, §935
 - Job placement and training programs, §903
 - Responsibilities, §902
- Labor services division
 - Commissioner
 - Appointment, §919
 - Child labor, §922-926
 - Division head, §918
 - Duties, §920,921

REORGANIZATION, STATE—Continued
Employment Services Department—
Continued

- Labor services division—Continued
 - Commissioner—Continued
 - Employment agencies, licensing duties, §929-932
 - Report, annual, §920
 - Hazardous chemicals risk right to know Act, §939-942
 - Responsibilities, §902
- Occupational disease compensation, investigations, conduct, physicians' panel established, §905-910
- Occupational safety and health, administration, §914
- Retired Iowans employment program, establishment, §903
- Senate confirmation, governor's appointees, §901,919,933
- Supreme court, industrial commissioner decisions, judicial review, ch 1238,§47-49
- Executive Council; See also EXECUTIVE COUNCIL**
 - Note: See ch 1245, unless otherwise indicated
 - General, §1971-1992
 - Appropriations, reduced uniformly, §1972
 - Armory board actions, approval deleted, §1992;ch 1238,§57
 - Auditor, state, change in distribution of reports, §1973
 - Audit reports, distribution deleted, §1973
 - Boundaries, state property, approval deleted, §1983
 - Civil rights commission, funds, approval deleted, §1991
 - Federal census, duty to cooperate transferred, §1978
 - Federal government land acquisition, approval deleted, §1971
 - Gifts to state
 - Land or property, consent requirement deleted, §1982
 - Real or personal property, consent requirement deleted, §1990
 - Governor
 - Appropriations, reduced uniformly, §1972
 - Gifts to state, power to accept, §1990
 - Removal of officers, insurance commissioner, §1989
 - Hazardous waste disposal sites, acquisition powers deleted, §1988
 - Highway right-of-way, sale approval deleted, §1981,1987

REORGANIZATION, STATE—Continued
Executive council—Continued

Insurance commissioner, removal, approval deleted, §1989
Job service buildings, acquisition, approval deleted, §1979
Land and water acquisition, approval deleted, §1971
Land gifts, approval deleted, §1982,1990
Mining camp schools, sale, §1489,1984-1986;ch 1238,§56
Natural resource commission
Boundaries, state property, adjustment, §1983
Gifts to state, acceptance authorized, §1982
Highways to parks, power of eminent domain, §1981
Parks, power of eminent domain, §1980
Natural resources department, environmental protection commission, hazardous waste sites, acquisition power, §1988
Parks and land, state
Boundaries, approval deleted, §1983
Eminent domain, acquisition, approval deleted, §1980-1982
Purchasing, direct, state agency, approval deleted, §1974
Schoolhouses, mining camp, sale, §1489,1984-1986;ch 1238,§56
Secretary of state, federal census, duty transferred, §1978
Secretary to executive council, conservation commission secretary, designation deleted, §1992; ch 1238,§57
State, gifts to
Acceptance power transferred, §1990
Land or property, acceptance power transferred, §1982
Real or personal property, acceptance power transferred, §1990
Vehicles
Assignment withdrawal, appeal to council deleted, §1976
Private, used for state business, approval deleted, §1977
Purchase price, approval deleted, §1975
Vehicle dispatcher, state, duties, executive council approval deleted, §1975-1977
Veterans newsstand in capitol, approval deleted, §1992;ch 1238,§57

REORGANIZATION, STATE—Continued
Executive council—Continued

Water and land acquisition, approval deleted, §1971
General Services Department; See also GENERAL SERVICES DEPARTMENT
Note: See ch 1245, unless otherwise indicated
General, §301-318
Administrative rules
Data processing facilities, elections, §312
Parking facilities, §306
Bid procedure, public improvements, §304
Capitol buildings and grounds
Leasing coordination, duty, §307
Space assigned, §301,305
Communications
Definitions, §308
Limitations on providing and resale, §309
Rules, deleted, §310
Corrections department
Institutions improvements
Contracts, §317
Payment, §318
Plans and specifications, §315,316
Data processing
Election administration, comptroller, §312,313
Limitations on providing services, resale, §309
Purchase, bidding procedure, §312
Director
Competitive bidding procedure, public improvements, §304
Duties, construction for state agencies, §303
Information needs of general assembly, §302
Parking, legislature assignments, §306
Space assignment in capitol, §305
State buildings, leasing, §307
Elections
Data processing services, purchase, bidding, §312,313
Public access, §313
Registrar of voters, §313
General assembly, information needs, reported, §302
Human services department, institutions, construction, repair, improvement, §314
Legislative council
Capitol space assignment, §301
General assembly needs, §302
Legislative parking assignments, §306

REORGANIZATION, STATE—Continued
General Services Department—Continued

Public contracts and bonds

- Corrections department, improvements at institutions, §317
- Definitions, §311
- Human services department, construction, repair, improvement projects, §314

Public improvements

- Corrections institutions, §315-318
- Human services institutions, §314

Voting, registrar of voters designated, §313

Human Rights Department; See also HUMAN RIGHTS DEPARTMENT

Note: See ch 1245, unless otherwise indicated

General, §1201-1265

Administrative rules

- Blind, division for, §1260
- Children, youth, and families division, §1216
- Community action agencies division, §1241
- Deaf services division, §1251,1254
- Persons with disabilities division, §1236
- Spanish-speaking people division, §1210
- Status of women division, §1224

Administrators, governor's appointees

- Department coordinator, §1202
- Division administrators, §1202
- Human rights council, §1203

Appointments

Governor

- Blind, commission for, §1257
- Children, youth, and families commission, §1214
- Deaf, commission on, §1251
- Department coordinator, §1202
- Division administrators, §1202
- Persons with disabilities commission, §1234
- Spanish-speaking people commission, §1206
- Status of women commission, §1223
- President of senate, children, youth, and families commission, §1214
- Senate confirmation, §1202,1251,1257
- Speaker of house, children, youth, and families commission, §1214

Blind, division for

- Administrative rules, §1260
- Administrator, duties, §1203,1233,1256-1265

REORGANIZATION, STATE—Continued
Human Rights Department—Continued
Blind, division for—Continued

Blind, commission for

- Appointments, §1257
- Employees, §1259
- Powers, §1260
- Reorganization, §1257
- Report, §1261

Federal aid, §1258

Children, youth, and families division

- Administrative rules, §1216
- Administrator, duties, §1217
- Appointments, §1214

Children, youth, and families commission

- Budgetary responsibility, §1220
- Expenses, §1218
- Federal funds, §1219
- Meetings, §1215
- Membership, §1214
- Purpose, §1216
- Reorganization, §1214

Duties, §1213

Policy, §1213

Community action agencies division

Administrative rules, §1241

Administrator

- Duties, §1241
- Report to general assembly, §1249

Audit, §1247

Board of directors

- Duties, §1244
- Membership, §1243

Duties, §1245

Establishment, local agencies, §1242

Financial assistance, §1248

Programs administered, §1246

Deaf services division

Administrative rules, §1251,1254

Deaf, commission on

- Appointments, §1251
- Duties, §1253
- Employees, §1252
- Powers, §1254
- Reorganization, §1251
- Report, §1255

Hearing dog, §1263

Service program §1265

Definitions, §1204

Department coordinator, appointment, duties, §1202

Division administrators, appointment, §1202

REORGANIZATION, STATE—Continued
Human Rights Department—Continued

Divisions named

- Blind, division for, §1201
- Children, youth, and families division, §1201
- Community action agencies division, §1201
- Deaf services division, §1201
- Persons with disabilities division, §1201
- Spanish-speaking people division, §1201
- Status of women division, §1201

Federal aid

- Blind, division for, §1258
- Children, youth, and families division, §1219

Governor's appointments, senate confirmation, §1202,1251,1257

Human rights council, duties, membership, §1203

Persons with disabilities division

- Administrative rules, §1236
- Administrator, §1238
- Appointments, §1234
- Definitions, §1231
- Persons with disabilities commission
 - Appointments, §1214
 - Created, §1232
 - Duties, §1237
 - Gifts, grants, and donations, §1239
 - Membership, appointment, ex officio, §1233,1234
 - Officers, §1236
 - Terms, §1235

Senate confirmation, governor's appointees, §1202,1251,1257

Spanish-speaking people division

- Administrative rules, §1210
- Definitions, §1205
- Spanish-speaking people commission
 - Appointments, §1206
 - Created, §1206
 - Duties, §1209
 - Employees, §1208
 - Organization, §1207
 - Powers, §1210
 - Report, §1211

Status of women division

- Administrative rules, §1224
- Definitions, §1221
- Status of women commission
 - Access to information authorized, §1229
 - Appointments, §1223

REORGANIZATION, STATE—Continued
Human Rights Department—Continued
Status of women division—Continued
Status of women commission—Continued

- Created, §1222
- Duties, §1227
- Employees, §1226
- Meetings, §1224
- Membership, terms, §1223
- Objectives, §1225
- Powers, §1228
- Report, §1230

Inspections and Appeals Department; See also INSPECTIONS AND APPEALS DEPARTMENT

Note: See ch 1245, unless otherwise indicated
General, §501-550

Administrative procedures, contested cases, rehearing, application, §518

Administrative rules

- Employment appeal board, §515
- Occupational safety and health, §521

Appeals and fair hearings division

- Administrator, duties, §508
- Decisions of, subject to departmental review, §508
- Definitions, §507
- Hearings and appeals, jurisdiction, functions, §508

Appellate defender, state

- Created, §516
- Services received from department, §517

Appointments, governor

- Appellate defender, §516
- Department director, §502
- Employment appeal board members, §515
- Hospital licensing board members, §527

Audits division

- Audits conducted, §510
- Definitions, §509
- Duties, §510

Children, foster care review board, transferred from child foster care facilities, §549

Cities

- Inspection agreement with state
 - Food establishments, §535
 - Food service establishments, §538
 - Hotels, motels, §542
 - Vending machines, food and beverage, §547

Confidentiality of information, §505

- Created, §502
- Definitions, §501

REORGANIZATION, STATE—Continued
Inspections and Appeals Department—
Continued

- Director
 - Appointment, §502
 - Duties and powers, §504
- Divisions named
 - Appeals and fair hearings division, §506
 - Audits division, §506
 - Inspections division, §506
 - Investigations division, §506
- Elevators, state code
 - Appeals
 - Contested cases, §515
 - Enforcement orders, judicial review, §526
- Employees retirement system, appeal procedure, §515
- Employment appeal board
 - Administrative rules, §515
 - Contested cases, §515
 - Created, duties, membership, §515
 - Decision, judicial, §515
 - Elevator code, §526
 - Occupational safety and health review, §519
- Food establishments
 - Definitions, §529
 - Enforcement, §548
 - Inspection and licensing
 - General, §529-535
 - Fees, §533
 - Food service establishments, §532
 - Local health board guidelines, §548
 - Retail food store sanitation code, general, §529,534,535
 - Sanitation authority, §535
 - Standards, §531,534
 - Transfer of inspection from agriculture department, §531
- Food service establishments
 - Definitions, §536
 - Inspection and licensing, §532,540
 - Sanitation code
 - Enforcement authority, §538,539
 - Municipal corporations agreement, §538,539
 - Ordinance adoption, §537
- Foster care review board, membership and compensation, §549
- Grocery stores, inspection and licensing, §529-535

REORGANIZATION, STATE—Continued
Inspections and Appeals Department—
Continued

- Health board, local
 - Inspection and license agreement with state
 - Food establishments, §535
 - Food service establishments, §538,539
 - Hotels, motels, §542,543
 - Vending machines, §547
- Hearings, decisions of state departments, §508
- Hospital licensing board
 - Appointment authority, §527
 - Functions, §528
- Hospitals
 - Advisory council abolished, hospital licensing board created, §527,528,550
 - Sanitation code, enforcement authority, §542,543
- Hotels, motels
 - Definitions, §541
 - Inspection and licensing, §542,543
 - Sanitation code, §542,543
- Inspections division
 - Definitions, §513
 - Duties, §514
 - Inspections
 - Conducted by state, §514
 - Food establishments, §529-535
 - Food service establishments, §536-540
 - Hotels, motels, §541-543
 - Vending machines, §547
- Investigations division
 - Definitions, §511
 - Duties, §512
 - Investigations conducted, §512
- Job service division
 - Confidentiality of information, §524
 - Unemployment compensation
 - Appeal board abolished, §523
 - Claims for benefits, appeals, §522,523
 - Definitions, §525
- Licenses
 - Food establishments, §529-535
 - Food service establishments, §536-540
 - Hospitals, §527,528
 - Hotels, motels, §541-543
 - Vending machines, food and beverage, §544-547
- Occupational safety and health
 - Contested cases, hearing, §515
 - Definitions, §520

REORGANIZATION, STATE—Continued
Inspections and Appeals Department—
Continued

Occupational safety and health—Continued

Review commission abolished, §550

State policy, §519

Personnel, employment appeal procedure,
§515

Purpose, §503

Restaurants, *see Food Service Establish-
ments above*

Retail food stores, *see Food Establishments
above*

Senate confirmation, governor's appointees,
§502,515,516

State officers and departments, decisions
appealed, §508

Unemployment compensation

Appeal board, §515,523

Appeals, §522,523

Contested cases, §515

Vending machines, food and beverage

Application for license, §545

Definitions, §544

License revocation, §546

Licensing and inspection, §547

Legislative Oversight, *see LEGISLA-
TIVE OVERSIGHT*

**Management Department; See also COMP-
TROLLER; MANAGEMENT
DEPARTMENT**

Note: See ch 1245, unless otherwise indicated

General, §101-123

Appeal board, executive director, member,
§107

Appointments, executive director, gover-
nor, §103

City finance committee

Duties, §120

Location, §119

Membership, §118

Property tax limitation, decision, §108

Communications advisory council, §123

Community development loan program, re-
pealed, §123

Comptroller, title changed, duties trans-
ferred, §103

Counties

Budget, §114,115

Finance committee

Duties deleted, §123

Location, meetings, §117

Membership, §116

Financial report, §113

REORGANIZATION, STATE—Continued
Management Department—Continued

Criminal and juvenile justice planning
agency

Administrator appointed, §110

Advisory council, §111

Economic development department

Government programs, coordinate, §101

Planning and programming, authority
transferred, §122

Executive director

Appeal board member, §107

Bond, §103

County financial report furnished, §113

Duties

City finance committee, §118-120

County finance committee, §113-117

Criminal and juvenile justice planning
agency, §110

Equal opportunity programs, §105

Intergovernmental relations advisory
committee, §109

Judicial department, expenditure re-
quirements, estimates, §121

Small business procurement, §105

Position created, §103

Salary set by governor, §103

Intergovernmental relations advisory com-
mittee, assistance, §109

Judicial department, expenditures, §121

Planning and programming, office for

Authority transferred, §122

Provisions repealed, §123

Responsibilities transferred, §101,102

Senate confirmation, governor's appointee,
§103

Small business loan program, §105

State policy planning, coordinate, §106

Taxation, property, appeals, §108

**Natural Resources Department; See also
NATURAL RESOURCES DEPART-
MENT**

Note: See ch 1245, unless otherwise indicated

General, §1801-1899"O"

Administrative rules

Director, rulemaking authority, §1804

Environmental protection commission,
§1804,1806,1898

Citizens actions, §1888,1889

County conservation boards, §1868

Natural resource commission, §1804,1805

Water treatment plants, §1898

Appointments, governor

Director, §1803

REORGANIZATION, STATE—Continued
Natural Resources Department—

Continued

Appointments, governor—Continued

Environmental protection commissioners, §1806

Natural resource commissioners, §1805

Boats and vessels, navigation, §1823-1826

Chemicals, hazardous chemicals risks right to know, §1899E-1899J

Conservation easements, §1873,1874

County conservation boards

Authority transferred, §1879

Duties and powers, §1867

Lands and waters, §1868

Dams and races

Authority transferred, §1875,1877

Definitions, §1875,1899L

Fee, permit, annual license, §1899K,1899M

Hearings on project, §1876

Removal or destruction of dam, §1853

Definitions, §1801

Director

Appointment, §1803

Duties, powers, §1804

Funds report, §1832

Oil and gas wells, §1813,1814,1816

Powers of appointment

Administrator, divisions, §1806(3)

Deputy director, §1806(2)

State geologist, §1882

Divisions named

Administrative services division, §1807

Coordination and information division, §1807

Energy and geological resources division, §1807

Environmental protection division, §1807

Fish and wildlife division, §1807

Forests and forestry division, §1807

Parks and preserves division, §1807

Duties, §1820,1821

Easements, §1873,1874

Employees, temporary, peace officers, §1829

Endangered species, §1856,1857

Energy policy council, department transfer, §1817-1822

Environmental protection division

Commission

Administrative rules, §1898

Appointment, duties, §1806

Authority transferred, §1899B

Membership, §1808

REORGANIZATION, STATE—Continued
Natural Resources Department—

Continued

Environmental protection division—
Continued

Dams and races

Authority transferred, §1899N

Removal or destructions, §1853

State parks and lands, flood control, §1862

Violations

Attorney general, prosecution, §1889

Citizen action in court, §1888

Water quality

Certification, operators of treatment plants, §1892-1898

Definitions, §1890

Director, duties, §1891

Water and wastewater treatment plant operators certification board members, §1809

Water recreational areas, §1865

Federal aid, fish and wildlife restoration projects, §1838,1839

Fish and wildlife division

Authority transfer, §1854,1877

Definitions, §1850-1852

Endangered species, §1856,1857

Game breeding and shooting preserves, §1859,1877

Licenses and permits

Definitions, §1858

Migratory waterfowl stamp, §1860

Forests and forestry division

Nursery stock, §1835

State forester, §1828

Funds, conservation fund, report, §1830-1833

Geological survey

Authority transferred, §1881

Geologist, state

Appointment, §1882

Oil and gas wells, duties and responsibilities, §1813,1816

Governor appointments, senate confirmation, §1803,1805,1806

Hazardous chemicals information interagency coordinating council, §1809,1899D

Hazardous chemicals risks right to know

Chemical information reported, §1899F

Definitions, §1899E

Emergency response agencies, information, §1889H

Interagency coordinating council, §1899D

REORGANIZATION, STATE—Continued
 Natural Resources Department—
 Continued
 Hazardous chemicals risks right to know—
 Continued

 Recommendations of certain agencies,
 §1899I
 Records, accessibility, §1899G
 Rules, state bureau of labor, §1899F
 Lands, acquisition, definitions, §1846
 Natural resource commission
 Appointment, §1805
 Conservation board, county, authority
 transferred, §1879
 Conservation commission, authority
 transferred, §1827-1845
 Conservation easements, authority trans-
 ferred, §1873,1874
 Conservation fund, §1831
 Dams and spillways erected by state, au-
 thority transferred, §1875,1877
 Definitions, §1827
 Duties, §1805
 Expenditures, §1833,1834
 Federal wildlife Act, powers, §1838
 Fish and game
 Authority transferred, §1877
 Conservation, authority transferred,
 §1854
 Fish restoration, federal Act, §1839
 Funds, §1830
 Game breeding and shooting preserves,
 authority transferred, §1877
 Navigation laws, authority transferred,
 §1826
 Nursery stock, limitation on expendi-
 tures, §1835
 Officers and employees, §1828
 Outdoor recreational and watershed proj-
 ects, powers, §1840,1843,1844
 Powers, §1836,1837
 Preserves, state, authority transferred,
 §1877
 Public outdoor recreation and resources
 fund advisory council, compensation,
 §1866
 Snowmobiles, authority transferred,
 §1877
 State parks and lands
 Authority transferred, §1877
 Construction permits issued, §1862
 Police power conferred, §1864
 Temporary officers, §1829

REORGANIZATION, STATE—Continued
 Natural Resources Department—
 Continued
 Natural resource commission—Continued

 Water, air, and waste management, du-
 ties and powers, §1887
 Water recreational areas, authority
 transferred, §1877
 Navigation laws, §1826
 Oil and gas wells, authority and responsi-
 bilities, §1815,1816
 Parks and preserves division
 Authority transferred, §1877,1878
 Construction permits, §1862
 Definitions, §1861,1869
 Ecologist, §1871
 Police powers conferred, §1864
 Preserves advisory board
 Compensation, §1870
 Duties and powers, §1872
 Surveys and plats, filing with executive
 council, §1863
 Plants, endangered species, §1856,1857
 Protected water systems, administration,
 §1848
 Senate confirmation, governor's appointees,
 §1803,1805,1806
 Snowmobiles, §1877
 Soil conservation committee, oil and gas
 wells, §1815
 Solar energy program, §1822
 Treasurer of state, funds, §1830,1831
 Water, air, and waste management, *see En-
 vironmental Protection Division above*
 Waters and watercourses
 Conservation commission duties trans-
 ferred, §1823-1826
 Navigation, boating regulations,
 §1823-1826
 Protected water systems, §1848,1849
 Recreational areas
 Approval, §1865
 Authority transferred, §1877
 Stream control, private lands, §1847
 Wildlife, endangered species, §1856,1857

**Personnel Department; See also PERSON-
 NEL DEPARTMENT**

Note: See ch 1245, unless otherwise indicated
General, §201-264
 Administrative rules, personnel commission
 Career executive program, §212
 Merit system, §211,212

REORGANIZATION, STATE—Continued
Personnel Department—Continued

Affirmative action
General, §220-228
 Contract compliance policy, §226
 Definitions, §220
 Duties of specific departments, §222,225
 Plans and programs, state agencies, §223
 Policy, §221
 Reports by state agencies, §224
 Sanctions, power to impose, §227
 Appeals, merit system, §215
 Appointments
 Governor
 Department director, §202
 Personnel commission members, §207
 Public employees' retirement system investment board, §254
 Senate majority leader, public employees' retirement system investment board, §254
 Assistance by state agencies, §213
 Civil rights, unfair practices by state agencies, complaint required, §263
 Collective bargaining
 Agreements, personnel rules not to supersede, §240
 Blind commission employees, exclusion deleted, §230
 Created, duties and powers, §201
 Definitions, §203
 Director
 Annuity contracts for state employees, §219
 Appointments, public employees' retirement system administrator, §250
 Duties and powers, §202,209,210,216,254
 Educational leave, state employees, §237,238
 Public employees' retirement system investment board, nonvoting member, §254
 Disabled persons, state employees, disability insurance program, §235
 Discrimination
 Actions against employees, appeals, §215
 Affirmative action, state policy, *general*, §220-228
 Unfair practices by state agencies, complaint required, §263
 Education department commissioner, affirmative action, duties, §228
 Education, state employees, educational leave, §232,237-239

REORGANIZATION, STATE—Continued
Personnel Department—Continued

Employees, state
 Annuity contracts, purchase authorized, §219
 Career executive program §212
 Collective bargaining, blind commission employees, exclusion deleted, §230
 Disability insurance program, §235
 Disciplinary actions, appeals, §215; ch 1238,§38
 Disclosure of information, reprisal prohibited, §218
 Educational leave, §232,237-239
 Grievance appeals, §215;ch 1238,§38
 Merit system, application, exceptions, §205
 Moving expenses reimbursement rules, §233
 Olympic competition leave, §236
 Payroll deduction, employee organization, §234
 Sick leave conversion, §232
 Vacations, §231
 Employment appeal board, public employees' retirement system, §257
 Human services department institutions, employees, appointment and discharge, §260
 Inspections and appeals department, public employees' retirement system, §255,257
 Legislative council, educational leave, state employees, report, §238,239
 Management department
 Affirmative action
 Duties, §225,226
 Reports received, §224
 Sanctions, power to impose, §227
 Merit employment commission
See also Personnel Commission below
 Director, appointment and removal, provision deleted, §264
 Merit system
 Application, exceptions, §205
 Board of regents, employees, exclusion, §211
 Old-age and survivors' insurance system liquidation fund
 Administration, §242
 Administrative expenses, §259
 Definitions, §258
 Payroll certification required, §214

REORGANIZATION, STATE—Continued
Personnel Department—Continued

Peace officers, *see Public Safety Department, Peace Officers' Retirement, Accident, and Disability System below*

Personnel administration, personnel department

General, §201-219

Rules, collective bargaining agreements take precedence, §240

Personnel commission

Appointment, §207

Created, §206

Duties, deleted, §208

Rules

Career executive program, §212

Classification plan established, §211

Moving expenses reimbursement, §233

Pay plan established, §211

Political activities restricted, §217

Sick leave conversion, §232

Public broadcasting department, insurance, annuity contracts, authorization deleted, §264

Public employees' retirement system

Administrative expenses, §259

Administrator, appointment, §250

Benefits

Applications for, examined, §255

Decision, appeal and review, §255,257

Created, organizational definitions, §249

Duties and powers, §251

Investment board

Duties and powers, §253,254

Investment policy established, §254

Reorganization, §254

Investment of funds, trustees' duties, §253

Investment policy developed, §254

Officers, liability for actions, §251

Staff, §252

Public employment relations board

Duties, powers and purpose, §229; ch 1238, §39

Merit system, appeals, §215

Public instruction board, duties and powers, annuities, §261

Public safety department

Applicants for employment, examination required, §241

Peace officers' retirement, accident, and disability system

General, §243-248

Administration, §246,247

REORGANIZATION, STATE—Continued
Personnel Department—Continued

Public safety department—Continued

Peace officers' retirement, accident, and disability system—Continued

Created, §244

Definitions, §243

Trustees board, §245,248

Purpose, §204

Regents board

Affirmative action

Duties, §222,226

Report, §224

Merit system, exclusion, §211

Rules, collective bargaining agreements take precedence, §240

Schools

Affirmative action in employment, §228

Teachers, pensions, application for payment, rules, §262

Senate confirmation, governor's appointees, §202,207

State officers and departments, affirmative action program, §220-228

Subpoenas, administrative hearings, §216

Teachers, pensions, application for payment, rules, §262

Treasurer

Old-age and survivors' insurance liquidation fund, custody, §242

Public safety peace officers' retirement system, investment administration, §246

Public Defense Department; *See also PUBLIC DEFENSE DEPARTMENT*

Note: *See* ch 1245, unless otherwise indicated

General, §1701-1719

Adjutant general

Armory board chairperson, §1703

Designated as public defense department director, §1701

Veterans affairs, powers and duties, §1709

Administrative rules, veterans affairs division, chemical exposure, §1718

Appointments, governor

Armory board members, §1703

Veterans affairs commission members, §1707

Veterans affairs division administrator, §1710

REORGANIZATION, STATE—Continued
Public Defense Department—Continued

- Armed forces, military property and personnel
 - Veterans affairs department, authority transferred, §1704,1705
 - Veterans, agent orange chemical exposure, §1712-1719
- Armory board
 - Appointment, §1703
 - Compensation, §1703
- Chemicals, agent orange, veterans exposed, §1712-1719
- Created, §1701
- Director
 - Adjutant general designated, §1701,1703
 - Duties, §1701,1702,1709
- Divisions named
 - Disaster services division, §1701
 - Military division, §1701
 - Veterans affairs division, §1701
- Senate confirmation, governor's appointee, §1710
- Veterans
 - See also Veterans Affairs Division below*
 - Agent orange chemical exposure
 - General, §1712-1719
 - Appropriations, §1719
 - Confidentiality of information, §1715
 - Definitions, §1712
 - Duties transferred to veterans affairs division, §1714
 - Federal program, §1717
 - Medical cooperative program §1716
 - Report by physician, §1713
 - Rules, §1718
 - Veterans affairs division
 - Adjutant general, powers and duties, §1701,1702,1709
 - Administrator, appointment and duties, §1705,1710
 - Agent orange chemical exposure, duties, §1714
 - Created, §1701,1702
 - Definitions, §1704
 - Duties, §1706
 - Employees, expenses and compensation, §1711
 - Rules, §1718
 - Veterans affairs commission
 - Appointment, §1707
 - Created, §1707
 - Duties, §1708

REORGANIZATION, STATE—Continued

Public Health Department; See also PUBLIC HEALTH DEPARTMENT

Note: See ch 1245, unless otherwise indicated

- General, §1101-1150
- Administrative rules
 - Emergency medical care, §1143
 - Dental examiners, §1107
 - Health board, §1120
 - Medical examiners, §1107
 - Nursing examiners, §1107
 - Pharmacy examiners, §1107
 - Substance abuse
 - Accounting system, §1132
 - Prevention and programs, §1120,1123
- Appointments, governor
 - Department director, §1102
 - Health board members, §1149
- Cities, mobile homes, regulation power limited, §1118
- County
 - Attorney, duty deleted, §1117
 - Mobile homes, regulation power limited, §1116
- Dental examiners board, authority and rule-making, §1107
- Deputy director, secretary to commission, §1127
- Director
 - Appointment, §1102
 - Assistants and employees, §1103
 - Definition, §1101
 - Duties and powers, §1104,1128
 - Substance abuse program, §1128
- Drug abuse, *see Substance Abuse below*
- Emergency medical technicians and paramedics
 - Advanced emergency medical care council abolished, §1142,1148
 - Definitions, §1142
 - Programs, approval, §1144
 - Rulemaking authority, §1143
- Examining boards, state
 - Compensation, §1141
 - Continuing education, §1880
 - Dental, rulemaking, §1107
 - Hearing aid dealers, examination fees and compensation, §1146,1147
 - Medical, rulemaking, §1107
 - Nursing, rulemaking, §1107
 - Pharmacy, rulemaking, §1107
- Federal aid, acceptance authorized, §1108

REORGANIZATION, STATE—Continued
Public Health Department—Continued

Health board
 Appointment, §1149
 Compensation, §1121
 Duties, §1120
 Membership, §1119
 Rulemaking authority, §1120
 Secretary, director of public health department, §1119
 Substance abuse, rulemaking, approval exception, §1120
 Health care facilities
 Certificate of need requirement, exempt, §1110
 Hospice programs, inspection, responsibility transferred, §1111
 License, exempt facilities, §1113
 Health facilities, certificate of need requirement, exempt, §1110
 Health facilities council, meetings, salary, §1109
 Hearing aid dealers
 Examination, fees, §1147
 Examiners board, compensation, §1146
 Hospice programs, inspection, personnel, §1111
 Hospitals, hospice programs, inspection, §1111,1112
 Inspections and appeals department
 Hospice programs, inspection responsibility, §1112
 Substance abuse programs, license suspension or revocation, hearing, §1131
 Medical examiners board, authority and rulemaking, §1107
 Mobile homes
 City regulation limited, §1118
 County regulation limited, §1116
 Parks
 Definitions, §1114
 Licenses, deleted, §1148
 Owner, monthly report, §1115
 Nursing examiners board, authority and rulemaking, §1107
 Nursing home administrators examiners board, compensation, §1139
 Paramedics, *see Emergency Medical Technicians and Paramedics above*
 Pharmacy examiners board, authority and rulemaking, §1107
 Physicians' assistants advisory committee, compensation, §1145
 Plumbing code committee, provision deleted, §1148

REORGANIZATION, STATE—Continued
Public Health Department—Continued

Plumbing code fund, §1106
 Professional licensure division, created, specific boards exempted, §1105
 Professions, examining boards, compensation, §1141
 Radioactive material interagency council, abolished, §1150
 Respiratory care practitioners, advisory committee, compensation, §1140
 Rulemaking authority, §1107,1120,1123,1132,1143
 Senate confirmation, governor's appointee, §1102
 Substance abuse
 Definitions, §1122
 Facilities
 Accounting systems, requirement, §1132
 Budgets, approval, §1133
 Inspection, licensed programs, §1130
 License suspension or revocation, §1131
 Patients
 Payments for state patients, §1137,1138
 Rights and privileges, §1136
 Programs licensed, inspection, §1130
 Public health department director, powers, §1128
 Rulemaking authority, §1120,1132
 Substance abuse commission
 Compensation of members, §1125
 Created, §1123
 Duties, §1126
 License suspension or revocation, review, §1131
 Meetings, §1124
 Rulemaking authority, §1120
 Secretary designated, §1127
 Treatment programs, §1129,1134,1135
 Substance abuse department, transferred to public health department, §1122,1123,1127
 Trailer parks, *see Mobile Homes above*
 Treasurer, state, plumbing code fund, §1106
Public Safety Department; See also PUBLIC SAFETY DEPARTMENT
 Note: See ch 1245, unless otherwise indicated
 General, §1601-1607
 Administrative rules
 Criminal history data, §1607
 Medical examiner duties, §1603
 Youth service agencies, criminal history, §1606

REORGANIZATION, STATE—Continued
Public Safety Department—Continued

- Appointment, state medical examiner, §1602
- Confidential records council, transfer to department, §1607
- Criminal history and intelligence data (TRACIS), §1605
- Criminalistics laboratory, §1604
- Director, appointment, state medical examiner, §1602
- Medical examiner, appointment, duties, §1602-1604
- Public safety commissioner
 - Confidential communications and records, §1607
 - Confidential records council, department transfer, §1607
 - Criminal history and intelligence data, dissemination, §1605,1606
 - Federal funds, acceptance authorized, §1604
 - State medical examiner, §1602,1604
- Regents board, state medical examiner, federal funds, §1604

Revenue and Finance Department; See also REVENUE AND FINANCE DEPARTMENT; REVENUE DEPARTMENT

Note: See ch 1245, unless otherwise indicated

General, §401-451

- Accounts and accounting
 - Accounting function transfer to department, §424-438;ch 1244,§46,47
 - Duties and powers of director, §424-438;ch 1244,§46,47
- Administrative rules
 - Agricultural land tax credit, §444
 - Vendors, invoices, §433
- Agricultural land tax credit
 - Apportioned, §443
 - Computation, §442
 - Rules, §444
- Appointment, director, §419
- Assessors
 - Appointment, §449
 - Continuing education program, §449
 - Reassessment expense fund
 - Authority transferred, §423
 - Reports to department director, §423
 - Term and vacancy, §449
- Bonds, official, lottery division employees, §405

REORGANIZATION, STATE—Continued
Revenue and Finance Department—Continued

- Budgets and financial control, §422,424-438;ch 1244,§46,47
- Claims against state
 - Appropriations, exceeding limitation, §437
 - Approval, §432
 - Payment limits, §431
 - Voucher required, §433
 - Warrant form, §434
- Comptroller, transfer of duties, §422,451
- County auditor
 - Taxation duties
 - Industrial property, special valuation, §447
 - Livestock tax credit, §445
 - Personal property, §446
- Director
 - Accounting, power to require, §425
 - Agricultural land tax credit, rules, §444
 - Appointment, §419
 - Assessors, continuing education program, §449
 - Auditing and accounting, duties and powers, §424;ch 1244,§46
 - Budgets and financial control
 - Account, failure to render, penalty, §426
 - Amount due, failure to pay, §427,428
 - Information, request, §430
 - Payments, credit given, oath, §429
 - Warrants, §433-436,438
 - Claims against state
 - Appropriations, exceeding limitation, §437
 - Approval, §432
 - Payment limits, §431
 - Voucher required, §433;ch 1244,§47
 - Warrant, form, §434
 - Deputies, power to appoint, §420
 - Duties, powers, §422
 - Lottery division, duties, §422
 - Reassessment expense fund, §423
- Fiscal affairs, duties, §424-438
- Livestock, personal property tax credit, §445
- Lottery division
 - Administration transfer, §422
 - Administrators designated, §413
 - Commissioner
 - Conflict of interest, §412

REORGANIZATION, STATE—Continued
Revenue and Finance Department—
 Continued

Lottery division—Continued
Commissioner—Continued

Duties, §404,405

Reports, §411

Contracts, equipment, preference to Iowa
 business, §410

Definitions, §403

Employees

Bonds, official, §405

Conflict of interest, §412

Lottery board

Compensation, §407

Conflict of interest, §412

Duties, §408-410

Meetings, §406

Revenue and finance director to admin-
 ister, §422

Transferred, §404

Personal property tax credit, §446

Senate confirmation, governor's appointee,
 §419

Taxation

Administration by department, §439

Agricultural land tax credit, §442-444

Earnings tax, local administration, §440

Industrial property, special valuation,
 §447

Personal property

Livestock tax credit, §445

Tax credit, §446

Real property, property tax division,
 §420

Sales and services tax, local, administra-
 tion, §441

Tax review board, members, compensa-
 tion, §418

Tax review board, compensation of mem-
 bers, §418

Transportation Department; See also
TRANSPORTATION DEPART-
MENT

Note: See ch 1245, unless otherwise indicated

General, §1901-1970

Administrative rules

Department administration, §1909

Hazardous waste, §1909

Transportation commission, §1970

Transportation regulation authority,
 §1970

Truck operators and contract carriers,
 §1952

REORGANIZATION, STATE—Continued
Transportation Department—Continued

Administrative services administrator, du-
 ties and powers, §1910,1911

Aeronautics

Administrator, duties and powers,
 §1917-1919

Department, duties and powers, §1967

Appointment, governor, department direc-
 tor, §1907

Attorney general

General counsel assistants, appointed,
 §1915

Railway finance authority, legal services,
 §1927

Bonds, official, public officers and employ-
 ees, §1901

Carriers, certificated

Certificate, revocation and cancellation,
 §1947

Powers, §1944-1946

Carriers, common

Regulation

Definition, deleted, §1960

Rates, long and short haul, §1961

Supervision

Definitions, §1958

Investigation, §1959

Carriers, contract

Truck operators

Definition, deleted, §1950

Department duties, §1951

Rules, §1952

Stone and road materials, §1954

Carriers, liquid transport

Certificate required, §1956

Definition deleted, §1955

Department control, §1957

Commission, transportation

Bond required, §1901

Compensation, §1904

Duties, §1906

Duties, deleted, §1905,1926

Mississippi river parkway, duties, §1929

Rules, §1970

Trucks, operators

Duties, §1951

Powers, §1953

Rules, §1952

Compacts

Interstate drivers license, §1938

Nonresident traffic violator, §1937

Vehicle equipment safety, §1939

REORGANIZATION, STATE—Continued
Transportation Department—Continued

Director

- Aeronautics, duties and powers, §1919,1967
- Appointment, §1907
- Bond required, §1901
- Duties, §1909
- Federal equipment, acceptance authorized, §1924
- General counsel, salary fixed, §1915
- Interstate drivers license compacts, authority, §1938
- Mississippi river parkway, duties, §1929,1930
- Motor fuel tax interstate agreements, authorized, §1942
- Motor vehicle lighting equipment, approval, §1935
- Nonresident traffic violator compacts, authority, §1937
- Reciprocity, agreements authorized, §1948
- Rulemaking authority, §1909
- Salary, §1908
- Vehicle equipment safety compacts, authority, §1939
- Disadvantaged persons, transportation programs, §1968
- General counsel division
 - Assistants appointed, §1915
 - Duties and powers, §1914,1915
 - General counsel, salary, §1915
- Hazardous waste transportation, enforcement of rules, §1909
- Highway administrator, duties and powers, §1916
- Highway division employees, longevity pay, §1925
- Highways
 - Right-of-way, transfer, §1902
 - Secondary roads, duties, research report, §1933
- Inspections and appeals department, motor vehicle franchises, hearings, §1941
- Mississippi river parkway
 - Definitions, §1928
- Natural resources department
 - Agreements with federal authorities, §1932
 - Duties, §1931
- Transportation commission duties, §1929
- Transportation department director, duties, §1929,1930

REORGANIZATION, STATE—Continued
Transportation Department—Continued

Motor vehicles

- Administrator, duties and powers, §1922
- Certificated carriers, §1943-1947
- Equipment, vehicle equipment safety compacts, §1939
- Franchises, dealers, §1940,1941
- Fuel tax, interstate agreements authorized, §1942
- Inspections, spot inspections by employees, §1936
- Licenses, interstate drivers license compact, §1938
- Lighting equipment, director approval, §1935
- Liquid transport carriers, §1955-1957
- Nonresident traffic violator compact, director's authority, §1937
- Reciprocity, authority, §1948
- Registration and certificate of title
 - Nonresident fleet owner privileges, §1949
 - Nonresident owners, reciprocity, §1948
- Trucks, operators
 - Definition, deleted, §1950
 - Duties, department, §1951
 - Stone and road materials, §1954
- Natural resources department, Mississippi river parkway
 - Agreements with federal authorities, §1932
 - Duties, §1931
- Planning and research administrator, duties and powers, §1912,1913
- Programs for disadvantaged persons, §1968
- Rail and water administrator, duties and powers, §1920,1921
- Railroads
 - Buildings and spur tracks, §1963,1964
 - Fences, definitions, §1962
 - Right-of-way
 - Abandonment, valuing property, §1966
 - Sale of adjoining property, §1965
 - Supervision, definition, §1958
 - Taxes, delinquent, §1923
- Railway finance authority, legal services, §1927
- Revitalize Iowa's sound economy (RISE) fund, project selection, §1934
- Right-of-way
 - Railroads, §1965,1966
 - Roads and highways, §1902
- Roads, *see Highways above*

REORGANIZATION, STATE—Continued
Transportation Department—Continued

Senate confirmation, governor's appointee,
 §1907

Taxation

Motor fuel tax, interstate agreements au-
 thorized, §1942

Railroads, delinquent, §1923

Transit, public transit administrator, duties
 and powers, §1917-1919

Transportation commission, *see Commis-
 sion, Transportation above*

Transportation regulation authority, rules
 remain in effect, §1970

REPLEVIN

Small claims actions, concurrent jurisdic-
 tion, ch 1077

REPORTS

Campaign finance disclosure, *see CAM-
 PAIGN FINANCE DISCLOSURE,
 Disclosure Reports*

Child abuse records, research and access,
 ch 1177,§2

Commercial fishing, monthly reports,
 ch 1141,§14

Counties, mental health and retardation
 services fund, ch 1246,§307

Elections, canvass of votes, ch 1224,§16

Farm crisis, legal assistance,
 ch 1214,§6,16,29,30

Fires and emergency responses, ch 1018

General assembly, *see GENERAL ASSEM-
 BLY, Reports to General Assembly*

Governor, *see GOVERNOR, Reports to
 Governor*

Hazardous conditions, cleanup, financial dis-
 closure, ch 1115,§2

Health department, residential care facility,
 certificate-of-need exclusion, ch 1150

Horticultural crops, linked deposit pro-
 gram, ch 1096,§8,12,13

Insurance guaranty association, ch 1184

Limited partnership, farming or agricul-
 tural land, ch 1091

Motor vehicles, sale or lease, price dis-
 crimination violation, ch 1234

Personal representative, notice require-
 ments, ch 1054;ch 1241,§20,44,50

Presentence investigation, ch 1178,§2,3

Real property, assessors to revenue depart-
 ment, ch 1091

Tax amnesty program, ch 1007,§42,47

REPORTS—Continued

Victim impact statement, ch 1178,§2,3

Water supply systems, tests, findings,
 ch 1181,§1

REPRIEVES

Clerk's duties, filing of record,
 ch 1112,§8,9,12

Conditions prerequisite, ch 1112,§6-8,11,12

Convicted person's right, application to gov-
 ernor or parole board, ch 1112,§5

Copies required, filing, indexing instru-
 ments of record, ch 1112,§9

Governor's constitutional power not im-
 paired, ch 1112,§4

RESEARCH

Agricultural biotechnology, Iowa State Uni-
 versity, ch 1207,§7,15,22

Diabetes mellitus, ch 1246,§110(2a)

Energy research and development fund,
 ch 1244,§16;ch 1249,§5

Fire education, fire service institute,
 ch 1188,§2,5

Foster care, research assistance, univer-
 sities, ch 1246,§303(8f,12)

Hazardous waste, research and assistance
 program, Iowa State University,
 ch 1229,§2,3

Public policy research foundation,
 ch 1154,§1

Satellite centers, Iowa development com-
 mission, ch 1207,§13,22

RESTITUTION

Hearing granted, court discretion,
 ch 1075,§6

Prosecution costs paid by convicted of-
 fender, ch 1075,§5

**RETIRED IOWANS EMPLOYMENT
 PROGRAM**

Repealed and replaced, ch 1190,§12;
 ch 1245,§943,1020

RETIREMENT

Fire fighters and police officers, ch 1203, *see
 also FIRE FIGHTERS, Retirement
 System; PEACE OFFICERS, Police,
 Retirement System*

Judicial, ch 1243, *see also JUDICIAL RE-
 TIREMENT SYSTEM*

Natural resources employees, insurance,
 ch 1246,§408(4)

RETIREMENT—Continued

- Public employees, ch 1243, *see also* IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)
- Public safety employees, insurance, ch 1246, §408(4)
- Public safety peace officers
 - Disability, ch 1243, §1
 - Health and life insurance, ch 1246, §408(4)
- State employees, *see* RETIREMENT INCENTIVE PROGRAM; TERMINATION INCENTIVE PROGRAM

RETIREMENT INCENTIVE PROGRAM

- Benefits, eligibility, ch 1192, §1
- Employee participation, voluntary, bar to further state employment, ch 1192, §3
- Political subdivisions defined, authority to levy taxes, ch 1192, §7

REVENUE AND FINANCE DEPARTMENT

See also REORGANIZATION, STATE, Revenue and Finance Department

- Appropriations
 - General, ch 1246, §3
 - Motor vehicle fuel tax fund, ch 1246, §6
- Area school appropriation, payments, ch 1246, §156
- Banking division, fund, warrant, ch 1246, §616
- Collection and payment of funds, ch 1244, §46
- Credit union division fund, warrant, ch 1246, §618
- Department renamed, ch 1244, §49-51, 53
- Director
 - Agricultural land tax credit, ch 1244, §52
 - Beer and liquor control fund, warrants, ch 1246, §747
 - County government assistance fund, ch 1244, §43
 - General assembly expenses, warrants, ch 1244, §1, 2
 - Homestead credit fund, warrants, ch 1244, §50
 - Industrial property, tax provision, ch 1244, §56
 - Livestock tax credit, ch 1244, §54, 55
 - Military service tax credit, ch 1244, §53
 - Mobile homes, semiannual tax paid, ch 1244, §26
 - Moneys and credits replacement fund, ch 1244, §48

REVENUE AND FINANCE DEPARTMENT—Continued

- Director—Continued
 - Multiflora rose eradication cost reimbursement, ch 1246, §502(3)
 - Municipal assistance fund, ch 1244, §44
 - Pari-mutuel winnings, forfeited, ch 1246, §509
 - Retirement systems, police officers, fire fighters, ch 1244, §45
 - Salary range, ch 1242
 - Warrants, unredeemed, cancellation, ch 1246, §704
- Insurance companies, associations, fees, ch 1246, §615
- Merged area schools, general aid payments, ch 1246, §108
- Public utilities, trust fund, warrant, ch 1246, §614
- Special education costs, payment procedure, ch 1246, §115-119

REVENUE DEPARTMENT

See also REORGANIZATION, STATE, Revenue and Finance Department

- Administrative rules, taxes paid under protest, ch 1007, §18, 46
- Appropriations
 - Tax amnesty program
 - Administration, ch 1007, §42, 47
 - Auditing staff, item veto, ch 1007, §42
- Assessments, ordinary mail notice, ch 1241, §37
- Cigarettes
 - Permit revocation, hearing, ordinary mail notice, ch 1241, §2
 - Retail permits, city and county certification requirement, ch 1241, §1
- Director, local sales and services tax allocation to counties, ch 1199, §8, 11, 12
- Games of skill, chance, and raffles
 - Federal income tax, exemptions, ch 1201, §7(m), 14
 - Licensure, revocation, ch 1201, §11, 14
 - Prizes, income tax, ch 1201, §12, 14
 - Retail sales tax, exemption, ch 1201, §13, 14
- Interest rate, tax indebtedness to state, ch 1007, §16, 47
- Notices, ordinary mail
 - Cigarette permit revoked, hearing, ch 1241, §2
 - Cigarettes, unstamped, assessment of tax, ch 1241, §3, 4, 53

REVENUE DEPARTMENT—Continued
Notices, ordinary mail—Continued

- Decedent's estate, tax determination, ch 1241,§18
- Income tax (individual)
 - Computation of tax, interest, penalty, ch 1241,§19
 - Revision of tax, ch 1241,§21
- Motor fuel tax default, license cancellation, hearing, ch 1241,§8
- Property tax exemption revocation, ch 1241,§35
- Property tax relief, improper rent increase, ch 1241,§33,34
- Sales tax permit revocation, hearing, ch 1241,§26
- Tobacco tax enforcement, hearing, ch 1241,§5
- Personal representative, notice requirements, ch 1054;ch 1241,§20,44,50
- Railroad land ownership records, annual updates, repeal, ch 1241,§49
- Real property transfer tax reports, ch 1091
- Reports, ownership, assessed values and transfers of real estate, ch 1091
- Revision of tax, appeal, time limit, ch 1007,§27,46;ch 1241,§21
- Tax amnesty program, ch 1007, *see also TAXATION, Amnesty Program*
- Tax amnesty, revenue collection reports, ch 1007,§42,47
- Taxation, *see TAXATION, specific taxes thereunder*
- Tax information, disclosure, ch 1007,§21,47
- Tax return, frivolous, additional penalty, ch 1007,§17,45
- Use tax, vehicle registration receipt, ch 1241,§31

RIGHT-OF-WAY

- Liability limitation, property adjoining highway, ch 1070

RISK MANAGEMENT DIVISION

- Annual report to general assembly, ch 1211,§7,47
- Bonds, state officials, ch 1211,§3,10,47
- Liability insurance, governmental subdivisions, assist in risk management, ch 1211,§1-6,47
- Public records, access, ch 1211,§6,47

RIVERS AND STREAMS

See also WATERS AND WATER-COURSES

- Hazardous waste storage sites, location, ch 1149,§2
- Property tax exemption, ch 1113

ROADS

See HIGHWAYS AND ROADS

RULES

See also ADMINISTRATIVE RULES; RULES OF APPELLATE PROCEDURE; RULES OF CIVIL PROCEDURE; RULES OF CRIMINAL PROCEDURE; RULES OF PROBATE PROCEDURE

- School rule, search, violation, ch 1129,§2
- "Student search rule" defined, ch 1129,§1

RULES OF APPELLATE PROCEDURE

- Time for appeal, R.App.P. 5(b), ch 1262

RULES OF CIVIL PROCEDURE

- Admissions, R.C.P. 127,128, ch 1255
- Depositions by telephone, R.C.P. 140(d), ch 1255
- Discovery
 - Methods, R.C.P. 121, ch 1255
 - Motions relating to discovery, R.C.P. 122(e), ch 1255
- Forfeitable property, notice, R.C.P. Div. III, ch 1140,§10
- Frivolous actions, security for costs, R.C.P. 80(b), ch 1256
- Judicial council, R.C.P. 380 stricken, ch 1258
- Jury selection, R.C.P. 187(a), ch 1108,§55
- "Motion" defined for motion day purposes, R.C.P. 117(d), ch 1255
- Motions for continuance, R.C.P. 182, ch 1255
- Original notice
 - Issuance and form, R.C.P. 49(a), ch 1254
 - Publication, Form 4, ch 1254
 - Service by publication, R.C.P. 50, ch 1254
 - Substitute service on spouse, R.C.P. 56.1(a), ch 1043
- Pleading, claims for relief, R.C.P. 69(a), ch 1254
- Returns of service, signature, fees, R.C.P. 59(a), ch 1255
- Signatures, counsel, certification, R.C.P. 80(a), ch 1256
- Small claims appeals, R.C.P. 181.2(b), ch 1257

RULES OF CRIMINAL PROCEDURE

Appeals

Notification of right, R.Cr.P. 22(3)(e),
ch 1259

Review by supreme court, R.Cr.P. 54(7),
ch 1261

Jury selection, R.Cr.P. 17(1), ch 1108, §56

Jury trial, waiver, R.Cr.P. 16.1, ch 1106

Search warrants, forms, R.Cr.P. 30, ch 1260

RULES OF PROBATE PROCEDURE

Compensation of personal representative,
gross assets valued, R.Prob.P. 2(b),
ch 1263

Interlocutory report, R.Prob.P. 6, ch 1264

Report of referee, form, R.Prob.P. 4, ch 1263

SALARIES AND WAGES

Capitol planning commission members,
ch 1244, §8

Child support withholding, ch 1246, §318

Comparable worth pay adjustments, appro-
priations, ch 1246, §20-23, 714, 715;
ch 1247, §1-5, 19, 20

Compensation and benefits, public officials
and employees, ch 1242, §1-3, 7

Consumer advocate, ch 1244, §59

County officers

Combined duties, ch 1155, §3, 9

Salary increase recommendations, reduc-
tion, ch 1095

Department directors, boards, appointed
nonelected persons, ch 1242, §1-3

Human services department

Hospital-schools, ch 1246, §306(1)

Mental health institutes, ch 1246, §305(1)

Indian settlement officer, standing appro-
priation, ch 1246, §712

Salary adjustment fund

Appropriations, ch 1246, §713;
ch 1247, §9, 19, 20

Retirement and termination incentive
program, ch 1192

Transportation department,
ch 1246, §21, 22

Unemployment compensation, employer's
contribution, ch 1166

SALES

Farm products subject to security interest,
ch 1126

Hospitals, authority for partial commercial
use, ch 1200, §4, 5

Membership sales, certain cooperatives
exempt, ch 1206

SALES—Continued

Motor vehicles

Price information, disclosure, ch 1084

Sale or lease, price discrimination pro-
hibited, ch 1234

School buildings or grounds, ch 1223

SANITARY DISPOSAL

Projects, wells, monitoring groundwater,
ch 1174, §3

SANITARY LANDFILLS

General, ch 1175, §1-6

Permits, plans filed, ch 1175, §2, 3

SAVINGS AND LOANS

Fees, savings and loan revolving fund,
ch 1246, §619

Franchise tax refund, ch 1194, §2

Grain dealers and warehouses law, terms
defined, ch 1006, §1, 3, 8

Merit system applicability, exception,
ch 1246, §611

Public employees relations (collective bar-
gaining), exclusion, ch 1246, §612

Savings and loan revolving fund, distribu-
tion, ch 1246, §609

SCHOOLS AND SCHOOL DISTRICTS

*See also REORGANIZATION, STATE,
Education Department*

Administrators

Administrative expenditures reduction
deadline, ch 1226, §5

Defined, ch 1226, §10

Employed jointly, weighting plan,
ch 1226, §8-10

Area education agency, *see AREA EDU-
CATION AGENCIES*

Area schools

Appropriations

General, ch 1246, §105(11)-108

Employee pay adjustments,
ch 1246, §120

Vocational education programs,
ch 1246, §105(11b)

Drinking drivers course

Contract for care, ch 1220, §3(1)

Fees, ch 1220, §22(3)

Reports to the court, ch 1220, §3(1)

Energy audits, ch 1167, §1-4

Energy bank program, conservation as-
sistance, ch 1167, §2

Funding plan, ch 1246, §145-163

SCHOOLS AND SCHOOL DISTRICTS—
Continued

Area schools—Continued

- Standards, auditable, education department, ch 1246,§113
- Statement of disbursements, publish annually, ch 1246,§134
- Budget review committee
 - Additional weighting, ch 1226,§9,11
 - Administrative rules, area school budget review, ch 1246,§160
 - Area school review procedure, duties, ch 1246,§158,160,161
 - Commission renamed, duties, ch 1244,§57
 - Management, department director, ch 1244,§57
- Buildings and grounds
 - Disposal of property, voter approval eliminated, ch 1223
 - Leased building, payment of property tax, ch 1223,§3
- Census requirements deleted, ch 1016
- Directors
 - Administrative expenditure reduction deadline, ch 1226,§5
 - Energy conservation management, audits filed, ch 1167,§1
 - Games of skill, chance, and raffles, ch 1201,§10,14
 - Moneys invested, pending claims, joint venture, ch 1226,§4
 - Operating fund and expenditure certification to public instruction department, ch 1226,§5
- Economy task force, ch 1226,§12-16,18,20
- Elections
 - Incumbent convicted of felony, vacancy, ch 1238,§12
 - Property disposal, voter approval eliminated, ch 1223
- Employees, retirement and termination incentive programs, ch 1192,§7
- Energy audits, appropriation, ch 1167,§1,4;ch 1249,§4(3),5
- Energy bank program, conservation assistance, ch 1167,§2
- Energy conservation assistance, ch 1167
- Energy conservation programs, oil overcharge funds, ch 1249,§1
- Financial aid, college students, ch 1246,§25,26
- Fire service institute, ch 1188,§5
- Foreign language, appropriation, repealed, ch 1246,§162

SCHOOLS AND SCHOOL DISTRICTS—
Continued

- Foster care facility, accredited, ch 1244,§34
- Foundation program
 - Property tax levy increase, ch 1226,§6
 - School budget review committee, duties, ch 1244,§57
 - Weighting plan, supplementary, ch 1226,§8-11
- Fund, permanent, interest apportionment, ch 1016
- Hazardous waste storage sites, location, ch 1149,§2
- Iowa City community school district, property sale legalized, ch 1093
- Iowa horticultural products, preference, exception, ch 1096,§10,12,13
- Iowa horticultural products, preference failure, violation, ch 1096,§11-13
- Liability insurance, indebtedness, ch 1211,§18,47
- Minor's driver license, withdrawal of signed consent, ch 1048
- Moneys invested, pending claims, joint venture, ch 1226,§4
- Reorganization
 - Bonded indebtedness, ch 1226,§3
 - Boundaries changed
 - Objections considered separately, ch 1226,§2
 - Objections filing deadline, ch 1237,§17;ch 1239,§1
 - Collective bargaining agreement, effective date, ch 1239,§3
 - Debt service aid and tax levy rate, ch 1226,§3
 - Directors, commence management, ch 1239,§2
 - Directors report to comptroller, tax levy and bonded indebtedness, ch 1226,§3
 - Foundation property tax levy, ch 1226,§6,7
 - "Reorganized school district" defined, ch 1226,§6,7
 - Subdistricts, population basis, multidirectors, ch 1226,§1
 - Supplemental aid, revenue differences, ch 1226,§7
 - Tax levy, equalization, ch 1226,§3
 - Teacher contract termination notice, ch 1239,§4
 - Weighting plan, shared programs, ch 1226,§8-11
- Searches, students, protected areas, ch 1129,§1-4

SCHOOLS AND SCHOOL DISTRICTS—
Continued

- Self-insurance, ch 1211,§34,47
- State foundation base, ch 1246,§143
- Students, protected areas, searches,
ch 1129,§1-4
- Superintendent, teacher contract termina-
tion notice, district reorganization,
ch 1239,§4
- Taxes, leased school buildings, ch 1223,§3
- Tax levy for liability insurance,
ch 1211,§18,47
- Tort claims, ch 1211,§33,47
- Transportation
 - Nonpublic school pupils, item veto,
ch 1246,§138
 - Public school pupils, reimbursement,
ch 1246,§135,137
- Weighting plan
 - Administrators employed jointly,
ch 1226,§8-10
 - Reorganization, ch 1226,§8-11
 - Shared programs, ch 1226,§8,9,11

SEAL

- Agricultural grain marketing, interstate
compact, official seal, ch 1197,
Art. III(a3)

SEARCHES

- Motor vehicles, OWI, warrants, ch 1220,§10
- Students, protected areas, ch 1129,§1-4

SEAT BELTS

- Automobile insurance premium reduction,
ch 1218
- Motor vehicle safety belts, ch 1009
- Nonuse, civil action, ch 1211,§43,47

SECRETARY OF STATE

- Appropriation, *general*, ch 1246,§602(6a)
- Constitutional amendments, Iowa, publica-
tion, ch 1251,§3
- Cornsheller's lien, documents filed, fees,
ch 1033
- Hazardous conditions, cleanup, annual re-
port, ch 1115,§2
- Iowa official register
 - Cost-free, ch 1246,§602(6b)
 - Editing, printing, ch 1246,§602(6b)
 - Reprinting, ch 1246,§602(6b)
- Limited partnerships
 - Farming or agricultural land, reports,
ch 1091
 - Service of process, agents, ch 1173,§16-18

SECRETARY OF STATE—Continued

- Marks, registration, ch 1087
- Mutual life insurance conversion to stock,
filing, ch 1237,§33
- Thresher's lien, documents filed, fees,
ch 1033
- Trade names, uniform registration system,
ch 1170,§1

SECURITIES

- Fiduciary security transfers, certificate
duration, ch 1047

SECURITY INTERESTS

- Agricultural property, ch 1214,§19,30
- Farm products, protection of buyer, ch 1126

SEEDS

- Horticultural products, linked deposit pro-
gram, ch 1096,§5,13

**SEIZABLE AND FORFEITABLE
PROPERTY**

- Appeals, ch 1140,§14
- Combining proceedings, ch 1140,§17
- Definitions, ch 1140,§3
- Forfeitable property
 - Claim for return, ch 1140,§11
 - Definition, ch 1140,§3
 - Forfeiture of property, ch 1140,§8
 - Hearing, clerk's order, ch 1140,§12
 - Hearing procedures, ch 1140,§13
 - Notice of forfeiture, ch 1140,§10
 - Seizure, ch 1140,§9
- Forfeited property, disposition, ch 1140,§15
- Nonforfeitable interests, purchase of for-
feited interests, ch 1140,§16
- Public safety department, disposition,
ch 1140,§1
- Rulemaking, ch 1140,§18
- Seized property
 - Application for return, ch 1140,§5
 - Clerk of district court, disposition,
ch 1140,§2
 - Definition, ch 1140,§3
 - Disposition, ch 1140,§7
 - Hearing, appeal, ch 1140,§6
 - Inventory, ch 1140,§4

SENIOR CITIZENS

- See ELDER AFFAIRS DEPARTMENT;
ELDERLY PERSONS; REORGAN-
IZATION, STATE, Elder Affairs De-
partment*

SENTENCE

Inmates

- Commutation, *general*, ch 1112, §4-9, 11, 12
- Reduction
 - Applicability dates, ch 1075, §7
 - Prison overcrowding, ch 1246, §401(1)

SEX

- Students, protected areas, searches, ch 1129, §2

SEXUAL OFFENSE

- Incest, definition expanded, ch 1105, §1

SHEEP AND WOOL PROMOTION BOARD

- Excise tax, refund, ch 1100, §1, 30

SHERIFF

- See *COUNTY OFFICERS, Sheriff*

SHORTHAND REPORTERS

- Board of examiners, appropriation, ch 1246, §406

SIGNS

- Rural residence district
 - Local authority, expense, ch 1056, §3
 - Speed, parking regulations, ch 1056, §3
- Tourist attractions, highway signs, ch 1060

SITES

- Hazardous waste, storage facility, ch 1149, §1, 2
- Sanitary disposal project, ch 1174, §2, 3
- Sanitary landfills, ch 1175, §5

SMALL BUSINESSES

- See also *REORGANIZATION, STATE, Economic Development Department; Management Department*

- Defined, ch 1216, §9
- Economic development bond bank, ch 1212, §1-6
- Economic emergency, continuance, ch 1216, §7, 8, 11-13, 15
- Energy conservation, oil overcharge funds, ch 1249, §1
- Financial crisis, legislative findings, ch 1216, §1
- Foreclosure, continuance, ch 1216, §7, 8, 12, 13, 15
- Investment raffle program, ch 1125
- Judgments exempt from execution, ch 1216, §5, 6, 13, 15

SMALL BUSINESSES — Continued

- License information system, feasibility report, ch 1170, §1
- Loan guarantee program, lottery funds, ch 1207, §14, 22
- Loan program, self-employment, ch 1244, §5

SMALL CLAIMS

- See *COURTS, Small Claims Court*

SNOWMOBILES

- Competition registration, ch 1031, §1, 2
- Delinquent registrations, numbering and penalties, ch 1031, §4
- Law enforcement, appropriation, ch 1246, §505(1)
- Liability limitation, public bodies, owners of land contiguous to highway, ch 1070
- Plates or decal, ch 1031, §3
- Registration fee increase, ch 1235
- Special conservation fund, fees deposited, ch 1031, §2

SOCIAL SECURITY (Federal)

- Administration agreements, ch 1244, §19
- Appropriation, administrative expense, ch 1246, §716(5)

SOCIAL WORKERS

- Mental health information, disclosure, ch 1082

SOIL CONSERVATION

- See also *AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT; REORGANIZATION, STATE, Agriculture and Land Stewardship Department*

- Agricultural land, cost-sharing funds, restrictions removed, ch 1238, §22
- Committee renamed to division, revolving loan fund, ch 1244, §58
- Conservancy districts, tort claims Act, ch 1172
- Conservation corps employment programs, ch 1190
- District commissioners
 - Appropriations, allocation, ch 1246, §504
 - Multiflora rose eradication, ch 1246, §502(2, 3)
- Economic development bond bank, ch 1212, §1-6
- State committee, appropriation allocations, ch 1246, §504

SOYBEAN PROMOTION BOARD

- Excise tax, refund, ch 1100,§1,30
- Ex officio members, ch 1100,§21,30
- Promotional order, assessment referendum, ch 1195,§5,6
- Secretary, soybean assessment referendum, ch 1195,§6
- Transition terms for members, appointments, ch 1100,§28,30

SPOUSE

- Fire fighters, police officers, death benefits, ch 1243,§28
- Liens, support, ch 1014
- Original notice, substitute service on spouse, R.C.P.56.l(a), ch 1043
- Peace officer, death benefits, ch 1243,§2
- Retirement option, acknowledgment, ch 1243,§22

STAMPS

- Wildlife habitat
 - Bond issuance, ch 1231
 - Deer, wild turkey, ch 1240,§3,4
 - Fur, fish and game license, ch 1114,§2

STATE OFFICERS AND DEPARTMENTS

- Alcoholic beverages control division employees, job preference, ch 1246,§755
- Elective officers, campaign finance disclosure, reports, ch 1023,§5,6
- Executive branch employees displaced, job preference, ch 1246,§774
- Insurance, payroll deduction, ch 1063
- Mileage reimbursement, private auto used, ch 1246,§772
- Retirement and termination incentive programs, elected officials ineligible, ch 1192,§1(3c)

STATE OF IOWA

- Agencies, vendor data base, ch 1170,§2
- American motor vehicle purchases, preference, ch 1132,§1
- Bonds
 - Blanket, state officers, risk management division, ch 1211,§3,10,47
 - Employee, self-insured, risk management division, ch 1211,§3,10,47
- Claim for services rendered, receipt required, ch 1246,§717
- Energy conservation programs, oil overcharge funds, ch 1249

STATE OF IOWA - Continued

- Exxon corporation case award accepted, ch 1249,§2
- Government reorganization, ch 1245
- Hazardous conditions
 - Claims, ch 1158,§3
 - Cleanup liability, ch 1115,§1-3
- Horticultural products, preference, ch 1096,§10-13
- Iowa made products, preference, ch 1132,§2
- Lands
 - Drainage assessments, conservation commission lands, ch 1008
 - Tax assessments, special, hearing, notice, ch 1241,§11
- Leave of absence, political candidate, ch 1021
- Liability limitation, property adjoining highway, ch 1070
- Liability, linked deposit program, ch 1096,§9,12,13
- Lottery machine contracts, Iowa preference, ch 1052
- Mileage reimbursement, private auto, ch 1246,§772
- Payment for goods and services, time limitation, ch 1246,§770,777
- Property, seizable, forfeitable, ch 1140,§1-19
- Tort claims, exceptions, ch 1211,§8,9,47
- Warrants, unredeemed, cancellation, ch 1246,§704
- Water conservation, use, contract, ch 1136,§1

STATE REORGANIZATION

See REORGANIZATION, STATE

STOCKS

- Cooperative associations, deferred patronage preferred stocks, ch 1196
- Cooperative associations, stock value determined on merger or consolidation, ch 1196,§8

SUBPOENAS

- Motor vehicles, price discrimination violation, ch 1234

SUBSTANCE ABUSE

- See also REORGANIZATION STATE, Public Health Department*
- Administrative rules, ch 1001,§5-7,12,25; ch 1220,§25

SUBSTANCE ABUSE—Continued

Alcohol concentration, definition, ch 1220,§1
 Appropriations
 General, ch 1246,§204(11a)
 Program grants, ch 1246,§204(11b)
 Treatment, OWI, violators, confinement,
 ch 1246,§402(2)
 Cash advance to facility, ch 1001,§12,25
 Contracts, care, maintenance and treat-
 ment, ch 1001,§12,13,25
 Costs, liability of abuser, ch 1001,17,25
 County officers' duties repealed,
 ch 1001,§18-22,25
 County program funding, ch 1001,§15,16,25
 Court ordered evaluation or treatment,
 ch 1220,§3
 Disbursement of funds, order mandated,
 ch 1001,§24,25
 Driver education course, ch 1220,§28
 Funds, use, ch 1001,§14,25
 Liability of abuser, ch 1001,§17,25
 Liens, abolishment, alcoholism treatment,
 repealed, ch 1001,§22,25
 Motor vehicle violations, OWI
 Chemical tests, refusal to submit, pen-
 alty, ch 1220,§9
 Drinking drivers course, ch 1220,§3(1)
 Evaluation, treatment, ch 1220,§3
 Implied consent to test, ch 1220,§6
 Imprisonment or unpaid community ser-
 vice, ch 1220,§3(1)
 Treatment, contract for care,
 ch 1220,§3(2),25
 Voluntary treatment, ch 1220,§22(2)
 Reversion of unused funds, ch 1001,§24,25
 Treatment and prevention programs
 Emergency, examination by physician,
 ch 1001,§8,25
 Facility budget, approval, ch 1001,§5,25
 Family members, treatment,
 ch 1001,§3,25
 Funding by liquor revenue,
 ch 1001,§1,2,14,15,23,25
 Governmental units, treatment plans,
 ch 1001,§9,25
 Licenses, ch 1001,§4,25
 Mental health institutes
 Admissions, prescreening,
 ch 1001,§11,25
 Counties, costs, ch 1001,§11,25
 Liability for costs, ch 1001,§10,25
 Residential, or halfway house treatment,
 ch 1001,§3,6,7,25

SUBSTANCE ABUSE—Continued
Treatment and prevention programs—
Continued

Rulemaking
 Acceptance for treatment,
 ch 1001,§6,7,25
 Facility budget, approval, ch 1001,§5,25
 State to pay one hundred percent,
 ch 1001,§12,25
 Types of treatment provided,
 ch 1001,§3,25

SUPPORT OF DEPENDENTS

Child support recovery, *see CHILD SUP-
 PORT RECOVERY*
 Collection services center, wage with-
 holding, ch 1246,§318
 Liens, child or spousal support, attachment,
 ch 1014
 Support payments, collection services cen-
 ter, ch 1246,§316-323

SURCHARGE

Liquor license fee, ch 1246,§744

SURETY AND SURETY COMPANIES

Bonds, performance or maintenance,
 ch 1246,§32

TARIFFS

Warehouses, licensed, grain storage rates,
 ch 1103

TAVERNS

Lottery tickets, sale, ch 1002

TAXATION

*See also REORGANIZATION, STATE,
 Revenue and Finance Department*

Amnesty program

Administrative rules, exemption,
 ch 1007,§4,47
 Applications, ch 1007,§3,47
 Appropriation
 Administration, ch 1007,§42,47
 Auditing staff, item veto, ch 1007,§42
 Collection reports by revenue depart-
 ment, ch 1007,§42,47
 Definitions, ch 1007,§2,47
 Ineligibility of tax law violators,
 ch 1007,§3(4),47
 Interest charged, ch 1007,§3(3),47
 Legal tender, ch 1007,§3(1),47

TAXATION—Continued

Amnesty program—Continued

- Liabilities subject to amnesty,
 - ch 1007,§3(1),47
- Moratorium on future programs, intent,
 - ch 1007,§43,47
- Period of amnesty, ch 1007,§3(2),47
- Title of Act, ch 1007,§1,47

Assessments

- Beef and soybean, promotional order,
 - ch 1195,§5,6
- Collection by county treasurer, ch 1153
- Disputes, contested case, ch 1007,§18,46
- Drainage and levee districts
 - Conservation commission lands,
 - ch 1008
 - Interest, first installment, ch 1099,§1
- Eminent domain, payment, ch 1153
- Errors, protests, ch 1028
- Notice, ch 1241,§37
- Review board, emergency members,
 - ch 1230
- Rolls and information, handling and preservation, ch 1107

Special

- Hearings, notice, ch 1241,§9-13,51
- Installments, ch 1215
- State lands, public improvements, assessments, ch 1244,§40
- Barrel tax, ch 1246,§751
- Beer and liquor control fund allocations,
 - ch 1246,§747

Cigarettes

- Appeal, revision of tax, ch 1007,§8,46
- Delinquent taxes
 - Corporate officer liability,
 - ch 1007,§5,6,45
 - Denial of permits, ch 1007,§5,45
 - Partner, liability, ch 1007,§5,45
 - Penalty, ch 1007,§7,20,45
 - Revocation of permit, ch 1007,§6,45
- Notice of tax assessment, unstamped cigarettes, ch 1241,§3,4,53
- Condemned property, collection of taxes,
 - ch 1153
- Delinquent tax information, disclosure,
 - ch 1007,§21,47
- Earnings tax, local option tax exemption,
 - ch 1199,§3,4,6,9,11
- Electric energy, sales and services local option tax exemption, ch 1199,§7,11,12

Estate tax

- Due date, ch 1241,§47,52
- Penalties, exceptions, ch 1007,§20,45

TAXATION—Continued

Excise tax

- Beef cattle, refund, ch 1100,§1,30
- Corn, refund, ch 1100,§1,30
- Eggs, refund, ch 1100,§1,30
- Milk, refund, ch 1100,§1,30
- Pork, refund, ch 1100,§1,30
- Sheep and wool, refund, ch 1100,§1,30
- Soybeans, refund, ch 1100,§1,30
- Turkeys, refund, ch 1100,§1,30
- Federal tax code update, ch 1213
- Financial institutions
 - Franchise tax refund, ch 1194,§2
 - Penalties, exceptions, ch 1007,§20,45
- Frivolous return, additional penalty,
 - ch 1007,§17,45
- Games of skill, chance, and raffles,
 - ch 1201,§7,12-14
- Generation skipping transfer tax,
 - ch 1007,§20,45
- Homestead tax credit
 - Claims filed after July 1, ch 1109
 - Disallowed claim, mail notification,
 - ch 1241,§32
- Hotel and motel tax
 - Notices to department, ch 1241,§30
 - Sales and services tax exemption,
 - ch 1199,§7,11,12
 - Special election, ch 1199,§1,11
- Income (corporate)
 - Consolidated return, affiliated group,
 - ch 1213
 - Farm corporation, net income apportionment, ch 1194,§1,4
 - Intangible drilling and development costs, ch 1236,§5,9
 - Minimum tax on preference items,
 - ch 1213,§9;ch 1236,§5,8
 - Passive activity tax shelters, definitions,
 - computation, ch 1236,§4,5,9
 - Passive farming activity losses formula,
 - ch 1236,§4,9
 - Research activities credit, ch 1007,§28,44
 - Work incentive credit references
 - stricken, ch 1241,§23,51
- Income (individual)
 - Appeal for revision
 - Notice, ch 1241,§21
 - Time limit, ch 1007,§27,46;ch 1241,§21
 - Child and dependent care credit, ch 1236
 - Decedent's estate, tax determination,
 - mailing of order, ch 1241,§18
 - Declaration of estimated tax,
 - ch 1241,§16,17,51

TAXATION—Continued

Income (individual)—Continued

- Exemption, nonresident withholding, film or television production, ch 1208
- Film or television production, nonresident withholding, ch 1208
- Intangible drilling and development costs, ch 1236,§5,9
- Judges, computation, net income, ch 1243,§33
- Minimum tax on preference items, ch 1236,§3,5
- Nonresidents, declaration of estimated tax, ch 1241,§17,51
- Passive activity tax shelters, ch 1236,§4,5,9
- Passive farming activity, deduction limitation, ch 1236,§4,9
- Penalties, exceptions, ch 1007,§20,45
- Personal representative
 - Defined, ch 1238,§19
 - Notice before discharge, ch 1054,§1,3,4; ch 1241,§20,44,50
- Political contribution, checkoff, ch 1236,§1,2
- Prizes, ch 1201,§12,14
- Real estate contract forfeiture
 - Net income computation, ch 1232,§2,3
 - Net worth limitation, ch 1232,§1,3
- Research activities credit, ch 1007,§22,44
- Revision of tax, appeal, time limit, ch 1007,§27,46;ch 1241,§21
- Taxpayer notices, computation of tax, interest, penalty, ch 1241,§19
- Violations, penalties, ch 1007,§26,45
- Withholding agent
 - Delinquencies, penalties, ch 1007,§23,24,45
 - Nonresident, bond, ch 1007,§25,45
- Work incentive credit references deleted, ch 1241,§14
- Inheritance tax
 - Appeals, time period, ch 1007,§40,46
 - Exception from penalty provisions, ch 1007,§20,45
 - Penalty, delinquent taxes, ch 1007,§39,45
 - Personal representative, notice requirements, ch 1054,§2-4;ch 1241,§44,50
 - Refund or credit due, taxpayer notice, ch 1241,§45
- Insurance premiums
 - Revenue set-aside repealed, ch 1247,§16,19,20
 - Taxes, credited, ch 1156,§2,13

TAXATION—Continued

- Interest, tax indebtedness to state, ch 1007,§16,47
- Internal revenue code references updated, ch 1241,§14-16,22,23,28,46,51
- Judges, income tax exemption, retirement system, ch 1243,§33
- Levies
 - City, tort liability insurance coverage, ch 1211,§23,47
 - County, tort liability insurance coverage, ch 1211,§20,47
 - Merged area school corporation, tort liability insurance coverage, ch 1211,§18,47
 - Retirement and termination incentive programs, ch 1192,§7
 - School district reorganization
 - Equalization, ch 1226,§3
 - Foundation property tax increase and supplemental aid, ch 1226,§6,7
 - School district, tort liability insurance coverage, ch 1211,§18,47
- Local option taxes
 - Countywide levy mandated, ch 1199,§2,5,6
 - Earnings tax provision stricken, ch 1199,§3,4,6,9,11
 - Elections, ch 1199,§1,2,4,11
 - Hotel and motel
 - Sales and services tax exemption, ch 1199,§7,11,12
 - Special election, ch 1199,§1,11
 - Sales and services
 - Allocation to counties, ch 1199,§8,11,12
 - Electric energy exemption, ch 1199,§7,11,12
 - Exemptions, ch 1199,§7,11,12
 - Hotel and motel exemption, ch 1199,§7,11,12
 - Lottery tickets excluded, ch 1042,§11,14;ch 1199,§7,11,12
 - Motor fuel and special fuel exemptions, ch 1199,§7,11,12
 - Natural gas exemption, ch 1199,§7,11,12
 - Repeal by board of supervisors, ch 1199,§10,11,13
 - Lottery tickets, local sales and services tax excluded, ch 1042,§11,14; ch 1199,§7,11,12
 - Military tax exemption disallowed, notice, ch 1241,§36

TAXATION — Continued

Motor fuel tax

Default on tax payments, notice,
ch 1241,§8

Delinquent taxes

Corporations, liability,
ch 1007,§10,15,19,45,47

Distributor's license denied,
ch 1007,§10,45

Partnerships, liability,
ch 1007,§10,19,45,47

Penalty, ch 1007,§11,20,45

Successor liability, ch 1007,§13,21,47

Evasion, penalty, ch 1007,§12,20,45

Income tax credit in lieu of refund,
ch 1241,§29

Motor and special fuel, local sales and ser-
vices tax exemption, ch 1199,§7,11,12

Refund permit

Fee eliminated, ch 1241,§6

Invalidation, ch 1241,§6,7

Refund procedures, ch 1246,§30

Regional transit system

Definition, ch 1116,§1,4

Exemption, ch 1116,§3

Special fuel exemption, ch 1116,§5

Scheduled fines, tax violations, stricken,
ch 1007,§41,47;ch 1116,§6

Special fuel licensees, bonding,
ch 1007,§14,45

Urban transit system

Definition, ch 1116,§1,4

Exemption, ch 1116,§2

Natural gas, local sales and services tax
exemption, ch 1199,§7,11,12

Omitted property, notice, ch 1241,§42

Payment under protest, ch 1007,§18,46

Penalty provisions, exceptions,
ch 1007,§20,45

Personal property, tax replacement fund,
appropriation, ch 1246,§8

Personal representative, notice require-
ments, ch 1054;ch 1241,§20,44,50

Property

Delinquent tax sales, notices and redemp-
tion, ch 1139

Eminent domain, payment, ch 1153

Exemptions

Hospitals, partial commercial use,
ch 1200,§7,8

Natural resource, wildlife areas,
ch 1113,§1,2

Revocations, notice, ch 1241,§35

TAXATION — Continued

Property — Continued

School reorganization equalization,
ch 1226,§3

Tax relief, improper rent increase, notice,
ch 1241,§33,34

Tax sale defect, bar to further action,
ch 1139,§10

Railroad land ownership records, annual up-
dates, repeal, ch 1241,§49

Railway mileage tax

Notifications by ordinary mail,
ch 1241,§38-40

Penalty provisions, ch 1007,§20,38,45

Real estate transfers, credit on tax, inappli-
cable provision repealed,
ch 1241,§48,51

Real property

Assessment report requirements, ch 1091

School building, leased, tax determina-
tion, ch 1223,§3

Tax sales and redemption, ch 1139

Redemption right, notice of expiration,
ch 1241,§43

Refunds, amounts less than one dollar,
ch 1241,§16,51

Review board, emergency members,
ch 1230

Revision of tax, appeal, time limit,
ch 1007,§27,46;ch 1241,§21

Sales and services

Amusement device, identification sticker,
ch 1241,§24

Automotive fluids, exemption, ch 1187

Computers, nonprofit health service cor-
porations, ch 1241,§25

Delinquent taxes

Corporations, liability,
ch 1007,§19,31,45,47

Partnerships, liability,
ch 1007,§19,31,45,47

Permit denied or revoked,
ch 1007,§31,45

Exemption

Automotive fluids, ch 1187

Motor vehicle, rental exception,
ch 1238,§21

Raffle tickets, fairs, ch 1201,§13,14

Recreational boats, rental exception,
ch 1238,§21

Recreational vehicles, rental exception,
ch 1238,§21

Failure to pay tax, liability,
ch 1007,§30,47

TAXATION—Continued**Sales and services—Continued**

- Liability of purchaser, ch 1007,§29,45
- Local option, ch 1199,§8,11,12; *see also*
Local Option Taxes, Sales and Services
above
- Notices sent ordinary mail, ch 1241,§27
- Penalty provisions, exceptions,
ch 1007,§20,45
- Permit revocation, request for hearing,
ch 1241,§26
- Refund, alleged mistake, ch 1194,§3
- Sponsors of events, liability,
ch 1007,§30,47
- Successor liability, ch 1007,§21,30,47
- Vending machine, identification sticker,
ch 1241,§24
- Violations, penalties, ch 1007,§32,33,45,47
- School building, leased, property tax deter-
mination, ch 1223,§3
- Subscriber contracts, hospital service cor-
porations, ch 1094
- Successor liability, exceptions,
ch 1007,§21,47
- Tobacco tax violations, penalties,
ch 1007,§9,20,45
- Use tax
 - Definition, "use", ch 1246,§31
 - Delinquent taxes
 - Corporate officials, liability,
ch 1007,§19,34,37,45,47
 - Denial of permit, ch 1007,§34,45
 - Partnerships, liability,
ch 1007,§19,34,37,45,47
 - Revocation of permit, ch 1007,§37,45
 - Successor liability, ch 1007,§35,47
 - Exempt provision, ch 1205
 - Interstate commerce vehicles, exemp-
tion, ch 1189,§1
 - Liability for tax due, ch 1007,§19,47
 - Penalties for violations, ch 1007,§36,45
 - Penalty provisions, exceptions,
ch 1007,§20,45
 - Refund, alleged mistake, ch 1194,§3
 - Registration receipt, motor vehicles,
ch 1241,§31
 - Road use tax fund, appropriation, person-
nel department, ch 1246,§10,11
 - Ships, barges, waterborne vessels, ex-
emption, ch 1189,§2
 - Successor liability, exceptions,
ch 1007,§21,47
 - Wine gallonage tax, ch 1246,§753
 - Work incentive credit references stricken,
ch 1241,§14,23,51

TEACHERS

- See also REORGANIZATION, STATE,*
Education Department
- Contract termination notice, district reor-
ganization, ch 1239,§4
- Retirement allowance payments, adminis-
trative funds, ch 1246,§716(5)
- Retirement and termination incentive pro-
grams, ch 1192,§7

TELEPHONES AND TELEPHONE COMPANIES

- Emergency telephone number system (911
service), ch 1246,§763-769
- Membership sales, exempt companies,
ch 1206
- Rural concern hotline, appropriation,
ch 1246,§110(3c);ch 1247,§8,19,20

TELEVISION

- Film or tape production, nonresident in-
come tax withholding exemption,
ch 1208

TERMINATION INCENTIVE PROGRAM

- Bonus payment limitations, ch 1192,§2(1)
- Employee eligibility, notification, bonus for-
mula, ch 1192,§2
- Employee participation, voluntary, bar to
further state employment, ch 1192,§3
- Insurance participation, ch 1192,§2(2)
- Political subdivisions, defined, authority to
levy taxes, ch 1192,§7

TERRACE HILL

- See also REORGANIZATION, STATE,*
Cultural Affairs Department
- Appropriations
 - Authority, operation, tours,
ch 1246,§101(6)
 - Governor's quarters, ch 1246,§701(3)

TESTIMONY

- Court testimony by children, limitation,
ch 1105,§2
- Forfeiture proceedings, criminalistics re-
ports, ch 1147

TESTS

- Chemical tests, OWI, motor vehicles,
ch 1220,§15,16,18
- Law enforcement academy, costs,
ch 1246,§411
- Water supply systems, testing, ch 1181,§1

TOBACCO

Tax violations, penalties, ch 1007,§9,20,45

TORT CLAIMS

Agencies defined for inclusion under Act, ch 1172

Claims against

Local governments, ch 1211,§33,47

School districts, ch 1211,§33,47

State of Iowa, exceptions, ch 1211,§8,9,47

Real property improvement, statute of limitations, ch 1120

TORT LIABILITY

Study authorized, appropriation, ch 1248

TOURISM

Advertising and tourism budget, ch 1246,§33

Appropriation, ch 1246,§1

Conservation corps, job opportunities, ch 1190

Farm tourism

Bed and breakfast homes, licensing exemption, ch 1041

Overnight hosts, list published, ch 1142

Highway signs, tourist attractions, ch 1060

Marketing plan task force, appropriation, item veto, ch 1246,§1(2)

TOWNSHIPS

Burial sites, protection and preservation, ch 1030

Clerk, residence qualification, ch 1117

County indemnification fund repealed, ch 1246,§775

Fire protection, exchange of territory with benefited fire district, ch 1057

Iowa horticultural crops, preference failure, violation, ch 1096,§11-13

TRADEMARKS

Registration, ch 1087

TRADE NAMES

Registration, ch 1087

Uniform registration system, development, ch 1170,§1

TRAINING SCHOOL

State training school, appropriation, ch 1246,§304(1)

TRANSPORTATION DEPARTMENT

See also *REORGANIZATION, STATE, Transportation Department*

**TRANSPORTATION DEPARTMENT—
Continued**

Acquisition of private property, natural resource commission, ch 1246,§505

Administrative rules

Handicapped identification devices and stickers, ch 1225,§1,4-8

Motor carriers

Liability insurance limits, financial responsibility, ch 1161,§15

Safety regulations and inspections, ch 1161,§4

Notice posted in liquor stores, OWI laws, ch 1220,§24

OWI, applicability, ch 1220,§51,52

Seat belt standards, ch 1009,§2

Transporters, ch 1071

All-system permit, ch 1210,§7,8

Appropriations

General, ch 1246,§9

Aviation fund, ch 1246,§14

Comparable worth salary adjustments, ch 1247,§1,2,19,20

Core personnel staff, ch 1246,§716(4)

Energy conservation expenditures

Highway system, ch 1249,§4(6)

Mass transit services, ch 1249,§4(7)

Great river road, ch 1246,§28

Inspections and appeals department, services reimbursement, ch 1246,§605

Primary road fund, ch 1246,§12

Railroad assistance fund,

ch 1247,§14,19,20

Road use tax fund, personnel matters, ch 1246,§10,11

Vehicle replacement, ch 1246,§12

Commercial vehicle permit center, vetoed, ch 1246,§15

Director

Driver license revocation, OWI, ch 1220,§4,38

Duties

Materials and equipment revolving fund, statement, ch 1244,§41

Streets, highways improvement, ch 1244,§39

Energy fund disbursement council designee, ch 1249,§2(3)

Salary range, ch 1242

Handicapped identification, ch 1225

Highway division, farm-to-market road fund, ch 1058

Highway division, primary road fund, ch 1058

TRANSPORTATION DEPARTMENT—
Continued

License revocation, OWI, assessment penalty, ch 1246,§408(1c)
 Lottery agency security, ch 1042,§10,14
 Materials and equipment revolving fund, ch 1244,§41
 Motor carriers
 Jurisdiction not applicable, ch 1161,§16,17
 Liability insurance limits, financial responsibility, ch 1161,§15
 Regulation authority powers, ch 1161,§4,5
 Motor fuel tax refund procedures, ch 1246,§30
 Motor fuel tax violations, scheduled fines stricken, ch 1007,§41,47;ch 1116,§6
 Motor vehicles
 Appropriation, ch 1246,§29
 Driver license suspension notice, ch 1019
 Franchisers, applications filed, ch 1244,§42
 Handicapped identification devices and stickers, ch 1225
 Minor's license, withdrawal of consent, ch 1048
 Operator's license renewal, OWI information, ch 1220,§30
 OWI, license revocation
 Civil penalty, ch 1220,§17
 Driving while license denied or revoked, ch 1220,§21
 Hearing, appeal, ch 1220,§13
 Judicial review, ch 1220,§14
 Juvenile drivers, ch 1220,§33
 Nonresident, ch 1220,§19
 Notice to defendant, ch 1220,§9
 Person's rights, ch 1220,§13(1)
 Reinstatement fee, ch 1220,§29
 Revocation rescinded, exceptions, ch 1220,§13(6)
 Stay of revocation, ch 1220,§13(5)
 Temporary restricted license, ch 1220,§13(1,3),20
 Speeding violations, point system, ch 1220,§32
 Primary road fund
 Appropriation, ch 1246,§12,13
 Streets and highways, advancement, ch 1244,§39
 Regulation and safety division, administrator, duties, OWI, ch 1220,§27
 Road use tax fund
 Appropriation, ch 1246,§10,11
 Supplemental funds, ch 1246,§415

TRANSPORTATION DEPARTMENT—
Continued

Seat belts, motor vehicles
 Educational programs, ch 1009,§2
 Rules, safety standards, ch 1009,§2
 Tourism information, delivery recommendation, ch 1060,§3
 Traffic laws
 Highway provisions, exceptions, ch 1220,§35
 Road workers exempt, exceptions, ch 1220,§36
 Trucks
 Multiyear registration plates, fees, ch 1182,§1-3,5
 Permits for excess height, ch 1182,§4,5
 Use tax, vehicle registration receipt, ch 1241,§31
 Vendor data base, application, ch 1170,§2
 Workers' compensation, ch 1246,§13

TREASURER OF STATE

AIDEX superfund, excess to general fund, ch 1246,§505(7)
 Appropriations, *general*, ch 1246,§7
 Banking division
 Fund, investments, income credited, ch 1246,§616
 Fund, transfers, exception, ch 1246,§616
 Superintendent, deposits, time requirements, ch 1246,§616
 Banking revolving fund, transfer, ch 1246,§606
 Beer and liquor control fund, substance abuse programs, ch 1001,§1,2,14,15,23,25
 Collection and payment of funds, transfer of duties, ch 1244,§46
 Comprehensive health trust fund, investments, ch 1156,§3,13
 Conservation corps account created, ch 1190,§6
 County indemnification fund
 Apportionment, ch 1246,§711
 Repeal, ch 1246,§775
 Credit and financial services disclosure report, ch 1085
 Credit union division
 Fund, investments, income credited, ch 1246,§618
 Fund, transfer not permitted, exception, ch 1246,§618
 Credit union revolving fund, transfer, ch 1246,§607

TREASURER OF STATE—Continued

- Disability reserve account, transfer, ch 1246,§24
- Energy conservation trust fund, ch 1249,§2,7
- Energy loan fund, schools, conservation measures, ch 1167,§3
- Farm fund, credit to revolving fund, ch 1075,§2
- Farm-to-market road fund, temporary transfer, ch 1058
- General fund repayments
 - Banking revolving fund, startup, ch 1246,§606
 - Credit union revolving fund, startup, ch 1246,§607
 - Insurance examination revolving fund, startup, ch 1246,§608
 - Prosecution costs paid by convicted offender, ch 1075,§5
 - Utilities trust fund, startup, ch 1246,§610
- Grain depositors and sellers indemnity fund, created, ch 1152,§33,40; *see also GRAIN AND GRANARIES, Grain Depositors and Sellers Indemnity Fund*
- Grain depositors and sellers indemnity fund, general fund, reimbursement, ch 1246,§501(3)
- Grand jury, court-appointed attorney, general fund, ch 1238,§34
- Hazardous substance remedial fund, ch 1025,§5
- Insurance division, special trust fund
 - Inspections, examination expenses
 - Investments, income credited, ch 1246,§615
 - Transfers not permitted, ch 1246,§615
- Insurance examination revolving fund, transfer, ch 1246,§608
- Iowa plan fund, fourth quarter revenue transfers, ch 1207,§20,22
- Linked deposit program
 - General*, ch 1096,§1-13
 - Deposit agreement with lending institutions, ch 1096,§6,12,13
 - Deposit loan package, accepted, rejected, ch 1096,§6,12,13
 - Deposits, certificates invested, ch 1096,§4,12,13
 - Liability, ch 1096,§9,12,13
 - Reports, ch 1096,§8,12,13
 - Rulemaking, ch 1096,§4,12,13
- Management training revolving fund created, ch 1159

TREASURER OF STATE—Continued

- Motor vehicles, license revocation penalties
 - Crime victim reparation fund, ch 1220,§17
 - Domestic abuse registry fund, ch 1220,§17
 - Missing persons clearinghouse fund, ch 1220,§17
- Petroleum overcharge fund, schools, energy audits, ch 1167,§4
- Primary road fund, temporary transfer, ch 1058
- Public health department, block grants, ch 1250
- Raffle proceeds, investment program, ch 1125
- Railroad assistance fund, ch 1238,§16
- Savings and loan revolving fund
 - Authority to modify allotments, not applicable, ch 1246,§619
 - Transfer to general fund, ch 1246,§619
- Special employment security contingency fund, ch 1246,§623
- Substance abuse programs, liquor revenue transferred, ch 1001,§1,2,14,15,23,25
- Temporary emergency surcharge fund, transfer to unemployment compensation fund, ch 1209
- Use tax, when applicable, ch 1205
- Utilities trust fund
 - Investments, income, ch 1246,§614
 - Payment, utility, consumer advocate divisions, ch 1246,§614
 - Transfer not permitted, ch 1246,§614
 - Transfer to general fund, ch 1246,§610
- Venture capital funds, raffles, ch 1125
- Warrants, unredeemed, cancellation, ch 1246,§704
- Weapons, auction, proceeds to general fund, ch 1238,§33
- Wildlife habitat bond fund, ch 1231
- Workers' compensation claims, ch 1244,§10

TREES

- Fruit trees at correctional institutions, appropriations, ch 1246,§401(2)

TRIALS

- Jury, waiver, ch 1106

TRUCKS

- See MOTOR CARRIERS; MOTOR VEHICLES, Trucks*

TRUSTS AND TRUSTEES

- Artist's works, consignment, ch 1233,§4

TRUSTS AND TRUSTEES – Continued

- Benefited fire district, fire protection with township, ch 1057
- Corporate fiduciary, waiver of bond requirements, ch 1131
- Drainage districts, nomination petition, filing, ch 1099,§3
- Hospital, county public, who may serve, duties, ch 1200
- Investments, U.S. government obligations, ch 1032
- Personal representative, notice, ch 1054; ch 1241,§20,44,50
- Township, fire protection with benefited fire districts, ch 1057
- Transfers to minors, custodial property, ch 1035,§1-25

TURKEYS

- Excise tax, refund, ch 1100,§1,30
- Iowa turkey marketing council, membership, ch 1100,§20,30

TURTLES

- Commercial fishing, *general*, ch 1141,§1-19
- Commercial fishing, licenses, possession, ch 1141,§4,11,21

UNCLAIMED OR ABANDONED PROPERTY

See *ABANDONED OR UNCLAIMED PROPERTY*

UNEMPLOYMENT COMPENSATION

See also *REORGANIZATION, STATE, Inspections and Appeals Department*

- Base period exclusion, illness or injury benefits, ch 1034
- Conservation corps program, exclusion, ch 1190,§4(2)
- Employers liability, contributions, ch 1166
- Illness or injury benefits, base period exclusion, ch 1034
- Nonprofit corporation, bond, ch 1066
- Temporary emergency surcharge fund, transfer, ch 1209
- Transportation department, appropriation, ch 1246,§10-12
- Voluntary contributions, zero-based employers, ch 1166
- Workers' compensation or indemnity insurance benefits, base period exclusion, ch 1034

UNIFORM COMMERCIAL CODE

- Farm products subject to security interest, ch 1126
- Fiduciary security transfers, certificate, ch 1047

UNIFORM LIMITED PARTNERSHIP ACT

- Fees, filing, ch 1173,§19
- Service of process, agents
 - Foreign, ch 1173,§17,18
 - Resignation, ch 1173,§16

UNIFORM STATE LAWS COMMISSION

- Appropriation, ch 1246,§707(2)

UNITED STATES

- Bovine brucellosis eradication, ch 1036
- Drinking age, federal funds penalties, contingency, ch 1221,§4
- Explosive storage facilities, federal inspection accepted, ch 1029
- Federal environmental protection agency, agricultural energy management council, advisory member, ch 1249,§3(2)
- Fiduciaries, investments, government obligations, ch 1032
- Geological survey, agricultural energy management council, advisory member, ch 1249,§3(2)
- Health services, public, expenses excluded, ch 1156,§5,13
- Streets, highways improvements, appropriations, contingent, ch 1244,§39
- Warehouses, agricultural
 - Insurance exclusion, ch 1103,§1
 - Tariff rate changes, ch 1103,§2
 - United States warehouse Act
 - Credit-sale contracts, ch 1152,§9,40
 - Grain indemnity fund participation, ch 1152,§32,40

UNIVERSITIES

See *COLLEGES AND UNIVERSITIES*

UTILITIES

See *PUBLIC UTILITIES*

UTILITIES DIVISION

See also *REORGANIZATION, STATE, Commerce Department*

- Administrator, duties, ch 1246,§614
- Appropriation
 - General*, ch 1246,§601(6)
 - Utilities division revolving fund, startup, ch 1246,§601(6)

UTILITIES DIVISION - Continued

- Expenditures, assessments, quarterly,
ch 1246,§613
- Utilities trust fund, ch 1246,§610,614

VENDING MACHINES

- Sales tax, identification stickers,
ch 1241,§24

VENDORS

- Claims for services rendered, ch 1246,§717
- Data base of vendors to state agencies,
ch 1170,§2
- Historical division, mementos, sale of,
ch 1246,§101(2)
- Lottery machine contracts, Iowa prefer-
ence, ch 1052

VENTURE CAPITAL INVESTMENT ACT

- Administrative rules, ch 1125,§3(5)
- Definitions, ch 1125,§2
- Raffle program
 - Accounts, system of, ch 1125,§3
 - Authority to conduct, ch 1125,§3(1)
 - Contracts
 - Gambling, exception, ch 1125,§4
 - Program implementation, ch 1125,§3(7)
 - Drawings, ch 1125,§3(5f)
 - Gambling, legal, exceptions, ch 1125,§5
 - Gifts accepted for prizes, ch 1125,§3(5)
 - Investment of moneys, ch 1125,§3
 - Licensing, rulemaking, ch 1125,§3(5)
 - Prize structure, ch 1125,§3
 - Reports, ch 1125,§3(6)
 - Rulemaking, ch 1125,§3(5)
 - Unclaimed raffle proceeds, ch 1125,§3(4)
- Title, ch 1125,§1

VESSELS

See *BOATS AND VESSELS*

VETERANS

- See also *REORGANIZATION, STATE, Public Defense Department*
- Disabled veterans, vehicle registration plates, handicapped stickers,
ch 1225,§2,3,8
- Federal funds, deposit in general fund,
ch 1246,§321
- Grave marker, ch 1237,§13
- Medical assistance, benefits established, in-
termediate care facilities,
ch 1246,§303(2)

VETERANS - Continued

- Veterans Day, paid state holiday, ch 1163,§2
- War orphans educational aid,
ch 1246,§762(2)

VETERANS HOME

- Appropriations
 - General, ch 1246,§304(2)
 - Alzheimer's disease unit, ch 1246,§304(2)
- Gifts, human services department authori-
zation, ch 1246,§304(2)

VETERINARIANS

- Bovine brucellosis vaccinations, ch 1036
- Prescription drugs, cost savings on generic
substitution, ch 1219

VETOES

- Items vetoed
 - Board of regents, limitation, ability to
assess state universities,
ch 1246,§110(1a)
 - Nonpublic school transportation, parental
reimbursement, ch 1246,§138
 - Tax amnesty appropriation, auditing
staff, ch 1007,§42
 - Tourism marketing plan, ch 1246,§1(2)
 - Trucker's permit center, ch 1246,§15
- Vetoed bills
 - Judicial retirement system contributions,
SF 2052
 - Workers' compensation benefits, injuries
outside state, SF 249

VICTIMS

- Harassment, restraining order, ch 1178,§12
- Immunity from liability, ch 1178,§16
- Impact statement, ch 1178,§2,3,6,7
- Juvenile victim restitution program, appro-
priation, ch 1246,§708(1b)
- Notification, offender's release, escape,
ch 1178
- Public records law, exception, ch 1178,§15
- Registration, confidential, ch 1178,§15
- Restitution, alleged error exception,
ch 1075,§3
- Victim and witness protection, definitions,
ch 1178,§4
- "Victim" defined, ch 1178,§4

VIOLATIONS

- Alcohol consumption, locations, ch 1067
- Domestic abuse, ch 1179
- Employee as witness, retributive actions,
ch 1178,§13

VIOLATIONS—Continued

- Iowa horticultural products, preference failure, ch 1096,§11-13
- Motor vehicles
 - Parking, court costs, ch 1238,§31
 - Sale or lease, price discrimination, ch 1234
- Ordinances, city and county, ch 1202
- Small claims court, persons barred, ch 1238,§25
- Students, protected areas, searches, ch 1129,§1-4

VISITATION

- Child custody order, violation, ch 1145
- Grandparent visitation rights, ch 1123

VOLUNTEERS

- Youth volunteer program, conservation corps, ch 1190

VOTER REGISTRATION

- Felony conviction, notice to commissioner of registration, ch 1112,§1,2;ch 1238,§4,5
- Mobile deputy registrars, ch 1010

WAIVER

- Homestead exemption, ch 1214,§8,30

WAREHOUSES

- Grain, *see* **GRAIN AND GRANARIES, Warehouses**

WARRANTIES

- Motor vehicle warranty actions, costs, ch 1090

WARRANTS

- Arrest, domestic abuse, not required, ch 1179
- Search, motor vehicles, OWI, ch 1220,§10
- State, payment of money
 - Barrel tax and wine gallonage tax funds, warrants drawn, ch 1246,§720
 - Beer and liquor control fund, city allocation, ch 1246,§747
 - Unredeemed, cancellation, ch 1246,§704

WASTE

- See also* **WATER, AIR AND WASTE MANAGEMENT DEPARTMENT**
- Sanitary landfill, uncontained liquid waste, ch 1174,§1

WATER

- Allocation and use, conservation, restrictions, ch 1136,§1
- Bottled water, tests and standards, ch 1137
- "Federal water pollution control Act" defined, ch 1144,§1
- Supply systems, contamination, testing, ch 1181,§1
- "Water pollution" defined, ch 1144,§1
- Wells monitoring groundwater, sanitary disposal projects, ch 1174,§3

WATER, AIR AND WASTE**MANAGEMENT DEPARTMENT**

- See also* **REORGANIZATION, STATE, Natural Resources Department**

Administrative rules

- Feedlots, rule nullified by legislature, ch 1253
- Hazardous waste management, ch 1025,§4
- Hazardous waste storage facility site, ch 1149,§1
- Sanitary disposal projects, groundwater monitoring wells, ch 1174,§3
- Sanitary landfills
 - Grants, applications, ch 1175,§6
 - Uncontained liquid waste, ch 1174,§1
- Water supply systems, tested, ch 1181,§1

Commission**Administrative rules**

- Sanitary disposal projects, groundwater monitoring wells, ch 1174,§3
- Sanitary landfill, uncontained liquid waste, ch 1174,§1
- Planned sanitary disposal project, duties, ch 1175,§6

Director

- Flood plain, water use, duties, ch 1144,§3
- Sanitary landfills, duties, ch 1175,§2,3,6
- "Federal water pollution control Act" defined, ch 1144,§1

- Feedlots, administrative rule nullified, ch 1253

Hazardous conditions

- Abandoned or uncontrolled disposal site management, ch 1025
- Cleanup liabilities, costs, ch 1158,§1-3
- Cleanup liability, prior claim, state, ch 1115,§1
- Cleanup, reports by debtor, ch 1115,§2,3
- Executive director, powers and duties, ch 1115,§1,2
- Lien, real property, cleanup, ch 1115,§1,3

WATER, AIR AND WASTE MANAGEMENT DEPARTMENT – Continued**Hazardous conditions – Continued**

Lien, statement of claim, commission approval, ch 1115,§1

“Toxic cleanup days” program, ch 1229

Hazardous waste

Abandoned or uncontrolled disposal site management, ch 1025

Research and assistance program, Iowa State University, ch 1229,§2,3

Storage facility site

Costs, impacts consideration, ch 1149,§2

Public, environmental risks, ch 1149,§2

“Toxic cleanup days”

Pilot program, ch 1229,§1,3

Report to general assembly, ch 1229,§2

Lien, hazardous conditions, cleanup, ch 1115,§1

Sanitary disposal projects, monitoring groundwater, ch 1174,§3

“Sanitary landfill” defined, ch 1175,§1

Sanitary landfills, permits issued, plans filed, ch 1175,§2,3

“Toxic cleanup days” pilot program, ch 1229

Water allocation and use, conservation orders, restrictions, ch 1136,§1

“Water pollution” defined, ch 1144,§1

WATER RESOURCE RESEARCH INSTITUTE

Agricultural energy management advisory council membership, ch 1249,§3(2e)

Appropriation, ch 1246,§507

WATERS AND WATERCOURSES

See also REORGANIZATION, STATE, Natural Resources Department

Big creek lake, horsepower, boat size restriction, ch 1227

Boating facilities development, appropriation, ch 1246,§506(1)

Boating near diver’s flag prohibited, ch 1143

Lake McBride, horsepower, boat size restriction, ch 1227

Lakes, artificial, no-wake speed by motorboats, ch 1227

Motorboats, no-wake speed on artificial lakes, ch 1227

Navigation law enforcement, appropriation, ch 1246,§505(1),506(2)

Recreational, tax exemptions, ch 1113,§1,2

WATERS AND WATERCOURSES – Continued

Watersheds, publicly owned lakes, priority list, ch 1246,§504(3b),505(3)

Watersheds, special practices, summer construction incentives, ch 1246,§504(3e)

WEAPONS

“Felony” defined, weapons law, ch 1065

Forfeited property, disposition, ch 1140,§15; ch 1238,§32

Public auction by public safety department, ch 1238,§33

WEATHERIZATION

Low-income home energy assistance, appropriation, ch 1249,§4(1,2); ch 1250,§8,11-17

WEEDS

County weed commissioner, multiflora rose eradication plan, ch 1246,§502(2,3)

Multiflora rose eradication cost reimbursement, ch 1246,§502

Soil conservation district commissioners, multiflora rose eradication plan, ch 1246,§502(2,3)

WELLS

Sanitary disposal projects, groundwater monitoring, ch 1174,§3

WHEELCHAIRS

Lifts used in public buildings, ch 1157

WILDLIFE CONSERVATION

Conservation corps employment program, ch 1190

WILLS

Transfers to minors, custodial property, ch 1035,§1-25

WINE

See ALCOHOLIC BEVERAGES CONTROL DIVISION; BEER, WINE AND LIQUOR CONTROL; WINE AND BEER PROMOTION BOARD

WINE AND BEER PROMOTION BOARD

Created, ch 1246,§719

Iowa development commission, powers and duties, ch 1246,§720

WITNESSES

Criminal proceedings, employment practices, ch 1178,§13

Expert

Disclosure in professional liability cases, ch 1211,§40,47

Medical, dental, standards, ch 1211,§16,47

Harassment, intimidation, injunction, ch 1178,§12

WOMEN

See also *REORGANIZATION, STATE, Human Rights Department*

Displaced homemaker, job training, funding, ch 1246,§1(12)

Women, children, infants program, federal assistance, ch 1250,§1,2,11-17

WOMEN'S CORRECTIONAL INSTITUTE

See also *REORGANIZATION, STATE, Corrections Department*

Inmates

Citizenship restoration, ch 1112,§5,6

Commutation of sentence, ch 1112,§5,6

Pardons, reprieves, ch 1112,§5,6

Remission of fines and forfeitures, ch 1112,§5,6

WORKERS' COMPENSATION

Commutation, future payments, ch 1246,§604(2)

Health services, public, expenses excluded, ch 1156,§5,13

Insurance guaranty association, ch 1184

Owner-operators of trucks, ch 1074,§4

Partners and proprietors

Benefit rates, calculation method, ch 1074,§2

Elective coverage, ch 1074,§1,3,4

Pneumoconiosis, liability, ch 1101

Primary road fund, transportation department, ch 1246,§13

Rehabilitation facilities

Human services department, ch 1104

Public instruction department, ch 1104

Unemployment compensation, base period exclusion, ch 1034

WORLD TRADE CENTER

Appropriation for construction eliminated, ch 1207,§9,22

YOUTH CORPS

Appropriation, ch 1246,§1(11)

Conservation employment programs combined, ch 1190

Summer jobs program, lottery funds appropriated, ch 1207,§14

ZONING

Board of adjustment, variances, power of city council, ch 1098