

CHAPTER 32
COACHING AUTHORIZATION
S.F. 104

AN ACT relating to a minimum age requirement for a coaching authorization issued by the state board of educational examiners and providing an effective date.

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

Section 1. Section 272.31, subsection 1, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Attainment of at least eighteen years of age.

Sec. 2. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 18, 1997

CHAPTER 33
SUBSTANTIVE CODE CORRECTIONS
S.F. 118

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 74A.6, subsection 1, Code 1997, is amended to read as follows:

1. The authority contained in this section shall be exercised by a committee composed of the treasurer of state, the superintendent of banking, the superintendent of credit unions, and the auditor of state or a designee.

Sec. 2. Section 124.406, subsection 1, paragraph a, Code 1997, is amended to read as follows:

a. Unlawfully distributes or possesses with intent to distribute a substance listed in schedule I or II to a person under eighteen years of age commits a class "B" felony and shall serve a minimum term of confinement of five years. However, if the substance was distributed in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, ~~or in or on the real property comprising a public park, public swimming pool, public recreation center, or on a marked school bus,~~ the person shall serve a minimum term of confinement of ten years.

Sec. 3. Section 124.406, subsection 2, paragraph a, Code 1997, is amended to read as follows:

a. Unlawfully distributes or possesses with the intent to distribute a counterfeit substance listed in schedule I or II, or a simulated controlled substance represented to be a substance classified in schedule I or II, to a person under eighteen years of age commits a class "B" felony. However, if the substance was distributed in or on, or within one thousand feet of,

the real property comprising a public or private elementary or secondary school, ~~or in or on the real property comprising a~~ public park, public swimming pool, public recreation center, or on a marked school bus, the person shall serve a minimum term of confinement of ten years.

Sec. 4. Section 190.14, subsection 1, Code 1997, is amended to read as follows:

1. The department shall administer this chapter consistent with the provisions of the "Grade 'A' Pasteurized Milk Ordinance, ~~1993 Revision~~", as provided in section 192.102.

Sec. 5. Section 191.9, subsection 1, Code 1997, is amended to read as follows:

1. The department shall administer this chapter consistent with the provisions of the "Grade 'A' Pasteurized Milk Ordinance, ~~1993 Revision~~", as provided in section 192.102.

Sec. 6. Section 192.102, Code 1997, is amended to read as follows:

192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

The department shall adopt, by rule, the "Grade 'A' Pasteurized Milk Ordinance, ~~1993~~ 1995 Revision", including a subsequent revision of the ordinance. If the ordinance specifies that compliance with a provision of the ordinance's appendices is mandatory, the department shall also adopt that provision. The department shall not amend the ordinance, unless the department explains each amendment and reasons for the amendment in the Iowa administrative bulletin when the rules are required to be published pursuant to chapter 17A. The department shall administer this chapter consistent with the provisions of the ordinance.

Sec. 7. Section 192.110, subsection 2, Code 1997, is amended to read as follows:

2. The facilities and equipment used to produce, store, or transport milk or milk products comply with requirements of the "Grade 'A' Pasteurized Milk Ordinance, ~~1993 Revision~~" as provided in section 192.102.

Sec. 8. Section 542B.10, Code 1997, is amended to read as follows:

542B.10 ANNUAL REPORT.

At the time provided by law, the board shall submit to the governor a written report of its transactions for the preceding year, and shall file with the secretary of state a copy thereof, ~~together with a complete statement of the receipts and expenditures of the board,~~ attested by the affidavits of the chairperson and the secretary, and a complete list of those licensed under this chapter with their addresses and the dates of their certificates of licensure. Said report shall be printed by the state and a copy mailed to, and placed on file in the office of the clerk of each incorporated city in the state and in the office of the auditor of each county therein.

Sec. 9. Section 542C.3, subsection 3, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The board shall make a biennial report to the governor of its proceedings, with ~~an account of all moneys received and disbursed,~~ a list of the names of certified public accountants and accounting practitioners whose certificates, permits to practice, or licenses have been revoked or suspended, and other information as it deems proper or the governor requests.

Sec. 10. Section 544A.4, Code 1997, is amended to read as follows:

544A.4 REPORT.

On or before the thirtieth day of June of each year the board shall submit to the governor a report of its transactions for the preceding year, ~~together with a complete statement of the receipts and expenditures of the board.~~ This report shall include a roster of the name, place of business and number of certificate of registration of every registered architect entitled to practice the profession in the state of Iowa. A copy of this report shall be filed with the secretary of state.

Sec. 11. Section 544B.6, Code 1997, is amended to read as follows:
544B.6 ANNUAL REPORT.

Before the first day of July of each year the board shall submit to the governor a report of its transactions for the preceding year, ~~together with a complete statement of the receipts and expenditures of the board.~~ This report shall include the roster of registered landscape architects. A copy of this report shall be filed with the secretary of state.

Sec. 12. Section 669.2, subsection 4, Code 1997, is amended to read as follows:

4. "Employee of the state" includes any one or more officers, agents, or employees of the state or any state agency, including members of the general assembly, and persons acting on behalf of the state or any state agency in any official capacity, temporarily or permanently in the service of the state of Iowa, whether with or without compensation, but does not include a contractor doing business with the state. Professional personnel, including physicians, osteopathic physicians and surgeons, osteopathic physicians, optometrists, dentists, nurses, physician assistants, and other medical personnel, who render services to patients or inmates of state institutions under the jurisdiction of the department of human services, ~~and employees of the commission of veterans affairs,~~ or the Iowa department of corrections, and employees of the commission of veterans affairs, are to be considered employees of the state, whether the personnel are employed on a full-time basis or render services on a part-time basis on a fee schedule or other arrangement. Criminal defendants while performing unpaid community service ordered by the district court, board of parole, or judicial district department of correctional services, or an inmate providing services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, are to be considered employees of the state.

"Employee of the state" also includes an individual performing unpaid community service under an order of the district court pursuant to section 598.23A.

Sec. 13. Section 692A.1, subsection 6, paragraph h, Code 1997, is amended to read as follows:

h. A criminal offense committed in another jurisdiction which would constitute an indictable offense under paragraphs "a" through "e" ~~and "g"~~ if committed in this state.

Sec. 14. Section 708.2A, subsections 6, 7, and 9, Code 1997, are amended to read as follows:

6. a. A person convicted of violating subsection 2 or 3 shall serve a minimum term of two days of the sentence imposed by law, and shall not be eligible for suspension of the minimum sentence. The minimum term shall be served on consecutive days. The court shall not impose a fine in lieu of the minimum sentence, although a fine may be imposed in addition to the minimum sentence. This section does not prohibit the court from sentencing and the ~~defendant person~~ from serving the maximum term of confinement or from paying the maximum fine permitted pursuant to chapters 902 and 903, and does not prohibit the court from entering a deferred judgment or sentence pursuant to section 907.3, if the ~~defendant person~~ has not previously received a deferred sentence or judgment for a violation of section 708.2 or this section which was issued on a domestic abuse assault. ~~However, once the defendant has received one deferred sentence or judgment involving a violation of section 708.2 or this section which was issued on a domestic abuse assault, the defendant shall not be eligible to receive another deferred sentence or judgment for a violation of this section.~~

b. A person convicted of violating subsection 4 shall be ~~sentenced to a term of not less than one year and~~ committed to the custody of the director of the department of corrections, shall serve a minimum of one year of the sentence imposed, and shall be assessed a fine of not less than at least seven hundred fifty dollars. Notwithstanding section 901.5, subsection 3, and section 907.3, subsection 3, the sentence cannot be suspended; however, the person sentenced shall receive credit for any time the person was confined in a jail or detention facility following arrest.

7. If a ~~defendant person~~ is convicted for, receives a deferred judgment for, or pleads guilty to a violation of this section, the court shall modify the no-contact order issued upon initial appearance in the manner provided in section 236.14, regardless of whether the ~~defendant person~~ is placed on probation.

9. In addition to the mandatory minimum term of confinement imposed by subsection 6, paragraph "a", the court shall order a ~~defendant person~~ convicted under subsection 2 or 3 to participate in a batterers' treatment program as required under section 708.2B. In addition, as a condition of deferring judgment or sentence pursuant to section 907.3, the court shall order the ~~defendant person~~ to participate in a batterers' treatment program. The clerk of the district court shall send a copy of the judgment or deferred judgment to the judicial district department of correctional services.

Sec. 15. EFFECTIVE AND APPLICABILITY DATES. The section which amends section 669.2, subsection 4, of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1996.

Approved April 18, 1997

CHAPTER 34

USE TAX ON MOTOR VEHICLE LEASING

S.F. 222

AN ACT relating to the use tax on motor vehicle leasing.

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

Section 1. Section 423.4, subsection 16, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A lessor may maintain the exemption from use tax under this subsection for a qualifying lease that terminates at the conclusion or prior to the contracted expiration date, if the lessor does not use the vehicle for any purpose other than for lease. Once the vehicle is used by the lessor for a purpose other than for lease, the exemption from use tax under this subsection no longer applies and, unless there is an exemption from the use tax, use tax is due on the fair market value of the vehicle determined at the time the lessor uses the vehicle for a purpose other than for lease, payable to the department. If the lessor holds the vehicle exclusively for sale, use tax is due and payable on the purchase price of the vehicle at the time of purchase pursuant to this chapter.

Sec. 2. Section 423.7A, subsections 1, 2, and 4, Code 1997, are amended to read as follows:

1. The tax imposed upon the use of leased vehicles subject to registration under chapter 321, with gross vehicle weight ratings of less than sixteen thousand pounds, excluding motorcycles and motorized bicycles, which are leased by a lessor licensed pursuant to chapter 321F for a period of twelve months or more shall be paid by the owner of the vehicle to the county treasurer or state department of transportation from whom the registration receipt or certificate of title is obtained. A registration receipt for a vehicle subject to registration or issuance of a certificate of title shall not be issued until the tax is paid in the initial instance. Tax on the lease transaction that does not require titling or registration of the vehicle shall be remitted to the department. Tax and the reporting of tax due to the department shall be remitted on or before fifteen days from the last day of the month that the vehicle lease tax