

CHAPTER 1079
SUBSTANTIVE CODE CORRECTIONS
S.F. 2062

AN ACT relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

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

Section 1. Section 10A.104, subsection 9, Code Supplement 1995, is amended to read as follows:

9. Administer and enforce this chapter, and chapters 99B, 135B, 135C, 135G, 135H, 135J, 137A, 137B, 137C, 137D, and 137E.

Sec. 2. Section 56.14, Code Supplement 1995, is amended to read as follows:
56.14 POLITICAL MATERIAL - SOLICITATIONS—YARD SIGNS.

1. a. A person who causes the publication or distribution of published material designed to promote or defeat the nomination or election of a candidate for public office or the passage of a constitutional amendment or public measure shall include conspicuously on the published material the identity and address of the person responsible for the material. If the person responsible is an organization, the name of one officer of the organization shall appear on the material. However, if the organization is a committee which has filed a statement of organization under this chapter, only the name of the committee is required to be included on the published material. Published material designed to promote or defeat the nomination or election of a candidate for public office or the passage of a constitutional amendment or public measure which contains language or depictions which a reasonable person would understand as asserting that an entity which is incorporated or is a registered committee had authored the material shall, if the entity is not incorporated or a registered committee, include conspicuously on the published material a statement that the apparent organization or committee is not incorporated or a registered committee in addition to the ~~disclaimer~~ attribution statement required by this section. For purposes of this section, "registered committee" means a committee which has an active statement of organization filed under section 56.5.

2. b. This ~~section~~ subsection does not apply to the editorials or news articles of a newspaper or magazine which are not political advertisements. For the purpose of this ~~section~~ subsection, "published material" means any newspaper, magazine, shopper, outdoor advertising facility, poster, direct mailing, brochure, or any other form of printed general public political advertising; however, the identification need not be conspicuous on posters. This ~~section~~ subsection does not apply to yard signs, bumper stickers, pins, buttons, pens, matchbooks, and similar small items upon which the inclusion of the ~~disclaimer~~ attribution statement would be impracticable or to published material which is subject to federal regulations regarding a ~~disclaimer~~ an attribution requirement.

c. This subsection shall not be construed to require the inclusion on published material of information which discloses the identity or address of any individual who is acting independently and using the individual's own modest resources to publish or distribute the material.

~~3.~~ 2. a. Yard signs shall not be placed on any property which adjoins a city, county, or state roadway sooner than forty-five days preceding a primary or general election and shall be removed within seven days after the primary or general election; in which the name of the particular candidate or ballot issue described on the yard sign appears on the ballot. Yard signs are subject to removal by highway authorities as provided in section 319.13, or by county or city law enforcement authorities in a manner consistent with section 319.13. The placement or erection of yard signs shall be exempt from the requirements

of chapter 480. Notice may be provided to the chairperson of the appropriate county central committee if the highway authorities are unable to provide notice to the candidate, candidate's committee, or political committee regarding the yard sign.

4. ~~b.~~ This ~~section~~ subsection does not prohibit the placement of yard signs on agricultural land owned by individuals or by a family farm operation as defined in section 9H.1, subsections 8, 8A, 9, and 10; does not prohibit the placement of yard signs on property owned by private individuals who have rented or leased the property to a corporation, if the prior written permission of the property owner is obtained; and does not prohibit the placement of yard signs on residential property owned by a corporation but rented or leased to a private individual if the prior permission of the renter or lessee is obtained. For the purposes of this chapter, "agricultural land" means agricultural land as defined in section 9H.1.

5. ~~This section shall not be construed to require the inclusion on published material of information which discloses the identity or address of any individual who is acting independently and using the individual's own modest resources to publish or distribute the material.~~

Sec. 3. Section 85.36, subsection 9, paragraph a, Code Supplement 1995, is amended to read as follows:

a. In computing the compensation to be allowed a volunteer fire fighter, emergency medical care provider, reserve peace officer, volunteer ambulance driver, volunteer emergency rescue technician as defined in section 147A.1, or emergency medical technician trainee, the earnings as a fire fighter, emergency medical care provider, reserve peace officer, volunteer ambulance driver, volunteer emergency rescue technician, or emergency medical technician trainee shall be disregarded and the volunteer fire fighter, emergency medical care provider, reserve peace officer, volunteer ambulance driver, volunteer emergency rescue technician, or emergency medical technician trainee shall be paid an amount equal to the compensation the volunteer fire fighter, emergency medical care provider, reserve peace officer, volunteer ambulance driver, volunteer emergency rescue technician, or emergency medical technician trainee would be paid if injured in the normal course of the volunteer fire fighter's, emergency medical care provider's, reserve peace officer's, volunteer ambulance driver's, volunteer emergency rescue technician's, or emergency medical technician trainee's regular employment or an amount equal to one hundred and forty percent of the statewide average weekly wage, whichever is greater.

Sec. 4. Section 85.61, subsection 2, Code Supplement 1995, is amended to read as follows:

2. "Employer" includes and applies to a person, firm, association, or corporation, state, county, municipal corporation, school corporation, area education agency, township as an employer of volunteer fire fighters, volunteer emergency rescue technicians, and emergency medical care providers only, benefited fire district, and the legal representatives of a deceased employer. "Employer" includes and applies to a rehabilitation facility approved for purchase-of-service contracts or for referrals by the department of human services or the department of education.

Sec. 5. Section 85.61, subsection 7, unnumbered paragraph 3, Code Supplement 1995, is amended to read as follows:

Personal injuries sustained by volunteer emergency rescue technicians or emergency medical care providers as defined in section 147A.1 arise in the course of employment if the injuries are sustained at any time from the time the volunteer emergency rescue technicians or emergency medical care providers are summoned to duty until the time those duties have been fully discharged.

Sec. 6. Section 85.61, subsection 11, unnumbered paragraph 3, Code Supplement 1995, is amended to read as follows:

“Worker” or “employee” includes an emergency medical care provider as defined in section 147A.1, a volunteer emergency rescue technician as defined in section 147A.1, a volunteer ambulance driver, or an emergency medical technician trainee, only if an agreement is reached between such worker or employee and the employer for whom the volunteer services are provided that workers’ compensation coverage under chapters 85, 85A, and 85B is to be provided by the employer. An emergency medical care provider or volunteer emergency rescue technician who is a worker or employee under this paragraph is not a casual employee. “Volunteer ambulance driver” means a person performing services as a volunteer ambulance driver at the request of the person in charge of a fire department or ambulance service of a municipality. “Emergency medical technician trainee” means a person enrolled in and training for emergency medical technician certification.

Sec. 7. Section 147A.26, subsection 2, Code Supplement 1995, is amended to read as follows:

2. The data collected by and furnished to the department pursuant to this section ~~shall not be public records under chapter 22~~ are confidential records of the condition, diagnosis, care, or treatment of patients or former patients, including outpatients, pursuant to section 22.7. The compilations prepared for release or dissemination from the data collected ~~shall be public records are not confidential under chapter 22, which are not subject to section 22.7, subsection 2.~~ However, the confidentiality of information which individually identifies patients is to be protected shall not be disclosed and the laws of this state and federal law regarding patient confidentiality shall apply with regard to patient confidentiality.

Sec. 8. Section 164.4, unnumbered paragraph 2, Code 1995, is amended to read as follows:

The department shall adopt rules that are no less restrictive than the uniform methods and rules for brucellosis eradication promulgated by the United States department of agriculture, APHIS 91-1, as effective July 1, 1984 January 1, 1996, but may adopt rules that are more restrictive, subject to chapter 17A.

Sec. 9. Section 229.44, subsection 2, unnumbered paragraph 1, Code 1995, is amended to read as follows:

After an order is entered pursuant to section ~~229.34~~ 229.13 or 229.14, the court may transfer proceedings to the court of any county having venue at any further stage in the proceeding as follows:

Sec. 10. Section 322G.15, Code Supplement 1995, is amended to read as follows:
322G.15 APPLICABILITY.

1. This chapter ~~takes effect July 1, 1991, and~~ applies to motor vehicles originally purchased or leased ~~in this state by consumers on or after July 1, 1991 that date.~~

2. ~~Except~~ This chapter applies to motor vehicles originally purchased or leased in this state and, except for section 322G.3, subsections 1 and 2, and section 322G.6, subsection 1, this chapter applies to motor vehicles originally purchased or leased in other states, if the consumer is a resident of this state at the time the consumer’s rights are asserted under this chapter. ~~Section 322G.14, which concerns rulemaking, shall take effect May 9, 1991.~~

Sec. 11. Section 421.17A, subsection 2, Code Supplement 1995, is amended to read as follows:

2. PURPOSE AND USE.

a. Notwithstanding other statutory provisions which provide for the execution, attachment, or levy against accounts, the facility may utilize the process established in this ~~chapter~~ section to collect delinquent accounts, charges, fees, loans, taxes, or other indebtedness due the state or being collected by the state provided that any exemptions or exceptions which specifically apply to enforcement of such obligations also apply to this section.

b. An obligor is subject to this section if the obligor's debt is being collected by the facility.

c. Any amount forwarded by a financial institution under this ~~chapter~~ section shall not exceed the delinquent or accrued amount of the obligor's debt being collected by the state.

Sec. 12. Section 444.26, Code Supplement 1995, is amended to read as follows:

444.26 PROPERTY TAX LEVY LIMITATIONS NOT AFFECTED.

Sections 444.25, ~~and 444.25A, and 444.25B~~ shall not be construed as removing or otherwise affecting the property tax limitations otherwise provided by law for any tax levy of the political subdivision, except that, upon an appeal from the political subdivision, the state appeal board may approve a tax levy consistent with the provisions of section 24.48 or 331.426.

Sec. 13. Section 455B.171, subsection 28, Code Supplement 1995, is amended to read as follows:

28. "Sewer system" means pipelines or conduits, pumping stations, force mains, vehicles, vessels, conveyances, injection wells, and all other constructions, devices and appliances appurtenant thereto used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal or disposal to any water of the state. To the extent that they are not subject to section 402 of the federal Water Pollution Control Act, ditches, pipes, and drains that serve only to collect, channel, direct, and convey nonpoint runoff from precipitation are not considered as sewer systems for the purposes of this ~~Act~~ part of this division.

Sec. 14. Section 455B.174, subsection 5, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Conduct random inspections of work done by city and county public works departments to ensure such public works departments are complying with this ~~Act~~ part of this division. If a city or county public works department is not complying with section 455B.183 in reviewing plans and specifications or in granting permits or both, the department shall perform these functions in that jurisdiction until the city or county public works department is able to perform them. Performance of these functions in a jurisdiction by a local public works department shall not be suspended or revoked until after notice and opportunity for hearing as provided in chapter 17A.

Sec. 15. Section 455B.177, subsection 1, Code 1995, is amended to read as follows:

1. The general assembly finds and declares that because the federal Water Pollution Control Act, provides for a permit system to regulate the discharge of pollutants into the waters of the United States and provides that permits may be issued by states which are authorized to implement that Act, it is in the interest of the people of Iowa to enact this ~~Act~~ part of this division in order to authorize the state to implement the federal Water Pollution Control Act, and federal regulations and guidelines issued pursuant to that Act.

Sec. 16. Section 455B.179, Code 1995, is amended to read as follows:

455B.179 TRADE SECRETS PROTECTED.

Upon a satisfactory showing by any person to the director that public disclosure of any record, report, permit, permit application, or other document or information or part thereof would divulge methods or processes entitled to protection as a trade secret, any such record, report, permit, permit application, or other document or part thereof other than effluent data and analytical results of monitoring or public water supply systems, shall be accorded confidential treatment. Notwithstanding the provisions of chapter 22, a person in connection with duties or employment by the department shall not make public any information accorded confidential status; however, any such record or other information accorded confidential status may be disclosed or transmitted to other officers, employees, or authorized representatives of this state or the United States concerned with carrying out this part of this division or when relevant in any proceeding under this ~~Act~~ part of this division.

Sec. 17. Section 610A.1, Code Supplement 1995, is amended to read as follows:
610A.1 ACTIONS OR APPEALS BROUGHT BY INMATES OR PRISONERS.

1. Notwithstanding section 610.1 or 822.5, if the person bringing a civil action or appeal is an inmate of an institution or facility under the control of the department of corrections or a prisoner of a county or municipal jail or detention facility, the inmate or prisoner shall pay in full all fees and costs associated with the action or appeal.

a. Upon filing of the action or appeal, the court shall order the inmate or prisoner to pay a minimum of twenty percent of the required filing fee before the court will take any further action on the inmate's or prisoner's action or appeal and shall also order the inmate or prisoner to make monthly payments of ten percent of all outstanding fees and costs associated with the inmate's or prisoner's action or appeal.

b. If the inmate has an inmate account under section 904.702, the department of corrections shall withdraw moneys maintained in the account for the payment of fees and costs associated with the inmate's action or appeal in accordance with the court's order until the required fees and costs are paid in full. The inmate shall file a certified copy of the inmate's account balance with the court at the time the action or appeal is filed.

c. An inmate may authorize the department of corrections to make or the inmate may make an initial or subsequent payment beyond that requirement by this section.

d. The court may dismiss any civil action or appeal in which the inmate or prisoner has previously failed to pay fees and costs in accordance with this section.

2. The court may make the authorization provided for in section 610.1 if it finds that the inmate does not have sufficient moneys in the inmate's account or sufficient moneys flowing into the account to make the payments required in this section or, in the case of a prisoner of a county or municipal jail or detention facility, that the prisoner otherwise meets the requirements of section 610.1.

Sec. 18. Section 610A.4, Code Supplement 1995, is amended to read as follows:
610A.4 COST SETOFF.

The state or a county or municipality shall have the right to set off the cost of incarceration of an inmate or prisoner at any time, following notice and hearing, against any claim made by or monetary obligation owed to an inmate or prisoner for whom the cost of incarceration can be calculated.

Sec. 19. Section 707A.1, subsection 1, as enacted by 1996 Iowa Acts, Senate File 2066,* section 1, is amended to read as follows:

1. "Licensed health care professional" means a physician and surgeon, ~~pediatrist~~ podiatric physician, osteopath, osteopathic physician and surgeon, physician assistant, nurse, dentist, or pharmacist required to be licensed under chapter 147.

Sec. 20. Section 805.8, subsection 5, paragraphs c and d, Code Supplement 1995, are amended to read as follows:

c. For violations of sections 481A.6, 481A.21, 481A.22, 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, ~~481A.82~~, 481A.83, 481A.84, 481A.92, 481A.123, ~~481A.145~~, subsection 3, sections 482.7, 483A.7, 483A.8, 483A.23, and 483A.24, the scheduled fine is twenty-five dollars.

d. For violations of sections 481A.7, 481A.24, 481A.47, 481A.52, 481A.53, 481A.55, 481A.58, ~~481A.63~~, 481A.76, ~~481A.81~~, 481A.90, 481A.91, 481A.97, 481A.122, 481A.126, 481A.142, ~~481A.145~~, subsection 2, sections 482.8, and 483A.37, the scheduled fine is fifty dollars.

Sec. 21. Section 805.8, subsection 5, paragraph k, Code Supplement 1995, is amended to read as follows:

k. For violations of section ~~481A.80~~ 481A.144, subsection 4, or section 481A.145, subsections 4, 5, and 6, relating to minnows:

(1) For general minnow violations, the scheduled fine is twenty-five dollars.

*Chapter 1002 herein

(2) For commercial purposes, the scheduled fine is fifty dollars.

Sec. 22. 1995 Iowa Acts, chapter 186, section 9, is amended to read as follows:

SEC. 9. RETROACTIVE APPLICABILITY DATE. ~~This Sections 4 and 7 of this Act~~ applies apply retroactively to local option sales and services taxes approved on or after July 1, 1994. Statutory procedures required for local option sales and services tax elections held on or after July 1, 1994, and before the effective date of this Act shall be deemed to fulfill the notice, proceedings, and election requirements contained in section 7 of this Act.

Sec. 23. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

1. Section 22 of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to May 22, 1995.

2. The sections of this Act which amend section 85.36, subsection 9, paragraph "a", and section 85.61, subsection 2, subsection 7, unnumbered paragraph 3, and subsection 11, unnumbered paragraph 3, being deemed of immediate importance, take effect upon enactment and apply retroactively to July 1, 1995.

Approved April 10, 1996

CHAPTER 1080

CITY HOSPITAL OR HEALTH CARE FACILITY TRUSTEES - TERMS

S.F. 2074

AN ACT relating to the dates on which city hospital or health care facility trustees take and depart from office.

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

Section 1. Section 392.6, unnumbered paragraph 2, Code 1995, is amended to read as follows:

Cities maintaining an institution as provided for in this section which have a board of trustees consisting of three members may by ordinance increase the number of members to five and provide for the appointment of one of the additional members until the next succeeding general or city election, and for the appointment of the other additional member until the second succeeding general or city election. Thereafter, the terms of office of such additional members shall be four years. However, if a city has adopted an ordinance which increases the number of members of the board of trustees to five members and the terms of office of four of the five members end in the same year, the date of expiration of the term of one of the four members, to be determined by lot, shall be extended by an additional two years.

Sec. 2. Section 392.6, unnumbered paragraph 3, Code 1995, is amended to read as follows:

Terms of office of trustees elected pursuant to general or city elections shall begin at noon on the first day in January which is not a Sunday or legal holiday. Terms of office of trustees elected pursuant to special elections shall begin at noon on the tenth day after the special election which is not a Sunday or legal holiday. The trustees shall ~~within ten days after their election qualify~~ begin their terms of office by taking the oath of office, and organize as a board by the election of one of their number as chairperson and one as secretary, but no bond shall be required of them. Terms of office of trustees shall extend to