

SENATE FILE 329

BY COMMITTEE ON JUDICIARY
Approved 2/21 (p. 480)

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Passed Senate, Date 3-1-85 (p. 554) Passed House, Date 4-16-85 (p. 1596)
Vote: Ayes 47 Nays 0 Vote: Ayes 91 Nays 1
Approved May 24, 1985

A BILL FOR

1 An Act relating to Code corrections which adjust language to
2 reflect current necessary practices, correct earlier
3 omissions, delete redundancies, inaccuracies, and temporary
4 and discriminatory language, remove inconsistencies,
5 update ongoing provisions, remove ambiguities, improve
6 syntax, correct references, and update provisions relating
7 to court reorganization.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 329

1 Section 1. Section 14.13, Code 1985, is amended to read as
2 follows:

3 14.13 EDITORIAL WORK.

4 1. The Code editor in preparing the copy for an edition of
5 the Code and the Iowa administrative code and bulletin shall
6 ~~have power to~~ may:

7 1 a. Correct all misspelled words in the original
8 enrollments and filed rules.

9 2 b. Correct all manifest grammatical and clerical errors
10 including punctuation but without changing the meaning.

11 3 c. Correct internal references to sections which are
12 cited erroneously or have been repealed, and names of
13 agencies, officers, or other entities which have been changed,
14 when there appears to be no doubt as to the proper methods of
15 making the corrections. The Code editor shall compile a list
16 of the corrections made under this subsection paragraph in
17 Code editor's notes to the edition of the Code in which the
18 corrections are made. This list shall be available to the
19 public.

20 4 d. Transpose sections or to divide sections so as to
21 give to distinct subject matters a section number but without
22 changing the meaning.

23 5 e. Prepare comments deemed necessary for a proper
24 explanation of the manner of printing the section or chapter
25 of the Code.

26 2. The Code editor, in carrying out the duties specified
27 in this chapter relating to publication of the Code, shall
28 edit the Code in order that words which designate one gender
29 will be changed to reflect both genders when the provisions of
30 law apply to persons of both genders. The Code editor shall
31 not make any substantive changes to the Code while performing
32 the editorial work. The Code editor shall seek direction from
33 the senate committee on judiciary and the house committee on
34 judiciary and law enforcement when making any changes which
35 appear to require substantial editing and which might

1 otherwise be interpreted to exceed the scope of the Code
2 editor's authority. The Code editor shall maintain a record
3 of the changes made under this subsection. The record shall
4 be available to the public.

5 3. The effective date of all editorial changes in an
6 edition of the Code or supplement to the Code is the date the
7 legislative council approves the printing contract for
8 publication of that edition or supplement.

9 Sec. 2. Section 14.14, Code 1985, is amended to read as
10 follows:

11 14.14 ~~FORMAL-MAPPERS-OMITTED~~ OMISSIONS IN REFERENCES TO
12 CODE SECTIONS.

13 When any an Act of the general assembly subsequent to the
14 issuance of the Code of 1924 contains in the substantive part
15 of the Act a reference to a section of the Code and designates
16 such the section by such a reference such as "Code 1924",
17 "Code 1927", or "Code 1931", ~~etc., or the equivalent thereof,~~
18 the Code editor ~~is directed~~ may in the preparation of the
19 ensuing Code to omit the year indicated by such the reference.

20 Sec. 3. Section 17.30, unnumbered paragraph 1, Code 1985,
21 is amended to read as follows:

22 Each state board, commission, department and division of
23 state government and each institution under the control of the
24 department of human services, the Iowa department of
25 corrections and the state board of regents and each division
26 of the state department of transportation ~~shall be~~ are
27 responsible for keeping a written, detailed, up-to-date
28 inventory of all real and personal property belonging to the
29 state and under their charge, control and management. Such
30 The inventories shall be in such the form ~~as may be~~ prescribed
31 by the director of the department of general services.

32 Sec. 4. Section 23.1, unnumbered paragraph 2, Code 1985,
33 is amended to read as follows:

34 "Municipality" as used in this chapter means township,
35 school corporation, state fair board, state board of regents,

1 and state department of human services and Iowa department of
2 corrections.

3 Sec. 5. Section 29C.20, subsection 1, Code 1985, is
4 amended to read as follows:

5 1. A contingent fund is created in the state treasury for
6 the use of the executive council which may be expended for the
7 purpose of paying the expenses of suppressing any an
8 insurrection or riot, actual or threatened, when state aid has
9 been rendered by order of the governor, and for repairing,
10 rebuilding, or restoring any state property injured,
11 destroyed, or lost by fire, storm, theft, or unavoidable
12 cause, and for aid to any governmental subdivision in an area
13 declared by the governor to be a disaster area due to natural
14 disasters or to expenditures necessitated by the governmental
15 subdivision toward averting or lessening the impact of such
16 the potential disaster, where the effect of such the disaster
17 or such action on the governmental subdivision is the
18 immediate financial inability to meet the continuing
19 requirements of local government. Upon application by a
20 governmental subdivision in such an area, accompanied by a
21 showing of obligations and expenditures necessitated by such
22 an actual or potential disaster in such a form and with such
23 further information as the executive council may-require
24 requires, such the aid may be made in the discretion of the
25 executive council and, if made, shall be in the nature of a
26 loan up to a limit of seventy-five percent of the showing of
27 such obligations and expenditures. The loan, without
28 interest, shall be repaid by the maximum annual emergency levy
29 as authorized by section 24.6, or by the appropriate levy
30 authorized for a governmental subdivision not covered by
31 section 24.6. The aggregate total of such loans shall not
32 exceed one million dollars during any a fiscal year. A loan
33 shall not be for any an obligation or expenditure occurring
34 more than two years previous to the application.

35 Sec. 6. Section 76.2, unnumbered paragraph 3, Code 1985,

1 is amended by striking the unnumbered paragraph.

2 Sec. 7. Section 80C.2, unnumbered paragraph 1, subsections
3 1, 2 and 3, and unnumbered paragraph 2, Code 1985, are amended
4 to read as follows:

5 The criminal and juvenile justice advisory council is
6 created to advise the governor and legislature and direct the
7 agency in the performance of its duties and to perform other
8 duties as required by law. The council ~~shall consist of~~
9 ~~eleven~~ consists of twelve members. The governor shall appoint
10 seven members each for a four-year term beginning and ending
11 as provided in section 69.19 and subject to confirmation by
12 the senate as follows:

13 1. Three persons ~~who~~ each of whom are either a county
14 supervisor, county sheriff, a mayor, city chief of police or a
15 county attorney.

16 2. Two persons shall represent the general public and
17 shall not be employed in any law enforcement, judicial, or
18 corrections capacity.

19 3. Two persons who are knowledgeable about Iowa's juvenile
20 justice system.

21 The commissioner of the department of human services, the
22 director of the Iowa department of corrections, the
23 commissioner of public safety, the attorney general and the
24 chief justice of the supreme court shall each designate a
25 person to serve on the council.

26 Sec. 8. Section 85.61, subsections 1 and 8, Code 1985, are
27 amended to read as follows:

28 1. "Employer" includes and applies to any person, firm,
29 association, or corporation, state, county, municipal
30 corporation, school corporation, area education agency,
31 township as an employer of volunteer firemen fire fighters
32 only, benefited fire district and the legal representatives of
33 a deceased employer.

34 ~~The term "volunteer~~ "Volunteer fire fighters" shall
35 ~~mean~~ means any active member of an organized volunteer fire

1 department in this state and any other person performing
2 services as a volunteer ~~fireman~~ fire fighter for a
3 municipality, township or benefited fire district at the
4 request of the chief or other person in command of the fire
5 department of ~~such~~ the municipality, township or benefited
6 fire district, or of any other officer of ~~such~~ the
7 municipality, township or benefited fire district having
8 authority to demand such service, and who is not a full-time
9 member of a paid fire department. A person performing such
10 services shall not be classified as a casual employee.

11 Sec. 9. Section 97B.49, subsection 8, paragraph a,
12 unnumbered paragraph 4, is amended by striking the unnumbered
13 paragraph.

14 Sec. 10. Section 114.21, subsections 1 and 5, Code 1985,
15 are amended to read as follows:

16 1. Fraud in procuring a ~~license~~ certificate of
17 registration.

18 5. Conviction of a felony related to the profession or
19 occupation of the ~~licensee~~ registrant or the conviction of any
20 felony that would affect the ~~licensee's~~ registrant's ability
21 to practice professional engineering or land surveying. A
22 copy of the record of conviction or plea of guilty ~~shall be~~ is
23 conclusive evidence.

24 Sec. 11. Section 118A.15, subsections 1 and 5, Code 1985,
25 are amended to read as follows:

26 1. Fraud in procuring a ~~license~~ certificate of
27 registration.

28 5. Conviction of a felony related to the profession or
29 occupation of the ~~licensee~~ registrant that would affect the
30 registrant's ability to practice professional ~~land~~ landscape
31 architecture. A copy of the record of conviction or plea of
32 guilty ~~shall be~~ is conclusive evidence.

33 Sec. 12. Section 123.150, unnumbered paragraph 1, Code
34 1985, is amended to read as follows:

35 Notwithstanding section 123.36, subsection 6, section

1 123.49, subsection 2, paragraph "b", and section 123.134,
2 subsection 5, a holder of any class of liquor control license
3 or the holder of a class "B" beer permit may sell or dispense
4 such liquor or beer to patrons for consumption on the premises
5 between the hours of ~~noon~~ ten a.m. on Sunday and two a.m. on
6 Monday when that Monday is New Years Day and beer for
7 consumption off the premises between the hours of ~~noon~~ ten
8 a.m. Sunday and ~~ten-p.m.~~ midnight Sunday when that Sunday is
9 the day before New Years Day. The liquor control license fee
10 or beer permit fee of licensees and permittees permitted to
11 sell or dispense such liquor or beer on a Sunday when that
12 Sunday is the day before New Years Day shall not be increased
13 because of this privilege.

14 Sec. 13. Section 127.20, Code 1985, is amended to read as
15 follows:

16 127.20 SALE OF CONVEYANCE.

17 Prior to placing the conveyance for sale to the general
18 public, the sheriff shall permit any owner or lien holder
19 having a property interest of fifty percent or more in the
20 conveyance the opportunity to purchase the property interest
21 forfeited. If such an owner or lien holder does not exercise
22 an option under this section or if no such owner or lien
23 holder exists, the conveyance shall be sold at public auction
24 with the proceeds first being applied to the owners and lien
25 holders who have not had their property interest forfeited and
26 then applied to the expenses of keeping the conveyance and
27 court costs, and any remaining funds shall be conveyed by the
28 clerk of the district court to the treasurer of state for
29 deposit in the general fund of the state.

30 Sec. 14. Section 136C.14, Code 1985, is amended to read as
31 follows:

32 136C.14 QUALIFIED OPERATORS -- DISPLAY OF CREDENTIALS.

33 1. A person, other than a licensed professional, shall not
34 operate equipment a radiation machine or use radioactive
35 materials for medical treatment or diagnostic purposes unless

1 that person has completed a course of instruction approved by
2 the department or has otherwise met the minimum training
3 requirement established by the department.

4 2. A person, other than a licensed professional, who
5 operates equipment a radiation machine or uses radioactive
6 materials for medical treatment or diagnostic purposes shall
7 display the credentials which indicate that person's
8 qualification to operate equipment the machine or use the
9 materials in the immediate vicinity of the equipment machine
10 or where the materials are stored. A person who owns or
11 controls the equipment machine or materials is also
12 responsible for the proper display of credentials of those who
13 operate the equipment machine or use the materials and shall
14 not employ a person to operate equipment the machine or use
15 the materials for medical treatment or diagnostic purposes
16 except as provided in this section.

17 Sec. 15. Section 144.36, subsection 1, Code 1985, is
18 amended to read as follows:

19 1. A certificate recording each marriage performed in this
20 state shall be filed with the state registrar. The clerk of
21 the district court shall prepare the certificate on the form
22 furnished by the state registrar upon the basis of information
23 obtained from the parties to be married, who shall attest to
24 the information by their signatures. The clerk of the
25 district court in each county shall keep a record book for
26 marriages. The form of marriage record books shall be uniform
27 throughout the state ~~and shall be prescribed by the state~~
28 ~~department~~. A properly indexed permanent record of marriage
29 certificates upon microfilm, electronic computer, or data
30 processing equipment may be kept in lieu of marriage record
31 books.

32 Sec. 16. Section 144.37, unnumbered paragraph 2, Code
33 1985, is amended to read as follows:

34 The clerk of the district court in each county shall keep a
35 record book for dissolutions. The form of dissolution record

1 books shall be uniform throughout the state and shall be
2 prescribed by the state department. A properly indexed record
3 of dissolutions upon microfilm, electronic computer, or data
4 processing equipment may be kept in lieu of dissolution record
5 books.

6 Sec. 17. Section 196.1, subsection 7, Code 1985, is
7 amended to read as follows:

8 7. "Grading" means classifying each shell egg by weight
9 and grading in accordance with egg grading standards approved
10 by the United States government as of July 1, ~~1979~~ 1985,
11 pursuant to the Agricultural Marketing Act of 1946, 7 U.S.C. §
12 1621 et seq.

13 Sec. 18. Section 196.2, Code 1985, is amended to read as
14 follows:

15 196.2 ENFORCEMENT.

16 The secretary shall enforce the provisions of this chapter,
17 and may make rules pursuant to chapter 17A and consistent with
18 regulations of the United States government as they exist on
19 July 1, ~~1979~~ 1985, pursuant to the Agricultural Marketing Act
20 of 1946, 7 U.S.C. § 1621 et seq., and the Egg Products
21 Inspection Act of 1970, 21 U.S.C. § 1044 et seq.

22 Sec. 19. Section 196.9, Code 1985, is amended to read as
23 follows:

24 196.9 EGGS UNFIT AS HUMAN FOOD.

25 Eggs determined to be unfit for human food under title 21,
26 section 1034 of the United States Code as amended to July 1,
27 ~~1979~~ 1985 shall not be bought or sold or offered for purchase
28 or sale by any person unless the eggs are denatured so that
29 they cannot be used for human food.

30 Sec. 20. Section 214A.2, subsection 2, unnumbered
31 paragraph 8, Code 1985, is amended to read as follows:

32 "A.S.T.M." means the A.S.T.M. standards in effect on July
33 1, ~~1983~~ 1985.

34 Sec. 21. Section 229.21, subsection 3, Code 1985, is
35 amended to read as follows:

1 3. When an application for involuntary hospitalization
2 under this chapter or an application for involuntary
3 commitment or treatment of substance abusers under sections
4 125.75 to 125.94 is filed with the clerk of the district court
5 in any county for which a judicial hospitalization referee has
6 been appointed, and no district judge is accessible in the
7 county, the clerk shall immediately notify the referee in the
8 manner required by section 229.7 or section 125.77. The
9 referee shall ~~thereupon~~ discharge all of the duties imposed
10 upon judges of the district court or magistrates by sections
11 229.7 to 229.19 or sections 125.75 to 125.94 in the proceeding
12 so initiated. If an emergency hospitalization proceeding is
13 initiated under section 229.22 a judicial hospitalization
14 referee may perform the duties imposed upon a magistrate by
15 that section. ~~Upon termination of the proceeding or issuance~~
16 ~~of an order under section 229.13 or section 125.83, the~~
17 ~~referee shall transmit either to the chief judge, or another~~
18 ~~judge of the district court designated by the chief judge, a~~
19 ~~statement of the reasons for the referee's action and a copy~~
20 ~~of any order issued.~~

21 Sec. 22. Section 232.37, subsection 4, Code 1985, is
22 amended to read as follows:

23 4. Service of summons or notice shall be made personally
24 by the delivery of a copy ~~thereof~~ of the summons or notice to
25 the person being served. If the court ~~determining~~ determines
26 that personal service of a summons or notice is impracticable,
27 the court may order service by certified mail addressed to the
28 last known address or by publication or both. Service of
29 summons or notice shall be made not less than five days before
30 the time fixed for hearing. Service of summons, notice,
31 subpoenas or other process, after an initial valid summons or
32 notice, shall be made in accordance with the rules of the
33 court governing such service in civil actions.

34 Sec. 23. Section 249A.14, Code 1985, is amended to read as
35 follows:

1 249A.14 COUNTY ATTORNEY TO ENFORCE.

2 It is the intent of the general assembly that violations of
3 law relating to aid to dependent children, medical assistance,
4 and supplemental assistance shall be prosecuted by county
5 attorneys. Area prosecutors of the office of the attorney
6 general shall provide such assistance in prosecution as may be
7 required. ~~It is the intent of the general assembly that the~~
8 ~~first priority for investigation and prosecution for which~~
9 ~~funds are provided by this Act shall be for fraudulent claims~~
10 ~~or practices by health care vendors and providers.~~

11 Sec. 24. Section 252C.9, Code 1985, is amended to read as
12 follows:

13 252C.9 COURT ORDER PREVAILS.

14 If an order of the director issued pursuant to this chapter
15 conflicts with an order of a court, ~~to the extent of the~~
16 ~~conflict~~ the court order prevails.

17 Sec. 25. Section 258.7, subsection 15, Code 1985, is
18 amended to read as follows:

19 15. Represent the state ~~manpower services~~ job training
20 coordinating council established pursuant to ~~section 107 of~~
21 ~~the United States Comprehensive Employment and Training Act of~~
22 ~~1973~~ 29 U.S.C. § 1532.

23 Sec. 26. Section 273.2, unnumbered paragraph 2, Code 1985,
24 is amended to read as follows:

25 An area education agency established under this chapter is
26 a body politic as a school corporation for the purpose of
27 exercising powers granted under this chapter, and may sue and
28 be sued. An area education agency may hold property and
29 execute lease-purchase agreements pursuant to section 273.3,
30 subsection 7, and if the lease exceeds ten years or the
31 purchase price of the property to be acquired pursuant to a
32 lease-purchase agreement exceeds five twenty-five thousand
33 dollars, the area education agency shall conduct a public
34 hearing on the proposed lease-purchase agreement and receive
35 approval from the area education agency board of directors and

1 the state board of public instruction before entering into the
2 agreement.

3 Sec. 27. Section 321.22, subsection 3, Code 1985, is
4 amended to read as follows:

5 3. The department shall issue transit bus ~~(license)~~
6 registration plates as applied for, which shall ~~have-imprinted~~
7 thereon be imprinted with the words "Transit Bus" and the
8 distinguishing number assigned to the applicant. The
9 department shall issue the certificates and plates without
10 fee.

11 Sec. 28. Section 321.38, Code 1985, is amended to read as
12 follows:

13 321.38 PLATES, METHOD OF ATTACHING.

14 Every registration plate shall at all times be securely
15 fastened in a horizontal position to the vehicle for which it
16 is issued so as to prevent the plate from swinging and at a
17 height of not less than twelve inches from the ground,
18 measuring from the bottom of ~~such~~ the plate, in a place and
19 position to be clearly visible and shall be maintained free
20 from foreign materials ~~or-imitation~~ and in a condition to be
21 clearly legible. An imitation plate or plates imitating or
22 purporting to imitate the official license registration plate
23 of any other state or territory of the United States or of any
24 foreign government ~~and-in-a-condition-to-be-clearly-legible~~
25 shall not be fastened to the vehicle.

26 Sec. 29. Section 321.104, subsection 3, Code 1985, is
27 amended to read as follows:

28 3. Any A person who ~~shall-fail~~ fails to surrender any a
29 certificate of title ~~or,~~ registration card or license
30 registration plates upon cancellation, suspension or
31 revocation of the ~~same~~ certificate or registration by the
32 department and notice ~~thereof~~ as prescribed in this chapter.

33 Sec. 30. Section 321.177, subsection 1, Code 1985, is
34 amended to read as follows:

35 1. To any person, as an operator, who is under the age of

1 eighteen years, without the person's first having successfully
2 completed an approved driver education course, in which case,
3 the minimum age ~~shall-be~~ is sixteen years. However, the
4 department may issue a ~~restricted~~ school license as provided
5 in section 321.194, or an temporary instruction permit as
6 provided in section 321.180, to any person who is at least
7 fourteen years of age. The department may issue a license
8 ~~restricted only~~ for use only for motorized bicycles as
9 provided in section 321.189, subsection 2.

10 Sec. 31. Section 321.196, unnumbered paragraph 1, Code
11 1985, is amended to read as follows:

12 An operator's license ~~shall-expire-four~~ expires six years
13 from the licensee's birthday anniversary occurring in the year
14 of issuance if the licensee is between the ages of eighteen
15 and seventy years on the date of issuance of the license,
16 otherwise the license ~~shall-be~~ is effective for a period of
17 two years. The license ~~shall-be~~ is renewable without written
18 examination or penalty within a period of thirty days after
19 its expiration date. A person shall not be considered to be
20 driving with an invalid license during a period of thirty days
21 following the license expiration date. However, for any a
22 license renewed within such the thirty-day period, the date of
23 issuance shall be considered to be the previous birthday
24 anniversary on which it expired. Applicants whose licenses
25 are restricted due to vision or other physical deficiencies
26 may be required to renew their licenses every two years. For
27 the purposes of this section the birthday anniversary of a
28 person born on February 29 shall be deemed to occur on March
29 1. All applications for renewal of operators' licenses shall
30 be made under the direct supervision of a uniformed member of
31 the department and shall be approved by the uniformed member.
32 The department in its discretion may authorize the renewal of
33 a valid license upon application without an examination
34 provided that the applicant satisfactorily passes a vision
35 test as prescribed by the department.

1 Sec. 32. Section 321.218, unnumbered paragraph 2, Code
2 1985, is amended to read as follows:

3 Any person operating a motorized bicycle on the highways of
4 the state not possessed of an operator's or chauffeur's
5 license ~~valid-for-operation-of-motorcycles~~ or a valid
6 motorized bicycle license, shall, upon conviction, be guilty
7 of a simple misdemeanor.

8 Sec. 33. Section 321.388, Code 1985, is amended to read as
9 follows:

10 321.388 ILLUMINATING PLATES.

11 Either ~~such~~ the rear lamp or a separate lamp shall be so
12 constructed and placed as to illuminate with a white light the
13 rear registration plate and render it clearly legible from a
14 distance of fifty feet to the rear. When the rear ~~license~~
15 registration plate is illuminated by an electric lamp other
16 than the required rear lamp, ~~said~~ the two lamps shall be
17 turned on or off only by the same control switch at all times
18 ~~whenever~~ when head lamps are lighted.

19 Sec. 34. Section 327G.32, unnumbered paragraph 3, Code
20 1985, is amended to read as follows:

21 This section notwithstanding, a political subdivision may
22 pass a resolution or ordinance regulating the length of time a
23 specific crossing may be blocked if the political subdivision
24 demonstrates that a resolution or ordinance is necessary for
25 public safety or convenience. If a resolution or ordinance is
26 passed the political subdivision shall within thirty days of
27 the effective date of the resolution or ordinance notify the
28 authority and the railroad corporation using the crossing
29 affected by the resolution or ordinance. The resolution or
30 ordinance shall not become effective unless the authority and
31 the railroad corporation are notified within thirty days. The
32 resolution or ordinance shall become effective thirty days
33 after notification unless a person files an objection to the
34 resolution or ordinance with the authority. If an objection
35 is filed the authority shall hold a hearing. The authority

1 may disapprove the resolution or ordinance if public safety or
2 convenience does not require a resolution or ordinance. The
3 resolution or ordinance approved by the political subdivision
4 is prima-facie evidence that the resolution is adopted to
5 preserve public safety or convenience.

6 Sec. 35. Section 331.427, subsection 1, paragraph b, Code
7 1985, is amended to read as follows:

8 b. Moneys remitted by the clerk of the district court and
9 received from a magistrate or district associate judge for
10 finances and forfeited bail under-section-602-557-except-those
11 directed-to-be-placed-in-the-school-fund imposed pursuant to a
12 violation of a county ordinance.

13 Sec. 36. Section 331.602, Code 1985, is amended by adding
14 the following new subsection after subsection 29:

15 NEW SUBSECTION. 29A. Maintain confidential records of
16 prearranged funeral plans as required under section 523A.2.

17 Sec. 37. Section 331.756, Code 1985, is amended by adding
18 the following new subsection after subsection 70:

19 NEW SUBSECTION. 70A. Accept filings and conduct
20 examinations and audits relating to prearranged funeral plans
21 as required under section 523A.2.

22 Sec. 38. Section 331.904, subsection 1, Code 1985, is
23 amended to read as follows:

24 1. The annual salary of the first and second deputy
25 officer of the office of auditor, treasurer, and recorder, and
26 the deputy in charge of the motor vehicle registration and
27 title division shall each be an amount not to exceed eighty
28 percent of the annual salary of the deputy's principal
29 officer. In offices where more than two deputies are
30 required, each additional deputy shall be paid an amount not
31 to exceed seventy-five percent of the principal officer's
32 salary; ~~except that in a county having two locations at which~~
33 ~~the district court is held, an additional deputy clerk shall~~
34 ~~be paid an amount not to exceed eighty percent of the~~
35 ~~principal officer's salary.~~ The amount of the annual salary

1 of each deputy shall be certified by the principal officer to
2 the board and, if a deputy's salary does not exceed the
3 limitations specified in this subsection, the board shall
4 certify the salary to the auditor. The board shall not
5 certify a deputy's salary which exceeds the limitations of
6 this subsection.

7 Sec. 39. Section 364.3, subsection 2, Code 1985, is
8 amended to read as follows:

9 2. A city shall not provide a penalty in excess of a one
10 hundred dollar fine or in excess of thirty days imprisonment
11 for the violation of an ordinance. An amount equal to ten
12 percent of all fines collected by cities shall be remitted
13 ~~quarterly to the county treasurer of the county in which the~~
14 ~~city is located~~ deposited in the court revenue distribution
15 account established in section 602.8108. However, one hundred
16 percent of all fines collected by a city pursuant to section
17 321.236, subsection 1, shall be retained by the city. The
18 criminal penalty surcharge required by section 911.2 shall be
19 added to a city fine and is not a part of the city's penalty.

20 Sec. 40. Section 384.12, subsection 19, paragraph c, Code
21 1985, is amended to read as follows:

22 c. The proposition to be submitted shall be substantially
23 in the following form:

24 Vote for only one of the following:

25 Shall the city of (name of city) levy a tax for
26 the purpose of (state purpose of levy election) at
27 a rate of (rate) which will provide \$.....
28 (amount)?

29 ~~The~~ Shall the city of ~~shall~~ continue under the
30 maximum rate of providing \$..... (amount)?

31 Sec. 41. Section 422.43, subsection 3, Code 1985, is
32 amended to read as follows:

33 3. The tax thus imposed ~~shall cover~~ covers all receipts
34 from the operation of games of skill, games of chance, raffles
35 and bingo games as defined in chapter 99B, and musical

1 devices, weighing machines, shooting galleries, billiard and
2 pool tables, bowling alleys, pinball machines, slot-operated
3 devices selling merchandise not subject to the general sales
4 taxes and on all receipts from devices or systems where prizes
5 are in any manner awarded to patrons and upon the receipts
6 from fees charged for participation in any game or other form
7 of amusement, and generally upon the gross receipts from any
8 source of amusement operated for profit, not specified herein
9 in this section, and upon the gross receipts from which no tax
10 is collected for tickets or admission, but no tax shall be
11 imposed upon any activity exempt from sales tax under the
12 ~~provision of~~ section 422.45, subsection ~~4~~ 3. Every person
13 receiving gross receipts from the sources as defined in this
14 section ~~shall be~~ is subject to all provisions of this division
15 relating to retail sales tax and ~~such~~ other provisions of this
16 chapter as ~~may be~~ applicable.

17 Sec. 42. Section 534.406, Code 1985, is amended to read as
18 follows:

19 534.406 RECEIVERSHIP.

20 When any building and loan or savings and loan association
21 is conducting its business illegally, or in violation of its
22 articles of incorporation or bylaws, or is practicing
23 deception upon its members or the public, or is pursuing a
24 plan of business that is injurious to the interest of its
25 members, or its affairs are in an unsafe condition, the
26 auditor of state shall notify the directors thereof of the
27 association, and, if they ~~shall~~ fail to put its affairs upon a
28 safe basis, the auditor shall advise the attorney general
29 ~~thereof~~, who shall take the necessary steps to wind up its
30 affairs in the manner provided by law. In ~~such~~ the
31 proceedings a receiver may be appointed by the court and ~~such~~
32 the proceedings shall be the exclusive liquidation or
33 insolvency proceeding and a receiver shall not be appointed in
34 any other proceedings. ~~The provisions for notice, hearing,~~
35 ~~findings and review set out under the above section shall also~~

1 ~~apply to this section:~~

2 Sec. 43. Section 556.5, subsection 1, paragraph b, Code
3 1985, is amended to read as follows:

4 b. Otherwise communicated with the association regarding
5 the interest of or a dividend, distribution, or other sum
6 payable as a result or of the interest, as evidenced by a
7 memorandum or other record on file with the association
8 prepared by an employee of the association.

9 Sec. 44. Section 556.25, subsection 1, Code 1985, is
10 amended to read as follows:

11 1. A person who fails to pay or deliver property within
12 the time prescribed by this chapter shall pay the treasurer of
13 state interest at the annual rate of eighteen percent on the
14 property or value of the property from the date the property
15 should have been paid or delivered but in no event prior to
16 July 1, ~~1967~~ 1984.

17 Sec. 45. Section 598.14, unnumbered paragraph 1, Code
18 1985, is amended to read as follows:

19 In making temporary orders, the court shall take into
20 consideration the age ~~and sex~~ of the applicant, the physical
21 and pecuniary condition of the parties, and ~~such~~ other matters
22 as are pertinent, which may be shown by affidavits, as the
23 court may direct; however, the hearing on the application
24 shall be limited to matters set forth in ~~such~~ the application,
25 the affidavits of the parties, and the required statements of
26 income. The court shall not hear any other matter relating to
27 the petition, respondent's answer, or any pleadings connected
28 therewith with the petition or answer.

29 Sec. 46. Section 602.8102, subsection 40, Code 1985, is
30 amended by striking the subsection.

31 Sec. 47. Section 602.8105, subsection 1, paragraph b, Code
32 1985, is amended to read as follows:

33 b. For payment in advance of various services and
34 docketing procedures, excluding those for small claims at
35 trial and simple misdemeanors at trial, twenty-five dollars.

1 Sec. 48. Section 602.8106, subsection 3, Code 1985, is
2 amended to read as follows:

3 3. The clerk shall remit all other fines and forfeited
4 bail received from a magistrate to the treasurer of state for
5 distribution-under-section-602-8107 to be credited to the
6 general fund of the state.

7 Sec. 49. Section 602.8106, Code 1985, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. The clerk shall remit all fines and
10 forfeited bail received from a magistrate or district
11 associate judge for violation of a county ordinance, except an
12 ordinance relating to vehicle speed or weight restrictions, to
13 the county treasurer of the county that was the plaintiff in
14 the action, and shall provide that county with a statement
15 showing the total number of cases, the total of all fines and
16 forfeited bail collected, and the total of all cases
17 dismissed. However, if a county ordinance provides a penalty
18 for a violation which is also penalized under state law, the
19 fines and forfeited bail collected for the violation of that
20 ordinance shall be deposited in the court revenue distribution
21 account established under section 602.8108.

22 Sec. 50. Section 602.11102, subsection 2, paragraph d,
23 Code 1985, is amended to read as follows:

24 d. Notwithstanding paragraphs "b" and "c", for the period
25 beginning July 1, 1984, and ending June 30, 1986, court
26 reporters who become state employees as a result of this Act
27 chapter are not subject to the sick leave and vacation accrual
28 limitations generally applied to state employees.

29 Sec. 51. Section 631.6, Code 1985, is amended to read as
30 follows:

31 631.6 FEES AND COSTS.

32 All fees and costs required to be paid in small claims
33 actions shall be paid in advance, and shall be assessed as
34 costs in the action.

35 1. The docket fee for a small claims action is ten

1 dollars. Other fees imposed for small claims shall be the
2 same as those required in regular actions in district court,
3 ~~four.~~ Four dollars of the docket fee shall remain be
4 deposited in the county-treasury-for-the-use-of-the-county
5 court revenue distribution account established under section
6 602.8108 and six dollars of the fee shall be paid into the
7 state treasury. Of the amount paid into the state treasury,
8 one dollar shall be deposited in the judicial retirement fund
9 established in section 602.9104 to be used to pay retirement
10 benefits of the judicial retirement system, and the remainder
11 shall be deposited in the general fund of the state.

12 2. Postage charged for the mailing of original notices
13 shall be the actual cost of the postage.

14 3. Fees for personal service by peace officers or other
15 officials of the state ~~shall be~~ are the amounts specified by
16 law.

17 4. Fees for service of notice on nonresidents ~~shall be~~ are
18 as provided in section 617.3.

19 All fees and costs collected in small claims actions, other
20 than the six dollars of the docket fee to be paid into the
21 state treasury, shall be deposited in the court revenue
22 distribution account established under section 602.8108,
23 except that the fee specified in subsection 4 of this section
24 shall be remitted to the secretary of state.

25 Sec. 52. Section 714.3, unnumbered paragraph 2, Code 1985,
26 is amended to read as follows:

27 If money or property is stolen ~~by two or more acts~~ from the
28 same person or location by two or more acts, or from different
29 persons by two or more acts which occur in approximately the
30 same location or time period so that the thefts are
31 attributable to a single scheme, plan or conspiracy, these
32 acts may be considered a single theft and the value may be the
33 total value of all the property stolen.

34 Sec. 53. Section 714.8, subsection 3, Code 1985, is
35 amended to read as follows:

1 3. Knowingly executes or tenders a false certification
 2 under penalty of perjury, false affidavit, or false
 3 certificate, which if the certification, affidavit, or
 4 certificate is required by law, or which is given in support
 5 of a claim for compensation, indemnification, restitution, or
 6 other payment.

7 Sec. 54. Section 805.8, subsection 2, paragraphs i, j and
 8 1, Code 1985, are amended to read as follows:

9 i. For violations involving failures to yield or to
 10 observe pedestrians and other vehicles under sections 321.257,
 11 ~~subsections 1 and 4~~ subsection 2, 321.288, 321.298, 321.300,
 12 321.307, 321.308, 321.313, 321.319, 321.320, 321.321, 321.329,
 13 321.333, and 321.367, the scheduled fine is twenty dollars.

14 j. For violations by pedestrians and bicyclists under
 15 sections 321.236, subsection 10, 321.257, subsection 2,
 16 321.325, 321.326, 321.328, 321.331, 321.332, 321.397 and
 17 321.434, the scheduled fine is ten dollars.

18 1. For violations of traffic signs and signals, and for
 19 failure to obey an officer under sections 321.229, 321.236,
 20 subsections 2 and 6, 321.256, 321.257, ~~subsections~~ subsection
 21 2 and 3, ~~321.258~~, 321.294, 321.304, subsection 3, 321.322,
 22 321.341, 321.342, 321.343 and 321.415, the scheduled fine is
 23 twenty dollars.

24 Sec. 55. Section 805.9, subsection 6, Code 1985, is
 25 amended to read as follows:

26 6. The eight dollars in costs imposed by this section are
 27 the total costs collectible from a defendant upon either an
 28 admission of a violation without hearing, or upon a hearing
 29 pursuant to subsection 4. ~~Fees shall not be imposed upon or~~
 30 ~~collected from a defendant for the purposes specified in~~
 31 ~~section 602.81057 subsection 1, paragraph "i", "j", or "k".~~

32 Sec. 56. Section 805.11, unnumbered paragraph 2, Code
 33 1985, is amended by striking the unnumbered paragraph.

34 Sec. 57. Section 815.11, Code 1985, is amended to read as
 35 follows:

1 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

2 Costs incurred under sections 814.9, 814.10, 814.11, 815.4,
3 815.5, 815.6, 815.7, 815.10, 815.12 or the rules of criminal
4 procedure on behalf of an indigent shall be paid from funds
5 appropriated by the general assembly to the supreme court for
6 those purposes.

7 Sec. 58. Section 910.2, Code 1985, is amended to read as
8 follows:

9 910.2 RESTITUTION ORDERED BY SENTENCING COURT.

10 In all criminal cases except simple misdemeanors under
11 chapter 321, in which there is a plea of guilty, verdict of
12 guilty, or special verdict upon which a judgment of conviction
13 is rendered, the sentencing court shall order that restitution
14 be made by each offender to the victims of the offender's
15 criminal activities and, if the court so orders and to the
16 extent that the offender is reasonably able to do so, ~~to the~~
17 ~~county where conviction was rendered~~ for court costs, court-
18 appointed attorney's fees or the expense of a public defender
19 when applicable. However, victims shall be paid in full
20 before restitution ~~payments are~~ is paid ~~to the county~~ for
21 court costs, court-appointed attorney's fees or for the
22 expense of a public defender. When the offender is not
23 reasonably able to pay all or a part of the court costs,
24 court-appointed attorney's fees or the expense of a public
25 defender, the court may require the offender in lieu of that
26 portion of the court costs, court-appointed attorney's fees,
27 or expense of a public defender for which the offender is not
28 reasonably able to pay, to perform a needed public service for
29 any a governmental agency or for a private, nonprofit agency
30 which provides a service to the youth, elderly or poor of the
31 community. When community service is ordered, the court shall
32 set a specific number of hours of service to be performed by
33 the offender. The judicial district department of
34 correctional services shall provide for the assignment of the
35 offender to a public agency or private nonprofit agency to

1 perform the required service.

2 Sec. 59. Sections 91.17, 91.18, and 602.11109, Code 1985,
3 and 1984 Iowa Acts, chapter 1067, section 8, and chapter 1303,
4 section 10, are repealed.

5 EXPLANATION

6 This bill makes the following Code corrections:

7 Section 14.13. Codifies the provisions of 1982 Iowa Acts,
8 chapter 1217, relating to gender changes in the Code. Also
9 provides effective date for all editorial changes in the Code.

10 Section 14.14. Since it is sometimes necessary to retain a
11 reference to a particular year's Code (see, e.g., sections
12 591.10 and 591.11) this authorizes rather than requires the
13 editor to delete the year reference.

14 Sections 17.30 and 23.1. When the department of social
15 services was divided into the department of human services and
16 the department of corrections, "social" was changed to "human"
17 in these sections but the department of corrections was not
18 added.

19 Section 29C.20. Some of the entities (e.g., cities and
20 counties) formerly included under section 24.6 now have
21 similar levies authorized elsewhere, so this reference is
22 expanded to cover them.

23 Section 76.2. Strikes a paragraph which was inadvertently
24 left in place when the preceding paragraph was enacted to
25 replace it. (See 83 Acts, chapter 188, section 1)

26 Section 80C.2. When the department of social services was
27 changed to the department of human services and the new Iowa
28 department of corrections was created, the first change was
29 made, but the department of corrections was not given
30 representation on the criminal and juvenile justice advisory
31 council.

32 Section 85.61. A gender change.

33 Section 97B.49. The paragraph struck repeats language in
34 the preceding paragraph.

35 Sections 114.21 and 118A.15. Corrects terminology for

1 consistency with the rest of these chapters, which require
2 registration, not licensing.

3 Section 123.150. Conforms to Sunday hours enacted in 1984
4 Iowa Acts, chapter 1275.

5 Section 127.20. This section was only temporarily amended
6 by the court reorganization Act. This amendment covers the
7 placement of remaining funds under the section, consistent
8 with that Act.

9 Section 136C.14. The language is made consistent with the
10 rest of the chapter.

11 Sections 144.36 and 144.37. The Supreme Court rules
12 provide for the court to prescribe uniform procedures and
13 records for marriages and dissolutions beginning July 1, 1986.
14 Apparently the department of health, referred to in these
15 sections, has not done so, and these amendments remove the
16 potential conflict.

17 Sections 196.1, 196.2, 196.9, and 214A.2. The references
18 to federal law are updated at the request of the department of
19 agriculture.

20 Section 229.21. Deletes a requirement that certain
21 materials be transmitted to a particular judge. These matters
22 will already be of record with the court, so the requirement
23 was duplicative.

24 Section 232.37. Grammatical change; "determining" to
25 "determines."

26 Section 249A.14. Deletes a reference to funds which were
27 only available for one biennium.

28 Section 252C.9. Since there are court orders issued
29 pursuant to this chapter as well as orders of the director,
30 this amendment avoids the possibility of other court orders
31 superseding those made under this chapter; the court can
32 determine the priority of its orders.

33 Section 258.7. Updates federal citation and substitutes
34 new name of council.

35 Section 273.2. The change is needed to conform with the

1 1984 change in section 273.3.

2 Sections 321.22, 321.38, and 321.104. Changed due to
3 previous terminology changes from "license" plates to
4 "registration" plates; also changed to improve syntax.

5 Section 321.177. Complies with previous changes in chapter
6 321; the license under section 321.194 is now called a school
7 license; under section 321.180 a temporary instruction permit
8 may be obtained at age 14, but a "temporary chauffeur's
9 instruction permit" is only available if the applicant is 18
10 or over.

11 Section 321.196. Changed for consistency with the change
12 to 6-year licenses in section 321.191.

13 Section 321.218. Reference to the need for an operator's
14 license valid for a motorcycle is incorrect. It was
15 apparently inadvertently retained when the bill was amended in
16 76 Acts, chapter 1165, to delete that requirement in section
17 321.189, subsection 2, paragraph "d", and section 321.193.

18 Section 321.388. Same as section 321.22 et al.

19 Section 327G.32. Adds reference to "ordinance" for
20 consistency with the rest of the paragraph.

21 Section 331.427. Contains an amendment to deposit county
22 ordinance fines into the county general fund. See also the
23 new subsection added to section 602.8106.

24 Sections 331.602 and 331.756. Add duties relating to
25 prearranged funeral plans to the lists of recorders' and
26 county attorneys' duties.

27 Section 331.904. Deletes a reference to the deputy clerk
28 of the court's salary; the clerk was previously deleted from
29 this section.

30 Section 364.3. Conforms the city code to the court
31 reorganization legislation.

32 Section 384.12. The change provides parallel form for the
33 two parts of the question of increasing a tax levy for cities,
34 as submitted to the voters.

35 Section 422.43. Changes reference to subsection 4 of

1 section 422.45, which now pertains to vehicles subject to
2 registration and appears to have no relevance to the sales tax
3 on games and amusements. Subsection 3 of section 422.45
4 provides the exemption for educational, religious, or
5 charitable activities other than those under chapter 99B. It
6 appears that the correction was not made in 1953, when the
7 existing section 422.45, subsection 3, was struck and the
8 subsections renumbered, and has been in error since then.

9 Section 534.406. Deletes a sentence which appears to be
10 meaningless, as no notice, hearing, etc. provisions appear in
11 what was the prior section, nor elsewhere in the chapter;
12 apparently they were deleted before the chapter was passed.

13 Section 556.5. The two words "of" and "or" were apparently
14 transposed in the legislation. This amendment puts the
15 sentence in the same form as other parts of the section.
16 Relates to disposition of an "interest" in unclaimed property,
17 or a sum payable because of the interest.

18 Section 556.25. The original legislation referred to "the
19 effective date of this chapter". Since chapter 556 was
20 effective originally on July 1, 1967, that date was
21 substituted; however, the treasurer of state has asked that it
22 be changed to 1984, as retroactivity of the provision was not
23 intended.

24 Section 598.14. Gender change recommended by the 50 States
25 Project.

26 Section 602.8102. Subsection 40 recited a duty of the
27 clerk of the court relating to section 226.28, which has been
28 repealed. No similar duty remains.

29 Section 602.8105. The amendment makes the \$25 advance fee
30 for various services inapplicable to small claims and simple
31 misdemeanor cases at trial, in order to conform to current fee
32 collection practices.

33 Section 602.8106, subsection 3. Conforms the court
34 reorganization legislation to the school finance legislation
35 and credits other fines and forfeitures received by a

1 magistrate to the general fund of the state.

2 Section 602.8106 (new subsection). Counties received all
3 of their fine money under repealed section 602.55, but in the
4 court reorganization bill this provision was inadvertently
5 omitted from new section 602.8106. This provision differs
6 from section 602.55 in the 1983 Code by depositing fine money
7 to which the county is not entitled into the court revenue
8 distribution account of the county, to comply with other
9 transition provisions in the court reorganization Act.

10 Section 602.11102. Substitutes "chapter" for "Act" since
11 the appropriate sections, including the transition sections,
12 have now been codified as chapter 602; the original Act also
13 included coordinating amendments.

14 Section 631.6. Provides that \$4 of the \$10 small claims
15 docket fee is to be deposited in the court revenue
16 distribution account rather than the county treasury and that
17 one dollar of the docket fee paid to the state is to be
18 deposited in the judicial retirement fund.

19 Section 714.3. Rearranges a sentence to give parallel
20 construction to two situations covered, and remove the
21 impression that the "same person" is the one who steals
22 instead of the one stolen from.

23 Section 714.8. Adds the word "false" in two places, to
24 provide clearly that the certification or certificate must be
25 false in order for its execution or tender to be a crime.

26 Section 805.8. Corrects references to sections 321.257 and
27 321.258 which have been changed since this section was passed.

28 Sections 805.9 and 805.11. Delete Code references to three
29 paragraphs repealed by the 1983 court fee legislation.

30 Section 815.11. Deletes a Code reference which would
31 include jury fees as a portion of indigent defense costs.
32 Jury fees have already been assumed by the state under section
33 602.11101, subsection 1, and the court has not separated jury
34 fees for indigent defense.

35 Section 910.2. Deletes the requirement that restitution

1 for court-related expenses is to be paid to the county, in
2 order to conform to current fee collection practices. The
3 restitution would be deposited in the court revenue
4 distribution account and paid to the state or the county
5 according to their respective responsibilities for court-
6 related expenses.

7 The sections repealed are as follows:

8 Sections 91.17 and 91.18. Apparently these sections, which
9 designate the department of labor to implement the federal
10 employment system Act, were superseded by section 96.12 which
11 designates the department of job service for that purpose.
12 Prior to 1976, section 96.12 provided a back-up function for
13 the department of labor, but that was then deleted.

14 Section 602.11109. This was a one-time procedure for
15 distributing four additional judgeships in 1983.

16 84 Acts, chapter 1067, section 8; chapter 1303, section 10.
17 Two amendments to section 28.89, both of which substituted
18 "state comptroller" for "treasurer of state". A third
19 amendment, which struck the entire surrounding phrase and
20 substituted a different approach, was retained and printed as
21 being more specific and therefore controlling. In order to
22 clear up any doubt about legislative intent, these repeals are
23 proposed.

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1 Amend Senate File 329 as follows:

2 1. Page 18, by inserting after line 28 the fol-
3 lowing:

4 "Section 1. Section 628.28, Code 1985, is amended
5 to read as follows:

6 628.28 REDEMPTION OF PROPERTY NOT USED FOR
7 RESIDENTIAL OR AGRICULTURAL PURPOSES.

8 If real property is not used for agricultural
9 purposes, as defined in section 535.13, and is not the
10 residence of the ~~mortgagor-or-the-owner~~ debtor, or if
11 it is the residence of the ~~mortgagor-or-the-owner~~
12 ~~debtor~~ but not a single-family or two-family dwelling,
13 then the period of redemption after foreclosure is one
14 hundred eighty days, ~~or-15~~. For the first ninety days
15 after the sale the right of redemption is exclusive to
16 the debtor and the time periods provided in sections
17 628.5, 628.15 and 628.16 ~~are reduced to one hundred~~
18 ~~thirty-five days. If a deficiency judgment has been~~
19 ~~waived the period of redemption is reduced to ninety~~
20 ~~days, and. For the first thirty days after the sale~~
21 ~~the redemption is exclusively the right of the~~
22 ~~mortgagor-or-owner~~ debtor and the time periods
23 provided in sections 628.5, 628.15 and 628.16 are
24 reduced to sixty days.

25 If real property is not used for agricultural
26 purposes, as defined in section 535.13, and is a
27 single-family or two-family dwelling which is the
28 residence of the ~~mortgagor-or-the-owner~~ debtor at the
29 time of foreclosure but the court finds that after
30 foreclosure the dwelling has ceased to be the
31 residence of the ~~mortgagor-or-the-owner~~ debtor and if
32 there are no junior creditors, the court shall order
33 the period of redemption reduced to thirty days from
34 the date of the court order ~~and-redemption-is~~
35 ~~exclusively-the-right-of-the-mortgagor-or-the-owner~~
36 ~~during-the-thirty-day-period. If there is a junior~~
37 ~~creditor, the court shall order the redemption period~~
38 ~~reduced to sixty days. For the first thirty days~~
39 ~~redemption is the exclusive right of the debtor and~~
40 ~~the time periods provided in sections 628.5, 628.15~~
41 ~~and 628.16 are reduced to forty-five days."~~

1 Amend Senate File 329 as follows:
2 1. Page 2, by inserting after line 19 the
3 following:
4 "Sec. _____. Section 17.16, Code 1985, is amended to
5 read as follows:
6 17.16 LEGISLATIVE PROCEEDINGS.
7 The reports of the legislative proceedings shall be
8 delivered by the secretary of the senate and the chief
9 clerk of the house to the superintendent of printing
10 promptly upon completion, and the superintendent of
11 printing shall cause such the reports to be printed in
12 accordance with the contracts covering the same them.
13 He The superintendent of printing shall require that
14 proof copies of the daily journal be furnished the
15 next legislative day after date and shall promptly
16 deliver them to the sergeants at arms of each house.
17 The corrections and changes made therein in the
18 journal by the general assembly shall be made before
19 the printing of the corrected or completed journal."
20 2. Page 15, by inserting after line 19 the
21 following:
22 "Sec. _____. Section 384.6, unnumbered paragraph 1,
23 Code 1985, is amended to read as follows:
24 A city may establish a trust and agency fund funds
25 for the following purposes:".
26 3. By numbering and renumbering as necessary.

S-3168 Filed
February 27, 1985

By DOYLE

Adopted 3/1 (4.554)

Judiciary and Law Enforcement: Chapman, Chair; Jay, Kremer, Maulsby and Peterson.

Amend (3752) Do Pass 4/11/85

SENATE FILE **329**

BY COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE MARCH 1, 1985)

Re Passed Senate, Date 4-25-85 (p.1660) Passed House, Date 4-16-85 (p.1576)

Vote: Ayes 44 Nays 2 Vote: Ayes 91 Nays 1

Approved May 24, 1985
Motion to reconsider (p.1627) w/d 4/23/85

A BILL FOR

1 An Act relating to Code corrections which adjust language to
2 reflect current necessary practices, correct earlier
3 omissions, delete redundancies, inaccuracies, and temporary
4 and discriminatory language, remove inconsistencies,
5 update ongoing provisions, remove ambiguities, improve
6 syntax, correct references, and update provisions relating
7 to court reorganization.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Conference Committee Appointed
Senators Priddy, Redding, Paulman, Petersen, Soreholtz 5/3 (p.1733)
Representatives Jay (Chair) Chapman, Peterson, Kremer, Maulsby 5/3 (p.2264)

_____ = New Language
by the Senate

Passed by Conference Committee Report
Senate 5-4-85 (p.1975) 46-0 *House 5-4-85 (p.2331) 97-0*

1 Section 1. Section 14.13, Code 1985, is amended to read as
2 follows:

3 14.13 EDITORIAL WORK.

4 1. The Code editor in preparing the copy for an edition of
5 the Code and the Iowa administrative code and bulletin ~~shall~~
6 ~~have power to~~ may:

7 1 a. Correct all misspelled words in the original
8 enrollments and filed rules.

9 2 b. Correct all manifest grammatical and clerical errors
10 including punctuation but without changing the meaning.

11 3 c. Correct internal references to sections which are
12 cited erroneously or have been repealed, and names of
13 agencies, officers, or other entities which have been changed,
14 when there appears to be no doubt as to the proper methods of
15 making the corrections. The Code editor shall compile a list
16 of the corrections made under this subsection paragraph in
17 Code editor's notes to the edition of the Code in which the
18 corrections are made. This list shall be available to the
19 public.

20 4 d. Transpose sections or ~~to~~ divide sections so as to
21 give to distinct subject matters a section number but without
22 changing the meaning.

23 5 e. Prepare comments deemed necessary for a proper
24 explanation of the manner of printing the section or chapter
25 of the Code.

26 2. The Code editor, in carrying out the duties specified
27 in this chapter relating to publication of the Code, shall
28 edit the Code in order that words which designate one gender
29 will be changed to reflect both genders when the provisions of
30 law apply to persons of both genders. The Code editor shall
31 not make any substantive changes to the Code while performing
32 the editorial work. The Code editor shall seek direction from
33 the senate committee on judiciary and the house committee on
34 judiciary and law enforcement when making any changes which
35 appear to require substantial editing and which might

1 otherwise be interpreted to exceed the scope of the Code
2 editor's authority. The Code editor shall maintain a record
3 of the changes made under this subsection. The record shall
4 be available to the public.

5 3. The effective date of all editorial changes in an
6 edition of the Code or supplement to the Code is the date the
7 legislative council approves the printing contract for
8 publication of that edition or supplement.

9 Sec. 2. Section 14.14, Code 1985, is amended to read as
10 follows:

11 14.14 ~~FORMAL-MATTERS-OMITTED~~ OMISSIONS IN REFERENCES TO
12 CODE SECTIONS.

13 When any an Act of the general assembly subsequent to the
14 issuance of the Code of 1924 contains in the substantive part
15 of the Act a reference to a section of the Code and designates
16 ~~such the~~ section by such a reference such as "Code 1924",
17 "Code 1927", or "Code 1931", etc., ~~or the equivalent thereof,~~
18 the Code editor ~~is directed~~ may in the preparation of the
19 ensuing Code to omit the year indicated by such the reference.

20 Sec. 3. Section 17.16, Code 1985, is amended to read as
21 follows:

22 17.16 LEGISLATIVE PROCEEDINGS.

23 The reports of the legislative proceedings shall be
24 delivered by the secretary of the senate and the chief clerk
25 of the house to the superintendent of printing promptly upon
26 completion, and the superintendent of printing shall cause
27 such the reports to be printed in accordance with the
28 contracts covering the same them. He The superintendent of
29 printing shall require that proof copies of the daily journal
30 be furnished the next legislative day after date and shall
31 promptly deliver them to the sergeants at arms of each house.
32 The corrections and changes made therein in the journal by the
33 general assembly shall be made before the printing of the
34 corrected or completed journal.

35 Sec. 4. Section 17.30, unnumbered paragraph 1, Code 1985,

1 is amended to read as follows:

2 Each state board, commission, department and division of
3 state government and each institution under the control of the
4 department of human services, the Iowa department of
5 corrections and the state board of regents and each division
6 of the state department of transportation ~~shall be~~ are
7 responsible for keeping a written, detailed, up-to-date
8 inventory of all real and personal property belonging to the
9 state and under their charge, control and management. Such
10 The inventories shall be in such the form as may be prescribed
11 by the director of the department of general services.

12 Sec. 5. Section 23.1, unnumbered paragraph 2, Code 1985,
13 is amended to read as follows:

14 "Municipality" as used in this chapter means township,
15 school corporation, state fair board, state board of regents,
16 and state department of human services and Iowa department of
17 corrections.

18 Sec. 6. Section 29C.20, subsection 1, Code 1985, is
19 amended to read as follows:

20 1. A contingent fund is created in the state treasury for
21 the use of the executive council which may be expended for the
22 purpose of paying the expenses of suppressing ~~any~~ an
23 insurrection or riot, actual or threatened, when state aid has
24 been rendered by order of the governor, and for repairing,
25 rebuilding, or restoring ~~any~~ state property injured,
26 destroyed, or lost by fire, storm, theft, or unavoidable
27 cause, and for aid to any governmental subdivision in an area
28 declared by the governor to be a disaster area due to natural
29 disasters or to expenditures necessitated by the governmental
30 subdivision toward averting or lessening the impact of ~~such~~
31 the potential disaster, where the effect of ~~such the~~ disaster
32 or ~~such~~ action on the governmental subdivision is the
33 immediate financial inability to meet the continuing
34 requirements of local government. Upon application by a
35 governmental subdivision in such an area, accompanied by a

1 showing of obligations and expenditures necessitated by such
2 an actual or potential disaster in such a form and with such
3 further information as the executive council may-require
4 requires, such the aid may be made in the discretion of the
5 executive council and, if made, shall be in the nature of a
6 loan up to a limit of seventy-five percent of the showing of
7 such obligations and expenditures. The loan, without
8 interest, shall be repaid by the maximum annual emergency levy
9 as authorized by section 24.6, or by the appropriate levy
10 authorized for a governmental subdivision not covered by
11 section 24.6. The aggregate total of such loans shall not
12 exceed one million dollars during any a fiscal year. A loan
13 shall not be for any an obligation or expenditure occurring
14 more than two years previous to the application.

15 Sec. 7. Section 76.2, unnumbered paragraph 3, Code 1985,
16 is amended by striking the unnumbered paragraph.

17 Sec. 8. Section 80C.2, unnumbered paragraph 1, subsections
18 1, 2 and 3, and unnumbered paragraph 2, Code 1985, are amended
19 to read as follows:

20 The criminal and juvenile justice advisory council is
21 created to advise the governor and legislature and direct the
22 agency in the performance of its duties and to perform other
23 duties as required by law. The council ~~shall-consist-of~~
24 eleven consists of twelve members. The governor shall appoint
25 seven members each for a four-year term beginning and ending
26 as provided in section 69.19 and subject to confirmation by
27 the senate as follows:

28 1. Three persons who each of whom are either a county
29 supervisor, county sheriff, a mayor, city chief of police or a
30 county attorney.

31 2. Two persons shall represent the general public and
32 shall not be employed in any law enforcement, judicial, or
33 corrections capacity.

34 3. Two persons who are knowledgeable about Iowa's juvenile
35 justice system.

1 The commissioner of the department of human services, the
2 director of the Iowa department of corrections, the
3 commissioner of public safety, the attorney general and the
4 chief justice of the supreme court shall each designate a
5 person to serve on the council.

6 Sec. 9. Section 85.61, subsections 1 and 8, Code 1985, are
7 amended to read as follows:

8 1. "Employer" includes and applies to any person, firm,
9 association, or corporation, state, county, municipal
10 corporation, school corporation, area education agency,
11 township as an employer of volunteer ~~firemen~~ fire fighters
12 only, benefited fire district and the legal representatives of
13 a deceased employer.

14 8. ~~The term "volunteer~~ "Volunteer fire fighters" shall
15 ~~mean~~ means any active member of an organized volunteer fire
16 department in this state and any other person performing
17 services as a volunteer ~~fireman~~ fire fighter for a
18 municipality, township or benefited fire district at the
19 request of the chief or other person in command of the fire
20 department of ~~such~~ the municipality, township or benefited
21 fire district, or of any other officer of ~~such~~ the
22 municipality, township or benefited fire district having
23 authority to demand such service, and who is not a full-time
24 member of a paid fire department. A person performing such
25 services shall not be classified as a casual employee.

26 Sec. 10. Section 97B.49, subsection 8, paragraph a,
27 unnumbered paragraph 4, is amended by striking the unnumbered
28 paragraph.

29 Sec. 11. Section 114.21, subsections 1 and 5, Code 1985,
30 are amended to read as follows:

31 1. Fraud in procuring a ~~license~~ certificate of
32 registration.

33 5. Conviction of a felony related to the profession or
34 occupation of the ~~licensee~~ registrant or the conviction of any
35 felony that would affect the ~~licensee's~~ registrant's ability

1 to practice professional engineering or land surveying. A
2 copy of the record of conviction or plea of guilty ~~shall be~~ is
3 conclusive evidence.

4 Sec. 12. Section 118A.15, subsections 1 and 5, Code 1985,
5 are amended to read as follows:

6 1. Fraud in procuring a ~~license~~ certificate of
7 registration.

8 5. Conviction of a felony related to the profession or
9 occupation of the ~~licensee~~ registrant that would affect the
10 registrant's ability to practice professional ~~land~~ landscape
11 architecture. A copy of the record of conviction or plea of
12 guilty ~~shall be~~ is conclusive evidence.

13 Sec. 13. Section 123.150, unnumbered paragraph 1, Code
14 1985, is amended to read as follows:

15 Notwithstanding section 123.36, subsection 6, section
16 123.49, subsection 2, paragraph "b", and section 123.134,
17 subsection 5, a holder of any class of liquor control license
18 or the holder of a class "B" beer permit may sell or dispense
19 such liquor or beer to patrons for consumption on the premises
20 between the hours of ~~noon~~ ten a.m. on Sunday and two a.m. on
21 Monday when that Monday is New Years Day and beer for
22 consumption off the premises between the hours of ~~noon~~ ten
23 a.m. Sunday and ~~ten p.m.~~ midnight Sunday when that Sunday is
24 the day before New Years Day. The liquor control license fee
25 or beer permit fee of licensees and permittees permitted to
26 sell or dispense such liquor or beer on a Sunday when that
27 Sunday is the day before New Years Day shall not be increased
28 because of this privilege.

29 Sec. 14. Section 127.20, Code 1985, is amended to read as
30 follows:

31 127.20 SALE OF CONVEYANCE.

32 Prior to placing the conveyance for sale to the general
33 public, the sheriff shall permit any owner or lien holder
34 having a property interest of fifty percent or more in the
35 conveyance the opportunity to purchase the property interest

1 forfeited. If such an owner or lien holder does not exercise
2 an option under this section or if no such owner or lien
3 holder exists, the conveyance shall be sold at public auction
4 with the proceeds first being applied to the owners and lien
5 holders who have not had their property interest forfeited and
6 then applied to the expenses of keeping the conveyance and
7 court costs, and any remaining funds shall be conveyed by the
8 clerk of the district court to the treasurer of state for
9 deposit in the general fund of the state.

10 Sec. 15. Section 136C.14, Code 1985, is amended to read as
11 follows:

12 136C.14 QUALIFIED OPERATORS -- DISPLAY OF CREDENTIALS.

13 1. A person, other than a licensed professional, shall not
14 operate equipment a radiation machine or use radioactive
15 materials for medical treatment or diagnostic purposes unless
16 that person has completed a course of instruction approved by
17 the department or has otherwise met the minimum training
18 requirement established by the department.

19 2. A person, other than a licensed professional, who
20 operates equipment a radiation machine or uses radioactive
21 materials for medical treatment or diagnostic purposes shall
22 display the credentials which indicate that person's
23 qualification to operate equipment the machine or use the
24 materials in the immediate vicinity of the equipment machine
25 or where the materials are stored. A person who owns or
26 controls the equipment machine or materials is also
27 responsible for the proper display of credentials of those who
28 operate the equipment machine or use the materials and shall
29 not employ a person to operate equipment the machine or use
30 the materials for medical treatment or diagnostic purposes
31 except as provided in this section.

32 Sec. 16. Section 144.36, subsection 1, Code 1985, is
33 amended to read as follows:

34 1. A certificate recording each marriage performed in this
35 state shall be filed with the state registrar. The clerk of

1 the district court shall prepare the certificate on the form
2 furnished by the state registrar upon the basis of information
3 obtained from the parties to be married, who shall attest to
4 the information by their signatures. The clerk of the
5 district court in each county shall keep a record book for
6 marriages. The form of marriage record books shall be uniform
7 throughout the state ~~and shall be prescribed by the state~~
8 ~~department~~. A properly indexed permanent record of marriage
9 certificates upon microfilm, electronic computer, or data
10 processing equipment may be kept in lieu of marriage record
11 books.

12 Sec. 17. Section 144.37, unnumbered paragraph 2, Code
13 1985, is amended to read as follows:

14 The clerk of the district court in each county shall keep a
15 record book for dissolutions. The form of dissolution record
16 books shall be uniform throughout the state ~~and shall be~~
17 ~~prescribed by the state department~~. A properly indexed record
18 of dissolutions upon microfilm, electronic computer, or data
19 processing equipment may be kept in lieu of dissolution record
20 books.

21 Sec. 18. Section 196.1, subsection 7, Code 1985, is
22 amended to read as follows:

23 7. "Grading" means classifying each shell egg by weight
24 and grading in accordance with egg grading standards approved
25 by the United States government as of July 1, 1979 1985,
26 pursuant to the Agricultural Marketing Act of 1946, 7 U.S.C. §
27 1621 et seq.

28 Sec. 19. Section 196.2, Code 1985, is amended to read as
29 follows:

30 196.2 ENFORCEMENT.

31 The secretary shall enforce the provisions of this chapter,
32 and may make rules pursuant to chapter 17A and consistent with
33 regulations of the United States government as they exist on
34 July 1, 1979 1985, pursuant to the Agricultural Marketing Act
35 of 1946, 7 U.S.C. § 1621 et seq., and the Egg Products

1 Inspection Act of 1970, 21 U.S.C. § 1044 et seq.

2 Sec. 20. Section 196.9, Code 1985, is amended to read as
3 follows:

4 196.9 EGGS UNFIT AS HUMAN FOOD.

5 Eggs determined to be unfit for human food under title 21,
6 section 1034 of the United States Code as amended to July 1,
7 ~~1979~~ 1985 shall not be bought or sold or offered for purchase
8 or sale by any person unless the eggs are denatured so that
9 they cannot be used for human food.

10 Sec. 21. Section 214A.2, subsection 2, unnumbered
11 paragraph 8, Code 1985, is amended to read as follows:

12 "A.S.T.M." means the A.S.T.M. standards in effect on July
13 1, ~~1983~~ 1985.

14 Sec. 22. Section 229.21, subsection 3, Code 1985, is
15 amended to read as follows:

16 3. When an application for involuntary hospitalization
17 under this chapter or an application for involuntary
18 commitment or treatment of substance abusers under sections
19 125.75 to 125.94 is filed with the clerk of the district court
20 in any county for which a judicial hospitalization referee has
21 been appointed, and no district judge is accessible in the
22 county, the clerk shall immediately notify the referee in the
23 manner required by section 229.7 or section 125.77. The
24 referee shall ~~thereupon~~ discharge all of the duties imposed
25 upon judges of the district court or magistrates by sections
26 229.7 to 229.19 or sections 125.75 to 125.94 in the proceeding
27 so initiated. If an emergency hospitalization proceeding is
28 initiated under section 229.22 a judicial hospitalization
29 referee may perform the duties imposed upon a magistrate by
30 that section. ~~Upon-termination-of-the-proceeding-or-issuance~~
31 ~~of-an-order-under-section-229.13-or-section-125.83,-the~~
32 ~~referee-shall-transmit-either-to-the-chief-judge,-or-another~~
33 ~~judge-of-the-district-court-designated-by-the-chief-judge,-a~~
34 ~~statement-of-the-reasons-for-the-referee's-action-and-a-copy~~
35 ~~of-any-order-issued-~~

1 Sec. 23. Section 232.37, subsection 4, Code 1985, is
2 amended to read as follows:

3 4. Service of summons or notice shall be made personally
4 by the delivery of a copy thereof of the summons or notice to
5 the person being served. If the court determining determines
6 that personal service of a summons or notice is impracticable,
7 the court may order service by certified mail addressed to the
8 last known address or by publication or both. Service of
9 summons or notice shall be made not less than five days before
10 the time fixed for hearing. Service of summons, notice,
11 subpoenas or other process, after an initial valid summons or
12 notice, shall be made in accordance with the rules of the
13 court governing such service in civil actions.

14 Sec. 24. Section 249A.14, Code 1985, is amended to read as
15 follows:

16 249A.14 COUNTY ATTORNEY TO ENFORCE.

17 It is the intent of the general assembly that violations of
18 law relating to aid to dependent children, medical assistance,
19 and supplemental assistance shall be prosecuted by county
20 attorneys. Area prosecutors of the office of the attorney
21 general shall provide such assistance in prosecution as may be
22 required. ~~It is the intent of the general assembly that the~~
23 ~~first priority for investigation and prosecution for which~~
24 ~~funds are provided by this Act shall be for fraudulent claims~~
25 ~~or practices by health care vendors and providers.~~

26 Sec. 25. Section 252C.9, Code 1985, is amended to read as
27 follows:

28 252C.9 COURT ORDER PREVAILS.

29 If an order of the director issued pursuant to this chapter
30 conflicts with an order of a court, ~~to the extent of the~~
31 ~~conflict~~ the court order prevails.

32 Sec. 26. Section 258.7, subsection 15, Code 1985, is
33 amended to read as follows:

34 15. Represent the state ~~manpower services~~ job training
35 coordinating council established pursuant to ~~section 107 of~~

1 the-United-States-Comprehensive-Employment-and-Training-Act-of
2 1973 29 U.S.C. § 1532.

3 Sec. 27. Section 273.2, unnumbered paragraph 2, Code 1985,
4 is amended to read as follows:

5 An area education agency established under this chapter is
6 a body politic as a school corporation for the purpose of
7 exercising powers granted under this chapter, and may sue and
8 be sued. An area education agency may hold property and
9 execute lease-purchase agreements pursuant to section 273.3,
10 subsection 7, and if the lease exceeds ten years or the
11 purchase price of the property to be acquired pursuant to a
12 lease-purchase agreement exceeds five twenty-five thousand
13 dollars, the area education agency shall conduct a public
14 hearing on the proposed lease-purchase agreement and receive
15 approval from the area education agency board of directors and
16 the state board of public instruction before entering into the
17 agreement.

18 Sec. 28. Section 321.22, subsection 3, Code 1985, is
19 amended to read as follows:

20 3. The department shall issue transit bus ~~(license)~~
21 registration plates as applied for, which shall ~~have-imprinted~~
22 thereon be imprinted with the words "Transit Bus" and the
23 distinguishing number assigned to the applicant. The
24 department shall issue the certificates and plates without
25 fee.

26 Sec. 29. Section 321.38, Code 1985, is amended to read as
27 follows:

28 321.38 PLATES, METHOD OF ATTACHING.

29 Every registration plate shall at all times be securely
30 fastened in a horizontal position to the vehicle for which it
31 is issued so as to prevent the plate from swinging and at a
32 height of not less than twelve inches from the ground,
33 measuring from the bottom of ~~such~~ the plate, in a place and
34 position to be clearly visible and shall be maintained free
35 from foreign materials ~~or-imitation~~ and in a condition to be

1 clearly legible. An imitation plate or plates imitating or
2 purporting to imitate the official license registration plate
3 of any other state or territory of the United States or of any
4 foreign government ~~and-in-a-condition-to-be-clearly-legible~~
5 shall not be fastened to the vehicle.

6 Sec. 30. Section 321.104, subsection 3, Code 1985, is
7 amended to read as follows:

8 3. Any A person who ~~shall-fail~~ fails to surrender any a
9 certificate of title or, registration card or license
10 registration plates upon cancellation, suspension or
11 revocation of the same certificate or registration by the
12 department and notice thereof as prescribed in this chapter.

13 Sec. 31. Section 321.177, subsection 1, Code 1985, is
14 amended to read as follows:

15 1. To any person, as an operator, who is under the age of
16 eighteen years, without the person's first having successfully
17 completed an approved driver education course, in which case,
18 the minimum age ~~shall-be~~ is sixteen years. However, the
19 department may issue a restricted school license as provided
20 in section 321.194, or an a temporary instruction permit as
21 provided in section 321.180, to any person who is at least
22 fourteen years of age. The department may issue a license
23 restricted only for use only for motorized bicycles as
24 provided in section 321.189, subsection 2.

25 Sec. 32. Section 321.196, unnumbered paragraph 1, Code
26 1985, is amended to read as follows:

27 An operator's license ~~shall-expire-four~~ expires six years
28 from the licensee's birthday anniversary occurring in the year
29 of issuance if the licensee is between the ages of eighteen
30 and seventy years on the date of issuance of the license,
31 otherwise the license ~~shall-be~~ is effective for a period of
32 two years. The license ~~shall-be~~ is renewable without written
33 examination or penalty within a period of thirty days after
34 its expiration date. A person shall not be considered to be
35 driving with an invalid license during a period of thirty days

1 following the license expiration date. However, for any a
2 license renewed within ~~such~~ the thirty-day period, the date of
3 issuance shall be considered to be the previous birthday
4 anniversary on which it expired. Applicants whose licenses
5 are restricted due to vision or other physical deficiencies
6 may be required to renew their licenses every two years. For
7 the purposes of this section the birthday anniversary of a
8 person born on February 29 shall be deemed to occur on March
9 1. All applications for renewal of operators' licenses shall
10 be made under the direct supervision of a uniformed member of
11 the department and shall be approved by the uniformed member.
12 The department in its discretion may authorize the renewal of
13 a valid license upon application without an examination
14 provided that the applicant satisfactorily passes a vision
15 test as prescribed by the department.

16 Sec. 33. Section 321.218, unnumbered paragraph 2, Code
17 1985, is amended to read as follows:

18 Any person operating a motorized bicycle on the highways of
19 the state not possessed of an operator's or chauffeur's
20 license ~~valid-for-operation-of-motorecycles~~ or a valid
21 motorized bicycle license, shall, upon conviction, be guilty
22 of a simple misdemeanor.

23 Sec. 34. Section 321.388, Code 1985, is amended to read as
24 follows:

25 321.388 ILLUMINATING PLATES.

26 Either ~~such~~ the rear lamp or a separate lamp shall be so
27 constructed and placed as to illuminate with a white light the
28 rear registration plate and render it clearly legible from a
29 distance of fifty feet to the rear. When the rear ~~license~~
30 registration plate is illuminated by an electric lamp other
31 than the required rear lamp, ~~said~~ the two lamps shall be
32 turned on or off only by the same control switch at all times
33 ~~whenever~~ when head lamps are lighted.

34 Sec. 35. Section 327G.32, unnumbered paragraph 3, Code
35 1985, is amended to read as follows:

1 This section notwithstanding, a political subdivision may
2 pass a resolution or ordinance regulating the length of time a
3 specific crossing may be blocked if the political subdivision
4 demonstrates that a resolution or ordinance is necessary for
5 public safety or convenience. If a resolution or ordinance is
6 passed the political subdivision shall within thirty days of
7 the effective date of the resolution or ordinance notify the
8 authority and the railroad corporation using the crossing
9 affected by the resolution or ordinance. The resolution or
10 ordinance shall not become effective unless the authority and
11 the railroad corporation are notified within thirty days. The
12 resolution or ordinance shall become effective thirty days
13 after notification unless a person files an objection to the
14 resolution or ordinance with the authority. If an objection
15 is filed the authority shall hold a hearing. The authority
16 may disapprove the resolution or ordinance if public safety or
17 convenience does not require a resolution or ordinance. The
18 resolution or ordinance approved by the political subdivision
19 is prima-facie evidence that the resolution is adopted to
20 preserve public safety or convenience.

21 Sec. 36. Section 331.427, subsection 1, paragraph b, Code
22 1985, is amended to read as follows:

23 b. Moneys remitted by the clerk of the district court and
24 received from a magistrate or district associate judge for
25 finer and forfeited bail under-section-602-557-except-those
26 directed-to-be-placed-in-the-school-fund imposed pursuant to a
27 violation of a county ordinance.

28 Sec. 37. Section 331.602, Code 1985, is amended by adding
29 the following new subsection after subsection 29:

30 NEW SUBSECTION. 29A. Maintain confidential records of
31 prearranged funeral plans as required under section 523A.2.

32 Sec. 38. Section 331.756, Code 1985, is amended by adding
33 the following new subsection after subsection 70:

34 NEW SUBSECTION. 70A. Accept filings and conduct
35 examinations and audits relating to prearranged funeral plans

1 as required under section 523A.2.

2 Sec. 39. Section 331.904, subsection 1, Code 1985, is
3 amended to read as follows:

4 1. The annual salary of the first and second deputy
5 officer of the office of auditor, treasurer, and recorder, and
6 the deputy in charge of the motor vehicle registration and
7 title division shall each be an amount not to exceed eighty
8 percent of the annual salary of the deputy's principal
9 officer. In offices where more than two deputies are
10 required, each additional deputy shall be paid an amount not
11 to exceed seventy-five percent of the principal officer's
12 salary, ~~except that in a county having two locations at which~~
13 ~~the district court is held, an additional deputy clerk shall~~
14 ~~be paid an amount not to exceed eighty percent of the~~
15 ~~principal officer's salary.~~ The amount of the annual salary
16 of each deputy shall be certified by the principal officer to
17 the board and, if a deputy's salary does not exceed the
18 limitations specified in this subsection, the board shall
19 certify the salary to the auditor. The board shall not
20 certify a deputy's salary which exceeds the limitations of
21 this subsection.

22 Sec. 40. Section 364.3, subsection 2, Code 1985, is
23 amended to read as follows:

24 2. A city shall not provide a penalty in excess of a one
25 hundred dollar fine or in excess of thirty days imprisonment
26 for the violation of an ordinance. An amount equal to ten
27 percent of all fines collected by cities shall be remitted
28 ~~quarterly to the county treasurer of the county in which the~~
29 ~~city is located~~ deposited in the court revenue distribution
30 account established in section 602.8108. However, one hundred
31 percent of all fines collected by a city pursuant to section
32 321.236, subsection 1, shall be retained by the city. The
33 criminal penalty surcharge required by section 911.2 shall be
34 added to a city fine and is not a part of the city's penalty.

35 Sec. 41. Section 384.6, unnumbered paragraph 1, Code 1985,

1 is amended to read as follows:

2 A city may establish a trust and agency fund funds for the
3 following purposes:

4 Sec. 42. Section 384.12, subsection 19, paragraph c, Code
5 1985, is amended to read as follows:

6 c. The proposition to be submitted shall be substantially
7 in the following form:

8 Vote for only one of the following:

9 Shall the city of (name of city) levy a tax for
10 the purpose of (state purpose of levy election) at
11 a rate of (rate) which will provide \$.....
12 (amount)?

13 ~~The~~ Shall the city of ~~shall~~ continue under the
14 maximum rate of providing \$..... (amount)?

15 Sec. 43. Section 422.43, subsection 3, Code 1985, is
16 amended to read as follows:

17 3. The tax thus imposed ~~shall-cover~~ covers all receipts
18 from the operation of games of skill, games of chance, raffles
19 and bingo games as defined in chapter 99B, and musical
20 devices, weighing machines, shooting galleries, billiard and
21 pool tables, bowling alleys, pinball machines, slot-operated
22 devices selling merchandise not subject to the general sales
23 taxes and on all receipts from devices or systems where prizes
24 are in any manner awarded to patrons and upon the receipts
25 from fees charged for participation in any game or other form
26 of amusement, and generally upon the gross receipts from any
27 source of amusement operated for profit, not specified herein
28 in this section, and upon the gross receipts from which no tax
29 is collected for tickets or admission, but no tax shall be
30 imposed upon any activity exempt from sales tax under the
31 ~~provision-of~~ section 422.45, subsection 4 3. Every person
32 receiving gross receipts from the sources as defined in this
33 section ~~shall-be~~ is subject to all provisions of this division
34 relating to retail sales tax and ~~such~~ other provisions of this
35 chapter as ~~may-be~~ applicable.

1 Sec. 44. Section 534.406, Code 1985, is amended to read as
2 follows:

3 534.406 RECEIVERSHIP.

4 When any building and loan or savings and loan association
5 is conducting its business illegally, or in violation of its
6 articles of incorporation or bylaws, or is practicing
7 deception upon its members or the public, or is pursuing a
8 plan of business that is injurious to the interest of its
9 members, or its affairs are in an unsafe condition, the
10 auditor of state shall notify the directors thereof of the
11 association, and, if they shall fail to put its affairs upon a
12 safe basis, the auditor shall advise the attorney general
13 thereof, who shall take the necessary steps to wind up its
14 affairs in the manner provided by law. In such the
15 proceedings a receiver may be appointed by the court and such
16 the proceedings shall be the exclusive liquidation or
17 insolvency proceeding and a receiver shall not be appointed in
18 any other proceedings. ~~The provisions for notice, hearing,~~
19 ~~findings and review set out under the above section shall also~~
20 ~~apply to this section.~~

21 Sec. 45. Section 556.5, subsection 1, paragraph b, Code
22 1985, is amended to read as follows:

23 b. Otherwise communicated with the association regarding
24 the interest of or a dividend, distribution, or other sum
25 payable as a result or of the interest, as evidenced by a
26 memorandum or other record on file with the association
27 prepared by an employee of the association.

28 Sec. 46. Section 556.25, subsection 1, Code 1985, is
29 amended to read as follows:

30 1. A person who fails to pay or deliver property within
31 the time prescribed by this chapter shall pay the treasurer of
32 state interest at the annual rate of eighteen percent on the
33 property or value of the property from the date the property
34 should have been paid or delivered but in no event prior to
35 July 1, ~~1967~~ 1984.

1 Sec. 47. Section 598.14, unnumbered paragraph 1, Code
2 1985, is amended to read as follows:

3 In making temporary orders, the court shall take into
4 consideration the age and sex of the applicant, the physical
5 and pecuniary condition of the parties, and such other matters
6 as are pertinent, which may be shown by affidavits, as the
7 court may direct; however, the hearing on the application
8 shall be limited to matters set forth in such the application,
9 the affidavits of the parties, and the required statements of
10 income. The court shall not hear any other matter relating to
11 the petition, respondent's answer, or any pleadings connected
12 therewith with the petition or answer.

13 Sec. 48. Section 602.8102, subsection 40, Code 1985, is
14 amended by striking the subsection.

15 Sec. 49. Section 602.8105, subsection 1, paragraph b, Code
16 1985, is amended to read as follows:

17 b. For payment in advance of various services and
18 docketing procedures, excluding those for small claims at
19 trial and simple misdemeanors at trial, twenty-five dollars.

20 Sec. 50. Section 602.8106, subsection 3, Code 1985, is
21 amended to read as follows:

22 3. The clerk shall remit all other fines and forfeited
23 bail received from a magistrate to the treasurer of state for
24 distribution-under-section-602-8107 to be credited to the
25 general fund of the state.

26 Sec. 51. Section 602.8106, Code 1985, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. The clerk shall remit all fines and
29 forfeited bail received from a magistrate or district
30 associate judge for violation of a county ordinance, except an
31 ordinance relating to vehicle speed or weight restrictions, to
32 the county treasurer of the county that was the plaintiff in
33 the action, and shall provide that county with a statement
34 showing the total number of cases, the total of all fines and
35 forfeited bail collected, and the total of all cases

1 dismissed. However, if a county ordinance provides a penalty
2 for a violation which is also penalized under state law, the
3 fines and forfeited bail collected for the violation of that
4 ordinance shall be deposited in the court revenue distribution
5 account established under section 602.8108.

6 Sec. 52. Section 602.11102, subsection 2, paragraph d,
7 Code 1985, is amended to read as follows:

8 d. Notwithstanding paragraphs "b" and "c", for the period
9 beginning July 1, 1984, and ending June 30, 1986, court
10 reporters who become state employees as a result of this Act
11 chapter are not subject to the sick leave and vacation accrual
12 limitations generally applied to state employees.

13 Sec. 53. Section 628.28, Code 1985, is amended to read as
14 follows:

15 628.28 REDEMPTION OF PROPERTY NOT USED FOR RESIDENTIAL OR
16 AGRICULTURAL PURPOSES.

17 If real property is not used for agricultural purposes, as
18 defined in section 535.13, and is not the residence of the
19 mortgager-or-the-owner debtor, or if it is the residence of
20 the mortgager-or-the-owner debtor but not a single-family or
21 two-family dwelling, then the period of redemption after
22 foreclosure is one hundred eighty days-or-if. For the first
23 ninety days after the sale the right of redemption is
24 exclusive to the debtor and the time periods provided in
25 sections 628.5, 628.15 and 628.16 are reduced to one hundred
26 thirty-five days. If a deficiency judgment has been waived
27 the period of redemption is reduced to ninety days-and. For
28 the first thirty days after the sale the redemption is
29 exclusively the right of the mortgager-or-owner debtor and the
30 time periods provided in sections 628.5, 628.15 and 628.16 are
31 reduced to sixty days.

32 If real property is not used for agricultural purposes, as
33 defined in section 535.13, and is a single-family or two-
34 family dwelling which is the residence of the mortgager-or-the
35 owner debtor at the time of foreclosure but the court finds

1 that after foreclosure the dwelling has ceased to be the
2 residence of the mortgagor-or-the-owner debtor and if there
3 are no junior creditors, the court shall order the period of
4 redemption reduced to thirty days from the date of the court
5 order and-redemption-is-exclusively-the-right-of-the-mortgagor
6 or-the-owner-during-the-thirty-day-period. If there is a
7 junior creditor, the court shall order the redemption period
8 reduced to sixty days. For the first thirty days redemption
9 is the exclusive right of the debtor and the time periods
10 provided in sections 628.5, 628.15 and 628.16 are reduced to
11 forty-five days.

12 Sec. 54. Section 631.6, Code 1985, is amended to read as
13 follows:

14 631.6 FEES AND COSTS.

15 All fees and costs required to be paid in small claims
16 actions shall be paid in advance, and shall be assessed as
17 costs in the action.

18 1. The docket fee for a small claims action is ten
19 dollars. Other fees imposed for small claims shall be the
20 same as those required in regular actions in district court,
21 four. Four dollars of the docket fee shall remain be
22 deposited in the county-treasury-for-the-use-of-the-county
23 court revenue distribution account established under section
24 602.8108 and six dollars of the fee shall be paid into the
25 state treasury. Of the amount paid into the state treasury,
26 one dollar shall be deposited in the judicial retirement fund
27 established in section 602.9104 to be used to pay retirement
28 benefits of the judicial retirement system, and the remainder
29 shall be deposited in the general fund of the state.

30 2. Postage charged for the mailing of original notices
31 shall be the actual cost of the postage.

32 3. Fees for personal service by peace officers or other
33 officials of the state ~~shall be~~ are the amounts specified by
34 law.

35 4. Fees for service of notice on nonresidents ~~shall be~~ are

1 as provided in section 617.3.

2 All fees and costs collected in small claims actions, other
3 than the six dollars of the docket fee to be paid into the
4 state treasury, shall be deposited in the court revenue
5 distribution account established under section 602.8108,
6 except that the fee specified in subsection 4 of this section
7 shall be remitted to the secretary of state.

8 Sec. 55. Section 714.3, unnumbered paragraph 2, Code 1985,
9 is amended to read as follows:

10 If money or property is stolen ~~by two or more acts~~ from the
11 same person or location by two or more acts, or from different
12 persons by two or more acts which occur in approximately the
13 same location or time period so that the thefts are
14 attributable to a single scheme, plan or conspiracy, these
15 acts may be considered a single theft and the value may be the
16 total value of all the property stolen.

17 Sec. 56. Section 714.8, subsection 3, Code 1985, is
18 amended to read as follows:

19 3. Knowingly executes or tenders a false certification
20 under penalty of perjury, false affidavit, or false
21 certificate, which if the certification, affidavit, or
22 certificate is required by law, or which is given in support
23 of a claim for compensation, indemnification, restitution, or
24 other payment.

25 Sec. 57. Section 805.8, subsection 2, paragraphs i, j and
26 l, Code 1985, are amended to read as follows:

27 i. For violations involving failures to yield or to
28 observe pedestrians and other vehicles under sections 321.257,
29 ~~subsections i and j~~ subsection 2, 321.288, 321.298, 321.300,
30 321.307, 321.308, 321.313, 321.319, 321.320, 321.321, 321.329,
31 321.333, and 321.367, the scheduled fine is twenty dollars.

32 j. For violations by pedestrians and bicyclists under
33 sections 321.236, subsection 10, 321.257, subsection 2,
34 321.325, 321.326, 321.328, 321.331, 321.332, 321.397 and
35 321.434, the scheduled fine is ten dollars.

1 1. For violations of traffic signs and signals, and for
2 failure to obey an officer under sections 321.229, 321.236,
3 subsections 2 and 6, 321.256, 321.257, ~~subsections~~ subsection
4 ~~2 and 3~~, ~~321-2587~~ 321.294, 321.304, subsection 3, 321.322,
5 321.341, 321.342, 321.343 and 321.415, the scheduled fine is
6 twenty dollars.

7 Sec. 58. Section 805.9, subsection 6, Code 1985, is
8 amended to read as follows:

9 6. The eight dollars in costs imposed by this section are
10 the total costs collectible from a defendant upon either an
11 admission of a violation without hearing, or upon a hearing
12 pursuant to subsection 4. ~~Fees shall not be imposed upon or~~
13 ~~collected from a defendant for the purposes specified in~~
14 ~~section-602-8105, subsection-17, paragraph-"i",-"j",-or-"e".~~

15 Sec. 59. Section 805.11, unnumbered paragraph 2, Code
16 1985, is amended by striking the unnumbered paragraph.

17 Sec. 60. Section 815.11, Code 1985, is amended to read as
18 follows:

19 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

20 Costs incurred under sections 814.9, 814.10, 814.11, 815.4,
21 815.5, 815.6, 815.7, 815.10, ~~815-127~~, or the rules of criminal
22 procedure on behalf of an indigent shall be paid from funds
23 appropriated by the general assembly to the supreme court for
24 those purposes.

25 Sec. 61. Section 910.2, Code 1985, is amended to read as
26 follows:

27 910.2 RESTITUTION ORDERED BY SENTENCING COURT.

28 In all criminal cases except simple misdemeanors under
29 chapter 321, in which there is a plea of guilty, verdict of
30 guilty, or special verdict upon which a judgment of conviction
31 is rendered, the sentencing court shall order that restitution
32 be made by each offender to the victims of the offender's
33 criminal activities and, if the court so orders and to the
34 extent that the offender is reasonably able to do so, ~~to the~~
35 ~~county-where-conviction-was-rendered~~ for court costs, court-

1 appointed attorney's fees or the expense of a public defender
2 when applicable. However, victims shall be paid in full
3 before restitution payments-are is paid to-the-county for
4 court costs, court-appointed attorney's fees or for the
5 expense of a public defender. When the offender is not
6 reasonably able to pay all or a part of the court costs,
7 court-appointed attorney's fees or the expense of a public
8 defender, the court may require the offender in lieu of that
9 portion of the court costs, court-appointed attorney's fees,
10 or expense of a public defender for which the offender is not
11 reasonably able to pay, to perform a needed public service for
12 any a governmental agency or for a private, nonprofit agency
13 which provides a service to the youth, elderly or poor of the
14 community. When community service is ordered, the court shall
15 set a specific number of hours of service to be performed by
16 the offender. The judicial district department of
17 correctional services shall provide for the assignment of the
18 offender to a public agency or private nonprofit agency to
19 perform the required service.

20 Sec. 62. Sections 91.17, 91.18, and 602.11109, Code 1985,
21 and 1984 Iowa Acts, chapter 1067, section 8, and chapter 1303,
22 section 10, are repealed.

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1 Amend House amendment, S-3962, to Senate File 329
2 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 2, by inserting after line 7 the
5 following:

6 "_____. Page 16, line 15, by striking the words and
7 figures "subsection 3, Code 1985, is" and inserting
8 the following: "subsections 3 and 11, Code 1985,
9 are".

10 _____ Page 16, by inserting after line 35 the
11 following:

12 "11. The following enumerated services are subject
13 to the tax imposed on gross taxable services:
14 Alteration and garment repair; armored car; automobile
15 repair; battery, tire and allied; investment
16 counseling, excluding investment services of trust
17 departments; bank service charges; barber and beauty;
18 boat repair; car wash and wax; carpentry; roof,
19 shingle, and glass repair; dance schools and dance
20 studios; dry cleaning, pressing, dyeing, and
21 laundering; electrical and electronic repair and
22 installation; rental of tangible personal property;
23 excavating and grading; farm implement repair of all
24 kinds; flying services-~~except-agricultural-aerial~~
25 ~~application-services-and-aerial-commercial-and-charter~~
26 ~~transportation-services~~; furniture, rug, upholstery
27 repair and cleaning; fur storage and repair; golf and
28 country clubs and all commercial recreation; house and
29 building moving; household appliance, television, and
30 radio repair; jewelry and watch repair; machine
31 operator; machine repair of all kinds; motor repair;
32 motorcycle, scooter, and bicycle repair; oilers and
33 lubricators; office and business machine repair;
34 painting, papering, and interior decorating; parking
35 facilities; pipe fitting and plumbing; wood
36 preparation; licensed executive search agencies;
37 private employment agencies, excluding services for
38 placing a person in employment where the principal
39 place of employment of that person is to be located
40 outside of the state; sewing and stitching; shoe
41 repair and shoeshine; storage warehousing of raw
42 agricultural products; telephone answering service;
43 test laboratories, except tests on humans; termite,
44 bug, roach, and pest eradicators; tin and sheet metal
45 repair; turkish baths, massage, and reducing salons;
46 weighing; welding; well drilling; wrapping, packing,
47 and packaging of merchandise other than processed
48 meat, fish, fowl and vegetables; wrecking service;
49 wrecker and towing. For purposes of this subsection,
50 gross taxable services from rental includes rents,

1 royalties, and copyright and license fees.
2 Sec. ____ . Section 422.45, Code 1985, is amended by
3 adding the following new subsection:
4 NEW SUBSECTION. 21. The gross receipts from
5 services rendered, furnished or performed by
6 specialized flying implements of husbandry used for
7 agricultural aerial spraying and aerial commercial and
8 charter transportation services.""

S-3993 Filed April 25, 1985 By DOYLE
Adopted 4/25/85 (p 1659)

S-3988 SENATE FILE 329

1 Amend the House Amendment S-3962 to Senate File
2 329 as amended, passed, and reprinted by the Senate
3 as follows:
4 1. Page 1, by striking lines 3 through 19.

S-3988 Filed April 25, 1985 By SOORHOLTZ, PRIEBE, HUSAK
Adopted 4/25/85 (p 1659) WALDSTEIN, HUTCHINS &
TIEDEN

S-3962

HOUSE AMENDMENT TO
SENATE FILE 329

1 Amend Senate File 329 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 5, by inserting after line 28 the
4 following:

5 "Sec. ____ . Section 113.18, subsection 5, Code
6 1985, is amended to read as follows:

7 5. Any other kind of fence which, ~~in the opinion~~
8 of the fence viewers, ~~shall~~ consider to be equivalent
9 thereto to a lawful fence or which meets standards
10 established by the department of transportation by
11 rule as equivalent to a lawful fence.

12 Sec. ____ . Section 113.20, subsection 3, Code 1985,
13 is amended to read as follows:

14 3. Any other kind of ~~a tight-partition~~ fence
15 which, ~~in the opinion of~~ the fence viewers, ~~is~~
16 consider to be equivalent thereto to a tight partition
17 fence or which meets standards established by the
18 department of transportation by rule as equivalent to
19 a tight partition fence."

20 2. Page 9, by inserting after line 13 the
21 following:

22 "Sec. ____ . Section 217A.47, Code 1985, is amended
23 to read as follows:

24 217A.47 DEDUCTION TO PAY COURT COSTS OR DEPENDENTS -
25 - DEPOSITS.

26 If wages allowances are paid pursuant to section
27 217A.46, the director may deduct an amount established
28 by the inmates' inmate's restitution plan of payment
29 or an amount sufficient to pay all or part of the
30 court costs taxed as a result of the inmate's
31 commitment. The amount deducted shall be forwarded to
32 the clerk of the district court or proper official.
33 The director may pay all or any part of remaining
34 wages allowances paid pursuant to section 217A.46
35 directly to a dependent of the inmate, or may deposit
36 the wage allowance to the account of the inmate, or
37 may deposit a portion and allow the inmate a portion
38 for the inmate's personal use."

39 3. By striking page 12, line 25 through page 13,
40 line 15.

41 4. Page 13, by inserting after line 22 the
42 following:

43 "Sec. 34. Section 321.281, subsection 10, Code
44 1985, is amended to read as follows:

45 10. The court shall order a defendant convicted of
46 a violation of this section to make restitution, in an
47 amount not to exceed two thousand dollars, for damages
48 resulting directly from the violation. An amount paid
49 pursuant to this restitution order shall be credited
50 toward any adverse judgment in a subsequent civil pro-

H-3794

1 Amend Senate File 329, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 9, by inserting after line 13 the
 4 following:

5 "Sec. ____ . Section 217A.47, Code 1985, is amended
 6 to read as follows:

7 217A.47 DEDUCTION TO PAY COURT COSTS OR DEPENDENTS
 8 -- DEPOSITS.

9 If wages allowances are paid pursuant to section
 10 217A.46, the director may deduct an amount established
 11 by the inmates' inmate's restitution plan of payment
 12 or an amount sufficient to pay all or part of the
 13 court costs taxed as a result of the inmate's
 14 commitment. The amount deducted shall be forwarded to
 15 the clerk of the district court or proper official.
 16 The director may pay all or any part of remaining
 17 wages allowances paid pursuant to section 217A.46
 18 directly to a dependent of the inmate, or may deposit
 19 the wage allowance to the account of the inmate, or
 20 may deposit a portion and allow the inmate a portion
 21 for the inmate's personal use."

22 2. Page 20, by striking lines 19 through 21 and
 23 inserting the following: "dollars. ~~Other-fees~~
 24 ~~imposed-for-small-claims-shall-be-the-same-as-those~~
 25 ~~required-in-regular-actions-in-district-court~~ four
 26 Four dollars of the docket fee shall remain be".

27 3. By renumbering as necessary.

H-3794 FILED APRIL 15, 1985 BY JAY of Appanoose

Adopted 4/16/85 (p. 15-95)

SENATE FILE 329

H-3792

1 Amend Senate File 329 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 13, by inserting after line 22 the
 4 following:
 5 Sec. 34. Section 321.281, subsection 10, Code
 6 1985, is amended to read as follows:
 7 10. The court shall order a defendant convicted of
 8 a violation of this section to make restitution, in an
 9 amount not to exceed two thousand dollars, for damages
 10 resulting directly from the violation. An amount paid
 11 pursuant to this restitution order shall be credited
 12 toward any adverse judgment in a subsequent civil pro-
 13 ceeding arising from the same occurrence. However,
 14 other than establishing a credit, a restitution
 15 proceeding pursuant to this section shall not be given
 16 evidentiary or preclusive effect in a subsequent civil
 17 proceeding arising from the same occurrence."
 18 2. By renumbering as necessary to conform to this
 19 amendment.

BY HALVORSON of Clayton
 JAY of Appanoose
 ROSENBERG of Story
 McINTEE of Black Hawk
 WOODS of Polk

H-3792 FILED APRIL 15, 1985
(Adopted 4/16/85 (p. 1545))

SENATE FILE 329

H-3752

1 Amend Senate File 329 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 5, by inserting after line 28 the
 4 following:
 5 "Sec. ____ Section 113.18, subsection 5, Code
 6 1985, is amended to read as follows:
 7 5. Any other kind of fence which, ~~in the opinion~~
 8 of the fence viewers, shall consider to be equivalent
 9 thereto to a lawful fence or which meets standards
 10 established by the department of transportation by
 11 rule as equivalent to a lawful fence.
 12 Sec. ____ Section 113.20, subsection 3, Code 1985,
 13 is amended to read as follows:
 14 3. Any other kind of a ~~tight-partition fence~~
 15 which, in the opinion of the fence viewers, is
 16 consider to be equivalent thereto to a tight partition
 17 fence or which meets standards established by the
 18 department of transportation by rule as equivalent to
 19 a tight partition fence."
 20 2. By striking page 12, line 25 through page 13,
 21 line 15.
 22 3. Page 14, line 19, by inserting after the word
 23 "resolution" the following: "or ordinance".
 24 4. By renumbering the sections to conform with
 25 this amendment.

BY COMMITTEE ON JUDICIARY
 AND LAW ENFORCEMENT

H-3752 FILED APRIL 11, 1985
(Adopted 4/16 (p. 1544))

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 329
H-4072

1 Amend the House amendment S-3962 to Senate File
2 329 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 1, by striking lines 3 through 19.

5 2. Page 2, by inserting after line 7 the
6 following:

7 "____. Page 16, line 15, by striking the words and
8 figures "subsection 3, Code 1985, is" and inserting
9 the following: "subsections 3 and 11, Code 1985,
10 are".

11 _____. Page 16, by inserting after line 35 the
12 following:

13 "11. The following enumerated services are subject
14 to the tax imposed on gross taxable services:
15 Alteration and garment repair; armored car; automobile
16 repair; battery, tire and allied; investment
17 counseling, excluding investment services of trust
18 departments; bank service charges; barber and beauty;
19 boat repair; car wash and wax; carpentry; roof,
20 shingle, and glass repair; dance schools and dance
21 studios; dry cleaning, pressing, dyeing, and
22 laundering; electrical and electronic repair and
23 installation; rental of tangible personal property;
24 excavating and grading; farm implement repair of all
25 kinds; flying service; ~~except agricultural aerial~~
26 ~~application services and aerial commercial and charter~~
27 ~~transportation services~~; furniture, rug, upholstery
28 repair and cleaning; fur storage and repair; golf and
29 country clubs and all commercial recreation; house and
30 building moving; household appliance, television, and
31 radio repair; jewelry and watch repair; machine
32 operator; machine repair of all kinds; motor repair;
33 motorcycle, scooter, and bicycle repair; oilers and
34 lubricators; office and business machine repair;
35 painting, papering, and interior decorating; parking
36 facilities; pipe fitting and plumbing; wood
37 preparation; licensed executive search agencies;
38 private employment agencies, excluding services for
39 placing a person in employment where the principal
40 place of employment of that person is to be located
41 outside of the state; sewing and stitching; shoe
42 repair and shoeshine; storage warehousing of raw
43 agricultural products; telephone answering service;
44 test laboratories, except tests on humans; termite,
45 bug, roach, and pest eradicators; tin and sheet metal
46 repair; turkish baths, massage, and reducing salons;
47 weighing; welding; well drilling; wrapping, packing,
48 and packaging of merchandise other than processed
49 meat, fish, fowl and vegetables; wrecking service;
50 wrecker and towing. For purposes of this subsection,

H-4072
Page Two

1 gross taxable services from rental includes rents,
2 royalties, and copyright and license fees.

3 Sec. ____ . Section 422.45, Code 1985, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 21. The gross receipts from
6 services rendered, furnished or performed by
7 specialized flying implements of husbandry used for
8 agricultural aerial spraying and aerial commercial and
9 charter transportation services.""

10 3. By renumbering, relettering, or redesignating
11 and correcting internal references as necessary.

H-4072 FILED APRIL 25, 1985 RECEIVED FROM THE SENATE

House referred to committee 4/30/85 (p. 287)
Senate initiated 5/3/85

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 329

ED MAY 4 1985

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 329, a bill for an Act relating to Code corrections which adjust language to reflect current necessary practices, correct earlier omissions, delete redundancies, inaccuracies, and temporary and discriminatory language, remove inconsistencies, update ongoing provisions, remove ambiguities, improve syntax, correct references, and update provisions relating to court reorganization, respectfully make the following report:

1. That the House recede from its amendment.

2. Amend Senate File 329 as amended, passed and reprinted by the Senate as follows:

1. Page 5, by inserting after line 28 the following:

"Sec. ____ . Section 113.18, subsection 5, Code 1985, is amended to read as follows:

5. Any other kind of fence which ~~in the opinion of the fence viewers, shall~~ consider to be equivalent thereto to a lawful fence or which meets standards established by the department of agriculture by rule as equivalent to a lawful fence.

Sec. ____ . Section 113.20, subsection 3, Code 1985, is amended to read as follows:

3. Any other kind of ~~a tight partition fence which, in the opinion of the fence viewers, is~~ consider to be equivalent thereto to a tight partition fence or which meets standards established by the department of agriculture by rule as equivalent to a tight partition fence."

2. Page 9, by inserting after line 13 the following:

"Sec. ____ . Section 217A.47, Code 1985, is amended to read as follows:

217A.47 DEDUCTION TO PAY COURT COSTS OR DEPENDENTS --
DEPOSITS.

If wages allowances are paid pursuant to section 217A.46, the director may deduct an amount established by the inmates' inmate's restitution plan of payment or an amount sufficient to pay all or part of the court costs taxed as a result of the inmate's commitment. The amount deducted shall be forwarded to the clerk of the district court or proper official. The director may pay all or any part of remaining wages allowances paid pursuant to section 217A.46 directly to a dependent of the inmate, or may deposit the wage allowance to the account of the inmate, or may deposit a portion and allow the inmate a portion for the inmate's personal use."

3. Page 13, by inserting after line 22 the following:

"Sec. ____ . Section 321.281, subsection 10, Code 1985, is amended to read as follows:

10. The court shall order a defendant convicted of 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."

4. Page 14, line 19, by inserting after the word "resolution" the following: "or ordinance".

5. Page 16, line 15, by striking the words and figures "subsection 3, Code 1985, is" and inserting the following: "subsections 3 and 11, Code 1985, are".

6. Page 16, by inserting after line 35 the following:

"11. The following enumerated services are subject to the tax imposed on gross taxable services: Alteration and garment repair; armored car; automobile repair; battery, tire and allied; investment counseling, excluding investment services

May 4 amendments

of trust departments; bank service charges; barber and beauty; boat repair; car wash and wax; carpentry; roof, shingle, and glass repair; dance schools and dance studios; dry cleaning, pressing, dyeing, and laundering; electrical and electronic repair and installation; rental of tangible personal property; excavating and grading; farm implement repair of all kinds; flying service, ~~except agricultural aerial application services and aerial commercial and charter transportation services~~; furniture, rug, upholstery repair and cleaning; fur storage and repair; golf and country clubs and all commercial recreation; house and building moving; household appliance, television, and radio repair; jewelry and watch repair; machine operator; machine repair of all kinds; motor repair; motorcycle, scooter, and bicycle repair; oilers and lubricators; office and business machine repair; painting, papering, and interior decorating; parking facilities; pipe fitting and plumbing; wood preparation; licensed executive search agencies; private employment agencies, excluding services for placing a person in employment where the principal place of employment of that person is to be located outside of the state; sewing and stitching; shoe repair and shoeshine; storage warehousing of raw agricultural products; telephone answering service; test laboratories, except tests on humans; termite, bug, roach, and pest eradicators; tin and sheet metal repair; turkish baths, massage, and reducing salons; weighing; welding; well drilling; wrapping, packing, and packaging of merchandise other than processed meat, fish, fowl and vegetables; wrecking service; wrecker and towing. For purposes of this subsection, gross taxable services from rental includes rents, royalties, and copyright and license fees.

Sec. ____ . Section 422.45, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. The gross receipts from services rendered, furnished or performed by specialized flying implements of husbandry used for agricultural aerial spraying and aerial commercial and charter transportation services."

7. Page 18, by striking lines 18 and 19 and inserting the following: "docketing procedures, excluding those for small claims actions and simple misdemeanor actions, twenty-five dollars."

8. Page 20, by striking lines 19 through 21 and inserting the following: "dollars. ~~Other-fees-imposed-for-small-claims shall-be-the-same-as-those-required-in-regular-actions-in district-court,-four~~ Four dollars of the docket fee shall remain be".

9. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

Doug Ritsema
DOUG RITSEMA

Daniel J. Jay
DANIEL J. JAY, Chair

John Soorholtz
JOHN SOORHOLTZ

Ruhl Maulsby
RUHL MAULSBY

William Dieleman
WILLIAM DIELEMAN

Kay Chapman
KAY CHAPMAN

Patrick J. Deluhery
PATRICK J. DELUHERY

Joseph M. Kremer
JOSEPH M. KREMER

Berl E. Priebe
BERL E. PRIEBE, Chair

Mike Peterson
MIKE PETERSON

Filed May 4, 1985

Senate adopted 5/4 (p 1975)
House adopted 5/4 (p 2331)

SENATE FILE 329

AN ACT

RELATING TO CODE CORRECTIONS WHICH ADJUST LANGUAGE TO REFLECT CURRENT NECESSARY PRACTICES, CORRECT EARLIER OMISSIONS, DELETE REDUNDANCIES, INACCURACIES, AND TEMPORARY AND DISCRIMINATORY LANGUAGE, REMOVE INCONSISTENCIES, UPDATE ONGOING PROVISIONS, REMOVE AMBIGUITIES, IMPROVE SYNTAX, CORRECT REFERENCES, AND UPDATE PROVISIONS RELATING TO COURT REORGANIZATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 14.13, Code 1985, is amended to read as follows:

14.13 EDITORIAL WORK.

1. The Code editor in preparing the copy for an edition of the Code and the Iowa administrative code and bulletin shall have power to may:

- 1 a. Correct all misspelled words in the original enrollments and filed rules.
- 2 b. Correct all manifest grammatical and clerical errors including punctuation but without changing the meaning.
- 3 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 of the corrections made under this subsection ~~paragraph~~ in Code editor's notes to the edition of the Code in which the corrections are made. This list shall be available to the public.

4 d. Transpose sections or to divide sections so as to give to distinct subject matters a section number but without changing the meaning.

5 e. Prepare comments deemed necessary for a proper explanation of the manner of printing the section or chapter of the Code.

2. The Code editor, in carrying out the duties specified in this chapter relating to publication of the Code, shall edit the Code 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 shall not make any substantive changes to the Code while performing the editorial work. The Code editor shall seek direction from the senate committee on judiciary and the house committee on judiciary and law enforcement when making any 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 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.

Sec. 2. Section 14.14, Code 1985, is amended to read as follows:

14.14 ~~FORMAL MATTERS OMITTED~~ OMISSIONS IN REFERENCES TO CODE SECTIONS.

When any an Act of the general assembly subsequent to the issuance of the Code of 1924 contains in the substantive part of the Act a reference to a section of the Code and designates such the section by such a reference such as "Code 1924", "Code 1927", or "Code 1931", etc. ~~or the equivalent thereof~~ the Code editor is directed may in the preparation of the ensuing Code to omit the year indicated by such the reference.

Sec. 3. Section 17.16, Code 1985, is amended to read as follows:

17.16 LEGISLATIVE PROCEEDINGS.

The reports of the legislative proceedings shall be delivered by the secretary of the senate and the chief clerk of the house to the superintendent of printing promptly upon completion, and the superintendent of printing shall cause such the reports to be printed in accordance with the contracts covering the same. He the superintendent of printing shall require that proof copies of the daily journal be furnished the next legislative day after date and shall promptly deliver them to the sergeants at arms of each house. The corrections and changes made therein in the journal by the general assembly shall be made before the printing of the corrected or completed journal.

Sec. 4. Section 17.30, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Each state board, commission, department and division of state government and each institution under the control of the department of human services, the Iowa department of corrections and the state board of regents and each division of the state department of transportation shall be are responsible for keeping a written, detailed, up-to-date inventory of all real and personal property belonging to the state and under their charge, control and management. Such The inventories shall be in such the form as may be prescribed by the director of the department of general services.

Sec. 5. Section 23.1, unnumbered paragraph 2, Code 1985, is amended to read as follows:

"Municipality" as used in this chapter means township, school corporation, state fair board, state board of regents, and state department of human services and Iowa department of corrections.

Sec. 6. Section 29C.20, subsection 1, Code 1985, is amended to read as follows:

1. A contingent fund is created in the state treasury for the use of the executive council which may be expended for the purpose of paying the expenses of suppressing any an

insurrection or riot, actual or threatened, when state aid has been rendered by order of the governor, and for repairing, rebuilding, or restoring any state property injured, destroyed, or lost by fire, storm, theft, or unavoidable cause, and for aid to any governmental subdivision in an area declared by the governor to be a disaster area due to natural disasters or to expenditures necessitated by the governmental subdivision toward averting or lessening the impact of such the potential disaster, where the effect of such the disaster or such action on the governmental subdivision is the immediate financial inability to meet the continuing requirements of local government. Upon application by a governmental subdivision in such an area, accompanied by a showing of obligations and expenditures necessitated by such an actual or potential disaster in such a form and with such further information as the executive council may require requires, such the aid may be made in the discretion of the executive council and, if made, shall be in the nature of a loan up to a limit of seventy-five percent of the showing of such obligations and expenditures. The loan, without interest, shall be repaid by the maximum annual emergency levy as authorized by section 24.6, or by the appropriate levy authorized for a governmental subdivision not covered by section 24.6. The aggregate total of such loans shall not exceed one million dollars during any a fiscal year. A loan shall not be for any an obligation or expenditure occurring more than two years previous to the application.

Sec. 7. Section 76.2, unnumbered paragraph 3, Code 1985, is amended by striking the unnumbered paragraph.

Sec. 8. Section 80C.2, unnumbered paragraph 1, subsections 1, 2 and 3, and unnumbered paragraph 2, Code 1985, are amended to read as follows:

The criminal and juvenile justice advisory council is created to advise the governor and legislature and direct the agency in the performance of its duties and to perform other

duties as required by law. The council ~~shall consist of eleven~~ 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 who each of whom are either a county supervisor, county sheriff, a mayor, city chief of police or a county attorney.

2. Two persons 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.

Sec. 9. Section 85.61, subsections 1 and 8, Code 1985, are amended to read as follows:

1. "Employer" includes and applies to any person, firm, association, or corporation, state, county, municipal corporation, school corporation, area education agency, township as an employer of volunteer firemen fire fighters only, benefited fire district and the legal representatives of a deceased employer.

8. ~~The term "volunteer~~ "Volunteer fire fighters" shall ~~mean~~ means any active member of an organized volunteer fire department in this state and any other person performing services as a volunteer fireman fire fighter for a municipality, township or benefited fire district at the request of the chief or other person in command of the fire department of ~~such~~ the municipality, township or benefited fire district, or of any other officer of ~~such~~ the municipality, township or benefited fire district having

authority to demand such service, and who is not a full-time member of a paid fire department. A person performing such services shall not be classified as a casual employee.

Sec. 10. Section 97B.49, subsection 8, paragraph a, unnumbered paragraph 4, is amended by striking the unnumbered paragraph.

Sec. 11. Section 113.18, subsection 5, Code 1985, is amended to read as follows:

5. Any other kind of fence which ~~in the opinion of the fence viewers~~ shall consider to be equivalent thereto to a lawful fence or which meets standards established by the department of agriculture by rule as equivalent to a lawful fence.

Sec. 12. Section 113.20, subsection 3, Code 1985, is amended to read as follows:

3. Any other kind of a tight-partition fence which ~~in the opinion of the fence viewers~~ is consider to be equivalent thereto to a tight partition fence or which meets standards established by the department of agriculture by rule as equivalent to a tight partition fence.

Sec. 13. Section 114.21, subsections 1 and 5, Code 1985, are amended to read as follows:

1. Fraud in procuring a license certificate of registration.

5. Conviction of a felony related to the profession or occupation of the licensee registrant or the conviction of any felony that would affect the licensee's registrant's ability to practice professional engineering or land surveying. A copy of the record of conviction or plea of guilty ~~shall be~~ is conclusive evidence.

Sec. 14. Section 118A.15, subsections 1 and 5, Code 1985, are amended to read as follows:

1. Fraud in procuring a license certificate of registration.

5. Conviction of a felony related to the profession or occupation of the licensee registrant that would affect the registrant's ability to practice professional land landscape architecture. A copy of the record of conviction or plea of guilty shall be ~~is~~ conclusive evidence.

Sec. 15. Section 123.150, unnumbered paragraph 1, Code 1985, is amended to read as follows:

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 liquor or beer to patrons for consumption on the premises between the hours of noon 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 noon ten a.m. Sunday and ten p.m. 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 or beer on a Sunday when that Sunday is the day before New Years Day shall not be increased because of this privilege.

Sec. 16. Section 127.20, Code 1985, is amended to read as follows:

127.20 SALE OF CONVEYANCE.

Prior to placing the conveyance for sale to the general public, the sheriff shall permit any owner or lien holder having a property interest of fifty percent or more in the conveyance the opportunity to purchase the property interest forfeited. If such an owner or lien holder does not exercise an option under this section or if no such owner or lien holder exists, the conveyance shall be sold at public auction with the proceeds first being applied to the owners and lien holders who have not had their property interest forfeited and then applied to the expenses of keeping the conveyance and court costs, and any remaining funds shall be conveyed by the

clerk of the district court to the treasurer of state for deposit in the general fund of the state.

Sec. 17. Section 136C.14, Code 1985, is amended to read as follows:

136C.14 QUALIFIED OPERATORS -- DISPLAY OF CREDENTIALS.

1. A person, other than a licensed professional, shall not operate equipment a radiation machine or use radioactive materials for medical treatment or diagnostic purposes unless that person has completed a course of instruction approved by the department or has otherwise met the minimum training requirement established by the department.

2. A person, other than a licensed professional, who operates equipment a radiation machine or uses radioactive materials for medical treatment or diagnostic purposes shall display the credentials which indicate that person's qualification to operate equipment the machine or use the materials in the immediate vicinity of the equipment machine or where the materials are stored. A person who owns or controls the equipment machine or materials is also responsible for the proper display of credentials of those who operate the equipment machine or use the materials and shall not employ a person to operate equipment the machine or use the materials for medical treatment or diagnostic purposes except as provided in this section.

Sec. 18. Section 144.36, subsection 1, Code 1985, is amended to read as follows:

1. A certificate recording each marriage performed in this state shall be filed with the state registrar. The clerk of the district court shall prepare the certificate on the form furnished by the state registrar upon the basis of information obtained from the parties to be married, who shall attest to the information by their signatures. The clerk of the district court in each county shall keep a record book for marriages. The form of marriage record books shall be uniform throughout the state and shall be prescribed by the state

department. A properly indexed permanent record of marriage certificates upon microfilm, electronic computer, or data processing equipment may be kept in lieu of marriage record books.

Sec. 19. Section 144.37, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The clerk of the district court in each county shall keep a record book for dissolutions. The form of dissolution record books shall be uniform throughout the state ~~and shall be prescribed by the state department.~~ A properly indexed record of dissolutions upon microfilm, electronic computer, or data processing equipment may be kept in lieu of dissolution record books.

Sec. 20. Section 196.1, subsection 7, Code 1985, is amended to read as follows:

7. "Grading" means classifying each shell egg by weight and grading in accordance with egg grading standards approved by the United States government as of July 1, ~~1979~~ 1985, pursuant to the Agricultural Marketing Act of 1946, 7 U.S.C. § 1621 et seq.

Sec. 21. Section 196.2, Code 1985, is amended to read as follows:

196.2 ENFORCEMENT.

The secretary shall enforce the provisions of this chapter, and may make rules pursuant to chapter 17A and consistent with regulations of the United States government as they exist on July 1, ~~1979~~ 1985, pursuant to the Agricultural Marketing Act of 1946, 7 U.S.C. § 1621 et seq., and the Egg Products Inspection Act of 1970, 21 U.S.C. § 1044 et seq.

Sec. 22. Section 196.9, Code 1985, is amended to read as follows:

196.9 EGGS UNFIT AS HUMAN FOOD.

Eggs determined to be unfit for human food under title 21, section 1034 of the United States Code as amended to July 1, ~~1979~~ 1985 shall not be bought or sold or offered for purchase

or sale by any person unless the eggs are denatured so that they cannot be used for human food.

Sec. 23. Section 214A.2, subsection 2, unnumbered paragraph 8, Code 1985, is amended to read as follows:

"A.S.T.M." means the A.S.T.M. standards in effect on July 1, ~~1983~~ 1985.

Sec. 24. Section 217A.47, Code 1985, is amended to read as follows:

217A.47 DEDUCTION TO PAY COURT COSTS OR DEPENDENTS -- DEPOSITS.

If wages allowances are paid pursuant to section 217A.46, the director may deduct an amount established by the inmate's restitution plan of payment or an amount sufficient to pay all or part of the court costs taxed as a result of the inmate's commitment. The amount deducted shall be forwarded to the clerk of the district court or proper official. The director may pay all or any part of remaining wages allowances paid pursuant to section 217A.46 directly to a dependent of the inmate, or may deposit the wage allowance to the account of the inmate, or may deposit a portion and allow the inmate a portion for the inmate's personal use.

Sec. 25. Section 229.21, subsection 3, Code 1985, is amended to read as follows:

3. When an application for involuntary hospitalization under this chapter or an application for involuntary commitment or treatment of substance abusers under sections 125.75 to 125.94 is filed with the clerk of the district court in any county for which a judicial hospitalization referee has been appointed, and no district judge is accessible in the county, the clerk shall immediately notify the referee in the manner required by section 229.7 or section 125.77. The referee shall thereupon discharge all of the duties imposed upon judges of the district court or magistrates by sections 229.7 to 229.19 or sections 125.75 to 125.94 in the proceeding so initiated. If an emergency hospitalization proceeding is

initiated under section 229.22 a judicial hospitalization referee may perform the duties imposed upon a magistrate by that section. Upon termination of the proceeding or issuance of an order under section 229.13 or section 125.03, the referee shall transmit either to the chief judge or another judge of the district court designated by the chief judge a statement of the reasons for the referee's action and a copy of any order issued.

Sec. 26. Section 232.37, subsection 4, Code 1985, is amended to read as follows:

4. Service of summons or notice shall be made personally by the delivery of a copy thereof of the summons or notice to the person being served. If the court determining determines that personal service of a summons or notice is impracticable, the court may order service by certified mail addressed to the last known address or by publication or both. Service of summons or notice shall be made not less than five days before the time fixed for hearing. Service of summons, notice, subpoenas or other process, after an initial valid summons or notice, shall be made in accordance with the rules of the court governing such service in civil actions.

Sec. 27. Section 249A.14, Code 1985, is amended to read as follows:

249A.14 COUNTY ATTORNEY TO ENFORCE.

It is the intent of the general assembly that violations of law relating to aid to dependent children, medical assistance, and supplemental assistance shall be prosecuted by county attorneys. Area prosecutors of the office of the attorney general shall provide such assistance in prosecution as may be required. It is the intent of the general assembly that the first priority for investigation and prosecution for which funds are provided by this Act shall be for fraudulent claims or practices by health care vendors and providers.

Sec. 28. Section 252C.9, Code 1985, is amended to read as follows:

252C.9 COURT ORDER PREVAILS.

11. An order of the director issued pursuant to this chapter conflicts with an order of a court, to the extent of the conflict the court order prevails.

Sec. 29. Section 258.7, subsection 15, Code 1985, is amended to read as follows:

15. Represent the state manpower services job training coordinating council established pursuant to section 107 of the United States Comprehensive Employment and Training Act of 1973 29 U.S.C. § 1532.

Sec. 30. Section 273.2, unnumbered paragraph 2, Code 1985, is amended to read as follows:

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 five 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 before entering into the agreement.

Sec. 31. Section 321.22, subsection 3, Code 1985, is amended to read as follows:

3. The department shall issue transit bus (license) registration plates as applied for, which shall have imprinted thereon be imprinted with the words "Transit Bus" and the distinguishing number assigned to the applicant. The department shall issue the certificates and plates without fee.

Sec. 32. Section 321.38, Code 1985, is amended to read as follows:

321.38 PLATES, METHOD OF ATTACHING.

Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than twelve inches from the ground, measuring from the bottom of ~~such~~ the plate, in a place and position to be clearly visible and shall be maintained free from foreign materials or ~~imitation~~ and in a condition to be clearly legible. ~~An imitation~~ plate or plates imitating or purporting to imitate the official license registration plate of any other state or territory of the United States or of any foreign government ~~and in a condition to be clearly legible shall not be fastened to the vehicle.~~

Sec. 33. Section 321.104, subsection 3, Code 1985, is amended to read as follows:

3. ~~Any~~ A person who ~~shall fail~~ fails to surrender any a certificate of title ~~or~~ registration card or license registration plates upon cancellation, suspension or revocation of the ~~same~~ certificate or registration by the department and notice thereof as prescribed in this chapter.

Sec. 34. Section 321.177, subsection 1, Code 1985, is amended to read as follows:

1. To any person, as an operator, who is under the age of eighteen years, without the person's first having successfully completed an approved driver education course, in which case, the minimum age ~~shall be~~ is sixteen years. However, the department may issue a restricted school license as provided in section 321.194, or an temporary instruction permit as provided in section 321.180, to any person who is at least fourteen years of age. The department may issue a license restricted ~~only~~ for use only for motorized bicycles as provided in section 321.189, subsection 2.

Sec. 35. Section 321.196, unnumbered paragraph 1, Code 1985, is amended to read as follows:

An operator's license ~~shall expire four~~ expires six years from the licensee's birthday anniversary occurring in the year

of issuance if the licensee is between the ages of eighteen and seventy years on the date of issuance of the license, otherwise the license ~~shall be~~ is effective for a period of two years. The license ~~shall be~~ is renewable without written examination or penalty within a period of thirty days after its expiration date. A person shall not be considered to be driving with an invalid license during a period of thirty days following the license expiration date. However, for any a license renewed within ~~such~~ the thirty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired. Applicants whose licenses are restricted due to vision or other physical deficiencies may be required to renew their licenses every two years. For the purposes of this section the birthday anniversary of a person born on February 29 shall be deemed to occur on March 1. All applications for renewal of operators' licenses shall be made under the direct supervision of a uniformed member of the department and shall be approved by the uniformed member. The department in its discretion may authorize the renewal of a valid license upon application without an examination provided that the applicant satisfactorily passes a vision test as prescribed by the department.

Sec. 36. Section 321.218, unnumbered paragraph 2, Code 1985, is amended to read as follows:

Any person operating a motorized bicycle on the highways of the state not possessed of an operator's or chauffeur's license ~~valid for operation of motorcycles~~ or a valid motorized bicycle license, shall, upon conviction, be guilty of a simple misdemeanor.

Sec. 37. Section 321.281, subsection 10, Code 1985, is amended to read as follows:

10. The court shall order a defendant convicted of 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.

Sec. 38. Section 321.388, Code 1985, is amended to read as follows:

321.388 ILLUMINATING PLATES.

Either such the rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. When the rear license registration plate is illuminated by an electric lamp other than the required rear lamp, said the two lamps shall be turned on or off only by the same control switch at all times whenever when head lamps are lighted.

Sec. 39. Section 327G.32, unnumbered paragraph 3, Code 1985, is amended to read as follows:

This section notwithstanding, a political subdivision may pass a resolution or ordinance regulating the length of time a specific crossing may be blocked if the political subdivision demonstrates that a resolution or ordinance is necessary for public safety or convenience. If a resolution or ordinance is passed the political subdivision shall within thirty days of the effective date of the resolution or ordinance notify the authority and the railroad corporation using the crossing affected by the resolution or ordinance. The resolution or ordinance shall not become effective unless the authority and the railroad corporation are notified within thirty days. The resolution or ordinance shall become effective thirty days after notification unless a person files an objection to the resolution or ordinance with the authority. If an objection is filed the authority shall hold a hearing. The authority may disapprove the resolution or ordinance if public safety or

convenience does not require a resolution or ordinance. The resolution or ordinance approved by the political subdivision is prima-facie evidence that the resolution or ordinance is adopted to preserve public safety or convenience.

Sec. 40. Section 331.427, subsection 1, paragraph b, Code 1985, is amended to read as follows:

b. Moneys remitted by the clerk of the district court and received from a magistrate or district associate judge for fines and forfeited bail under-section-602-557-except-these directed-to-be-placed-in-the-schoo-fund imposed pursuant to a violation of a county ordinance.

Sec. 41. Section 331.602, Code 1985, is amended by adding the following new subsection after subsection 29:

NEW SUBSECTION. 29A. Maintain confidential records of prearranged funeral plans as required under section 523A.2.

Sec. 42. Section 331.756, Code 1985, is amended by adding the following new subsection after subsection 70:

NEW SUBSECTION. 70A. Accept filings and conduct examinations and audits relating to prearranged funeral plans as required under section 523A.2.

Sec. 43. Section 331.904, subsection 1, Code 1985, is amended to read as follows:

1. The annual salary of the first and second deputy officer of the office of auditor, treasurer, and recorder, and the deputy in charge of the motor vehicle registration and title division shall each be an amount not to exceed eighty percent of the annual salary of the deputy's principal officer. In offices where more than two deputies are required, each additional deputy shall be paid an amount not to exceed seventy-five percent of the principal officer's salary-except-that-in-a-county-having-two-locations-at-which-the-district-court-is-held-an-additional-deputy-clerk-shall be-paid-an-amount-not-to-exceed-eighty-percent-of-the principal-officer's-salary. The amount of the annual salary of each deputy shall be certified by the principal officer to

the board and, if a deputy's salary does not exceed the limitations specified in this subsection, the board shall certify the salary to the auditor. The board shall not certify a deputy's salary which exceeds the limitations of this subsection.

Sec. 44. Section 364.J, subsection 2, Code 1985, is amended to read as follows:

2. A city shall not provide a penalty in excess of a one hundred dollar fine or in excess of thirty days imprisonment for the violation of an ordinance. An amount equal to ten percent of all fines collected by cities shall be remitted ~~quarterly to the county treasurer of the county in which the city is located~~ deposited in the court revenue distribution account established in section 602.8108. However, one hundred percent of all fines collected by a city pursuant to section 321.236, subsection 1, shall be retained by the city. The criminal penalty surcharge required by section 911.2 shall be added to a city fine and is not a part of the city's penalty.

Sec. 45. Section 384.6, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A city may establish a trust and agency fund funds for the following purposes:

Sec. 46. Section 384.12, subsection 19, paragraph c, Code 1985, is amended to read as follows:

c. The proposition to be submitted shall be substantially in the following form:

Vote for only one of the following:

Shall the city of (name of city) levy a tax for the purpose of (state purpose of levy election) at a rate of (rate) which will provide \$..... (amount)?

~~The~~ Shall the city of ~~shall~~ continue under the maximum rate of providing \$..... (amount)?

Sec. 47. Section 422.43, subsections 3 and 11, Code 1985, are amended to read as follows:

3. The tax thus imposed ~~shall cover~~ covers all receipts from the operation of games of skill, games of chance, raffles and bingo games as defined in chapter 99A, and musical devices, weighing machines, shooting galleries, billiard and pool tables, bowling alleys, pinball machines, slot-operated devices selling merchandise not subject to the general sales taxes and on all receipts from devices or systems where prizes are in any manner awarded to patrons and upon the receipts from fees charged for participation in any game or other form of amusement, and generally upon the gross receipts from any source of amusement operated for profit, not specified herein in this section, and upon the gross receipts from which no tax is collected for tickets or admission, but no tax shall be imposed upon any activity exempt from sales tax under the ~~provision of~~ section 422.45, subsection 4 1. Every person receiving gross receipts from the sources as defined in this section ~~shall be~~ is subject to all provisions of this division relating to retail sales tax and such other provisions of this chapter as ~~may be~~ applicable.

11. The following enumerated services are subject to the tax imposed on gross taxable services: Alteration and garment repair; armored car; automobile repair; battery, tire and allied; investment counseling, excluding investment services of trust departments; bank service charges; barber and beauty; boat repair; car wash and wax; carpentry; roof, shingle, and glass repair; dance schools and dance studios; dry cleaning, pressing, dyeing, and laundering; electrical and electronic repair and installation; rental of tangible personal property; excavating and grading; farm implement repair of all kinds; flying ~~services-except-agricultural-aerial-application services-and-aerial-commercial-and-charter-transportation~~ services; furniture, rug, upholstery repair and cleaning; fur storage and repair; golf and country clubs and all commercial recreation; house and building moving; household appliance, television, and radio repair; jewelry and watch repair;

machine operator; machine repair of all kinds; motor repair; motorcycle, scooter, and bicycle repair; oilers and lubricators; office and business machine repair; painting, papering, and interior decorating; parking facilities; pipe fitting and plumbing; wood preparation; licensed executive search agencies; private employment agencies, excluding services for placing a person in employment where the principal place of employment of that person is to be located outside of the state; sewing and stitching; shoe repair and shoeshine; storage warehousing of raw agricultural products; telephone answering service; test laboratories, except tests on humans; termite, bug, roach, and pest eradicators; tin and sheet metal repair; turkish baths, massage, and reducing salons; weighing; welding; well drilling; wrapping, packing, and packaging of merchandise other than processed meat, fish, fowl and vegetables; wrecking service; wrecker and towing. For purposes of this subsection, gross taxable services from rental includes rents, royalties, and copyright and license fees.

Sec. 48. Section 422.45, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. The gross receipts from services rendered, furnished or performed by specialized flying implements of husbandry used for agricultural aerial spraying and aerial commercial and charter transportation services.

Sec. 49. Section 534.406, Code 1985, is amended to read as follows:

534.406 RECEIVERSHIP.

When any building and loan or savings and loan association is conducting its business illegally, or in violation of its articles of incorporation or bylaws, or is practicing deception upon its members or the public, or is pursuing a plan of business that is injurious to the interest of its members, or its affairs are in an unsafe condition, the auditor of state shall notify the directors thereof of the

association, and, if they ~~shall~~ fail to put its affairs upon a safe basis, the auditor shall advise the attorney general thereof, who shall take the necessary steps to wind up its affairs in the manner provided by law. In such the proceedings a receiver may be appointed by the court and such the proceedings shall be the exclusive liquidation or insolvency proceeding and a receiver shall not be appointed in any other proceedings. ~~The provisions for notice, hearing, findings and review set out under the above section shall also apply to this section.~~

Sec. 50. Section 556.5, subsection 1, paragraph b, Code 1985, is amended to read as follows:

b. Otherwise communicated with the association regarding the interest of or a dividend, distribution, or other sum payable as a result or of the interest, as evidenced by a memorandum or other record on file with the association prepared by an employee of the association.

Sec. 51. Section 556.25, subsection 1, Code 1985, is amended to read as follows:

1. A person who fails to pay or deliver property within the time prescribed by this chapter shall pay the treasurer of state interest at the annual rate of eighteen percent on the property or value of the property from the date the property should have been paid or delivered but in no event prior to July 1, ~~1969~~ 1984.

Sec. 52. Section 598.14, unnumbered paragraph 1, Code 1985, is amended to read as follows:

In making temporary orders, the court shall take into consideration the age and sex of the applicant, the physical and pecuniary condition of the parties, and such other matters as are pertinent, which may be shown by affidavits, as the court may direct; however, the hearing on the application shall be limited to matters set forth in such the application, the affidavits of the parties, and the required statements of income. The court shall not hear any other matter relating to

the petition, respondent's answer, or any pleadings connected therewith with the petition or answer.

Sec. 53. Section 602.8102, subsection 40, Code 1985, is amended by striking the subsection.

Sec. 54. Section 602.8103, subsection 1, paragraph b, Code 1985, is amended to read as follows:

b. For payment in advance of various services and docketing procedures, excluding those for small claims actions and simple misdemeanor actions, twenty-five dollars.

Sec. 55. Section 602.8106, subsection 3, Code 1985, is amended to read as follows:

3. The clerk shall remit all other fines and forfeited bail received from a magistrate to the treasurer of state for distribution under section 602.8107 to be credited to the general fund of the state.

Sec. 56. Section 602.8106, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. The clerk shall remit all fines and forfeited bail received from a magistrate or district court judge for violation of a county ordinance, except an ordinance relating to vehicle speed or weight restrictions, to the county treasurer of the county that was the plaintiff in the action, and shall provide that county with a statement showing the total number of cases, the total of all fines and forfeited bail collected, and the total of all cases dismissed. However, if a county ordinance provides a penalty for a violation which is also penalized under state law, the fines and forfeited bail collected for the violation of that ordinance shall be deposited in the court revenue distribution account established under section 602.8108.

Sec. 57. Section 602.11102, subsection 2, paragraph d, Code 1985, is amended to read as follows:

d. Notwithstanding paragraphs "b" and "c", for the period beginning July 1, 1984, and ending June 30, 1986, court reporters who become state employees as a result of this Act

chapter are not subject to the sick leave and vacation accrual limitations generally applied to state employees.

Sec. 58. Section 628.28, Code 1985, is amended to read as follows:

628.28 REDEMPTION OF PROPERTY NOT USED FOR RESIDENTIAL OR AGRICULTURAL PURPOSES.

If real property is not used for agricultural purposes, as defined in section 535.13, and is not the residence of the mortgagor-or-the-owner debtor, or if it is the residence of the mortgagor-or-the-owner debtor but not a single-family or two-family dwelling, then the period of redemption after foreclosure is one hundred eighty days-or-if, For the first ninety days after the sale the right of redemption is exclusive to the debtor and the time periods provided in sections 628.5, 628.15 and 628.16 are reduced to one hundred thirty-five days. If a deficiency judgment has been waived the period of redemption is reduced to ninety days-and, For the first thirty days after the sale the redemption is exclusively the right of the mortgagor-or-owner debtor and the time periods provided in sections 628.5, 628.15 and 628.16 are reduced to sixty days.

If real property is not used for agricultural purposes, as defined in section 535.13, and is a single-family or two-family dwelling which is the residence of the mortgagor-or-the-owner debtor at the time of foreclosure but the court finds that after foreclosure the dwelling has ceased to be the residence of the mortgagor-or-the-owner debtor and if there are no junior creditors, the court shall order the period of redemption reduced to thirty days from the date of the court order and-redemption-is-exclusively-the-right-of-the-mortgagor-or-the-owner-during-the-thirty-day-period. If there is a junior creditor, the court shall order the redemption period reduced to sixty days. For the first thirty days redemption is the exclusive right of the debtor and the time periods provided in sections 628.5, 628.15 and 628.16 are reduced to forty-five days.

Sec. 59. Section 631.6, Code 1985, is amended to read as follows:

631.6 FEES AND COSTS.

All fees and costs required to be paid in small claims actions shall be paid in advance, and shall be assessed as costs in the action.

1. The docket fee for a small claims action is ten dollars. ~~Other fees imposed for small claims shall be the same as those required in regular actions in district court;~~ four Four dollars of the docket fee shall remain be deposited in the county treasury for the use of the county court revenue distribution account established under section 602.8108 and six dollars of the fee shall be paid into the state treasury. Of the amount paid into the state treasury, one dollar shall be deposited in the judicial retirement fund established in section 602.9104 to be used to pay retirement benefits of the judicial retirement system, and the remainder shall be deposited in the general fund of the state.

2. Postage charged for the mailing of original notices shall be the actual cost of the postage.

3. Fees for personal service by peace officers or other officials of the state ~~shall be~~ are the amounts specified by law.

4. Fees for service of notice on nonresidents ~~shall be~~ are as provided in section 617.3.

All fees and costs collected in small claims actions, other than the six dollars of the docket fee to be paid into the state treasury, shall be deposited in the court revenue distribution account established under section 602.8108, except that the fee specified in subsection 4 of this section shall be remitted to the secretary of state.

Sec. 60. Section 714.3, unnumbered paragraph 2, Code 1985, is amended to read as follows:

If money or property is stolen ~~by two or more acts~~ from the same person or location by two or more acts, or from different

persons by two or more acts which occur in approximately the same location or time period so that the thefts are attributable to a single scheme, plan or conspiracy, these acts may be considered a single theft and the value may be the total value of all the property stolen.

Sec. 61. Section 714.8, subsection 3, Code 1985, is amended to read as follows:

3. Knowingly executes or tenders a false certification under penalty of perjury, false affidavit, or false certificate, which if the certification, affidavit, or certificate is required by law or which is given in support of a claim for compensation, indemnification, restitution, or other payment.

Sec. 62. Section 805.8, subsection 2, paragraphs i, j and l, Code 1985, are amended to read as follows:

i. For violations involving failures to yield or to observe pedestrians and other vehicles under sections 321.257, ~~subsections 3 and 4~~ subsection 2, 321.288, 321.298, 321.300, 321.307, 321.308, 321.313, 321.319, 321.320, 321.321, 321.329, 321.333, and 321.367, the scheduled fine is twenty dollars.

j. For violations by pedestrians and bicyclists under sections 321.236, subsection 10, 321.257, subsection 2, 321.325, 321.326, 321.328, 321.331, 321.332, 321.397 and 321.434, the scheduled fine is ten dollars.

l. For violations of traffic signs and signals, and for failure to obey an officer under sections 321.229, 321.236, subsections 2 and 6, 321.256, 321.257, ~~subsections~~ subsection 2 and 3, 321.258, 321.294, 321.304, subsection 3, 321.322, 321.341, 321.342, 321.343 and 321.415, the scheduled fine is twenty dollars.

Sec. 63. Section 805.9, subsection 6, Code 1985, is amended to read as follows:

6. The eight dollars in costs imposed by this section are the total costs collectible from a defendant upon either an admission of a violation without hearing, or upon a hearing

~~pursuant to subsection 4. Fees shall not be imposed upon or collected from a defendant for the purposes specified in section 602.01057-subsection 17-paragraph "a" 7-"j" 7-or-"e".~~

Sec. 64. Section 805.11, unnumbered paragraph 2, Code 1985, is amended by striking the unnumbered paragraph.

Sec. 65. Section 815.11, Code 1985, is amended to read as follows:

815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

Costs incurred under sections 814.9, 814.10, 814.11, 815.4, 815.5, 815.6, 815.7, 815.10, ~~815.12~~, or the rules of criminal procedure on behalf of an indigent shall be paid from funds appropriated by the general assembly to the supreme court for those purposes.

Sec. 66. Section 910.2, Code 1985, is amended to read as follows:

910.2 RESTITUTION ORDERED BY SENTENCING COURT.

In all criminal cases except simple misdemeanors under chapter 321, in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to the victims of the offender's criminal activities and, if the court so orders and to the extent that the offender is reasonably able to do so, ~~to the county where conviction was rendered~~ for court costs, court-appointed attorney's fees or the expense of a public defender when applicable. However, victims shall be paid in full before restitution payments ~~are~~ is paid ~~to the county~~ for court costs, court-appointed attorney's fees or for the expense of a public defender. When the offender is not reasonably able to pay all or a part of the court costs, court-appointed attorney's fees or the expense of a public defender, the court may require the offender in lieu of that portion of the court costs, court-appointed attorney's fees, or expense of a public defender for which the offender is not reasonably able to pay, to perform a needed public service for

any governmental agency or for a private, nonprofit agency which provides a service to the youth, elderly or poor of the community. When community service is ordered, the court shall set a specific number of hours of service to be performed by the offender. The judicial district department of correctional services shall provide for the assignment of the offender to a public agency or private nonprofit agency to perform the required service.

Sec. 67. Sections 91.17, 91.18, and 602.11109, Code 1985, and 1984 Iowa Acts, chapter 1067, section 8, and chapter 1303, section 10, are repealed.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 329, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 24, 1985

TERRY E. BRANSTAD
Governor