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~~House File 141~~

SENATE FILE 141
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO LSB 1427SC)

Passed Senate, Date 3-3-89 (p. 613) Passed House, Date 4/21/89
Vote: Ayes 42 Nays 3 Vote: Ayes 81 Nays 10
Approved June 3, 1989

A BILL FOR

1 An Act relating to statutory corrections which adjust language to
2 reflect current practices, insert earlier omissions, delete
3 redundancies and inaccuracies, delete temporary language,
4 resolve inconsistencies and conflicts, update ongoing
5 provisions, and remove ambiguities.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 141

1 Section 1. Section 5.4, Code 1989, is amended to read as
2 follows:

3 5.4 DUTIES -- REPORTS.

4 ~~It shall be the duty of each of said~~ The commissioners to
5 shall attend the meeting of the national conference of
6 commissioners on uniform state laws, or ~~to~~ arrange for the
7 attendance of at least one of their number at ~~such~~ the
8 national conference, and both in and out of ~~such~~ the national
9 conference they shall do all in their power to promote
10 uniformity in state laws, upon all subjects where uniformity
11 ~~may be~~ is deemed desirable and practicable, ~~said.~~ The
12 commission shall report to the legislature ~~at its next session~~
13 legislative council of the general assembly, and from time to
14 ~~time thereafter as said commission may deem proper,~~ an account
15 of its transactions, and its advice and recommendations for
16 legislation. This report shall be printed for presentation to
17 ~~each legislature~~ the council. The council shall submit the
18 report to the speaker of the house and president of the senate
19 who shall forward it to the appropriate committees of the
20 general assembly for further study. ~~It shall also be the duty~~
21 ~~of said~~ The commission ~~to~~ shall bring about as far as
22 practicable the uniform judicial interpretation of all uniform
23 laws and generally ~~to~~ devise and recommend ~~such~~ additional
24 legislation or other or further course of action as shall tend
25 to accomplish the purposes of this chapter.

26 Sec. 2. Section 7E.6, subsection 3, Code 1989, is amended
27 to read as follows:

28 3. Any position of membership on the lottery board which
29 currently receives a salary shall receive during the 1986-1987
30 fiscal year a salary at one-half of the level received in the
31 1985-1986 fiscal year and a compensation of forty dollars per
32 day and expenses in the 1987-1988 fiscal year and each fiscal
33 year thereafter. ~~Any position of membership on the racing~~
34 ~~commission which currently receives a salary shall receive~~
35 ~~that salary during the 1986-1987 fiscal year, and a~~

1 ~~compensation-of-forty-dollars-per-day-and-expenses-in-the~~
2 ~~1987-1988-fiscal-year-and-each-fiscal-year-thereafter.~~

3 Sec. 3. Section 7E.6, subsection 8, Code 1989, is amended
4 to read as follows:

5 8. It is the intent of the general assembly that this
6 section shall be the governing provision on the subject of the
7 compensation of any position of membership on any board,
8 committee, commission, or council in the state government and
9 that the provisions of this section shall govern over any
10 conflicting provision of law except provisions enacted
11 subsequent to July 1, 1986, notwithstanding the provisions of
12 section 4.7.

13 Sec. 4. Section 17A.6, subsection 2, Code 1989, is amended
14 to read as follows:

15 2. Subject to the direction of the administrative rules
16 co-ordinator, the Code editor shall cause the "Iowa
17 Administrative Code" to be compiled, indexed, and published in
18 loose-leaf form containing all rules adopted and filed by each
19 agency. The Code editor further shall cause loose-leaf
20 supplements to the Iowa administrative code to be published at
21 least-every-other-week, as determined by the administrative
22 rules coordinator and the administrative rules review
23 committee, containing all rules filed for publication in the
24 prior two-weeks time period. The supplements shall be in such
25 form that they may be inserted in the appropriate places in
26 the permanent compilation. The administrative rules co-
27 ordinator shall devise a uniform numbering system for rules
28 and may renumber rules before publication to conform with the
29 system.

30 Sec. 5. Section 37.9, unnumbered paragraph 4, Code 1989,
31 is amended to read as follows:

32 Commencing with the commissioners ~~elected~~ appointed to take
33 office after January 1, 1952, one commissioner shall be
34 ~~elected~~ appointed for a term of one year, two commissioners
35 shall be ~~elected~~ appointed for a term of two years, and two

1 commissioners shall be ~~elected~~ appointed for a term of three
2 years, or in each ~~of-the-foregoing-instances~~ instance until a
3 successor is ~~elected~~ appointed and qualified. Thereafter, the
4 successors in each instance shall hold office for a term of
5 three years.

6 Sec. 6. Section 37.10, Code 1989, is amended by striking
7 the section and inserting in lieu thereof the following:

8 37.10 QUALIFICATION -- APPOINTMENT.

9 Each commissioner shall be an honorably discharged soldier,
10 sailor, marine, airman, or coast guard member and be a
11 resident of the city in which the memorial hall or monument is
12 located or live within the county if the memorial hall or
13 monument is located outside of a city or is a joint memorial
14 as provided in this chapter.

15 Each commission member shall be appointed by the mayor with
16 approval of the council or by the chairperson of the county
17 board of supervisors in the case of a county or joint memorial
18 building or monument.

19 Sec. 7. Section 49.7, Code 1989, is amended to read as
20 follows:

21 49.7 WHEN REPRECINCTING REQUIRED.

22 Each county board of supervisors and city council shall
23 make any changes in precinct boundaries necessary to comply
24 with sections 49.3, 49.4 and 49.5 not earlier than July 1 nor
25 later than November 15 of the year immediately following each
26 year in which the federal decennial census is taken, unless
27 the general assembly by joint resolution establishes different
28 dates for compliance with these sections. Any or all of the
29 publications required by section 49.11 may be made after
30 November 15 if necessary. Each county board and city council
31 shall notify the state commissioner and the commissioner
32 whenever the boundaries of election precincts are changed and
33 shall provide a map delineating the new boundary lines. Upon
34 failure of a county board or city council to make the required
35 changes by the dates specified by this section as determined

1 by the state commissioner, the state commissioner shall make
2 or cause to be made the necessary changes as soon as possible,
3 and shall assess to the county or city, as the case may be,
4 the expenses incurred in so doing. The state commissioner may
5 request the services of personnel of and materials available
6 to the legislative service bureau to assist the state
7 commissioner in making any required changes in election
8 precinct boundaries which become the state commissioner's
9 responsibility.

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10 Sec. 8. Section 78.2, subsection 7, Code 1989, is amended
11 to read as follows:

12 7. ~~Field-persons,-auditors,~~ The director and other
13 ~~employees of-the-income,-corporation,-and-sales-tax-division~~
14 of the department of revenue and finance, as authorized by the
15 director, and as set forth in chapter chapters 421 and 422.

16 Sec. 9. Section 96.7, subsection 7, paragraph b,
17 unnumbered paragraph 4, Code 1989, is amended to read as
18 follows:

19 The division shall annually calculate a base rate for each
20 calendar year. The base rate is equal to the sum of the
21 benefits charged to governmental contributory employers in the
22 calendar year immediately preceding the computation date plus
23 or minus the difference between the total benefits and
24 contributions paid by governmental contributory employers
25 since January 1, 1980, which sum is divided by the total
26 taxable wages reported by governmental contributory employers
27 during the calendar year immediately preceding the computation
28 date, rounded to the next highest one-tenth of one percent.

29 Excess contributions from the years 1978 and 1979 shall be
30 used to offset benefits paid in any calendar year where total
31 benefits exceed total contributions of governmental
32 contributory employers. The contribution rate as a percentage
33 of taxable wages of the employer shall be assigned as follows:

34 If the	The contribution	Approximate
35 percentage	rate shall be:	cumulative

			taxable
1	of excess		
2	rank is:		payroll
3	1	Base Rate - 0.9	14.3
4	2	Base Rate - 0.6	28.6
5	3	Base Rate - 0.3	42.9
6	4	Base Rate	57.2
7	5	Base Rate + 0.3	71.5
8	6	Base Rate + 0.6	85.8
9	7	Base Rate + 0.9	100.0

10 Sec. 10. Section 141.22, subsection 6, Code 1989,
11 is amended to read as follows:

12 6. A person may apply for voluntary treatment,
13 contraceptive services, or screening or treatment for AIDS and
14 other sexually transmitted diseases, directly to a licensed
15 physician and surgeon, an osteopathic physician and surgeon,
16 or a family planning clinic. Notwithstanding any other
17 provision of law, if the person seeking the treatment is a
18 minor who has personally made application for services,
19 screening, or treatment, the fact that the minor sought
20 services or is receiving services, screening, or treatment
21 shall not be reported or disclosed, except for statistical
22 purposes. Notwithstanding any other provision of law,
23 however, the minor shall be informed prior to testing that
24 upon confirmation according to prevailing medical technology
25 of a positive HIV-related test result the minor's legal
26 guardian is required to be informed by the testing facility.
27 Testing facilities where minors are tested shall have
28 available a program to assist minors and legal guardians with
29 the notification process which emphasizes the need for family
30 support and assists in making available the resources
31 necessary to accomplish that goal. However, a testing
32 facility which is precluded by federal statute, regulation, or
33 center for disease control guidelines, from informing the
34 legal guardian is exempt from the notification requirement,
35 but not from the requirement for an assistance program. The

1 minor shall give written consent to these procedures and to
2 receive the services, screening, or treatment. Such consent
3 is not subject to later disaffirmance by reason of minority.

4 Sec. 11. Sections 162.3, 162.5, 162.6, 162.7, 162.8,
5 162.9, and 162.10, Code 1989, are affirmed and reenacted.

6 Sec. 12. Section 169.14, subsection 8, Code 1989, is
7 amended to read as follows:

8 ~~8. The board's actions may be appealed to the department~~
9 ~~of inspections and appeals and judicial~~ Judicial review of the
10 board's action may be sought in accordance with ~~the terms of~~
11 ~~chapters 10A and~~ chapter 17A.

12 Sec. 13. Section 206.5, unnumbered paragraph 3, Code 1989,
13 is amended to read as follows:

14 Commercial ~~and public~~ applicators shall choose between one-
15 year certification for which the applicator shall pay a thirty
16 dollar fee or three-year certification for which the
17 applicator shall pay a seventy-five dollar fee. Public
18 applicators ~~shall be~~ are exempt from the thirty and seventy-
19 five dollar certification fees and instead ~~be~~ are subject to a
20 ten-dollar annual certification fee or a fifteen dollar fee
21 for a three-year certification. The commercial, public, or
22 private applicator shall be tested prior to initial
23 certification. In addition, a commercial, public, or private
24 applicator shall be reexamined every three years following
25 initial certification before the applicator is eligible for a
26 renewal of certification. However, a commercial, public, or
27 private applicator need not be certified to apply pesticides
28 for a period of twenty-one days from the date of initial
29 employment if the commercial, public, or private applicator is
30 under the direct supervision of a certified applicator. For
31 the purposes of this section, "under the direct supervision
32 of" means that the application of a pesticide is made by a
33 competent person acting under the instructions and control of
34 a certified applicator who is physically present, by being in
35 sight or hearing distance of the supervised person.

1 PARAGRAPH DIVIDED. A commercial applicator who applies
2 pesticides to agricultural land may, in lieu of the
3 requirement of direct supervision, elect to be exempt from the
4 certification requirements for a commercial applicator for a
5 period of twenty-one days, if the applicator meets the
6 requirements of a private applicator. The test shall include,
7 but is not limited to, the area of safe handling of
8 agricultural chemicals and the effects of these chemicals on
9 groundwater. The secretary shall also adopt, by rule, the
10 criteria for the allowance of the selection of the written or
11 oral examination by a person requiring certification.

12 PARAGRAPH DIVIDED. A person employed by a farmer not
13 solely as a pesticide applicator who applies restricted use
14 pesticides as an incidental part of the person's general
15 duties or a person who applies restricted use pesticides as an
16 incidental part of a custom farming operation is required to
17 meet the certification requirements of a private applicator.

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18 Sec. 14. Section 275.23A, subsection 3, Code 1989, is
19 amended to read as follows:

20 3. The school board shall notify the state commissioner of
21 elections and the county commissioner of elections of each
22 county in which a portion of the school district is located
23 whenever the boundaries of director districts are changed.
24 The board shall provide the commissioners with maps showing
25 the new boundaries. If, following a federal decennial census
26 a school district elects not to redraw director districts
27 under this section, the school board shall so certify to the
28 state commissioner of elections, and the school board shall
29 also certify to the state commissioner the populations of the
30 retained director districts as determined under the latest
31 federal decennial census. Upon failure of a district board to
32 make the required changes by the dates established under this
33 section as determined by the state commissioner of elections,
34 the state commissioner of elections shall make or cause to be
35 made the necessary changes as soon as possible, and shall

1 assess any expenses incurred to the school district. The
2 state commissioner of elections may request the services of
3 personnel of and materials available to the legislative
4 service bureau to assist the state commissioner in making any
5 required boundary changes.

6 Sec. 15. Section 281.15, subsection 8, Code 1989, is
7 amended by striking the subsection.

8 Sec. 16. Section 299.24, Code 1989, is amended to read as
9 follows:

10 299.24 RELIGIOUS GROUPS EXEMPTED FROM SCHOOL STANDARDS.

11 When members or representatives of a local congregation of
12 a recognized church or religious denomination established for
13 ten years or more within the state of Iowa prior to July 1,
14 1967, which professes principles or tenets that differ
15 substantially from the objectives, goals, and philosophy of
16 education embodied in standards set forth in section ~~257.25~~
17 256.11, and rules adopted in implementation thereof, file with
18 the director of the department of education proof of the
19 existence of such conflicting tenets or principles, together
20 with a list of the names, ages, and post-office addresses of
21 all persons of compulsory school age desiring to be exempted
22 from the compulsory education law and the educational
23 standards law, whose parents or guardians are members of the
24 congregation or religious denomination, the director, subject
25 to the approval of the state board of education, may exempt
26 the members of the congregation or religious denomination from
27 compliance with any or all requirements of the compulsory
28 education law and the educational standards law for two school
29 years. When the exemption has once been granted, renewal of
30 such exemptions for each succeeding school year may be
31 conditioned by the director, with the approval of the board,
32 upon proof of achievement in the basic skills of arithmetic,
33 the communicative arts of reading, writing, grammar, and
34 spelling, and an understanding of United States history,
35 history of Iowa, and the principles of American government, by

1 persons of compulsory school age exempted in the preceding
2 year, which shall be determined on the basis of tests or other
3 means of evaluation selected by the director with the approval
4 of the state board. The testing or evaluation, if required,
5 shall be accomplished prior to submission of the request for
6 renewal of the exemption. Renewal requests shall be filed
7 with the director on or before April 15 of the school year
8 preceding the school year for which the applicants desire
9 exemption.

10 Sec. 17. Section 321.34, subsection 5, paragraph b, Code
11 1989, is amended to read as follows:

12 b. The county treasurer shall validate personalized
13 registration plates in the same manner as regular registration
14 plates are validated under this section at an annual fee of
15 five dollars in addition to the regular annual registration
16 fee. ~~A person may renew a personalized registration plate~~
17 ~~without paying the additional registration fee under paragraph~~
18 ~~"a" unless a new series of registration plates are being~~
19 ~~issued to replace a current series.~~ A person renewing a
20 personalized registration plate within one month following the
21 time requirements under section 321.40 may renew the
22 personalized plate without paying the additional registration
23 fee under paragraph "a" but shall pay the five-dollar fee in
24 addition to the regular registration fee and any penalties
25 subject to regular registration plate holders for late
26 renewal.

27 Sec. 18. Section 321.52, subsection 4, paragraph b, Code
28 1989, is amended to read as follows:

29 b. When a wrecked or salvage vehicle has been repaired,
30 the owner may apply for a regular certificate of title by
31 paying the appropriate fees and surrendering the salvage
32 certificate of title and a properly executed salvage theft
33 examination certificate. The county treasurer shall issue a
34 regular certificate of title which, commencing September 1,
35 1988, if the wrecked or salvage vehicle is five model years

1 old or less, shall bear the word "REBUILT" stamped or printed
2 on the face of the title. The rebuilt designation shall be
3 included on every Iowa certificate of title issued thereafter
4 for the vehicle. However, if ownership of a stolen vehicle
5 has been transferred to an insurer organized under the laws of
6 this state or admitted to do business in this state, or if the
7 transfer was the result of a settlement with the owner of the
8 vehicle arising from damage to or the unrecovered theft of the
9 vehicle, and if the insurer certifies to the county treasurer
10 on a form approved by the department that the cost of repairs
11 to all damage to the vehicle is less than three thousand
12 dollars, the county treasurer shall issue the regular
13 certificate of title without the rebuilt designation. The
14 county treasurer shall issue a regular certificate of title
15 without the "REBUILT" designation if, before repairs are made,
16 a component parts review has been conducted by a peace officer
17 ~~authorized-to-do-so-by-the-state-department-of-transportation~~
18 ~~showing-that-the-vehicle-does-not-have-component-part-damage.~~
19 ~~The-component-parts-review-shall-be-conducted-in-accordance~~
20 ~~with-rules-adopted-by-the-department~~ who has been specially
21 certified and recertified when required by the Iowa law
22 enforcement academy to do salvage theft examinations. The
23 Iowa law enforcement academy shall determine standards for
24 training and certification, conduct training, and may approve
25 alternative training programs which satisfy the academy's
26 standards for training and certification. For the purpose of
27 this section, a wrecked or salvage vehicle shall be considered
28 to have component part damage if there is major damage
29 requiring repairs or replacement of more than two of the
30 vehicle's component parts. A "component part" means the rear
31 clip, cowl, frame or inner structure forward of the cowl,
32 body, cab, front end assembly, front clip, or such other parts
33 which are critical to the safety of the vehicle as determined
34 by rules adopted by the department. The owner shall pay a fee
35 of thirty-five dollars upon the completion of the prerepair

1 component parts review. The agency performing the
 2 examinations shall retain twenty-five dollars of the fee and
 3 shall pay five dollars of the fee to the department and five
 4 dollars of the fee to the Iowa law enforcement academy to
 5 provide for the special training, certification, and
 6 recertification of officers as required by this subsection.
 7 The peace officer conducting the review shall maintain a
 8 record of the review and shall forward a copy of the review to
 9 the department. The department shall maintain a record of all
 10 reviews. If a vehicle does not have component damage as
 11 determined in this subsection, the officer conducting the
 12 review shall issue a certificate to the owner to that effect.
 13 The certificate shall be surrendered to the county treasurer
 14 at the time of application for a regular certificate of title
 15 and the treasurer shall forward the certificate to the
 16 department.

17 The provision of this subsection requiring a component
 18 parts review by a peace officer specially certified or
 19 recertified by the Iowa law enforcement academy to do salvage
 20 theft examinations shall become effective July 1, 1990.
 21 Component parts reviews conducted before July 1, 1990, shall
 22 be made by peace officers authorized to do so by the state
 23 department of transportation or the department of public
 24 safety who are qualified, as determined by those agencies, to
 25 conduct component parts reviews. The state department of
 26 transportation shall adopt rules in accordance with chapter
 27 17A to carry out this section, including transition rules
 28 allowing for component parts reviews prior to July 1, 1990.

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29 Sec. 19. Section 321.196, unnumbered paragraph 1, Code
 30 1989, is amended to read as follows:

31 Except as otherwise provided, an operator's license
 32 expires, at the option of the applicant, two or four years
 33 from the licensee's birthday anniversary occurring in the year
 34 of issuance if the licensee is between the ages of eighteen
 35 seventeen years, eleven months and seventy years on the date

1 of issuance of the license, otherwise the license is effective
2 for a period of two years. The license is renewable without
3 written examination or penalty within a period of thirty days
4 after its expiration date. A person shall not be considered
5 to be driving with an invalid license during a period of
6 thirty days following the license expiration date. However,
7 for a license renewed within the thirty-day period, the date
8 of issuance shall be considered to be the previous birthday
9 anniversary on which it expired. Applicants whose licenses
10 are restricted due to vision or other physical deficiencies
11 may be required to renew their licenses every two years. For
12 the purposes of this section the birthday anniversary of a
13 person born on February 29 shall be deemed to occur on March
14 1. All applications for renewal of operators' licenses shall
15 be made under the direct supervision of a uniformed member of
16 the department and shall be approved by the uniformed member.
17 The department in its discretion may authorize the renewal of
18 a valid license upon application without an examination
19 provided that the applicant satisfactorily passes a vision
20 test as prescribed by the department.

21 Sec. 20. Section 321.213, Code 1989, is amended to read as
22 follows:

23 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO
24 VIOLATIONS BY JUVENILE DRIVERS.

25 Upon the entering of an order at the conclusion of an
26 adjudicatory hearing under section 232.47 that the child
27 violated a provision of this chapter or chapter 321A or
28 chapter 321J for which the penalty is greater than a simple
29 misdemeanor, the clerk of the juvenile court in the
30 adjudicatory hearing shall forward a copy of the adjudication
31 to the department. Notwithstanding section 232.55, a final
32 adjudication in a juvenile court that the child violated a
33 provision of this chapter or chapter 321A or chapter 321J
34 constitutes a final conviction of a violation of a provision
35 of this chapter or chapter 321A or chapter 321J for purposes

1 of section 321.189, subsection 2, paragraph "b", and sections
2 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, and
3 321A.17, 321J.2, 321J.3, and 321J.4.

4 Sec. 21. Section 321.288, Code 1989, is amended to read as
5 follows:

6 321.288 CONTROL OF VEHICLE -- REDUCED SPEED.

7 ~~1.~~ A person operating a motor vehicle shall have the
8 vehicle under control at all times.

9 ~~2.--A-person-operating-a-motor-vehicle~~ and shall reduce the
10 speed to a reasonable and proper rate:

11 a 1. When approaching and passing a person walking in the
12 traveled portion of the public highway.

13 b 2. When approaching and passing an animal which is being
14 led, ridden, or driven upon a public highway.

15 c 3. When approaching and traversing a crossing or
16 intersection of public highways, or a bridge, sharp turn,
17 curve, or steep descent, in a public highway.

18 d 4. When approaching and passing an emergency warning
19 device displayed in accordance with rules adopted under
20 section 321.449, or an emergency vehicle displaying a
21 revolving or flashing light.

22 e 5. When approaching and passing a slow moving vehicle
23 displaying a reflective device as provided by section 321.383.

24 f 6. When approaching and passing through a sign posted
25 construction or maintenance zone upon the public highway.

26 Sec. 22. Section 321.299, unnumbered paragraph 3, Code
27 1989, is amended to read as follows:

28 Except when overtaking and passing on the right is
29 permitted, the driver of an overtaken vehicle shall give way
30 to the right in favor of the overtaking vehicle ~~on-audible~~
31 ~~signal~~ and shall not increase the speed of the overtaken
32 vehicle until completely passed by the overtaking vehicle.

33 Sec. 23. Section 321.323, Code 1989, is amended to read as
34 follows:

35 321.323 BACKING VEHICLE ON HIGHWAY.

1 No A person shall operate not cause a vehicle to be moved
2 in a backward direction on a highway in-reverse-gear unless
3 and until such-operation the vehicle can be made backed with
4 reasonable safety, and shall yield the right of way to any
5 approaching vehicle on the highway or an intersecting highway
6 ~~therete~~ which is so close ~~therete~~ as to constitute an
7 immediate hazard.

8 Sec. 24. Section 321.555, subsection 1, paragraph b, Code
9 1989, is amended to read as follows:

10 b. Operating a motor vehicle in violation of section
11 321J.2 or its predecessor statute.

12 Sec. 25. Section 321A.3, subsection 1, Code 1989, is
13 amended to read as follows:

14 1. The director shall upon request furnish any person a
15 certified abstract of the operating record of a person subject
16 to chapter 321, 321J, or this chapter. The abstract shall
17 also fully designate the motor vehicles, if any, registered in
18 the name of the person. If there is no record of a conviction
19 of the person having violated any law relating to the
20 operation of a motor vehicle or of any injury or damage caused
21 by the person, the director shall so certify. A fee of five
22 dollars shall be paid for each abstract except by state,
23 county, city or court officials. The director shall transfer
24 the moneys collected under this section to the treasurer of
25 state who shall credit annually to the abstract fee fund
26 created under section 321A.3A the first nine hundred fifty
27 thousand dollars collected and shall credit to the general
28 fund all additional moneys collected.

29 Sec. 26. Section 330.23, Code 1989, is amended by adding
30 the following new unnumbered paragraph:

31 Sections 330.17 through 330.20 do not apply to the
32 abolition of an airport commission by a city pursuant to this
33 section for the purpose of establishing an administrative
34 agency pursuant to chapter 392 to manage and control all or
35 part of its airport. The commission shall stand abolished

1 sixty days from the date of the city council's final approval
2 abolishing the airport commission pursuant to this section,
3 unless the council designates a different effective date.

4 Sec. 27. Section 331.209, subsection 5, Code 1989, is
5 amended to read as follows:

6 5. Each county board shall notify the state commissioner
7 of elections whenever the boundaries of supervisor districts
8 are changed and shall provide a map delineating the new
9 boundary lines. Upon failure of a county board to make the
10 required changes by the dates specified by this section as
11 determined by the state commissioner of elections, the state
12 commissioner of elections shall make or cause to be made the
13 necessary changes as soon as possible, and shall assess to the
14 county the expenses incurred in so doing. The state
15 commissioner of elections may request the services of
16 personnel and materials available to the legislative service
17 bureau to assist the state commissioner in making any required
18 changes in supervisor district boundaries which become the
19 state commissioner's responsibility.

30137 20 Sec. 28. Section 422.5, subsection 7, Code 1989, is
21 amended to read as follows:

22 7. Upon determination of the latest cumulative inflation
23 factor, the director shall multiply each dollar amount set
24 forth in subsection 1, paragraphs "a" and through "i" of this
25 section, and each dollar amount specified in this section as
26 the maximum amount of annuities received which may be excluded
27 in determining final taxable income, by this cumulative
28 inflation factor, shall round off the resulting product to the
29 nearest one dollar, and shall incorporate the result into the
30 income tax forms and instructions for each tax year.

31 Sec. 29. Section 422.12, subsection 1, Code 1989, is
32 amended to read as follows:

33 1. A personal exemption credit in the following amounts:
34 a. For an estate or trust, a single individual, or a
35 married person filing a separate return, fifteen twenty

1 dollars.

2 b. For a head of household, or a husband and wife filing a
3 joint return, ~~thirty~~ forty dollars.

4 c. For each dependent, an additional ~~ten~~ fifteen dollars.

5 As used in this section, the term "dependent" has the same
6 meaning as provided by the Internal Revenue Code.

7 d. For a single individual, husband, wife or head of
8 household, an additional exemption of ~~fifteen~~ twenty dollars
9 for each of said individuals who has attained the age of
10 sixty-five years before the close of the tax year or on the
11 first day following the end of the tax year.

12 e. For a single individual, husband, wife or head of
13 household, an additional exemption of ~~fifteen~~ twenty dollars
14 for each of said individuals who is blind at the close of the
15 tax year. For the purposes of this paragraph, an individual
16 is blind only if the individual's central visual acuity does
17 not exceed twenty-two hundredths in the better eye with
18 correcting lenses, or if the individual's visual acuity is
19 greater than twenty-two hundredths but is accompanied by a
20 limitation in the fields of vision such that the widest
21 diameter of the visual field subtends an angle no greater than
22 twenty degrees.

23 ~~f.--For tax years beginning on or after January 17, 1979 and~~
24 ~~for each of the next four succeeding tax years, the amount of~~
25 ~~the personal exemption credits provided in this subsection~~
26 ~~shall be increased in the amount of one dollar for each tax~~
27 ~~year, except that the personal exemption credit allowed under~~
28 ~~paragraph "b" of this subsection shall be increased in the~~
29 ~~amount of two dollars for each tax year.--The personal~~
30 ~~exemption credits determined pursuant to this paragraph for~~
31 ~~tax years beginning on or after January 17, 1983 shall continue~~
32 ~~for succeeding tax years.~~

3073>
3073 33 Sec. 30. Section 428A.1, unnumbered paragraph 2, Code
34 1989, is amended to read as follows:

35 When each deed, instrument, or writing by which any real

1 property in this state is granted, assigned, transferred, or
2 otherwise conveyed is presented for recording to the county
3 recorder, a declaration-of-value verification of sales data
4 signed by at least one of the sellers or one of the buyers or
5 their agents shall be submitted to the county recorder. As
6 used in this chapter, unless the context requires otherwise,
7 "verification" means the verification of sales data. A
8 declaration-of-value verification is not required for those
9 instruments described in section 428A.2, subsections 2 to 5, 7
10 to 13, and 16 to 19, or described in section 428A.2,
11 subsection 6, except in the case of a federal agency or
12 instrumentality, or if a transfer is the result of acquisition
13 of lands, whether by contract or condemnation, for public
14 purposes through an exercise of the power of eminent domain.
15 The declaration-of-value verification shall state the full
16 consideration paid for the real property transferred. If
17 agricultural land, as defined in section 172C.1, is purchased
18 by a corporation, limited partnership, trust, alien or
19 nonresident alien, the declaration-of-value verification shall
20 include the name and address of the buyer, the name and
21 address of the seller, a legal description of the agricultural
22 land, and identify the buyer as a corporation, limited
23 partnership, trust, alien, or nonresident alien.
24 PARAGRAPH DIVIDED. The county recorder shall not record
25 the declaration-of-value verification, but shall enter on the
26 declaration-of-value verification information the director of
27 revenue and finance requires for the production of the
28 sales/assessment ratio study and transmit all declarations-of
29 value verifications to the city or county assessor in whose
30 jurisdiction the property is located. The city or county
31 assessor shall enter on the declaration-of-value verification
32 the information the director of revenue and finance requires
33 for the production of the sales/assessment ratio study and
34 transmit one copy of each declaration-of-value verification to
35 the director of revenue and finance, at times as directed by

1 the director of revenue and finance. The assessor shall
2 retain one copy of each ~~declaration-of-value~~ verification for
3 three years from December 31 of the year in which the transfer
4 of realty for which the ~~declaration~~ verification was filed
5 took place. The director of revenue and finance shall, upon
6 receipt of the information required to be filed under this
7 chapter by the city or county assessor, send to the office of
8 the secretary of state that part of the ~~declaration-of-value~~
9 verification which identifies a corporation, limited
10 partnership, trust, alien, or nonresident alien as a purchaser
11 of agricultural land as defined in section 172C.1.

12 Sec. 31. Section 428A.4, unnumbered paragraph 2, Code
13 1989, is amended to read as follows:

14 The county recorder shall refuse to record any deed,
15 instrument, or writing by which ~~any~~ real property in this
16 state ~~shall-be~~ is granted, assigned, transferred, or otherwise
17 conveyed, except those transfers exempt from tax under section
18 428A.2, subsections 2 to 5, and 7 to 13, or under section
19 428A.2, subsection 6, except in the case of a federal agency
20 or instrumentality, until the ~~declaration-of-value~~
21 verification has been submitted to the county recorder. A
22 ~~declaration-of-value~~ However, a verification shall not be
23 required with a deed given in fulfillment of a recorded real
24 estate contract provided the deed has a notation that it is
25 given in fulfillment of a contract.

26 Sec. 32. Section 428A.7, Code 1989, is amended to read as
27 follows:

28 428A.7 FORMS PROVIDED BY DIRECTOR OF REVENUE AND FINANCE.

29 The director of revenue and finance shall prescribe the
30 form of the ~~declaration-of-value~~ verification and shall
31 include an appropriate place for the inclusion of special
32 facts and circumstances relating to the actual sales price in
33 real estate transfers. The director shall provide an adequate
34 number of the ~~declaration-of-value~~ verification forms to each
35 county recorder in the state.

1 Sec. 33. Section 441.10, unnumbered paragraph 3, Code
2 1989, is amended to read as follows:

3 Incumbent deputy assessors who have served six consecutive
4 years shall be placed on the register of individuals eligible
5 for appointment as ~~assessor-or~~ deputy assessor. In order to
6 be appointed to the position of deputy assessor, the deputy
7 assessor shall comply with the continuing education
8 requirements. The number of credits required for
9 certification as eligible for appointment as a deputy assessor
10 in a jurisdiction other than where the deputy assessor is
11 currently serving shall be prorated according to the
12 percentage of the deputy assessor's term which is covered by
13 the continuing education requirements of section 441.8. The
14 credit necessary for certification for appointment is the
15 product of ninety multiplied by the quotient of the number of
16 months served of a deputy assessor's term covered by the
17 continuing education requirements of section 441.8 divided by
18 seventy-two. If the number of credits necessary for
19 certification for appointment as determined under this
20 paragraph results in a partial credit hour, the credit hour
21 shall be rounded to the nearest whole number.

367322 Sec. 34. Section 441.17, subsection 10, Code 1989, is
23 amended to read as follows:

24 10. Measure the exterior length and exterior width of all
25 mobile homes except those for which measurements are contained
26 in the manufacturer's and importer's certificate of origin,
27 and report the information to the county treasurer. Check all
28 mobile homes ~~and-travel-trailers~~ for inaccuracy of
29 measurements as necessary or upon written request of the
30 county treasurer ~~and-check-travel-trailers-for-violations-of~~
31 ~~registration~~ and report the findings immediately to the county
32 treasurer. If a mobile home has been converted to real estate
33 the title shall be collected and returned to the county
34 treasurer for cancellation. If taxes due for prior years have
35 not been paid, the assessor shall collect the unpaid taxes due

1 as a condition of conversion. The assessor shall make
2 frequent inspections and checks within the assessor
3 jurisdiction of all mobile homes and mobile home parks and
4 ~~travel-trailers~~ and make all the required and needed reports
5 to carry out the purposes of this section.

30737
6 Sec. 35. Section 441.24, subsection 1, Code 1989, is
7 amended to read as follows:

8 1. If ~~any corporation or~~ a person ~~refuse~~ refuses to
9 furnish the verified statements required in connection with
10 the assessment of property by the assessor, or to list the
11 corporation's or person's property, ~~or to take or subscribe~~
12 ~~the oath required,~~ the director of revenue and finance, or
13 assessor, as the case may be, shall proceed to list and assess
14 ~~such~~ the property according to the best information
15 obtainable, and shall add to the taxable valuation one hundred
16 percent thereof, which valuation and penalty shall be
17 separately shown, and shall constitute the assessment; and if
18 the valuation of ~~such~~ the property ~~shall be~~ is changed by any
19 a board of review, or on appeal ~~therefrom~~ from a board of
20 review, a like penalty shall be added to the valuation thus
21 fixed.

22 Sec. 36. Section 441.26, unnumbered paragraphs 1 and 4,
23 Code 1989, are amended to read as follows:

24 The director of revenue and finance shall each year
25 prescribe the form of assessment roll to be used by all
26 assessors in assessing ~~real and personal~~ property, ~~including~~
27 ~~moneys and credits,~~ in this state, also the form of pages of
28 the assessor's assessment book. ~~Such~~ The assessment rolls
29 shall be in ~~such a~~ form as ~~that~~ will permit entering thereon,
30 separately, the names of all persons, ~~partnerships,~~
31 ~~corporations, or associations assessed, shall contain a form~~
32 ~~of oath or affirmation to be administered to each person~~
33 assessed, and shall also contain a notice in substantially the
34 following form:

35 The assessment rolls shall be used in listing the property

1 and showing the values affixed to the property of all persons,
2 partnerships, corporations, or associations assessed. The
3 rolls shall be made in duplicate. The duplicate roll shall be
4 signed by the assessor, detached from the original and
5 delivered to the person assessed if there has been an increase
6 or decrease in the valuation of the property. If there has
7 been no change in the evaluation, the information on the roll
8 may be printed on computer stock paper and preserved as
9 required by this chapter. If the person assessed requests in
10 writing a copy of the roll, the copy shall be provided to the
11 person. ~~It is lawful to combine the affidavit or form of oath~~
12 ~~or affirmation as to real and personal property, and the~~
13 ~~affidavit or form of oath or affirmation as to moneys and~~
14 ~~credits, into one affidavit or form of oath or affirmation,~~
15 ~~and only the one such affidavit or form of oath or affirmation~~
16 ~~is sufficient on the assessment roll.~~ The pages of the
17 assessor's assessment book shall contain columns ruled and
18 headed for the information required by this chapter and that
19 which the director of revenue and finance deems essential in
20 the equalization work of the director. The assessor shall
21 return all assessment rolls and schedules to the county
22 auditor, along with the completed assessment book, as provided
23 in this chapter, and the county auditor shall carefully keep
24 and preserve the rolls, schedules and book for a period of
25 five years from the time of its filing in the county auditor's
26 office.

3073 >
27 Sec. 37. Section 455A.6, subsection 6, paragraph b, Code
28 1989, is amended to read as follows:

29 b. Hear appeals in contested cases pursuant to chapter 17A
30 on matters relating to actions taken by the director under
31 chapter 84, 93, 455B, 455C, or 469.

3073 >
32 Sec. 38. Section 598.17, unnumbered paragraph 2, Code
33 1989, is amended to read as follows:

34 If at the time of trial petitioner fails to present
35 satisfactory evidence that there has been a breakdown of the

1 marriage relationship to the extent that the legitimate
2 objects of matrimony have been destroyed and there remains no
3 reasonable likelihood that the marriage can be preserved, the
4 respondent may then proceed to present such evidence as though
5 the respondent had filed the original petition.

6 Sec. 39. Section 601G.9, Code 1989, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 5. Establish rules relating to the
9 operation, organization, and procedure of the office of the
10 citizen's aide. The rules are exempt from chapter 17A and
11 shall be published in the Iowa administrative code.

3095

12 Sec. 40. Section 602.3201, Code 1989, is amended to read
13 as follows:

14 602.3201 ~~UNLAWFUL~~ REQUIREMENT OF CERTIFICATION -- USE OF
15 TITLE.

16 A person shall not engage in the profession of shorthand
17 reporting unless the person is certified pursuant to this
18 chapter, or otherwise exempted pursuant to section 602.6603,
19 subsection 4. A Only a person who is certified by the board
20 ~~is-a-certified-shorthand-reporter.--A-person-who-is-not~~
21 ~~certified-by-the-board-shall-not~~ may assume the title of
22 certified shorthand reporter, or use the abbreviation C.S.R.,
23 or any words, letters, or figures to indicate that the person
24 is a certified shorthand reporter.

3073

25 Sec. 41. Section 682.23, subsection 4, Code 1989, is
26 amended to read as follows:

27 4. MUNICIPAL BONDS. Bonds, or other interest-bearing
28 obligations, which are a direct obligation of any a county,
29 township, city, ~~village,~~ school district, or other municipal
30 corporation or district, having power to levy general taxes,
31 in the state of Iowa, and also bonds, or other interest-
32 bearing obligations, which are a direct obligation of any a
33 county, township, city, village, school district, or other
34 municipal corporation or district, having power to levy
35 general taxes, in any adjoining state, and having a population

1 of not less than five thousand, ~~and also bonds, or other~~
2 ~~interest-bearing obligations, which are a direct obligation of~~
3 ~~any county, township, city, village, school district, or other~~
4 ~~municipal corporation or district, having power to levy~~
5 ~~general taxes, in any other state, having a population of not~~
6 ~~less than ten thousand.~~ Provided However, the total funded
7 indebtedness of ~~any such~~ a municipality enumerated in this
8 subsection shall not exceed ten percent of the assessed value
9 of the taxable property ~~therein~~ in the municipality, as
10 ascertained by the last assessment for tax purposes, and
11 ~~provided further that such~~ the municipality or district ~~has~~
12 shall not have defaulted in the payment of any of its bonded
13 indebtedness within the ten preceding years.

14 Sec. 42. Section 714.25, Code 1989, is amended by adding
15 the following new unnumbered paragraph before unnumbered
16 paragraph one:

17 NEW UNNUMBERED PARAGRAPH. For purposes of this chapter,
18 unless the context otherwise requires, "proprietary school"
19 means a person offering a course of instruction at the
20 postsecondary level, for profit, that is more than four months
21 in length and leads to a degree, diploma, or license.

3035- 22 Sec. 43. Section 805.6, subsection 1, paragraph c,
23 subparagraph (2), Code 1989, is amended to read as follows:
24 (2) If the violation charged involved or resulted in an
25 accident or injury to property and the total damages are less
26 than ~~two-hundred-fifty~~ five hundred dollars, the amount of
27 fifty dollars plus court costs.

28 Sec. 44. Section 805.7, subsection 2, Code 1989, is
29 amended to read as follows:

30 2. Collection boxes. The chief judge of the district may
31 permit the maintenance of locked collection boxes to be used
32 at weigh stations and other locations where vehicles are
33 inspected and weighed with portable scales. ~~Such~~ The boxes
34 shall be used solely for the deposit of fines, and costs, and
35 guaranteed arrest bond certificates received upon-written

1 ~~admissions-of-these~~ for scheduled violations applicable to
2 commercial carriers. The collection boxes shall remain locked
3 at all times and shall be opened only by the clerk of the
4 district court or the clerk's designee. The chief judge of
5 the district may prescribe procedures for the system and may
6 discontinue its use if necessary.

7 Sec. 45. Section 805.10, subsection 1, Code 1989, is
8 amended to read as follows:

9 1. When the violation charged involved or resulted in an
10 accident or injury to property and the total damages are ~~two~~
11 ~~hundred-fifty~~ five hundred dollars or more, or in an injury to
12 person.

13 Sec. 46. Section 907.3, unnumbered paragraph 1, Code 1989,
14 is amended to read as follows:

15 Pursuant to section 901.5, the trial court may, upon a plea
16 of guilty, a verdict of guilty, or a special verdict upon
17 which a judgment of conviction may be rendered, exercise any
18 of the options contained in ~~subsections 1 and 2 of~~ this
19 section. However, this section ~~shall~~ does not apply to a
20 forcible felony.

21 Sec. 47. 1986 Iowa Acts, chapter 1245, section 2064, is
22 amended to read as follows:

23 SEC. 2064. The Code editor, in consultation with the
24 ~~reorganization-legislative-oversight-committee~~ an appropriate
25 subcommittee of the senate committee on judiciary and the
26 house committee on judiciary and law enforcement, shall
27 develop and implement ~~by July 1, 1988~~, the uniform system of
28 terminology, through the Code editor's bills and under section
29 14.13 of the Code, for the designation of the agencies, units,
30 and positions of state government as established in sections
31 7E.2 and ~~7E-2B~~ 7E.4 of the Code, as far as practicable and
32 consistent with apparent legislative intent. This development
33 and implementation may include recommendations for refinements
34 in the uniform system of terminology. In cases of
35 inconsistent usage of terminology, superseded terms shall be

1 read to be consistent with the intent of this Act, until
2 necessary changes in language are made under this section.
3 The Code editor shall also develop a style manual to provide,
4 to the extent practicable, for uniform statutory provisions in
5 regard to the specifications of agencies, boards, committees,
6 commissions, councils, and positions on the subjects of, as
7 appropriate, offices, positions, meetings, quorums, reports,
8 oaths, compensation, powers, and related matters for those
9 agencies, bodies, and positions.

3094 -

10 Sec. 48. Sections 37.11 through 37.14, 37.19, 321.407,
11 426.9, and 441.20, Code 1989, are repealed.

12 EXPLANATION

13 This bill includes Code corrections which, while
14 corrective, have a more substantive effect than those in the
15 nonsubstantive bill. Included are corrections discovered in
16 Code editing and recommendations from executive departments
17 and bill drafters.

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SENATE FILE 141

3035

Amend Senate File 141 as follows:

1. Page 23, by inserting after line 21 the following:
 - "Sec. ____ . Section 725.7, subsection 2, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:
 2. A person who violates this section is guilty of the following:
 - a. Illegal gaming in the fourth degree if the sum of money or value of other property involved does not exceed one hundred dollars. Illegal gaming in the fourth degree constitutes the following:
 - (1) A serious misdemeanor for a first offense.
 - (2) An aggravated misdemeanor for a second offense.
 - (3) A class "D" felony for a third offense.
 - (4) A class "C" felony for a fourth or subsequent offense.
 - b. Illegal gaming in the third degree if the sum of money or value of other property involved exceeds one hundred dollars but does not exceed five hundred dollars. Illegal gaming in the third degree constitutes the following:
 - (1) An aggravated misdemeanor for a first offense.
 - (2) A class "D" felony for a second offense.
 - (3) A class "C" felony for a third or subsequent offense.
 - c. Illegal gaming in the second degree if the sum of money or value of other property involved exceeds five hundred dollars but does not exceed five thousand dollars. Illegal gaming in the second degree constitutes the following:
 - (1) A class "D" felony for a first offense.
 - (2) A class "C" felony for a second or subsequent offense.
 - d. Illegal gaming in the first degree if the sum of money or value of other property involved exceeds five thousand dollars. Illegal gaming in the first degree constitutes a class "C" felony.
 - Sec. ____ . Section 727.11, Code 1989, is amended to read as follows:
 - 727.11 DISCLOSURE OF INFORMATION CONCERNING USE OF VIDEOTAPES -- PENALTY.
 1. Except as provided in subsection 2, a person engaged in the business of renting, leasing, loaning, or otherwise distributing for a fee videotapes or other like items to individuals for personal use shall not disclose any information which would reveal the identity of an individual renting, leasing, borrowing, or otherwise obtaining through the business a

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1 videotape or other like item, except to the extent
2 permitted by the individual as evidenced by the
3 individual's written consent or as otherwise provided
4 in this section.

5 2. In the absence of consent, the information may
6 be released to in any of the following situations:

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

15 b. To the extent reasonably necessary to collect
16 payment for the rental, lease, or other distribution
17 fee for the materials, if the individual has been
18 given written notice that the payment is due and the
19 individual has failed to pay or arrange for payment
20 within a reasonable time after this notice.

21 c. If the disclosure is for the exclusive purpose
22 of marketing goods and services directly to the
23 consumer. The person disclosing the information shall
24 inform the customer in writing that the customer may,
25 by written notice, require the person to refrain from
26 disclosing the information pursuant to this paragraph.

27 3. A person who violates this section commits a
28 simple misdemeanor."

29 2. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3035 FILED FEBRUARY 7, 1989

Adopted 3-3-89 (p6/2)

SENATE FILE 141

S-3078

1 Amend Senate File 141 as follows:
2 1. Page 7, by inserting after line 17 the
3 following:
4 "Sec. ____ . Section 237.15, subsection 4, Code
5 1989, is amended to read as follows:
6 4. "Person or court responsible for the child"
7 means the department, including but not limited to the
8 department of human services, agency, or individual
9 who is the guardian of a neglected, dependent, or
10 delinquent child by court order issued by the juvenile
11 or district court and has the responsibility of the
12 care of the child, or the court having jurisdiction
13 over the child."

By COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3078 FILED FEBRUARY 15, 1989

Adopted 3-3-89 (p. 612)

SENATE FILE 141

S-3094

1 Amend Senate File 141 as follows:
2 1. Page 25, by inserting after line 9 the
3 following:
4 "Sec. ____ . 1982 Iowa Acts, chapter 1162, section
5 14, is amended to read as follows:
6 SEC. 14. This Act shall take effect July 1
7 following its enactment and shall apply to persons
8 sentenced for crimes committed after the effective
9 date of this Act."
10 2. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3094 FILED FEBRUARY 20, 1989

Adopted 3-3-89 (p. 613)

SENATE FILE 141

S-3095

1 Amend Senate File 141 as follows:

2 1. Page 7, by inserting after line 17, the
3 following:

4 "Sec. ____ . Section 237.16, unnumbered paragraph 1,
5 Code 1989, is amended to read as follows:

6 The state foster care review board is created
7 within the department of inspections and appeals. The
8 state board consists of seven members appointed by the
9 governor, subject to confirmation by the senate and
10 directly responsible to the governor. The appointment
11 is for a term of four years which begins and ends as
12 provided in section 69.19. Vacancies on the state
13 board shall be filled in the same manner as original
14 appointments are made."

15 2. Page 22, by inserting after line 11, the
16 following:

17 "Sec. ____ . Section 601K.33, subsection 5, Code
18 1989, is amended to read as follows:

19 5. The members of the commission appointed by the
20 governor shall be appointed to terms of four years
21 beginning ~~July~~ May 1. Legislative members shall be
22 appointed to terms of two years beginning January 1 of
23 odd-numbered years. However, members appointed under
24 subsections 3 and 4 shall cease to be members if they
25 no longer hold the office from which they were
26 appointed. Not more than seven of the members
27 appointed under subsection 3 shall belong to the same
28 political party at the time of appointment. A person
29 designated under subsection 2 is appointed for a term
30 of four years beginning ~~July~~ May 1 and must be an
31 assistant director, or head of a division, section, or
32 bureau of that agency whose function relates to
33 children, youth, or families while serving on the
34 commission. Vacancies shall be filled in the same
35 manner as the original appointment. Not more than
36 nine of the voting members of the commission shall be
37 of the same gender."

38 3. Renumber as necessary.

By COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3095 FILED FEBRUARY 20, 1989

Adopted 3-3-89 (p. 612)

SENATE FILE 141

S-3073

1 Amend Senate File 141 as follows:

2 1. Page 4, by inserting after line 9, the
3 following:

4 "Sec. ____ . Section 78.1, subsection 1, Code 1989,
5 is amended to read as follows:

6 1. ~~Judges~~ Justices of the supreme court and judges
7 of the court of appeals and district courts, including
8 district associate judges and judicial magistrates."

9 2. Page 11, by inserting after line 28, the
10 following:

11 "Sec. ____ . Section 321.123, subsection 1,
12 unnumbered paragraphs 2 and 3, Code 1989, are amended
13 to read as follows:

14 A travel trailer may be stored under the provisions
15 of section 321.134, provided the travel trailer is not
16 used for ~~human~~ habitation for any period during
17 storage and is not moved upon the highways of the
18 state. A travel trailer stored under the provisions
19 of section 321.134 ~~shall~~ is not be subject to either a
20 personal property tax or a mobile home tax assessed
21 under the provisions of chapter 135D.

22 ~~If a travel trailer has been registered under this~~
23 ~~chapter at any time during a calendar year, the travel~~
24 ~~trailer is not subject to a personal property tax for~~
25 ~~that year.~~

26 Sec. ____ . Section 321.130, Code 1989, is amended
27 to read as follows:

28 321.130 FEES IN LIEU OF TAXES.

29 ~~The registration fees imposed by this chapter upon~~
30 ~~private passenger motor vehicles or semitrailers are~~
31 ~~in lieu of all state and local taxes, except local~~
32 ~~vehicle taxes, to which motor vehicles or semitrailers~~
33 ~~are subject, and if a motor vehicle or semitrailer has~~
34 ~~been registered at any time under this chapter it~~
35 ~~shall not thereafter be subject to a personal property~~
36 ~~tax unless the motor vehicle or semitrailer has been~~
37 ~~in storage continuously as an unregistered motor~~
38 ~~vehicle or semitrailer during the preceding~~
39 ~~registration year."~~

40 3. Page 15, by inserting after line 19, the
41 following:

42 "Sec. ____ . Section 384.1, Code 1989, is amended to
43 read as follows:

44 384.1 TAXES CERTIFIED.

45 A city may certify taxes to be levied by the county
46 on all taxable property within the city limits, for
47 all city government purposes. However, the tax levied
48 by a city on tracts of land and improvements thereon
49 used and assessed for agricultural or horticultural
50 purposes, ~~may~~ shall not exceed three dollars and

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1 three-eighths cents per thousand dollars of assessed
2 value in any year. Improvements and personal property
3 located on such tracts of land and not used for
4 agricultural or horticultural purposes and all
5 residential dwellings ~~shall be~~ are subject to the same
6 rate of tax levied by the city on all other taxable
7 property within the city. A city's tax levy for the
8 general fund may shall not exceed eight dollars and
9 ten cents per thousand dollars of taxable value in any
10 tax year, except for the levies authorized in section
11 384.12.

12 Sec. ____ . Section 420.207, Code 1989, is amended
13 to read as follows:

14 420.207 TAXATION IN GENERAL.

15 Sections 427.1, 427.3 to 427.11, 428.4, ~~428.16 to~~
16 ~~428.20, 428.22, 428.23, 436.10, 436.11, 437.1, 437.3,~~
17 ~~437.14, 441.21, 443.1 to 443.3, 444.2 to 444.5, and~~
18 ~~447.9 to 447.13, so far as applicable, apply to cities~~
19 ~~acting under special charters."~~

20 4. Page 16, by inserting after line 32, the
21 following:

22 "Sec. ____ . Section 427.1, subsections 10, 15, 16,
23 21, 28, 29, and 35, Code 1989, are amended by striking
24 the subsections.

25 Sec. ____ . Section 427.1, subsections 12, 13, 19,
26 and 30, Code 1989, are amended to read as follows:

27 12. HOMES FOR SOLDIERS. The buildings, and
28 ~~grounds, furniture, and household equipment~~ of homes
29 owned and operated by organizations of soldiers,
30 sailors, or marines of any of the wars of the United
31 States when used for a home for disabled soldiers,
32 sailors, or marines and not operated for pecuniary
33 profit.

34 13. AGRICULTURAL PRODUCE. Growing agricultural
35 and horticultural crops and products, except
36 ~~commercial orchards and vineyards, and all~~
37 ~~horticultural and agricultural produce harvested by or~~
38 ~~for the person assessed within one year previous to~~
39 ~~the listing, all wool shorn from the person's sheep~~
40 ~~within such time, all poultry, ten stands of bees,~~
41 ~~honey and beeswax produced during that time and~~
42 ~~remaining in the possession of the producer, and all~~
43 ~~livestock.~~

44 19. CAPITAL STOCK OF COMPANIES. The shares of
45 capital stock of telegraph and telephone companies,
46 freight-line and equipment companies, transmission
47 line companies as defined in section 437.1, express
48 companies, corporations engaged in merchandising as
49 ~~defined in section 428.16,~~ domestic corporations
50 engaged in manufacturing as defined in section 428.20,

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1 and manufacturing corporations organized under the
2 laws of other states having their main operating
3 offices and principal factories in the state of Iowa,
4 and corporations not organized for pecuniary profit.

5 30. RURAL WATER SALES. The real and-personal
6 property of a nonprofit corporation engaged in the
7 distribution and sale of water to rural areas when
8 devoted to public use and not held for pecuniary
9 profit.

10 Sec. ____ . Section 427.3, subsection 5, Code 1989,
11 is amended to read as follows:

12 5. ~~The provisions of this section shall apply to~~
13 ~~personal property held in partnership but not in~~
14 ~~excess of the value of the veteran's share actually~~
15 ~~held--~~ Where the word "soldier" shall appear
16 appears in this chapter, it shall be construed to
17 include includes, without limitation, the members of
18 the United States air force and the United States
19 merchant marine.

20 Sec. ____ . Section 427.5, unnumbered paragraph 2,
21 Code 1989, is amended to read as follows:

22 The person shall file with the appropriate assessor
23 on forms obtained from the assessor the claim for
24 exemption for the year for which the person is first
25 claiming the exemption. The claim shall be filed not
26 later than July 1 of the year for which the person is
27 claiming the exemption. The claim shall set out the
28 fact that the person is a resident of and domiciled in
29 the state of Iowa, and a person within the terms of
30 section 427.3, and shall give the volume and page on
31 which the certificate of satisfactory service, order
32 of separation, retirement, furlough to reserve,
33 inactive status, or honorable discharge or certified
34 copy thereof is recorded in the office of the county
35 recorder, and may include the designation of the
36 property from which the exemption is to be made, and
37 shall further state that the claimant is the equitable
38 and or legal owner of the property designated.

39 Sec. ____ . Section 427.8, Code 1989, is amended to
40 read as follows:

41 427.8 PETITION FOR SUSPENSION OR CANCELLATION OF
42 TAXES, ASSESSMENTS, AND RATES.

43 If a person, by reason of age or infirmity, is
44 unable to contribute to the public revenue, the person
45 may file a petition, duly sworn to, with the board of
46 supervisors, stating that fact and giving a statement
47 of real property, ~~real and personal,~~ owned or
48 possessed by the petitioner, and other information as
49 the board may require. The board of supervisors may
50 order the county treasurer to suspend the collection

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1 of the taxes, special assessments under sections
 2 384.37 through 384.79, and rates or assessments
 3 imposed under section 384.84 or chapter 317 or 364
 4 which are assessed against the petitioner or the
 5 petitioner's estate, or both, for the current year and
 6 those unpaid for prior years, or the board may cancel
 7 and remit the taxes, special assessments, and other
 8 assessments or rates. However, the petition must
 9 first be approved by the council of the city in which
 10 the property of the petitioner is located, or by the
 11 township trustees of the township in which the
 12 property is located.

13 Sec. ____ . Section 427.13, Code 1989, is amended to
 14 read as follows:

15 427.13 WHAT TAXABLE.

16 All other real property, ~~real or personal~~ is
 17 subject to taxation in the manner prescribed, and this
 18 section is also intended to embrace:

19 ~~1--Perry ferry franchises and toll bridges, which,~~
 20 ~~for the purpose of this chapter are considered real~~
 21 ~~property.~~

22 ~~2--Household furniture, beds and bedding made use~~
 23 ~~of in hotels and boarding houses and not heretofore~~
 24 ~~exempted.~~

25 ~~3--Gold and silver plate, watches, jewelry, and~~
 26 ~~musical instruments.~~

27 ~~4--Every description of vehicle, including~~
 28 ~~bicycles, except as otherwise provided.~~

29 ~~5--Threshing machines.~~

30 ~~6--Boats and vessels of every description,~~
 31 ~~wherever registered or licensed, and whether~~
 32 ~~navigating the waters of the state or not, if owned~~
 33 ~~either wholly or in part by inhabitants of this state,~~
 34 ~~to the amount owned in this state.~~

35 However, the provisions of this section shall be is
 36 subject to the provisions of section 427.1.

37 Sec. ____ . Section 428.1, subsection 4, Code 1989,
 38 is amended by striking the subsection.

39 Sec. ____ . Section 428.4, unnumbered paragraph 1,
 40 Code 1989, is amended to read as follows:

41 Property shall be assessed for taxation each year.
 42 ~~Personal property shall be listed and assessed in 1980~~
 43 ~~and every two years thereafter in the name of the~~
 44 ~~owner of the personal property on the first day of~~
 45 ~~January and the assessment made shall be the value of~~
 46 ~~the personal property as of January 1 of the year of~~
 47 ~~the assessment.~~ Real estate shall be listed and
 48 assessed in 1981 and every two years thereafter. The
 49 assessment of real estate shall be the value of the
 50 real estate as of January 1 of the year of the

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1 assessment. The year 1981 and each odd-numbered year
2 thereafter shall be a reassessment year. In any year,
3 after the year in which an assessment has been made of
4 all the real estate or ~~personal-property~~ in any an
5 assessing jurisdiction, ~~it shall be the duty of~~ the
6 assessor to shall value and assess or revalue and
7 reassess, as the case may require, any real estate and
8 ~~personal-property~~ that the assessor finds was
9 incorrectly valued or assessed, or was not listed,
10 valued, and assessed, in the assessment year
11 immediately preceding, also any real estate or
12 ~~personal-property~~ the assessor finds has changed in
13 value subsequent to January 1 of the preceding real
14 estate or ~~personal-property~~ assessment year. However,
15 a percentage increase on a class of property shall not
16 be made in a year not subject to an equalization order
17 unless ordered by the department of revenue and
18 finance. The assessor shall determine the actual
19 value and compute the taxable value thereof as of
20 January 1 of the year of the revaluation and
21 reassessment. The assessment shall be completed as
22 specified in section 441.28, but no reduction or
23 increase in actual value shall be made for prior
24 years. If an assessor makes a change in the valuation
25 of the real estate as provided for herein, the
26 ~~provisions of sections 441.23, 441.37, 441.38 and~~
27 441.39 shall apply.

28 Sec. _____. Section 428.4, unnumbered paragraph 4,
29 Code 1989, is amended by striking the unnumbered
30 paragraph.

31 Sec. _____. Section 428.10, Code 1989, is amended to
32 read as follows:

33 428.10 ICE AND COAL DEALERS.

34 Each ice or coal dealer shall be assessed upon the
35 average amount of capital used by the dealer in
36 conducting the dealer's business. In estimating the
37 amount of capital so used, there shall be taken into
38 consideration the increase and decrease of the value
39 of ice and coal held in store, and upon the value of
40 the dealer's warehouses or ice houses situated upon
41 lands leased from railway companies or other persons,
42 and upon the value, if any, of such leasehold
43 interest.

44 ~~Such assessment shall be listed as personal~~
45 ~~property:~~ In determining the average amount of
46 capital invested the assessor shall take into
47 consideration the entire year's business prior to
48 January 1, next preceding the assessment period.

49 Sec. _____. Section 428.20, Code 1989, is amended to
50 read as follows:

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1 428.20 "MANUFACTURER" DEFINED -- DUTY TO LIST.

2 Any ~~A~~ person, ~~firm, or corporation~~ who purchases,
3 receives, or holds personal property of any
4 description for the purpose of adding to the its value
5 thereof by any a process of manufacturing, refining,
6 purifying, combining of different materials, or by the
7 packing of meats, with a view to selling the same
8 property for gain or profit, ~~shall be deemed is a~~
9 manufacturer "manufacturer" for the purposes of this
10 title, and shall list such property for taxation.

11 Sec. ____ . Section 428.23, Code 1989, is amended to
12 read as follows:

13 428.23 MANUFACTURER TO LIST.

14 Corporations organized under the laws of this state
15 for pecuniary profit and engaged in manufacturing as
16 defined in section 428.20 shall list their real
17 ~~estate, personal property not hereinbefore mentioned,~~
18 ~~and moneys and credits~~ in the same manner as is
19 required of individuals.

20 Sec. ____ . Section 428.35, subsection 6, Code 1989,
21 is amended to read as follows:

22 6. PAYMENT OF TAX. ~~Such specific~~ The tax, when
23 determined ~~as aforesaid~~, shall be entered in the same
24 manner as general ~~personal~~ property taxes on the tax
25 list of the taxing district, and the proceeds of the
26 collection of ~~such the~~ tax shall be distributed to the
27 same taxing units and in the same proportion as the
28 general ~~personal~~ property tax on the tax list of said
29 each taxing district. All provisions of the law
30 relating to the assessment and collection of ~~personal~~
31 property taxes and the powers and duties of the county
32 treasurer, county auditor and all other officers with
33 respect to the assessment, collection, and enforcement
34 of ~~personal~~ property taxes ~~shall apply to the~~
35 assessment, collection, and enforcement of the tax
36 imposed by this section.

37 Sec. ____ . Section 428.36, Code 1989, is amended to
38 read as follows:

39 428.36 LISTING PROPERTY OF FINANCIAL INSTITUTIONS.

40 The real estate, fixtures, and equipment, and
41 ~~tangible personal property~~ as defined in section
42 427A.1, of every financial institution, as defined in
43 chapter 422, division V, and of every credit union
44 established under chapter 533 shall be listed,
45 assessed, and taxed to the institution or the credit
46 union in the same manner and at the same rate as such
47 property in the hands of individuals."

48 5. By striking page 16, line 33 through page 18,
49 line 35 and inserting the following:

50 "Sec. ____ . Section 430A.6, Code 1989, is amended

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1 to read as follows:

2 430A.6 REAL AND-PERSONAL PROPERTY ASSESSMENT.

3 All real and-tangible-personal property of
4 individuals, corporations or agencies subject to the
5 provisions of this chapter and located within the
6 state of Iowa shall be assessed in the same manner as
7 other real and-tangible-personal property.

8 Sec. ____ . Section 432.7, Code 1989, is amended to
9 read as follows:

10 432.7 ASSESSMENT.

11 ~~It shall be the duty of the~~ The assessor shall,
12 upon the receipt of ~~said the~~ statements, and ~~from~~
13 other information acquired by the assessor, to assess
14 against every corporation or association referred to
15 in section 432.6, ~~the value of all personal property~~
16 ~~owned by such corporation or association, together~~
17 with the actual value of each parcel of real estate
18 situated in the assessment district of such the
19 assessor, and all the ~~said~~ property shall be assessed
20 at the same rate, and for the same purposes as the
21 property of private individuals, as provided in
22 section 441.21.

23 Sec. ____ . Section 433.11, Code 1989, is amended to
24 read as follows:

25 433.11 OTHER REAL AND-PERSONAL PROPERTY.

26 Land, lots, and other real estate-and-personal
27 property belonging to any a telegraph company or
28 telephone company not used exclusively in its
29 telegraph or telephone business shall-be are subject
30 to assessment and taxation on the same basis as other
31 property of individuals in the several counties where
32 situated."

33 6. Page 19, by striking lines 22 and 23, and
34 inserting the following:

35 "Sec. ____ . Section 441.17, subsections 2 and 10,
36 Code 1989, are amended to read as follows:

37 2. Cause to be assessed, in accordance with
38 section 441.21, all the property~~-personal-and-real,~~
39 in the assessor's county or city as-the-case-may-be,
40 except such-as-is property exempt from taxation, or
41 the assessment of which is otherwise provided for by
42 law."

43 7. Page 20, by inserting after line 5, the
44 following:

45 "Sec. ____ . Section 441.19, unnumbered paragraph 1,
46 and subsection 1, Code 1989, are amended to read as
47 follows:

48 The assessor shall list every person in the
49 assessor's county or city as the case may be and
50 assess all the property ~~therein~~-personal-and-real in

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1 ~~the county or city, except such-as-is-heretofore~~
2 ~~property~~ exempted or otherwise assessed. Any A person
3 ~~who shall-refuse~~ refuses to assist in making out a
4 list of the person's property, or of any property
5 which the person is by law required to assist in
6 listing, ~~or-who-shall-refuse-to-make-either-of-the~~
7 ~~oaths-or-affirmations-or-combinations-thereof-required~~
8 ~~by-section-441-207-shall-be~~ is guilty of a simple
9 misdemeanor.

10 1. Supplemental and optional to the procedure for
11 the assessment of property by the assessor as provided
12 in this chapter, the assessor ~~is-hereby-authorized-to~~
13 may require from all persons required to list their
14 property for taxation as provided by sections 428.1,
15 and 428.2 and 428.3, a supplemental return to be
16 prescribed by the director of revenue and finance upon
17 which ~~such~~ the person shall list the person's
18 property. ~~Such~~ The supplemental return shall be in
19 substantially the same form as now prescribed by law
20 for the assessment rolls used in the listing of
21 property by the assessors, ~~and-the-director-of-revenue~~
22 ~~and-finance-may-prescribe-separate-supplemental-forms~~
23 ~~for-the-listing-of-personal-property,-both-tangible~~
24 ~~and-intangible. it-shall-be-the-duty-of-every~~ Every
25 person required to list property for taxation ~~to shall~~
26 make a complete listing of ~~such~~ the property upon ~~such~~
27 supplemental forms and ~~to return the same listing to~~
28 the assessor as promptly as possible. ~~Such~~ The return
29 shall be verified over the signature of the person
30 making the return and ~~the-provisions-of~~ section 441.25
31 ~~shall-apply~~ applies to any person making such a
32 return. The assessor shall make ~~such~~ supplemental
33 return forms available as soon as practicable after
34 the first day of January of each year. The assessor
35 shall make ~~such~~ supplemental return forms available to
36 the taxpayer by mail, or at a designated place within
37 the taxing district.

38 Sec. ____ . Section 441.21, subsection 1, paragraphs
39 a and c, Code 1989, are amended to read as follows:

40 a. All ~~real-and-tangible-personal~~ property subject
41 to taxation shall be valued at its actual value which
42 shall be entered opposite each item, and, except as
43 otherwise provided in this section, shall be assessed
44 at one hundred percent of its actual value, and the
45 value so assessed shall be taken and considered as the
46 assessed value and taxable value of the property upon
47 which the levy shall be made.

48 c. In assessing and determining the actual value
49 of special purpose industrial ~~real-and-tangible~~
50 ~~personal~~ property having an actual value of five

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1 million dollars or more, the assessor shall equalize
2 the values of such property with the actual values of
3 other comparable special purpose industrial property
4 in other counties of the state. Such special purpose
5 industrial property includes, but is not limited to
6 chemical plants. If a variation of ten percent or
7 more exists between the actual values of comparable
8 industrial property having an actual value of five
9 million dollars or more located in separate counties,
10 the assessors of such the counties shall consult with
11 each other and with the department of revenue and
12 finance to determine if adequate reasons exist for
13 such the variation. If no such adequate reasons
14 exist, the assessors shall make adjustments in such
15 the actual values to provide for a variation of ten
16 percent or less. For the purposes of this paragraph,
17 special purpose industrial property includes
18 structures which are designed and erected for
19 operation of a unique and special use, are not
20 rentable in existing condition, and are incapable of
21 conversion to ordinary commercial or industrial use
22 except at a substantial cost."

23 8. Page 21, by inserting after line 26 the
24 following:

25 "Sec. ____ . Section 441.35, subsection 1, Code
26 1989, is amended to read as follows:

27 1. To equalize assessments by raising or lowering
28 the individual assessments of real property, including
29 new buildings, ~~personal-property-or-moneys-and-credits~~
30 made by the assessor.

31 Sec. ____ . Section 441.45, Code 1989, is amended to
32 read as follows:

33 441.45 ABSTRACT TO STATE DEPARTMENT OF REVENUE AND
34 FINANCE.

35 The county assessor of each county and each city
36 assessor shall, on or before July 1 of each year, make
37 out and transmit to the department of revenue and
38 finance an abstract of the real ~~and-personal~~ property
39 in the assessor's county or city, as the case may be,
40 and file a copy thereof of the abstract with the
41 county auditor, in which the assessor shall set forth:

42 1. The number of acres of land and the aggregate
43 taxable values of the same land, exclusive of city
44 lots, returned by the assessors, as corrected by the
45 board of review.

46 2. The aggregate taxable values of real estate by
47 class in each township and city in the county,
48 returned as corrected by the board of review.

49 ~~3. The aggregate taxable values of personal~~
50 ~~property.~~

1 3. Other facts ~~as may be~~ required by the
2 director of revenue and finance.
3 ~~In any case where~~ if a board of review continues in
4 session beyond June 1, under provisions of sections
5 441.33 and 441.37, the abstract of the real and
6 ~~personal~~ property shall be made out and transmitted to
7 the department of revenue and finance within fifteen
8 days after the date of final adjournment by said the
9 board.

10 Sec. _____. Section 443.2, unnumbered paragraph 1,
11 Code 1989, is amended to read as follows:

12 Before the first day of July in each year, the
13 county auditor shall transcribe the assessments of the
14 townships and cities into a book or record, to be
15 known as the tax list, properly ruled and headed, with
16 separate columns, in which shall be entered the names
17 of the taxpayers, descriptions of lands, number of
18 acres and value, numbers of city lots and value, ~~value~~
19 ~~of personal property~~ and each description of tax, with
20 a column for polls and one for payments, and shall
21 complete it by entering the amount due on each
22 installment, separately, and carrying out the total of
23 both installments. The total of all columns of each
24 page of each book or other record shall balance with
25 the tax totals. After computing the amount of tax due
26 and payable on each property, the county auditor shall
27 round the total amount of tax due and payable on the
28 property to the nearest even whole dollar."

29 9. Page 21, by inserting after line 31, the
30 following:

31 "Sec. _____. Section 515B.12, Code 1989, is amended
32 to read as follows:

33 515B.12 TAX EXEMPTION.

34 The association is exempt from payment of all fees
35 and all taxes levied by this state or any of its
36 subdivisions, except taxes levied on ~~real or personal~~
37 property.

38 Sec. _____. Section 533.24, unnumbered paragraph 1,
39 Code 1989, is amended to read as follows:

40 A credit union shall be deemed an institution for
41 savings and ~~shall be~~ is subject to taxation only as to
42 its real estate, ~~tangible personal property,~~ and
43 moneys and credits. The shares shall not be taxed."

44 10. Page 22, by inserting after line 24, the
45 following:

46 "Sec. _____. Section 602.7103, subsection 1, Code
47 1989, is amended to read as follows:

48 1. The chief judge ~~of the juvenile court~~ may
49 appoint and may remove for cause with due process a
50 juvenile court referee. The referee shall be an

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1 attorney admitted to practice law in this state, and
2 shall be qualified for duties by training and
3 experience."

4 11. Page 25, by striking line 11 and inserting
5 the following: "426.9, 427.16, 428.3, 428.8, 428.12;
6 428.16 through 428.19, 428.21, and 441.20, Code 1989,
7 are repealed."

8 12. By renumbering as necessary.

By COMMITTEE ON JUDICIARY

DONALD V. DOYLE, Chairperson

House Joint Resolution
Amendment to passport amend. 3951 (p.1440) 4-10-89

Judiciary
Amendment to passport amend. 4032 4-14-89 (p.1613)

SENATE FILE 141
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO LSB 1427SC)

(AS AMENDED AND PASSED BY THE SENATE MARCH 3, 1989)

~~_____~~ - New Language by the Senate

Re Passed Senate, Date 5-4-89 (p.1913) Passed House, Date 4-21-89 (p.1788)

Vote: Ayes 48 Nays 0 Vote: Ayes 81 Nays 10

Approved June 3, 1989

Repassed House 5-4-89 (p.2465)

A BILL FOR Apr 58 Nays 32

1 An Act relating to statutory corrections which adjust language to
2 reflect current practices, insert earlier omissions, delete
3 redundancies and inaccuracies, delete temporary language,
4 resolve inconsistencies and conflicts, update ongoing
5 provisions, and remove ambiguities.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

7 Conference Committee Appointees are -

8 Senate -

9
10
11 Senators - Daube, chair; Mann, Kibbie,
12 Gentleman, & Fuhrman

13 House -

14
15
16
17 Reps - Gaus, chair; McKinney, Wherhan,
18 Halverson, Siegrist.

S.F. 141

1 Section 1. Section 5.4, Code 1989, is amended to read as
2 follows:

3 5.4 DUTIES -- REPORTS.

4 ~~It shall be the duty of each of said~~ The commissioners to
5 shall attend the meeting of the national conference of
6 commissioners on uniform state laws, or to arrange for the
7 attendance of at least one of their number at such the
8 national conference, and both in and out of such the national
9 conference they shall do all in their power to promote
10 uniformity in state laws, upon all subjects where uniformity
11 may be is deemed desirable and practicable ~~and said.~~ The
12 commission shall report to the legislature ~~at its next session~~
13 legislative council of the general assembly, and from time to
14 time thereafter as said commission may deem proper, an account
15 of its transactions, and its advice and recommendations for
16 legislation. This report shall be printed for presentation to
17 each legislature the council. The council shall submit the
18 report to the speaker of the house and president of the senate
19 who shall forward it to the appropriate committees of the
20 general assembly for further study. ~~It shall also be the duty~~
21 ~~of said~~ The commission to shall bring about as far as
22 practicable the uniform judicial interpretation of all uniform
23 laws and generally to devise and recommend such additional
24 legislation or other or further course of action as shall tend
25 to accomplish the purposes of this chapter.

26 Sec. 2. Section 7E.6, subsection 3, Code 1989, is amended
27 to read as follows:

28 3. Any position of membership on the lottery board which
29 currently receives a salary shall receive during the 1986-1987
30 fiscal year a salary at one-half of the level received in the
31 1985-1986 fiscal year and a compensation of forty dollars per
32 day and expenses in the 1987-1988 fiscal year and each fiscal
33 year thereafter. ~~Any position of membership on the racing~~
34 ~~commission which currently receives a salary shall receive~~
35 ~~that salary during the 1986-1987 fiscal year, and a~~

1 compensation-of-forty-dollars-per-day-and-expenses-in-the
2 1987-1988-fiscal-year-and-each-fiscal-year-thereafter-

3 Sec. 3. Section 7E.6, subsection 8, Code 1989, is amended
4 to read as follows:

5 8. It is the intent of the general assembly that this
6 section shall be the governing provision on the subject of the
7 compensation of any position of membership on any board,
8 committee, commission, or council in the state government and
9 that the provisions of this section shall govern over any
10 conflicting provision of law except provisions enacted
11 subsequent to July 1, 1986, notwithstanding the provisions of
12 section 4.7.

13 Sec. 4. Section 17A.6, subsection 2, Code 1989, is amended
14 to read as follows:

15 2. Subject to the direction of the administrative rules
16 co-ordinator, the Code editor shall cause the "Iowa
17 Administrative Code" to be compiled, indexed, and published in
18 loose-leaf form containing all rules adopted and filed by each
19 agency. The Code editor further shall cause loose-leaf
20 supplements to the Iowa administrative code to be published at
21 least-every-other-week, as determined by the administrative
22 rules coordinator and the administrative rules review
23 committee, containing all rules filed for publication in the
24 prior two-weeks time period. The supplements shall be in such
25 form that they may be inserted in the appropriate places in
26 the permanent compilation. The administrative rules co-
27 ordinator shall devise a uniform numbering system for rules
28 and may renumber rules before publication to conform with the
29 system.

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30 Sec. 5. Section 37.9, unnumbered paragraph 4, Code 1989,
31 is amended to read as follows:

32 Commencing with the commissioners ~~elected~~ appointed to take
33 office after January 1, 1952, one commissioner shall be
34 ~~elected~~ appointed for a term of one year, two commissioners
35 shall be ~~elected~~ appointed for a term of two years, and two

1 commissioners shall be ~~elected~~ appointed for a term of three
2 years, or in each ~~of-the-foregoing-instances~~ instance until a
3 successor is ~~elected~~ appointed and qualified. Thereafter, the
4 successors in each instance shall hold office for a term of
5 three years.

6 Sec. 6. Section 37.10, Code 1989, is amended by striking
7 the section and inserting in lieu thereof the following:

8 37.10 QUALIFICATION -- APPOINTMENT.

9 Each commissioner shall be an honorably discharged soldier,
10 sailor, marine, airman, or coast guard member and be a
11 resident of the city in which the memorial hall or monument is
12 located or live within the county if the memorial hall or
13 monument is located outside of a city or is a joint memorial
14 as provided in this chapter.

15 Each commission member shall be appointed by the mayor with
16 approval of the council or by the chairperson of the county
17 board of supervisors in the case of a county or joint memorial
18 building or monument.

19 Sec. 7. Section 49.7, Code 1989, is amended to read as
20 follows:

21 49.7 WHEN REPRECINCTING REQUIRED.

22 Each county board of supervisors and city council shall
23 make any changes in precinct boundaries necessary to comply
24 with sections 49.3, 49.4 and 49.5 not earlier than July 1 nor
25 later than November 15 of the year immediately following each
26 year in which the federal decennial census is taken, unless
27 the general assembly by joint resolution establishes different
28 dates for compliance with these sections. Any or all of the
29 publications required by section 49.11 may be made after
30 November 15 if necessary. Each county board and city council
31 shall notify the state commissioner and the commissioner
32 whenever the boundaries of election precincts are changed and
33 shall provide a map delineating the new boundary lines. Upon
34 failure of a county board or city council to make the required
35 changes by the dates specified by this section as determined

1 by the state commissioner, the state commissioner shall make
2 or cause to be made the necessary changes as soon as possible,
3 and shall assess to the county or city, as the case may be,
4 the expenses incurred in so doing. The state commissioner may
5 request the services of personnel of and materials available
6 to the legislative service bureau to assist the state
7 commissioner in making any required changes in election
8 precinct boundaries which become the state commissioner's
9 responsibility.

10 Sec. 8. Section 78.1, subsection 1, Code 1989, is amended
11 to read as follows:

12 1. Judges Justices of the supreme court and judges of the
13 court of appeals and district courts, including district
14 associate judges and judicial magistrates.

15 Sec. 9. Section 78.2, subsection 7, Code 1989, is amended
16 to read as follows:

17 7. Field-persons, auditors, The director and other
18 employees of the income, corporation, and sales tax division
19 of the department of revenue and finance, as authorized by the
20 director, and as set forth in chapter chapters 421 and 422.

21 Sec. 10. Section 96.7, subsection 7, paragraph b,
22 unnumbered paragraph 4, Code 1989, is amended to read as
23 follows:

24 The division shall annually calculate a base rate for each
25 calendar year. The base rate is equal to the sum of the
26 benefits charged to governmental contributory employers in the
27 calendar year immediately preceding the computation date plus
28 or minus the difference between the total benefits and
29 contributions paid by governmental contributory employers
30 since January 1, 1980, which sum is divided by the total
31 taxable wages reported by governmental contributory employers
32 during the calendar year immediately preceding the computation
33 date, rounded to the next highest one-tenth of one percent.
34 Excess contributions from the years 1978 and 1979 shall be
35 used to offset benefits paid in any calendar year where total

1 benefits exceed total contributions of governmental
2 contributory employers. The contribution rate as a percentage
3 of taxable wages of the employer shall be assigned as follows:

4 If the	The contribution	Approximate
5 percentage	rate shall be:	cumulative
6 of excess		taxable
7 rank is:		payroll
8 1	Base Rate - 0.9	14.3
9 2	Base Rate - 0.6	28.6
10 3	Base Rate - 0.3	42.9
11 4	Base Rate	57.2
12 5	Base Rate + 0.3	71.5
13 6	Base Rate + 0.6	85.8
14 7	Base Rate + 0.9	100.0

3951 >

15 Sec. 11. Section 141.22, subsection 6, Code 1989,
16 is amended to read as follows:

17 6. A person may apply for voluntary treatment,
18 contraceptive services, or screening or treatment for AIDS and
19 other sexually transmitted diseases, directly to a licensed
20 physician and surgeon, an osteopathic physician and surgeon,
21 or a family planning clinic. Notwithstanding any other
22 provision of law, if the person seeking the treatment is a
23 minor who has personally made application for services,
24 screening, or treatment, the fact that the minor sought
25 services or is receiving services, screening, or treatment
26 shall not be reported or disclosed, except for statistical
27 purposes. Notwithstanding any other provision of law,
28 however, the minor shall be informed prior to testing that
29 upon confirmation according to prevailing medical technology
30 of a positive HIV-related test result the minor's legal
31 guardian is required to be informed by the testing facility.
32 Testing facilities where minors are tested shall have
33 available a program to assist minors and legal guardians with
34 the notification process which emphasizes the need for family
35 support and assists in making available the resources

1 necessary to accomplish that goal. However, a testing
2 facility which is precluded by federal statute, regulation, or
3 center for disease control guidelines, from informing the
4 legal guardian is exempt from the notification requirement,
5 but not from the requirement for an assistance program. The
6 minor shall give written consent to these procedures and to
7 receive the services, screening, or treatment. Such consent
8 is not subject to later disaffirmance by reason of minority.

895/ 9 Sec. 12. Sections 162.3, 162.5, 162.6, 162.7, 162.8,
10 162.9, and 162.10, Code 1989, are affirmed and reenacted.

11 Sec. 13. Section 169.14, subsection 8, Code 1989, is
12 amended to read as follows:

13 8. ~~The board's actions may be appealed to the department~~
14 ~~of inspections and appeals and judicial~~ Judicial review of the
15 board's action may be sought in accordance with ~~the terms of~~
16 chapters 16A and chapter 17A.

17 Sec. 14. Section 206.5, unnumbered paragraph 3, Code 1989,
18 is amended to read as follows:

19 Commercial and public applicators shall choose between one-
20 year certification for which the applicator shall pay a thirty
21 dollar fee or three-year certification for which the
22 applicator shall pay a seventy-five dollar fee. Public
23 applicators ~~shall be~~ are exempt from the thirty and seventy-
24 five dollar certification fees and instead ~~be~~ are subject to a
25 ten-dollar annual certification fee or a fifteen dollar fee
26 for a three-year certification. The commercial, public, or
27 private applicator shall be tested prior to initial
28 certification. In addition, a commercial, public, or private
29 applicator shall be reexamined every three years following
30 initial certification before the applicator is eligible for a
31 renewal of certification. However, a commercial, public, or
32 private applicator need not be certified to apply pesticides
33 for a period of twenty-one days from the date of initial
34 employment if the commercial, public, or private applicator is
35 under the direct supervision of a certified applicator. For

1 the purposes of this section, "under the direct supervision
2 of" means that the application of a pesticide is made by a
3 competent person acting under the instructions and control of
4 a certified applicator who is physically present, by being in
5 sight or hearing distance of the supervised person.

6 PARAGRAPH DIVIDED. A commercial applicator who applies
7 pesticides to agricultural land may, in lieu of the
8 requirement of direct supervision, elect to be exempt from the
9 certification requirements for a commercial applicator for a
10 period of twenty-one days, if the applicator meets the
11 requirements of a private applicator. The test shall include,
12 but is not limited to, the area of safe handling of
13 agricultural chemicals and the effects of these chemicals on
14 groundwater. The secretary shall also adopt, by rule, the
15 criteria for the allowance of the selection of the written or
16 oral examination by a person requiring certification.

17 PARAGRAPH DIVIDED. A person employed by a farmer not
18 solely as a pesticide applicator who applies restricted use
19 pesticides as an incidental part of the person's general
20 duties or a person who applies restricted use pesticides as an
21 incidental part of a custom farming operation is required to
22 meet the certification requirements of a private applicator.

23 Sec. 15. Section 237.15, subsection 4, Code 1989, is
24 amended to read as follows:

25 4. "Person or court responsible for the child" means the
26 department, including but not limited to the department of
27 human services, agency, or individual who is the guardian of a
28 neglected, dependent, or delinquent child by court order
29 issued by the juvenile or district court and has the
30 responsibility of the care of the child, or the court having
31 jurisdiction over the child.

32 Sec. 16. Section 237.16, unnumbered paragraph 1, Code
33 1989, is amended to read as follows:

34 The state foster care review board is created within the
35 department of inspections and appeals. The state board

1 consists of seven members appointed by the governor, subject
2 to confirmation by the senate and directly responsible to the
3 governor. The appointment is for a term of four years which
4 begins and ends as provided in section 69.19. Vacancies on
5 the state board shall be filled in the same manner as original
6 appointments are made.

7 Sec. 17. Section 275.23A, subsection 3, Code 1989, is
8 amended to read as follows:

9 3. The school board shall notify the state commissioner of
10 elections and the county commissioner of elections of each
11 county in which a portion of the school district is located
12 whenever the boundaries of director districts are changed.
13 The board shall provide the commissioners with maps showing
14 the new boundaries. If, following a federal decennial census
15 a school district elects not to redraw director districts
16 under this section, the school board shall so certify to the
17 state commissioner of elections, and the school board shall
18 also certify to the state commissioner the populations of the
19 retained director districts as determined under the latest
20 federal decennial census. Upon failure of a district board to
21 make the required changes by the dates established under this
22 section as determined by the state commissioner of elections,
23 the state commissioner of elections shall make or cause to be
24 made the necessary changes as soon as possible, and shall
25 assess any expenses incurred to the school district. The
26 state commissioner of elections may request the services of
27 personnel of and materials available to the legislative
28 service bureau to assist the state commissioner in making any
29 required boundary changes.

30 Sec. 18. Section 281.15, subsection 8, Code 1989, is
31 amended by striking the subsection.

32 Sec. 19. Section 299.24, Code 1989, is amended to read as
33 follows:

34 299.24 RELIGIOUS GROUPS EXEMPTED FROM SCHOOL STANDARDS.

35 When members or representatives of a local congregation of

1 a recognized church or religious denomination established for
2 ten years or more within the state of Iowa prior to July 1,
3 1967, which professes principles or tenets that differ
4 substantially from the objectives, goals, and philosophy of
5 education embodied in standards set forth in section 257-25
6 256.11, and rules adopted in implementation thereof, file with
7 the director of the department of education proof of the
8 existence of such conflicting tenets or principles, together
9 with a list of the names, ages, and post-office addresses of
10 all persons of compulsory school age desiring to be exempted
11 from the compulsory education law and the educational
12 standards law, whose parents or guardians are members of the
13 congregation or religious denomination, the director, subject
14 to the approval of the state board of education, may exempt
15 the members of the congregation or religious denomination from
16 compliance with any or all requirements of the compulsory
17 education law and the educational standards law for two school
18 years. When the exemption has once been granted, renewal of
19 such exemptions for each succeeding school year may be
20 conditioned by the director, with the approval of the board,
21 upon proof of achievement in the basic skills of arithmetic,
22 the communicative arts of reading, writing, grammar, and
23 spelling, and an understanding of United States history,
24 history of Iowa, and the principles of American government, by
25 persons of compulsory school age exempted in the preceding
26 year, which shall be determined on the basis of tests or other
27 means of evaluation selected by the director with the approval
28 of the state board. The testing or evaluation, if required,
29 shall be accomplished prior to submission of the request for
30 renewal of the exemption. Renewal requests shall be filed
31 with the director on or before April 15 of the school year
32 preceding the school year for which the applicants desire
33 exemption.

34 Sec. 20. Section 321.34, subsection 5, paragraph b, Code
35 1989, is amended to read as follows:

1 b. The county treasurer shall validate personalized
2 registration plates in the same manner as regular registration
3 plates are validated under this section at an annual fee of
4 five dollars in addition to the regular annual registration
5 fee. ~~A person may renew a personalized registration plate~~
6 ~~without paying the additional registration fee under paragraph~~
7 ~~"a" unless a new series of registration plates are being~~
8 ~~issued to replace a current series.~~ A person renewing a
9 personalized registration plate within one month following the
10 time requirements under section 321.40 may renew the
11 personalized plate without paying the additional registration
12 fee under paragraph "a" but shall pay the five-dollar fee in
13 addition to the regular registration fee and any penalties
14 subject to regular registration plate holders for late
15 renewal.

16 Sec. 21. Section 321.52, subsection 4, paragraph b, Code
17 1989, is amended to read as follows:

18 b. When a wrecked or salvage vehicle has been repaired,
19 the owner may apply for a regular certificate of title by
20 paying the appropriate fees and surrendering the salvage
21 certificate of title and a properly executed salvage theft
22 examination certificate. The county treasurer shall issue a
23 regular certificate of title which, commencing September 1,
24 1988, if the wrecked or salvage vehicle is five model years
25 old or less, shall bear the word "REBUILT" stamped or printed
26 on the face of the title. The rebuilt designation shall be
27 included on every Iowa certificate of title issued thereafter
28 for the vehicle. However, if ownership of a stolen vehicle
29 has been transferred to an insurer organized under the laws of
30 this state or admitted to do business in this state, or if the
31 transfer was the result of a settlement with the owner of the
32 vehicle arising from damage to or the unrecovered theft of the
33 vehicle, and if the insurer certifies to the county treasurer
34 on a form approved by the department that the cost of repairs
35 to all damage to the vehicle is less than three thousand

1 dollars, the county treasurer shall issue the regular
2 certificate of title without the rebuilt designation. The
3 county treasurer shall issue a regular certificate of title
4 without the "REBUILT" designation if, before repairs are made,
5 a component parts review has been conducted by a peace officer
6 ~~authorized to do so by the state department of transportation~~
7 ~~showing that the vehicle does not have component part damage.~~
8 ~~The component parts review shall be conducted in accordance~~
9 ~~with rules adopted by the department~~ who has been specially
10 certified and recertified when required by the Iowa law
11 enforcement academy to do salvage theft examinations. The
12 Iowa law enforcement academy shall determine standards for
13 training and certification, conduct training, and may approve
14 alternative training programs which satisfy the academy's
15 standards for training and certification. For the purpose of
16 this section, a wrecked or salvage vehicle shall be considered
17 to have component part damage if there is major damage
18 requiring repairs or replacement of more than two of the
19 vehicle's component parts. A "component part" means the rear
20 clip, cowl, frame or inner structure forward of the cowl,
21 body, cab, front end assembly, front clip, or such other parts
22 which are critical to the safety of the vehicle as determined
23 by rules adopted by the department. The owner shall pay a fee
24 of thirty-five dollars upon the completion of the prerepair
25 component parts review. The agency performing the
26 examinations shall retain twenty-five dollars of the fee and
27 shall pay five dollars of the fee to the department and five
28 dollars of the fee to the Iowa law enforcement academy to
29 provide for the special training, certification, and
30 recertification of officers as required by this subsection.
31 The peace officer conducting the review shall maintain a
32 record of the review and shall forward a copy of the review to
33 the department. The department shall maintain a record of all
34 reviews. If a vehicle does not have component damage as
35 determined in this subsection, the officer conducting the

1 review shall issue a certificate to the owner to that effect.
2 The certificate shall be surrendered to the county treasurer
3 at the time of application for a regular certificate of title
4 and the treasurer shall forward the certificate to the
5 department.

6 The provision of this subsection requiring a component
7 parts review by a peace officer specially certified or
8 recertified by the Iowa law enforcement academy to do salvage
9 theft examinations shall become effective July 1, 1990.
10 Component parts reviews conducted before July 1, 1990, shall
11 be made by peace officers authorized to do so by the state
12 department of transportation or the department of public
13 safety who are qualified, as determined by those agencies, to
14 conduct component parts reviews. The state department of
15 transportation shall adopt rules in accordance with chapter
16 17A to carry out this section, including transition rules
17 allowing for component parts reviews prior to July 1, 1990.

18 Sec. 22. Section 321.123, subsection 1, unnumbered
19 paragraphs 2 and 3, Code 1989, are amended to read as follows:

20 A travel trailer may be stored under the provisions of
21 section 321.134, provided the travel trailer is not used for
22 human habitation for any period during storage and is not
23 moved upon the highways of the state. A travel trailer stored
24 under the provisions of section 321.134 shall is not be
25 subject to either a personal property tax or a mobile home tax
26 assessed under the provisions of chapter 135D.

27 if a travel trailer has been registered under this chapter
28 at any time during a calendar year, the travel trailer is not
29 subject to a personal property tax for that year.

30 Sec. 23. Section 321.130, Code 1989, is amended to read as
31 follows:

32 321.130 FEES IN LIEU OF TAXES.

33 The registration fees imposed by this chapter upon private
34 passenger motor vehicles or semitrailers are in lieu of all
35 state and local taxes, except local vehicle taxes, to which

1 motor vehicles or semitrailers are subject, ~~and if a motor~~
2 ~~vehicle or semitrailer has been registered at any time under~~
3 ~~this chapter it shall not thereafter be subject to a personal~~
4 ~~property tax unless the motor vehicle or semitrailer has been~~
5 ~~in storage continuously as an unregistered motor vehicle or~~
6 ~~semitrailer during the preceding registration year.~~

7 Sec. 24. Section 321.196, unnumbered paragraph 1, Code
8 1989, is amended to read as follows:

9 Except as otherwise provided, an operator's license
10 expires, at the option of the applicant, two or four years
11 from the licensee's birthday anniversary occurring in the year
12 of issuance if the licensee is between the ages of eighteen
13 seventeen years, eleven months and seventy years on the date
14 of issuance of the license, otherwise the license is effective
15 for a period of two years. The license is renewable without
16 written examination or penalty within a period of thirty days
17 after its expiration date. A person shall not be considered
18 to be driving with an invalid license during a period of
19 thirty days following the license expiration date. However,
20 for a license renewed within the thirty-day period, the date
21 of issuance shall be considered to be the previous birthday
22 anniversary on which it expired. Applicants whose licenses
23 are restricted due to vision or other physical deficiencies
24 may be required to renew their licenses every two years. For
25 the purposes of this section the birthday anniversary of a
26 person born on February 29 shall be deemed to occur on March
27 1. All applications for renewal of operators' licenses shall
28 be made under the direct supervision of a uniformed member of
29 the department and shall be approved by the uniformed member.
30 The department in its discretion may authorize the renewal of
31 a valid license upon application without an examination
32 provided that the applicant satisfactorily passes a vision
33 test as prescribed by the department.

34 Sec. 25. Section 321.213, Code 1989, is amended to read as
35 follows:

1 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO
2 VIOLATIONS BY JUVENILE DRIVERS.

3 Upon the entering of an order at the conclusion of an
4 adjudicatory hearing under section 232.47 that the child
5 violated a provision of this chapter or chapter 321A or
6 chapter 321J for which the penalty is greater than a simple
7 misdemeanor, the clerk of the juvenile court in the
8 adjudicatory hearing shall forward a copy of the adjudication
9 to the department. Notwithstanding section 232.55, a final
10 adjudication in a juvenile court that the child violated a
11 provision of this chapter or chapter 321A or chapter 321J
12 constitutes a final conviction of a violation of a provision
13 of this chapter or chapter 321A or chapter 321J for purposes
14 of section 321.189, subsection 2, paragraph "b", and sections
15 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, and
16 321A.17, 321J.2, 321J.3, and 321J.4.

17 Sec. 26. Section 321.288, Code 1989, is amended to read as
18 follows:

19 321.288 CONTROL OF VEHICLE -- REDUCED SPEED.

20 1- A person operating a motor vehicle shall have the
21 vehicle under control at all times:

22 2--~~A person operating a motor vehicle~~ and shall reduce the
23 speed to a reasonable and proper rate:

24 a 1. When approaching and passing a person walking in the
25 traveled portion of the public highway.

26 b 2. When approaching and passing an animal which is being
27 led, ridden, or driven upon a public highway.

28 c 3. When approaching and traversing a crossing or
29 intersection of public highways, or a bridge, sharp turn,
30 curve, or steep descent, in a public highway.

31 d 4. When approaching and passing an emergency warning
32 device displayed in accordance with rules adopted under
33 section 321.449, or an emergency vehicle displaying a
34 revolving or flashing light.

35 e 5. When approaching and passing a slow moving vehicle

1 displaying a reflective device as provided by section 321.383.

2 § 6. When approaching and passing through a sign posted
3 construction or maintenance zone upon the public highway.

4 Sec. 27. Section 321.299, unnumbered paragraph 3, Code
5 1989, is amended to read as follows:

6 Except when overtaking and passing on the right is
7 permitted, the driver of an overtaken vehicle shall give way
8 to the right in favor of the overtaking vehicle ~~on-audible~~
9 ~~signal~~ and shall not increase the speed of the overtaken
10 vehicle until completely passed by the overtaking vehicle.

11 Sec. 28. Section 321.323, Code 1989, is amended to read as
12 follows:

13 321.323 BACKING VEHICLE ON HIGHWAY.

14 ~~No~~ A person shall operate not cause a vehicle to be moved
15 in a backward direction on a highway ~~in-reverse-gear~~ unless
16 and until such-operation the vehicle can be ~~made~~ backed with
17 reasonable safety, and shall yield the right of way to any
18 approaching vehicle on the highway or an intersecting highway
19 ~~thereto~~ which is so close ~~thereto~~ as to constitute an
20 immediate hazard.

21 Sec. 29. Section 321.555, subsection 1, paragraph b, Code
22 1989, is amended to read as follows:

23 b. Operating a motor vehicle in violation of section
24 321J.2 or its predecessor statute.

25 Sec. 30. Section 321A.3, subsection 1, Code 1989, is
26 amended to read as follows:

27 1. The director shall upon request furnish any person a
28 certified abstract of the operating record of a person subject
29 to chapter 321, 321J, or this chapter. The abstract shall
30 also fully designate the motor vehicles, if any, registered in
31 the name of the person. If there is no record of a conviction
32 of the person having violated any law relating to the
33 operation of a motor vehicle or of any injury or damage caused
34 by the person, the director shall so certify. A fee of five
35 dollars shall be paid for each abstract except by state,

1 county, city or court officials. The director shall transfer
2 the moneys collected under this section to the treasurer of
3 state who shall credit annually to the abstract fee fund
4 created under section 321A.3A the first nine hundred fifty
5 thousand dollars collected and shall credit to the general
6 fund all additional moneys collected.

39517 Sec. 31. Section 330.23, Code 1989, is amended by adding
8 the following new unnumbered paragraph:

9 Sections 330.17 through 330.20 do not apply to the
10 abolition of an airport commission by a city pursuant to this
11 section for the purpose of establishing an administrative
12 agency pursuant to chapter 392 to manage and control all or
13 part of its airport. The commission shall stand abolished
14 sixty days from the date of the city council's final approval
15 abolishing the airport commission pursuant to this section,
16 unless the council designates a different effective date.

17 Sec. 32. Section 331.209, subsection 5, Code 1989, is
18 amended to read as follows:

19 5. Each county board shall notify the state commissioner
20 of elections whenever the boundaries of supervisor districts
21 are changed and shall provide a map delineating the new
22 boundary lines. Upon failure of a county board to make the
23 required changes by the dates specified by this section as
24 determined by the state commissioner of elections, the state
25 commissioner of elections shall make or cause to be made the
26 necessary changes as soon as possible, and shall assess to the
27 county the expenses incurred in so doing. The state
28 commissioner of elections may request the services of
29 personnel and materials available to the legislative service
30 bureau to assist the state commissioner in making any required
31 changes in supervisor district boundaries which become the
32 state commissioner's responsibility.

33 Sec. 33. Section 384.1, Code 1989, is amended to read as
34 follows:

35 384.1 TAXES CERTIFIED.

1 A city may certify taxes to be levied by the county on all
2 taxable property within the city limits, for all city
3 government purposes. However, the tax levied by a city on
4 tracts of land and improvements thereon used and assessed for
5 agricultural or horticultural purposes, may shall not exceed
6 three dollars and three-eighths cents per thousand dollars of
7 assessed value in any year. Improvements and personal
8 property located on such tracts of land and not used for
9 agricultural or horticultural purposes and all residential
10 dwelling shall be are subject to the same rate of tax levied
11 by the city on all other taxable property within the city. A
12 city's tax levy for the general fund may shall not exceed
13 eight dollars and ten cents per thousand dollars of taxable
14 value in any tax year, except for the levies authorized in
15 section 384.12.

16 Sec. 34. Section 420.207, Code 1989, is amended to read as
17 follows:

18 420.207 TAXATION IN GENERAL.

19 Sections 427.1, 427.3 to 427.11, 428.4, ~~428.16 to~~ 428.20,
20 428.22, 428.23, 436.10, 436.11, 437.1, 437.3, 437.14, 441.21,
21 443.1 to 443.3, 444.2 to 444.5, and 447.9 to 447.13, so far as
22 applicable, apply to cities acting under special charters.

23 Sec. 35. Section 422.5, subsection 7, Code 1989, is
24 amended to read as follows:

25 7. Upon determination of the latest cumulative inflation
26 factor, the director shall multiply each dollar amount set
27 forth in subsection 1, paragraphs "a" and through "i" of this
28 section, and each dollar amount specified in this section as
29 the maximum amount of annuities received which may be excluded
30 in determining final taxable income, by this cumulative
31 inflation factor, shall round off the resulting product to the
32 nearest one dollar, and shall incorporate the result into the
33 income tax forms and instructions for each tax year.

34 Sec. 36. Section 422.12, subsection 1, Code 1989, is
35 amended to read as follows:

1 1. A personal exemption credit in the following amounts:

2 a. For an estate or trust, a single individual, or a
3 married person filing a separate return, ~~fifteen~~ twenty
4 dollars.

5 b. For a head of household, or a husband and wife filing a
6 joint return, ~~thirty~~ forty dollars.

7 c. For each dependent, an additional ~~ten~~ fifteen dollars.

8 As used in this section, the term "dependent" has the same
9 meaning as provided by the Internal Revenue Code.

10 d. For a single individual, husband, wife or head of
11 household, an additional exemption of ~~fifteen~~ twenty dollars
12 for each of said individuals who has attained the age of
13 sixty-five years before the close of the tax year or on the
14 first day following the end of the tax year.

15 e. For a single individual, husband, wife or head of
16 household, an additional exemption of ~~fifteen~~ twenty dollars
17 for each of said individuals who is blind at the close of the
18 tax year. For the purposes of this paragraph, an individual
19 is blind only if the individual's central visual acuity does
20 not exceed twenty-two hundredths in the better eye with
21 correcting lenses, or if the individual's visual acuity is
22 greater than twenty-two hundredths but is accompanied by a
23 limitation in the fields of vision such that the widest
24 diameter of the visual field subtends an angle no greater than
25 twenty degrees.

26 ~~f.--For-tax-years-beginning-on-or-after-January-17-1979-and~~
27 ~~for-each-of-the-next-four-succeeding-tax-years7-the-amount-of~~
28 ~~the-personal-exemption-credits-provided-in-this-subsection~~
29 ~~shall-be-increased-in-the-amount-of-one-dollar-for-each-tax~~
30 ~~year7-except-that-the-personal-exemption-credit-allowed-under~~
31 ~~paragraph-"b"-of-this-subsection-shall-be-increased-in-the~~
32 ~~amount-of-two-dollars-for-each-tax-year.--The-personal~~
33 ~~exemption-credits-determined-pursuant-to-this-paragraph-for~~
34 ~~tax-years-beginning-on-or-after-January-17-1983-shall-continue~~
35 ~~for-succeeding-tax-years7~~

1 Sec. 37. Section 427.1, subsections 10, 15, 16, 21, 28,
2 29, and 35, Code 1989, are amended by striking the
3 subsections.

4 Sec. 38. Section 427.1, subsections 12, 13, 19, and 30,
5 Code 1989, are amended to read as follows:

6 12. HOMES FOR SOLDIERS. The buildings, and grounds,
7 furniture, and household equipment of homes owned and operated
8 by organizations of soldiers, sailors, or marines of any of
9 the wars of the United States when used for a home for
10 disabled soldiers, sailors, or marines and not operated for
11 pecuniary profit.

12 13. AGRICULTURAL PRODUCE. Growing agricultural and
13 horticultural crops and products, except commercial orchards
14 and vineyards, and all horticultural and agricultural produce
15 harvested by or for the person assessed within one year
16 previous to the listing, all wool shorn from the person's
17 sheep within such time, all poultry, ten stands of bees, honey
18 and beeswax produced during that time and remaining in the
19 possession of the producer, and all livestock.

20 19. CAPITAL STOCK OF COMPANIES. The shares of capital
21 stock of telegraph and telephone companies, freight-line and
22 equipment companies, transmission line companies as defined in
23 section 437.1, express companies, corporations engaged in
24 merchandising as defined in section 428.16, domestic
25 corporations engaged in manufacturing as defined in section
26 428.20, and manufacturing corporations organized under the
27 laws of other states having their main operating offices and
28 principal factories in the state of Iowa, and corporations not
29 organized for pecuniary profit.

30 30. RURAL WATER SALES. The real and personal property of
31 a nonprofit corporation engaged in the distribution and sale
32 of water to rural areas when devoted to public use and not
33 held for pecuniary profit.

34 Sec. 39. Section 427.3, subsection 5, Code 1989, is
35 amended to read as follows:

1 ~~5. The provisions of this section shall apply to personal~~
2 ~~property held in partnership but not in excess of the value of~~
3 ~~the veteran's share actually held.--Wherever~~ where ~~the word~~
4 ~~"soldier" shall appear~~ appears ~~in this chapter, it shall be~~
5 ~~construed to include~~ includes, ~~without limitation, the members~~
6 ~~of the United States air force and the United States merchant~~
7 ~~marine.~~

8 Sec. 40. Section 427.5, unnumbered paragraph 2, Code 1989,
9 is amended to read as follows:

10 The person shall file with the appropriate assessor on
11 forms obtained from the assessor the claim for exemption for
12 the year for which the person is first claiming the exemption.
13 The claim shall be filed not later than July 1 of the year for
14 which the person is claiming the exemption. The claim shall
15 set out the fact that the person is a resident of and
16 domiciled in the state of Iowa, and a person within the terms
17 of section 427.3, and shall give the volume and page on which
18 the certificate of satisfactory service, order of separation,
19 retirement, furlough to reserve, inactive status, or honorable
20 discharge or certified copy thereof is recorded in the office
21 of the county recorder, and may include the designation of the
22 property from which the exemption is to be made, and shall
23 further state that the claimant is the equitable and or legal
24 owner of the property designated.

25 Sec. 41. Section 427.8, Code 1989, is amended to read as
26 follows:

27 427.8 PETITION FOR SUSPENSION OR CANCELLATION OF TAXES,
28 ASSESSMENTS, AND RATES.

29 If a person, by reason of age or infirmity, is unable to
30 contribute to the public revenue, the person may file a
31 petition, duly sworn to, with the board of supervisors,
32 stating that fact and giving a statement of real property,
33 real and personal, owned or possessed by the petitioner, and
34 other information as the board may require. The board of
35 supervisors may order the county treasurer to suspend the

1 collection of the taxes, special assessments under sections
2 384.37 through 384.79, and rates or assessments imposed under
3 section 384.84 or chapter 317 or 364 which are assessed
4 against the petitioner or the petitioner's estate, or both,
5 for the current year and those unpaid for prior years, or the
6 board may cancel and remit the taxes, special assessments, and
7 other assessments or rates. However, the petition must first
8 be approved by the council of the city in which the property
9 of the petitioner is located, or by the township trustees of
10 the township in which the property is located.

11 Sec. 42. Section 427.13, Code 1989, is amended to read as
12 follows:

13 427.13 WHAT TAXABLE.

14 All other real property, real or personal, is subject to
15 taxation in the manner prescribed, and this section is also
16 intended to embrace:

17 1. Ferry franchises and toll bridges, which, for the
18 purpose of this chapter are considered real property.

19 2. Household furniture, beds and bedding made use of in
20 hotels and boarding houses and not hereinbefore exempted.

21 3. Gold and silver plate, watches, jewelry, and musical
22 instruments.

23 4. Every description of vehicle, including bicycles,
24 except as otherwise provided.

25 5. Threshing machines.

26 6. Boats and vessels of every description, wherever
27 registered or licensed, and whether navigating the waters of
28 the state or not, if owned either wholly or in part by
29 inhabitants of this state, to the amount owned in this state.

30 However, the provisions of this section shall be subject
31 to the provisions of section 427.1.

32 Sec. 43. Section 428.1, subsection 4, Code 1989, is
33 amended by striking the subsection.

34 Sec. 44. Section 428.4, unnumbered paragraph 1, Code 1989,
35 is amended to read as follows:

1 Property shall be assessed for taxation each year.
2 Personal property shall be listed and assessed in 1980 and
3 every two years thereafter in the name of the owner of the
4 personal property on the first day of January and the
5 assessment made shall be the value of the personal property as
6 of January 1 of the year of the assessment. Real estate shall
7 be listed and assessed in 1981 and every two years thereafter.
8 The assessment of real estate shall be the value of the real
9 estate as of January 1 of the year of the assessment. The
10 year 1981 and each odd-numbered year thereafter shall be a
11 reassessment year. In any year, after the year in which an
12 assessment has been made of all the real estate or personal
13 property in any an assessing jurisdiction, it shall be the
14 duty of the assessor to shall value and assess or revalue and
15 reassess, as the case may require, any real estate and
16 personal property that the assessor finds was incorrectly
17 valued or assessed, or was not listed, valued, and assessed,
18 in the assessment year immediately preceding, also any real
19 estate or personal property the assessor finds has changed in
20 value subsequent to January 1 of the preceding real estate or
21 personal property assessment year. However, a percentage
22 increase on a class of property shall not be made in a year
23 not subject to an equalization order unless ordered by the
24 department of revenue and finance. The assessor shall
25 determine the actual value and compute the taxable value
26 thereof as of January 1 of the year of the revaluation and
27 reassessment. The assessment shall be completed as specified
28 in section 441.28, but no reduction or increase in actual
29 value shall be made for prior years. If an assessor makes a
30 change in the valuation of the real estate as provided for
31 herein, the provisions of sections 441.23, 441.37, 441.38 and
32 441.39 shall apply.

33 Sec. 45. Section 428.4, unnumbered paragraph 4, Code 1989,
34 is amended by striking the unnumbered paragraph.

35 Sec. 46. Section 428.10, Code 1989, is amended to read as

1 follows:

2 428.10 ICE AND COAL DEALERS.

3 Each ice or coal dealer shall be assessed upon the average
4 amount of capital used by the dealer in conducting the
5 dealer's business. In estimating the amount of capital so
6 used, there shall be taken into consideration the increase and
7 decrease of the value of ice and coal held in store, and upon
8 the value of the dealer's warehouses or ice houses situated
9 upon lands leased from railway companies or other persons, and
10 upon the value, if any, of such leasehold interest.

11 Such assessment shall be listed as personal property. In
12 determining the average amount of capital invested the
13 assessor shall take into consideration the entire year's
14 business prior to January 1, next preceding the assessment
15 period.

16 Sec. 47. Section 428.20, Code 1989, is amended to read as
17 follows:

18 428.20 "MANUFACTURER" DEFINED -- DUTY TO LIST.

19 Any A person, firm, or corporation who purchases, receives,
20 or holds personal property of any description for the purpose
21 of adding to the its value thereof by any a process of
22 manufacturing, refining, purifying, combining of different
23 materials, or by the packing of meats, with a view to selling
24 the same property for gain or profit, shall be deemed is a
25 manufacturer "manufacturer" for the purposes of this title,
26 and shall list such property for taxation.

27 Sec. 48. Section 428.23, Code 1989, is amended to read as
28 follows:

29 428.23 MANUFACTURER TO LIST.

30 Corporations organized under the laws of this state for
31 pecuniary profit and engaged in manufacturing as defined in
32 section 428.20 shall list their real estate, personal property
33 not hereinbefore mentioned, and moneys and credits in the same
34 manner as is required of individuals.

35 Sec. 49. Section 428.35, subsection 6, Code 1989, is

1 amended to read as follows:

2 6. PAYMENT OF TAX. Such-specific The tax, when determined
3 as-aforsaid, shall be entered in the same manner as general
4 personal property taxes on the tax list of the taxing
5 district, and the proceeds of the collection of such the tax
6 shall be distributed to the same taxing units and in the same
7 proportion as the general personal property tax on the tax
8 list of said each taxing district. All provisions of the law
9 relating to the assessment and collection of personal property
10 taxes and the powers and duties of the county treasurer,
11 county auditor and all other officers with respect to the
12 assessment, collection, and enforcement of personal property
13 taxes shall apply to the assessment, collection, and
14 enforcement of the tax imposed by this section.

15 Sec. 50. Section 428.36, Code 1989, is amended to read as
16 follows:

17 428.36 LISTING PROPERTY OF FINANCIAL INSTITUTIONS.
18 The real estate, fixtures, and equipment, and-tangible
19 personal-property as defined in section 427A.1, of every
20 financial institution, as defined in chapter 422, division V,
21 and of every credit union established under chapter 533 shall
22 be listed, assessed, and taxed to the institution or the
23 credit union in the same manner and at the same rate as such
24 property in the hands of individuals.

25 Sec. 51. Section 430A.6, Code 1989, is amended to read as
26 follows:

27 430A.6 REAL AND-PERSONAL PROPERTY ASSESSMENT.
28 All real and-tangible-personal property of individuals,
29 corporations or agencies subject to the-provisions-of this
30 chapter and located within the state of Iowa shall be assessed
31 in the same manner as other real and-tangible-personal
32 property.

33 Sec. 52. Section 432.7, Code 1989, is amended to read as
34 follows:

35 432.7 ASSESSMENT.

1 ~~it shall be the duty of the~~ The assessor shall, upon the
2 receipt of ~~said~~ the statements, and from other information
3 ~~acquired by the assessor, to assess against every corporation~~
4 ~~or association referred to in section 432.6, the value of all~~
5 ~~personal property owned by such corporation or association,~~
6 ~~together with~~ the actual value of each parcel of real estate
7 situated in the assessment district of ~~such~~ the assessor, and
8 all the ~~said~~ property shall be assessed at the same rate, and
9 for the same purposes as the property of private individuals,
10 as provided in section 441.21.

11 Sec. 53. Section 433.11, Code 1989, is amended to read as
12 follows:

13 433.11 OTHER REAL AND PERSONAL PROPERTY.

14 Land, lots, and other real estate and personal property
15 belonging to any a telegraph company or telephone company not
16 used exclusively in its telegraph or telephone business shall
17 be are subject to assessment and taxation on the same basis as
18 other property of individuals in the several counties where
19 situated.

20 Sec. 54. Section 441.10, unnumbered paragraph 3, Code
21 1989, is amended to read as follows:

22 Incumbent deputy assessors who have served six consecutive
23 years shall be placed on the register of individuals eligible
24 for appointment as ~~assessor or~~ deputy assessor. In order to
25 be appointed to the position of deputy assessor, the deputy
26 assessor shall comply with the continuing education
27 requirements. The number of credits required for
28 certification as eligible for appointment as a deputy assessor
29 in a jurisdiction other than where the deputy assessor is
30 currently serving shall be prorated according to the
31 percentage of the deputy assessor's term which is covered by
32 the continuing education requirements of section 441.8. The
33 credit necessary for certification for appointment is the
34 product of ninety multiplied by the quotient of the number of
35 months served of a deputy assessor's term covered by the

1 continuing education requirements of section 441.8 divided by
2 seventy-two. If the number of credits necessary for
3 certification for appointment as determined under this
4 paragraph results in a partial credit hour, the credit hour
5 shall be rounded to the nearest whole number.

6 Sec. 55. Section 441.17, subsections 2 and 10, Code 1989,
7 are amended to read as follows:

8 2. Cause to be assessed, in accordance with section
9 441.21, all the property, ~~personal and real,~~ in the assessor's
10 county or city as the case may be, except such as is property
11 exempt from taxation, or the assessment of which is otherwise
12 provided for by law.

13 10. Measure the exterior length and exterior width of all
14 mobile homes except those for which measurements are contained
15 in the manufacturer's and importer's certificate of origin,
16 and report the information to the county treasurer. Check all
17 mobile homes ~~and travel trailers~~ for inaccuracy of
18 measurements as necessary or upon written request of the
19 county treasurer ~~and check travel trailers for violations of~~
20 ~~registration~~ and report the findings immediately to the county
21 treasurer. If a mobile home has been converted to real estate
22 the title shall be collected and returned to the county
23 treasurer for cancellation. If taxes due for prior years have
24 not been paid, the assessor shall collect the unpaid taxes due
25 as a condition of conversion. The assessor shall make
26 frequent inspections and checks within the assessor
27 jurisdiction of all mobile homes and mobile home parks ~~and~~
28 ~~travel trailers~~ and make all the required and needed reports
29 to carry out the purposes of this section.

30 Sec. 56. Section 441.19, unnumbered paragraph 1, and
31 subsection 1, Code 1989, are amended to read as follows:

32 The assessor shall list every person in the assessor's
33 county or city as the case may be and assess all the property
34 therein, ~~personal and real~~ in the county or city, except such
35 as is heretofore property exempted or otherwise assessed. Any

1 ~~A person who shall refuse~~ refuses to assist in making out a
2 list of the person's property, or of any property which the
3 person is by law required to assist in listing, or who shall
4 refuse to make either of the oaths or affirmations or
5 combinations thereof required by section 441.20, shall be is
6 guilty of a simple misdemeanor.

7 1. Supplemental and optional to the procedure for the
8 assessment of property by the assessor as provided in this
9 chapter, the assessor is hereby authorized to may require from
10 all persons required to list their property for taxation as
11 provided by sections 428.1, and 428.2 and 428.3, a
12 supplemental return to be prescribed by the director of
13 revenue and finance upon which such the person shall list the
14 person's property. Such The supplemental return shall be in
15 substantially the same form as now prescribed by law for the
16 assessment rolls used in the listing of property by the
17 assessors, and the director of revenue and finance may
18 prescribe separate supplemental forms for the listing of
19 personal property, both tangible and intangible. It shall be
20 the duty of every Every person required to list property for
21 taxation to shall make a complete listing of such the property
22 upon such supplemental forms and to return the same listing to
23 the assessor as promptly as possible. Such The return shall
24 be verified over the signature of the person making the return
25 and the provisions of section 441.25 shall apply applies to
26 any person making such a return. The assessor shall make such
27 supplemental return forms available as soon as practicable
28 after the first day of January of each year. The assessor
29 shall make such supplemental return forms available to the
30 taxpayer by mail, or at a designated place within the taxing
31 district.

32 Sec. 57. Section 441.21, subsection 1, paragraphs a and c,
33 Code 1989, are amended to read as follows:

34 a. All real and tangible personal property subject to
35 taxation shall be valued at its actual value which shall be

1 entered opposite each item, and, except as otherwise provided
2 in this section, shall be assessed at one hundred percent of
3 its actual value, and the value so assessed shall be taken and
4 considered as the assessed value and taxable value of the
5 property upon which the levy shall be made.

6 c. In assessing and determining the actual value of
7 special purpose industrial real-and-tangible-personal property
8 having an actual value of five million dollars or more, the
9 assessor shall equalize the values of such property with the
10 actual values of other comparable special purpose industrial
11 property in other counties of the state. Such special purpose
12 industrial property includes, but is not limited to chemical
13 plants. If a variation of ten percent or more exists between
14 the actual values of comparable industrial property having an
15 actual value of five million dollars or more located in
16 separate counties, the assessors of such the counties shall
17 consult with each other and with the department of revenue and
18 finance to determine if adequate reasons exist for such the
19 variation. If no such adequate reasons exist, the assessors
20 shall make adjustments in such the actual values to provide
21 for a variation of ten percent or less. For the purposes of
22 this paragraph, special purpose industrial property includes
23 structures which are designed and erected for operation of a
24 unique and special use, are not rentable in existing
25 condition, and are incapable of conversion to ordinary
26 commercial or industrial use except at a substantial cost.

27 Sec. 58. Section 441.24, subsection 1, Code 1989, is
28 amended to read as follows:

29 1. If any-corporation-or a person refuse refuses to
30 furnish the verified statements required in connection with
31 the assessment of property by the assessor, or to list the
32 corporation's or person's property, or-to-take-or-subscribe
33 the-oath-required, the director of revenue and finance, or
34 assessor, as the case may be, shall proceed to list and assess
35 such the property according to the best information

1 obtainable, and shall add to the taxable valuation one hundred
2 percent thereof, which valuation and penalty shall be
3 separately shown, and shall constitute the assessment; and if
4 the valuation of ~~such~~ the property ~~shall-be~~ is changed by any
5 a board of review, or on appeal therefrom from a board of
6 review, a like penalty shall be added to the valuation thus
7 fixed.

8 Sec. 59. Section 441.26, unnumbered paragraphs 1 and 4,
9 Code 1989, are amended to read as follows:

10 The director of revenue and finance shall each year
11 prescribe the form of assessment roll to be used by all
12 assessors in assessing ~~real-and-personal~~ property, including
13 ~~moneys-and-credits~~, in this state, also the form of pages of
14 the assessor's assessment book. ~~Such~~ The assessment rolls
15 shall be in ~~such a form as that~~ will permit entering thereon,
16 separately, the names of all persons, ~~partnerships~~,
17 ~~corporations, or associations~~ assessed, ~~shall-contain-a-form~~
18 ~~of-oath-or-affirmation-to-be-administered-to-each-person~~
19 assessed, and shall also contain a notice in substantially the
20 following form:

21 The assessment rolls shall be used in listing the property
22 and showing the values affixed to the property of all persons,
23 ~~partnerships, corporations, or associations~~ assessed. The
24 rolls shall be made in duplicate. The duplicate roll shall be
25 signed by the assessor, detached from the original and
26 delivered to the person assessed if there has been an increase
27 or decrease in the valuation of the property. If there has
28 been no change in the evaluation, the information on the roll
29 may be printed on computer stock paper and preserved as
30 required by this chapter. If the person assessed requests in
31 writing a copy of the roll, the copy shall be provided to the
32 person. ~~It-is-lawful-to-combine-the-affidavit-or-form-of-oath~~
33 ~~or-affirmation-as-to-real-and-personal-property, and-the~~
34 ~~affidavit-or-form-of-oath-or-affirmation-as-to-moneys-and~~
35 ~~credits, into one affidavit-or-form-of-oath-or-affirmation,~~

1 ~~and only the one such affidavit or form of each or affirmation~~
2 ~~is sufficient on the assessment roll.~~ The pages of the
3 assessor's assessment book shall contain columns ruled and
4 headed for the information required by this chapter and that
5 which the director of revenue and finance deems essential in
6 the equalization work of the director. The assessor shall
7 return all assessment rolls and schedules to the county
8 auditor, along with the completed assessment book, as provided
9 in this chapter, and the county auditor shall carefully keep
10 and preserve the rolls, schedules and book for a period of
11 five years from the time of its filing in the county auditor's
12 office.

13 Sec. 60. Section 441.35, subsection 1, Code 1989, is
14 amended to read as follows:

15 1. To equalize assessments by raising or lowering the
16 individual assessments of real property, including new
17 buildings, personal property or moneys and credits made by the
18 assessor.

19 Sec. 61. Section 441.45, Code 1989, is amended to read as
20 follows:

21 441.45 ABSTRACT TO STATE DEPARTMENT OF REVENUE AND
22 FINANCE.

23 The county assessor of each county and each city assessor
24 shall, on or before July 1 of each year, make out and transmit
25 to the department of revenue and finance an abstract of the
26 real and personal property in the assessor's county or city,
27 as the case may be, and file a copy thereof of the abstract
28 with the county auditor, in which the assessor shall set
29 forth:

30 1. The number of acres of land and the aggregate taxable
31 values of the same land, exclusive of city lots, returned by
32 the assessors, as corrected by the board of review.

33 2. The aggregate taxable values of real estate by class in
34 each township and city in the county, returned as corrected by
35 the board of review.

1 ~~3.---The aggregate taxable values of personal property;~~
2 4 3. Other facts as may be required by the director of
3 revenue and finance.

4 ~~In any case where~~ If a board of review continues in session
5 ~~beyond June 1, under provisions of sections 441.33 and 441.37,~~
6 ~~the abstract of the real and personal property shall be made~~
7 ~~out and transmitted to the department of revenue and finance~~
8 ~~within fifteen days after the date of final adjournment by~~
9 ~~said the board.~~

10 Sec. 62. Section 443.2, unnumbered paragraph 1, Code 1989,
11 is amended to read as follows:

12 Before the first day of July in each year, the county
13 auditor shall transcribe the assessments of the townships and
14 cities into a book or record, to be known as the tax list,
15 properly ruled and headed, with separate columns, in which
16 shall be entered the names of the taxpayers, descriptions of
17 lands, number of acres and value, numbers of city lots and
18 value, value of personal property and each description of tax,
19 with a column for polls and one for payments, and shall
20 complete it by entering the amount due on each installment,
21 separately, and carrying out the total of both installments.
22 The total of all columns of each page of each book or other
23 record shall balance with the tax totals. After computing the
24 amount of tax due and payable on each property, the county
25 auditor shall round the total amount of tax due and payable on
26 the property to the nearest even whole dollar.

27 Sec. 63. Section 455A.6, subsection 6, paragraph b, Code
28 1989, is amended to read as follows:

29 b. Hear appeals in contested cases pursuant to chapter 17A
30 on matters relating to actions taken by the director under
31 chapter 84, 93, 455B, 455C, or 469.

39517

32 Sec. 64. Section 515B.12, Code 1989, is amended to read as
33 follows:

34 515B.12 TAX EXEMPTION.

35 The association is exempt from payment of all fees and all

1 taxes levied by this state or any of its subdivisions, except
2 taxes levied on real or personal property.

4032

3 Sec. 65. Section 533.24, unnumbered paragraph 1, Code
4 1989, is amended to read as follows:

5 A credit union shall be deemed an institution for savings
6 and shall be is subject to taxation only as to its real
7 estate, tangible personal property, and moneys and credits.
8 The shares shall not be taxed.

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9 Sec. 66. Section 598.17, unnumbered paragraph 2, Code
10 1989, is amended to read as follows:

11 If at the time of trial petitioner fails to present
12 satisfactory evidence that there has been a breakdown of the
13 marriage relationship to the extent that the legitimate
14 objects of matrimony have been destroyed and there remains no
15 reasonable likelihood that the marriage can be preserved, the
16 respondent may then proceed to present such evidence as though
17 the respondent had filed the original petition.

18 Sec. 67. Section 601G.9, Code 1989, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 5. Establish rules relating to the
21 operation, organization, and procedure of the office of the
22 citizen's aide. The rules are exempt from chapter 17A and
23 shall be published in the Iowa administrative code.

24 Sec. 68. Section 601K.33, subsection 5, Code 1989, is
25 amended to read as follows:

26 5. The members of the commission appointed by the governor
27 shall be appointed to terms of four years beginning July May
28 1. Legislative members shall be appointed to terms of two
29 years beginning January 1 of odd-numbered years. However,
30 members appointed under subsections 3 and 4 shall cease to be
31 members if they no longer hold the office from which they were
32 appointed. Not more than seven of the members appointed under
33 subsection 3 shall belong to the same political party at the
34 time of appointment. A person designated under subsection 2
35 is appointed for a term of four years beginning July May 1 and

1 must be an assistant director, or head of a division, section,
2 or bureau of that agency whose function relates to children,
3 youth, or families while serving on the commission. Vacancies
4 shall be filled in the same manner as the original
5 appointment. Not more than nine of the voting members of the
6 commission shall be of the same gender.

3454 >

7 Sec. 69. Section 602.3201, Code 1989, is amended to read
8 as follows:

9 602.3201 UNLAWFUL REQUIREMENT OF CERTIFICATION -- USE OF
10 TITLE.

11 A person shall not engage in the profession of shorthand
12 reporting unless the person is certified pursuant to this
13 chapter, or otherwise exempted pursuant to section 602.6603,
14 subsection 4. A Only a person who is certified by the board
15 is-a-certified-shorthand-reporter.--A-person-who-is-not
16 certified-by-the-board-shall-not may assume the title of
17 certified shorthand reporter, or use the abbreviation C.S.R.,
18 or any words, letters, or figures to indicate that the person
19 is a certified shorthand reporter.

3951 >

20 Sec. 70. Section 602.7103, subsection 1, Code 1989, is
21 amended to read as follows:

22 1. The chief judge of-the-juvenile-court may appoint and
23 may remove for cause with due process a juvenile court
24 referee. The referee shall be an attorney admitted to
25 practice law in this state, and shall be qualified for duties
26 by training and experience.

27 Sec. 71. Section 682.23, subsection 4, Code 1989, is
28 amended to read as follows:

29 4. MUNICIPAL BONDS. Bonds, or other interest-bearing
30 obligations, which are a direct obligation of any a county,
31 township, city, village, school district, or other municipal
32 corporation or district, having power to levy general taxes,
33 in the state of Iowa, and also bonds, or other interest-
34 bearing obligations, which are a direct obligation of any a
35 county, township, city, village, school district, or other

1 municipal corporation or district, having power to levy
 2 general taxes, in any adjoining state, and having a population
 3 of not less than five thousand, ~~and also bonds, or other~~
 4 ~~interest-bearing obligations, which are a direct obligation of~~
 5 ~~any county, township, city, village, school district, or other~~
 6 ~~municipal corporation or district, having power to levy~~
 7 ~~general taxes, in any other state, having a population of not~~
 8 ~~less than ten thousand.~~ Provided However, the total funded
 9 indebtedness of any such a municipality enumerated in this
 10 subsection shall not exceed ten percent of the assessed value
 11 of the taxable property therein in the municipality, as
 12 ascertained by the last assessment for tax purposes, and
 13 ~~provided further that such~~ the municipality or district has
 14 shall not have defaulted in the payment of any of its bonded
 15 indebtedness within the ten preceding years.

16 Sec. 72. Section 714.25, Code 1989, is amended by adding
 17 the following new unnumbered paragraph before unnumbered
 18 paragraph one:

19 NEW UNNUMBERED PARAGRAPH. For purposes of this chapter,
 20 unless the context otherwise requires, "proprietary school"
 21 means a person offering a course of instruction at the
 22 postsecondary level, for profit, that is more than four months
 23 in length and leads to a degree, diploma, or license.

24 Sec. 73. Section 725.7, subsection 2, Code 1989, is
 25 amended by striking the subsection and inserting in lieu
 26 thereof the following:

27 2. A person who violates this section is guilty of the
 28 following:

29 a. Illegal gaming in the fourth degree if the sum of money
 30 or value of other property involved does not exceed one
 31 hundred dollars. Illegal gaming in the fourth degree
 32 constitutes the following:

- 33 (1) A serious misdemeanor for a first offense.
 34 (2) An aggravated misdemeanor for a second offense.
 35 (3) A class "D" felony for a third offense.

- 1 (4) A class "C" felony for a fourth or subsequent offense.
2 b. Illegal gaming in the third degree if the sum of money
3 or value of other property involved exceeds one hundred
4 dollars but does not exceed five hundred dollars. Illegal
5 gaming in the third degree constitutes the following:
6 (1) An aggravated misdemeanor for a first offense.
7 (2) A class "D" felony for a second offense.
8 (3) A class "C" felony for a third or subsequent offense.
9 c. Illegal gaming in the second degree if the sum of money
10 or value of other property involved exceeds five hundred
11 dollars but does not exceed five thousand dollars. Illegal
12 gaming in the second degree constitutes the following:
13 (1) A class "D" felony for a first offense.
14 (2) A class "C" felony for a second or subsequent offense.
15 d. Illegal gaming in the first degree if the sum of money
16 or value of other property involved exceeds five thousand
17 dollars. Illegal gaming in the first degree constitutes a
18 class "C" felony.

19 Sec. 74. Section 727.11, Code 1989, is amended to read as
20 follows:

21 727.11 DISCLOSURE OF INFORMATION CONCERNING USE OF
22 VIDEOTAPES -- PENALTY.

23 1. Except as provided in subsection 2, a person engaged
24 in the business of renting, leasing, loaning, or otherwise
25 distributing for a fee videotapes or other like items to
26 individuals for personal use shall not disclose any
27 information which would reveal the identity of an individual
28 renting, leasing, borrowing, or otherwise obtaining through
29 the business a videotape or other like item, except to the
30 extent permitted by the individual as evidenced by the
31 individual's written consent or as otherwise provided in this
32 section.

33 2. In the absence of consent, the information may be
34 released to in any of the following situations:

35 a. To a criminal justice agency only pursuant to an

1 investigation of a particular person or organization suspected
2 of committing a known crime. The information shall be
3 released only upon a judicial determination that a rational
4 connection exists between the requested release of information
5 and a legitimate end and that the need for the information is
6 cogent and compelling.

7 b. To the extent reasonably necessary to collect payment
8 for the rental, lease, or other distribution fee for the
9 materials, if the individual has been given written notice
10 that the payment is due and the individual has failed to pay
11 or arrange for payment within a reasonable time after this
12 notice.

13 c. If the disclosure is for the exclusive purpose of
14 marketing goods and services directly to the consumer. The
15 person disclosing the information shall inform the customer in
16 writing that the customer may, by written notice, require the
17 person to refrain from disclosing the information pursuant to
18 this paragraph.

19 2 3. A person who violates this section commits a simple
20 misdemeanor.

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21 Sec. 75. Section 805.6, subsection 1, paragraph c,
22 subparagraph (2), Code 1989, is amended to read as follows:

23 (2) If the violation charged involved or resulted in an
24 accident or injury to property and the total damages are less
25 than two-hundred-fifty five hundred dollars, the amount of
26 fifty dollars plus court costs.

27 Sec. 76. Section 805.7, subsection 2, Code 1989, is
28 amended to read as follows:

29 2. Collection boxes. The chief judge of the district may
30 permit the maintenance of locked collection boxes to be used
31 at weigh stations and other locations where vehicles are
32 inspected and weighed with portable scales. Such The boxes
33 shall be used solely for the deposit of fines, and costs, and
34 guaranteed arrest bond certificates received upon-written
35 admissions-of-these for scheduled violations applicable to

1 commercial carriers. The collection boxes shall remain locked
2 at all times and shall be opened only by the clerk of the
3 district court or the clerk's designee. The chief judge of
4 the district may prescribe procedures for the system and may
5 discontinue its use if necessary.

6 Sec. 77. Section 805.10, subsection 1, Code 1989, is
7 amended to read as follows:

8 1. When the violation charged involved or resulted in an
9 accident or injury to property and the total damages are ~~two~~
10 ~~hundred-fifty~~ five hundred dollars or more, or in an injury to
11 person.

12 Sec. 78. Section 907.3, unnumbered paragraph 1, Code 1989,
13 is amended to read as follows:

14 Pursuant to section 901.5, the trial court may, upon a plea
15 of guilty, a verdict of guilty, or a special verdict upon
16 which a judgment of conviction may be rendered, exercise any
17 of the options contained in ~~subsections 1 and 2~~ of this
18 section. However, this section ~~shall~~ does not apply to a
19 forcible felony.

20 Sec. 79. 1986 Iowa Acts, chapter 1245, section 2064, is
21 amended to read as follows:

22 SEC. 2064. The Code editor, in consultation with the
23 ~~reorganization-legislative-oversight-committee~~ an appropriate
24 subcommittee of the senate committee on judiciary and the
25 house committee on judiciary and law enforcement, shall
26 develop and implement ~~by July 17, 1988~~ the uniform system of
27 terminology, through the Code editor's bills and under section
28 14.13 of the Code, for the designation of the agencies, units,
29 and positions of state government as established in sections
30 7E.2 and ~~7E.2B~~ 7E.4 of the Code, as far as practicable and
31 consistent with apparent legislative intent. This development
32 and implementation may include recommendations for refinements
33 in the uniform system of terminology. In cases of
34 inconsistent usage of terminology, superseded terms shall be
35 read to be consistent with the intent of this Act, until

1 necessary changes in language are made under this section.
2 The Code editor shall also develop a style manual to provide,
3 to the extent practicable, for uniform statutory provisions in
4 regard to the specifications of agencies, boards, committees,
5 commissions, councils, and positions on the subjects of, as
6 appropriate, offices, positions, meetings, quorums, reports,
7 oaths, compensation, powers, and related matters for those
8 agencies, bodies, and positions.

9 Sec. 80. 1982 Iowa Acts, chapter 1162, section 14, is
10 amended to read as follows:

11 SEC. 14. This Act shall take effect July 1 following its
12 enactment and shall apply to persons sentenced for crimes
13 committed after the effective date of this Act.

14 Sec. 81. Sections 37.11 through 37.14, 37.19, 321.407,
15 426.9, 427.16, 428.3, 428.8, 428.12, 428.16 through 428.19,
16 428.21, and 441.20, Code 1989, are repealed.

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SENATE FILE 141

H-3951

1 Amend Senate File 141, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 29 the
4 following:

5 "Sec. _____. Section 20.4, subsection 2, unnumbered
6 paragraph 2, Code 1989, is amended to read as follows:
7 Supervisory employee means any individual having
8 authority in the interest of the public employer to
9 hire, transfer, suspend, layoff, recall, promote,
10 discharge, assign, reward or discipline other public
11 employees, or the responsibility to direct them, or to
12 adjust their grievances, or effectively to recommend
13 such action, if, in connection with the foregoing,
14 exercise of such authority is not of a merely routine
15 or clerical nature, but requires the use of
16 independent judgment. All school superintendents,
17 assistant superintendents, principals and assistant
18 principals shall be deemed to be supervisory
19 employees.

20 Sec. _____. Section 20.11, subsections 4 and 5, Code
21 1989, are amended to read as follows:

22 4. The board shall file its findings of fact and
23 conclusions of law. If the board finds that the party
24 accused has committed a prohibited practice, the board
25 may, within thirty days of its decision, enter into a
26 consent order with the party to discontinue the
27 practice, or after the thirty days following the
28 decision may petition the district court for
29 injunctive relief pursuant to rules of civil procedure
30 320 to 330.

31 ~~5. Any party aggrieved by any decision or order of~~
32 ~~the board may within ten days from the date such~~
33 ~~decision or order is filed, appeal therefrom to the~~
34 ~~district court of the county in which the hearing was~~
35 ~~held, by filing with the board a written notice of~~
36 ~~appeal setting forth in general terms the decision~~
37 ~~appealed from and the grounds of the appeal. The~~
38 ~~board shall forthwith give notice to the other parties~~
39 ~~in interest. The board's review of proposed decisions~~
40 ~~and the rehearing or judicial review of final~~
41 ~~decisions is governed by the provisions of chapter~~
42 ~~17A.~~

43 Sec. _____. Section 20.11, subsections 6, 7, 8, 9,
44 10, and 11, Code 1989, are amended by striking the
45 subsections.

46 Sec. _____. Section 20.17, subsection 4, Code 1989,
47 is amended to read as follows:

48 4. The terms of a proposed collective bargaining
49 agreement shall be made available to the public by the
50 public employer and reasonable notice shall be given

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1 to the public employees by the employee organization
2 prior to a ratification election. The collective
3 bargaining agreement shall become effective only if
4 ratified by a majority of those voting by secret
5 ballot."

6 2. Page 5, by inserting after line 14 the
7 following:

8 "Sec. _____. Section 96.8, subsection 4, paragraph
9 a, Code 1989, is amended to read as follows:

10 a. In any case in which the enterprise or business
11 of a subject employer has been sold or otherwise
12 transferred to a subsequent employing unit or
13 reorganized or merged into a single employing unit
14 under the provisions of section 96.7, subsection 3 2,
15 paragraph "b", the account of the transferring
16 employer shall terminate as of the date on which such
17 transfer, reorganization or merger was completed."

18 3. Page 6, line 9, by striking the figure
19 "162.8,".

20 4. Page 6, by inserting after line 10 the
21 following:

22 "Sec. _____. Section 162.8, Code 1989, is amended to
23 read as follows:

24 162.8 COMMERCIAL BREEDER'S LICENSE.

25 A person shall not operate as a commercial breeder
26 unless the person has obtained a license issued by the
27 secretary or unless the person has obtained a
28 certificate of registration issued by the secretary if
29 the kennel is federally licensed. Application for the
30 license or the certificate shall be made in the manner
31 provided by the secretary. The annual license or the
32 certification period expires one year from date of
33 issue. The license fee is forty dollars per year and
34 the certificate fee is ~~five~~ twenty dollars per year.
35 The license may be renewed upon application and
36 payment of the prescribed fee in the manner provided
37 by the secretary if the licensee has conformed to all
38 statutory and regulatory requirements. The
39 certificate may be renewed upon application and
40 payment of the prescribed fee in the manner provided
41 by the secretary."

42 5. Page 16, by striking lines 7 through 16.

43 6. Page 31, by inserting after line 31 the
44 following:

45 "Sec. _____. Section 474.1, unnumbered paragraph 3,
46 Code 1989, is amended to read as follows:

47 As used in this chapter and chapters 475A, 476,
48 476A, 478, and 479, and 479A, "division" and
49 "utilities division" mean the utilities division of
50 the department of commerce.

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1 Sec. ____ . Section 474.9, Code 1989, is amended to
2 read as follows:

3 474.9 GENERAL JURISDICTION OF UTILITIES BOARD.

4 The utilities board has general supervision of all
5 pipelines and all lines for the transmission, sale,
6 and distribution of electrical current for light,
7 heat, and power pursuant to chapters 476, 476A, 478,
8 and 479, and 479A, and has other duties as provided by
9 law.

10 Sec. ____ . Section 476.10, unnumbered paragraph 1,
11 Code 1989, is amended to read as follows:

12 When the board deems it necessary in order to carry
13 out the duties imposed upon it by this chapter for the
14 purpose of determining rate matters to investigate the
15 books, accounts, practices, and activities of, or make
16 appraisals of the property of any public utility, or
17 to render any engineering or accounting services to
18 any public utility, or to review the operations or
19 annual reports of the public utility under section
20 476.31 or 476.32, the public utility shall pay the
21 expense reasonably attributable to the investigation,
22 appraisal, service, or review. The board shall
23 ascertain the expenses including certified expenses
24 incurred by the consumer advocate division of the
25 department of justice directly chargeable to the
26 public utility under section 475A.6, and shall render
27 a bill, ~~by certified mail,~~ to the public utility,
28 either at the conclusion of the investigation,
29 appraisal, services, or review, or from time to time
30 during its progress, which bill is notice of the
31 assessment and shall demand payment. The total amount
32 of such expense in any one calendar year, for which
33 any public utility shall become liable, shall not
34 exceed two-tenths of one percent of its gross
35 operating revenues derived from intrastate public
36 utility operations in the last preceding calendar
37 year."

38 7. Page 32, by inserting after line 8 the fol-
39 lowing:

40 "Sec. ____ . Section 537.7103, subsection 3, para-
41 graph a, subparagraph (1), Code 1989, is amended to
42 read as follows:

43 (1) Notifying a debtor of the fact that the debtor
44 debt collector may report a debt to a credit bureau or
45 engage an agent or an attorney for the purpose of
46 collecting the debt."

47 8. Page 33, by inserting after line 6, the
48 following:

49 "Sec. ____ . Section 602.3105, Code 1989, is amended
50 to read as follows:

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1 602.3105 APPLICATIONS.

2 Applications for certification shall be on forms
3 prescribed and furnished by the board and the board
4 shall not require that the application contain a
5 photograph of the applicant. An applicant shall not
6 be denied certification because of age, citizenship,
7 sex, race, religion, marital status, or national
8 origin although the application may require
9 citizenship information. The board may consider the
10 past felony record of an applicant ~~only-if-the-felony~~
11 ~~conviction-relates-directly-to-the-practice-of~~
12 ~~certified-shorthand-reporting~~. Character references
13 may be required, but shall not be obtained from
14 certified shorthand reporters."

15 9. Page 33, by inserting after line 19 the
16 following:

17 "Sec. ____ . Section 602.3203, subsection 5, Code
18 1989, is amended to read as follows:

19 5. Conviction of a felony ~~related-to-the-practice~~
20 ~~of-shorthand-reporting-or-conviction-of-a-felony-that~~
21 ~~would-affect-the-ability-to-practice-shorthand~~
22 ~~reporting~~. A copy of the record of conviction or plea
23 of guilty is conclusive evidence."

24 10. Page 36, by inserting after line 20 the
25 following:

26 "Sec. ____ . Section 730.5, subsection 2, Code 1989,
27 is amended to read as follows:

28 2. Except as provided in subsection 7, an employer
29 shall not require or request employees or applicants
30 for employment to submit to a drug test as a condition
31 of employment, preemployment, promotion, or change in
32 status of employment. An employer shall not request,
33 require, or conduct random or blanket drug testing of
34 employees. However, this section does not apply to
35 preemployment drug tests authorized for peace officers
36 or correctional officers of the state, or to drug
37 tests required under federal statutes law, or to drug
38 tests conducted pursuant to a nuclear regulatory
39 commission policy statement, or to drug tests
40 conducted to determine if an employee is ineligible to
41 receive workers' compensation under section 85.16,
42 subsection 2."

43 11. Renumber as necessary.

By COMMITTEE ON JUDICIARY AND LAW
ENFORCEMENT

JAY of Appanoose, Chairperson

H-3951 FILED APRIL 10, 1989

adopted 4-21-89 (p. 786)

SENATE FILE 141

H-4032

1 Amend Senate File 141, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 32, by inserting after line 2, the
4 following:

5 "Sec. ____ . Section 524.107, Code 1989, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 3. This subsection does not
8 prohibit a broker-dealer registered under section
9 502.302 from soliciting business on behalf of or
10 referring business to a bank or trust company which is
11 subject to regulation by a federal agency or any other
12 state."

13 2. Page 32, by inserting after line 8 the
14 following:

15 "Sec. ____ . Section 537.2501, subsection 1,
16 paragraph f, as enacted by 1989 Iowa Acts, House File
17 552, section 2, is amended to read as follows:

18 f. With respect to open-end credit pursuant to a
19 credit card issued by the creditor which entities
20 entitles the cardholder to purchase or lease goods or
21 services from at least one hundred persons not related
22 to the card issuer, the parties may contract for an
23 over-limit charge not to exceed ten dollars if the
24 balance of the account exceeds the credit limit
25 established pursuant to the agreement. The over-limit
26 charge under this paragraph shall not be assessed
27 again in a subsequent billing cycle unless in a
28 subsequent billing cycle the account balance has been
29 reduced below the credit limit.

30 If the differential treatment of this subsection
31 based on the number of persons honoring a credit card
32 is found to be unconstitutional, the parties may
33 contract for the over-limit charge as described in
34 this paragraph in any consumer credit transaction
35 pursuant to open-end credit, and the other conditions
36 relating to the over-limit charge shall remain in
37 effect."

38 3. By renumbering as necessary.

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

JAY of Appanoose, Chairperson

H-4032 FILED APRIL 14, 1989

-032 A - withdrawn
4032 B - adopted
4-2-89 (p. 78-1)

HOUSE AMENDMENT TO
SENATE FILE 141

S-3892

1 Amend Senate File 141, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 29 the
4 following:

5 "Sec. _____. Section 20.4, subsection 2, unnumbered
6 paragraph 2, Code 1989, is amended to read as follows:

7 Supervisory employee means any individual having
8 authority in the interest of the public employer to
9 hire, transfer, suspend, layoff, recall, promote,
10 discharge, assign, reward or discipline other public
11 employees, or the responsibility to direct them, or to
12 adjust their grievances, or effectively to recommend
13 such action, if, in connection with the foregoing,
14 exercise of such authority is not of a merely routine
15 or clerical nature, but requires the use of
16 independent judgment. All school superintendents,
17 assistant superintendents, principals and assistant
18 principals shall be deemed to be supervisory
19 employees.

20 Sec. _____. Section 20.11, subsections 4 and 5, Code
21 1989, are amended to read as follows:

22 4. The board shall file its findings of fact and
23 conclusions of law. If the board finds that the party
24 accused has committed a prohibited practice, the board
25 may, within thirty days of its decision, enter into a
26 consent order with the party to discontinue the
27 practice, or after the thirty days following the
28 decision may petition the district court for
29 injunctive relief pursuant to rules of civil procedure
30 320 to 330.

31 ~~5. Any party aggrieved by any decision or order of~~
32 ~~the board may within ten days from the date such~~
33 ~~decision or order is filed, appeal therefrom to the~~
34 ~~district court of the county in which the hearing was~~
35 ~~held, by filing with the board a written notice of~~
36 ~~appeal setting forth in general terms the decision~~
37 ~~appealed from and the grounds of the appeal. The~~
38 ~~board shall forthwith give notice to the other parties~~
39 ~~in interest. The board's review of proposed decisions~~
40 and the rehearing or judicial review of final
41 decisions is governed by the provisions of chapter
42 17A.

43 Sec. _____. Section 20.11, subsections 6, 7, 8, 9,
44 10, and 11, Code 1989, are amended by striking the
45 subsections.

46 Sec. _____. Section 20.17, subsection 4, Code 1989,
47 is amended to read as follows:

48 4. The terms of a proposed collective bargaining
49 agreement shall be made available to the public by the
50 public employer and reasonable notice shall be given

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1 to the public employees by the employee organization
2 prior to a ratification election. The collective
3 bargaining agreement shall become effective only if
4 ratified by a majority of those voting by secret
5 ballot."

6 2. Page 5, by inserting after line 14 the
7 following:

8 "Sec. _____. Section 96.8, subsection 4, paragraph
9 a, Code 1989, is amended to read as follows:

10 a. In any case in which the enterprise or business
11 of a subject employer has been sold or otherwise
12 transferred to a subsequent employing unit or
13 reorganized or merged into a single employing unit
14 under the provisions of section 96.7, subsection 3 2,
15 paragraph "b", the account of the transferring
16 employer shall terminate as of the date on which such
17 transfer, reorganization or merger was completed."

18 3. Page 6, line 9, by striking the figure
19 "162.8,".

20 4. Page 6, by inserting after line 10 the
21 following:

22 "Sec. _____. Section 162.8, Code 1989, is amended to
23 read as follows:

24 162.8 COMMERCIAL BREEDER'S LICENSE.

25 A person shall not operate as a commercial breeder
26 unless the person has obtained a license issued by the
27 secretary or unless the person has obtained a
28 certificate of registration issued by the secretary if
29 the kennel is federally licensed. Application for the
30 license or the certificate shall be made in the manner
31 provided by the secretary. The annual license or the
32 certification period expires one year from date of
33 issue. The license fee is forty dollars per year and
34 the certificate fee is ~~five~~ twenty dollars per year.
35 The license may be renewed upon application and
36 payment of the prescribed fee in the manner provided
37 by the secretary if the licensee has conformed to all
38 statutory and regulatory requirements. The
39 certificate may be renewed upon application and
40 payment of the prescribed fee in the manner provided
41 by the secretary."

42 5. Page 16, by striking lines 7 through 16.

43 6. Page 31, by inserting after line 31 the
44 following:

45 "Sec. _____. Section 474.1, unnumbered paragraph 3,
46 Code 1989, is amended to read as follows:

47 As used in this chapter and chapters 475A, 476,
48 476A, 478, ~~and~~ 479, and 479A, "division" and
49 "utilities division" mean the utilities division of
50 the department of commerce.

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Page 3

1 Sec. ____ . Section 474.9, Code 1989, is amended to
2 read as follows:

3 474.9 GENERAL JURISDICTION OF UTILITIES BOARD.

4 The utilities board has general supervision of all
5 pipelines and all lines for the transmission, sale,
6 and distribution of electrical current for light,
7 heat, and power pursuant to chapters 476, 476A, 478,
8 and 479, and 479A, and has other duties as provided by
9 law.

10 Sec. ____ . Section 476.10, unnumbered paragraph 1,
11 Code 1989, is amended to read as follows:

12 When the board deems it necessary in order to carry
13 out the duties imposed upon it by this chapter for the
14 purpose of determining rate matters to investigate the
15 books, accounts, practices, and activities of, or make
16 appraisals of the property of any public utility, or
17 to render any engineering or accounting services to
18 any public utility, or to review the operations or
19 annual reports of the public utility under section
20 476.31 or 476.32, the public utility shall pay the
21 expense reasonably attributable to the investigation,
22 appraisal, service, or review. The board shall
23 ascertain the expenses including certified expenses
24 incurred by the consumer advocate division of the
25 department of justice directly chargeable to the
26 public utility under section 475A.6, and shall render
27 a bill, ~~by certified mail~~, to the public utility,
28 either at the conclusion of the investigation,
29 appraisal, services, or review, or from time to time
30 during its progress, which bill is notice of the
31 assessment and shall demand payment. The total amount
32 of such expense in any one calendar year, for which
33 any public utility shall become liable, shall not
34 exceed two-tenths of one percent of its gross
35 operating revenues derived from intrastate public
36 utility operations in the last preceding calendar
37 year."

38 7. Page 32, by inserting after line 8 the
39 following:

40 "Sec. ____ . Section 537.2501, subsection 1,
41 paragraph f, as enacted by 1989 Iowa Acts, House File
42 552, section 2, is amended to read as follows:

43 f. With respect to open-end credit pursuant to a
44 credit card issued by the creditor which entities
45 entitles the cardholder to purchase or lease goods or
46 services from at least one hundred persons not related
47 to the card issuer, the parties may contract for an
48 over-limit charge not to exceed ten dollars if the
49 balance of the account exceeds the credit limit
50 established pursuant to the agreement. The over-limit

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Page 4

1 charge under this paragraph shall not be assessed
2 again in a subsequent billing cycle unless in a
3 subsequent billing cycle the account balance has been
4 reduced below the credit limit.

5 If the differential treatment of this subsection
6 based on the number of persons honoring a credit card
7 is found to be unconstitutional, the parties may
8 contract for the over-limit charge as described in
9 this paragraph in any consumer credit transaction
10 pursuant to open-end credit, and the other conditions
11 relating to the over-limit charge shall remain in
12 effect."

13 8. Page 32, by inserting after line 8 the fol-
14 lowing:

15 "Sec. ____ . Section 537.7103, subsection 3, para-
16 graph a, subparagraph (1), Code 1989, is amended to
17 read as follows:

18 (1) Notifying a debtor of the fact that the debtor
19 debt collector may report a debt to a credit bureau or
20 engage an agent or an attorney for the purpose of
21 collecting the debt."

22 9. Page 33, by inserting after line 6, the
23 following:

24 "Sec. ____ . Section 602.3105, Code 1989, is amended
25 to read as follows:

26 602.3105 APPLICATIONS.

27 Applications for certification shall be on forms
28 prescribed and furnished by the board and the board
29 shall not require that the application contain a
30 photograph of the applicant. An applicant shall not
31 be denied certification because of age, citizenship,
32 sex, race, religion, marital status, or national
33 origin although the application may require
34 citizenship information. The board may consider the
35 past felony record of an applicant ~~only-if-the-felony~~
36 ~~conviction-relates-directly-to-the-practice-of~~
37 ~~certified-shorthand-reporting~~. Character references
38 may be required, but shall not be obtained from
39 certified shorthand reporters."

40 10. Page 33, by inserting after line 19 the
41 following:

42 "Sec. ____ . Section 602.3203, subsection 5, Code
43 1989, is amended to read as follows:

44 5. Conviction of a felony ~~related-to-the-practice~~
45 ~~of-shorthand-reporting-or-conviction-of-a-felony-that~~
46 ~~would-affect-the-ability-to-practice-shorthand~~
47 ~~reporting~~. A copy of the record of conviction or plea
48 of guilty is conclusive evidence."

49 11. Page 36, by inserting after line 20 the
50 following:

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Page 5

1 "Sec. ____ . Section 730.5, subsection 2, Code 1989,
2 is amended to read as follows:

3 2. Except as provided in subsection 7, an employer
4 shall not require or request employees or applicants
5 for employment to submit to a drug test as a condition
6 of employment, preemployment, promotion, or change in
7 status of employment. An employer shall not request,
8 require, or conduct random or blanket drug testing of
9 employees. However, this section does not apply to
10 preemployment drug tests authorized for peace officers
11 or correctional officers of the state, or to drug
12 tests required under federal statutes law, or to drug
13 tests conducted pursuant to a nuclear regulatory
14 commission policy statement, or to drug tests
15 conducted to determine if an employee is ineligible to
16 receive workers' compensation under section 85.16,
17 subsection 2."

18 12. By renumbering, relettering, or redesignating
19 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3892 FILED APRIL 25, 1989

*Senate Refused to Concur
5-3-89 (p. 1857)*

House Insisted 5-3-89 (p. 2358)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 141

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 141, a bill for an Act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities, respectfully make the following report:

1. That the House recedes from its amendment, S-3892.

2. That Senate File 141, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 2, by inserting after line 29 the following:

"Sec. ____ . Section 20.4, subsection 2, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Supervisory employee means any individual having authority in the interest of the public employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other public employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. All school superintendents, assistant superintendents, principals and assistant principals shall be deemed to be supervisory employees.

Sec. ____ . Section 20.11, subsections 4 and 5, Code 1989, are amended to read as follows:

4. The board shall file its findings of fact and conclusions of law. If the board finds that the party accused has committed a prohibited practice, the board may, within

thirty days of its decision, enter into a consent order with the party to discontinue the practice, or after the thirty days following the decision may petition the district court for injunctive relief pursuant to rules of civil procedure 320 to 330.

~~5. Any party aggrieved by any decision or order of the board may within ten days from the date such decision or order is filed, appeal therefrom to the district court of the county in which the hearing was held, by filing with the board a written notice of appeal setting forth in general terms the decision appealed from and the grounds of the appeal. The board shall forthwith give notice to the other parties in interest.~~ The board's review of proposed decisions and the rehearing or judicial review of final decisions is governed by the provisions of chapter 17A.

Sec. ____ . Section 20.11, subsections 6, 7, 8, 9, 10, and 11, Code 1989, are amended by striking the subsections.

Sec. ____ . Section 20.17, subsection 4, Code 1989, is amended to read as follows:

4. The terms of a proposed collective bargaining agreement shall be made available to the public by the public employer and reasonable notice shall be given to the public employees by the employee organization prior to a ratification election. The collective bargaining agreement shall become effective only if ratified by a majority of those voting by secret ballot."

2. Page 5, by inserting after line 14 the following:

"Sec. ____ . Section 96.8, subsection 4, paragraph a, Code 1989, is amended to read as follows:

a. In any case in which the enterprise or business of a subject employer has been sold or otherwise transferred to a subsequent employing unit or reorganized or merged into a single employing unit under the provisions of section 96.7, subsection 3 2, paragraph "b", the account of the transferring employer shall terminate as of the date on which such

transfer, reorganization or merger was completed."

3. Page 6, line 9, by striking the figure "162.8,".

4. Page 6, by inserting after line 10 the following:

"Sec. ____ . Section 162.8, Code 1989, is amended to read as follows:

162.8 COMMERCIAL BREEDER'S LICENSE.

A person shall not operate as a commercial breeder unless the person has obtained a license issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The annual license or the certification period expires one year from date of issue. The license fee is forty dollars per year and the certificate fee is five twenty dollars per year. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary."

5. Page 7, by inserting after line 22 the following:

"Sec. ____ . Section 214A.16, Code 1989, is amended to read as follows:

214A.16 NOTICE OF BLENDED FUEL.

All motor vehicle fuel kept, offered, or exposed for sale, or sold at retail containing over one percent ethanol, methanol, or any combination of oxygenate octane enhancers shall be identified as "with" either "ethanol", "methanol", "ethanol/methanol", or similar wording on a white adhesive decal with black letters at least one one-half inch high and at least one-quarter inch wide placed between thirty and forty inches above the driveway level on the front sides of any container or pump from which the motor fuel is sold."

6. Page 16, by striking lines 7 through 16.

7. Page 31, by inserting after line 31 the following:

"Sec. _____. Section 474.1, unnumbered paragraph 3, Code 1989, is amended to read as follows:

As used in this chapter and chapters 475A, 476, 476A, 478, and 479, and 479A, "division" and "utilities division" mean the utilities division of the department of commerce.

Sec. _____. Section 474.9, Code 1989, is amended to read as follows:

474.9 GENERAL JURISDICTION OF UTILITIES BOARD.

The utilities board has general supervision of all pipelines and all lines for the transmission, sale, and distribution of electrical current for light, heat, and power pursuant to chapters 476, 476A, 478, and 479, and 479A, and has other duties as provided by law.

Sec. _____. Section 476.10, unnumbered paragraph 1, Code 1989, is amended to read as follows:

When the board deems it necessary in order to carry out the duties imposed upon it by this chapter for the purpose of determining rate matters to investigate the books, accounts, practices, and activities of, or make appraisals of the property of any public utility, or to render any engineering or accounting services to any public utility, or to review the operations or annual reports of the public utility under section 476.31 or 476.32, the public utility shall pay the expense reasonably attributable to the investigation, appraisal, service, or review. The board shall ascertain the expenses including certified expenses incurred by the consumer advocate division of the department of justice directly chargeable to the public utility under section 475A.6, and shall render a bill, ~~by certified mail,~~ to the public utility, either at the conclusion of the investigation, appraisal, services, or review, or from time to time during its progress, which bill is notice of the assessment and shall demand payment. The total amount of such expense in any one calendar year, for which any public utility shall become liable, shall not exceed two-tenths of one percent of its gross operating

revenues derived from intrastate public utility operations in the last preceding calendar year."

8. Page 32, by inserting after line 8 the following:

"Sec. ____ . Section 537.2501, subsection 1, paragraph f, as enacted by 1989 Iowa Acts, House File 552, section 2, is amended to read as follows:

f. With respect to open-end credit pursuant to a credit card issued by the creditor which ~~entities~~ entitles the cardholder to purchase or lease goods or services from at least one hundred persons not related to the card issuer, the parties may contract for an over-limit charge not to exceed ten dollars if the balance of the account exceeds the credit limit established pursuant to the agreement. The over-limit charge under this paragraph shall not be assessed again in a subsequent billing cycle unless in a subsequent billing cycle the account balance has been reduced below the credit limit.

If the differential treatment of this subsection based on the number of persons honoring a credit card is found to be unconstitutional, the parties may contract for the over-limit charge as described in this paragraph in any consumer credit transaction pursuant to open-end credit, and the other conditions relating to the over-limit charge shall remain in effect."

9. Page 32, by inserting after line 8 the following:

"Sec. ____ . Section 537.7103, subsection 3, paragraph a, subparagraph (1), Code 1989, is amended to read as follows:

(1) Notifying a debtor of the fact that the ~~debtor~~ debt collector may report a debt to a credit bureau or engage an agent or an attorney for the purpose of collecting the debt."

10. Page 33, by inserting after line 6, the following:

"Sec. ____ . Section 602.3105, Code 1989, is amended to read as follows:

602.3105 APPLICATIONS.

Applications for certification shall be on forms prescribed and furnished by the board and the board shall not require

that the application contain a photograph of the applicant. An applicant shall not be denied certification because of age, citizenship, sex, race, religion, marital status, or national origin although the application may require citizenship information. The board may consider the past felony record of an applicant ~~only-if-the-felony-conviction-relates-directly-to-the-practice-of-certified-shorthand-reporting~~. Character references may be required, but shall not be obtained from certified shorthand reporters."

11. Page 33, by inserting after line 19 the following:

"Sec. ____ . Section 602.3203, subsection 5, Code 1989, is amended to read as follows:

5. Conviction of a felony ~~related-to-the-practice-of-shorthand-reporting-or-conviction-of-a-felony-that-would-affect-the-ability-to-practice-shorthand-reporting~~. A copy of the record of conviction or plea of guilty is conclusive evidence.

Sec. ____ . Section 602.6305, subsection 2, Code 1989, as amended by 1989 Iowa Acts, Senate File 498, is amended to read as follows:

2. A person does not qualify for appointment to the office of district associate judge unless the person is at the time of appointment a resident of the county in which the vacancy exists, licensed to practice law in Iowa, and will be able, measured by the person's age at the time of appointment, to complete the initial term of office ~~plus-a-four-year-term-of-office~~ prior to reaching age seventy-two."

12. Page 34, by inserting after line 15 the following:

"Sec. ____ . Section 702.17, as amended by 1989 Iowa Acts, Senate File 201, section 1, is amended to read as follows:

702.17 SEX ACT.

The term "sex act" or "sexual activity" means any sexual contact between two or more persons by: penetration of the penis into the vagina or anus; contact between the mouth and genitalia or by contact between the genitalia of one person

and the genitalia or anus of another person; contact between the finger or hand of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to chapter 148, 148C, 150, 150A, 151, or 152; or by use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus."

13. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

DONALD V. DOYLE, Chairperson
TOM MANN, JR.
JOHN P. KIBBIE
JULIA B. GENTLEMAN
LINN FUHRMAN

DANIEL J. JAY, Chairperson
WAYNE MCKINNEY
GARY SHERZAN
ROGER HALVORSON
BRENT J. SIEGRIST

adopted 5-4-89 by Senate (p.1923)

adopted by House 5-4-89 (p.2465)

CCR-7-

SENATE FILE 141

AN ACT

RELATING TO STATUTORY CORRECTIONS WHICH ADJUST LANGUAGE TO REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS, DELETE REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY LANGUAGE, RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE ONGOING PROVISIONS, AND REMOVE AMBIGUITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 5.4, Code 1989, is amended to read as follows:

5.4 DUTIES -- REPORTS.

~~It shall be the duty of each of said~~ The commissioners to shall attend the meeting of the national conference of commissioners on uniform state laws, or to arrange for the attendance of at least one of their number at such the national conference, and both in and out of such the national conference they shall do all in their power to promote uniformity in state laws, upon all subjects where uniformity may be is deemed desirable and practicable; ~~said.~~ The ~~commission shall report to the legislature at its next session~~ legislative council of the general assembly, and from time to time thereafter as said commission may deem proper, an account of its transactions, and its advice and recommendations for legislation. This report shall be printed for presentation to each legislature the council. The council shall submit the report to the speaker of the house and president of the senate who shall forward it to the appropriate committees of the general assembly for further study. ~~It shall also be the duty of said~~ The commission to shall bring about as far as practicable the uniform judicial interpretation of all uniform laws and generally to devise and recommend such additional legislation or other or further course of action as shall tend

to accomplish the purposes of this chapter.

Sec. 2. Section 7E.6, subsection 3, Code 1989, is amended to read as follows:

3. Any position of membership on the lottery board which currently receives a salary shall receive during the 1986-1987 fiscal year a salary at one-half of the level received in the 1985-1986 fiscal year and a compensation of forty dollars per day and expenses in the 1987-1988 fiscal year and each fiscal year thereafter. ~~Any position of membership on the racing commission which currently receives a salary shall receive that salary during the 1986-1987 fiscal year and a compensation of forty dollars per day and expenses in the 1987-1988 fiscal year and each fiscal year thereafter.~~

Sec. 3. Section 7E.6, subsection 8, Code 1989, is amended to read as follows:

8. It is the intent of the general assembly that this section shall be the governing provision on the subject of the compensation of any position of membership on any board, committee, commission, or council in the state government and that the provisions of this section shall govern over any conflicting provision of law except provisions enacted subsequent to July 1, 1986, notwithstanding the provisions of section 4.7.

Sec. 4. Section 17A.6, subsection 2, Code 1989, is amended to read as follows:

2. Subject to the direction of the administrative rules co-ordinator, the Code editor shall cause the "Iowa Administrative Code" to be compiled, indexed, and published in loose-leaf form containing all rules adopted and filed by each agency. The Code editor further shall cause loose-leaf supplements to the Iowa administrative code to be published at least every other week, as determined by the administrative rules coordinator and the administrative rules review committee, containing all rules filed for publication in the prior two-weeks time period. The supplements shall be in such

form that they may be inserted in the appropriate places in the permanent compilation. The administrative rules coordinator shall devise a uniform numbering system for rules and may renumber rules before publication to conform with the system.

Sec. 5. Section 20.4, subsection 2, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Supervisory employee means any individual having authority in the interest of the public employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other public employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. All school superintendents, assistant superintendents, principals, and assistant principals shall be deemed to be supervisory employees.

Sec. 6. Section 20.11, subsections 4 and 5, Code 1989, are amended to read as follows:

4. The board shall file its findings of fact and conclusions of law. If the board finds that the party accused has committed a prohibited practice, the board may, within thirty days of its decision, enter into a consent order with the party to discontinue the practice, or after the thirty days following the decision may petition the district court for injunctive relief pursuant to rules of civil procedure 320 to 330.

5. ~~Any party aggrieved by any decision or order of the board may within ten days from the date such decision or order is filed, appeal therefrom to the district court of the county in which the hearing was held, by filing with the board a written notice of appeal setting forth in general terms the decision appealed from and the grounds of the appeal. The board shall forthwith give notice to the other parties in~~

~~interest. The board's review of proposed decisions and the rehearing or judicial review of final decisions is governed by the provisions of chapter 17A.~~

Sec. 7. Section 20.11, subsections 6, 7, 8, 9, 10, and 11, Code 1989, are amended by striking the subsections.

Sec. 8. Section 20.17, subsection 4, Code 1989, is amended to read as follows:

4. The terms of a proposed collective bargaining agreement shall be made available to the public by the public employer and reasonable notice shall be given to the public employees by the employee organization prior to a ratification election. The collective bargaining agreement shall become effective only if ratified by a majority of those voting by secret ballot.

Sec. 9. Section 37.9, unnumbered paragraph 4, Code 1989, is amended to read as follows:

Commencing with the commissioners elected appointed to take office after January 1, 1952, one commissioner shall be elected appointed for a term of one year, two commissioners shall be elected appointed for a term of two years, and two commissioners shall be elected appointed for a term of three years, or in each of the foregoing instances instance until a successor is elected appointed and qualified. Thereafter, the successors in each instance shall hold office for a term of three years.

Sec. 10. Section 37.10, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

37.10 QUALIFICATION -- APPOINTMENT.

Each commissioner shall be an honorably discharged soldier, sailor, marine, airman, or coast guard member and be a resident of the city in which the memorial hall or monument is located or live within the county if the memorial hall or monument is located outside of a city or is a joint memorial as provided in this chapter.

Each commission member shall be appointed by the mayor with approval of the council or by the chairperson of the county board of supervisors in the case of a county or joint memorial building or monument.

Sec. 11. Section 49.7, Code 1989, is amended to read as follows:

49.7 WHEN REPRECINCTING REQUIRED.

Each county board of supervisors and city council shall make any changes in precinct boundaries necessary to comply with sections 49.3, 49.4 and 49.5 not earlier than July 1 nor later than November 15 of the year immediately following each year in which the federal decennial census is taken, unless the general assembly by joint resolution establishes different dates for compliance with these sections. Any or all of the publications required by section 49.11 may be made after November 15 if necessary. Each county board and city council shall notify the state commissioner and the commissioner whenever the boundaries of election precincts are changed and shall provide a map delineating the new boundary lines. Upon failure of a county board or city council to make the required changes by the dates specified by this section as determined by the state commissioner, the state commissioner shall make or cause to be made the necessary changes as soon as possible, and shall assess to the county or city, as the case may be, the expenses incurred in so doing. The state commissioner may request the services of personnel and materials available to the legislative service bureau to assist the state commissioner in making any required changes in election precinct boundaries which become the state commissioner's responsibility.

Sec. 12. Section 78.1, subsection 1, Code 1989, is amended to read as follows:

1. Judges Justices of the supreme court and judges of the court of appeals and district courts, including district associate judges and judicial magistrates.

Sec. 13. Section 78.2, subsection 7, Code 1989, is amended to read as follows:

7. ~~Field-persons; auditors; The director and other employees of the income, corporation, and sales tax division of the department of revenue and finance, as authorized by the director, and as set forth in chapter chapters 421 and 422.~~

Sec. 14. Section 96.7, subsection 7, paragraph b, unnumbered paragraph 4, Code 1989, is amended to read as follows:

The division shall annually calculate a base rate for each calendar year. The base rate is equal to the sum of the benefits charged to governmental contributory employers in the calendar year immediately preceding the computation date plus or minus the difference between the total benefits and contributions paid by governmental contributory employers since January 1, 1980, which sum is divided by the total taxable wages reported by governmental contributory employers during the calendar year immediately preceding the computation date, rounded to the next highest one-tenth of one percent. Excess contributions from the years 1978 and 1979 shall be used to offset benefits paid in any calendar year where total benefits exceed total contributions of governmental contributory employers. The contribution rate as a percentage of taxable wages of the employer shall be assigned as follows:

If the percentage of excess rank is:	The contribution rate shall be:	Approximate cumulative taxable payroll
1	Base Rate - 0.9	14.3
2	Base Rate - 0.6	28.6
3	Base Rate - 0.3	42.9
4	Base Rate	57.2
5	Base Rate + 0.3	71.5
6	Base Rate + 0.6	85.8
7	Base Rate + 0.9	100.0

Sec. 15. Section 96.8, subsection 4, paragraph a, Code 1989, is amended to read as follows:

a. In any case in which the enterprise or business of a subject employer has been sold or otherwise transferred to a subsequent employing unit or reorganized or merged into a single employing unit under the provisions of section 96.7, subsection 3 2, paragraph "b", the account of the transferring employer shall terminate as of the date on which such transfer, reorganization or merger was completed.

Sec. 16. Section 141.22, subsection 6, Code 1989, is amended to read as follows:

6. A person may apply for voluntary treatment, contraceptive services, or screening or treatment for AIDS and other sexually transmitted diseases, directly to a licensed physician and surgeon, an osteopathic physician and surgeon, or a family planning clinic. Notwithstanding any other provision of law, if the person seeking the treatment is a minor who has personally made application for services, screening, or treatment, the fact that the minor sought services or is receiving services, screening, or treatment shall not be reported or disclosed, except for statistical purposes. Notwithstanding any other provision of law, however, the minor shall be informed prior to testing that upon confirmation according to prevailing medical technology of a positive HIV-related test result the minor's legal guardian is required to be informed by the testing facility. Testing facilities where minors are tested shall have available a program to assist minors and legal guardians with the notification process which emphasizes the need for family support and assists in making available the resources necessary to accomplish that goal. However, a testing facility which is precluded by federal statute, regulation, or center for disease control guidelines, from informing the legal guardian is exempt from the notification requirement, but not from the requirement for an assistance program. The

minor shall give written consent to these procedures and to receive the services, screening, or treatment. Such consent is not subject to later disaffirmance by reason of minority.

Sec. 17. Sections 162.3, 162.5, 162.6, 162.7, 162.9, and 162.10, Code 1989, are affirmed and reenacted.

Sec. 18. Section 162.8, Code 1989, is amended to read as follows:

162.8 COMMERCIAL BREEDER'S LICENSE.

A person shall not operate as a commercial breeder unless the person has obtained a license issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The annual license or the certification period expires one year from date of issue. The license fee is forty dollars per year and the certificate fee is five twenty dollars per year. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary.

Sec. 19. Section 169.14, subsection 8, Code 1989, is amended to read as follows:

8. ~~The board's actions may be appealed to the department of inspections and appeals and judicial~~ Judicial review of the board's action may be sought in accordance with the terms of chapters 18A and chapter 17A.

Sec. 20. Section 206.5, unnumbered paragraph 3, Code 1989, is amended to read as follows:

Commercial and public applicators shall choose between one-year certification for which the applicator shall pay a thirty dollar fee or three-year certification for which the applicator shall pay a seventy-five dollar fee. Public applicators shall be are exempt from the thirty and seventy-

five dollar certification fees and instead be are subject to a ten-dollar annual certification fee or a fifteen dollar fee for a three-year certification. The commercial, public, or private applicator shall be tested prior to initial certification. In addition, a commercial, public, or private applicator shall be reexamined every three years following initial certification before the applicator is eligible for a renewal of certification. However, a commercial, public, or private applicator need not be certified to apply pesticides for a period of twenty-one days from the date of initial employment if the commercial, public, or private applicator is under the direct supervision of a certified applicator. For the purposes of this section, "under the direct supervision of" means that the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator who is physically present, by being in sight or hearing distance of the supervised person.

PARAGRAPH DIVIDED. A commercial applicator who applies pesticides to agricultural land may, in lieu of the requirement of direct supervision, elect to be exempt from the certification requirements for a commercial applicator for a period of twenty-one days, if the applicator meets the requirements of a private applicator. The test shall include, but is not limited to, the area of safe handling of agricultural chemicals and the effects of these chemicals on groundwater. The secretary shall also adopt, by rule, the criteria for the allowance of the selection of the written or oral examination by a person requiring certification.

PARAGRAPH DIVIDED. A person employed by a farmer not solely as a pesticide applicator who applies restricted use pesticides as an incidental part of the person's general duties or a person who applies restricted use pesticides as an incidental part of a custom farming operation is required to meet the certification requirements of a private applicator.

Sec. 21. Section 214A.16, Code 1989, is amended to read as follows:

214A.16 NOTICE OF BLENDED FUEL.

All motor vehicle fuel kept, offered, or exposed for sale, or sold at retail containing over one percent ethanol, methanol, or any combination of oxygenate octane enhancers shall be identified as "with" either "ethanol", "methanol", "ethanol/methanol", or similar wording on a white adhesive decal with black letters at least one one-half inch high and at least one-quarter inch wide placed between thirty and forty inches above the driveway level on the front sides of any container or pump from which the motor fuel is sold.

Sec. 22. Section 237.15, subsection 4, Code 1989, is amended to read as follows:

4. "Person or court responsible for the child" means the department, including but not limited to the department of human services, agency, or individual who is the guardian of a neglected, dependent, or delinquent child by court order issued by the juvenile or district court and has the responsibility of the care of the child, or the court having jurisdiction over the child.

Sec. 23. Section 237.16, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The state foster care review board is created within the department of inspections and appeals. The state board consists of seven members appointed by the governor, subject to confirmation by the senate and directly responsible to the governor. The appointment is for a term of four years which begins and ends as provided in section 69.19. Vacancies on the state board shall be filled in the same manner as original appointments are made.

Sec. 24. Section 275.23A, subsection 3, Code 1989, is amended to read as follows:

3. The school board shall notify the state commissioner of elections and the county commissioner of elections of each

county in which a portion of the school district is located whenever the boundaries of director districts are changed. The board shall provide the commissioners with maps showing the new boundaries. If, following a federal decennial census a school district elects not to redraw director districts under this section, the school board shall so certify to the state commissioner of elections, and the school board shall also certify to the state commissioner the populations of the retained director districts as determined under the latest federal decennial census. Upon failure of a district board to make the required changes by the dates established under this section as determined by the state commissioner of elections, the state commissioner of elections shall make or cause to be made the necessary changes as soon as possible, and shall assess any expenses incurred to the school district. The state commissioner of elections may request the services of personnel of and materials available to the legislative service bureau to assist the state commissioner in making any required boundary changes.

Sec. 25. Section 281.15, subsection 8, Code 1989, is amended by striking the subsection.

Sec. 26. Section 299.24, Code 1989, is amended to read as follows:

299.24 RELIGIOUS GROUPS EXEMPTED FROM SCHOOL STANDARDS.

When members or representatives of a local congregation of a recognized church or religious denomination established for ten years or more within the state of Iowa prior to July 1, 1967, which professes principles or tenets that differ substantially from the objectives, goals, and philosophy of education embodied in standards set forth in section ~~257~~²⁵⁶256.11, and rules adopted in implementation thereof, file with the director of the department of education proof of the existence of such conflicting tenets or principles, together with a list of the names, ages, and post-office addresses of all persons of compulsory school age desiring to be exempted

from the compulsory education law and the educational standards law, whose parents or guardians are members of the congregation or religious denomination, the director, subject to the approval of the state board of education, may exempt the members of the congregation or religious denomination from compliance with any or all requirements of the compulsory education law and the educational standards law for two school years. When the exemption has once been granted, renewal of such exemptions for each succeeding school year may be conditioned by the director, with the approval of the board, upon proof of achievement in the basic skills of arithmetic, the communicative arts of reading, writing, grammar, and spelling, and an understanding of United States history, history of Iowa, and the principles of American government, by persons of compulsory school age exempted in the preceding year, which shall be determined on the basis of tests or other means of evaluation selected by the director with the approval of the state board. The testing or evaluation, if required, shall be accomplished prior to submission of the request for renewal of the exemption. Renewal requests shall be filed with the director on or before April 15 of the school year preceding the school year for which the applicants desire exemption.

Sec. 27. Section 321.34, subsection 5, paragraph b, Code 1989, is amended to read as follows:

b. The county treasurer shall validate personalized registration plates in the same manner as regular registration plates are validated under this section at an annual fee of five dollars in addition to the regular annual registration fee. ~~A person may renew a personalized registration plate without paying the additional registration fee under paragraph "a" unless a new series of registration plates are being issued to replace a current series.~~ A person renewing a personalized registration plate within one month following the time requirements under section 321.40 may renew the

personalized plate without paying the additional registration fee under paragraph "a" but shall pay the five-dollar fee in addition to the regular registration fee and any penalties subject to regular registration plate holders for late renewal.

Sec. 28. Section 321.52, subsection 4, paragraph b, Code 1989, is amended to read as follows:

b. When a wrecked or salvage vehicle has been repaired, the owner may apply for a regular certificate of title by paying the appropriate fees and surrendering the salvage certificate of title and a properly executed salvage theft examination certificate. The county treasurer shall issue a regular certificate of title which, commencing September 1, 1988, if the wrecked or salvage vehicle is five model years old or less, shall bear the word "REBUILT" stamped or printed on the face of the title. The rebuilt designation shall be included on every Iowa certificate of title issued thereafter for the vehicle. However, if ownership of a stolen vehicle has been transferred to an insurer organized under the laws of this state or admitted to do business in this state, or if the transfer was the result of a settlement with the owner of the vehicle arising from damage to or the unrecovered theft of the vehicle, and if the insurer certifies to the county treasurer on a form approved by the department that the cost of repairs to all damage to the vehicle is less than three thousand dollars, the county treasurer shall issue the regular certificate of title without the rebuilt designation. The county treasurer shall issue a regular certificate of title without the "REBUILT" designation if, before repairs are made, a component parts review has been conducted by a peace officer ~~authorized to do so by the state department of transportation showing that the vehicle does not have component part damage. The component parts review shall be conducted in accordance with rules adopted by the department~~ who has been specially certified and recertified when required by the Iowa law

enforcement academy to do salvage theft examinations. The Iowa law enforcement academy shall determine standards for training and certification, conduct training, and may approve alternative training programs which satisfy the academy's standards for training and certification. For the purpose of this section, a wrecked or salvage vehicle shall be considered to have component part damage if there is major damage requiring repairs or replacement of more than two of the vehicle's component parts. A "component part" means the rear clip, cowl, frame or inner structure forward of the cowl, body, cab, front end assembly, front clip, or such other parts which are critical to the safety of the vehicle as determined by rules adopted by the department. The owner shall pay a fee of thirty-five dollars upon the completion of the prerepair component parts review. The agency performing the examinations shall retain twenty-five dollars of the fee and shall pay five dollars of the fee to the department and five dollars of the fee to the Iowa law enforcement academy to provide for the special training, certification, and recertification of officers as required by this subsection. The peace officer conducting the review shall maintain a record of the review and shall forward a copy of the review to the department. The department shall maintain a record of all reviews. If a vehicle does not have component damage as determined in this subsection, the officer conducting the review shall issue a certificate to the owner to that effect. The certificate shall be surrendered to the county treasurer at the time of application for a regular certificate of title and the treasurer shall forward the certificate to the department.

The provision of this subsection requiring a component parts review by a peace officer specially certified or recertified by the Iowa law enforcement academy to do salvage theft examinations shall become effective July 1, 1990. Component parts reviews conducted before July 1, 1990, shall

be made by peace officers authorized to do so by the state department of transportation or the department of public safety who are qualified, as determined by those agencies, to conduct component parts reviews. The state department of transportation shall adopt rules in accordance with chapter 17A to carry out this section, including transition rules allowing for component parts reviews prior to July 1, 1990.

Sec. 29. Section 321.123, subsection 1, unnumbered paragraphs 2 and 3, Code 1989, are amended to read as follows:

A travel trailer may be stored under the provisions of section 321.134, provided the travel trailer is not used for human habitation for any period during storage and is not moved upon the highways of the state. A travel trailer stored under the provisions of section 321.134 shall is not be subject to either a personal property tax or a mobile home tax assessed under the provisions of chapter 1350.

~~if a travel trailer has been registered under this chapter at any time during a calendar year, the travel trailer is not subject to a personal property tax for that year.~~

Sec. 30. Section 321.130, Code 1989, is amended to read as follows:

321.130 FEES IN LIEU OF TAXES.

The registration fees imposed by this chapter upon private passenger motor vehicles or semitrailers are in lieu of all state and local taxes, except local vehicle taxes, to which motor vehicles or semitrailers are subject, ~~and if a motor vehicle or semitrailer has been registered at any time under this chapter it shall not thereafter be subject to a personal property tax unless the motor vehicle or semitrailer has been in storage continuously as an unregistered motor vehicle or semitrailer during the preceding registration year.~~

Sec. 31. Section 321.196, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Except as otherwise provided, an operator's license expires, at the option of the applicant, two or four years

from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ages of eighteen seventeen years, eleven months and seventy years on the date of issuance of the license, otherwise the license is effective for a period of two years. The license 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 a license renewed within 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. 32. Section 321.213, Code 1989, is amended to read as follows:

321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO VIOLATIONS BY JUVENILE DRIVERS.

Upon the entering of an order at the conclusion of an adjudicatory hearing under section 232.47 that the child violated a provision of this chapter or chapter 321A or chapter 321J for which the penalty is greater than a simple misdemeanor, the clerk of the juvenile court in the adjudicatory hearing shall forward a copy of the adjudication to the department. Notwithstanding section 232.55, a final adjudication in a juvenile court that the child violated a

provision of this chapter or chapter 321A or chapter 321J constitutes a final conviction of a violation of a provision of this chapter or chapter 321A or chapter 321J for purposes of section 321.189, subsection 2, paragraph "b", and sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, and 321A.17, 321J.2, 321J.3, and 321J.4.

Sec. 33. Section 321.288, Code 1989, is amended to read as follows:

321.288 CONTROL OF VEHICLE -- REDUCED SPEED.

1. A person operating a motor vehicle shall have the vehicle under control at all times:

2. ~~A person operating a motor vehicle~~ and shall reduce the speed to a reasonable and proper rate:

a 1. When approaching and passing a person walking in the traveled portion of the public highway.

b 2. When approaching and passing an animal which is being led, ridden, or driven upon a public highway.

c 3. When approaching and traversing a crossing or intersection of public highways, or a bridge, sharp turn, curve, or steep descent, in a public highway.

d 4. When approaching and passing an emergency warning device displayed in accordance with rules adopted under section 321.449, or an emergency vehicle displaying a revolving or flashing light.

e 5. When approaching and passing a slow moving vehicle displaying a reflective device as provided by section 321.383.

f 6. When approaching and passing through a sign posted construction or maintenance zone upon the public highway.

Sec. 34. Section 321.299, unnumbered paragraph 3, Code 1989, is amended to read as follows:

Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle ~~on-audible signal~~ and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

Sec. 35. Section 321.323, Code 1989, is amended to read as follows:

321.323 BACKING VEHICLE ON HIGHWAY.

No A person shall operate ~~not cause~~ a vehicle to be moved in a backward direction on a highway in-reverse-gear unless and until such-operation the vehicle can be made backed with reasonable safety, and shall yield the right of way to any approaching vehicle on the highway or an intersecting highway thereto which is so close thereto as to constitute an immediate hazard.

Sec. 36. Section 321.555, subsection 1, paragraph b, Code 1989, is amended to read as follows:

b. Operating a motor vehicle in violation of section 321J.2 or its predecessor statute.

Sec. 37. Section 321A.3, subsection 1, Code 1989, is amended to read as follows:

1. The director shall upon request furnish any person a certified abstract of the operating record of a person subject to chapter 321, 321J, or this chapter. The abstract shall also fully designate the motor vehicles, if any, registered in the name of the person. If there is no record of a conviction of the person having violated any law relating to the operation of a motor vehicle or of any injury or damage caused by the person, the director shall so certify. A fee of five dollars shall be paid for each abstract except by state, county, city or court officials. The director shall transfer the moneys collected under this section to the treasurer of state who shall credit annually to the abstract fee fund created under section 321A.3A the first nine hundred fifty thousand dollars collected and shall credit to the general fund all additional moneys collected.

Sec. 38. Section 331.209, subsection 5, Code 1989, is amended to read as follows:

5. Each county board shall notify the state commissioner of elections whenever the boundaries of supervisor districts

are changed and shall provide a map delineating the new boundary lines. Upon failure of a county board to make the required changes by the dates specified by this section as determined by the state commissioner of elections, the state commissioner of elections shall make or cause to be made the necessary changes as soon as possible, and shall assess to the county the expenses incurred in so doing. The state commissioner of elections may request the services of personnel and materials available to the legislative service bureau to assist the state commissioner in making any required changes in supervisor district boundaries which become the state commissioner's responsibility.

Sec. 39. Section 384.1, Code 1989, is amended to read as follows:

384.1 TAXES CERTIFIED.

A city may certify taxes to be levied by the county on all taxable property within the city limits, for all city government purposes. However, the tax levied by a city on tracts of land and improvements thereon used and assessed for agricultural or horticultural purposes, may shall not exceed three dollars and three-eighths cents per thousand dollars of assessed value in any year. Improvements ~~and personal~~ property located on such tracts of land and not used for agricultural or horticultural purposes and all residential dwellings ~~shall be~~ are subject to the same rate of tax levied by the city on all other taxable property within the city. A city's tax levy for the general fund may shall not exceed eight dollars and ten cents per thousand dollars of taxable value in any tax year, except for the levies authorized in section 384.12.

Sec. 40. Section 420.207, Code 1989, is amended to read as follows:

420.207 TAXATION IN GENERAL.

Sections 427.1, 427.3 to 427.11, 428.4, ~~428.16 to~~ 428.20, ~~428.22~~, 428.23, 436.10, 436.11, 437.1, 437.3, 437.14, 441.21,

443.1 to 443.3, 444.2 to 444.5, and 447.9 to 447.13, so far as applicable, apply to cities acting under special charters.

Sec. 41. Section 422.5, subsection 7, Code 1989, is amended to read as follows:

7. Upon determination of the latest cumulative inflation factor, the director shall multiply each dollar amount set forth in subsection 1, paragraphs "a" and through "i" of this section, and each dollar amount specified in this section as the maximum amount of annuities received which may be excluded in determining final taxable income, by this cumulative inflation factor, shall round off the resulting product to the nearest one dollar, and shall incorporate the result into the income tax forms and instructions for each tax year.

Sec. 42. Section 422.12, subsection 1, Code 1989, is amended to read as follows:

1. A personal exemption credit in the following amounts:

a. For an estate or trust, a single individual, or a married person filing a separate return, ~~fifteen~~ twenty dollars.

b. For a head of household, or a husband and wife filing a joint return, ~~thirty~~ forty dollars.

c. For each dependent, an additional ~~ten~~ fifteen dollars. As used in this section, the term "dependent" has the same meaning as provided by the Internal Revenue Code.

d. For a single individual, husband, wife or head of household, an additional exemption of ~~fifteen~~ twenty dollars for each of said individuals who has attained the age of sixty-five years before the close of the tax year or on the first day following the end of the tax year.

e. For a single individual, husband, wife or head of household, an additional exemption of ~~fifteen~~ twenty dollars for each of said individuals who is blind at the close of the tax year. For the purposes of this paragraph, an individual is blind only if the individual's central visual acuity does not exceed twenty-two hundredths in the better eye with

correcting lenses, or if the individual's visual acuity is greater than twenty-two hundredths but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.

~~For tax years beginning on or after January 1, 1979 and for each of the next four succeeding tax years, the amount of the personal exemption credits provided in this subsection shall be increased in the amount of one dollar for each tax year, except that the personal exemption credit allowed under paragraph "b" of this subsection shall be increased in the amount of two dollars for each tax year. The personal exemption credits determined pursuant to this paragraph for tax years beginning on or after January 1, 1983 shall continue for succeeding tax years.~~

Sec. 43. Section 427.1, subsections 10, 15, 16, 21, 28, 29, and 35, Code 1989, are amended by striking the subsections.

Sec. 44. Section 427.1, subsections 12, 13, 19, and 30, Code 1989, are amended to read as follows:

12. HOMES FOR SOLDIERS. The buildings, and grounds, furniture, ~~and household equipment~~ of homes owned and operated by organizations of soldiers, sailors, or marines of any of the wars of the United States when used for a home for disabled soldiers, sailors, or marines and not operated for pecuniary profit.

13. AGRICULTURAL PRODUCE. Growing agricultural and horticultural crops ~~and products~~, except commercial orchards and vineyards, ~~and all horticultural and agricultural produce harvested by or for the person assessed within one year previous to the listing~~, all wool shorn from the person's sheep within such time, all poultry, ten stands of bees, honey and beeswax produced during that time and remaining in the possession of the producer, ~~and all livestock.~~

19. CAPITAL STOCK OF COMPANIES. The shares of capital stock of telegraph and telephone companies, freight-line and equipment companies, transmission line companies as defined in section 437.1, express companies, ~~corporations engaged in merchandising as defined in section 428.16~~, domestic corporations engaged in manufacturing as defined in section 428.20, and manufacturing corporations organized under the laws of other states having their main operating offices and principal factories in the state of Iowa, and corporations not organized for pecuniary profit.

30. RURAL WATER SALES. The real ~~and personal~~ property of a nonprofit corporation engaged in the distribution and sale of water to rural areas when devoted to public use and not held for pecuniary profit.

Sec. 45. Section 427.3, subsection 5, Code 1989, is amended to read as follows:

5. ~~The provisions of this section shall apply to personal property held in partnership but not in excess of the value of the veteran's share actually held.~~ ~~Wherever~~ Where the word "soldier" shall appear appears in this chapter, it shall be construed to include includes, without limitation, the members of the United States air force and the United States merchant marine.

Sec. 46. Section 427.5, unnumbered paragraph 2, Code 1989, is amended to read as follows:

The person shall file with the appropriate assessor on forms obtained from the assessor the claim for exemption for the year for which the person is first claiming the exemption. The claim shall be filed not later than July 1 of the year for which the person is claiming the exemption. The claim shall set out the fact that the person is a resident of and domiciled in the state of Iowa, and a person within the terms of section 427.3, and shall give the volume and page on which the certificate of satisfactory service, order of separation, retirement, furlough to reserve, inactive status, or honorable

discharge or certified copy thereof is recorded in the office of the county recorder, and may include the designation of the property from which the exemption is to be made, and shall further state that the claimant is the equitable and or legal owner of the property designated.

Sec. 47. Section 427.8, Code 1989, is amended to read as follows:

427.8 PETITION FOR SUSPENSION OR CANCELLATION OF TAXES, ASSESSMENTS, AND RATES.

If a person, by reason of age or infirmity, is unable to contribute to the public revenue, the person may file a petition, duly sworn to, with the board of supervisors, stating that fact and giving a statement of real property, real and personal, owned or possessed by the petitioner, and other information as the board may require. The board of supervisors may order the county treasurer to suspend the collection of the taxes, special assessments under sections 384.37 through 384.79, and rates or assessments imposed under section 384.84 or chapter 317 or 364 which are assessed against the petitioner or the petitioner's estate, or both, for the current year and those unpaid for prior years, or the board may cancel and remit the taxes, special assessments, and other assessments or rates. However, the petition must first be approved by the council of the city in which the property of the petitioner is located, or by the township trustees of the township in which the property is located.

Sec. 48. Section 427.13, Code 1989, is amended to read as follows:

427.13 WHAT TAXABLE.

All other real property, real or personal, is subject to taxation in the manner prescribed, and this section is also intended to embrace:

1--Perry ferry franchises and toll bridges, which, for the purpose of this chapter are considered real property.

2--Household furniture, beds and bedding made use of in hotels and boarding houses and not hereinbefore exempted;

3--Gold and silver plate, watches, jewelry, and musical instruments;

4--Every description of vehicle, including bicycles, except as otherwise provided;

5--Threshing machines;

6--Boats and vessels of every description, wherever registered or licensed, and whether navigating the waters of the state or not, if owned either wholly or in part by inhabitants of this state, to the amount owned in this state.

However, the provisions of this section shall be is subject to the provisions of section 427.1.

Sec. 49. Section 428.1, subsection 4, Code 1989, is amended by striking the subsection.

Sec. 50. Section 428.4, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Property shall be assessed for taxation each year. ~~Personal property shall be listed and assessed in 1980 and every two years thereafter in the name of the owner of the personal property on the first day of January and the assessment made shall be the value of the personal property as of January 1 of the year of the assessment.~~ Real estate shall be listed and assessed in 1981 and every two years thereafter. The assessment of real estate shall be the value of the real estate as of January 1 of the year of the assessment. The year 1981 and each odd-numbered year thereafter shall be a reassessment year. In any year, after the year in which an assessment has been made of all the real estate or personal property in any an assessing jurisdiction, ~~it shall be the duty of the assessor to shall~~ value and assess or revalue and reassess, as the case may require, any real estate and personal property that the assessor finds was incorrectly valued or assessed, or was not listed, valued, and assessed, in the assessment year immediately preceding, also any real

estate or personal property the assessor finds has changed in value subsequent to January 1 of the preceding real estate or personal property assessment year. However, a percentage increase on a class of property shall not be made in a year not subject to an equalization order unless ordered by the department of revenue and finance. The assessor shall determine the actual value and compute the taxable value thereof as of January 1 of the year of the revaluation and reassessment. The assessment shall be completed as specified in section 441.28, but no reduction or increase in actual value shall be made for prior years. If an assessor makes a change in the valuation of the real estate as provided for herein, the provisions of sections 441.23, 441.37, 441.38 and 441.39 shall apply.

Sec. 51. Section 428.4, unnumbered paragraph 4, Code 1989, is amended by striking the unnumbered paragraph.

Sec. 52. Section 428.10, Code 1989, is amended to read as follows:

428.10 ICE AND COAL DEALERS.

Each ice or coal dealer shall be assessed upon the average amount of capital used by the dealer in conducting the dealer's business. In estimating the amount of capital so used, there shall be taken into consideration the increase and decrease of the value of ice and coal held in store, and upon the value of the dealer's warehouses or ice houses situated upon lands leased from railway companies or other persons, and upon the value, if any, of such leasehold interest.

~~Such assessment shall be listed as personal property.~~ In determining the average amount of capital invested the assessor shall take into consideration the entire year's business prior to January 1, next preceding the assessment period.

Sec. 53. Section 428.20, Code 1989, is amended to read as follows:

428.20 "MANUFACTURER" DEFINED -- DUTY TO LIST.

Any ~~a person, firm, or corporation~~ who purchases, receives, or holds personal property of any description for the purpose of adding to the its value thereof by any a process of manufacturing, refining, purifying, combining of different materials, or by the packing of meats, with a view to selling the same property for gain or profit, ~~shall be deemed is a manufacturer "manufacturer"~~ for the purposes of this title, and shall list such property for taxation.

Sec. 54. Section 428.23, Code 1989, is amended to read as follows:

428.23 MANUFACTURER TO LIST.

Corporations organized under the laws of this state for pecuniary profit and engaged in manufacturing as defined in section 428.20 shall list their real estate ~~personal~~ property ~~not hereinbefore mentioned, and moneys and credits~~ in the same manner as is required of individuals.

Sec. 55. Section 428.35, subsection 6, Code 1989, is amended to read as follows:

6. PAYMENT OF TAX. ~~Such specific~~ The tax, when determined ~~as aforesaid~~, shall be entered in the same manner as general ~~personal~~ property taxes on the tax list of the taxing district, and the proceeds of the collection of ~~such~~ the tax shall be distributed to the same taxing units and in the same proportion as the general ~~personal~~ property tax on the tax list of ~~said~~ each taxing district. All provisions of the law relating to the assessment and collection of ~~personal~~ property taxes and the powers and duties of the county treasurer, county auditor and all other officers with respect to the assessment, collection, and enforcement of ~~personal~~ property taxes shall apply to the assessment, collection, and enforcement of the tax imposed by this section.

Sec. 56. Section 428.36, Code 1989, is amended to read as follows:

428.36 LISTING PROPERTY OF FINANCIAL INSTITUTIONS.

The real estate, fixtures, and equipment, and tangible personal property as defined in section 427A.1, of every financial institution, as defined in chapter 422, division V, and of every credit union established under chapter 533 shall be listed, assessed, and taxed to the institution or the credit union in the same manner and at the same rate as such property in the hands of individuals.

Sec. 57. Section 430A.6, Code 1989, is amended to read as follows:

430A.6 REAL AND PERSONAL PROPERTY ASSESSMENT.

All real and tangible personal property of individuals, corporations or agencies subject to the provisions of this chapter and located within the state of Iowa shall be assessed in the same manner as other real and tangible personal property.

Sec. 58. Section 432.7, Code 1989, is amended to read as follows:

432.7 ASSESSMENT.

~~It shall be the duty of the~~ The assessor shall, upon the receipt of said ~~the~~ statements, and from other information acquired by the assessor, to assess against every corporation or association referred to in section 432.6, ~~the value of all personal property owned by such corporation or association,~~ together with the actual value of each parcel of real estate situated in the assessment district of such ~~the~~ assessor, and all the said property shall be assessed at the same rate, and for the same purposes as the property of private individuals, as provided in section 441.21.

Sec. 59. Section 433.11, Code 1989, is amended to read as follows:

433.11 OTHER REAL AND PERSONAL PROPERTY.

Land, lots, and other real estate and personal property belonging to any a telegraph company or telephone company not used exclusively in its telegraph or telephone business shall be are subject to assessment and taxation on the same basis as

other property of individuals in the several counties where situated.

Sec. 60. Section 441.10, unnumbered paragraph 3, Code 1989, is amended to read as follows:

Incumbent deputy assessors who have served six consecutive years shall be placed on the register of individuals eligible for appointment as assessor or deputy assessor. In order to be appointed to the position of deputy assessor, the deputy assessor shall comply with the continuing education requirements. The number of credits required for certification as eligible for appointment as a deputy assessor in a jurisdiction other than where the deputy assessor is currently serving shall be prorated according to the percentage of the deputy assessor's term which is covered by the continuing education requirements of section 441.8. The credit necessary for certification for appointment is the product of ninety multiplied by the quotient of the number of months served of a deputy assessor's term covered by the continuing education requirements of section 441.8 divided by seventy-two. If the number of credits necessary for certification for appointment as determined under this paragraph results in a partial credit hour, the credit hour shall be rounded to the nearest whole number.

Sec. 61. Section 441.17, subsections 2 and 10, Code 1989, are amended to read as follows:

2. Cause to be assessed, in accordance with section 441.21, all the property ~~personal and real,~~ in the assessor's county or city ~~as the case may be,~~ except such ~~as is~~ property exempt from taxation, or the assessment of which is otherwise provided for by law.

10. Measure the exterior length and exterior width of all mobile homes except those for which measurements are contained in the manufacturer's and importer's certificate of origin, and report the information to the county treasurer. Check all mobile homes ~~and travel trailers~~ for inaccuracy of

measurements as necessary or upon written request of the county treasurer and check travel trailers for violations of registration and report the findings immediately to the county treasurer. If a mobile home has been converted to real estate the title shall be collected and returned to the county treasurer for cancellation. If taxes due for prior years have not been paid, the assessor shall collect the unpaid taxes due as a condition of conversion. The assessor shall make frequent inspections and checks within the assessor jurisdiction of all mobile homes and mobile home parks and travel trailers and make all the required and needed reports to carry out the purposes of this section.

Sec. 62. Section 441.19, unnumbered paragraph 1, and subsection 1, Code 1989, are amended to read as follows:

The assessor shall list every person in the assessor's county or city as the case may be and assess all the property therein: ~~personal and real in the county or city, except such as is heretofore property exempted or otherwise assessed. Any~~ A person who ~~shall refuse~~ refuses to assist in making out a list of the person's property, or of any property which the person is by law required to assist in listing, or ~~who shall refuse to make either of the oaths or affirmations or combinations thereof required by section 441.207, shall be~~ is guilty of a simple misdemeanor.

1. Supplemental and optional to the procedure for the assessment of property by the assessor as provided in this chapter, the assessor ~~is hereby authorized to~~ may require from all persons required to list their property for taxation as provided by sections 428.17 and 428.2 and 428.3, a supplemental return to be prescribed by the director of revenue and finance upon which ~~such the~~ person shall list the person's property. ~~Such The~~ supplemental return shall be in substantially the same form as now prescribed by law for the assessment rolls used in the listing of property by the assessors, ~~and the director of revenue and finance may~~

~~prescribe separate supplemental forms for the listing of personal property, both tangible and intangible. It shall be the duty of every~~ Every person required to list property for taxation to ~~shall~~ make a complete listing of such ~~the~~ property upon such supplemental forms and to return the ~~same listing~~ to the assessor as promptly as possible. ~~Such The~~ return shall be verified over the signature of the person making the return and ~~the provisions of section 441.25 shall apply~~ applies to any person making such a return. The assessor shall make such supplemental return forms available as soon as practicable after the first day of January of each year. The assessor shall make such supplemental return forms available to the taxpayer by mail, or at a designated place within the taxing district.

Sec. 63. Section 441.21, subsection 1, paragraphs a and c, Code 1989, are amended to read as follows:

a. All ~~real and tangible personal~~ property subject to taxation shall be valued at its actual value which shall be entered opposite each item, and, except as otherwise provided in this section, shall be assessed at one hundred percent of its actual value, and the value so assessed shall be taken and considered as the assessed value and taxable value of the property upon which the levy shall be made.

c. In assessing and determining the actual value of special purpose industrial ~~real and tangible personal~~ property having an actual value of five million dollars or more, the assessor shall equalize the values of such property with the actual values of other comparable special purpose industrial property in other counties of the state. Such special purpose industrial property includes, but is not limited to chemical plants. If a variation of ten percent or more exists between the actual values of comparable industrial property having an actual value of five million dollars or more located in separate counties, the assessors of ~~such the~~ counties shall consult with each other and with the department of revenue and

finance to determine if adequate reasons exist for such the variation. If no such adequate reasons exist, the assessors shall make adjustments in such the actual values to provide for a variation of ten percent or less. For the purposes of this paragraph, special purpose industrial property includes structures which are designed and erected for operation of a unique and special use, are not rentable in existing condition, and are incapable of conversion to ordinary commercial or industrial use except at a substantial cost.

Sec. 64. Section 441.24, subsection 1, Code 1989, is amended to read as follows:

1. If any-corporation-or a person refuse refuses to furnish the verified statements required in connection with the assessment of property by the assessor, or to list the corporation's or person's property, or-to-take-or-subscribe the-oath-required, the director of revenue and finance, or assessor, as the case may be, shall proceed to list and assess such the property according to the best information obtainable, and shall add to the taxable valuation one hundred percent thereof, which valuation and penalty shall be separately shown, and shall constitute the assessment; and if the valuation of such the property shall-be is changed by any a board of review, or on appeal therefrom from a board of review, a like penalty shall be added to the valuation thus fixed.

Sec. 65. Section 441.26, unnumbered paragraphs 1 and 4, Code 1989, are amended to read as follows:

The director of revenue and finance shall each year prescribe the form of assessment roll to be used by all assessors in assessing real-and-personal property, including moneys-and-credits, in this state, also the form of pages of the assessor's assessment book. Such The assessment rolls shall be in such a form as that will permit entering thereon, separately, the names of all persons, partnerships, corporations, or-associations assessed, shall-contain-a-form

of-oath-or-affirmation-to-be-administered-to-each-person assessed, and shall also contain a notice in substantially the following form:

The assessment rolls shall be used in listing the property and showing the values affixed to the property of all persons, partnerships, corporations, or-associations assessed. The rolls shall be made in duplicate. The duplicate roll shall be signed by the assessor, detached from the original and delivered to the person assessed if there has been an increase or decrease in the valuation of the property. If there has been no change in the evaluation, the information on the roll may be printed on computer stock paper and preserved as required by this chapter. If the person assessed requests in writing a copy of the roll, the copy shall be provided to the person. It-is-lawful-to-combine-the-affidavit-or-form-of-oath-or-affirmation-as-to-real-and-personal-property, and-the affidavit-or-form-of-oath-or-affirmation-as-to-moneys-and-credits, into-one-affidavit-or-form-of-oath-or-affirmation, and-only-the-one-such-affidavit-or-form-of-oath-or-affirmation is-sufficient-on-the-assessment-roll. The pages of the assessor's assessment book shall contain columns ruled and headed for the information required by this chapter and that which the director of revenue and finance deems essential in the equalization work of the director. The assessor shall return all assessment rolls and schedules to the county auditor, along with the completed assessment book, as provided in this chapter, and the county auditor shall carefully keep and preserve the rolls, schedules and book for a period of five years from the time of its filing in the county auditor's office.

Sec. 66. Section 441.35, subsection 1, Code 1989, is amended to read as follows:

1. To equalize assessments by raising or lowering the individual assessments of real property, including new buildings, personal-property-or-moneys-and-credits made by the assessor.

Sec. 67. Section 441.45, Code 1989, is amended to read as follows:

441.45 ABSTRACT TO STATE DEPARTMENT OF REVENUE AND FINANCE.

The county assessor of each county and each city assessor shall, on or before July 1 of each year, make out and transmit to the department of revenue and finance an abstract of the real and personal property in the assessor's county or city, as the case may be, and file a copy thereof of the abstract with the county auditor, in which the assessor shall set forth:

1. The number of acres of land and the aggregate taxable values of the same land, exclusive of city lots, returned by the assessors, as corrected by the board of review.
2. The aggregate taxable values of real estate by class in each township and city in the county, returned as corrected by the board of review.
3. ~~The aggregate taxable values of personal property.~~
4. 3. Other facts as may be required by the director of revenue and finance.

~~in any case where if~~ a board of review continues in session beyond June 1, under ~~provisions of~~ sections 441.33 and 441.37, the abstract of the real and personal property shall be made out and transmitted to the department of revenue and finance within fifteen days after the date of final adjournment by ~~said~~ the board.

Sec. 68. Section 443.2, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Before the first day of July in each year, the county auditor shall transcribe the assessments of the townships and cities into a book or record, to be known as the tax list, properly ruled and headed, with separate columns, in which shall be entered the names of the taxpayers, descriptions of lands, number of acres and value, numbers of city lots and value, ~~value of personal property~~ and each description of tax,

with a column for polls and one for payments, and shall complete it by entering the amount due on each installment, separately, and carrying out the total of both installments. The total of all columns of each page of each book or other record shall balance with the tax totals. After computing the amount of tax due and payable on each property, the county auditor shall round the total amount of tax due and payable on the property to the nearest even whole dollar.

Sec. 69. Section 455A.6, subsection 6, paragraph b, Code 1989, is amended to read as follows:

b. Hear appeals in contested cases pursuant to chapter 17A on matters relating to actions taken by the director under chapter 84, 93, 455B, 455C, or 469.

Sec. 70. Section 474.1, unnumbered paragraph 3, Code 1989, is amended to read as follows:

As used in this chapter and chapters 475A, 476, 476A, 478, and 479, and 479A, "division" and "utilities division" mean the utilities division of the department of commerce.

Sec. 71. Section 474.9, Code 1989, is amended to read as follows:

474.9 GENERAL JURISDICTION OF UTILITIES BOARD.

The utilities board has general supervision of all pipelines and all lines for the transmission, sale, and distribution of electrical current for light, heat, and power pursuant to chapters 476, 476A, 478, and 479, and 479A, and has other duties as provided by law.

Sec. 72. Section 476.10, unnumbered paragraph 1, Code 1989, is amended to read as follows:

When the board deems it necessary in order to carry out the duties imposed upon it by this chapter for the purpose of determining rate matters to investigate the books, accounts, practices, and activities of, or make appraisals of the property of any public utility, or to render any engineering or accounting services to any public utility, or to review the operations or annual reports of the public utility under

section 476.31 or 476.32, the public utility shall pay the expense reasonably attributable to the investigation, appraisal, service, or review. The board shall ascertain the expenses including certified expenses incurred by the consumer advocate division of the department of justice directly chargeable to the public utility under section 475A.6, and shall render a bill, ~~by certified mail~~, to the public utility, either at the conclusion of the investigation, appraisal, services, or review, or from time to time during its progress, which bill is notice of the assessment and shall demand payment. The total amount of such expense in any one calendar year, for which any public utility shall become liable, shall not exceed two-tenths of one percent of its gross operating revenues derived from intrastate public utility operations in the last preceding calendar year.

Sec. 73. Section 515B.12, Code 1989, is amended to read as follows:

515B.12 TAX EXEMPTION.

The association is exempt from payment of all fees and all taxes levied by this state or any of its subdivisions, except taxes levied on ~~real-or-personal~~ property.

Sec. 74. Section 533.24, unnumbered paragraph 1, Code 1989, is amended to read as follows:

A credit union shall be deemed an institution for savings and ~~shall be~~ is subject to taxation only as to its ~~real estate, tangible-personal-property~~ and moneys and credits. The ~~share~~ shall not be taxed.

Sec. 75. Section 537.2501, subsection 1, paragraph f, as enacted by 1989 Iowa Acts, House File 552, section 2, is amended to read as follows:

f. With respect to open-end credit pursuant to a credit card issued by the creditor which ~~entitles~~ entitles the cardholder to purchase or lease goods or services from at least one hundred persons not related to the card issuer, the parties may contract for an over-limit charge not to exceed

ten dollars if the balance of the account exceeds the credit limit established pursuant to the agreement. The over-limit charge under this paragraph shall not be assessed again in a subsequent billing cycle unless in a subsequent billing cycle the account balance has been reduced below the credit limit.

If the differential treatment of this subsection based on the number of persons honoring a credit card is found to be unconstitutional, the parties may contract for the over-limit charge as described in this paragraph in any consumer credit transaction pursuant to open-end credit, and the other conditions relating to the over-limit charge shall remain in effect.

Sec. 76. Section 537.7103, subsection 3, paragraph a, subparagraph (1), Code 1989, is amended to read as follows:

(1) Notifying a debtor of the fact that the debtor debt collector may report a debt to a credit bureau or engage an agent or an attorney for the purpose of collecting the debt.

Sec. 77. Section 598.17, unnumbered paragraph 2, Code 1989, is amended to read as follows:

If at the time of trial petitioner fails to present satisfactory evidence that there has been a breakdown of the marriage relationship to the extent that the legitimate objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved, the respondent may then proceed to present such evidence as though the respondent had filed the original petition.

Sec. 78. Section 601G.9, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Establish rules relating to the operation, organization, and procedure of the office of the citizen's aide. The rules are exempt from chapter 17A and shall be published in the Iowa administrative code.

Sec. 79. Section 601K.33, subsection 5, Code 1989, is amended to read as follows:

5. The members of the commission appointed by the governor shall be appointed to terms of four years beginning July May 1. Legislative members shall be appointed to terms of two years beginning January 1 of odd-numbered years. However, members appointed under subsections 3 and 4 shall cease to be members if they no longer hold the office from which they were appointed. Not more than seven of the members appointed under subsection 3 shall belong to the same political party at the time of appointment. A person designated under subsection 2 is appointed for a term of four years beginning July May 1 and must be an assistant director, or head of a division, section, or bureau of that agency whose function relates to children, youth, or families while serving on the commission. Vacancies shall be filled in the same manner as the original appointment. Not more than nine of the voting members of the commission shall be of the same gender.

Sec. 80. Section 602.3105, Code 1989, is amended to read as follows:

602.3105 APPLICATIONS.

Applications for certification shall be on forms prescribed and furnished by the board and the board shall not require that the application contain a photograph of the applicant. An applicant shall not be denied certification because of age, citizenship, sex, race, religion, marital status, or national origin although the application may require citizenship information. The board may consider the past felony record of an applicant ~~only if the felony conviction relates directly to the practice of certified shorthand reporting.~~ Character references may be required, but shall not be obtained from certified shorthand reporters.

Sec. 81. Section 602.3201, Code 1989, is amended to read as follows:

602.3201 ~~UNLAWFUL REQUIREMENT OF CERTIFICATION --~~ USE OF TITLE.

~~A person shall not engage in the profession of shorthand reporting unless the person is certified pursuant to this chapter, or otherwise exempted pursuant to section 602.6603, subsection 4. A Only a person who is certified by the board is a certified shorthand reporter. -- A person who is not certified by the board shall not may assume the title of certified shorthand reporter, or use the abbreviation C.S.R., or any words, letters, or figures to indicate that the person is a certified shorthand reporter.~~

Sec. 82. Section 602.3203, subsection 5, Code 1989, is amended to read as follows:

5. Conviction of a felony ~~related to the practice of shorthand reporting or conviction of a felony that would affect the ability to practice shorthand reporting.~~ A copy of the record of conviction or plea of guilty is conclusive evidence.

Sec. 83. Section 602.6305, subsection 2, Code 1989, as amended by 1989 Iowa Acts, Senate File 498, is amended to read as follows:

2. A person does not qualify for appointment to the office of district associate judge unless the person is at the time of appointment a resident of the county in which the vacancy exists, licensed to practice law in Iowa, and will be able, measured by the person's age at the time of appointment, to complete the initial term of office ~~plus a four-year term of office~~ prior to reaching age seventy-two.

Sec. 84. Section 602.7103, subsection 1, Code 1989, is amended to read as follows:

1. The chief ~~judge of the juvenile court~~ may appoint and may remove for cause with due process a juvenile court referee. The referee shall be an attorney admitted to practice law in this state, and shall be qualified for duties by training and experience.

Sec. 85. Section 682.23, subsection 4, Code 1989, is amended to read as follows:

4. MUNICIPAL BONDS. Bonds, or other interest-bearing obligations, which are a direct obligation of any a county, township, city, village, school district, or other municipal corporation or district, having power to levy general taxes, in the state of Iowa, and also bonds, or other interest-bearing obligations, which are a direct obligation of any a county, township, city, village, school district, or other municipal corporation or district, having power to levy general taxes, in any adjoining state, and having a population of not less than five thousand, ~~and also bonds, or other interest-bearing obligations, which are a direct obligation of any county, township, city, village, school district, or other municipal corporation or district, having power to levy general taxes, in any other state, having a population of not less than ten thousand.~~ Provided However, the total funded indebtedness of any such a municipality enumerated in this subsection shall not exceed ten percent of the assessed value of the taxable property therein in the municipality, as ascertained by the last assessment for tax purposes, and ~~provided further that such the~~ municipality or district has shall not have defaulted in the payment of any of its bonded indebtedness within the ten preceding years.

Sec. 86. Section 702.17, as amended by 1989 Iowa Acts, Senate File 201, section 1, is amended to read as follows:

702.17 SEX ACT.

The term "sex act" or "sexual activity" means any sexual contact between two or more persons by: penetration of the penis into the vagina or anus; contact between the mouth and genitalia or by contact between the genitalia of one person and the genitalia or anus of another person; contact between the finger or hand of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to chapter 148, 148C, 150, 150A, 151, or 152; or by use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.

Sec. 87. Section 714.25, Code 1989, is amended by adding the following new unnumbered paragraph before unnumbered paragraph one:

NEW UNNUMBERED PARAGRAPH. For purposes of this chapter, unless the context otherwise requires, "proprietary school" means a person offering a course of instruction at the postsecondary level, for profit, that is more than four months in length and leads to a degree, diploma, or license.

Sec. 88. Section 725.7, subsection 2, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

2. A person who violates this section is guilty of the following:

a. Illegal gaming in the fourth degree if the sum of money or value of other property involved does not exceed one hundred dollars. Illegal gaming in the fourth degree constitutes the following:

- (1) A serious misdemeanor for a first offense.
- (2) An aggravated misdemeanor for a second offense.
- (3) A class "D" felony for a third offense.
- (4) A class "C" felony for a fourth or subsequent offense.

b. Illegal gaming in the third degree if the sum of money or value of other property involved exceeds one hundred dollars but does not exceed five hundred dollars. Illegal gaming in the third degree constitutes the following:

- (1) An aggravated misdemeanor for a first offense.
- (2) A class "D" felony for a second offense.
- (3) A class "C" felony for a third or subsequent offense.

c. Illegal gaming in the second degree if the sum of money or value of other property involved exceeds five hundred dollars but does not exceed five thousand dollars. Illegal gaming in the second degree constitutes the following:

- (1) A class "D" felony for a first offense.
- (2) A class "C" felony for a second or subsequent offense.

d. Illegal gaming in the first degree if the sum of money or value of other property involved exceeds five thousand dollars. Illegal gaming in the first degree constitutes a class "C" felony.

Sec. 89. Section 727.11, Code 1989, is amended to read as follows:

727.11 DISCLOSURE OF INFORMATION CONCERNING USE OF VIDEOTAPES -- PENALTY.

1. Except as provided in subsection 2, a person engaged in the business of renting, leasing, loaning, or otherwise distributing for a fee videotapes or other like items to individuals for personal use shall not disclose any information which would reveal the identity of an individual renting, leasing, borrowing, or otherwise obtaining through the business a videotape or other like item, except to the extent permitted by the individual as evidenced by the individual's written consent or as otherwise provided in this section.

2. In the absence of consent, the information may be released to in any of the following situations:

a. To a criminal 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.

b. To the extent reasonably necessary to collect payment for the rental, lease, or other distribution fee for the materials, if the individual has been given written notice that the payment is due and the individual has failed to pay or arrange for payment within a reasonable time after this notice.

c. If the disclosure is for the exclusive purpose of marketing goods and services directly to the consumer. The

person disclosing the information shall inform the customer in writing that the customer may, by written notice, require the person to refrain from disclosing the information pursuant to this paragraph.

2]. A person who violates this section commits a simple misdemeanor.

Sec. 90. Section 805.6, subsection 1, paragraph c, subparagraph (2), Code 1989, is amended to read as follows:

(2) If the violation charged involved or resulted in an accident or injury to property and the total damages are less than two-hundred-fifty five hundred dollars, the amount of fifty dollars plus court costs.

Sec. 91. Section 805.7, subsection 2, Code 1989, is amended to read as follows:

2. COLLECTION BOXES. The chief judge of the district may permit the maintenance of locked collection boxes to be used at weigh stations and other locations where vehicles are inspected and weighed with portable scales. Such The boxes shall be used solely for the deposit of fines, and costs, and guaranteed arrest bond certificates received upon-written admissions-of-those for scheduled violations applicable to commercial carriers. The collection boxes shall remain locked at all times and shall be opened only by the clerk of the district court or the clerk's designee. The chief judge of the district may prescribe procedures for the system and may discontinue its use if necessary.

Sec. 92. Section 805.10, subsection 1, Code 1989, is amended to read as follows:

1. When the violation charged involved or resulted in an accident or injury to property and the total damages are two hundred-fifty five hundred dollars or more, or in an injury to person.

Sec. 93. Section 907.3, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Pursuant to section 901.5, the trial court may, upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction may be rendered, exercise any of the options contained in ~~subsections 1 and 2~~ of this section. However, this section ~~shall~~ does not apply to a forcible felony.

Sec. 94. 1986 Iowa Acts, chapter 1245, section 2064, is amended to read as follows:

SEC. 2064. The Code editor, in consultation with the ~~reorganization-legislative-oversight-committee~~ an appropriate subcommittee of the senate committee on judiciary and the house committee on judiciary and law enforcement, shall develop and implement ~~by July 1, 1988~~ the uniform system of terminology, through the Code editor's bills and under section 14.13 of the Code, for the designation of the agencies, units, and positions of state government as established in sections 7E.2 and ~~7E.2B~~ 7E.4 of the Code, as far as practicable and consistent with apparent legislative intent. This development and implementation may include recommendations for refinements in the uniform system of terminology. In cases of inconsistent usage of terminology, superseded terms shall be read to be consistent with the intent of this Act, until necessary changes in language are made under this section. The Code editor shall also develop a style manual to provide, to the extent practicable, for uniform statutory provisions in regard to the specifications of agencies, boards, committees, commissions, councils, and positions on the subjects of, as appropriate, offices, positions, meetings, quorums, reports, oaths, compensation, powers, and related matters for those agencies, bodies, and positions.

Sec. 95. 1982 Iowa Acts, chapter 1162, section 14, is amended to read as follows:

SEC. 14. This Act shall take effect July 1 following its enactment and shall apply to persons sentenced for crimes committed after the effective date of this Act.

Sec. 96. Sections 37.11 through 37.14, 37.19, 321.407, 426.9, 427.16, 428.3, 428.8, 428.12, 428.16 through 428.19, 428.21, and 441.20, Code 1989, are repealed.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 141, Seventy-third General Assembly.

Approved  1989

JOHN P. DWYER
Secretary of the Senate

TERRY E. BRANSTAD
Governor