

2. References in this section to a guardian ad litem shall be interpreted to include references to a court appointed special advocate as defined in section 232.2, subsection 9.

Approved March 25, 2009

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## CHAPTER 20

### COMPENSATION FOR CANDIDATES AND IMMEDIATE FAMILY MEMBERS

S.F. 50

**AN ACT** relating to the payment of a salary or other compensation to a candidate's family member, and making a penalty applicable.

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

Section 1. Section 68A.302, subsection 2, Code 2009, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** k. Payment to a candidate or the candidate's immediate family member as a salary, gratuity, or other compensation. However, reimbursement of expenses as otherwise authorized in this section is permitted. For purposes of this paragraph, "immediate family member" means the spouse or dependent child of a candidate.

Approved March 25, 2009

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## CHAPTER 21

### JUDICIAL PROCEDURE AND ADMINISTRATION — MISCELLANEOUS PROVISIONS

S.F. 118

**AN ACT** relating to the judicial branch including contested and uncontested parking violations, city and county penalties, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

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

Section 1. Section 321.236, subsection 1, unnumbered paragraph 2, Code 2009, is amended to read as follows:

Parking meter, snow route, and overtime parking violations which are ~~denied~~ contested shall be charged and proceed before a court the same as other traffic violations. Filing fees and court costs shall be assessed as provided in section 602.8106, subsection 1 and section 805.6, subsection 1, paragraph "a" for parking violation cases. ~~Parking violations which are admitted:~~

Sec. 2. Section 321.236, subsection 1, paragraphs a and b, Code 2009, are amended to read as follows:

a. ~~May~~ Parking violations which are uncontested shall be charged and collected upon a simple notice of a fine payable to the city clerk, ~~if authorized by ordinance~~. The fine for each violation charged under a simple notice of a fine shall be established by ordinance. The fine may be increased by five dollars if the parking violation is not paid within thirty days of the date upon which the violation occurred, ~~if authorized by ordinance~~. Violations of section 321L.4, subsection 2, ~~may shall~~ be charged and collected upon a simple notice of a one hundred dollar fine payable to the city clerk, ~~if authorized by ordinance~~. ~~No costs~~ Costs or other charges shall ~~not~~ be assessed. All fines collected by a city pursuant to this paragraph shall be retained by the city and all fines collected by a county pursuant to this paragraph shall be retained by the county, except as provided by an agreement between a city and a county treasurer for the collection of fines pursuant to section 331.553, subsection 8.

b. ~~Notwithstanding any such ordinance, may be prosecuted under the provisions of sections 805.7 to 805.13 or as any other traffic violation.~~

Sec. 3. Section 331.302, subsection 2, Code 2009, is amended to read as follows:

2. ~~A For a violation of an ordinance a county shall not provide a penalty in excess of a five hundred dollar the maximum fine or in excess of thirty days and term of imprisonment for the violation of an ordinance a simple misdemeanor under section 903.1, subsection 1, paragraph "a".~~ The criminal penalty surcharge required by section 911.1 shall be added to a county fine and is not a part of the county's penalty.

Sec. 4. Section 331.302, subsection 4A, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) A portion of the Code of Iowa may be adopted by reference only if the criminal penalty provided by the law adopted does not exceed ~~thirty days the maximum fine and term of imprisonment and a five hundred dollar fine for a simple misdemeanor under section 903.1, subsection 1, paragraph "a"~~.

Sec. 5. Section 364.3, subsection 2, Code 2009, is amended to read as follows:

2. ~~A For a violation of an ordinance a city shall not provide a penalty in excess of a five hundred dollar the maximum fine or in excess of thirty days' and term of imprisonment for the violation of an ordinance a simple misdemeanor under section 903.1, subsection 1, paragraph "a".~~ An amount equal to ten percent of all fines collected by cities shall be deposited in the account established in section 602.8108. However, one hundred percent of all fines collected by a city pursuant to section 321.236, subsection 1, shall be retained by the city. The criminal penalty surcharge required by section 911.1 shall be added to a city fine and is not a part of the city's penalty.

Sec. 6. Section 364.22, subsection 4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

An officer authorized by a city to enforce a city code or regulation may issue a civil citation to a person who commits a municipal infraction. ~~The A copy of the citation may be served by personal service as provided in rule of civil procedure 1.305, by certified mail addressed to the defendant at the defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in rule of civil procedure 1.310 and subject to the conditions of rule of civil procedure 1.311. A copy of the citation shall be retained by the issuing officer, and one copy the original citation shall be sent to the clerk of the district court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:~~

Sec. 7. Section 380.10, subsection 2, Code 2009, is amended to read as follows:

2. A portion of the Code of Iowa may be adopted by reference only if the criminal penalty

provided by the law adopted does not exceed ~~thirty days' the maximum fine and term of imprisonment and a five hundred dollar fine for a simple misdemeanor under section 903.1, subsection 1, paragraph "a".~~

Sec. 8. Section 523I.602, subsection 4, Code 2009, is amended to read as follows:

4. RECEIPT — CEMETERY RECORD. Every such trustee shall execute and deliver to the donor a receipt showing the amount of money or other property received, and the use to be made of the net proceeds from the same, duly attested by the clerk of the court granting letters of trusteeship, ~~and a copy thereof, signed by the trustee and so attested, shall be filed with and recorded by the clerk in a book to be known as the cemetery record, in which shall be recorded all reports and other papers, including orders made by the court relative to cemetery matters and the trustee shall keep a signed and attested copy of the receipt.~~

Sec. 9. Section 602.8104, subsection 2, paragraph h, Code 2009, is amended by striking the paragraph.

Sec. 10. Section 602.8104, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. A record book of certificates of deposit, not in the clerk's name, which are being held by the clerk on behalf of a conservatorship, trust, or an estate pursuant to a court order as provided in section 636.37.

Sec. 11. Section 602.8106, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. For filing and docketing a complaint or information or uniform citation and complaint for parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, eight dollars, effective January 1, 2004. The court costs in cases of parking meter and overtime parking violations which are ~~denied~~ contested, and charged and collected pursuant to section 321.236, subsection 1, or pursuant to a uniform citation and complaint, are eight dollars per information or complaint or per uniform citation and complaint effective January 1, 1991.

Sec. 12. Section 631.4, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. If the defendant is a resident of this state, or if the defendant is a nonresident of this state and is subject to the jurisdiction of the court under rule of civil procedure 1.306, the plaintiff may elect service under this paragraph, and upon receipt of the prescribed costs the clerk shall mail to the defendant by certified mail, restricted delivery, return receipt to the clerk requested, a copy of the original notice together with a conforming copy of an answer form. However, if the defendant is a corporation, partnership, or association, the clerk shall mail to the defendant by certified mail, return receipt to the clerk requested, a copy of the original notice with a conforming copy of an answer form. The defendant is required to appear within twenty days following the date service is made.

Sec. 13. Section 636.37, Code 2009, is amended to read as follows:  
636.37 DUTY OF CLERK.

1. The clerk of the district court with whom any deposit of funds, moneys, or securities shall be made, as provided by any law or an order of court, shall enter in a book, to be provided and kept for that purpose, the amount of such deposit, the character thereof, the date of its deposit, from whom received, from what source derived, to whom due or to become due, if known.

2. A separate book shall be maintained for all certificates of deposit not in the name of the clerk of the district court that are being held by the clerk on behalf of a conservatorship, trust, or estate. The book shall list the relevant details of the transaction, including but not limited to the name of the conservator, trustee, or executor, and cross references to the court orders opening and closing the conservatorship, trust, or estate.

Sec. 14. Section 805.8A, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars, except if the local authority has established the fine by ordinance pursuant to section 321.236, subsection 1. The scheduled fine for a parking violation pursuant to section 321.236 increases by five dollars, as ~~if~~ authorized by ordinance pursuant to section 321.236, subsection 1, ~~and~~ if the parking violation is not paid within thirty days of the date upon which the violation occurred. For purposes of calculating the unsecured appearance bond required under section 805.6, the scheduled fine shall be five dollars, or if the amount of the fine is greater than five dollars, the unsecured appearance bond shall be the amount of the fine established by the local authority pursuant to section 321.236, subsection 1. However, violations charged by a city or county upon simple notice of a fine instead of a uniform citation and complaint as ~~permitted~~ **required** by section 321.236, subsection 1, paragraph "a", are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section 321.362 or 461A.38, the scheduled fine is ten dollars.

Approved March 25, 2009

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## CHAPTER 22

### UNEMPLOYMENT COMPENSATION AND BENEFITS

S.F. 197

**AN ACT** relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates.

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

Section 1. Section 96.3, subsection 5, Code 2009, is amended to read as follows:

5. a. **DURATION OF BENEFITS.** The maximum total amount of benefits payable to an eligible individual during a benefit year shall not exceed the total of the wage credits accrued to the individual's account during the individual's base period, or twenty-six times the individual's weekly benefit amount, whichever is the lesser. The director shall maintain a separate account for each individual who earns wages in insured work. The director shall compute wage credits for each individual by crediting the individual's account with one-third of the wages for insured work paid to the individual during the individual's base period. However, the director shall recompute wage credits for an individual who is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, by crediting the individual's account with one-half, instead of one-third, of the wages for insured work paid to the individual during the individual's base period. Benefits paid to an eligible individual shall be charged against the base period wage credits in the individual's account which have not been previously charged, in the inverse chronological order as the wages on which the wage credits are based were paid. However if the state "off indicator" is in effect and if the individual is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, the maximum benefits payable shall be extended to thirty-nine times the individual's weekly benefit amount, but not to exceed the total of the wage credits accrued to the individual's account.

b. **TRAINING EXTENSION BENEFITS.**