

**CHAPTER 195**  
**CODE CORRECTION BILL**  
*S.F. 329*

**AN ACT** relating to Code corrections which adjust language to reflect current necessary practices, correct earlier omissions, delete redundancies, inaccuracies, and temporary and discriminatory language, remove inconsistencies, update ongoing provisions, remove ambiguities, improve syntax, correct references, and update provisions relating to court reorganization.

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

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

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

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

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

3 c. Correct internal references to sections which are cited erroneously or have been repealed, and names of agencies, officers, or other entities which have been changed, when there appears to be no doubt as to the proper methods of making the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

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

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

2. The Code editor, in carrying out the duties specified in this chapter relating to publication of the Code, shall edit the Code in order that words which designate one gender will be changed to reflect both genders when the provisions of law apply to persons of both genders. The Code editor shall not make any substantive changes to the Code while performing the editorial work. The Code editor shall seek direction from the senate committee on judiciary and the house committee on judiciary and law enforcement when making any changes which appear to require substantial editing and which might otherwise be interpreted to exceed the scope of the Code editor's authority. The Code editor shall maintain a record of the changes made under this subsection. The record shall be available to the public.

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

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

14.14 FORMAL MATTERS OMITTED OMISSIONS IN REFERENCES TO CODE SECTIONS.

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

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

17.16 LEGISLATIVE PROCEEDINGS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Fraud in procuring a license certificate of registration.

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

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

1. Fraud in procuring a license certificate of registration.

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

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

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

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

#### 127.20 SALE OF CONVEYANCE.

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

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

#### 136C.14 QUALIFIED OPERATORS – DISPLAY OF CREDENTIALS.

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

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

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

1. A certificate recording each marriage performed in this state shall be filed with the state registrar. The clerk of the district court shall prepare the certificate on the form furnished by the state registrar upon the basis of information obtained from the parties to be married, who shall attest to the information by their signatures. The clerk of the district court in each

county shall keep a record book for marriages. The form of marriage record books shall be uniform throughout the state and shall be prescribed by the state department. A properly indexed permanent record of marriage certificates upon microfilm, electronic computer, or data processing equipment may be kept in lieu of marriage record books.

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

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

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

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

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

#### 196.2 ENFORCEMENT.

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

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

#### 196.9 EGGS UNFIT AS HUMAN FOOD.

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

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

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

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

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

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

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

3. When an application for involuntary hospitalization under this chapter or an application for involuntary commitment or treatment of substance abusers under sections 125.75 to 125.94 is filed with the clerk of the district court in any county for which a judicial hospitalization referee has been appointed, and no district judge is accessible in the county, the clerk shall immediately notify the referee in the manner required by section 229.7 or section 125.77. The referee shall ~~thereupon~~ discharge all of the duties imposed upon judges of the district court or magistrates by sections 229.7 to 229.19 or sections 125.75 to 125.94 in the proceeding so initiated. If an emergency hospitalization proceeding is initiated under section 229.22 a judicial

hospitalization referee may perform the duties imposed upon a magistrate by that section. Upon termination of the proceeding or issuance of an order under section 229.13 or section 125.83, the referee shall transmit either to the chief judge, or another judge of the district court designated by the chief judge, a statement of the reasons for the referee's action and a copy of any order issued.

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

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

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

249A.14 COUNTY ATTORNEY TO ENFORCE.

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

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

252C.9 COURT ORDER PREVAILS.

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

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

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

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

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

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

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

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

321.38 PLATES, METHOD OF ATTACHING.

Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less

than twelve inches from the ground, measuring from the bottom of ~~such~~ the plate, in a place and position to be clearly visible and shall be maintained free from foreign materials ~~or imitation~~ and in a condition to be clearly legible. An imitation plate or plates imitating or purporting to imitate the official license registration plate of any other state or territory of the United States or of any foreign government and in a condition to be clearly legible shall not be fastened to the vehicle.

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

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

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

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

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

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

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

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

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

10. The court shall order a defendant convicted of a violation of this section to make restitution, in an amount not to exceed two thousand dollars, for damages resulting directly from the violation. An amount paid pursuant to this restitution order shall be credited toward any adverse judgment in a subsequent civil proceeding arising from the same occurrence. However, other than establishing a credit, a restitution proceeding pursuant to

this section shall not be given evidentiary or preclusive effect in a subsequent civil proceeding arising from the same occurrence.

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

321.388 ILLUMINATING PLATES.

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

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

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

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

b. Moneys remitted by the clerk of the district court and received from a magistrate or district associate judge for fines and forfeited bail ~~under section 602.55, except those directed to be placed in the school fund imposed pursuant to a violation of a county ordinance.~~

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

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

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

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

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

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

Sec. 44. Section 364.3, subsection 2, Code 1985, is amended to read as follows:

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

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

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

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

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

Vote for only one of the following:

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

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

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

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

11. The following enumerated services are subject to the tax imposed on gross taxable services: Alteration and garment repair; armored car; automobile repair; battery, tire and allied; investment counseling, excluding investment services of trust departments; bank service charges; barber and beauty; boat repair; car wash and wax; carpentry; roof, shingle, and glass repair; dance schools and dance studios; dry cleaning, pressing, dyeing, and laundering; electrical and electronic repair and installation; rental of tangible personal property; excavating and grading; farm implement repair of all kinds; flying service, except agricultural aerial application services and aerial commercial and charter transportation services; furniture, rug, upholstery repair and cleaning; fur storage and repair; golf and country clubs and all commercial recreation; house and building moving; household appliance, television, and radio repair; jewelry and watch repair; machine operator; machine repair of all kinds; motor repair; motorcycle, scooter, and bicycle repair; oilers and lubricators; office and business machine repair; painting, papering, and interior decorating; parking facilities; pipe fitting and plumbing; wood preparation; licensed executive search agencies; private employment agencies, excluding services for placing a person in employment where the principal place of employment of that person is to be located outside of the state; sewing and stitching; shoe repair and shoeshine;

storage warehousing of raw agricultural products; telephone answering service; test laboratories, except tests on humans; termite, bug, roach, and pest eradicators; tin and sheet metal repair; turkish baths, massage, and reducing salons; weighing; welding; well drilling; wrapping, packing, and packaging of merchandise other than processed meat, fish, fowl and vegetables; wrecking service; wrecker and towing. For purposes of this subsection, gross taxable services from rental includes rents, royalties, and copyright and license fees.

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

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

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

**534.406 RECEIVERSHIP.**

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

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

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

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

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

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

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

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

Sec. 54. Section 602.8105, subsection 1, paragraph b, Code 1985, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

**631.6 FEES AND COSTS.**

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

1. The docket fee for a small claims action is ten dollars. ~~Other fees imposed for small claims shall be the same as those required in regular actions in district court, four~~ Four dollars

of the docket fee shall remain be deposited in the county treasury for the use of the county court revenue distribution account established under section 602.8108 and six dollars of the fee shall be paid into the state treasury. Of the amount paid into the state treasury, one dollar shall be deposited in the judicial retirement fund established in section 602.9104 to be used to pay retirement benefits of the judicial retirement system, and the remainder shall be deposited in the general fund of the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

6. The eight dollars in costs imposed by this section are the total costs collectible from a defendant upon either an admission of a violation without hearing, or upon a hearing pursuant to subsection 4. Fees shall not be imposed upon or collected from a defendant for the purposes specified in section 602.8105, subsection 1, paragraph "i", "j", or "t".

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

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

**815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.**

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

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

**910.2 RESTITUTION ORDERED BY SENTENCING COURT.**

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

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

Approved May 24, 1985