

Lamberti
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SSB -3014
Judiciary

Succeeded By

SENATE FILE CF/HF 2092
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MCKEAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities and providing
6 effective dates.

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

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1 Section ~~13~~ Section 12C.6A subsection 5, paragraph b, Code
2 Supplement 1999, is amended to read as follows:

3 b. If any committee member, in the member's discretion,
4 finds that the complaint has merit, the member may order the
5 bank alleged to have failed to meet its community reinvestment
6 responsibility to attend and participate in a meeting with the
7 complainant. The committee member may specify who, at
8 minimum, shall represent the ~~financial-institution~~ bank at the
9 meeting. At the meeting, or at any other time, the bank may,
10 but is not required to, enter into an agreement with a
11 complainant to correct alleged failings.

12 Sec. 2. Section 12C.25, unnumbered paragraph 2, Code
13 Supplement 1999, is amended to read as follows:

14 The funds shall be used to receive and disburse moneys
15 pursuant to section 12C.23, subsection 3, paragraph "d" and
16 section 12C.23A, subsection 3, paragraph "d".

17 Sec. 3. Section 13B.4, subsection 4, paragraph c,
18 unnumbered paragraph 2, Code Supplement 1999, is amended to
19 read as follows:

20 d. Notwithstanding chapter 17A, the attorney may seek
21 review of any action or intended action taken pursuant to
22 paragraph "~~d~~" "c" by filing a motion with the court with
23 jurisdiction over the original appointment for review. The
24 motion must be filed within twenty days of any action taken by
25 the state public defender. The attorney shall have the burden
26 to establish by a preponderance of the evidence that the
27 amount of compensation and expenses is reasonable and
28 necessary to competently represent the client. The filing of
29 a motion shall not delay the payment of the amount specified
30 by the state public defender pursuant to this subsection.

31 Sec. 4. Section 13B.8, subsection 2, Code Supplement 1999,
32 is amended to read as follows:

33 2. The state public defender may appoint ~~a-local-public~~
34 ~~defender~~ and may remove the local public defender, assistant
35 local public defenders, clerks, investigators, secretaries, or

1 other employees for cause. Each local public defender, and
2 any assistant local public defender, must be an attorney
3 admitted to the practice of law before the Iowa supreme court.

4 Sec. 5. Section 29B.20, Code 1999, is amended to read as
5 follows:

6 29B.20 COMPLETE RECORD.

7 A sentence imposing a dishonorable discharge, discharge
8 under other than honorable conditions, dismissal, or
9 confinement shall not be adjudged unless a complete record of
10 the proceedings and testimony has been made, counsel having
11 the qualifications prescribed under this code was detailed to
12 represent the accused, and a military judge was detailed to
13 the trial, except in any case in which a military judge could
14 not be detailed to the trial because of physical conditions or
15 military exigencies. If a military judge was not detailed to
16 the trial, the convening authority shall make a detailed
17 written statement, to be appended to the record, stating the
18 reason a military judge could not be detailed.

19 Sec. 6. Section 35C.1, subsection 1, Code 1999, is amended
20 to read as follows:

21 1. In every public department and upon all public works in
22 the state, and of the counties, cities, and school
23 corporations of the state, ~~honorably-discharged-persons-from~~
24 ~~the-military-or-naval-forces-of-the-United-States-in-any-war~~
25 ~~in-which-the-United-States-has-been-engaged, including the~~
26 ~~Korean-Conflict-at-any-time-between-June-25, 1950 and January~~
27 ~~31, 1955, both dates inclusive, the Vietnam Conflict beginning~~
28 ~~August 5, 1964, and ending on May 7, 1975, both dates~~
29 ~~inclusive, and the Persian Gulf Conflict beginning August 2,~~
30 ~~1990, and ending on the date specified by the president or the~~
31 ~~Congress of the United States as the date of permanent~~
32 ~~cessation of hostilities, both dates inclusive~~ veterans as
33 defined in section 35.1, who are citizens and residents of
34 this state are entitled to preference in appointment and
35 employment over other applicants of no greater qualifications.

1 However, if the Congress of the United States enacts a date
2 different from August 27, 1990, as the beginning of the Persian
3 Gulf Conflict to determine the eligibility of a veteran for
4 military benefits as a veteran of the Persian Gulf Conflict,
5 the date enacted by the Congress of the United States shall be
6 substituted for August 27, 1990. The preference in appointment
7 and employment for employees of cities under a municipal civil
8 service is the same as provided in section 400.10. For the
9 purposes of this section service in World War II means service
10 in the armed forces of the United States between December 7,
11 1941, and December 31, 1946, both dates inclusive.

12 Sec. 7. Section 37.9, unnumbered paragraph 6, Code
13 Supplement 1999, is amended to read as follows:

14 The commissioners having the management and control of a
15 memorial hospital shall, within ten days after their
16 appointment, qualify by taking the usual oath of office, but
17 no bonds shall be required of them except as hereinafter
18 provided. The commissioners shall organize by electing a
19 chairperson, secretary, and treasurer. The secretary and
20 treasurer shall each file with the chairperson of the
21 commission a surety bond in such sum as the commission may
22 require, with sureties approved by the commission, for the use
23 and benefit of the memorial hospital. The reasonable costs of
24 such bonds shall be paid from operating funds of the hospital.
25 The secretary shall immediately report to the county auditor
26 and county treasurer the names of the chairperson, secretary,
27 and treasurer of the commission. The commission shall meet at
28 least once each month. Three members of the a five-member
29 commission and five members of a seven-member commission shall
30 constitute a quorum for the transaction of business. The
31 secretary shall keep a complete record of its proceedings.

32 Sec. 8. Section 46.24, unnumbered paragraph 2, Code
33 Supplement 1999, is amended to read as follows:

34 The state board of canvassers shall, at the time of
35 canvassing the vote cast at a general election, open and

1 canvass all of the returns for the judicial election. Each
2 judge of the supreme court, court of appeals or district court
3 including a district associate judge, full-time associate
4 juvenile judge, or full-time associate probate judge, or a
5 clerk of the district court who has received more affirmative
6 than negative votes shall receive from the state board of
7 canvassers an appropriate certificate so stating.

8 Sec. 9. Section 91C.8, subsection 4, Code Supplement 1999,
9 is amended to read as follows:

10 4. If a citation is issued, the commissioner shall, within
11 seven days, notify the contractor by service in the same
12 manner as an original notice or by certified mail of the
13 administrative penalty, if any, proposed to be assessed and
14 that the contractor has fifteen working days within which to
15 notify the commissioner that the employer contractor wishes to
16 contest the citation or proposed assessment of penalty.

17 Sec. 10. Section 123.39, subsection 4, Code 1999, is
18 amended to read as follows:

19 4. If the cause for suspension is a first offense
20 violation of section 123.49, subsection 2, paragraph "h", the
21 administrator or local authority shall impose a civil penalty
22 in the amount of ~~three~~ five hundred dollars in lieu of
23 suspension of the license or permit. Local authorities shall
24 retain civil penalties collected under this paragraph if the
25 proceeding to impose the penalty is conducted by the local
26 authority. The division shall retain civil penalties
27 collected under this paragraph if the proceeding to impose the
28 penalty is conducted by the administrator of the division.

29 Sec. 11. Section 141A.8, subsection 7, Code Supplement
30 1999, is amended to read as follows:

31 7. When a care provider in the course of providing care
32 sustains a significant exposure on the premises of a health
33 care facility or while engaged in rendering aid or providing
34 transportation to an individual in circumstances which lead to
35 the individual's presence at a health care facility, the

1 individual to whom the care provider was exposed is deemed to
2 consent to a test to be administered by the health care
3 facility upon the written request of the exposed care provider
4 for the express purpose of determining the presence of HIV
5 infection in that individual. The sample and test results
6 shall only be identified by a number and no reports otherwise
7 required by this chapter shall be made which identify the
8 individual tested. However, if the test results are positive,
9 the health care facility shall notify the individual tested
10 and ensure performance of counseling and reporting
11 requirements of this chapter in the same manner as for an
12 individual from whom actual consent was obtained.

13 Sec. 12. Section 161D.1, subsection 4, Code Supplement
14 1999, is amended to read as follows:

15 4. This ~~chapter~~ subchapter is not intended to affect the
16 authority of the department of natural resources in its
17 acquisition, development, and management of public lands
18 within the counties represented by the authority.

19 Sec. 13. Section 161D.3, unnumbered paragraph 1, Code
20 Supplement 1999, is amended to read as follows:

21 As used in this ~~chapter~~ subchapter, unless the context
22 otherwise requires:

23 Sec. 14. Section 182.14, subsection 1, Code Supplement
24 1999, is amended to read as follows:

25 1. If approved by a majority of voters at a referendum, an
26 assessment to shall be set by the board at not more than two
27 cents for each pound of wool produced and sold by a producer
28 and not more than ten cents per head on sheep sold by a
29 producer.

30 Sec. 15. Section 184A.6, subsection 2, Code Supplement
31 1999, is amended to read as follows:

32 2. The council shall expend moneys from the account first
33 for the payment of expenses for the collection of assessments,
34 and then for the payment of expenses related to ~~connecting~~
35 conducting a referendum as provided in section 184A.12. The

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1 council shall expend remaining moneys for market development,
2 producer education, and the payment of refunds to producers as
3 provided in this chapter.

4 Sec. 16. Section 235A.18, subsection 1, paragraph b, Code
5 Supplement 1999, is amended to read as follows:

6 b. Data sealed in accordance with this section shall be
7 expunged eight years after the date the data was sealed.
8 However, if the report data and the disposition data involve
9 child abuse as defined in section 232.68, subsection 2,
10 paragraphs paragraph "c" and or "e", the data shall not be
11 expunged for a period of thirty years. Sealed data shall be
12 made available to the department of justice upon request if
13 the prosecutor's review committee is reviewing records or if a
14 prosecuting attorney has filed a petition to commit a sexually
15 violent predator under chapter 229A.

16 Sec. 17. Section 260G.6, Code Supplement 1999, is amended
17 to read as follows:

18 260G.6 PROGRAM CAPITAL FUNDS ALLOCATION.

19 If moneys are appropriated by the general assembly to
20 support program capital costs, the moneys shall be allocated
21 according to rules adopted by the department of economic
22 development pursuant to chapter 17A. In order to receive such
23 moneys a program agreement approved by the community college
24 board of directors must be in place, program capital cost
25 requests shall be approved by the Iowa economic development
26 board created in section 15.103, program capital cost requests
27 shall be approved or denied not later than sixty days
28 following receipt of the request by the department of economic
29 development, and employer contributions toward program capital
30 costs shall be certified and agreed to in the agreement.

31 Sec. 18. Section 317.1, subsection 1, Code 1999, is
32 amended to read as follows:

33 1. Primary noxious weeds, which shall include quack grass
34 (Agropyron repens), perennial sow thistle (Sonchus arvensis),
35 Canada thistle (Cirsium arvense), bull thistle (Cirsium

1 lanceolatum), European morning glory or field bindweed
2 (Convolvulus arvensis), horse nettle (Solanum carolinense),
3 leafy spurge (Euphorbia esula), perennial pepper-grass
4 (Lepidium draba), Russian knapweed (Centaurea repens),
5 buckthorn (Rhamnus, not to include Rhamnus frangula), and all
6 other species of thistles belonging in genera of Cirsium and
7 Carduus.†

8 Sec. 19. Section 321.34, subsection 15, Code Supplement
9 1999, is amended to read as follows:

10 15. LEGION OF MERIT SPECIAL PLATES. The owner of a motor
11 vehicle subject to registration under section 321.109,
12 subsection 1, light delivery truck, panel delivery truck,
13 motorcycle, trailer, or pickup who has been awarded the legion
14 of merit may, upon written application to the department and
15 presentation of satisfactory proof of the award of the legion
16 of merit as established by the Congress of the United States,
17 order special registration plates with a legion of merit
18 processed emblem. The emblem shall be designed by the
19 department in cooperation with the adjutant general and shall
20 signify that the owner was awarded the legion of merit. The
21 application is subject to approval by the department, in
22 consultation with the adjutant general. The special plates
23 shall be issued at no charge and are subject to an annual
24 registration fee of fifteen dollars. The county treasurer
25 shall validate the special plates in the same manner as
26 regular registration plates are validated under this section.

27 The surviving spouse of a person who was issued special
28 plates under this subsection may continue to use or apply for
29 and use the special plates subject to registration of the
30 special plates in the surviving spouse's name and upon payment
31 of the annual registration fee. If the surviving spouse
32 remarries, the surviving spouse shall return the special
33 plates to the department and the department shall issue
34 regular registration plates to the surviving spouse.

35 Sec. 20. Section 321.49, subsection 3, Code Supplement

1 1999, is amended to read as follows:

2 3. A mobile home dealer who acquires a used mobile home,
3 or manufactured housing, titled in Iowa, and who does not
4 apply for and obtain a certificate of title from the county
5 treasurer of the dealer's county of residence within thirty
6 days of the date of acquisition, as required under section
7 321.45, subsection 4, is subject to a penalty of ten dollars.
8 A certificate of title shall not be issued to the mobile home
9 dealer until the penalty is paid.

10 Sec. 21. Section 321.104, unnumbered paragraph 1, Code
11 Supplement 1999, is amended to read as follows:

12 It is a misdemeanor, punishable as provided in section
13 ~~321.482~~ 805.8 for any person to commit any of the following
14 acts:

15 Sec. 22. Section 322.27, Code 1999, is amended to read as
16 follows:

17 322.27 MANUFACTURER'S LICENSE.

18 A manufacturer, except an alien manufacturer represented by
19 an importer, ~~distributor-branch, factory-representative-or~~
20 ~~distributor-representative~~ shall not engage in business as a
21 manufacturer in this state or employ, appoint or maintain
22 distributors or wholesalers, ~~factory-representatives-or~~
23 ~~branches, distributor-representatives-or-branches,~~ or dealers,
24 without a license as provided in this chapter. However, new
25 motor vehicle dealers may wholesale motor vehicles without an
26 additional license and used motor vehicle dealers may
27 wholesale used motor vehicles without an additional license.

28 Sec. 23. Section 322.30, Code 1999, is amended to read as
29 follows:

30 322.30 DISPLAY.

31 The licenses of manufacturers, ~~factory-branches,~~ and
32 distributors ~~and-distributor-branches~~ shall specify the
33 location of the office ~~or-branch~~ and must be conspicuously
34 displayed at such location. In case such location be changed,
the department shall endorse the change of location on the

1 license without charge if it be within the same municipality.
2 A change of location to another municipality shall require a
3 new license.

4 Sec. 24. Section 322C.8, Code 1999, is amended to read as
5 follows:

6 322C.8 MANUFACTURER'S OR DISTRIBUTOR'S REPRESENTATIVE.

7 A manufacturer's ~~or-distributor's-representative~~ shall not
8 engage in business in this state without a license pursuant to
9 this chapter.

10 Sec. 25. Section 322C.9, subsection 2, Code 1999, is
11 amended by striking the subsection.

12 Sec. 26. Section 403A.22, subsection 5, Code Supplement
13 1999, is amended to read as follows:

14 5. Stock ownership in a corporation having such an
15 interest shall not be deemed an interest ~~or of,~~ or ownership
16 or control by the person owning such stocks when less than
17 five percent of the outstanding stock of the corporation is
18 owned or controlled directly or indirectly by such person.

19 Sec. 27. Section 427A.12, subsections 3 and 4, Code
20 Supplement 1999, are amended to read as follows:

21 3. The county auditor shall certify and forward one copy
22 each of the statement to the state comptroller and to the
23 director of revenue not later than January 15, 1974. ~~The~~
24 ~~director-of-revenue-shall-make-any-necessary-corrections-and~~
25 ~~certify-to-the-state-comptroller-the-amount-of-the-personal~~
26 ~~property-tax-replacement-base-for-each-taxing-district-in-the~~
27 ~~state,-determined-pursuant-to-subsection-2-~~

28 4. The personal property tax replacement base for each
29 taxing district is permanent and shall not be adjusted, except
30 that the department of management revenue and finance shall
31 make any necessary corrections and shall make appropriate
32 adjustments to reflect mergers, annexations, and other changes
33 in taxing districts or their boundaries.

34 Sec. 28. Section 427A.12, subsections 5, 6, and 7, Code
35 Supplement 1999, are amended by striking the subsections.

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1 Sec. 29. Section 455B.165, subsection 7, paragraph d,
2 subparagraph (2), Code 1999, is amended to read as follows:

3 (2) The spray irrigation equipment disperses manure
4 through an orifice at a rate maximum pressure of not more than
5 twenty-five pounds per square inch.

6 Sec. 30. Section 456A.20, subsection 2, Code Supplement
7 1999, is amended to read as follows:

8 2. The department shall deposit a portion of the moneys
9 that it receives from selling trees and shrubs as provided in
10 this section to the forestry management and enhancement fund
11 as created in section 456A.21. The amount deposited in the
12 fund shall equal five cents for each coniferous tree and ten
13 cents for each hardwood tree and shrub ~~received-from-the-sales~~
14 sold.

15 Sec. 31. Section 481C.3, Code Supplement 1999, is amended
16 to read as follows:

17 481C.3 FUNDING.

18 ~~Notwithstanding-section-483A-307-the~~ The revenue from
19 nonresident deer and wild turkey hunting licenses shall ~~first~~
20 be used to pay the salaries, support, and maintenance of the
21 wild animal depredation unit established pursuant to section
22 481C.1. ~~The-remaining-revenue-from-nonresident-deer-and-wild~~
23 ~~turkey-hunting-licenses-shall-be-used-to-meet-the-requirements~~
24 ~~of-section-483A-307~~.

25 Sec. 32. Section 572.23, subsection 2, Code Supplement
26 1999, is amended to read as follows:

27 2. If acknowledgment of satisfaction is not filed within
28 thirty days after service of the demand in writing, the party
29 serving the demand or causing the demand to be served may file
30 for record with the clerk of the district court a copy of the
31 demand with proofs of service attached and endorsed and, in
32 case of service by publication, a personal affidavit that
33 personal service could not be made within this state. Upon
34 completion of the requirements of this subsection, the record
shall be constructive notice to all parties of the due

1 forfeiture and cancellation of the lien. Upon the filing of
2 the ~~forfeiture-of-the-lien~~ demand with the required
3 attachments, the clerk of the district court shall mail a
4 file-stamped copy of the ~~cancellation~~ demand to both parties.

5 Sec. 33. Section 579B.4, subsection 3, Code Supplement
6 1999, is amended to read as follows:

7 3. Except as provided in chapter 581, a lien created under
8 ~~this section until-preserved~~ 579B.3 and a lien preserved under
9 this section are superior to and shall have priority over a
10 conflicting lien or security interest in the commodity,
11 including a lien or security interest that was perfected prior
12 to the creation of the lien under this chapter.

13 Sec. 34. Section 598B.204, subsection 4, Code Supplement
14 1999, is amended to read as follows:

15 4. A court of this state which has been asked to make a
16 child-custody determination under this section, upon being
17 informed that a child-custody proceeding has been commenced
18 in, or a child-custody determination has been made by, a court
19 of a state having jurisdiction under sections 598B.201 through
20 598B.203, shall immediately communicate with the other court.
21 A court of this state which is exercising jurisdiction
22 pursuant to sections 598B.201 through 598B.203, upon being
23 informed that a child-custody proceeding has been commenced
24 in, or a child-custody determination has been made by, a court
25 ~~or of~~ of another state under a statute similar to this section
26 shall immediately communicate with the court of that state to
27 resolve the emergency, protect the safety of the parties and
28 the child, and determine a period for the duration of the
29 temporary order.

30 Sec. 35. Section 598B.308, subsection 4, paragraph a, Code
31 Supplement 1999, is amended to read as follows:

32 a. The child-custody determination has not been registered
33 and confirmed under section 598B.305 and that ~~all~~ any of the
34 following apply:

35 (1) The issuing court did not have jurisdiction under

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1 article II.

2 (2) The child-custody determination for which enforcement
3 is sought has been vacated, stayed, or modified by a court
4 having jurisdiction to do so under article II.

5 (3) The respondent was entitled to notice, but notice was
6 not given in accordance with the standards of section
7 598B.108, in the proceedings before the court that issued the
8 order for which enforcement is sought.

9 Sec. 36. Section 633.20A, Code Supplement 1999, is amended
10 to read as follows:

11 633.20A PART-TIME ASSOCIATE PROBATE JUDGE -- APPOINTMENT
12 -- REMOVAL -- QUALIFICATIONS.

13 The chief judge of a judicial district may appoint a part-
14 time associate probate judge and may remove the part-time
15 associate probate judge for cause following a hearing. The
16 part-time associate probate judge shall be an attorney
17 admitted to practice law in this state and shall be qualified
18 for the position by training and experience.

19 Sec. 37. Section 637.423, subsection 4, Code Supplement
20 1999, is amended to read as follows:

21 4. If a trust owns an interest in minerals, water, or
22 other natural resources on or before July 1, ~~1999~~ 2000, the
23 trustee may allocate receipts from the interest as provided in
24 this section or in the manner used by the trustee before July
25 1, ~~1999~~ 2000. If the trust acquires an interest in minerals,
26 water, or other natural resources after July 1, ~~1999~~ 2000, the
27 trustee shall allocate receipts from the interest as provided
28 in this section.

29 Sec. 38. Section 637.424, subsection 5, Code Supplement
30 1999, is amended to read as follows:

31 5. If a trust owns an interest in timberland on or before
32 July 1, ~~1999~~ 2000, the trustee may allocate net receipts from
33 the sale of timber and related products as provided in this
34 section or in the manner used by the trustee before July 1,
35 ~~1999~~ 2000. If the trust acquires an interest in timberland

1 after July 1, 1999 2000, the trustee shall allocate net
2 receipts from the sale of timber and related products as
3 provided in this section.

4 Sec. 39. Section 692.15, subsection 3, Code Supplement
5 1999, is amended to read as follows:

6 3. The law enforcement agency making an arrest and
7 securing fingerprints pursuant to section 690.2 or taking a
8 juvenile into custody and securing fingerprints pursuant to
9 section 232.148 shall fill out a final disposition report on
10 each arrest or taking into custody on a form and in the manner
11 prescribed by the commissioner of public safety. The final
12 disposition report shall be forwarded to the county attorney
13 in the county where the arrest or taking into custody occurred
14 or to the juvenile court officer who received the referral.

15 Sec. 40. Section 805.10, Code 1999, is amended to read as
16 follows:

17 805.10 REQUIRED COURT APPEARANCE.

18 1. Section 805.9 shall not apply to a scheduled violation
19 in any of the following circumstances:

20 1- a. When the violation charged involved or resulted in
21 an accident or injury to property and the total damages are
22 one thousand dollars or more, or in an injury to person.

23 2- b. When the violation created an immediate threat to
24 the safety of other persons or property because of highway
25 conditions, visibility, traffic, repetition, or other
26 circumstances.

27 c. When the violation charged involves the taking of an
28 animal for which there is a civil damage assessment in
29 addition to a criminal penalty.

30 2. In such cases, the defendant shall appear before the
31 court and regular procedure shall apply. If an information is
32 used the officer shall endorse thereon, "Court appearance
33 required." If a citation and complaint is used, the officer
34 shall strike out the space in which the defendant may admit
35 the violation before a scheduled violations office and shall

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1 endorse thereon "Court appearance required" and the defendant
2 shall appear before the court either in person or by attorney.

3 ~~3.--When-the-violation-charged-involves-the-taking-of-an~~
4 ~~animal-for-which-there-is-a-civil-damage-assessment-in~~
5 ~~addition-to-a-criminal-penalty.~~

6 Sec. 41. Section 805.11, Code 1999, is amended to read as
7 follows:

8 805.11 OTHER PENALTIES.

9 If the defendant is convicted of a scheduled violation, the
10 penalty is the scheduled fine, without suspension of the fine
11 prescribed in section 805.8 together with costs assessed and
12 distributed as prescribed by section 602.8106, unless it
13 appears from the evidence that the violation was of the type
14 set forth in section 805.10, subsection 1 ~~or-2~~, paragraph "a"
15 or "b", in which event the scheduled fine does not apply and
16 the penalty shall be increased within the limits provided by
17 law for the offense.

18 Sec. 42. Section 904.809, subsection 5, paragraph d, Code
19 Supplement 1999, is amended to read as follows:

20 d. Of the amount credited to the inmate's general account,
21 the department shall deduct an amount representing any other
22 legal or administrative financial obligations of the inmate.

23 Sec. 43. Section 29B.116, Code 1999, is amended by
24 striking the word "rape" and inserting in lieu thereof the
25 words "sexual abuse".

26 Sec. 44. 1999 Iowa Acts, chapter 13, section 29,
27 subsection 8, is amended to read as follows:

28 8. Section 28, repealing sections 309.42, 309.56, and
29 ~~321.1~~ 321.21.

30 Sec. 45. 1999 Iowa Acts, chapter 55, section 5, is amended
31 to read as follows:

32 SEC. 5. TRANSITION TO FISCAL YEAR. The limit on foster
33 home liability established in section 237.13, subsection 6,
34 Code 1999, in effect for the calendar year beginning January
35 1, 1999, shall apply through June 30, 1999. This section of

1 this Act, being deemed of immediate importance, takes effect
2 upon enactment.

3 Sec. 46. 1999 Iowa Acts, chapter 131, section 3, is
4 amended to read as follows:

5 SEC. 3. EFFECTIVE DATE AND APPLICABILITY. This Act, being
6 deemed of immediate importance, takes effect upon enactment,
7 and shall apply to all claims of exemption under this section
8 Act made on or after the day of enactment.

9 Sec. 47. EFFECTIVE DATES.

10 1. This section, being deemed of immediate importance,
11 takes effect upon enactment.

12 2. Section 44 of this Act, amending 1999 Iowa Acts,
13 chapter 13, section 29, being deemed of immediate importance,
14 takes effect upon enactment, and applies retroactively to
15 April 7, 1999.

16 3. Section 45 of this Act, amending 1999 Iowa Acts,
17 chapter 55, section 5, being deemed of immediate importance,
18 takes effect upon enactment, and applies retroactively to
19 April 23, 1999.

20 4. Section 46 of this Act, amending 1999 Iowa Acts,
21 chapter 131, section 3, being deemed of immediate importance,
22 takes effect upon enactment, and applies retroactively to May
23 17, 1999.

24 EXPLANATION

25 This bill makes corrections to the Code of Iowa to reflect
26 current practices, to insert omissions, to delete
27 redundancies, inaccuracies, and temporary language, to resolve
28 inconsistencies and conflicts, to update ongoing provisions,
29 and to remove ambiguities.

30 Code section 12C.6A. Subsection 5, paragraph "b", is
31 amended by substituting the word "bank" for the words
32 "financial institution", to be consistent with the other
33 changes made in the section by 1999 Iowa Acts, chs. 53 and
34 117.

35 Code section 12C.25. Unnumbered paragraph 2 of this

1 section is amended by adding a reference to section 12C.23A,
 2 subsection 3, paragraph "d". 1999 Iowa Acts, ch. 117, made
 3 changes relating to public depositories by splitting out the
 4 various provisions that related to banks and to credit unions.
 5 Code section 12C.23 now relates to payment of losses in a
 6 credit union only. Code section 12C.23A contains the
 7 identical provisions relating to payment of losses in a bank.

8 Code section 13B.4. Subsection 4, the last unnumbered
 9 paragraph, is amended by striking the reference to "paragraph
 10 "d" and inserting the words "paragraph "c" in language
 11 relating to review of action or intended action by the state
 12 public defender on attorney fee claims. Subsection 4 has no
 13 paragraph "d".

14 Code section 13B.8. Subsection 2 is amended by striking
 15 the words "a local public defender" to clarify that the state
 16 public defender may both appoint and remove not only the local
 17 public defender but also the other employees listed in that
 18 subsection. Without the change, the state public defender
 19 could only remove those other employees.

20 Code section 29B.20. Language relating to whether a
 21 military judge was detailed to a trial is added to provisions
 22 establishing the requirements which must be met before a
 23 sentence imposing a dishonorable discharge, discharge under
 24 other than honorable conditions, dismissal, or confinement can
 25 be adjudged. The addition of this language conforms the
 26 section to the language in section 819 of article 19 of the
 27 military code of justice which is used in these types of
 28 military proceedings and which is otherwise identical to this
 29 Code provision.

30 Code section 35C.1. Language relating to public employment
 31 and appointment preferences for honorably discharged persons
 32 is amended by replacing the language describing the periods of
 33 military service with the phrase "veterans as defined in
 34 section 35.1". 1999 Iowa Acts, ch. 180 made a multitude of
 35 similar changes throughout the Code. In section 1 of that

1 Act, Code section 35.1 was substantially revised and was made
2 specifically applicable to, among others, Code chapter 35C.
3 The department of personnel has adopted rules conforming the
4 definition of veteran for purposes of determining who is
5 eligible for public employment and appointment preferences due
6 to military service to the definition contained in Code
7 section 35.1.

8 Code section 37.9. Unnumbered paragraph 6 is amended by
9 making changes relating to the quorum requirements for
10 commissions having control over memorial hospitals. 1999 Iowa
11 Acts, ch. 36, made changes which permitted the commissions to
12 consist of seven members, not just five as was the case
13 previously, but the quorum requirements were not adjusted to
14 reflect the possibility of increased commission membership.

15 Code section 46.24. Unnumbered paragraph 2 is amended by
16 adding the phrase "full-time associate juvenile judge, or
17 full-time associate probate judge", in provisions relating to
18 the canvassing of the results of a judicial election. 1999
19 Iowa Acts, ch. 93, section 4, amended the first paragraph of
20 this section to make an identical amendment, but failed to
21 amend this related second paragraph.

22 Code section 91C.8. In subsection 4, the word "contractor"
23 is substituted for the word "employer" in language relating to
24 the contesting of citations or proposed assessments of
25 penalties by the labor commissioner against contractors. The
26 term "employer" is used nowhere else in Code chapter 91C and
27 the chapter applies to the registration and regulation of
28 contractors by the labor commissioner.

29 Code section 123.39. Subsection 4 is amended by changing
30 the civil penalty applicable to holders of liquor licenses or
31 permits for first offense violations of Code section 123.49,
32 subsection 2, paragraph "h", which relates to sales of alcohol
33 to minors, from \$300 to \$500. In 1998 Iowa Acts, ch. 1204,
34 the civil penalty applicable to violations of Code section
35 123.49, subsection 2, paragraph "h", which is established in

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1 Code section 123.50, subsection 3, paragraph "a", was raised
2 from \$300 to \$500.

3 Code section 141A.8. Subsection 7 is amended by striking
4 the word "care" from the term "health care facility" in
5 provisions relating to the procedure for obtaining consent to
6 HIV testing in cases where a significant exposure has occurred
7 on the premises of the facility. The term "health facility"
8 is defined in Code section 141A.1, and covers acute care
9 facilities, long-term care facilities, and other types of
10 facilities and institutions. If the word "care" is not
11 deleted in subsection 7 of this section, the procedure for the
12 obtaining of consent would only apply to nursing home types of
13 facilities.

14 Code sections 161D.1 and 161D.3. Subsection 4 of Code
15 section 161D.1 and unnumbered paragraph 1 of Code section
16 161D.3 are amended to change the reference to "chapter" to
17 "subchapter". 1999 Iowa Acts, ch. 119 and 1999 Iowa Acts, ch.
18 30, both added new provisions to chapter 161D, necessitating
19 the division of the chapter into subchapters.

20 Code section 182.14. Subsection 1 is amended by striking
21 the word "to" and substituting the word "shall" to clarify
22 that the sheep and wool promotion board has the authority to
23 set an assessment if approved by a majority of voters at a
24 referendum.

25 Code section 184A.6. Subsection 2 is amended to strike the
26 word "connecting" and insert the word "conducting" in place of
27 that word to correct a clerical error which occurred during
28 the drafting process of 1999 Iowa Acts, ch. 158, which related
29 to the imposition of excise taxes on turkeys.

30 Code section 235A.18. Subsection 1, paragraph "b", is
31 amended by changing the word "paragraphs" to "paragraph" and
32 the word "and" to "or". The language relates to the expunging
33 of child abuse information from the child abuse registry. The
34 types of child abuse described in Code section 232.68,
35 subsection 2, paragraphs "c" and "e" are mutually exclusive.

1 Code section 260G.6. The words "of economic development"
2 are added after the word "department" to clarify which
3 department is responsible for the adoption of rules relating
4 to the allocation of moneys to support program capital costs
5 for the accelerated career education program. Under Code
6 chapter 260G, the Iowa economic development board is
7 responsible for approving program capital cost requests
8 submitted pursuant to an accelerated career education program
9 agreement.

10 Code section 317.1. A parenthesis is moved in subsection 1
11 of this section which relates to types of primary noxious
12 weeds. When the language was originally enacted in 1975 Iowa
13 Acts, ch. 169, the parenthesis was in the correct location,
14 but it was moved to an incorrect location when the section was
15 codified.

16 Code section 321.34. The words "motorcycle, trailer," are
17 added to the list of vehicles the owners of which are eligible
18 to apply for legion of merit special plates in subsection 15.
19 Other existing special license plate provisions in this
20 section were amended by 1999 Iowa Acts, ch. 7, to add these
21 words. Subsection 15 was newly enacted in 1999 Iowa Acts, ch.
22 180, section 15.

23 Code section 321.49. In subsection 3, the comma is moved
24 from after the words "mobile home" to after the words
25 "manufactured housing". Prior to the addition of the words
26 "manufactured housing" in 1999 Iowa Acts, ch. 188, section 9,
27 the titling language modified the words mobile home. 1999
28 Iowa Acts, ch. 188, added the manufactured housing into the
29 various sales and use tax and certificate of title provisions
30 that applied previously only to mobile homes.

31 Code section 321.104. The Code section reference for the
32 penalty applicable to penal offenses against the motor vehicle
33 title law is changed to refer to Code section 805.8, the
34 scheduled violations provisions, instead of the general
35 penalty provision for Code chapter 321 violations, Code

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1 section 321.482. The penalties applicable under Code section
2 321.482 are the penalties applicable to a simple misdemeanor,
3 which are confinement for no more than 30 days or a fine of at
4 least \$50 but not more than \$500, or both. Under Code section
5 805.8, subsection 12, a \$50 fine only is specified for these
6 types of offenses.

7 Code sections 322.27, 322.30, 322C.8, and 322C.9. These
8 Code sections are amended to delete language pertaining to
9 distributor and factory branches and representatives. The
10 licensing of these types of entities was repealed by 1997 Iowa
11 Acts, ch. 108.

12 Code section 403A.22. The order of the words "or" and "of"
13 are reversed, a comma is added between the two words, and a
14 comma is added after the words "control by" in language
15 relating to whether stock ownership constitutes a prohibited
16 personal interest in a municipal housing project or property
17 included or to be included in a municipal housing project by a
18 public official or employee of a municipality. As amended the
19 phrase would read "shall not be deemed an interest of, or
20 ownership or control by, the person owning".

21 Code section 427A.12. In subsection 3, language relating
22 to a certification of the amount of the personal property tax
23 replacement base for each taxing district by the director of
24 revenue is deleted. That certification is no longer made. In
25 subsection 4, the reference to the department of management is
26 changed to the department of revenue and finance. The
27 adjustment function in the personal property tax replacement
28 base is now the responsibility of the department of revenue
29 and finance. Subsections 5, 6, and 7 are stricken. All of
30 the events to which these sections relate have already
31 occurred and the sections no longer apply.

32 Code section 455B.165. The word "maximum pressure" in
33 subsection 7, paragraph "d", subparagraph (2), is substituted
34 for the word "rate" in provisions relating to the dispersing
35 of manure through spray irrigation equipment orifices to

1 clarify that it is the pressure at which the manure is being
2 dispersed which is referred to, and not the spread rate,
3 meaning weight or volume.

4 Code section 456A.20. The words "received from the sales"
5 is replaced with the word "sold" in language relating to the
6 portion of the amounts received from the sales of various
7 types of trees and shrubs which must be deposited into the
8 forestry management and enhancement fund.

9 Code section 481C.3. This section is amended to delete
10 references to use of funds to meet the requirements of Code
11 section 483A.30. Code section 483A.30 was repealed effective
12 December 31, 1999, by 1997 Iowa Acts, ch. 180, section 7.

13 Code section 572.23. The last sentence in subsection 2,
14 which relates to the methods of causing a mechanics lien which
15 has been satisfied to be cancelled or forfeited, is amended to
16 provide that it is the demand and required attachments which
17 are to be filed with the clerk of the district court and
18 subsequently mailed by the clerk to both parties affected by a
19 mechanic's lien. This language was added by 1999 Iowa Acts,
20 ch. 79, section 1. In section 3 of the same Act, however,
21 language which was previously identical to this language was
22 amended in the same manner as the amendments made in this
23 section. Since the forfeiture results from the filing of the
24 demand and, unlike the demand, is not a document that can be
25 filed, the amendment to this section appears to be an
26 inadvertent omission.

27 Code section 579B.4. Subsection 3 is amended to strike the
28 phrase "a lien created under this section", and substitute in
29 lieu thereof the phrase "a lien created under section 579B.3".
30 The lien is actually created under Code section 579B.3, not
31 Code section 579B.4.

32 Code section 598B.204. Subsection 4 is amended in
33 provisions relating to temporary emergency jurisdiction of
34 courts of this state in child-custody matters, by striking the
35 word "or" in the phrase "court or another state under a

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1 statute" and substituting in lieu thereof the word "of" so
2 that the phrase reads "court of another state under a
3 statute". This change corrects a typographical error made
4 when the section was enacted in 1999 Iowa Acts, ch. 103,
5 section 16, and conforms the phrase to the usage in the rest
6 of the section.

7 Code section 598B.308. In subsection 4, paragraph "a", the
8 word "all" is stricken and the word "any" is substituted. The
9 section relates to the listing in an order for hearing in a
10 child-custody proceeding of the circumstances which must be
11 demonstrated by a respondent to prevent the hearing from going
12 forward. The circumstances listed in subparagraphs (1), (2),
13 and (3) of this paragraph are mutually exclusive and could
14 never be shown to all apply.

15 Code section 633.20A. The words "part-time" are added
16 before the words associate probate judge in provisions
17 relating to the appointment, removal, and qualification of
18 part-time associate probate judges. The phrase "part-time"
19 was partially amended into this section in 1999, by 1999 Iowa
20 Acts, ch. 93, section 12.

21 Code sections 637.423 and 637.424. These sections are
22 amended by changing the year in references to July 1, 1999, so
23 that the references refer to July 1, 2000. The provisions of
24 Code chapter 637 which were enacted in 1999 Iowa Acts, ch.
25 124, apply, generally, effective July 1, 2000. These
26 provisions, if not changed, would apply before the changes
27 which correspond to these provisions take effect.

28 Code section 692.15. Subsection 3 is amended in provisions
29 relating to the fingerprinting of adults and juveniles by
30 adding the words "or taking into custody" after the phrase
31 "fill out a final disposition report on each arrest". From
32 the last sentence in the subsection, it is apparent that final
33 disposition reports are to be filled out on both arrests and
34 the taking of juveniles into custody.

35 Code section 805.10. This section, which relates to

1 situations in which a court appearance is required on a
2 scheduled violation, is amended by moving language in current
3 subsection 3 to a position immediately after current
4 subsection 2 and renumbering and relettering the entire
5 section. Subsection 3 was added as a new subsection by 1990
6 Iowa Acts, ch. 1216, section 5. Prior to the codification of
7 the addition of that subsection, the language which describes
8 what a defendant who has been charged with a scheduled
9 violation must do and what procedures apply, and is contained
10 in current unnumbered paragraph 2 of subsection 2, applied to
11 both of the situations which are described in subsections 1
12 and 2 of this section. 1990 Iowa Acts, ch. 1216, section 5,
13 contains no language which would require a change in the
14 procedures and requirements applicable to these types of
15 scheduled violations, but merely added an additional exception
16 to the list.

17 Code section 805.11. This section is amended to change an
18 internal reference to Code section 805.10 to reflect the
19 changes in internal numbering made in Code section 805.10 in
20 the bill.

21 Code section 904.809. The words "of the inmate" are added
22 to language relating to the deduction of amounts from an
23 inmate's general account for legal and administrative
24 financial obligations to clarify that it is the inmate's
25 obligations for which the deductions are to be made.

26 Code section 29B.116. The word "rape" is stricken in this
27 section of the military code, which references Iowa criminal
28 law applicable to civilians, and is replaced with the word
29 "sexual abuse". Rape was eliminated as a crime and replaced
30 with the crime of sexual abuse in the criminal code revisions
31 of 1978 applicable to civilians.

32 1999 Iowa Acts, ch. 13. Subsection 8 of Code section 29 of
33 this Act is amended to clarify that Code section 321.21, not
34 Code section 321.1, was to be repealed effective upon
35 enactment of the Act. Section 28 of this 1999 Iowa Acts

1 contains, among others, the repeal of Code section 321.21.
2 The amendment contained in this section takes effect upon
3 enactment and applies retroactively to April 7, 1999.

4 1999 Iowa Acts, ch. 55. Section 5 of this section is
5 amended by adding the words "Code 1999" to clarify that the
6 limitation which applies through June 30, 1999, was the
7 limitation which existed in Code 1999 prior to enactment of
8 this 1999 Iowa Act, which takes effect July 1, 1999. The
9 amendment contained in this section takes effect upon
10 enactment and applies retroactively to April 23, 1999.

11 1999 Iowa Acts, ch. 131. Section 3 is amended by striking
12 the phrase "all claims of exemption under this section" and
13 inserting in lieu thereof the phrase "all claims of exemption
14 under this Act", in order to apply the effective date
15 provision to the substantive part of the Act. The amendment
16 contained in this section takes effect upon enactment and
17 applies retroactively to May 17, 1999.

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REPRINTED

H. 3/8/00 Amend/De Pace W/H 8255
FILED FEB 7 2000
H. 3/23/00 Unfinished Business Calendar

SENATE FILE 2092
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3014)

Passed Senate, Date 2/28/00 Passed House, Date 3-30-00
Vote: Ayes 46 Nays 0 Vote: Ayes 94 Nays 0
Approved May 3, 2000

(p. 1027)
Re-Passed 4-5-00
Vote 48-0

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities and providing
6 effective dates.

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

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SF 2092

1 Section 1. Section 12C.6A subsection 5, paragraph b, Code
2 Supplement 1999, is amended to read as follows:

3 b. If any committee member, in the member's discretion,
4 finds that the complaint has merit, the member may order the
5 bank alleged to have failed to meet its community reinvestment
6 responsibility to attend and participate in a meeting with the
7 complainant. The committee member may specify who, at
8 minimum, shall represent the ~~financial-institution~~ bank at the
9 meeting. At the meeting, or at any other time, the bank may,
10 but is not required to, enter into an agreement with a
11 complainant to correct alleged failings.

12 Sec. 2. Section 12C.25, unnumbered paragraph 2, Code
13 Supplement 1999, is amended to read as follows:

14 The funds shall be used to receive and disburse moneys
15 pursuant to section 12C.23, subsection 3, paragraph "d" and
16 section 12C.23A, subsection 3, paragraph "d".

17 Sec. 3. Section 13B.4, subsection 4, paragraph c,
18 unnumbered paragraph 2, Code Supplement 1999, is amended to
19 read as follows:

20 d. Notwithstanding chapter 17A, the attorney may seek
21 review of any action or intended action taken pursuant to
22 paragraph "~~d~~" "c" by filing a motion with the court with
23 jurisdiction over the original appointment for review. The
24 motion must be filed within twenty days of any action taken by
25 the state public defender. The attorney shall have the burden
26 to establish by a preponderance of the evidence that the
27 amount of compensation and expenses is reasonable and
28 necessary to competently represent the client. The filing of
29 a motion shall not delay the payment of the amount specified
30 by the state public defender pursuant to this subsection.

31 Sec. 4. Section 13B.8, subsection 2, Code Supplement 1999,
32 is amended to read as follows:

33 2. The state public defender may appoint ~~a-local-public~~
34 ~~defender~~ and may remove the local public defender, assistant
35 local public defenders, clerks, investigators, secretaries, or

1 other employees for cause. Each local public defender, and
2 any assistant local public defender, must be an attorney
3 admitted to the practice of law before the Iowa supreme court.

4 Sec. 5. Section 29B.20, Code 1999, is amended to read as
5 follows:

6 29B.20 COMPLETE RECORD.

7 A sentence imposing a dishonorable discharge, discharge
8 under other than honorable conditions, dismissal, or
9 confinement shall not be adjudged unless a complete record of
10 the proceedings and testimony has been made, counsel having
11 the qualifications prescribed under this code was detailed to
12 represent the accused, and a military judge was detailed to
13 the trial, except in any case in which a military judge could
14 not be detailed to the trial because of physical conditions or
15 military exigencies. If a military judge was not detailed to
16 the trial, the convening authority shall make a detailed
17 written statement, to be appended to the record, stating the
18 reason a military judge could not be detailed.

19 Sec. 6. Section 35C.1, subsection 1, Code 1999, is amended
20 to read as follows:

21 1. In every public department and upon all public works in
22 the state, and of the counties, cities, and school
23 corporations of the state, ~~honorably-discharged-persons-from~~
24 ~~the-military-or-naval-forces-of-the-United-States-in-any-war~~
25 ~~in-which-the-United-States-has-been-engaged, including the~~
26 ~~Korean-Conflict-at-any-time-between-June-25, 1950 and January~~
27 ~~31, 1955, both dates inclusive, the Vietnam Conflict beginning~~
28 ~~August 5, 1964, and ending on May 7, 1975, both dates~~
29 ~~inclusive, and the Persian Gulf Conflict beginning August 2,~~
30 ~~1990, and ending on the date specified by the president or the~~
31 ~~Congress of the United States as the date of permanent~~
32 ~~cessation of hostilities, both dates inclusive~~ veterans as
33 defined in section 35.1, who are citizens and residents of
34 this state are entitled to preference in appointment and
35 employment over other applicants of no greater qualifications.

1 However, if the Congress of the United States enacts a date
2 different from August 27, 1990, as the beginning of the Persian
3 Gulf Conflict to determine the eligibility of a veteran for
4 military benefits as a veteran of the Persian Gulf Conflict,
5 the date enacted by the Congress of the United States shall be
6 substituted for August 27, 1990. The preference in appointment
7 and employment for employees of cities under a municipal civil
8 service is the same as provided in section 400.10. For the
9 purposes of this section service in World War II means service
10 in the armed forces of the United States between December 7,
11 1941, and December 31, 1946, both dates inclusive.

12 Sec. 7. Section 37.9, unnumbered paragraph 6, Code
13 Supplement 1999, is amended to read as follows:

14 The commissioners having the management and control of a
15 memorial hospital shall, within ten days after their
16 appointment, qualify by taking the usual oath of office, but
17 no bonds shall be required of them except as hereinafter
18 provided. The commissioners shall organize by electing a
19 chairperson, secretary, and treasurer. The secretary and
20 treasurer shall each file with the chairperson of the
21 commission a surety bond in such sum as the commission may
22 require, with sureties approved by the commission, for the use
23 and benefit of the memorial hospital. The reasonable costs of
24 such bonds shall be paid from operating funds of the hospital.
25 The secretary shall immediately report to the county auditor
26 and county treasurer the names of the chairperson, secretary,
27 and treasurer of the commission. The commission shall meet at
28 least once each month. Three members of the a five-member
29 commission and five members of a seven-member commission shall
30 constitute a quorum for the transaction of business. The
31 secretary shall keep a complete record of its proceedings.

32 Sec. 8. Section 46.24, unnumbered paragraph 2, Code
33 Supplement 1999, is amended to read as follows:

34 The state board of canvassers shall, at the time of
35 canvassing the vote cast at a general election, open and

1 canvass all of the returns for the judicial election. Each
2 judge of the supreme court, court of appeals or district court
3 including a district associate judge, full-time associate
4 juvenile judge, or full-time associate probate judge, or a
5 clerk of the district court who has received more affirmative
6 than negative votes shall receive from the state board of
7 canvassers an appropriate certificate so stating.

8 Sec. 9. Section 91C.8, subsection 4, Code Supplement 1999,
9 is amended to read as follows:

10 4. If a citation is issued, the commissioner shall, within
11 seven days, notify the contractor by service in the same
12 manner as an original notice or by certified mail of the
13 administrative penalty, if any, proposed to be assessed and
14 that the contractor has fifteen working days within which to
15 notify the commissioner that the ~~employer~~ contractor wishes to
16 contest the citation or proposed assessment of penalty.

17 Sec. 10. Section 123.39, subsection 4, Code 1999, is
18 amended to read as follows:

19 4. If the cause for suspension is a first offense
20 violation of section 123.49, subsection 2, paragraph "h", the
21 administrator or local authority shall impose a civil penalty
22 in the amount of ~~three~~ five hundred dollars in lieu of
23 suspension of the license or permit. Local authorities shall
24 retain civil penalties collected under this paragraph if the
25 proceeding to impose the penalty is conducted by the local
26 authority. The division shall retain civil penalties
27 collected under this paragraph if the proceeding to impose the
28 penalty is conducted by the administrator of the division.

29 Sec. 11. Section 141A.8, subsection 7, Code Supplement
30 1999, is amended to read as follows:

31 7. When a care provider in the course of providing care
32 sustains a significant exposure on the premises of a health
33 ~~care~~ facility or while engaged in rendering aid or providing
34 transportation to an individual in circumstances which lead to
35 the individual's presence at a health ~~care~~ facility, the

1 individual to whom the care provider was exposed is deemed to
2 consent to a test to be administered by the health care
3 facility upon the written request of the exposed care provider
4 for the express purpose of determining the presence of HIV
5 infection in that individual. The sample and test results
6 shall only be identified by a number and no reports otherwise
7 required by this chapter shall be made which identify the
8 individual tested. However, if the test results are positive,
9 the health care facility shall notify the individual tested
10 and ensure performance of counseling and reporting
11 requirements of this chapter in the same manner as for an
12 individual from whom actual consent was obtained.

13 Sec. 12. Section 161D.1, subsection 4, Code Supplement
14 1999, is amended to read as follows:

15 4. This chapter subchapter is not intended to affect the
16 authority of the department of natural resources in its
17 acquisition, development, and management of public lands
18 within the counties represented by the authority.

19 Sec. 13. Section 161D.3, unnumbered paragraph 1, Code
20 Supplement 1999, is amended to read as follows:

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

23 Sec. 14. Section 182.14, subsection 1, Code Supplement
24 1999, is amended to read as follows:

25 1. If approved by a majority of voters at a referendum, an
26 assessment to shall be set by the board at not more than two
27 cents for each pound of wool produced and sold by a producer
28 and not more than ten cents per head on sheep sold by a
29 producer.

30 Sec. 15. Section 184A.6, subsection 2, Code Supplement
31 1999, is amended to read as follows:

32 2. The council shall expend moneys from the account first
33 for the payment of expenses for the collection of assessments,
34 and then for the payment of expenses related to connecting
35 conducting a referendum as provided in section 184A.12. The

1 council shall expend remaining moneys for market development,
2 producer education, and the payment of refunds to producers as
3 provided in this chapter.

4 Sec. 16. Section 235A.18, subsection 1, paragraph b, Code
5 Supplement 1999, is amended to read as follows:

6 b. Data sealed in accordance with this section shall be
7 expunged eight years after the date the data was sealed.

8 However, if the report data and the disposition data involve
9 child abuse as defined in section 232.68, subsection 2,
10 ~~paragraphs~~ paragraph "c" and or "e", the data shall not be
11 expunged for a period of thirty years. Sealed data shall be
12 made available to the department of justice upon request if
13 the prosecutor's review committee is reviewing records or if a
14 prosecuting attorney has filed a petition to commit a sexually
15 violent predator under chapter 229A.

16 Sec. 17. Section 260G.6, Code Supplement 1999, is amended
17 to read as follows:

18 260G.6 PROGRAM CAPITAL FUNDS ALLOCATION.

19 If moneys are appropriated by the general assembly to
20 support program capital costs, the moneys shall be allocated
21 according to rules adopted by the department of economic
22 development pursuant to chapter 17A. In order to receive such
23 moneys a program agreement approved by the community college
24 board of directors must be in place, program capital cost
25 requests shall be approved by the Iowa economic development
26 board created in section 15.103, program capital cost requests
27 shall be approved or denied not later than sixty days
28 following receipt of the request by the department of economic
29 development, and employer contributions toward program capital
30 costs shall be certified and agreed to in the agreement.

31 Sec. 18. Section 317.1, subsection 1, Code 1999, is
32 amended to read as follows:

33 1. Primary noxious weeds, which shall include quack grass
34 (Agropyron repens), perennial sow thistle (Sonchus arvensis),
35 Canada thistle (Cirsium arvense), bull thistle (Cirsium

1 lanceolatum), European morning glory or field bindweed
2 (Convolvulus arvensis), horse nettle (Solanum carolinense),
3 leafy spurge (Euphorbia esula), perennial pepper-grass
4 (Lepidium draba), Russian knapweed (Centaurea repens),
5 buckthorn (Rhamnus, not to include Rhamnus frangula), and all
6 other species of thistles belonging in genera of Cirsium and
7 Carduus.)

8 Sec. 19. Section 321.34, subsection 15, Code Supplement
9 1999, is amended to read as follows:

10 15. LEGION OF MERIT SPECIAL PLATES. The owner of a motor
11 vehicle subject to registration under section 321.109,
12 subsection 1, light delivery truck, panel delivery truck,
13 motorcycle, trailer, or pickup who has been awarded the legion
14 of merit may, upon written application to the department and
15 presentation of satisfactory proof of the award of the legion
16 of merit as established by the Congress of the United States,
17 order special registration plates with a legion of merit
18 processed emblem. The emblem shall be designed by the
19 department in cooperation with the adjutant general and shall
20 signify that the owner was awarded the legion of merit. The
21 application is subject to approval by the department, in
22 consultation with the adjutant general. The special plates
23 shall be issued at no charge and are subject to an annual
24 registration fee of fifteen dollars. The county treasurer
25 shall validate the special plates in the same manner as
26 regular registration plates are validated under this section.

27 The surviving spouse of a person who was issued special
28 plates under this subsection may continue to use or apply for
29 and use the special plates subject to registration of the
30 special plates in the surviving spouse's name and upon payment
31 of the annual registration fee. If the surviving spouse
32 remarries, the surviving spouse shall return the special
33 plates to the department and the department shall issue
34 regular registration plates to the surviving spouse.

35 Sec. 20. Section 321.49, subsection 3, Code Supplement

1 1999, is amended to read as follows:

2 3. A mobile home dealer who acquires a used mobile home,
3 or manufactured housing, titled in Iowa, and who does not
4 apply for and obtain a certificate of title from the county
5 treasurer of the dealer's county of residence within thirty
6 days of the date of acquisition, as required under section
7 321.45, subsection 4, is subject to a penalty of ten dollars.
8 A certificate of title shall not be issued to the mobile home
9 dealer until the penalty is paid.

10 Sec. 21. Section 321.104, unnumbered paragraph 1, Code
11 Supplement 1999, is amended to read as follows:

12 It is a misdemeanor, punishable as provided in section
13 ~~321.482~~ 805.8 for any person to commit any of the following
14 acts:

15 Sec. 22. Section 322.27, Code 1999, is amended to read as
16 follows:

17 322.27 MANUFACTURER'S LICENSE.

18 A manufacturer, except an alien manufacturer represented by
19 an importer, ~~distributor-branch-factory-representative-or~~
20 ~~distributor-representative~~ shall not engage in business as a
21 manufacturer in this state or employ, appoint or maintain
22 distributors or wholesalers, ~~factory-representatives-or~~
23 ~~branches-distributor-representatives-or-branches~~, or dealers,
24 without a license as provided in this chapter. However, new
25 motor vehicle dealers may wholesale motor vehicles without an
26 additional license and used motor vehicle dealers may
27 wholesale used motor vehicles without an additional license.

28 Sec. 23. Section 322.30, Code 1999, is amended to read as
29 follows:

30 322.30 DISPLAY.

31 The licenses of manufacturers, ~~factory-branches~~, and
32 distributors ~~and-distributor-branches~~ shall specify the
33 location of the office ~~or-branch~~ and must be conspicuously
34 displayed at such location. In case such location be changed,
35 the department shall endorse the change of location on the

1 license without charge if it be within the same municipality.
2 A change of location to another municipality shall require a
3 new license.

4 Sec. 24. Section 322C.8, Code 1999, is amended to read as
5 follows:

6 322C.8 MANUFACTURER'S OR DISTRIBUTOR'S REPRESENTATIVE.

7 A manufacturer's ~~or-distributor's-representative~~ shall not
8 engage in business in this state without a license pursuant to
9 this chapter.

10 Sec. 25. Section 322C.9, subsection 2, Code 1999, is
11 amended by striking the subsection.

12 Sec. 26. Section 403A.22, subsection 5, Code Supplement
13 1999, is amended to read as follows:

14 5. Stock ownership in a corporation having such an
15 interest shall not be deemed an interest ~~or of,~~ or ownership
16 or control by the person owning such stocks when less than
17 five percent of the outstanding stock of the corporation is
18 owned or controlled directly or indirectly by such person.

19 Sec. 27. Section 427A.12, subsections 3 and 4, Code
20 Supplement 1999, are amended to read as follows:

21 3. The county auditor shall certify and forward one copy
22 each of the statement to the state comptroller and to the
23 director of revenue not later than January 15, 1974. ~~The~~
24 ~~director-of-revenue-shall-make-any-necessary-corrections-and~~
25 ~~certify-to-the-state-comptroller-the-amount-of-the-personal~~
26 ~~property-tax-replacement-base-for-each-taxing-district-in-the~~
27 ~~state-determined-pursuant-to-subsection-2-~~

28 4. The personal property tax replacement base for each
29 taxing district is permanent and shall not be adjusted, except
30 that the department of management revenue and finance shall
31 make any necessary corrections and shall make appropriate
32 adjustments to reflect mergers, annexations, and other changes
33 in taxing districts or their boundaries.

34 Sec. 28. Section 427A.12, subsections 5, 6, and 7, Code
35 Supplement 1999, are amended by striking the subsections.

1 Sec. 29. Section 455B.165, subsection 7, paragraph d,
2 subparagraph (2), Code 1999, is amended to read as follows:

3 (2) The spray irrigation equipment disperses manure
4 through an orifice at a rate maximum pressure of not more than
5 twenty-five pounds per square inch.

6 Sec. 30. Section 456A.20, subsection 2, Code Supplement
7 1999, is amended to read as follows:

8 2. The department shall deposit a portion of the moneys
9 that it receives from selling trees and shrubs as provided in
10 this section to the forestry management and enhancement fund
11 as created in section 456A.21. The amount deposited in the
12 fund shall equal five cents for each coniferous tree and ten
13 cents for each hardwood tree and shrub ~~received-from-the-sales~~
14 sold.

15 Sec. 31. Section 481C.3, Code Supplement 1999, is amended
16 to read as follows:

17 481C.3 FUNDING.

18 ~~Notwithstanding-section-483A:30,-the~~ The revenue from
19 nonresident deer and wild turkey hunting licenses shall ~~first~~
20 be used to pay the salaries, support, and maintenance of the
21 wild animal depredation unit established pursuant to section
22 481C.1. ~~The-remaining-revenue-from-nonresident-deer-and-wild~~
23 ~~turkey-hunting-licenses-shall-be-used-to-meet-the-requirements~~
24 ~~of-section-483A:30-~~

25 Sec. 32. Section 572.23, subsection 2, Code Supplement
26 1999, is amended to read as follows:

27 2. If acknowledgment of satisfaction is not filed within
28 thirty days after service of the demand in writing, the party
29 serving the demand or causing the demand to be served may file
30 for record with the clerk of the district court a copy of the
31 demand with proofs of service attached and endorsed and, in
32 case of service by publication, a personal affidavit that
33 personal service could not be made within this state. Upon
34 completion of the requirements of this subsection, the record
35 shall be constructive notice to all parties of the due

1 forfeiture and cancellation of the lien. Upon the filing of
2 the ~~forfeiture-of-the-lien~~ demand with the required
3 attachments, the clerk of the district court shall mail a
4 file-stamped copy of the ~~cancellation~~ demand to both parties.

5 Sec. 33. Section 579B.4, subsection 3, Code Supplement
6 1999, is amended to read as follows:

7 3. Except as provided in chapter 581, a lien created under
8 ~~this section until-preserved~~ 579B.3 and a lien preserved under
9 this section are superior to and shall have priority over a
10 conflicting lien or security interest in the commodity,
11 including a lien or security interest that was perfected prior
12 to the creation of the lien under this chapter.

13 Sec. 34. Section 598B.204, subsection 4, Code Supplement
14 1999, is amended to read as follows:

15 4. A court of this state which has been asked to make a
16 child-custody determination under this section, upon being
17 informed that a child-custody proceeding has been commenced
18 in, or a child-custody determination has been made by, a court
19 of a state having jurisdiction under sections 598B.201 through
20 598B.203, shall immediately communicate with the other court.
21 A court of this state which is exercising jurisdiction
22 pursuant to sections 598B.201 through 598B.203, upon being
23 informed that a child-custody proceeding has been commenced
24 in, or a child-custody determination has been made by, a court
25 ~~or of~~ or another state under a statute similar to this section
26 shall immediately communicate with the court of that state to
27 resolve the emergency, protect the safety of the parties and
28 the child, and determine a period for the duration of the
29 temporary order.

30 Sec. 35. Section 598B.308, subsection 4, paragraph a, Code
31 Supplement 1999, is amended to read as follows:

32 a. The child-custody determination has not been registered
33 and confirmed under section 598B.305 and that ~~all~~ any of the
34 following apply:

35 (1) The issuing court did not have jurisdiction under

1 article II.

2 (2) The child-custody determination for which enforcement
3 is sought has been vacated, stayed, or modified by a court
4 having jurisdiction to do so under article II.

5 (3) The respondent was entitled to notice, but notice was
6 not given in accordance with the standards of section
7 598B.108, in the proceedings before the court that issued the
8 order for which enforcement is sought.

9 Sec. 36. Section 633.20A, Code Supplement 1999, is amended
10 to read as follows:

11 633.20A PART-TIME ASSOCIATE PROBATE JUDGE -- APPOINTMENT
12 -- REMOVAL -- QUALIFICATIONS.

13 The chief judge of a judicial district may appoint a part-
14 time associate probate judge and may remove the part-time
15 associate probate judge for cause following a hearing. The
16 part-time associate probate judge shall be an attorney
17 admitted to practice law in this state and shall be qualified
18 for the position by training and experience.

19 Sec. 37. Section 637.423, subsection 4, Code Supplement
20 1999, is amended to read as follows:

21 4. If a trust owns an interest in minerals, water, or
22 other natural resources on or before July 1, ~~1999~~ 2000, the
23 trustee may allocate receipts from the interest as provided in
24 this section or in the manner used by the trustee before July
25 1, ~~1999~~ 2000. If the trust acquires an interest in minerals,
26 water, or other natural resources after July 1, ~~1999~~ 2000, the
27 trustee shall allocate receipts from the interest as provided
28 in this section.

29 Sec. 38. Section 637.424, subsection 5, Code Supplement
30 1999, is amended to read as follows:

31 5. If a trust owns an interest in timberland on or before
32 July 1, ~~1999~~ 2000, the trustee may allocate net receipts from
33 the sale of timber and related products as provided in this
34 section or in the manner used by the trustee before July 1,
35 ~~1999~~ 2000. If the trust acquires an interest in timberland

1 after July 1, ~~1999~~ 2000, the trustee shall allocate net
2 receipts from the sale of timber and related products as
3 provided in this section.

4 Sec. 39. Section 692.15, subsection 3, Code Supplement
5 1999, is amended to read as follows:

6 3. The law enforcement agency making an arrest and
7 securing fingerprints pursuant to section 690.2 or taking a
8 juvenile into custody and securing fingerprints pursuant to
9 section 232.148 shall fill out a final disposition report on
10 each arrest or taking into custody on a form and in the manner
11 prescribed by the commissioner of public safety. The final
12 disposition report shall be forwarded to the county attorney
13 in the county where the arrest or taking into custody occurred
14 or to the juvenile court officer who received the referral.

15 Sec. 40. Section 805.10, Code 1999, is amended to read as
16 follows:

17 805.10 REQUIRED COURT APPEARANCE.

18 1. Section 805.9 shall not apply to a scheduled violation
19 in any of the following circumstances:

20 ~~1-~~ a. When the violation charged involved or resulted in
21 an accident or injury to property and the total damages are
22 one thousand dollars or more, or in an injury to person.

23 ~~2-~~ b. When the violation created an immediate threat to
24 the safety of other persons or property because of highway
25 conditions, visibility, traffic, repetition, or other
26 circumstances.

27 c. When the violation charged involves the taking of an
28 animal for which there is a civil damage assessment in
29 addition to a criminal penalty.

30 2. In such cases, the defendant shall appear before the
31 court and regular procedure shall apply. If an information is
32 used the officer shall endorse thereon, "Court appearance
33 required." If a citation and complaint is used, the officer
34 shall strike out the space in which the defendant may admit
35 the violation before a scheduled violations office and shall

1 endorse thereon "Court appearance required" and the defendant
2 shall appear before the court either in person or by attorney.

3 ~~3.--When-the-violation-charged-involves-the-taking-of-an~~
4 ~~animal-for-which-there-is-a-civil-damage-assessment-in~~
5 ~~addition-to-a-criminal-penalty.~~

6 Sec. 41. Section 805.11, Code 1999, is amended to read as
7 follows:

8 805.11 OTHER PENALTIES.

9 If the defendant is convicted of a scheduled violation, the
10 penalty is the scheduled fine, without suspension of the fine
11 prescribed in section 805.8 together with costs assessed and
12 distributed as prescribed by section 602.8106, unless it
13 appears from the evidence that the violation was of the type
14 set forth in section 805.10, subsection 1 ~~or-2~~, paragraph "a"
15 or "b", in which event the scheduled fine does not apply and
16 the penalty shall be increased within the limits provided by
17 law for the offense.

18 Sec. 42. Section 904.809, subsection 5, paragraph d, Code
19 Supplement 1999, is amended to read as follows:

20 d. Of the amount credited to the inmate's general account,
21 the department shall deduct an amount representing any other
22 legal or administrative financial obligations of the inmate.

23 Sec. 43. Section 29B.116, Code 1999, is amended by
24 striking the word "rape" and inserting in lieu thereof the
25 words "sexual abuse".

26 Sec. 44. 1999 Iowa Acts, chapter 13, section 29,
27 subsection 8, is amended to read as follows:

28 8. Section 28, repealing sections 309.42, 309.56, and
29 ~~321.1~~ 321.21.

30 Sec. 45. 1999 Iowa Acts, chapter 55, section 5, is amended
31 to read as follows:

32 SEC. 5. TRANSITION TO FISCAL YEAR. The limit on foster
33 home liability established in section 237.13, subsection 6,
34 Code 1999, in effect for the calendar year beginning January
35 1, 1999, shall apply through June 30, 1999. This section of

1 this Act, being deemed of immediate importance, takes effect
2 upon enactment.

3 Sec. 46. 1999 Iowa Acts, chapter 131, section 3, is
4 amended to read as follows:

5 SEC. 3. EFFECTIVE DATE AND APPLICABILITY. This Act, being
6 deemed of immediate importance, takes effect upon enactment,
7 and shall apply to all claims of exemption under this section
8 Act made on or after the day of enactment.

9 Sec. 47. EFFECTIVE DATES.

10 1. This section, being deemed of immediate importance,
11 takes effect upon enactment.

12 2. Section 44 of this Act, amending 1999 Iowa Acts,
13 chapter 13, section 29, being deemed of immediate importance,
14 takes effect upon enactment, and applies retroactively to
15 April 7, 1999.

16 3. Section 45 of this Act, amending 1999 Iowa Acts,
17 chapter 55, section 5, being deemed of immediate importance,
18 takes effect upon enactment, and applies retroactively to
19 April 23, 1999.

20 4. Section 46 of this Act, amending 1999 Iowa Acts,
21 chapter 131, section 3, being deemed of immediate importance,
22 takes effect upon enactment, and applies retroactively to May
23 17, 1999.

24 EXPLANATION

25 This bill makes corrections to the Code of Iowa to reflect
26 current practices, to insert omissions, to delete
27 redundancies, inaccuracies, and temporary language, to resolve
28 inconsistencies and conflicts, to update ongoing provisions,
29 and to remove ambiguities.

30 Code section 12C.6A. Subsection 5, paragraph "b", is
31 amended by substituting the word "bank" for the words
32 "financial institution", to be consistent with the other
33 changes made in the section by 1999 Iowa Acts, chs. 53 and
34 117.

35 Code section 12C.25. Unnumbered paragraph 2 of this

1 section is amended by adding a reference to section 12C.23A,
2 subsection 3, paragraph "d". 1999 Iowa Acts, ch. 117, made
3 changes relating to public depositories by splitting out the
4 various provisions that related to banks and to credit unions.
5 Code section 12C.23 now relates to payment of losses in a
6 credit union only. Code section 12C.23A contains the
7 identical provisions relating to payment of losses in a bank.

8 Code section 13B.4. Subsection 4, the last unnumbered
9 paragraph, is amended by striking the reference to "paragraph
10 "d" and inserting the words "paragraph "c" in language
11 relating to review of action or intended action by the state
12 public defender on attorney fee claims. Subsection 4 has no
13 paragraph "d".

14 Code section 13B.8. Subsection 2 is amended by striking
15 the words "a local public defender" to clarify that the state
16 public defender may both appoint and remove not only the local
17 public defender but also the other employees listed in that
18 subsection. Without the change, the state public defender
19 could only remove those other employees.

20 Code section 29B.20. Language relating to whether a
21 military judge was detailed to a trial is added to provisions
22 establishing the requirements which must be met before a
23 sentence imposing a dishonorable discharge, discharge under
24 other than honorable conditions, dismissal, or confinement can
25 be adjudged. The addition of this language conforms the
26 section to the language in section 819 of article 19 of the
27 military code of justice which is used in these types of
28 military proceedings and which is otherwise identical to this
29 Code provision.

30 Code section 35C.1. Language relating to public employment
31 and appointment preferences for honorably discharged persons
32 is amended by replacing the language describing the periods of
33 military service with the phrase "veterans as defined in
34 section 35.1". 1999 Iowa Acts, ch. 180 made a multitude of
35 similar changes throughout the Code. In section 1 of that

1 Act, Code section 35.1 was substantially revised and was made
2 specifically applicable to, among others, Code chapter 35C.
3 The department of personnel has adopted rules conforming the
4 definition of veteran for purposes of determining who is
5 eligible for public employment and appointment preferences due
6 to military service to the definition contained in Code
7 section 35.1.

8 Code section 37.9. Unnumbered paragraph 6 is amended by
9 making changes relating to the quorum requirements for
10 commissions having control over memorial hospitals. 1999 Iowa
11 Acts, ch. 36, made changes which permitted the commissions to
12 consist of seven members, not just five as was the case
13 previously, but the quorum requirements were not adjusted to
14 reflect the possibility of increased commission membership.

15 Code section 46.24. Unnumbered paragraph 2 is amended by
16 adding the phrase "full-time associate juvenile judge, or
17 full-time associate probate judge", in provisions relating to
18 the canvassing of the results of a judicial election. 1999
19 Iowa Acts, ch. 93, section 4, amended the first paragraph of
20 this section to make an identical amendment, but failed to
21 amend this related second paragraph.

22 Code section 91C.8. In subsection 4, the word "contractor"
23 is substituted for the word "employer" in language relating to
24 the contesting of citations or proposed assessments of
25 penalties by the labor commissioner against contractors. The
26 term "employer" is used nowhere else in Code chapter 91C and
27 the chapter applies to the registration and regulation of
28 contractors by the labor commissioner.

29 Code section 123.39. Subsection 4 is amended by changing
30 the civil penalty applicable to holders of liquor licenses or
31 permits for first offense violations of Code section 123.49,
32 subsection 2, paragraph "h", which relates to sales of alcohol
33 to minors, from \$300 to \$500. In 1998 Iowa Acts, ch. 1204,
34 the civil penalty applicable to violations of Code section
35 123.49, subsection 2, paragraph "h", which is established in

1 Code section 123.50, subsection 3, paragraph "a", was raised
2 from \$300 to \$500.

3 Code section 141A.8. Subsection 7 is amended by striking
4 the word "care" from the term "health care facility" in
5 provisions relating to the procedure for obtaining consent to
6 HIV testing in cases where a significant exposure has occurred
7 on the premises of the facility. The term "health facility"
8 is defined in Code section 141A.1, and covers acute care
9 facilities, long-term care facilities, and other types of
10 facilities and institutions. If the word "care" is not
11 deleted in subsection 7 of this section, the procedure for the
12 obtaining of consent would only apply to nursing home types of
13 facilities.

14 Code sections 161D.1 and 161D.3. Subsection 4 of Code
15 section 161D.1 and unnumbered paragraph 1 of Code section
16 161D.3 are amended to change the reference to "chapter" to
17 "subchapter". 1999 Iowa Acts, ch. 119 and 1999 Iowa Acts, ch.
18 30, both added new provisions to chapter 161D, necessitating
19 the division of the chapter into subchapters.

20 Code section 182.14. Subsection 1 is amended by striking
21 the word "to" and substituting the word "shall" to clarify
22 that the sheep and wool promotion board has the authority to
23 set an assessment if approved by a majority of voters at a
24 referendum.

25 Code section 184A.6. Subsection 2 is amended to strike the
26 word "connecting" and insert the word "conducting" in place of
27 that word to correct a clerical error which occurred during
28 the drafting process of 1999 Iowa Acts, ch. 158, which related
29 to the imposition of excise taxes on turkeys.

30 Code section 235A.18. Subsection 1, paragraph "b", is
31 amended by changing the word "paragraphs" to "paragraph" and
32 the word "and" to "or". The language relates to the expunging
33 of child abuse information from the child abuse registry. The
34 types of child abuse described in Code section 232.68,
35 subsection 2, paragraphs "c" and "e" are mutually exclusive.

1 Code section 260G.6. The words "of economic development"
2 are added after the word "department" to clarify which
3 department is responsible for the adoption of rules relating
4 to the allocation of moneys to support program capital costs
5 for the accelerated career education program. Under Code
6 chapter 260G, the Iowa economic development board is
7 responsible for approving program capital cost requests
8 submitted pursuant to an accelerated career education program
9 agreement.

10 Code section 317.1. A parenthesis is moved in subsection 1
11 of this section which relates to types of primary noxious
12 weeds. When the language was originally enacted in 1975 Iowa
13 Acts, ch. 169, the parenthesis was in the correct location,
14 but it was moved to an incorrect location when the section was
15 codified.

16 Code section 321.34. The words "motorcycle, trailer," are
17 added to the list of vehicles the owners of which are eligible
18 to apply for legion of merit special plates in subsection 15.
19 Other existing special license plate provisions in this
20 section were amended by 1999 Iowa Acts, ch. 7, to add these
21 words. Subsection 15 was newly enacted in 1999 Iowa Acts, ch.
22 180, section 15.

23 Code section 321.49. In subsection 3, the comma is moved
24 from after the words "mobile home" to after the words
25 "manufactured housing". Prior to the addition of the words
26 "manufactured housing" in 1999 Iowa Acts, ch. 188, section 9,
27 the titling language modified the words mobile home. 1999
28 Iowa Acts, ch. 188, added the manufactured housing into the
29 various sales and use tax and certificate of title provisions
30 that applied previously only to mobile homes.

31 Code section 321.104. The Code section reference for the
32 penalty applicable to penal offenses against the motor vehicle
33 title law is changed to refer to Code section 805.8, the
34 scheduled violations provisions, instead of the general
35 penalty provision for Code chapter 321 violations, Code

1 section 321.482. The penalties applicable under Code section
2 321.482 are the penalties applicable to a simple misdemeanor,
3 which are confinement for no more than 30 days or a fine of at
4 least \$50 but not more than \$500, or both. Under Code section
5 805.8, subsection 12, a \$50 fine only is specified for these
6 types of offenses.

7 Code sections 322.27, 322.30, 322C.8, and 322C.9. These
8 Code sections are amended to delete language pertaining to
9 distributor and factory branches and representatives. The
10 licensing of these types of entities was repealed by 1997 Iowa
11 Acts, ch. 108.

12 Code section 403A.22. The order of the words "or" and "of"
13 are reversed, a comma is added between the two words, and a
14 comma is added after the words "control by" in language
15 relating to whether stock ownership constitutes a prohibited
16 personal interest in a municipal housing project or property
17 included or to be included in a municipal housing project by a
18 public official or employee of a municipality. As amended the
19 phrase would read "shall not be deemed an interest of, or
20 ownership or control by, the person owning".

21 Code section 427A.12. In subsection 3, language relating
22 to a certification of the amount of the personal property tax
23 replacement base for each taxing district by the director of
24 revenue is deleted. That certification is no longer made. In
25 subsection 4, the reference to the department of management is
26 changed to the department of revenue and finance. The
27 adjustment function in the personal property tax replacement
28 base is now the responsibility of the department of revenue
29 and finance. Subsections 5, 6, and 7 are stricken. All of
30 the events to which these sections relate have already
31 occurred and the sections no longer apply.

32 Code section 455B.165. The word "maximum pressure" in
33 subsection 7, paragraph "d", subparagraph (2), is substituted
34 for the word "rate" in provisions relating to the dispersing
35 of manure through spray irrigation equipment orifices to

1 clarify that it is the pressure at which the manure is being
2 dispersed which is referred to, and not the spread rate,
3 meaning weight or volume.

4 Code section 456A.20. The words "received from the sales"
5 is replaced with the word "sold" in language relating to the
6 portion of the amounts received from the sales of various
7 types of trees and shrubs which must be deposited into the
8 forestry management and enhancement fund.

9 Code section 481C.3. This section is amended to delete
10 references to use of funds to meet the requirements of Code
11 section 483A.30. Code section 483A.30 was repealed effective
12 December 31, 1999, by 1997 Iowa Acts, ch. 180, section 7.

13 Code section 572.23. The last sentence in subsection 2,
14 which relates to the methods of causing a mechanics lien which
15 has been satisfied to be cancelled or forfeited, is amended to
16 provide that it is the demand and required attachments which
17 are to be filed with the clerk of the district court and
18 subsequently mailed by the clerk to both parties affected by a
19 mechanic's lien. This language was added by 1999 Iowa Acts,
20 ch. 79, section 1. In section 3 of the same Act, however,
21 language which was previously identical to this language was
22 amended in the same manner as the amendments made in this
23 section. Since the forfeiture results from the filing of the
24 demand and, unlike the demand, is not a document that can be
25 filed, the amendment to this section appears to be an
26 inadvertent omission.

27 Code section 579B.4. Subsection 3 is amended to strike the
28 phrase "a lien created under this section", and substitute in
29 lieu thereof the phrase "a lien created under section 579B.3".
30 The lien is actually created under Code section 579B.3, not
31 Code section 579B.4.

32 Code section 598B.204. Subsection 4 is amended in
33 provisions relating to temporary emergency jurisdiction of
34 courts of this state in child-custody matters, by striking the
35 word "or" in the phrase "court or another state under a

1 statute" and substituting in lieu thereof the word "of" so
2 that the phrase reads "court of another state under a
3 statute". This change corrects a typographical error made
4 when the section was enacted in 1999 Iowa Acts, ch. 103,
5 section 16, and conforms the phrase to the usage in the rest
6 of the section.

7 Code section 598B.308. In subsection 4, paragraph "a", the
8 word "all" is stricken and the word "any" is substituted. The
9 section relates to the listing in an order for hearing in a
10 child-custody proceeding of the circumstances which must be
11 demonstrated by a respondent to prevent the hearing from going
12 forward. The circumstances listed in subparagraphs (1), (2),
13 and (3) of this paragraph are mutually exclusive and could
14 never be shown to all apply.

15 Code section 633.20A. The words "part-time" are added
16 before the words associate probate judge in provisions
17 relating to the appointment, removal, and qualification of
18 part-time associate probate judges. The phrase "part-time"
19 was partially amended into this section in 1999, by 1999 Iowa
20 Acts, ch. 93, section 12.

21 Code sections 637.423 and 637.424. These sections are
22 amended by changing the year in references to July 1, 1999, so
23 that the references refer to July 1, 2000. The provisions of
24 Code chapter 637 which were enacted in 1999 Iowa Acts, ch.
25 124, apply, generally, effective July 1, 2000. These
26 provisions, if not changed, would apply before the changes
27 which correspond to these provisions take effect.

28 Code section 692.15. Subsection 3 is amended in provisions
29 relating to the fingerprinting of adults and juveniles by
30 adding the words "or taking into custody" after the phrase
31 "fill out a final disposition report on each arrest". From
32 the last sentence in the subsection, it is apparent that final
33 disposition reports are to be filled out on both arrests and
34 the taking of juveniles into custody.

35 Code section 805.10. This section, which relates to

1 situations in which a court appearance is required on a
2 scheduled violation, is amended by moving language in current
3 subsection 3 to a position immediately after current
4 subsection 2 and renumbering and relettering the entire
5 section. Subsection 3 was added as a new subsection by 1990
6 Iowa Acts, ch. 1216, section 5. Prior to the codification of
7 the addition of that subsection, the language which describes
8 what a defendant who has been charged with a scheduled
9 violation must do and what procedures apply, and is contained
10 in current unnumbered paragraph 2 of subsection 2, applied to
11 both of the situations which are described in subsections 1
12 and 2 of this section. 1990 Iowa Acts, ch. 1216, section 5,
13 contains no language which would require a change in the
14 procedures and requirements applicable to these types of
15 scheduled violations, but merely added an additional exception
16 to the list.

17 Code section 805.11. This section is amended to change an
18 internal reference to Code section 805.10 to reflect the
19 changes in internal numbering made in Code section 805.10 in
20 the bill.

21 Code section 904.809. The words "of the inmate" are added
22 to language relating to the deduction of amounts from an
23 inmate's general account for legal and administrative
24 financial obligations to clarify that it is the inmate's
25 obligations for which the deductions are to be made.

26 Code section 29B.116. The word "rape" is stricken in this
27 section of the military code, which references Iowa criminal
28 law applicable to civilians, and is replaced with the word
29 "sexual abuse". Rape was eliminated as a crime and replaced
30 with the crime of sexual abuse in the criminal code revisions
31 of 1978 applicable to civilians.

32 1999 Iowa Acts, ch. 13. Subsection 8 of Code section 29 of
33 this Act is amended to clarify that Code section 321.21, not
34 Code section 321.1, was to be repealed effective upon
35 enactment of the Act. Section 28 of this 1999 Iowa Acts

1 contains, among others, the repeal of Code section 321.21.
2 The amendment contained in this section takes effect upon
3 enactment and applies retroactively to April 7, 1999.

4 1999 Iowa Acts, ch. 55. Section 5 of this section is
5 amended by adding the words "Code 1999" to clarify that the
6 limitation which applies through June 30, 1999, was the
7 limitation which existed in Code 1999 prior to enactment of
8 this 1999 Iowa Act, which takes effect July 1, 1999. The
9 amendment contained in this section takes effect upon
10 enactment and applies retroactively to April 23, 1999.

11 1999 Iowa Acts, ch. 131. Section 3 is amended by striking
12 the phrase "all claims of exemption under this section" and
13 inserting in lieu thereof the phrase "all claims of exemption
14 under this Act", in order to apply the effective date
15 provision to the substantive part of the Act. The amendment
16 contained in this section takes effect upon enactment and
17 applies retroactively to May 17, 1999.

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SENATE FILE 2092

S-5007

1 Amend Senate File 2092, as follows:

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

4 "Sec. _____. Section 80.17, subsection 7, Code 1999,
5 is amended to read as follows:

6 7. Division of capitol security police.

7 Sec. _____. Section 80.35, Code 1999, is amended to
8 read as follows:

9 80.35 TRANSITION.

10 Persons employed by the department of general
11 services as capitol security force officers shall be
12 transferred to the division of capitol security of the
13 department of public safety on July 1, 1976. Persons
14 transferred pursuant to this section shall retain
15 their positions as capitol security police officers,
16 shall not be subject to the requirements and
17 conditions of section 80.15, and shall remain under
18 the Iowa public employees' retirement system. Persons
19 employed after July 1, 1976 by the department of
20 public safety as capitol security police officers
21 within the division of capitol security police shall
22 be subject to the requirements and conditions of
23 section 80.15, except those requirements relating to
24 age, and shall be subject to the Iowa public
25 employees' retirement system. The minimum age for
26 persons employed by the division of capitol security
27 police shall be eighteen."

28 2. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-5007 FILED FEBRUARY 8, 2000

adopted
2/28/00
(p. 416)

SENATE FILE **2092**
BY COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 28, 2000)

_____ - New Language by the Senate

(SUCCESSOR TO SSB 3014)

Passed Senate, Date ^(P.1027) 4/5/00 Passed ^(P.1155) House, Date 3-30-00
Vote: Ayes 48 Nays 0 Vote: Ayes 94 Nays 0
Approved March 3, 2000

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities and providing
6 effective dates.

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

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S.F. 2092

1 Section 1. Section 12C.6A subsection 5, paragraph b, Code
2 Supplement 1999, is amended to read as follows:

3 b. If any committee member, in the member's discretion,
4 finds that the complaint has merit, the member may order the
5 bank alleged to have failed to meet its community reinvestment
6 responsibility to attend and participate in a meeting with the
7 complainant. The committee member may specify who, at
8 minimum, shall represent the ~~financial-institution~~ bank at the
9 meeting. At the meeting, or at any other time, the bank may,
10 but is not required to, enter into an agreement with a
11 complainant to correct alleged failings.

12 Sec. 2. Section 12C.25, unnumbered paragraph 2, Code
13 Supplement 1999, is amended to read as follows:

14 The funds shall be used to receive and disburse moneys
15 pursuant to section 12C.23, subsection 3, paragraph "d" and
16 section 12C.23A, subsection 3, paragraph "d".

17 Sec. 3. Section 13B.4, subsection 4, paragraph c,
18 unnumbered paragraph 2, Code Supplement 1999, is amended to
19 read as follows:

20 d. Notwithstanding chapter 17A, the attorney may seek
21 review of any action or intended action taken pursuant to
22 paragraph "d" "c" by filing a motion with the court with
23 jurisdiction over the original appointment for review. The
24 motion must be filed within twenty days of any action taken by
25 the state public defender. The attorney shall have the burden
26 to establish by a preponderance of the evidence that the
27 amount of compensation and expenses is reasonable and
28 necessary to competently represent the client. The filing of
29 a motion shall not delay the payment of the amount specified
30 by the state public defender pursuant to this subsection.

31 Sec. 4. Section 13B.8, subsection 2, Code Supplement 1999,
32 is amended to read as follows:

33 2. The state public defender may appoint ~~a-local-public~~
34 ~~defender~~ and may remove the local public defender, assistant
35 local public defenders, clerks, investigators, secretaries, or

1 other employees for cause. Each local public defender, and
2 any assistant local public defender, must be an attorney
3 admitted to the practice of law before the Iowa supreme court.

4 Sec. 5. Section 29B.20, Code 1999, is amended to read as
5 follows:

6 29B.20 COMPLETE RECORD.

7 A sentence imposing a dishonorable discharge, discharge
8 under other than honorable conditions, dismissal, or
9 confinement shall not be adjudged unless a complete record of
10 the proceedings and testimony has been made, counsel having
11 the qualifications prescribed under this code was detailed to
12 represent the accused, and a military judge was detailed to
13 the trial, except in any case in which a military judge could
14 not be detailed to the trial because of physical conditions or
15 military exigencies. If a military judge was not detailed to
16 the trial, the convening authority shall make a detailed
17 written statement, to be appended to the record, stating the
18 reason a military judge could not be detailed.

19 Sec. 6. Section 35C.1, subsection 1, Code 1999, is amended
20 to read as follows:

21 1. In every public department and upon all public works in
22 the state, and of the counties, cities, and school
23 corporations of the state, ~~honorably-discharged-persons-from~~
24 ~~the-military-or-naval-forces-of-the-United-States-in-any-war~~
25 ~~in-which-the-United-States-has-been-engaged,-including-the~~
26 ~~Korean-Conflict-at-any-time-between-June-25,-1950-and-January~~
27 ~~31,-1955,-both-dates-inclusive,-the-Vietnam-Conflict-beginning~~
28 ~~August-5,-1964,-and-ending-on-May-7,-1975,-both-dates~~
29 ~~inclusive,-and-the-Persian-Gulf-Conflict-beginning-August-2,~~
30 ~~1990,-and-ending-on-the-date-specified-by-the-president-or-the~~
31 ~~Congress-of-the-United-States-as-the-date-of-permanent~~
32 ~~cessation-of-hostilities,-both-dates-inclusive~~ veterans as
33 defined in section 35.1, who are citizens and residents of
34 this state are entitled to preference in appointment and
35 employment over other applicants of no greater qualifications.

1 However, if the Congress of the United States enacts a date
2 different from August 2, 1990, as the beginning of the Persian
3 Gulf Conflict to determine the eligibility of a veteran for
4 military benefits as a veteran of the Persian Gulf Conflict,
5 the date enacted by the Congress of the United States shall be
6 substituted for August 2, 1990. The preference in appointment
7 and employment for employees of cities under a municipal civil
8 service is the same as provided in section 400.10. For the
9 purposes of this section service in World War II means service
10 in the armed forces of the United States between December 7,
11 1941, and December 31, 1946, both dates inclusive.

12 Sec. 7. Section 37.9, unnumbered paragraph 6, Code
13 Supplement 1999, is amended to read as follows:

14 The commissioners having the management and control of a
15 memorial hospital shall, within ten days after their
16 appointment, qualify by taking the usual oath of office, but
17 no bonds shall be required of them except as hereinafter
18 provided. The commissioners shall organize by electing a
19 chairperson, secretary, and treasurer. The secretary and
20 treasurer shall each file with the chairperson of the
21 commission a surety bond in such sum as the commission may
22 require, with sureties approved by the commission, for the use
23 and benefit of the memorial hospital. The reasonable costs of
24 such bonds shall be paid from operating funds of the hospital.
25 The secretary shall immediately report to the county auditor
26 and county treasurer the names of the chairperson, secretary,
27 and treasurer of the commission. The commission shall meet at
28 least once each month. Three members of the a five-member
29 commission and five members of a seven-member commission shall
30 constitute a quorum for the transaction of business. The
31 secretary shall keep a complete record of its proceedings.

32 Sec. 8. Section 46.24, unnumbered paragraph 2, Code
33 Supplement 1999, is amended to read as follows:

34 The state board of canvassers shall, at the time of
35 canvassing the vote cast at a general election, open and

1 canvass all of the returns for the judicial election. Each
2 judge of the supreme court, court of appeals or district court
3 including a district associate judge, full-time associate
4 juvenile judge, or full-time associate probate judge, or a
5 clerk of the district court who has received more affirmative
6 than negative votes shall receive from the state board of
7 canvassers an appropriate certificate so stating.

8 Sec. 9. Section 80.17, subsection 7, Code 1999, is amended
9 to read as follows:

10 7. Division of capitol security police.

11 Sec. 10. Section 80.35, Code 1999, is amended to read as
12 follows:

13 80.35 TRANSITION.

14 Persons employed by the department of general services as
15 capitol security force officers shall be transferred to the
16 division of capitol security of the department of public
17 safety on July 1, 1976. Persons transferred pursuant to this
18 section shall retain their positions as capitol security
19 police officers, shall not be subject to the requirements and
20 conditions of section 80.15, and shall remain under the Iowa
21 public employees' retirement system. Persons employed after
22 July 1, 1976 by the department of public safety as capitol
23 security police officers within the division of capitol
24 security police shall be subject to the requirements and
25 conditions of section 80.15, except those requirements
26 relating to age, and shall be subject to the Iowa public
27 employees' retirement system. The minimum age for persons
28 employed by the division of capitol security police shall be
29 eighteen.

30 Sec. 11. Section 91C.8, subsection 4, Code Supplement
31 1999, is amended to read as follows:

32 4. If a citation is issued, the commissioner shall, within
33 seven days, notify the contractor by service in the same
34 manner as an original notice or by certified mail of the
35 administrative penalty, if any, proposed to be assessed and

1 that the contractor has fifteen working days within which to
2 notify the commissioner that the ~~employer~~ contractor wishes to
3 contest the citation or proposed assessment of penalty.

4 Sec. 12. Section 123.39, subsection 4, Code 1999, is
5 amended to read as follows:

6 4. If the cause for suspension is a first offense
7 violation of section 123.49, subsection 2, paragraph "h", the
8 administrator or local authority shall impose a civil penalty
9 in the amount of ~~three~~ five hundred dollars in lieu of
10 suspension of the license or permit. Local authorities shall
11 retain civil penalties collected under this paragraph if the
12 proceeding to impose the penalty is conducted by the local
13 authority. The division shall retain civil penalties
14 collected under this paragraph if the proceeding to impose the
15 penalty is conducted by the administrator of the division.

16 Sec. 13. Section 141A.8, subsection 7, Code Supplement
17 1999, is amended to read as follows:

18 7. When a care provider in the course of providing care
19 sustains a significant exposure on the premises of a health
20 ~~care~~ facility or while engaged in rendering aid or providing
21 transportation to an individual in circumstances which lead to
22 the individual's presence at a health ~~care~~ facility, the
23 individual to whom the care provider was exposed is deemed to
24 consent to a test to be administered by the health ~~care~~
25 facility upon the written request of the exposed care provider
26 for the express purpose of determining the presence of HIV
27 infection in that individual. The sample and test results
28 shall only be identified by a number and no reports otherwise
29 required by this chapter shall be made which identify the
30 individual tested. However, if the test results are positive,
31 the health ~~care~~ facility shall notify the individual tested
32 and ensure performance of counseling and reporting
33 requirements of this chapter in the same manner as for an
34 individual from whom actual consent was obtained.

35 Sec. 14. Section 161D.1, subsection 4, Code Supplement

1 1999, is amended to read as follows:

2 4. This chapter subchapter is not intended to affect the
3 authority of the department of natural resources in its
4 acquisition, development, and management of public lands
5 within the counties represented by the authority.

6 Sec. 15. Section 161D.3, unnumbered paragraph 1, Code
7 Supplement 1999, is amended to read as follows:

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

10 Sec. 16. Section 182.14, subsection 1, Code Supplement
11 1999, is amended to read as follows:

12 1. If approved by a majority of voters at a referendum, an
13 assessment ~~to~~ shall be set by the board at not more than two
14 cents for each pound of wool produced and sold by a producer
15 and not more than ten cents per head on sheep sold by a
16 producer.

17 Sec. 17. Section 184A.6, subsection 2, Code Supplement
18 1999, is amended to read as follows:

19 2. The council shall expend moneys from the account first
20 for the payment of expenses for the collection of assessments,
21 and then for the payment of expenses related to ~~connecting~~
22 conducting a referendum as provided in section 184A.12. The
23 council shall expend remaining moneys for market development,
24 producer education, and the payment of refunds to producers as
25 provided in this chapter.

26 Sec. 18. Section 235A.18, subsection 1, paragraph b, Code
27 Supplement 1999, is amended to read as follows:

28 b. Data sealed in accordance with this section shall be
29 expunged eight years after the date the data was sealed.
30 However, if the report data and the disposition data involve
31 child abuse as defined in section 232.68, subsection 2,
32 ~~paragraphs~~ paragraph "c" ~~and or~~ "e", the data shall not be
33 expunged for a period of thirty years. Sealed data shall be
34 made available to the department of justice upon request if
35 the prosecutor's review committee is reviewing records or if a

1 prosecuting attorney has filed a petition to commit a sexually
2 violent predator under chapter 229A.

3 Sec. 19. Section 260G.6, Code Supplement 1999, is amended
4 to read as follows:

5 260G.6 PROGRAM CAPITAL FUNDS ALLOCATION.

6 If moneys are appropriated by the general assembly to
7 support program capital costs, the moneys shall be allocated
8 according to rules adopted by the department of economic
9 development pursuant to chapter 17A. In order to receive such
10 moneys a program agreement approved by the community college
11 board of directors must be in place, program capital cost
12 requests shall be approved by the Iowa economic development
13 board created in section 15.103, program capital cost requests
14 shall be approved or denied not later than sixty days
15 following receipt of the request by the department of economic
16 development, and employer contributions toward program capital
17 costs shall be certified and agreed to in the agreement.

18 Sec. 20. Section 317.1, subsection 1, Code 1999, is
19 amended to read as follows:

20 1. Primary noxious weeds, which shall include quack grass
21 (Agropyron repens), perennial sow thistle (Sonchus arvensis),
22 Canada thistle (Cirsium arvense), bull thistle (Cirsium
23 lanceolatum), European morning glory or field bindweed
24 (Convolvulus arvensis), horse nettle (Solanum carolinense),
25 leafy spurge (Euphorbia esula), perennial pepper-grass
26 (Lepidium draba), Russian knapweed (Centaurea repens),
27 buckthorn (Rhamnus, not to include Rhamnus frangula), and all
28 other species of thistles belonging in genera of Cirsium and
29 Carduus.†

30 Sec. 21. Section 321.34, subsection 15, Code Supplement
31 1999, is amended to read as follows:

32 15. LEGION OF MERIT SPECIAL PLATES. The owner of a motor
33 vehicle subject to registration under section 321.109,
34 subsection 1, light delivery truck, panel delivery truck,
35 motorcycle, trailer, or pickup who has been awarded the legion

1 of merit may, upon written application to the department and
2 presentation of satisfactory proof of the award of the legion
3 of merit as established by the Congress of the United States,
4 order special registration plates with a legion of merit
5 processed emblem. The emblem shall be designed by the
6 department in cooperation with the adjutant general and shall
7 signify that the owner was awarded the legion of merit. The
8 application is subject to approval by the department, in
9 consultation with the adjutant general. The special plates
10 shall be issued at no charge and are subject to an annual
11 registration fee of fifteen dollars. The county treasurer
12 shall validate the special plates in the same manner as
13 regular registration plates are validated under this section.

14 The surviving spouse of a person who was issued special
15 plates under this subsection may continue to use or apply for
16 and use the special plates subject to registration of the
17 special plates in the surviving spouse's name and upon payment
18 of the annual registration fee. If the surviving spouse
19 remarries, the surviving spouse shall return the special
20 plates to the department and the department shall issue
21 regular registration plates to the surviving spouse.

22 Sec. 22. Section 321.49, subsection 3, Code Supplement
23 1999, is amended to read as follows:

24 3. A mobile home dealer who acquires a used mobile home,
25 or manufactured housing, titled in Iowa, and who does not
26 apply for and obtain a certificate of title from the county
27 treasurer of the dealer's county of residence within thirty
28 days of the date of acquisition, as required under section
29 321.45, subsection 4, is subject to a penalty of ten dollars.
30 A certificate of title shall not be issued to the mobile home
31 dealer until the penalty is paid.

32 Sec. 23. Section 321.104, unnumbered paragraph 1, Code
33 Supplement 1999, is amended to read as follows:

34 It is a misdemeanor, punishable as provided in section
35 ~~321.482~~ 805.8 for any person to commit any of the following

1 acts:

2 Sec. 24. Section 322.27, Code 1999, is amended to read as
3 follows:

4 322.27 MANUFACTURER'S LICENSE.

5 A manufacturer, except an alien manufacturer represented by
6 an importer, ~~distributor-branch, factory-representative-or~~
7 ~~distributor-representative~~ shall not engage in business as a
8 manufacturer in this state or employ, appoint or maintain
9 distributors or wholesalers, ~~factory-representatives-or~~
10 ~~branches, distributor-representatives-or-branches,~~ or dealers,
11 without a license as provided in this chapter. However, new
12 motor vehicle dealers may wholesale motor vehicles without an
13 additional license and used motor vehicle dealers may
14 wholesale used motor vehicles without an additional license.

15 Sec. 25. Section 322.30, Code 1999, is amended to read as
16 follows:

17 322.30 DISPLAY.

18 The licenses of manufacturers, ~~factory-branches,~~ and
19 ~~distributors and-distributor-branches~~ shall specify the
20 location of the office ~~or-branch~~ and must be conspicuously
21 displayed at such location. In case such location be changed,
22 the department shall endorse the change of location on the
23 license without charge if it be within the same municipality.
24 A change of location to another municipality shall require a
25 new license.

26 Sec. 26. Section 322C.8, Code 1999, is amended to read as
27 follows:

28 322C.8 MANUFACTURER'S OR DISTRIBUTOR'S REPRESENTATIVE.

29 A manufacturer's ~~or-distributor's-representative~~ shall not
30 engage in business in this state without a license pursuant to
31 this chapter.

32 Sec. 27. Section 322C.9, subsection 2, Code 1999, is
33 amended by striking the subsection.

34 Sec. 28. Section 403A.22, subsection 5, Code Supplement
35 1999, is amended to read as follows:

1 5. Stock ownership in a corporation having such an
2 interest shall not be deemed an interest ~~or of, or~~ ownership
3 or control by, the person owning such stocks when less than
4 five percent of the outstanding stock of the corporation is
5 owned or controlled directly or indirectly by such person.

6 Sec. 29. Section 427A.12, subsections 3 and 4, Code
7 Supplement 1999, are amended to read as follows:

8 3. The county auditor shall certify and forward one copy
9 each of the statement to the state comptroller and to the
10 director of revenue not later than January 15, 1974. ~~The~~
11 ~~director-of-revenue-shall-make-any-necessary-corrections-and~~
12 ~~certify-to-the-state-comptroller-the-amount-of-the-personal~~
13 ~~property-tax-replacement-base-for-each-taxing-district-in-the~~
14 ~~state, determined pursuant to subsection 2.~~

15 4. The personal property tax replacement base for each
16 taxing district is permanent and shall not be adjusted, except
17 that the department of ~~management~~ revenue and finance shall
18 make any necessary corrections and shall make appropriate
19 adjustments to reflect mergers, annexations, and other changes
20 in taxing districts or their boundaries.

21 Sec. 30. Section 427A.12, subsections 5, 6, and 7, Code
22 Supplement 1999, are amended by striking the subsections.

23 Sec. 31. Section 455B.165, subsection 7, paragraph d,
24 subparagraph (2), Code 1999, is amended to read as follows:

25 (2) The spray irrigation equipment disperses manure
26 through an orifice at a ~~rate~~ maximum pressure of not more than
27 twenty-five pounds per square inch.

28 Sec. 32. Section 456A.20, subsection 2, Code Supplement
29 1999, is amended to read as follows:

30 2. The department shall deposit a portion of the moneys
31 that it receives from selling trees and shrubs as provided in
32 this section to the forestry management and enhancement fund
33 as created in section 456A.21. The amount deposited in the
34 fund shall equal five cents for each coniferous tree and ten
35 cents for each hardwood tree and shrub ~~received-from-the-sales~~

1 sold.

2 Sec. 33. Section 481C.3, Code Supplement 1999, is amended
3 to read as follows:

4 481C.3 FUNDING.

5 ~~Notwithstanding section 483A.30, the~~ The revenue from
6 nonresident deer and wild turkey hunting licenses shall ~~first~~
7 be used to pay the salaries, support, and maintenance of the
8 wild animal depredation unit established pursuant to section
9 481C.1. ~~The remaining revenue from nonresident deer and wild~~
10 ~~turkey hunting licenses shall be used to meet the requirements~~
11 ~~of section 483A.30.~~

12 Sec. 34. Section 572.23, subsection 2, Code Supplement
13 1999, is amended to read as follows:

14 2. If acknowledgment of satisfaction is not filed within
15 thirty days after service of the demand in writing, the party
16 serving the demand or causing the demand to be served may file
17 for record with the clerk of the district court a copy of the
18 demand with proofs of service attached and endorsed and, in
19 case of service by publication, a personal affidavit that
20 personal service could not be made within this state. Upon
21 completion of the requirements of this subsection, the record
22 shall be constructive notice to all parties of the due
23 forfeiture and cancellation of the lien. Upon the filing of
24 ~~the forfeiture of the lien~~ demand with the required
25 attachments, the clerk of the district court shall mail a
26 ~~file-stamped copy of the cancellation~~ demand to both parties.

27 Sec. 35. Section 579B.4, subsection 3, Code Supplement
28 1999, is amended to read as follows:

29 3. Except as provided in chapter 581, a lien created under
30 ~~this section until preserved~~ 579B.3 and a lien preserved under
31 this section are superior to and shall have priority over a
32 conflicting lien or security interest in the commodity,
33 including a lien or security interest that was perfected prior
34 to the creation of the lien under this chapter.

35 Sec. 36. Section 598B.204, subsection 4, Code Supplement

1 1999, is amended to read as follows:

2 4. A court of this state which has been asked to make a
3 child-custody determination under this section, upon being
4 informed that a child-custody proceeding has been commenced
5 in, or a child-custody determination has been made by, a court
6 of a state having jurisdiction under sections 598B.201 through
7 598B.203, shall immediately communicate with the other court.
8 A court of this state which is exercising jurisdiction
9 pursuant to sections 598B.201 through 598B.203, upon being
10 informed that a child-custody proceeding has been commenced
11 in, or a child-custody determination has been made by, a court
12 ~~or~~ of another state under a statute similar to this section
13 shall immediately communicate with the court of that state to
14 resolve the emergency, protect the safety of the parties and
15 the child, and determine a period for the duration of the
16 temporary order.

17 Sec. 37. Section 598B.308, subsection 4, paragraph a, Code
18 Supplement 1999, is amended to read as follows:

19 a. The child-custody determination has not been registered
20 and confirmed under section 598B.305 and that ~~all~~ any of the
21 following apply:

22 (1) The issuing court did not have jurisdiction under
23 article II.

24 (2) The child-custody determination for which enforcement
25 is sought has been vacated, stayed, or modified by a court
26 having jurisdiction to do so under article II.

27 (3) The respondent was entitled to notice, but notice was
28 not given in accordance with the standards of section
29 598B.108, in the proceedings before the court that issued the
30 order for which enforcement is sought.

31 Sec. 38. Section 633.20A, Code Supplement 1999, is amended
32 to read as follows:

33 633.20A PART-TIME ASSOCIATE PROBATE JUDGE -- APPOINTMENT
34 -- REMOVAL -- QUALIFICATIONS.

35 The chief judge of a judicial district may appoint a part-

1 time associate probate judge and may remove the part-time
2 associate probate judge for cause following a hearing. The
3 part-time associate probate judge shall be an attorney
4 admitted to practice law in this state and shall be qualified
5 for the position by training and experience.

6 Sec. 39. Section 637.423, subsection 4, Code Supplement
7 1999, is amended to read as follows:

8 4. If a trust owns an interest in minerals, water, or
9 other natural resources on or before July 1, ~~1999~~ 2000, the
10 trustee may allocate receipts from the interest as provided in
11 this section or in the manner used by the trustee before July
12 1, ~~1999~~ 2000. If the trust acquires an interest in minerals,
13 water, or other natural resources after July 1, ~~1999~~ 2000, the
14 trustee shall allocate receipts from the interest as provided
15 in this section.

16 Sec. 40. Section 637.424, subsection 5, Code Supplement
17 1999, is amended to read as follows:

18 5. If a trust owns an interest in timberland on or before
19 July 1, ~~1999~~ 2000, the trustee may allocate net receipts from
20 the sale of timber and related products as provided in this
21 section or in the manner used by the trustee before July 1,
22 ~~1999~~ 2000. If the trust acquires an interest in timberland
23 after July 1, ~~1999~~ 2000, the trustee shall allocate net
24 receipts from the sale of timber and related products as
25 provided in this section.

26 Sec. 41. Section 692.15, subsection 3, Code Supplement
27 1999, is amended to read as follows:

28 3. The law enforcement agency making an arrest and
29 securing fingerprints pursuant to section 690.2 or taking a
30 juvenile into custody and securing fingerprints pursuant to
31 section 232.148 shall fill out a final disposition report on
32 each arrest or taking into custody on a form and in the manner
33 prescribed by the commissioner of public safety. The final
34 disposition report shall be forwarded to the county attorney
35 in the county where the arrest or taking into custody occurred

1 or to the juvenile court officer who received the referral.

2 Sec. 42. Section 805.10, Code 1999, is amended to read as
3 follows:

4 805.10 REQUIRED COURT APPEARANCE.

5 1. Section 805.9 shall not apply to a scheduled violation
6 in any of the following circumstances:

7 1- a. When the violation charged involved or resulted in
8 an accident or injury to property and the total damages are
9 one thousand dollars or more, or in an injury to person.

10 2- b. When the violation created an immediate threat to
11 the safety of other persons or property because of highway
12 conditions, visibility, traffic, repetition, or other
13 circumstances.

14 c. When the violation charged involves the taking of an
15 animal for which there is a civil damage assessment in
16 addition to a criminal penalty.

17 2. In such cases, the defendant shall appear before the
18 court and regular procedure shall apply. If an information is
19 used the officer shall endorse thereon, "Court appearance
20 required." If a citation and complaint is used, the officer
21 shall strike out the space in which the defendant may admit
22 the violation before a scheduled violations office and shall
23 endorse thereon "Court appearance required" and the defendant
24 shall appear before the court either in person or by attorney.

25 ~~3--When the violation charged involves the taking of an~~
26 ~~animal for which there is a civil damage assessment in~~
27 ~~addition to a criminal penalty.~~

28 Sec. 43. Section 805.11, Code 1999, is amended to read as
29 follows:

30 805.11 OTHER PENALTIES.

31 If the defendant is convicted of a scheduled violation, the
32 penalty is the scheduled fine, without suspension of the fine
33 prescribed in section 805.8 together with costs assessed and
34 distributed as prescribed by section 602.8106, unless it
35 appears from the evidence that the violation was of the type

1 set forth in section 805.10, subsection 1 ~~or-2~~, paragraph "a"
2 or "b", in which event the scheduled fine does not apply and
3 the penalty shall be increased within the limits provided by
4 law for the offense.

5 Sec. 44. Section 904.809, subsection 5, paragraph d, Code
6 Supplement 1999, is amended to read as follows:

7 d. Of the amount credited to the inmate's general account,
8 the department shall deduct an amount representing any other
9 legal or administrative financial obligations of the inmate.

10 Sec. 45. Section 29B.116, Code 1999, is amended by
11 striking the word "rape" and inserting in lieu thereof the
12 words "sexual abuse".

13 Sec. 46. 1999 Iowa Acts, chapter 13, section 29,
14 subsection 8, is amended to read as follows:

15 8. Section 28, repealing sections 309.42, 309.56, and
16 ~~321.1~~ 321.21.

17 Sec. 47. 1999 Iowa Acts, chapter 55, section 5, is amended
18 to read as follows:

19 SEC. 5. TRANSITION TO FISCAL YEAR. The limit on foster
20 home liability established in section 237.13, subsection 6,
21 Code 1999, in effect for the calendar year beginning January
22 1, 1999, shall apply through June 30, 1999. This section of
23 this Act, being deemed of immediate importance, takes effect
24 upon enactment.

25 Sec. 48. 1999 Iowa Acts, chapter 131, section 3, is
26 amended to read as follows:

27 SEC. 3. EFFECTIVE DATE AND APPLICABILITY. This Act, being
28 deemed of immediate importance, takes effect upon enactment,
29 and shall apply to all claims of exemption under this ~~section~~
30 Act made on or after the day of enactment.

31 Sec. 49. EFFECTIVE DATES.

32 1. This section, being deemed of immediate importance,
33 takes effect upon enactment.

34 2. Section 46 of this Act, amending 1999 Iowa Acts,
35 chapter 13, section 29, being deemed of immediate importance,

1 takes effect upon enactment, and applies retroactively to
2 April 7, 1999.

3 3. Section 47 of this Act, amending 1999 Iowa Acts,
4 chapter 55, section 5, being deemed of immediate importance,
5 takes effect upon enactment, and applies retroactively to
6 April 23, 1999.

7 4. Section 48 of this Act, amending 1999 Iowa Acts,
8 chapter 131, section 3, being deemed of immediate importance,
9 takes effect upon enactment, and applies retroactively to May
10 17, 1999.

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HOUSE AMENDMENT TO
SENATE FILE 2092

S-5315

1 Amend Senate File 2092, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 9, by striking lines 26 through 31.

4 2. Page 9, by inserting after line 33 the
5 following:

6 "Sec. ____ . Section 322C.11, Code 1999, is amended
7 to read as follows:

8 322C.11 PENALTIES.

9 A person violating a provision of section 322C.37
10 or 322C.7 or ~~322C.8~~ is guilty of a serious
11 misdemeanor."

12 3. Page 15, by inserting after line 30, the
13 following:

14 "Sec. ____ . Section 322C.8, Code 1999, is repealed.

15 4. By renumbering as necessary.

RECEIVED FROM THE HOUSE

Senate Concurred 4/5/00 (p. 1026)

S-5315 FILED APRIL 3, 2000

SENATE FILE 2092

H-8255

- 1 Amend Senate File 2092, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 9, by striking lines 26 through 31.
4 2. Page 9, by inserting after line 33 the
5 following:
6 "Sec.____. Section 322C.11, Code 1999, is amended
7 to read as follows:
8 322C.11 PENALTIES.
9 A person violating a provision of section 322C.37
10 or 322C.7 or ~~322C.8~~ is guilty of a serious
11 misdemeanor."
12 3. Page 15, by inserting after line 30, the
13 following:
14 "Sec.____. Section 322C.8, Code 1999, is repealed."
15 4. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
LARSON of Linn, Chairperson

H-8255 FILED MARCH 8, 2000

Adopted
3-30-00
(p. 1154)

SENATE FILE 2092

AN ACT

RELATING TO STATUTORY CORRECTIONS WHICH MAY ADJUST LANGUAGE TO REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS, DELETE REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY LANGUAGE, RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE ONGOING PROVISIONS, OR REMOVE AMBIGUITIES AND PROVIDING EFFECTIVE DATES.

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

Section 1. Section 12C.6A, subsection 5, paragraph b, Code Supplement 1999, is amended to read as follows:

b. If any committee member, in the member's discretion, finds that the complaint has merit, the member may order the bank alleged to have failed to meet its community reinvestment responsibility to attend and participate in a meeting with the complainant. The committee member may specify who, at minimum, shall represent the ~~financial institution~~ bank at the meeting. At the meeting, or at any other time, the bank may, but is not required to, enter into an agreement with a complainant to correct alleged failings.

Sec. 2. Section 12C.25, unnumbered paragraph 2, Code Supplement 1999, is amended to read as follows:

The funds shall be used to receive and disburse moneys pursuant to section 12C.23, subsection 3, paragraph "d" and section 12C.23A, subsection 3, paragraph "d".

Sec. 3. Section 13B.4, subsection 4, paragraph c, unnumbered paragraph 2, Code Supplement 1999, is amended to read as follows:

d. Notwithstanding chapter 17A, the attorney may seek review of any action or intended action taken pursuant to paragraph "d" "c" by filing a motion with the court with jurisdiction over the original appointment for review. The

motion must be filed within twenty days of any action taken by the state public defender. The attorney shall have the burden to establish by a preponderance of the evidence that the amount of compensation and expenses is reasonable and necessary to competently represent the client. The filing of a motion shall not delay the payment of the amount specified by the state public defender pursuant to this subsection.

Sec. 4. Section 13B.8, subsection 2, Code Supplement 1999, is amended to read as follows:

2. The state public defender may appoint ~~a local public defender~~ and may remove the local public defender, assistant local public defenders, clerks, investigators, secretaries, or other employees for cause. Each local public defender, and any assistant local public defender, must be an attorney admitted to the practice of law before the Iowa supreme court.

Sec. 5. Section 29B.20, Code 1999, is amended to read as follows:

29B.20 COMPLETE RECORD.

A sentence imposing a dishonorable discharge, discharge under other than honorable conditions, dismissal, or confinement shall not be adjudged unless a complete record of the proceedings and testimony has been made, counsel having the qualifications prescribed under this code was detailed to represent the accused, and a military judge was detailed to the trial, except in any case in which a military judge could not be detailed to the trial because of physical conditions or military exigencies. If a military judge was not detailed to the trial, the convening authority shall make a detailed written statement, to be appended to the record, stating the reason a military judge could not be detailed.

Sec. 6. Section 35C.1, subsection 1, Code 1999, is amended to read as follows:

1. In every public department and upon all public works in the state, and of the counties, cities, and school corporations of the state, ~~honorably-discharged-persons-from the-military-or-naval-forces-of-the-United-States-in-any-war~~

~~in which the United States has been engaged, including the Korean Conflict at any time between June 25, 1950 and January 31, 1955, both dates inclusive, the Vietnam Conflict beginning August 5, 1964 and ending on May 7, 1975, both dates inclusive, and the Persian Gulf Conflict beginning August 2, 1990, and ending on the date specified by the president or the Congress of the United States as the date of permanent cessation of hostilities, both dates inclusive veterans as defined in section 35.1, who are citizens and residents of this state are entitled to preference in appointment and employment over other applicants of no greater qualifications. However, if the Congress of the United States enacts a date different from August 2, 1990, as the beginning of the Persian Gulf Conflict to determine the eligibility of a veteran for military benefits as a veteran of the Persian Gulf Conflict, the date enacted by the Congress of the United States shall be substituted for August 2, 1990. The preference in appointment and employment for employees of cities under a municipal civil service is the same as provided in section 400.10. For the purposes of this section service in World War II means service in the armed forces of the United States between December 7, 1941, and December 31, 1946, both dates inclusive.~~

Sec. 7. Section 37.9, unnumbered paragraph 6, Code Supplement 1999, is amended to read as follows:

The commissioners having the management and control of a memorial hospital shall, within ten days after their appointment, qualify by taking the usual oath of office, but no bonds shall be required of them except as hereinafter provided. The commissioners shall organize by electing a chairperson, secretary, and treasurer. The secretary and treasurer shall each file with the chairperson of the commission a surety bond in such sum as the commission may require, with sureties approved by the commission, for the use and benefit of the memorial hospital. The reasonable costs of such bonds shall be paid from operating funds of the hospital. The secretary shall immediately report to the county auditor

and county treasurer the names of the chairperson, secretary, and treasurer of the commission. The commission shall meet at least once each month. Three members of the a five-member commission and five members of a seven-member commission shall constitute a quorum for the transaction of business. The secretary shall keep a complete record of its proceedings.

Sec. 8. Section 46.24, unnumbered paragraph 2, Code Supplement 1999, is amended to read as follows:

The state board of canvassers shall, at the time of canvassing the vote cast at a general election, open and canvass all of the returns for the judicial election. Each judge of the supreme court, court of appeals or district court including a district associate judge, full-time associate juvenile judge, or full-time associate probate judge, or a clerk of the district court who has received more affirmative than negative votes shall receive from the state board of canvassers an appropriate certificate so stating.

Sec. 9. Section 80.17, subsection 7, Code 1999, is amended to read as follows:

7. Division of capitol security police.

Sec. 10. Section 80.35, Code 1999, is amended to read as follows:

80.35 TRANSITION.

Persons employed by the department of general services as capitol security force officers shall be transferred to the division of capitol security of the department of public safety on July 1, 1976. Persons transferred pursuant to this section shall retain their positions as capitol security police officers, shall not be subject to the requirements and conditions of section 80.15, and shall remain under the Iowa public employees' retirement system. Persons employed after July 1, 1976 by the department of public safety as capitol security police officers within the division of capitol security police shall be subject to the requirements and conditions of section 80.15, except those requirements relating to age, and shall be subject to the Iowa public

employees' retirement system. The minimum age for persons employed by the division of capitol security police shall be eighteen.

Sec. 11. Section 91C.8, subsection 4, Code Supplement 1999, is amended to read as follows:

4. If a citation is issued, the commissioner shall, within seven days, notify the contractor by service in the same manner as an original notice or by certified mail of the administrative penalty, if any, proposed to be assessed and that the contractor has fifteen working days within which to notify the commissioner that the employer contractor wishes to contest the citation or proposed assessment of penalty.

Sec. 12. Section 123.39, subsection 4, Code 1999, is amended to read as follows:

4. If the cause for suspension is a first offense violation of section 123.49, subsection 2, paragraph "h", the administrator or local authority shall impose a civil penalty in the amount of three five hundred dollars in lieu of suspension of the license or permit. Local authorities shall retain civil penalties collected under this paragraph if the proceeding to impose the penalty is conducted by the local authority. The division shall retain civil penalties collected under this paragraph if the proceeding to impose the penalty is conducted by the administrator of the division.

Sec. 13. Section 141A.8, subsection 7, Code Supplement 1999, is amended to read as follows:

7. When a care provider in the course of providing care sustains a significant exposure on the premises of a health care facility or while engaged in rendering aid or providing transportation to an individual in circumstances which lead to the individual's presence at a health care facility, the individual to whom the care provider was exposed is deemed to consent to a test to be administered by the health care facility upon the written request of the exposed care provider for the express purpose of determining the presence of HIV infection in that individual. The sample and test results

shall only be identified by a number and no reports otherwise required by this chapter shall be made which identify the individual tested. However, if the test results are positive, the health care facility shall notify the individual tested and ensure performance of counseling and reporting requirements of this chapter in the same manner as for an individual from whom actual consent was obtained.

Sec. 14. Section 161D.1, subsection 4, Code Supplement 1999, is amended to read as follows:

4. This chapter subchapter is not intended to affect the authority of the department of natural resources in its acquisition, development, and management of public lands within the counties represented by the authority.

Sec. 15. Section 161D.3, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

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

Sec. 16. Section 182.14, subsection 1, Code Supplement 1999, is amended to read as follows:

1. If approved by a majority of voters at a referendum, an assessment to shall be set by the board at not more than two cents for each pound of wool produced and sold by a producer and not more than ten cents per head on sheep sold by a producer.

Sec. 17. Section 184A.6, subsection 2, Code Supplement 1999, is amended to read as follows:

2. The council shall expend moneys from the account first for the payment of expenses for the collection of assessments, and then for the payment of expenses related to connecting conducting a referendum as provided in section 184A.12. The council shall expend remaining moneys for market development, producer education, and the payment of refunds to producers as provided in this chapter.

Sec. 18. Section 235A.18, subsection 1, paragraph b, Code Supplement 1999, is amended to read as follows:

b. Data sealed in accordance with this section shall be expunged eight years after the date the data was sealed. However, if the report data and the disposition data involve child abuse as defined in section 232.68, subsection 2, paragraphs paragraph "c" and or "e", the data shall not be expunged for a period of thirty years. Sealed data shall be made available to the department of justice upon request if the prosecutor's review committee is reviewing records or if a prosecuting attorney has filed a petition to commit a sexually violent predator under chapter 229A.

Sec. 19. Section 260G.6, Code Supplement 1999, is amended to read as follows:

260G.6 PROGRAM CAPITAL FUNDS ALLOCATION.

If moneys are appropriated by the general assembly to support program capital costs, the moneys shall be allocated according to rules adopted by the department of economic development pursuant to chapter 17A. In order to receive such moneys a program agreement approved by the community college board of directors must be in place, program capital cost requests shall be approved by the Iowa economic development board created in section 15.103, program capital cost requests shall be approved or denied not later than sixty days following receipt of the request by the department of economic development, and employer contributions toward program capital costs shall be certified and agreed to in the agreement.

Sec. 20. Section 317.1, subsection 1, Code 1999, is amended to read as follows:

1. Primary noxious weeds, which shall include quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), Canada thistle (*Cirsium arvense*), bull thistle (*Cirsium lanceolatum*), European morning glory or field bindweed (*Convolvulus arvensis*), horse nettle (*Solanum carolinense*), leafy spurge (*Euphorbia esula*), perennial pepper-grass (*Lepidium draba*), Russian knapweed (*Centaurea repens*), buckthorn (*Rhamnus*, not to include *Rhamnus frangula*), and all other species of thistles belonging in genera of *Cirsium* and *Carduus*.)

Sec. 21. Section 321.34, subsection 15, Code Supplement 1999, is amended to read as follows:

15. LEGION OF MERIT SPECIAL PLATES. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, light delivery truck, panel delivery truck, motorcycle, trailer, or pickup who has been awarded the legion of merit may, upon written application to the department and presentation of satisfactory proof of the award of the legion of merit as established by the Congress of the United States, order special registration plates with a legion of merit processed emblem. The emblem shall be designed by the department in cooperation with the adjutant general and shall signify that the owner was awarded the legion of merit. The application is subject to approval by the department, in consultation with the adjutant general. The special plates shall be issued at no charge and are subject to an annual registration fee of fifteen dollars. The county treasurer shall validate the special plates in the same manner as regular registration plates are validated under this section.

The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual registration fee. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

Sec. 22. Section 321.49, subsection 3, Code Supplement 1999, is amended to read as follows:

3. A mobile home dealer who acquires a used mobile home or manufactured housing, titled in Iowa, and who does not apply for and obtain a certificate of title from the county treasurer of the dealer's county of residence within thirty days of the date of acquisition, as required under section 321.45, subsection 4, is subject to a penalty of ten dollars. A certificate of title shall not be issued to the mobile home dealer until the penalty is paid.

Sec. 23. Section 321.104, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

It is a misdemeanor, punishable as provided in section ~~321-402~~ 805.8 for any person to commit any of the following acts:

Sec. 24. Section 322.27, Code 1999, is amended to read as follows:

322.27 MANUFACTURER'S LICENSE.

A manufacturer, except an alien manufacturer represented by an importer, ~~distributor-branch, factory-representative or distributor-representative~~ shall not engage in business as a manufacturer in this state or employ, appoint or maintain distributors or wholesalers, ~~factory-representatives or branches, distributor-representatives or branches,~~ or dealers, without a license as provided in this chapter. However, new motor vehicle dealers may wholesale motor vehicles without an additional license and used motor vehicle dealers may wholesale used motor vehicles without an additional license.

Sec. 25. Section 322.30, Code 1999, is amended to read as follows:

322.30 DISPLAY.

The licenses of manufacturers, ~~factory-branches, and distributors and distributor-branches~~ shall specify the location of the office ~~or-branch~~ and must be conspicuously displayed at such location. In case such location be changed, the department shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

Sec. 26. Section 322C.9, subsection 2, Code 1999, is amended by striking the subsection.

Sec. 27. Section 322C.11, Code 1999, is amended to read as follows:

322C.11 PENALTIES.

A person violating a provision of section 322C.3, ~~or~~ 322C.7 ~~or-322C-8~~ is guilty of a serious misdemeanor.

Sec. 28. Section 403A.22, subsection 5, Code Supplement 1999, is amended to read as follows:

5. Stock ownership in a corporation having such an interest shall not be deemed an interest ~~or of,~~ or ownership or control by, the person owning such stocks when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such person.

Sec. 29. Section 427A.12, subsections 3 and 4, Code Supplement 1999, are amended to read as follows:

3. The county auditor shall certify and forward one copy each of the statement to the state comptroller and to the director of revenue not later than January 15, 1974. ~~The director of revenue shall make any necessary corrections and certify to the state comptroller the amount of the personal property tax replacement base for each taxing district in the state, determined pursuant to subsection 2.~~

4. The personal property tax replacement base for each taxing district is permanent and shall not be adjusted, except that the department of management revenue and finance shall make any necessary corrections and shall make appropriate adjustments to reflect mergers, annexations, and other changes in taxing districts or their boundaries.

Sec. 30. Section 427A.12, subsections 5, 6, and 7, Code Supplement 1999, are amended by striking the subsections.

Sec. 31. Section 455B.165, subsection 7, paragraph d, subparagraph (2), Code 1999, is amended to read as follows:

(2) The spray irrigation equipment disperses manure through an orifice at a rate maximum pressure of not more than twenty-five pounds per square inch.

Sec. 32. Section 456A.20, subsection 2, Code Supplement 1999, is amended to read as follows:

2. The department shall deposit a portion of the moneys that it receives from selling trees and shrubs as provided in this section to the forestry management and enhancement fund as created in section 456A.21. The amount deposited in the fund shall equal five cents for each coniferous tree and ten

cents for each hardwood tree and shrub ~~received-from-the-sales~~ sold.

Sec. 33. Section 481C.3, Code Supplement 1999, is amended to read as follows:

481C.3 FUNDING.

~~Notwithstanding section 483A.307, the~~ The revenue from nonresident deer and wild turkey hunting licenses shall first be used to pay the salaries, support, and maintenance of the wild animal depredation unit established pursuant to section 481C.1. ~~The remaining revenue from nonresident deer and wild turkey hunting licenses shall be used to meet the requirements of section 483A.307.~~

Sec. 34. Section 572.23, subsection 2, Code Supplement 1999, is amended to read as follows:

2. If acknowledgment of satisfaction is not filed within thirty days after service of the demand in writing, the party serving the demand or causing the demand to be served may file for record with the clerk of the district court a copy of the demand with proofs of service attached and endorsed and, in case of service by publication, a personal affidavit that personal service could not be made within this state. Upon completion of the requirements of this subsection, the record shall be constructive notice to all parties of the due forfeiture and cancellation of the lien. Upon the filing of ~~the forfeiture-of-the-lien~~ demand with the required attachments, the clerk of the district court shall mail a file-stamped copy of the cancellation demand to both parties.

Sec. 35. Section 579B.4, subsection 3, Code Supplement 1999, is amended to read as follows:

3. Except as provided in chapter 581, a lien created under ~~this section until preserved~~ 579B.3 and a lien preserved under this section are superior to and shall have priority over a conflicting lien or security interest in the commodity, including a lien or security interest that was perfected prior to the creation of the lien under this chapter.

Sec. 36. Section 598B.204, subsection 4, Code Supplement 1999, is amended to read as follows:

4. A court of this state which has been asked to make a child-custody determination under this section, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of a state having jurisdiction under sections 598B.201 through 598B.203, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction pursuant to sections 598B.201 through 598B.203, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court or of another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

Sec. 37. Section 598B.308, subsection 4, paragraph a, Code Supplement 1999, is amended to read as follows:

a. The child-custody determination has not been registered and confirmed under section 598B.305 and that ~~all~~ any of the following apply:

- (1) The issuing court did not have jurisdiction under article II.
- (2) ~~The child-custody determination for which enforcement is sought has been vacated, stayed, or modified by a court having jurisdiction to do so under article II.~~
- (3) The respondent was entitled to notice, but notice was not given in accordance with the standards of section 598B.108, in the proceedings before the court that issued the order for which enforcement is sought.

Sec. 38. Section 633.20A, Code Supplement 1999, is amended to read as follows:

633.20A PART-TIME ASSOCIATE PROBATE JUDGE -- APPOINTMENT -- REMOVAL -- QUALIFICATIONS.

The chief judge of a judicial district may appoint a part-time associate probate judge and may remove the part-time associate probate judge for cause following a hearing. The part-time associate probate judge shall be an attorney admitted to practice law in this state and shall be qualified for the position by training and experience.

Sec. 39. Section 637.423, subsection 4, Code Supplement 1999, is amended to read as follows:

4. If a trust owns an interest in minerals, water, or other natural resources on or before July 1, 1999 2000, the trustee may allocate receipts from the interest as provided in this section or in the manner used by the trustee before July 1, 1999 2000. If the trust acquires an interest in minerals, water, or other natural resources after July 1, 1999 2000, the trustee shall allocate receipts from the interest as provided in this section.

Sec. 40. Section 637.424, subsection 5, Code Supplement 1999, is amended to read as follows:

5. If a trust owns an interest in timberland on or before July 1, 1999 2000, the trustee may allocate net receipts from the sale of timber and related products as provided in this section or in the manner used by the trustee before July 1, 1999 2000. If the trust acquires an interest in timberland after July 1, 1999 2000, the trustee shall allocate net receipts from the sale of timber and related products as provided in this section.

Sec. 41. Section 692.15, subsection 3, Code Supplement 1999, is amended to read as follows:

3. The law enforcement agency making an arrest and securing fingerprints pursuant to section 690.2 or taking a juvenile into custody and securing fingerprints pursuant to section 232.148 shall fill out a final disposition report on each arrest or taking into custody on a form and in the manner prescribed by the commissioner of public safety. The final disposition report shall be forwarded to the county attorney in the county where the arrest or taking into custody occurred or to the juvenile court officer who received the referral.

Sec. 42. Section 805.10, Code 1999, is amended to read as follows:

805.10 REQUIRED COURT APPEARANCE.

1. Section 805.9 shall not apply to a scheduled violation in any of the following circumstances:

1- a. When the violation charged involved or resulted in an accident or injury to property and the total damages are one thousand dollars or more, or in an injury to person.

2- b. When the violation created an immediate threat to the safety of other persons or property because of highway conditions, visibility, traffic, repetition, or other circumstances.

c. When the violation charged involves the taking of an animal for which there is a civil damage assessment in addition to a criminal penalty.

2. In such cases, the defendant shall appear before the court and regular procedure shall apply. If an information is used the officer shall endorse thereon, "Court appearance required." If a citation and complaint is used, the officer shall strike out the space in which the defendant may admit the violation before a scheduled violations office and shall endorse thereon "Court appearance required" and the defendant shall appear before the court either in person or by attorney.

~~3- When the violation charged involves the taking of an animal for which there is a civil damage assessment in addition to a criminal penalty-~~

Sec. 43. Section 805.11, Code 1999, is amended to read as follows:

805.11 OTHER PENALTIES.

If the defendant is convicted of a scheduled violation, the penalty is the scheduled fine, without suspension of the fine prescribed in section 805.8 together with costs assessed and distributed as prescribed by section 602.8106, unless it appears from the evidence that the violation was of the type set forth in section 805.10, subsection 1 ~~or 2~~, paragraph "a" or "b", in which event the scheduled fine does not apply and

the penalty shall be increased within the limits provided by law for the offense.

Sec. 44. Section 904.809, subsection 5, paragraph d, Code Supplement 1999, is amended to read as follows:

d. Of the amount credited to the inmate's general account, the department shall deduct an amount representing any other legal or administrative financial obligations of the inmate.

Sec. 45. Section 29B.116, Code 1999, is amended by striking the word "rape" and inserting in lieu thereof the words "sexual abuse".

Sec. 46. 1999 Iowa Acts, chapter 13, section 29, subsection 8, is amended to read as follows:

8. Section 28, repealing sections 309.42, 309.56, and ~~321.21~~ 321.21.

Sec. 47. 1999 Iowa Acts, chapter 55, section 5, is amended to read as follows:

SEC. 5. TRANSITION TO FISCAL YEAR. The limit on foster home liability established in section 237.13, subsection 6, Code 1999, in effect for the calendar year beginning January 1, 1999, shall apply through June 30, 1999. This section of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 48. 1999 Iowa Acts, chapter 131, section 3, is amended to read as follows:

SEC. 3. EFFECTIVE DATE AND APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment, and shall apply to all claims of exemption under this section Act made on or after the day of enactment.

Sec. 49. Section 322C.8, Code 1999, is repealed.

Sec. 50. EFFECTIVE DATES.

1. This section, being deemed of immediate importance, takes effect upon enactment.

2. Section 46 of this Act, amending 1999 Iowa Acts, chapter 13, section 29, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to April 7, 1999.

3. Section 47 of this Act, amending 1999 Iowa Acts, chapter 55, section 5, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to April 23, 1999.

4. Section 48 of this Act, amending 1999 Iowa Acts, chapter 131, section 3, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to May 17, 1999.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2092, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved May 3, 2000

THOMAS J. VILSACK
Governor