

CHAPTER 1034
NONSUBSTANTIVE CODE CORRECTIONS
S.F. 2080

AN ACT relating to nonsubstantive Code corrections, and providing effective and retroactive applicability dates.

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

Section 1. Section 8D.13, subsection 12, Code Supplement 1995, is amended to read as follows:

12. The commission, on its own or as recommended by an advisory committee of the commission and approved by the commission, shall permit a fee to be charged by a receiving site to the originator of the communication provided on the network. The fee charged shall be for the purpose of recovering the operating costs of a receiving site. The fee charged shall be reduced by an amount received by the receiving site pursuant to a state appropriation for such costs, or federal assistance received for such costs. Fees established under this subsection shall be paid by the ~~originating site~~ originator of the communication directly to the receiving site. For purposes of this section, "operating costs" include the costs associated with the management or coordination, operations, utilities, classroom, equipment, maintenance, and other costs directly related to providing the receiving site.

Sec. 2. Section 43.67, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Each candidate nominated pursuant to section ~~43.66~~ 43.52 or 43.65 is entitled to have the candidate's name printed on the official ballot to be voted at the general election without other certificate unless the candidate was nominated by write-in votes. Immediately after the completion of the canvass held under section 43.49, the county auditor shall notify each person who was nominated by write-in votes for a county or township office that the person is required to file an affidavit of candidacy if the person wishes to be a candidate for that office at the general election. Immediately after the completion of the canvass held under section 43.63, the secretary of state shall notify each person who was nominated by write-in votes for a state or federal office that the person is required to file an affidavit of candidacy if the person wishes to be a candidate for that office at the general election. If the affidavit is not filed by five p.m. on the seventh day after the completion of the canvass, that person's name shall not be placed upon the official general election ballot. The affidavit shall be signed by the candidate, notarized, and filed with the county auditor or the secretary of state, whichever is applicable.

Sec. 3. Section 97B.41, subsection 8, paragraph b, subparagraph (16), Code Supplement 1995, is amended by striking the subparagraph.

Sec. 4. Section 124.409, subsection 1, Code 1995, is amended to read as follows:

1. Whenever a person who has not previously been convicted of an offense under this chapter or an offense under a state or federal statute relating to narcotic drugs or cocaine, marijuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under section 124.401, subsection 3, or is sentenced pursuant to section 124.410, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place the accused on probation upon terms and conditions as it requires. When a person is placed on probation under this subsection, the person's appearance bond may be discharged at the discretion of the court. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against the person. Discharge and dismissal under this section shall be without court adjudication of guilt and is

not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under section ~~124.410~~ 124.411. Discharge and dismissal under this section may occur only once with respect to any person.

Sec. 5. Section 139B.1, subsection 2, paragraph b, Code Supplement 1995, is amended to read as follows:

b. If an individual is diagnosed or confirmed as having a contagious or infectious disease, the hospital shall notify the designated officer of an emergency care provider service who shall notify persons involved in attending or transporting the individual. For blood-borne contagious or infectious diseases, notification shall only take place upon filing of an exposure report form with the hospital. The exposure report form may be incorporated into the Iowa prehospital care report, the Iowa prehospital advanced care report, or a similar report used by an ambulance, rescue, or first responder response service or law enforcement agency.

Sec. 6. Section 161A.12, Code 1995, is amended to read as follows:
161A.12 STATEMENT TO DEPARTMENT OF MANAGEMENT.

On or before ~~September~~ October 1 next preceding each annual legislative session, the division shall submit to the department of management, on official estimate blanks furnished for those purposes, statements and estimates of the expenditure requirements for each fiscal year, and a statement of the balance of funds, if any, available to the division, and the estimates of the division as to the sums needed for the administrative and other expenses of the division for the purposes of this chapter.

Sec. 7. Section 162.1, subsection 1, Code 1995, is amended to read as follows:

1. To insure that all dogs and cats handled by boarding kennels, commercial kennels, ~~hobby kennels~~, commercial breeders, dealers, and public auctions are provided with humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling, and treatment of such animals by persons or organizations engaged in transporting, buying, or selling them and to provide that all vertebrate animals consigned to pet shops are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling, and treatment of such animals by pet shops.

Sec. 8. Section 169A.13, Code Supplement 1995, is amended to read as follows:
169A.13 FEE EACH FIFTH YEAR.

Each owner of a brand of record beginning on January 1, 1970, shall pay to the secretary a fee of five dollars and a renewal fee on January 1 of each fifth year after the payment of the five dollar fee, or on January 1 of each fifth year following the original recording of a brand recorded after June 30, 1975. The amount of the renewal fee required for January 1, 1976, and each year thereafter shall be established by rule of the secretary pursuant to chapter 17A. The amount of the fee shall be based upon the administrative costs of maintaining the brand program provided for in this chapter. The secretary shall notify every owner of a brand of record at least thirty days prior to the date of the renewal period. If the owner of a brand of record does not pay the fee by July 1 of each year in which it is due, the owner shall forfeit the brand and the brand shall no longer be recorded. A forfeited brand shall not be issued to any other person for five ~~or more~~ years following date of forfeiture.

Sec. 9. Section 229.27, subsection 1, Code 1995, is amended to read as follows:

1. Hospitalization of a person under this chapter, either voluntarily or involuntarily, does not constitute a finding of nor equate with nor raise a presumption of incompetency, nor cause the person so hospitalized to be deemed a person of unsound mind nor a person under legal disability for any purpose including but not limited to any circumstances to which sections 6B.15, 447.7, 487.402, subsection 5, paragraph "b", sections 487.705, 597.6, 600B.21, 614.8, 614.19, 614.22, 614.24, 614.27, ~~622.6~~, and 633.244 are applicable.

Sec. 10. Section 232.88, Code Supplement 1995, is amended to read as follows:

232.88 SUMMONS, NOTICE, SUBPOENAS AND SERVICES.

After a petition has been filed the court shall issue and serve summons, notice, subpoenas, and other process in the same manner as for adjudicatory hearings in cases of juvenile delinquency as provided in section 232.37. In addition to the ~~parties~~ persons required to be provided notice under section 232.37, notice for any hearing under this division shall be provided to the agency, facility, institution, or person, including a foster parent, with whom a child has been placed for the purposes of foster care.

Sec. 11. Section 232.148, subsection 2, Code Supplement 1995, is amended to read as follows:

2. Fingerprints and photographs of a child who has been taken into custody and who is fourteen years of age or older may be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other than a simple or serious misdemeanor. The criminal or juvenile justice agency shall forward the fingerprints to the department of public safety for inclusion in the automated fingerprint identification system and may also retain a copy of the fingerprint card for comparison with latent fingerprints and the identification of repeat offenders.

Sec. 12. Section 236.3, subsection 2, Code Supplement 1995, is amended to read as follows:

2. ~~If the petition is being filed on behalf of an unemancipated minor, the name Name and address of the parent or guardian filing the petition and the parent's or guardian's address, if the petition is being filed on behalf of an unemancipated minor.~~ For the purposes of this chapter, "plaintiff" includes a person filing an action on behalf of an unemancipated minor.

Sec. 13. Section 236.9, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Criminal or juvenile justice agencies, as defined in section 692.1, shall collect and maintain information on incidents involving domestic abuse and shall provide the information to the department of public safety in the manner prescribed by the department of public safety.

Sec. 14. Section 238.1, subsection 2, Code 1995, is amended by striking the subsection.

Sec. 15. Section 252I.1, subsection 2, Code 1995, is amended to read as follows:

2. "Bank" means "bank", "insured bank", ~~"private bank"~~, and "state bank" as defined in section 524.103.

Sec. 16. Section 260D.12, Code Supplement 1995, is amended to read as follows:

260D.12 PAYMENT OF APPROPRIATION.

Payment of appropriations for distribution under this chapter or chapter 260C, or of appropriations made in lieu of such appropriations, shall be made by the department of revenue and finance in monthly installments due on or about the fifteenth day of each month of a budget year, and installments shall be as nearly equal as possible, as determined by the department of revenue and finance, taking into consideration the relative budget and cash position of the state resources.

Sec. 17. Section 294A.13, Code 1995, is amended to read as follows:

294A.13 PHASE III PROGRAM.

For the school year beginning July 1, 1987, and succeeding school years, each school district and area education agency that meets the requirements of this ~~section~~ division is eligible to receive moneys for the implementation under phase III of a performance-based pay plan or supplemental pay plan, or a combination of the two.

Sec. 18. Section 303.33, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

Two years after the establishment of a district, a referendum for the termination of the district shall be held if ten percent of the eligible voters in the district so request. If the registered voters, by a majority of those voting, favor termination, ~~this Act sections 303.20 through 303.32~~ will no longer have any effect on the property formerly included in the district.

Sec. 19. Section 321.19, subsection 2, unnumbered paragraph 3, Code Supplement 1995, is amended to read as follows:

~~Section 452A.3 and chapter Chapter~~ 326 are ~~is~~ not applicable to urban transit companies or systems.

Sec. 20. Section 321.213A, Code Supplement 1995, is amended to read as follows:

321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

Upon the entering of an order at the conclusion of a dispositional hearing under section 232.50, where the child has been adjudicated to have committed a delinquent act, which would be a first or subsequent violation of section 123.46, section 123.47 involving the purchase or attempt to purchase alcoholic beverages, chapter 124, section 126.3, chapter 453B, or a second or subsequent violation of section 123.47 regarding the possession of alcoholic beverages, the clerk of the juvenile court in the dispositional hearing shall forward a copy of the adjudication and dispositional order to the department. The department shall suspend the license or operating privilege of the child for one year. The child may receive a temporary restricted license or permit as provided in section 321.215.

Sec. 21. Section 321.423, subsection 1, paragraph c, Code Supplement 1995, is amended to read as follows:

c. "Member" means a person who is a member in good standing of a fire department or a person who is an emergency medical care provider employed by an ambulance, rescue, or first ~~responder~~ response service.

Sec. 22. Section 321.423, subsection 4, Code Supplement 1995, is amended to read as follows:

4. EXPIRATION OF AUTHORITY. The authorization shall expire at midnight on the thirty-first day of December five years from the year in which it was issued, or when the vehicle is no longer owned by the member, or when the member has ceased to be an active member of the fire department or of an ambulance, rescue, or first ~~responder~~ response service, or when the member has used the blue or white light beyond the scope of its authorized use. A person issued an authorization under subsection 3, paragraph "b", shall return the authorization to the fire chief upon expiration or upon a determination by the fire chief or the department that the authorization should be revoked.

Sec. 23. Section 321.423, subsection 7, paragraphs a and b, Code Supplement 1995, are amended to read as follows:

a. On a vehicle owned or exclusively operated by an ambulance, rescue, or first ~~responder~~ response service.

b. On a vehicle authorized by the director of public health when all of the following apply:

(1) The vehicle is owned by a member of an ambulance, rescue, or first ~~responder~~ response service.

(2) The request for authorization is made by the member on forms provided by the Iowa department of public health.

(3) Necessity for authorization is demonstrated in the request.

(4) The head of an ambulance, rescue, or first ~~responder~~ response service certifies that the member is in good standing and recommends that the authorization be granted.

Sec. 24. Section 321.484, unnumbered paragraph 2, Code Supplement 1995, is amended to read as follows:

The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing, or parking of a vehicle, whether the provision is contained in this chapter, or chapter 321L, or an ordinance or other regulation or rule, if the owner establishes that at the time of the violation the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in chapter 321F. The furnishing to the clerk of the district court where the charge is pending of a copy of the lease prescribed by section 321F.6 that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the vehicle was in the custody of an identified person other than the owner within the meaning of this paragraph, and the charge against the owner shall be dismissed. The clerk of the district court then shall cause a uniform citation and complaint to be issued against the lessee of the vehicle, and the citation shall be served upon the defendant by ordinary mail directed to the defendant at the address shown in the ~~certificate of responsibility~~ lease.

Sec. 25. Section 321.492A, Code 1995, is amended to read as follows:

321.492A QUOTAS ON CITATIONS PROHIBITED.

A political subdivision or agency of the state shall not order, mandate, require, or in any other manner, directly or indirectly, suggest to a peace officer employed by the political subdivision or agency that the peace officer shall issue a certain number of traffic citations, police citations, memorandums of traffic violations, or memorandums of faulty equipment on a daily, weekly, monthly, quarterly, or yearly basis.

Sec. 26. Section 321.560, Code Supplement 1995, is amended to read as follows:

321.560 PERIOD OF REVOCATION.

A license to operate a motor vehicle in this state shall not be issued to any person declared to be a habitual offender under section 321.555, subsection 1, for a period of not less than two years nor more than six years from the date of the final decision of the department under section 17A.19 or the date on which the district court upholds the final decision of the department, whichever occurs later. However, a temporary restricted ~~license~~ permit may be issued to a person declared to be a habitual offender under section 321.555, subsection 1, paragraph "c", pursuant to section 321.215, subsection 2. A license to operate a motor vehicle in this state shall not be issued to any person declared to be a habitual offender under section 321.555, subsection 2, for a period of one year from the date of the final decision of the department under section 17A.19 or the date on which the district court upholds the final decision of the department, whichever occurs later. The department shall adopt rules under chapter 17A which establish a point system which shall be used to determine the period for which a person who is declared to be a habitual offender under section 321.555, subsection 1, shall not be issued a license.

Sec. 27. Section 321.561, Code Supplement 1995, is amended to read as follows:

321.561 PUNISHMENT FOR VIOLATION.

It shall be unlawful for any person found to be a habitual offender to operate any motor vehicle in this state during the period of time specified in section 321.560 except for a habitual offender who has been granted a temporary restricted ~~license~~ permit pursuant to section 321.215, subsection 2. A person violating this section commits an aggravated misdemeanor.

Sec. 28. Section 323.1, subsection 4, Code Supplement 1995, is amended to read as follows:

4. "Distributor" means ~~a person~~ distributor as defined in ~~chapter 452A~~ section 452A.2.

Sec. 29. Section 331.602, subsection 10, Code Supplement 1995, is amended to read as follows:

10. Carry out duties relating to the issuance of hunting, fishing, and ~~trapping fur harvester~~ licenses as provided in sections 483A.10, 483A.12, 483A.13, 483A.14, 483A.15 and 483A.22.

Sec. 30. Section 331.605, subsection 2, unnumbered paragraph 1, Code 1995, is amended to read as follows:

For issuance of hunting, fishing and ~~trapping fur harvester~~ licenses:

Sec. 31. Section 331.756, subsection 69, Code Supplement 1995, is amended by striking the subsection.

Sec. 32. Section 358C.13, subsection 5, Code Supplement 1995, is amended to read as follows:

5. The board of trustees shall not require or grant a franchise ~~under section 364.2~~, to any person pursuant to section 364.2, subsection 4.

Sec. 33. Section 358C.17, subsection 1, Code Supplement 1995, is amended to read as follows:

1. The board of trustees of a real estate improvement district may provide for payment of all or any portion of the costs of a public improvement specified in section 358C.4, by assessing all, or any portion of, the costs on adjacent property according to the benefits derived. For the purposes of this chapter, the board of trustees may define "adjacent property" as all that included within a designated benefited district to be fixed by the board, which may be all of the property located within the real estate improvement district or any lesser portion of that property. It is not a valid objection to a special assessment that the improvement for which the assessment is levied is outside the limits of the district, but a special assessment shall not be made upon property situated outside of the district. Special assessments pursuant to this section shall be in proportion to the special benefits conferred upon the property, and not in excess of the benefits. The value of a property is the present fair market value of the property with the proposed public improvements completed. Payment of installments of a special assessment against property shall be made in the same manner and under the same procedures as provided in chapter 384 for special assessments by cities. Notwithstanding the provisions of section 384.62, the combined assessments against any lot for public improvements included in the petition creating the ~~housing development~~ real estate improvement district or as authorized in section 358C.4 shall not exceed the valuation of that lot as established by section 384.46.

Sec. 34. Section 421.17A, subsection 1, paragraph b, Code Supplement 1995, is amended to read as follows:

b. "Bank" means "bank", "insured bank", ~~"private bank"~~, and "state bank" as these are defined in section 524.103.

Sec. 35. Section 421.31, subsection 9, Code Supplement 1995, is amended to read as follows:

9. INTEREST OF THE PERMANENT SCHOOL FUND. To transfer the interest of the permanent school fund to the credit of the ~~first in the nation in education foundation as provided in section 257B.1A~~ interest for Iowa schools fund.

Sec. 36. Section 422.45, subsection 47, Code Supplement 1995, is amended by striking the subsection.

Sec. 37. Section 422.69, subsection 3, Code 1995, is amended by striking the subsection.

Sec. 38. Section 426B.1, subsection 1, Code Supplement 1995, is amended to read as follows:

1. A property tax relief fund is created in the state treasury under the authority of the department of revenue and finance. The fund shall be separate from the general fund of

the state and shall not be considered part of the general fund of the state except in determining the cash position of the state for payment of state obligations. The moneys in the fund are not subject to the provisions of section 8:33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this ~~section~~ chapter. Moneys in the fund may be used for cash flow purposes, provided that any moneys so allocated are returned to the fund by the end of each fiscal year. However, the fund shall be considered a special account for the purposes of section 8.53, relating to elimination of any GAAP deficit. For the purposes of this chapter, unless the context otherwise requires, "property tax relief fund" means the property tax relief fund created in this section.

Sec. 39. Section 427.1, subsection 4, Code Supplement 1995, is amended to read as follows:

4. ~~FIRE EQUIPMENT COMPANY BUILDINGS AND GROUNDS. Fire engines and all implements for extinguishing fires, and the~~ The publicly owned buildings and grounds used exclusively for keeping them ~~fire engines and implements for extinguishing fires~~ and for meetings of fire companies.

Sec. 40. Section 441.21, subsection 9, paragraph b, Code Supplement 1995, is amended to read as follows:

b. Notwithstanding paragraph "a", any construction or installation of a solar energy system on property ~~so classified as agricultural, residential, commercial, or industrial property~~ shall not increase the actual, assessed and taxable values of the property for five full assessment years.

Sec. 41. Section 444.25, subsection 4, paragraph b, subparagraph (3), Code 1995, is amended to read as follows:

(3) Need for additional moneys for health care, treatment and facilities, including mental health and mental retardation care and treatment pursuant to section 331.424, subsection 1, paragraphs "a" through "h", Code 1995.

Sec. 42. Section 450.94, subsections 6 and 7, Code 1995, are amended by striking the subsections.

Sec. 43. Section 452A.3, subsection 3, Code Supplement 1995, is amended to read as follows:

3. For the privilege of operating motor vehicles or aircraft in this state, there is imposed an excise tax on the use of special fuel in a motor vehicle or aircraft. The tax rate on special fuel for diesel engines of motor vehicles is twenty-two and one-half cents per gallon. The rate of tax on special fuel for aircraft is three cents per gallon. On all other special fuel the per gallon rate is the same as the motor fuel tax. Indelible dye meeting United States environmental protection agency and internal revenue service regulations must be added to fuel before or upon withdrawal at a terminal or refinery rack for that fuel to be exempt from tax and the dyed fuel may be used only for an exempt purpose.

Sec. 44. Section 452A.57, subsections 5 and 10, Code Supplement 1995, are amended to read as follows:

5. "Fuel taxes" means the per gallon excise taxes imposed under ~~division I~~ divisions I and III of this chapter with respect to motor fuel and undyed special fuel.

10. "Public highways" shall mean and include any way or place available to the public for purposes of vehicular travel notwithstanding that it is temporarily closed.

Sec. 45. Section 452A.71, Code Supplement 1995, is amended to read as follows:

452A.71 REFUNDS TO PERSONS OTHER THAN DISTRIBUTORS AND COMPRESSED NATURAL GAS AND LIQUEFIED PETROLEUM GAS DEALERS AND USERS.

Except as provided in section 452A.54, any person other than a person who has paid or has had charged to the person's account with a distributor, dealer, or user fuel taxes imposed

under this chapter with respect to motor fuel or undyed special fuel in excess of one hundred gallons, which, while the person is the owner, is subsequently lost or destroyed, ~~while the person is the owner~~, through leakage, fire, explosion, lightning, flood, storm, or other casualty, except evaporation, shrinkage, or unknown causes, ~~the person~~ shall be entitled to a refund of the tax so paid or charged. To qualify for the refund, the person shall notify the department of revenue and finance in writing of the loss or destruction and the gallonage lost or destroyed within ten days from the date of discovery of the loss or destruction. Within sixty days after filing the notice, the person shall file with the department of revenue and finance an affidavit sworn to by the person having immediate custody of the motor fuel or undyed special fuel at the time of the loss or destruction setting forth in full the circumstances and amount of the loss or destruction and such other information as the department of revenue and finance may require. Any refund payable under this section may be applied by the department against any tax liability outstanding on the books of the department against the claimant.

Sec. 46. Section 483A.19, Code 1995, is amended to read as follows:

483A.19 SHOWING LICENSE TO OFFICER.

Every person shall, while fishing, hunting, or ~~trapping fur harvesting~~, show the person's license, certificate, or permit, to any peace officer or the owner or person in lawful control of the land or water upon which licensee may be hunting, fishing, or ~~trapping fur harvesting~~ when requested by ~~said the~~ persons to do so. Any failure to so carry or refusal to show or so exhibit the person's license, certificate or permit, shall be a violation of this chapter.

Sec. 47. Section 483A.20, Code 1995, is amended to read as follows:

483A.20 RECIPROCITY.

Licenses for bait dealers or for fishing, hunting, or ~~trapping fur harvesting~~ shall not be issued to residents of states that do not sell similar licenses or certificates to residents of Iowa. However, the licensing of nonresident bait dealers who sell at wholesale to licensed dealers in Iowa for resale is permitted.

Sec. 48. Section 513C.4, subsection 2, Code Supplement 1995, is amended to read as follows:

2. An affiliated carrier that is a health maintenance organization having a certificate of authority under section ~~513C.5~~ 514B.5 shall be considered to be a separate carrier for the purposes of this chapter.

Sec. 49. Section 523I.1, subsection 4, Code Supplement 1995, is amended to read as follows:

4. "Interment rights" means a right of use conveyed by contract or property ownership to inter human ~~rights~~ remains in a columbarium, grave, mausoleum, lawn crypt, or undeveloped space.

Sec. 50. Section 524.306, subsection 2, Code Supplement 1995, is amended to read as follows:

2. The secretary of state's acknowledgement of filing of the articles of incorporation is conclusive proof that the incorporators satisfied all conditions precedent to incorporation, except in a proceeding instituted by the superintendent to cancel or revoke the incorporation or involuntarily dissolve the corporation.

Sec. 51. Section 524.1415, subsection 1, Code Supplement 1995, is amended to read as follows:

1. The conversion is effective upon the filing of the articles of conversion with the secretary of state, or at any later date and time as specified in the articles of conversion. ~~The certificate of conversion~~ acknowledgement of filing is conclusive evidence of the performance of all conditions required by this chapter for conversion of a national bank into a state bank, except as against the state.

Sec. 52. Section 554.9401, subsection 6, Code Supplement 1995, is amended to read as follows:

6. Of each fee collected by the county recorder under sections ~~570A.4~~, 554.9403, 554.9405, and 554.9406, the county recorder shall remit five dollars, if filed on a standard form or six dollars otherwise, to the department of revenue and finance for deposit in the general fund of the state.

Sec. 53. Section 561.19, Code Supplement 1995, is amended to read as follows:

561.19 EXEMPTION IN HANDS OF ISSUE.

Where the homestead descends to the issue of either spouse the issue homestead shall be held exempt from any antecedent debts of the issue's parents or antecedent debts of the issue, except those of the owner of the homestead contracted prior to acquisition of the homestead or those created under section 249A.5 relating to the recovery of medical assistance payments.

Sec. 54. Section 566A.15, Code Supplement 1995, is amended to read as follows:

566A.15 CEMETERY FUND.

A special revenue fund is created in the state treasury, under the control of the commissioner, to be known as the insurance division cemetery fund. Commencing July 1, 1995, ~~filing fees received pursuant to section 566A.2C and~~ one dollar from the audit fee for each deed reported on the annual report required by section 566A.2D, executed during the preceding fiscal year, shall be deposited in the insurance division cemetery fund by the commissioner. However, if the balance of the fund on July 1 of any year exceeds two hundred thousand dollars, the allocation to the fund shall not be made, and the total sum of the fees paid pursuant to section 566A.2D shall be deposited in the general fund of the state. Notwithstanding section 8.33, moneys in the fund shall not revert to the general fund but shall remain in the cemetery fund. Moneys in the cemetery fund are appropriated to the insurance division and, subject to authorization by the commissioner, may be used to pay the expenses of that office incurred in the administration of the audit, investigative, and enforcement duties and obligations imposed under this chapter, and the expenses of receiverships established pursuant to section 566A.12.

Sec. 55. Section 602.1304, subsection 2, paragraph b, Code Supplement 1995, is amended to read as follows:

b. For each fiscal year, a judicial collection estimate for that fiscal year shall be equally and proportionally divided into a quarterly amount. The judicial collection estimate shall be calculated by using the state revenue estimating conference estimate made by December 15 pursuant to section 8.22A, subsection 3, of the total amount of fines, fees, civil penalties, costs, surcharges, and other revenues collected by judicial officers and court employees for deposit into the general fund of the state. The revenue estimating conference estimate shall be reduced by the maximum amounts allocated to the Iowa prison infrastructure fund pursuant to section 602.8108A, and the court technology and modernization fund pursuant to section 602.8108, and the remainder shall be the judicial collection estimate. In each quarter of a fiscal year, after revenues collected by judicial officers and court employees equal to that quarterly amount are deposited into the general fund of the state and after the required amount is deposited during the quarter into the Iowa prison infrastructure fund pursuant to section 602.8108A and into the court technology and modernization fund pursuant to section 602.8108, the director of revenue and finance shall deposit the remaining revenues for that quarter into the enhanced court collections fund in lieu of the general fund. However, after total deposits into the collections fund for the fiscal year are equal to the maximum deposit amount established for the collections fund, remaining revenues for that fiscal year shall be deposited into the general fund. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a lesser amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of revenue and finance shall recalculate the judicial

collection estimate accordingly. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a greater amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of revenue and finance shall recalculate the judicial collection estimate accordingly but only to the extent that the greater amount is due to an increase in the fines, fees, civil penalties, costs, surcharges, or other revenues allowed by law to be collected by judicial officers and court employees.

Sec. 56. Section 692.12, Code Supplement 1995, is amended to read as follows:
692.12 DATA PROCESSING.

Nothing in this chapter shall preclude the use of the equipment and hardware of the data processing service center for the storage and retrieval of criminal history data. Files shall be stored on the computer in such a manner as that the files cannot be modified, destroyed, accessed, changed, or overlaid in any fashion by ~~noncriminal or juvenile justice agency~~ terminals or personnel not belonging to a criminal or juvenile justice agency. That portion of any computer, electronic switch or manual terminal having access to criminal history data stored in the state computer must be under the management control of a criminal or juvenile justice agency.

Sec. 57. Section 692.21, Code Supplement 1995, is amended to read as follows:

692.21 DATA TO AGENCY MAKING ARREST OR TAKING JUVENILE INTO CUSTODY.

The clerk of the district court shall forward conviction and disposition data to the criminal or juvenile justice agency making the arrest or taking a juvenile into custody within thirty days of final court disposition of the case.

Sec. 58. Section 692A.1, subsection 2, Code Supplement 1995, is amended to read as follows:

2. "Criminal or juvenile justice agency" means an agency or department of any level of government or an entity wholly owned, financed, or controlled by one or more such agencies or departments which performs as its principal function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal or juvenile offenders.

Sec. 59. Section 692A.10, subsection 4, Code Supplement 1995, is amended to read as follows:

4. Adopt rules under chapter 17A, as necessary, to ensure compliance with registration and verification requirements of this chapter, to provide guidelines for persons required to assist in obtaining registry information, and to provide a procedure for the dissemination of information contained in the registry. The procedure for the dissemination of information shall include, but not be limited to, practical guidelines for use by criminal or juvenile justice agencies in determining when public release of information contained in the registry is appropriate and a requirement that if a member of the general public requests information regarding a specific individual in the manner provided in section 692A.13, subsection 6, the information shall be released. The department, in developing the procedure, shall consult with associations which represent the interests of law enforcement officers. Rules adopted shall also include a procedure for removal of information from the registry upon the reversal or setting aside of a conviction of a person who is registered under this chapter.

Sec. 60. Section 692A.13, subsections 1, 3, and 5, Code Supplement 1995, are amended to read as follows:

1. The department or a sheriff may disclose information to criminal or juvenile justice agencies for law enforcement or prosecution purposes.

3. The department or a criminal or juvenile justice agency with case-specific authorization from the department may release relevant information from the registry regarding a

criminal offense against a minor, sexual exploitation, or a sexually violent offense, that is necessary to protect the public concerning a specific person who is required to register under this chapter.

5. Criminal history ~~information data~~ contained in the registry may be released as provided in chapter 692 or used by criminal or juvenile justice agencies as an index for purposes of locating a relevant conviction record.

Sec. 61. Section 692A.15, Code Supplement 1995, is amended to read as follows:
692A.15 IMMUNITY FOR GOOD FAITH CONDUCT.

Criminal or juvenile justice agencies, officials, and employees of criminal or juvenile justice agencies and state agencies and their employees shall be immune from liability for acts or omissions arising from a good faith effort to comply with this chapter.

Sec. 62. Section 708.3A, Code Supplement 1995, is amended to read as follows:

708.3A ASSAULTS ON PEACE OFFICERS, FIRE FIGHTERS, AND EMERGENCY CARE PROVIDERS.

1. A person who commits an assault, as defined in section 708.1, against a peace officer, ~~basic emergency medical care provider under chapter 147, an advanced~~ emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, with the knowledge that the person against whom the assault is committed is a peace officer, ~~basic emergency medical care provider under chapter 147, an advanced~~ emergency medical care provider under chapter 147A, or fire fighter and the intent to inflict a serious injury upon the peace officer, ~~basic emergency medical care provider under chapter 147, an advanced~~ emergency medical care provider under chapter 147A, or fire fighter, is guilty of a class "D" felony.

2. A person who commits an assault, as defined in section 708.1, against a peace officer, ~~basic emergency medical care provider under chapter 147, an advanced~~ emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, who knows that the person against whom the assault is committed is a peace officer, ~~basic emergency medical care provider under chapter 147, an advanced~~ emergency medical care provider under chapter 147A, or fire fighter and who uses or displays a dangerous weapon in connection with the assault, is guilty of a class "D" felony.

3. A person who commits an assault, as defined in section 708.1, against a peace officer, ~~basic emergency medical care provider under chapter 147, an advanced~~ emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, who knows that the person against whom the assault is committed is a peace officer, ~~basic emergency medical care provider under chapter 147, an advanced~~ emergency medical care provider under chapter 147A, or fire fighter, and who causes bodily injury or disabling mental illness, is guilty of an aggravated misdemeanor.

4. Any other assault, as defined in section 708.1, committed against a peace officer, ~~basic emergency medical care provider under chapter 147, an advanced~~ emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, by a person who knows that the person against whom the assault is committed is a peace officer, ~~basic emergency medical care provider under chapter 147, an advanced~~ emergency medical care provider under chapter 147A, or fire fighter, is a serious misdemeanor.

Sec. 63. Section 719.1, subsection 1, Code Supplement 1995, is amended to read as follows:

1. A person who knowingly resists or obstructs anyone known by the person to be a peace officer, ~~basic emergency medical care provider under chapter 147, an advanced~~ emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, ~~basic emergency medical care provider under chapter 147, an advanced~~ emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, or who knowingly resists or obstructs the service or execution by any

authorized person of any civil or criminal process or order of any court, commits a serious misdemeanor. However, if a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts bodily injury other than serious injury, that person commits an aggravated misdemeanor. If a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts or attempts to inflict serious injury, or displays a dangerous weapon, as defined in section 702.7, or is armed with a firearm, that person commits a class "D" felony.

Sec. 64. Section 727.11, subsection 2, paragraph a, Code 1995, is amended to read as follows:

a. To a criminal or juvenile justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The information shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.

Sec. 65. Section 805.5, Code Supplement 1995, is amended to read as follows:

805.5 FAILURE TO APPEAR.

Any person who willfully fails to appear in court as specified by the citation shall be guilty of a simple misdemeanor. Where a defendant fails to make a required court appearance, the court shall issue an arrest warrant for the offense of failure to appear, and shall forward the warrant and the original or electronically produced citation to the clerk. The clerk shall enter a transfer to the issuing agency on the docket, and shall return the warrant with the original or electronically produced citation attached to the law enforcement agency which issued the ~~original or electronically produced~~ citation for enforcement of the warrant. Upon arrest of the defendant, the warrant and the original or electronically produced citation shall be returned to the court, and the offenses shall be heard and disposed of simultaneously.

Sec. 66. Section 909.10, subsection 2, Code 1995, is amended to read as follows:

2. Notwithstanding the disposition sections of sections 602.8106 and ~~911.3 602.8108, subsection 3~~, upon the collection of delinquent amounts, the clerks of the district court shall remit the delinquent amounts to the treasurer of state for deposit into the revolving fund established pursuant to section 602.1302, to be used for the payment of jury and witness fees and mileage.

Sec. 67. Section 910A.9A, subsection 1, Code Supplement 1995, is amended to read as follows:

1. The date on which the juvenile or sexually violent predator is expected to be temporarily released from the custody of the department of human services, and whether the juvenile or sexually violent predator is expected to return to the community where the registered victim resides.

Sec. 68. **AMENDMENTS CHANGING TERMINOLOGY REGARDING PODIATRIC PHYSICIANS.** Sections 135B.7, 148.2, 148A.3, 149.2, 150.3, 150A.2, 157.2, 158.2, 455B.333, 514.1, 514.5, 514.8, and 514.17, Code 1995, are amended by striking from the sections the word "podiatrists" and inserting in lieu thereof the words "podiatric physicians".

Sec. 69. 1995 Iowa Acts, chapter 215, section 34, is amended to read as follows:

SEC. 34. EFFECTIVE DATE. Sections 3 through 10, sections 17 through 25, ~~sections section 27, and 28~~, section 29, subsection 2, and sections 30, 31, and 33, being deemed of immediate importance, take effect upon enactment. Sections 1 and 2, sections 11 through 14, and section 29, subsection 1, are effective July 1, 1995. Section 28 is effective January 1, 1996. Sections 15 and 26 of this Act, being deemed of immediate importance, take effect upon enactment.

Sec. 70. REPEALS.

1. Sections 260C.24 and 303.18, Code Supplement 1995, are repealed.
2. Sections 422.47A, 422.47B, and 422.47C, Code 1995, are repealed.

Sec. 71. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. Section 69 of this Act, amending 1995 Iowa Acts, chapter 215, section 34, being deemed of immediate importance, takes effect upon enactment and applies retroactively to May 24, 1995.

Approved April 2, 1996

CHAPTER 1035
LICENSURE OF SOCIAL WORKERS
S.F. 73

AN ACT requiring licensure of certain social workers, providing an effective date, imposing fees, and making penalties applicable.

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

Section 1. Section 147.2, Code 1995, is amended to read as follows:
147.2 LICENSE REQUIRED.

A person shall not engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, occupational therapy, pharmacy, cosmetology, barbering, social work, dietetics, or mortuary science or shall not practice as a physician assistant as defined in the following chapters of this subtitle, unless the person has obtained from the department a license for that purpose.

Sec. 2. Section 147.14, subsection 1, Code 1995, is amended to read as follows:

1. For podiatry, barbering, and mortuary science, ~~and social work~~, three members each, licensed to practice the profession for which the board conducts examinations, and two members who are not licensed to practice the profession for which the board conducts examinations and who shall represent the general public. A quorum shall consist of a majority of the members of the board.

Sec. 3. Section 147.14, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 15. For social work examiners, a total of seven members, five who are licensed to practice social work, with at least one from each of three levels of licensure described in section 154C.3, subsection 1, two employed by a licensee under chapter 237, and two who are not licensed social workers and who shall represent the general public.

Sec. 4. Section 147.74, subsection 12, Code Supplement 1995, is amended by striking the subsection and inserting in lieu thereof the following:

12. A bachelor social worker licensed under chapter 154C may use the words "licensed bachelor social worker" or the letters "L.B.S.W." after the person's name. A master social worker licensed under chapter 154C may use the words "licensed master social worker" or the letters "L.M.S.W." after the person's name. An independent social worker licensed under chapter 154C may use the words "licensed independent social worker", or the letters "L.I.S.W." after the person's name.