

Sec. 2. Section 805.8, subsection 2, paragraph a, Code Supplement 1989, is amended to read as follows:

a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars. However, violations charged by a city or county upon simple notice of a fine instead of a uniform citation and complaint as permitted by section 321.236, subsection 1, paragraph "a", are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section 111.38 or 321.362 the scheduled fine is ten dollars.

Approved March 29, 1990

CHAPTER 1103

PUBLIC UTILITY RATE AUTOMATIC ADJUSTMENTS

H.F. 2238

AN ACT eliminating the requirement of zero balancing of automatic adjustments in the rates and charges of public utility service.

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

Section 1. Section 476.6, subsection 11, unnumbered paragraph 2, Code Supplement 1989, is amended by striking the paragraph.

Approved March 29, 1990

CHAPTER 1104

REGULATION OF BEEKEEPING

H.F. 2250

AN ACT relating to the importation of bees and bee-related items, increasing certain fees, and providing penalties.

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

Section 1. **NEW SECTION. 160.1A DEFINITIONS.**

As used in this chapter, unless the context otherwise requires:

1. "Apiary" means a place where one or more bee colonies are maintained.
2. "Appliance" means any equipment, structure, or container used to house bees.
3. "Bee" means a honeybee belonging to the genus *apis*.
4. "Colony" means a queen bee and more than one worker bee located on beeswax combs and enclosed in a container.

Sec. 2. Section 160.2, Code 1989, is amended to read as follows:

160.2 DUTIES.

The apiarist shall give lectures and demonstrations in the state on the production of honey, the care of the apiary, the marketing of honey, and upon other kindred subjects relative to the care of bees and the profitable production of honey; shall examine the bees, combs, and beekeeping appliances in any locality which the apiarist may suspect of being affected African

in origin or infected with a parasite or foulbrood or any other contagious or infectious disease common to bees; and shall inspect regulate bees before removal from the, combs, and used appliances moving across state borders.

Sec. 3. Section 160.5, unnumbered paragraph 3, Code 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

A person who desires to move a colony or a used appliance with combs into this state shall apply to the state apiarist for a written entry permit at least sixty days prior to the proposed entry date. A statement must accompany each application for an entry permit describing each offense related to beekeeping for which the person has been subject to a penalty by a state, federal, or foreign government. The written entry permit must accompany all such shipments when they enter the state. Entry into this state without a permit is unlawful and is punishable pursuant to section 160.14.

At least ten days before entry a person who has applied for an entry permit must meet both of the following conditions:

1. A valid certificate of inspection or certificate of health dated within the last sixty days must have been submitted by the state apiarist or inspector of the state of origin indicating the absence of any contagious diseases, parasites, or Africanized bees in the colony to be shipped.

2. A completed apiary registration form with locations of apiaries in Iowa indicated along with any fees required for nonresidents must have been submitted. Descriptions of locations shall include all of the following:

a. The name of the landowner.

b. Number of colonies to be kept at that location.

c. The county, township, section number and quarter section, or street address if located within the city limits.

Sec. 4. Section 160.14, subsections 1 and 2, Code 1989, are amended to read as follows:

1. A person who knowingly sells, barter, gives away, or moves or allows to be moved, a diseased or parasite infested colony or colonies of bees, appliance, or combs without the consent of the state apiarist, or exposes infected honey or infected appliances to the bees, or who willfully fails or neglects to give proper treatment to a diseased or parasite infested colonies colony, or who interferes with the state apiarist or the apiarist's assistants in the performance of their official duties or who refuses to permit the examination of bees or their destruction as provided in this chapter or violates another provision of this chapter, except as provided in subsection 2, is guilty of a simple misdemeanor.

2. A person who knowingly moves or causes to be moved into this state a colony, of bees without a valid certificate of inspection from the state of origin or a permit to enter issued by the state apiarist pursuant to used appliance, or combs in violation of section 160.5, is guilty of a serious misdemeanor.

Sec. 5. Section 160.14, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Each day a colony, a used appliance, or combs moved into this state in violation of section 160.5 remains in this state constitutes a separate offense. A colony, used appliance, or combs brought into this state in violation of section 160.5 may be declared a nuisance. The department shall provide written notice to the person owning the land where the colony, used appliance, or combs are located, and, if known, to the person owning the colony, used appliance, or combs. The notice shall state that the owner of the colony, used appliance, or combs must remove the colony, used appliance, or combs from this state within five days of the notification. After the five days have lapsed the department may seize the colony, used appliance, or combs. The department may secure a warrant if the owner of the land objects to the seizure. The department shall maintain the seized property until a court, upon petition by the department, determines the disposition of the property. The court shall render a decision concerning the disposition of the property by the court within ten days of the filing of the petition. Upon conviction of a violation of section 160.5, a person shall forfeit all interest in property moved in violation of that section and the department may immediately destroy the property.

Sec. 6. Section 160.16, Code 1989, is amended to read as follows:

160.16 IMPORTING BEES A COLONY FROM ANOTHER STATE -- FEE.

Each colony of bees moved into Iowa from another state by nonresidents a nonresident of Iowa shall be assessed a ~~fifty cents~~ one dollar entry fee. The fee, together with the certificate of inspection from the state of origin or certificate of health as provided in section 160.5, shall be collected by the state apiarist who shall forward such fees ~~the fee~~ to the auditor of the county where the bees are colony is to be located. Only nonresidents of Iowa shall be subject to ~~such~~ the entry fee.

Approved March 29, 1990

CHAPTER 1105

CREDIT CARD PAYMENT OF NATURAL RESOURCES DEPARTMENT CHARGES

H.F. 2279

AN ACT permitting the department of natural resources to accept credit cards for payment of certain fees and other permitted purposes.

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

Section 1. Section 455A.4, Code 1989, is amended by adding the following new subsection:
NEW SUBSECTION. 5. The department may accept payment of any fees, interest, penalties, subscriptions, or other payments due or collected by the department, or any portion of such payments, by credit card. The department may adjust the amount of the payment to reflect the costs of processing the payment as determined by the treasurer of state and the payment by credit card shall include, in addition to all other charges, any discount charged by the credit card issuer.

Approved March 29, 1990

CHAPTER 1106

CITY COUNCIL MEMBER SERVING AS VOLUNTEER FIRE CHIEF

H.F. 2307

AN ACT relating to the concurrent holding of the offices of city council member and fire chief of the volunteer fire department.

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

Section 1. Section 372.13, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A council member, during the term for which that member is elected, is not precluded from holding the office of chief of the volunteer fire department if the fire department serves an area with a population of not more than two thousand, and if no other candidate who is not a city council member is available to hold the office of chief of the volunteer fire department.

Approved March 29, 1990