

4-7-93 Motion to R/c by House
L. Koenigs

4-7-93 Motion Withdrawn
(p. 800) 3-22-94 Senate - Amend/Do Pass
W/S - 5279

MAR 24 1993

HOUSE FILE 642
BY COMMITTEE ON LOCAL GOVERNMENT

Place On Calendar

(SUCCESSOR TO HSB 268)

Passed House, ^(p. 1103) Date 4-7-93 Passed Senate, ^(p. 250) Date 4/14/94
Vote: Ayes 57 Nays 42 Vote: Ayes 50 Nays 0
Approved May 12, 1994

A BILL FOR

1 An Act relating to revisions of mandates and goals to political
2 subdivisions of the state.

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

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HF 642

1 Section 1. Section 1.15, Code 1993, is amended to read as
2 follows:

3 1.15 ATTORNEY APPOINTED BY STATE IN CIVIL ACTIONS.

4 In all civil causes of action where the state of Iowa or
5 any of its subdivisions or departments is a party, and a
6 member of the Sac and Fox Indian settlement is a party, the
7 district court of Iowa shall appoint competent legal counsel
8 at all stages of hearing, appeal, and final determination for
9 any Indian not otherwise represented by legal counsel, in any
10 domestic relations matter, including, but not limited to,
11 matters pertaining to dependency, neglect, delinquency, care,
12 or custody of minors. The court shall fix and allow
13 reasonable compensation for the services of the attorney,
14 costs of transcripts and depositions, and investigative
15 expense, which shall be paid as a claim ~~by the office of~~
16 ~~county auditor of the county where the action is commenced,~~
17 ~~and the county shall be paid for all sums so paid~~ out of any
18 funds in the state treasury not otherwise appropriated, upon
19 filing the claim with the director of revenue and finance.

20 Sec. 2. Section 72.5, subsection 1, unnumbered paragraph
21 1, and subsection 3, Code 1993, are amended to read as
22 follows:

23 A contract for a public improvement or construction of a
24 public building, including new construction or renovation of
25 an existing public building, by the state, or an agency ~~or~~
26 ~~political subdivision~~ of the state, shall not be let without
27 satisfying the following requirements:

28 3. The department of management shall develop a proposal
29 for submission to the general assembly on or before January
30 10, 1991, to create a division within the department of
31 management to evaluate life cycle costs on design proposals
32 submitted on public improvement and construction contracts for
33 agencies ~~and political subdivisions~~ of the state, to assure
34 uniform comparisons and professional evaluations of design
35 proposals by an independent agency. The report shall also

1 address potential redundancy and conflicts within existing
2 state law regarding life cycle cost analysis and recommend the
3 resolution of any problems which are identified.

4 Sec. 3. Section 99A.4, Code 1993, is amended to read as
5 follows:

6 99A.4 DUTIES OF PEACE OFFICERS.

7 Every sheriff, deputy sheriff, constable, marshal,
8 policeman, police officer, and peace officer shall observe-and
9 ~~inspect-licensed-premises-and-ascertain-whether-gambling~~
10 ~~devices-are-present-thereon-and~~ immediately report the finding
11 thereof of gambling devices at licensed premises to the
12 authority or authorities issuing the license or licenses
13 applicable to the premises in question.

14 Sec. 4. Section 99A.7, Code 1993, is amended to read as
15 follows:

16 99A.7 COUNTY ATTORNEY GENERAL -- DUTY.

17 The ~~county-attorney-for-the-county-in-which-the-hearing-is~~
18 ~~held-shall,~~-and-the attorney general may, shall attend the
19 hearing, interrogate the witnesses, and advise the issuing
20 authority. The ~~county-attorney-shall,-and-the~~ attorney
21 general may, shall also appear for the issuing authority in
22 any certiorari proceeding taken pursuant to ~~the-provisions-of~~
23 section 99A.6.

24 Sec. 5. Section 100.20, Code 1993, is amended to read as
25 follows:

26 100.20 COUNTY ATTORNEY GENERAL.

27 The county attorney general shall represent the state and
28 the fire marshal, but not to the exclusion of any other
29 attorney who may be engaged in said the cause.

30 Sec. 6. Section 123.19, subsection 4, Code 1993, is
31 amended to read as follows:

32 4. Any violation of the requirements of this section,
33 except subsection 3, shall subject the violator to the general
34 penalties provided in this chapter and in addition thereto
35 shall-be to the general penalties, is grounds for suspension

1 or revocation of the certificate of compliance, after notice
2 and hearing before the ~~division-hearing-board~~ administrator.
3 Willful failure to comply with requirements which may be
4 imposed under subsection 3 ~~shall-be~~ is grounds for suspension
5 or revocation of the certificate of compliance only.
6 ~~Decisions-of-the-hearing-board-concerning-such-suspension-or~~
7 ~~revocation-shall-be-binding-upon-all-parties.~~

8 Sec. 7. Section 123.32, subsections 2, 4, and 6, Code
9 1993, are amended to read as follows:

10 2. ACTION BY LOCAL AUTHORITIES. The local authority shall
11 either approve or disapprove the issuance of a liquor control
12 license, retail wine permit, or retail beer permit, shall
13 endorse its approval or disapproval on the application and
14 shall forward the application ~~along~~ with the necessary fee and
15 bond, if required, to the division. ~~Upon-the-initial~~
16 ~~application-for-a-liquor-control-license,-retail-wine-permit,~~
17 ~~or-retail-beer-permit,-the-fact-that-the-local-authority~~
18 ~~determines-that-no-liquor-control-license,-retail-wine-permit,~~
19 ~~or-retail-beer-permit-shall-be-issued-shall-not-be-held-to-be~~
20 ~~arbitrary,-capricious,-or-without-reasonable-cause.~~ There is
21 no limit upon the number of liquor control licenses, retail
22 wine permits, or retail beer permits which may be approved for
23 issuance by local authorities.

24 4. ACTION BY ADMINISTRATOR.

25 a. Upon receipt of an application having been disapproved
26 by the local authority, the administrator shall ~~disapprove-the~~
27 ~~application,~~ so notify the applicant that the applicant may
28 appeal the disapproval of the application to the
29 administrator. The applicant shall be notified by certified
30 mail, and return the application, the fee, and any bond shall
31 be returned to the applicant.

32 b. Upon receipt of an application having been approved by
33 the local authority, the division shall make such an
34 investigation as the administrator deems necessary to
35 determine that the applicant complies with all requirements

1 for holding a license or permit, and may require the applicant
2 to appear to be examined under oath regarding any matters
3 pertinent to the application, in which case to demonstrate
4 that the applicant complies with all of the requirements to
5 hold a license or permit. If the administrator requires the
6 applicant to appear and to testify under oath, a record shall
7 be made of all testimony or evidence and the same record shall
8 become a part of the application. The administrator may
9 appoint a member of the division or may request an
10 administrative law judge of the department of inspections and
11 appeals to receive the testimony under oath and evidence, and
12 to issue a proposed decision to approve or disapprove the
13 application for a license or permit. The administrator may
14 affirm or reverse the proposed decision to approve or
15 disapprove the application for the license or permit. If the
16 application is approved by the administrator, the license or
17 permit applied for shall be issued. If the application is
18 disapproved by the administrator, the applicant and the
19 appropriate local authority shall be so notified by certified
20 mail, and the fee and any bond returned to the applicant.

21 6. JUDICIAL REVIEW. ~~judicial~~ The applicant or the local
22 authority may seek judicial review of the action of the
23 division hearing board may be sought administrator in
24 accordance with the terms of the Iowa administrative procedure
25 Act. Notwithstanding the terms of said the Iowa
26 administrative procedure Act, petitions for judicial review
27 may be filed in the district court of the county wherein where
28 the premises covered by the application are situated.

29 ~~Where the hearing board on an appeal by an applicant finds~~
30 ~~that the local authority acted arbitrarily, capriciously, or~~
31 ~~without reasonable cause in disapproving an application and~~
32 ~~the administrator issues a license or permit, the local~~
33 ~~authority may seek judicial review of such decision according~~
34 ~~to the terms of the Iowa administrative procedure Act within~~
35 ~~thirty days.~~

1 Sec. 8. Section 123.32, subsection 5, Code 1993, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 5. APPEAL TO ADMINISTRATOR. An applicant for a liquor
5 control license, wine permit, or beer permit may appeal from
6 the local authority's disapproval of an application for a
7 license or permit to the administrator. In the appeal the
8 applicant shall be allowed the opportunity to demonstrate in
9 an evidentiary hearing conducted pursuant to chapter 17A that
10 the applicant complies with all of the requirements for
11 holding the license or permit. The administrator may appoint
12 a member of the division or may request an administrative law
13 judge from the department of inspections and appeals to
14 conduct the evidentiary hearing and to render a proposed
15 decision to approve or disapprove the issuance of the license
16 or permit. The administrator may affirm or reverse the
17 proposed decision. If the administrator determines that the
18 applicant complies with all of the requirements for holding a
19 license or permit, the administrator shall order the issuance
20 of the license or permit. If the administrator determines
21 that the applicant does not comply with the requirements for
22 holding a license or permit, the administrator shall
23 disapprove the issuance of the license or permit.

24 Sec. 9. Section 123.32, Code 1993, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 7. SUSPENSION BY LOCAL AUTHORITY. A
27 liquor control licensee or a wine or beer permittee whose
28 license or permit has been suspended or revoked or a civil
29 penalty imposed by a local authority for a violation of this
30 chapter or suspended by a local authority for violation of a
31 local ordinance may appeal the suspension, revocation, or
32 civil penalty to the administrator. The administrator may
33 appoint a member of the division or may request an
34 administrative law judge from the department of inspections
35 and appeals to hear the appeal which shall be conducted in

1 accordance with chapter 17A and to issue a proposed decision.
2 The administrator may review the proposed decision upon the
3 motion of a party to the appeal or upon the administrator's
4 own motion in accordance with chapter 17A. Upon review of the
5 proposed decision, the administrator may affirm, reverse, or
6 modify the proposed decision. A liquor control licensee, wine
7 or beer permittee, or a local authority aggrieved by a
8 decision of the administrator may seek judicial review of the
9 decision pursuant to chapter 17A.

10 Sec. 10. Section 123.37, unnumbered paragraph 5, Code
11 1993, is amended by striking the paragraph.

12 Sec. 11. Section 123.39, subsection 4, Code 1993, is
13 amended to read as follows:

14 4. If the cause for suspension is a first offense
15 violation of section 123.49, subsection 2, paragraph "h", and
16 the violation occurred on or after January 1, 1988, the
17 administrator or local authority shall impose a civil penalty
18 in the amount of three hundred dollars in lieu of suspension
19 of the license or permit. Local authorities shall retain
20 civil penalties collected under this paragraph subsection if
21 the proceeding to impose the penalty is conducted by the local
22 authority. The division shall retain civil penalties
23 collected under this paragraph subsection if the proceeding to
24 impose the penalty is conducted by the administrator of the
25 division. ~~If the matter is appealed to the division's hearing~~
26 ~~board, the hearing board shall not reduce the amount of the~~
27 ~~civil penalty imposed under this paragraph if a violation of~~
28 ~~section 123.49, subsection 2, paragraph "h" is found.~~

29 Sec. 12. Section 147.92, Code 1993, is amended to read as
30 follows:

31 147.92 ATTORNEY GENERAL AND COUNTY ATTORNEY.

32 Upon request of the department the attorney general shall
33 institute in the name of the state the proper proceedings
34 against any person charged by the department with violating
35 any provision of this or the following chapters of this

1 subtitle, excluding chapters 152B and 152C, and the county
2 attorney, at the request of the attorney general, shall appear
3 and prosecute such action when brought in the county
4 attorney's county.

5 Sec. 13. Section 216D.2, subsection 2, Code 1993, is
6 amended to read as follows:

7 2. "Food service" includes restaurant, cafeteria, snack
8 bar, vending machines for food and beverages, and goods and
9 services customarily offered in connection with any of these.
10 ~~It does not include goods and services offered by a veteran's~~
11 ~~newsstand under section 331.361, subsection 4.~~

12 Sec. 14. Section 229.12, subsections 1 and 2, Code 1993,
13 are amended to read as follows:

14 1. ~~At the hospitalization hearing, evidence in support of~~
15 ~~the contentions made in the application shall be presented by~~
16 ~~the county attorney.~~ During the hearing the applicant and the
17 respondent shall be afforded an opportunity to testify and to
18 present and cross-examine witnesses, and the court may receive
19 the testimony of any other interested person. The respondent
20 has the right to be present at the hearing. If the respondent
21 exercises that right and has been medicated within twelve
22 hours, or such longer period of time as the court may
23 designate, prior to the beginning of the hearing or an
24 adjourned session thereof, the judge shall be informed of that
25 fact and of the probable effects of the medication upon
26 convening of the hearing.

27 2. All persons not necessary for the conduct of the
28 proceeding shall be excluded, except that the court may admit
29 persons having a legitimate interest in the proceeding. ~~Upon~~
30 ~~motion of the county attorney, the~~ The judge may exclude the
31 respondent from the hearing during the testimony of any
32 particular witness if the judge determines that witness'
33 testimony is likely to cause the respondent severe emotional
34 trauma.

35 Sec. 15. Section 252.25, unnumbered paragraph 1, Code

1 1993, is amended to read as follows:

2 The board of supervisors of each county shall provide for
3 the assistance of poor persons in its county who are
4 ineligible for, or are in immediate need and are awaiting
5 approval and receipt of, assistance under programs provided by
6 state or federal law, or whose actual needs cannot be fully
7 met by the assistance furnished under those programs. The
8 county board shall establish general rules as its members deem
9 necessary to properly discharge their responsibility under
10 this section and to determine the form and duration of the
11 assistance.

12 Sec. 16. Section 257B.39, Code 1993, is amended to read as
13 follows:

14 257B.39 REPORT AS TO SALES -- INTEREST.

15 County auditors shall report, on or before January 1 of
16 each year, to the director of revenue and finance the amount
17 of the sales and resales made during the previous year, of the
18 sixteenth section, five-hundred-thousand-acre grant, and
19 ~~escheat estates, and lands taken under foreclosure of~~
20 ~~permanent school fund mortgages,~~ and the director of revenue
21 and finance shall charge them to the counties with interest
22 from the date of such the sale or resale to January 1, at the
23 rate of three percent per annum.

24 Sec. 17. Section 257B.42, Code 1993, is amended to read as
25 follows:

26 257B.42 REPORT AS TO RENTS.

27 By January 1 of each year, county auditors shall report to
28 the director of revenue and finance the amount of rents
29 collected during the preceding year on unsold school lands and
30 ~~lands taken under foreclosure of permanent school fund~~
31 ~~mortgages then in the hands of the county treasurer,~~ and the
32 director shall include the amount reported in the semiannual
33 apportionment of interest.

34 Sec. 18. Section 260C.19A, Code 1993, is amended to read
35 as follows:

1 260C.19A MOTOR VEHICLES REQUIRED TO OPERATE ON ETHANOL-
2 BLENDED GASOLINE.

3 A motor vehicle purchased by or used under the direction of
4 the board of directors to provide services to a merged area
5 shall not, on or after January 1, 1993, operate on gasoline
6 other than gasoline blended with at least ten percent ethanol.
7 ~~The motor vehicle shall also be affixed with a brightly~~
8 ~~visible sticker which notifies the traveling public that the~~
9 ~~motor vehicle is being operated on gasoline blended with~~
10 ethanol.

11 Sec. 19. Section 279.34, Code 1993, is amended to read as
12 follows:

13 279.34 MOTOR VEHICLES REQUIRED TO OPERATE ON ETHANOL-
14 BLENDED GASOLINE.

15 A motor vehicle purchased by or used under the direction of
16 the board of directors to provide services to a school
17 corporation shall not, on or after January 1, 1993, operate on
18 gasoline other than gasoline blended with at least ten percent
19 ethanol. ~~The motor vehicle shall also be affixed with a~~
20 ~~brightly visible sticker which notifies the traveling public~~
21 ~~that the motor vehicle is being operated on gasoline blended~~
22 ~~with ethanol.~~

23 Sec. 20. Section 309.10, unnumbered paragraph 1, Code
24 1993, is amended to read as follows:

25 Notwithstanding section 310.4, if the board of supervisors
26 of a county does not plan to utilize its farm-to-market road
27 fund allocation for the succeeding fiscal year for farm-to-
28 market projects, the board may annually, by stipulation in the
29 secondary road construction program and ~~secondary road budget~~
30 submitted to the department in accordance with sections 309.22
31 and ~~309.93~~ 309.23, determine an amount of the unobligated
32 portion of its allocation, up to a maximum of fifty percent of
33 its anticipated total annual allocation, for the construction
34 and reconstruction of local secondary roads. However, moneys
35 from the farm-to-market road fund shall not be so used if the

1 moneys are needed to match federal funds available for farm-
2 to-market road projects.

3 Sec. 21. Section 309.23, Code 1993, is amended by striking
4 the section and inserting in lieu thereof the following:

5 309.23 REVIEW BY DEPARTMENT.

6 1. The secondary road construction program or amended
7 program is subject to review by the department. The
8 department shall approve or disapprove the original program by
9 June 1 and any amended programs within thirty days of receipt
10 of the amendment by the department.

11 2. If the program or amended program is disapproved, the
12 department shall state the reasons for disapproval when the
13 program or amended program is returned to the county. The
14 county may elect to revise the program or amended program to
15 receive approval or the county may elect to operate with the
16 disapproved program or amended program. If the county elects
17 to operate with the disapproved program or amended program,
18 within twenty days after receipt of the department's report,
19 the board of supervisors shall publish notice of a public
20 hearing on the department's recommendations in the official
21 newspapers of the county. The public hearing shall be held
22 within ten days of the date of publication and at the
23 conclusion of the public hearing, the board of supervisors
24 shall adopt its original program or amended program or revise
25 and adopt its original program or amended program before
26 projects are commenced.

27 3. Funds shall not be expended and work shall not be
28 started on the projects listed in the program or amended
29 program until the county receives departmental approval or
30 until the public hearing process is completed.

31 Sec. 22. Section 317.3, unnumbered paragraph 1, Code 1993,
32 is amended to read as follows:

33 The board of supervisors of each county ~~shall~~ may annually
34 appoint a county weed commissioner who may be a person
35 otherwise employed by the county and who passes minimum

1 standards established by the department of agriculture and
2 land stewardship for noxious weed identification and the
3 recognized methods for noxious weed control and elimination.
4 The county weed commissioner's appointment shall be effective
5 as of March 1 and shall continue for a term at the discretion
6 of the board of supervisors unless the commissioner is removed
7 from office as provided for by law. The county weed
8 commissioner may, with the approval of the board of
9 supervisors, require that commercial applicators and their
10 appropriate employees pass the same standards for noxious weed
11 identification as established by the department of agriculture
12 and land stewardship. The name and address of the person
13 appointed as county weed commissioner shall be certified to
14 the county auditor and to the secretary of agriculture within
15 ten days of the appointment. The board of supervisors shall
16 fix the compensation of the county weed commissioner and
17 deputies. In addition to compensation, the commissioner and
18 deputies shall be paid their necessary travel expenses. At
19 the discretion of the board of supervisors, the weed
20 commissioner shall attend a seminar or school conducted or
21 approved by the state department of agriculture and land
22 stewardship relating to the identification, control, and
23 elimination of noxious weeds.

24 Sec. 23. Section 331.321, subsection 1, paragraph 1, Code
25 1993, is amended by striking the paragraph.

26 Sec. 24. Section 331.321, subsection 1, paragraph v, Code
27 1993, is amended by striking the paragraph.

28 Sec. 25. Section 331.324, subsection 1, paragraph b, Code
29 1993, is amended by striking the paragraph.

30 Sec. 26. Section 331.341, subsection 1, Code 1993, is
31 amended to read as follows:

32 1. When the estimated cost of a public improvement, other
33 than improvements which may be paid for from the secondary
34 road fund, exceeds ~~twenty-five-thousand-dollars~~ the amount
35 specified in section 309.40, the board shall follow the

1 contract letting procedures provided for cities in sections
2 384.95 to 384.103. However, in following those sections the
3 board shall substitute the word "county" for the word "city",
4 section 331.305 for section 362.3, shall consider "governing
5 body" to mean the board, and shall exclude references to a
6 city utility, utility board of trustees, or public utilities.
7 As used in this section, "public improvement" means the same
8 as defined in section 384.95 as modified by this subsection.

9 Sec. 27. Section 331.361, subsection 4, Code 1993, is
10 amended by striking the subsection.

11 Sec. 28. Section 331.381, subsection 14, Code 1993, is
12 amended by striking the subsection.

13 Sec. 29. Section 331.401, subsection 1, paragraph b, Code
14 1993, is amended to read as follows:

15 b. Establish budgets for the farm-to-market road fund and
16 the secondary road fund in accordance with sections section
17 309.10 and-309-93-to-309-97.

18 Sec. 30. Section 331.502, subsection 3, Code 1993, is
19 amended by striking the subsection.

20 Sec. 31. Section 331.502, subsection 14, Code 1993, is
21 amended by striking the subsection.

22 Sec. 32. Section 331.502, subsection 46, Code 1993, is
23 amended by striking the subsection.

24 Sec. 33. Section 331.507, subsection 3, paragraphs b and
25 c, Code 1993, are amended by striking the paragraphs.

26 Sec. 34. Section 331.508, subsection 3, Code 1993, is
27 amended by striking the subsection.

28 Sec. 35. Section 331.508, subsection 7, Code 1993, is
29 amended by striking the subsection.

30 Sec. 36. Section 331.653, subsections 21 and 53, Code
31 1993, are amended by striking the subsections.

32 Sec. 37. Section 331.756, subsections 23, 30, and 42, Code
33 1993, are amended by striking the subsections.

34 Sec. 38. Section 331.908, Code 1993, is amended to read as
35 follows:

1 331.908 MOTOR VEHICLES REQUIRED TO OPERATE ON ETHANOL-
2 BLENDED GASOLINE.

3 A motor vehicle purchased or used by a county to provide
4 county services shall not, on or after January 1, 1993,
5 operate on gasoline other than gasoline blended with at least
6 ten percent ethanol. ~~The motor vehicle shall also be affixed
7 with a brightly visible sticker which notifies the traveling
8 public that the motor vehicle is being operated on gasoline
9 blended with ethanol.~~

10 Sec. 39. Section 351.25, Code 1993, is amended to read as
11 follows:

12 351.25 DOG AS PROPERTY.

13 All dogs under six months of age, and all dogs over said
14 age and wearing a collar with a valid license rabies
15 vaccination tag attached ~~thereto~~ to the collar, shall be
16 deemed property. Dogs not ~~so~~ provided with license a rabies
17 vaccination tag shall not be deemed property.

18 Sec. 40. Section 351.26, Code 1993, is amended to read as
19 follows:

20 351.26 RIGHT AND DUTY TO KILL ~~UNLICENSED~~ UNTAGGED DOG.

21 It shall be lawful for any person, and the duty of all
22 peace officers within their respective jurisdictions unless
23 such jurisdiction shall have otherwise provided for the
24 seizure and impoundment of dogs, to kill any dog for which a
25 license rabies vaccination tag is required, when ~~such~~ the dog
26 is not wearing a collar with license rabies vaccination tag
27 attached ~~as herein provided~~.

28 Sec. 41. Section 351.27, Code 1993, is amended to read as
29 follows:

30 351.27 RIGHT TO KILL ~~LICENSED~~ TAGGED DOG.

31 It shall be lawful for any person to kill a dog, licensed
32 and wearing a collar with license a rabies vaccination tag
33 attached, when ~~such~~ the dog is caught in the act of worrying,
34 chasing, maiming, or killing any domestic animal or fowl, or
35 when such dog is attacking or attempting to bite a person.

1 Sec. 42. Section 364.20, Code 1993, is amended to read as
2 follows:

3 364.20 MOTOR VEHICLES REQUIRED TO OPERATE ON ETHANOL-
4 BLENDED GASOLINE.

5 A motor vehicle purchased or used by a city to provide city
6 services shall not, on or after January 1, 1993, operate on
7 gasoline other than gasoline blended with at least ten percent
8 ethanol. ~~The motor vehicle shall also be affixed with a~~
9 ~~brightly visible sticker which notifies the traveling public~~
10 ~~that the motor vehicle is being operated on gasoline blended~~
11 ~~with ethanol.~~

12 Sec. 43. Section 455E.11, subsection 2, paragraph a, Code
13 1993, is amended by adding the following new subparagraph:

14 NEW SUBPARAGRAPH. (15) Notwithstanding the limitations on
15 the use of the fees under section 455B.310 and retained by a
16 city, county, or public agency under this section, moneys
17 retained by a city, county, or public agency may be used for
18 other environmental protection and environmental compliance
19 activities.

20 Sec. 44. Section 602.6405, subsection 1, Code 1993, is
21 amended to read as follows:

22 1. Magistrates have jurisdiction of simple misdemeanors,
23 including traffic and ordinance violations, and preliminary
24 hearings, search warrant proceedings, county and municipal
25 infractions, and small claims. Magistrates have jurisdiction
26 to ~~exercise the powers specified in sections 644.2 and 644.12,~~
27 ~~and to~~ hear complaints or preliminary informations, issue
28 warrants, order arrests, make commitments, and take bail.
29 Magistrates have jurisdiction over violations of section
30 123.49, subsection 2, paragraph "h". Magistrates who are
31 admitted to the practice of law in this state have
32 jurisdiction over all proceedings for the involuntary
33 commitment, treatment, or hospitalization of individuals under
34 chapters 125 and 229, except as otherwise provided under
35 section 229.6A; nonlawyer magistrates have jurisdiction over

1 emergency detention and hospitalization proceedings under
2 sections 125.91 and 229.22. Magistrates have jurisdiction to
3 conduct hearings authorized under section 809.4 and section
4 809.10, subsection 2.

5 Sec. 45. Section 602.8102, subsections 34 and 110, Code
6 1993, are amended by striking the subsections.

7 Sec. 46. Section 602.8106, subsection 3, Code 1993, is
8 amended to read as follows:

9 3. The clerk shall remit ninety percent of all fines and
10 forfeited bail received from a magistrate or district
11 associate judge for violation of a county ordinance, ~~except an~~
12 ~~ordinance relating to vehicle speed or weight restrictions,~~ to
13 the county treasurer of the county that was the plaintiff in
14 the action, and shall provide that county with a statement
15 showing the total number of cases, the total of all fines and
16 forfeited bail collected, and the total of all cases
17 dismissed. ~~However, if a county ordinance provides a penalty~~
18 ~~for a violation which is also penalized under state law, the~~
19 ~~finer and forfeited bail collected for the violation of that~~
20 ~~ordinance shall be deposited~~ The clerk shall deposit the
21 remaining ten percent in the court revenue distribution
22 account established under section 602.8108.

23 Sec. 47. REPEALS. Chapters 169B, 361, and 644, Code 1993,
24 are repealed. Sections 23A.3, 28E.20, 123.15, 222.18, 309.93,
25 309.94, 309.95, 309.96, 309.97, 351.1 through 351.14, 351.17,
26 351.20, 351.22 through 351.24, and 351.34, Code 1993, are
27 repealed.

28 EXPLANATION

29 This bill revises or repeals a number of mandates to
30 political subdivisions of the state to reduce unnecessary
31 costs.

32 This bill removes the county responsibility for legal costs
33 of civil actions relating to the Sac and Fox Indian
34 settlement.

35 The bill also provides for the appeal of an alcoholic

1 beverage license or permit decision to district court rather
2 than to the hearing board of the alcoholic beverages division
3 of the department of commerce.

4 Political subdivisions of the state are also exempt from
5 contract requirements for life cycle cost analysis of
6 buildings. Counties are no longer required to reserve
7 newsstand space for military veterans. The counties are also
8 no longer required to appoint a weed commissioner.

9 The county attorney and sheriff are released from mandated
10 actions regarding inspecting licensed premises for gambling
11 and prosecution of gambling violations.

12 The county attorney is relieved from presenting the
13 application for an involuntary hospitalization for mental
14 illness at a court hearing.

15 The attorney general is also named to represent the state
16 fire marshal and health care licensing boards in lieu of the
17 county attorney.

18 The board of supervisors is directed to determine the form
19 and duration of assistance provided under the county general
20 assistance program.

21 The board of supervisors is also authorized to proceed with
22 the implementation of a secondary road construction program or
23 amended program which is not approved by the state department
24 of transportation. However, the board of supervisors must
25 give notice and hold a public hearing on the program and at
26 the conclusion of the public hearing, adopt the original
27 program or amended program, or revise the original program or
28 amended program before commencing projects.

29 The estimated dollar amount of the cost of a county public
30 improvement requiring contract bid procedures is increased
31 from \$25,000 to \$50,000.

32 The bill removes the requirement that cities, school
33 districts, community colleges, and counties advertise that
34 their vehicles are using an ethanol-blended gasoline.

35 The county auditor is no longer required to report the

1 sales of lands taken under foreclosure of permanent school
2 fund mortgages.

3 The bill allows cities, counties, and other public agencies
4 to spend tonnage fees collected under section 455B.310 for
5 other environmental projects or compliance activities than
6 those specified in section 455B.310.

7 Counties as well as cities are authorized to receive 90
8 percent of all fines and forfeited bail received from a
9 magistrate when the county is plaintiff in a criminal action.

10 Three Code chapters relating to estrays, lost property, and
11 weather modification are repealed along with a number of
12 sections. The repeal of section 23A.3 removes the mandate
13 that local governments give preference to local business; and
14 the repeal of section 28E.20 removes the mandate for joint
15 equipment purchases. Four of the sections, sections 309.93 to
16 309.96, establish procedures for secondary road budgets. The
17 repeal of section 222.18 removes the requirement that the
18 county attorney appear at an involuntary commitment hearing
19 related to mental retardation on behalf of the petitioner.
20 Section 123.15 repeals the hearing board.

21 Chapter 351 is amended to repeal dog licensing. Rabies
22 vaccinations are required and the rabies vaccination tag will
23 be used to identify dogs.

24 The bill also contains a number of corresponding amendments
25 which are required because of repeals or amendments to other
26 sections.

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4-8-93 Senate - Local Gov.

HOUSE FILE 642
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 268)

(As Amended and Passed by the House April 6, 1993)

(P.1801) Passed House, Date 4-15-94 Passed Senate, Date 4/14/94
 Vote: Ayes 96 Nays 0 Vote: Ayes 50 Nays 0
 Approved May 12, 1994 Passed 4-18-94
Vote 43-0 (P1316)

A BILL FOR

1 An Act relating to revisions of mandates and goals to political
2 subdivisions of the state.

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

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Deleted Language *

1 Section 1. Section 1.15, Code 1993, is amended to read as
2 follows:

3 1.15 ATTORNEY APPOINTED BY STATE IN CIVIL ACTIONS.

4 In all civil causes of action where the state of Iowa or
5 any of its subdivisions or departments is a party, and a
6 member of the Sac and Fox Indian settlement is a party, the
7 district court of Iowa shall appoint competent legal counsel
8 at all stages of hearing, appeal, and final determination for
9 any Indian not otherwise represented by legal counsel, in any
10 domestic relations matter, including, but not limited to,
11 matters pertaining to dependency, neglect, delinquency, care,
12 or custody of minors. The court shall fix and allow
13 reasonable compensation for the services of the attorney,
14 costs of transcripts and depositions, and investigative
15 expense, which shall be paid as a claim ~~by the office of~~
16 ~~county auditor of the county where the action is commenced,~~
17 ~~and the county shall be paid for all sums so paid~~ out of any
18 funds in the state treasury not otherwise appropriated, upon
19 filing the claim with the director of revenue and finance.

20 Sec. 2. Section 72.5, subsection 1, unnumbered paragraph
21 1, and subsection 3, Code 1993, are amended to read as
22 follows:

23 A contract for a public improvement or construction of a
24 public building, including new construction or renovation of
25 an existing public building, by the state, or an agency or
26 ~~political subdivision~~ of the state, shall not be let without
27 satisfying the following requirements:

28 3. The department of management shall develop a proposal
29 for submission to the general assembly on or before January
30 10, 1991, to create a division within the department of
31 management to evaluate life cycle costs on design proposals
32 submitted on public improvement and construction contracts for
33 agencies ~~and political subdivisions~~ of the state, to assure
34 uniform comparisons and professional evaluations of design
35 proposals by an independent agency. The report shall also

1 address potential redundancy and conflicts within existing
2 state law regarding life cycle cost analysis and recommend the
3 resolution of any problems which are identified.

4 Sec. 3. Section 99A.4, Code 1993, is amended to read as
5 follows:

6 99A.4 DUTIES OF PEACE OFFICERS.

7 Every sheriff, deputy sheriff, constable, marshal,
8 policeman, police officer, and peace officer shall observe and
9 ~~inspect licensed premises and ascertain whether gambling~~
10 ~~devices are present thereon and~~ immediately report the finding
11 thereof of gambling devices at licensed premises to the
12 authority or authorities issuing the license or licenses
13 applicable to the premises in question.

14 Sec. 4. Section 99A.7, Code 1993, is amended to read as
15 follows:

16 99A.7 ~~COUNTY~~ ATTORNEY GENERAL -- DUTY.

17 ~~The county attorney for the county in which the hearing is~~
18 ~~held shall, and the attorney general may, shall~~ attend the
19 hearing, interrogate the witnesses, and advise the issuing
20 authority. ~~The county attorney shall, and the~~ attorney
21 general ~~may, shall~~ also appear for the issuing authority in
22 any certiorari proceeding taken pursuant to ~~the provisions of~~
23 section 99A.6.

24 Sec. 5. Section 100.20, Code 1993, is amended to read as
25 follows:

26 100.20 ~~COUNTY~~ ATTORNEY GENERAL.

27 The ~~county~~ attorney general shall represent the state and
28 the fire marshal, but not to the exclusion of any other
29 attorney who may be engaged in ~~said~~ the cause.

30 Sec. 6. Section 123.19, subsection 4, Code 1993, is
31 amended to read as follows:

32 4. Any violation of the requirements of this section,
33 except subsection 3, shall subject the violator to the general
34 penalties provided in this chapter and in addition thereto
35 ~~shall be~~ to the general penalties, is grounds for suspension

1 or revocation of the certificate of compliance, after notice
2 and hearing before the ~~division-hearing-board~~ administrator.
3 Willful failure to comply with requirements which may be
4 imposed under subsection 3 ~~shall-be~~ is grounds for suspension
5 or revocation of the certificate of compliance only.

6 ~~Decisions-of-the-hearing-board-concerning-such-suspension-or~~
7 ~~revocation-shall-be-binding-upon-all-parties.~~

8 Sec. 7. Section 123.32, subsections 2, 4, and 6, Code
9 1993, are amended to read as follows:

10 2. ACTION BY LOCAL AUTHORITIES. The local authority shall
11 either approve or disapprove the issuance of a liquor control
12 license, retail wine permit, or retail beer permit, shall
13 endorse its approval or disapproval on the application and
14 shall forward the application ~~along~~ with the necessary fee and
15 bond, if required, to the division. ~~Upon-the-initial~~
16 ~~application-for-a-liquor-control-license,-retail-wine-permit,~~
17 ~~or-retail-beer-permit,-the-fact-that-the-local-authority~~
18 ~~determines-that-no-liquor-control-license,-retail-wine-permit,~~
19 ~~or-retail-beer-permit-shall-be-issued-shall-not-be-held-to-be~~
20 ~~arbitrary,-capricious,-or-without-reasonable-cause.~~ There is
21 no limit upon the number of liquor control licenses, retail
22 wine permits, or retail beer permits which may be approved for
23 issuance by local authorities.

24 4. ACTION BY ADMINISTRATOR.

25 a. Upon receipt of an application having been disapproved
26 by the local authority, the administrator shall ~~disapprove-the~~
27 ~~application,-so~~ notify the applicant that the applicant may
28 appeal the disapproval of the application to the
29 administrator. The applicant shall be notified by certified
30 mail, and return the application, the fee, and any bond shall
31 be returned to the applicant.

32 b. Upon receipt of an application having been approved by
33 the local authority, the division shall make such an
34 investigation as the administrator deems necessary to
35 determine that the applicant complies with all requirements

1 for holding a license or permit, and may require the applicant
2 to appear to be examined under oath ~~regarding any matters~~
3 ~~pertinent to the application, in which case~~ to demonstrate
4 that the applicant complies with all of the requirements to
5 hold a license or permit. If the administrator requires the
6 applicant to appear and to testify under oath, a record shall
7 be made of all testimony or evidence and the ~~same~~ record shall
8 become a part of the application. The administrator may
9 appoint a member of the division or may request an
10 administrative law judge of the department of inspections and
11 appeals to receive the testimony under oath and evidence, and
12 to issue a proposed decision to approve or disapprove the
13 application for a license or permit. The administrator may
14 affirm or reverse the proposed decision to approve or
15 disapprove the application for the license or permit. If the
16 application is approved by the administrator, the license or
17 permit ~~applied for~~ shall be issued. If the application is
18 disapproved by the administrator, the applicant and the
19 appropriate local authority shall be so notified by certified
20 mail, ~~and the fee and any bond returned to the applicant.~~

21 6. JUDICIAL REVIEW. ~~Judicial~~ The applicant or the local
22 authority may seek judicial review of the action of the
23 ~~division hearing board may be sought~~ administrator in
24 accordance with the terms of the Iowa administrative procedure
25 Act. Notwithstanding the terms of ~~said~~ the Iowa
26 administrative procedure Act, petitions for judicial review
27 may be filed in the district court of the county ~~wherein~~ where
28 the premises covered by the application are situated.

29 ~~Where the hearing board on an appeal by an applicant finds~~
30 ~~that the local authority acted arbitrarily, capriciously, or~~
31 ~~without reasonable cause in disapproving an application and~~
32 ~~the administrator issues a license or permit, the local~~
33 ~~authority may seek judicial review of such decision according~~
34 ~~to the terms of the Iowa administrative procedure Act within~~
35 ~~thirty days.~~

1 Sec. 8. Section 123.32, subsection 5, Code 1993, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 5. APPEAL TO ADMINISTRATOR. An applicant for a liquor
5 control license, wine permit, or beer permit may appeal from
6 the local authority's disapproval of an application for a
7 license or permit to the administrator. In the appeal the
8 applicant shall be allowed the opportunity to demonstrate in
9 an evidentiary hearing conducted pursuant to chapter 17A that
10 the applicant complies with all of the requirements for
11 holding the license or permit. The administrator may appoint
12 a member of the division or may request an administrative law
13 judge from the department of inspections and appeals to
14 conduct the evidentiary hearing and to render a proposed
15 decision to approve or disapprove the issuance of the license
16 or permit. The administrator may affirm or reverse the
17 proposed decision. If the administrator determines that the
18 applicant complies with all of the requirements for holding a
19 license or permit, the administrator shall order the issuance
20 of the license or permit. If the administrator determines
21 that the applicant does not comply with the requirements for
22 holding a license or permit, the administrator shall
23 disapprove the issuance of the license or permit.

24 Sec. 9. Section 123.32, Code 1993, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 7. SUSPENSION BY LOCAL AUTHORITY. A
27 liquor control licensee or a wine or beer permittee whose
28 license or permit has been suspended or revoked or a civil
29 penalty imposed by a local authority for a violation of this
30 chapter or suspended by a local authority for violation of a
31 local ordinance may appeal the suspension, revocation, or
32 civil penalty to the administrator. The administrator may
33 appoint a member of the division or may request an
34 administrative law judge from the department of inspections
35 and appeals to hear the appeal which shall be conducted in

1 accordance with chapter 17A and to issue a proposed decision.
2 The administrator may review the proposed decision upon the
3 motion of a party to the appeal or upon the administrator's
4 own motion in accordance with chapter 17A. Upon review of the
5 proposed decision, the administrator may affirm, reverse, or
6 modify the proposed decision. A liquor control licensee, wine
7 or beer permittee, or a local authority aggrieved by a
8 decision of the administrator may seek judicial review of the
9 decision pursuant to chapter 17A.

10 Sec. 10. Section 123.37, unnumbered paragraph 5, Code
11 1993, is amended by striking the paragraph.

12 Sec. 11. Section 123.39, subsection 4, Code 1993, is
13 amended to read as follows:

14 4. If the cause for suspension is a first offense
15 violation of section 123.49, subsection 2, paragraph "h", and
16 the violation occurred on or after January 1, 1988, the
17 administrator or local authority shall impose a civil penalty
18 in the amount of three hundred dollars in lieu of suspension
19 of the license or permit. Local authorities shall retain
20 civil penalties collected under this paragraph subsection if
21 the proceeding to impose the penalty is conducted by the local
22 authority. The division shall retain civil penalties
23 collected under this paragraph subsection if the proceeding to
24 impose the penalty is conducted by the administrator of the
25 division. ~~If the matter is appealed to the division's hearing~~
26 ~~board, the hearing board shall not reduce the amount of the~~
27 ~~civil penalty imposed under this paragraph if a violation of~~
28 ~~section 123.49, subsection 2, paragraph "h" is found.~~

29 Sec. 12. Section 147.92, Code 1993, is amended to read as
30 follows:

31 147.92 ATTORNEY GENERAL AND COUNTY ATTORNEY.

32 Upon request of the department the attorney general shall
33 institute in the name of the state the proper proceedings
34 against any person charged by the department with violating
35 any provision of this or the following chapters of this

1 subtitle, excluding chapters 152B and 152C, ~~and the county~~
2 ~~attorney, at the request of the attorney general, shall appear~~
3 ~~and prosecute such action when brought in the county~~
4 ~~attorney's county.~~

5 Sec. 13. Section 216D.2, subsection 2, Code 1993, is
6 amended to read as follows:

7 2. "Food service" includes restaurant, cafeteria, snack
8 bar, vending machines for food and beverages, and goods and
9 services customarily offered in connection with any of these.
10 ~~It does not include goods and services offered by a veteran's~~
11 ~~newsstand under section 331.361, subsection 4.~~

*12 Sec. 14. Section 252.25, unnumbered paragraph 1, Code
13 1993, is amended to read as follows:

14 The board of supervisors of each county shall provide for
15 the assistance of poor persons in its county who are
16 ineligible for, or are in immediate need and are awaiting
17 approval and receipt of, assistance under programs provided by
18 state or federal law, or whose actual needs cannot be fully
19 met by the assistance furnished under those programs. The
20 county board shall establish general rules as its members deem
21 necessary to properly discharge their responsibility under
22 this section and to determine the form and duration of the
23 assistance.

24 Sec. 15. Section 257B.39, Code 1993, is amended to read as
25 follows:

26 257B.39 REPORT AS TO SALES -- INTEREST.

27 County auditors shall report, on or before January 1 of
28 each year, to the director of revenue and finance the amount
29 of the sales and resales made during the previous year, of the
30 sixteenth section, five-hundred-thousand-acre grant, and
31 ~~escheat estates, and lands taken under foreclosure of~~
32 ~~permanent school fund mortgages,~~ and the director of revenue
33 and finance shall charge them to the counties with interest
34 from the date of such the sale or resale to January 1, at the
35 rate of three percent per annum.

1 Sec. 16. Section 257B.42, Code 1993, is amended to read as
2 follows:

3 257B.42 REPORT AS TO RENTS.

4 By January 1 of each year, county auditors shall report to
5 the director of revenue and finance the amount of rents
6 collected during the preceding year on unsold school lands and
7 ~~lands-taken-under-foreclosure-of-permanent-school-fund~~
8 ~~mortgages-then-in-the-hands-of-the-county-treasurer,~~ and the
9 director shall include the amount reported in the semiannual
10 apportionment of interest.

* 11 Sec. 17. Section 309.10, unnumbered paragraph 1, Code
12 1993, is amended to read as follows:

13 Notwithstanding section 310.4, if the board of supervisors
14 of a county does not plan to utilize its farm-to-market road
15 fund allocation for the succeeding fiscal year for farm-to-
16 market projects, the board may annually, by stipulation in the
17 secondary road construction program ~~and-secondary-road-budget~~
18 submitted to the department in accordance with sections 309.22
19 and ~~309-93~~ 309.23, determine an amount of the unobligated
20 portion of its allocation, up to a maximum of fifty percent of
21 its anticipated total annual allocation, for the construction
22 and reconstruction of local secondary roads. However, moneys
23 from the farm-to-market road fund shall not be so used if the
24 moneys are needed to match federal funds available for farm-
25 to-market road projects.

26 Sec. 18. Section 309.23, Code 1993, is amended by striking
27 the section and inserting in lieu thereof the following:

28 309.23 REVIEW BY DEPARTMENT.

29 1. The secondary road construction program or amended
30 program is subject to review by the department. The
31 department shall approve or disapprove the original program by
32 June 1 and any amended programs within thirty days of receipt
33 of the amendment by the department.

34 2. If the program or amended program is disapproved, the
35 department shall state the reasons for disapproval when the

1 program or amended program is returned to the county. The
2 county may elect to revise the program or amended program to
3 receive approval or the county may elect to operate with the
4 disapproved program or amended program. If the county elects
5 to operate with the disapproved program or amended program,
6 within twenty days after receipt of the department's report,
7 the board of supervisors shall publish notice of a public
8 hearing on the department's recommendations in the official
9 newspapers of the county. The public hearing shall be held
10 within ten days of the date of publication and at the
11 conclusion of the public hearing, the board of supervisors
12 shall adopt its original program or amended program or revise
13 and adopt its original program or amended program before
14 projects are commenced.

15 3. Funds shall not be expended and work shall not be
16 started on the projects listed in the program or amended
17 program until the county receives departmental approval or
18 until the public hearing process is completed.

19 Sec. 19. Section 317.3, unnumbered paragraph 1, Code 1993,
20 is amended to read as follows:

21 The board of supervisors of each county ~~shall~~ may annually
22 appoint a county weed commissioner who may be a person
23 otherwise employed by the county and who passes minimum
24 standards established by the department of agriculture and
25 land stewardship for noxious weed identification and the
26 recognized methods for noxious weed control and elimination.
27 The county weed commissioner's appointment shall be effective
28 as of March 1 and shall continue for a term at the discretion
29 of the board of supervisors unless the commissioner is removed
30 from office as provided for by law. The county weed
31 commissioner may, with the approval of the board of
32 supervisors, require that commercial applicators and their
33 appropriate employees pass the same standards for noxious weed
34 identification as established by the department of agriculture
35 and land stewardship. The name and address of the person

1 appointed as county weed commissioner shall be certified to
2 the county auditor and to the secretary of agriculture within
3 ten days of the appointment. The board of supervisors shall
4 fix the compensation of the county weed commissioner and
5 deputies. In addition to compensation, the commissioner and
6 deputies shall be paid their necessary travel expenses. At
7 the discretion of the board of supervisors, the weed
8 commissioner shall attend a seminar or school conducted or
9 approved by the state department of agriculture and land
10 stewardship relating to the identification, control, and
11 elimination of noxious weeds.

12 Sec. 20. Section 331.321, subsection 1, paragraph 1, Code
13 1993, is amended by striking the paragraph.

14 Sec. 21. Section 331.321, subsection 1, paragraph v, Code
15 1993, is amended by striking the paragraph.

16 Sec. 22. Section 331.324, subsection 1, paragraph b, Code
17 1993, is amended by striking the paragraph.

18 Sec. 23. Section 331.341, subsection 1, Code 1993, is
19 amended to read as follows:

20 1. When the estimated cost of a public improvement, other
21 than improvements which may be paid for from the secondary
22 road fund, exceeds ~~twenty-five-thousand-dollars~~ the amount
23 specified in section 309.40, the board shall follow the
24 contract letting procedures provided for cities in sections
25 384.95 to 384.103. However, in following those sections the
26 board shall substitute the word "county" for the word "city",
27 section 331.305 for section 362.3, shall consider "governing
28 body" to mean the board, and shall exclude references to a
29 city utility, utility board of trustees, or public utilities.
30 As used in this section, "public improvement" means the same
31 as defined in section 384.95 as modified by this subsection.

32 Sec. 24. Section 331.361, subsection 4, Code 1993, is
33 amended by striking the subsection.

34 Sec. 25. Section 331.381, subsection 14, Code 1993, is
35 amended by striking the subsection.

1 Sec. 26. Section 331.401, subsection 1, paragraph b, Code
2 1993, is amended to read as follows:

3 b. Establish budgets for the farm-to-market road fund and
4 the secondary road fund in accordance with ~~sections~~ section
5 309.10 ~~and-309-93-to-309-97~~.

6 Sec. 27. Section 331.502, subsection 3, Code 1993, is
7 amended by striking the subsection.

8 Sec. 28. Section 331.502, subsection 14, Code 1993, is
9 amended by striking the subsection.

10 Sec. 29. Section 331.502, subsection 46, Code 1993, is
11 amended by striking the subsection.

12 Sec. 30. Section 331.507, subsection 3, paragraphs b and
13 c, Code 1993, are amended by striking the paragraphs.

14 Sec. 31. Section 331.508, subsection 3, Code 1993, is
15 amended by striking the subsection.

16 Sec. 32. Section 331.508, subsection 7, Code 1993, is
17 amended by striking the subsection.

18 Sec. 33. Section 331.653, subsections 21 and 53, Code
19 1993, are amended by striking the subsections.

* 20 Sec. 34. Section 331.756, subsections 23, 30, and 42, Code
21 1993, are amended by striking the subsections.

22 Sec. 35. Section 351.25, Code 1993, is amended to read as
23 follows:

24 351.25 DOG AS PROPERTY.

25 All dogs under six months of age, and all dogs over said
26 age and wearing a collar with a valid ~~license~~ rabies
27 vaccination tag attached thereto to the collar, shall be
28 deemed property. Dogs not ~~so~~ provided with ~~license~~ a rabies
29 vaccination tag shall not be deemed property.

30 Sec. 36. Section 351.26, Code 1993, is amended to read as
31 follows:

32 351.26 RIGHT AND DUTY TO KILL UNLICENSED UNTAGGED DOG.

33 It shall be lawful for any person, and the duty of all
34 peace officers within their respective jurisdictions unless
35 such jurisdiction shall have otherwise provided for the

1 seizure and impoundment of dogs, to kill any dog for which a
2 license rabies vaccination tag is required, when such the dog
3 is not wearing a collar with license rabies vaccination tag
4 attached ~~as-herein-provided~~.

5 Sec. 37. Section 351.27, Code 1993, is amended to read as
6 follows:

7 351.27 RIGHT TO KILL LICENSED TAGGED DOG.

8 It shall be lawful for any person to kill a dog, licensed
9 and wearing a collar with license a rabies vaccination tag
10 attached, when such the dog is caught in the act of worrying,
11 chasing, maiming, or killing any domestic animal or fowl, or
*12 when such dog is attacking or attempting to bite a person.

13 Sec. 38. Section 455E.11, subsection 2, paragraph a, Code
14 1993, is amended by adding the following new subparagraph:

15 NEW SUBPARAGRAPH. (15) Notwithstanding the limitations on
16 the use of the fees under section 455B.310 and retained by a
17 city, county, or public agency under this section, moneys
18 retained by a city, county, or public agency may be used for
19 other environmental protection and environmental compliance
20 activities.

21 Sec. 39. Section 602.6405, subsection 1, Code 1993, is
22 amended to read as follows:

23 1. Magistrates have jurisdiction of simple misdemeanors,
24 including traffic and ordinance violations, and preliminary
25 hearings, search warrant proceedings, county and municipal
26 infractions, and small claims. Magistrates have jurisdiction
27 ~~to exercise the powers specified in sections 644.2 and 644.12,~~
28 ~~and to~~ hear complaints or preliminary informations, issue
29 warrants, order arrests, make commitments, and take bail.
30 Magistrates have jurisdiction over violations of section
31 123.49, subsection 2, paragraph "h". Magistrates who are
32 admitted to the practice of law in this state have
33 jurisdiction over all proceedings for the involuntary
34 commitment, treatment, or hospitalization of individuals under
35 chapters 125 and 229, except as otherwise provided under

1 section 229.6A; nonlawyer magistrates have jurisdiction over
2 emergency detention and hospitalization proceedings under
3 sections 125.91 and 229.22. Magistrates have jurisdiction to
4 conduct hearings authorized under section 809.4 and section
5 809.10, subsection 2.

6 Sec. 40. Section 602.8102, subsections 34 and 110, Code
7 1993, are amended by striking the subsections.

* 8 Sec. 41. REPEALS. Chapters 169B, 361, and 644, Code 1993,
9 are repealed. Sections 23A.3, 28E.20, 123.15, 222.18, 309.93,
10 309.94, 309.95, 309.96, 309.97, 351.1 through 351.14, 351.17,
11 351.20, 351.22 through 351.24, and 351.34, Code 1993, are
12 repealed.

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HOUSE FILE 642

S-5279

1 Amend House File 642, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, by inserting after line 19 the
4 following:

5 "Sec. ____ . Section 24.17, unnumbered paragraph 1,
6 Code 1993, is amended to read as follows:

7 The local budgets of the various political
8 subdivisions, including school districts as defined in
9 section 257.2, shall be certified by the chairperson
10 of the certifying board or levying board, as the case
11 may be, in duplicate to the county auditor not later
12 than ~~March~~ April 15 of each year on blanks prescribed
13 by the state board, and according to the rules and
14 instruction which shall be furnished all certifying
15 and levying boards in printed form by the state board
16 or city finance committee in the case of cities.
17 However, if a city or county holds a special levy
18 election, the certification shall be not later than
19 fourteen days following the special levy election, ~~and~~
20 ~~if the political subdivision is a school district, as~~
21 ~~defined in section 257.2, its budget shall be~~
22 ~~certified not later than April 15 of each year.~~

23 Sec. ____ . Section 24.27, Code Supplement 1993, is
24 amended to read as follows:

25 24.27 PROTEST TO BUDGET.

26 Not later than ~~March 25 or~~ April 25 ~~if the~~
27 ~~municipality is a school district~~, a number of persons
28 in any municipality equal to one-fourth of one percent
29 of those voting for the office of governor, at the
30 last general election in the municipality, but the
31 number shall not be less than ten, and the number need
32 not be more than one hundred persons, who are affected
33 by any proposed budget, expenditure or tax levy, or by
34 any item thereof, may appeal from any decision of the
35 certifying board or the levying board by filing with
36 the county auditor of the county in which the
37 municipal corporation is located, a written protest
38 setting forth their objections to the budget,
39 expenditure or tax levy, or to one or more items
40 thereof, and the grounds for their objections. If a
41 budget is certified after March 15 or April 15 in the
42 case of a school district, all appeal time limits
43 shall be extended to correspond to allowances for a
44 timely filing. Upon the filing of a protest, the
45 county auditor shall immediately prepare a true and
46 complete copy of the written protest, together with
47 the budget, proposed tax levy or expenditure to which
48 objections are made, and shall transmit them forthwith
49 to the state board, and shall also send a copy of the
50 protest to the certifying board or to the levying

S-5279

-1-

S-5279

Page 2

1 board, as the case may be.

2 Sec. ____ . Section 24.48, unnumbered paragraphs 4

3 and 5, Code 1993, are amended to read as follows:

4 The city finance committee shall have officially
5 notified any city of its approval, modification, or
6 rejection of the city's appeal of the decision of the
7 director of the department of management regarding a
8 city's request for a suspension of the statutory
9 property tax levy limitation prior to thirty-five days
10 before ~~March~~ April 15.

11 The state appeals board shall have officially
12 notified any county of its approval, modification, or
13 rejection of the county's request for a suspension of
14 the statutory property tax levy limitation prior to
15 thirty-five days before ~~March~~ April 15."

16 2. Page 2, by striking lines 4 through 23 and
17 inserting the following:

18 "Sec. ____ . Section 100.18, subsection 2, paragraph
19 b, Code 1993, is amended to read as follows:

20 b. The rules shall require the installation of
21 smoke detectors in existing single-family rental units
22 and multiple-unit residential buildings. Existing
23 single-family dwelling units shall be equipped with
24 approved smoke detectors. ~~A person who files for a
25 homestead credit pursuant to chapter 425 shall certify
26 that the single-family dwelling unit for which the
27 credit is filed has a smoke detector installed in
28 compliance with this section, or that one will be
29 installed within thirty days of the date the filing
30 for the credit is made. The state fire marshal shall
31 adopt rules and establish appropriate procedures for
32 the distribution and filing of such certificates with
33 the state fire marshal."~~

34 3. By striking page 3, line 8 through page 6,
35 line 28.

36 4. Page 7, by striking lines 12 through 23.

37 5. By striking page 8, line 11 through page 9,
38 line 18.

39 6. Page 10, by striking lines 12 and 13 and
40 inserting the following:

41 "Sec. ____ . Section 321.285, subsection 5, Code
42 Supplement 1993, is amended to read as follows:

43 5. Reasonable and proper, but not greater than
44 fifty-five miles per hour at any time between sunrise
45 and sunset, and not greater than fifty miles per hour
46 at any time between sunset and sunrise, on secondary
47 roads unless such roads are surfaced with concrete or
48 asphalt or a combination of both, in which case the
49 speed limits shall be the same as provided in
50 subsection 4 of this section. ~~Whenever~~ When the board

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1 of supervisors of any county shall determine upon the
2 ~~basis of an engineering and traffic investigation~~
3 ~~conducted by the department when so requested by said~~
4 ~~board~~ that the speed limit on any secondary road is
5 greater than is reasonable and proper under the
6 conditions found to exist at any intersection or other
7 place or upon any part of a secondary road, ~~said the~~
8 board shall determine and declare a reasonable and
9 proper speed limit thereat at the intersection or
10 other part of the secondary road. ~~Such~~ The speed
11 limits as determined by the board of supervisors shall
12 be effective when appropriate signs giving notice
13 thereof of the speed limits are erected by the board
14 of supervisors at such the intersection or other place
15 or part of the highway."

16 7. Page 10, line 14, by inserting after the word
17 "Code" the following: "Supplement".

18 8. Page 10, by striking lines 34 and 35 and
19 inserting the following:

20 "Sec. ____ . Section 331.381, subsection 14, Code
21 Supplement 1993, is amended to read as follows:

22 14. Provide for the ~~licensee's~~ seizure,
23 impoundment, and disposition of dogs in accordance
24 with chapter 351."

25 9. Page 11, by striking lines 1 through 5.

26 10. Page 11, line 6, by inserting after the word
27 "Code" the following: "Supplement".

28 11. Page 11, line 8, by inserting after the word
29 "Code" the following: "Supplement".

30 12. Page 11, by striking lines 10 and 11.

31 13. Page 11, by inserting after line 17 the
32 following:

33 "Sec. ____ . Section 331.512, subsection 5, Code
34 1993, is amended to read as follows:

35 5. Carry out duties relating to the preparation of
36 the tax list as provided in sections ~~427A-37-427A-67~~
37 428.4, 441.17, 441.21, 443.2 to 443.9 and 443.21."

38 14. Page 11, line 18, by striking words
39 "subsections 21 and 53" and inserting the following:
40 "subsection 21".

41 15. Page 11, line 19, by striking the word "are"
42 and inserting the following: "is".

43 16. Page 11, by inserting after line 19 the
44 following:

45 "Sec. ____ . Section 331.756, subsection 5,
46 unnumbered paragraph 1, Code Supplement 1993, is
47 amended to read as follows:

48 Enforce all forfeited bonds and recognizances and
49 prosecute all proceedings necessary for the recovery
50 of debts, revenues, moneys, fines, penalties,

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1 restitution of court-appointed attorney fees or
2 expense of a public defender, and forfeitures accruing
3 to the state, or the county or ~~to a school district~~ or
4 a road district in the county, and all suits in the
5 county against public service corporations which are
6 brought in the name of the state. To assist in this
7 duty, the county attorney may procure professional
8 collection services provided by persons or
9 organizations, including private attorneys, which are
10 generally considered to have knowledge and special
11 abilities which are not generally available to state
12 or local government or may designate another county
13 official or agency to assist with collection efforts."

14 17. Page 11, by striking line 20 and inserting
15 the following:

16 "Sec. ____ . Section 331.756, subsections 13, 23,
17 30, 75, and 76, Code Supplement".

18 18. Page 12, by inserting after line 12 the
19 following:

20 "Sec. ____ . Section 427.3, subsections 1 and 2,
21 Code 1993, are amended by striking the subsections."

22 19. By striking page 12, line 13 through page 13,
23 line 5 and inserting the following:

24 "Sec. ____ . Section 455E.11, subsection 2,
25 paragraph a, subparagraph (15), Code Supplement 1993,
26 is amended to read as follows:

27 (15) Notwithstanding the limitations of use of the
28 fees imposed under section 455B.310 and retained by a
29 city, county, public agency, or private agency under
30 this section, moneys retained by the city, county,
31 public agency, or private agency may be used to defray
32 ~~the cost of installation of a scale at a sanitary~~
33 ~~landfill or to defray the costs of closure of the~~
34 ~~sanitary landfill, the costs related to the~~
35 ~~establishment of a transfer station, or the costs of a~~
36 ~~hydrogeological plan for other environmental~~
37 protection and environmental compliance activities."

38 20. Page 13, lines 6 and 7, by striking the words
39 and figures "subsections 34 and 110, Code 1993, are"
40 and inserting the following: "subsection 34, Code
41 Supplement 1993, is".

42 21. Page 13, by inserting after line 7 the
43 following:

44 "Sec. ____ . Section 641.1, Code 1993, is amended to
45 read as follows:

46 641.1 INDEBTEDNESS DUE THE STATE.

47 In all cases in which any person is indebted to the
48 state, or to any officer or agent thereof for the use
49 or benefit of the state, the ~~proper county attorney or~~
50 attorney general shall demand payment or security

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1 therefor, when, in the opinion of ~~said-county-attorney~~
2 ~~or the~~ attorney general, the debt is not sufficiently
3 secured.

4 Sec. _____. Section 641.2, Code 1993, is amended to
5 read as follows:

6 641.2 ATTACHMENT AUTHORIZED.

7 In all actions for money due to the state, or to
8 any agent or officer for the use of the state, it
9 shall be lawful for an attachment to issue against the
10 property or debts of the defendant not exempt from
11 execution, upon the filing of an affidavit ~~by the~~
12 ~~county-attorney-of-the-proper-county,-or~~ of the
13 attorney general, that the ~~county-attorney-or~~ attorney
14 general verily believes that a specific amount therein
15 stated is justly due, and the defendant therein has
16 refused to pay or secure the same, and unless an
17 attachment is issued against the property of the
18 defendant there is danger that the amount due will be
19 lost to the state."

20 22. Page 13, by striking lines 8 through 12, and
21 inserting the following:

22 "Sec. _____. REPEALS.

23 1. Chapters 169B and 361, Code 1993, are repealed.

24 2. Sections 70A.24, 351.1 through 351.14, 351.17,
25 351.20, 351.22 through 351.24, 351.34, 427A.2 through
26 427A.6, 427A.9 through 427A.11, and 428.10, Code 1993,
27 are repealed."

28 23. Title page, line 2, by inserting after the
29 word "state" the following: "by striking certain
30 duties of cities, counties, and county auditors for
31 civil actions and public contracts, by amending dates
32 for certification and protests of county and city
33 budgets, by transferring to the attorney general
34 duties to represent the state fire marshal, the
35 department of public health for health professional
36 licensing, and other matters related to the state, by
37 removing certification requirements for placing smoke
38 detectors, by removing a reporting requirement by
39 county auditors for foreclosures of permanent school
40 fund mortgages, by making the appointment of a county
41 weed commissioner optional, by increasing the dollar
42 limit before county contract letting procedures are
43 required, by striking leave requirements for public
44 employees for Olympic competition, by striking a
45 requirement for lobby space in courthouses for certain
46 veterans, by striking property tax exemptions for
47 certain veterans, by amending procedures for setting
48 speed limits on secondary roads, by striking
49 provisions relating to personal property taxes, by
50 striking requirements for county attorneys to

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- 1 represent school districts, by striking the
- 2 requirements for county dog licensing, by striking
- 3 assessment provisions for ice and coal dealers, and by
- 4 making provisions for other properly related matters".

By COMMITTEE ON LOCAL GOVERNMENT
ALBERT SORENSEN, Chairperson

S-5279 FILED MARCH 22, 1994

*out of order
4.14-94
(P. 1251)*

HOUSE FILE 642

S-5294

1 Amend the amendment, H-5279, to House File 642, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by inserting after line 35 the
5 following:

6 "____. Page 7, by inserting after line 11 the
7 following:

8 "Sec. ____ . Section 229.19, unnumbered paragraph 3,
9 Code Supplement 1993, is amended to read as follows:

10 The court ~~or, if the advocate is appointed by the~~
11 ~~county board of supervisors, the board~~ shall prescribe
12 reasonable compensation for the services of the
13 advocate. The compensation shall be based upon the
14 reports filed by the advocate with the court. The
15 advocate's compensation shall be paid by the county ~~in~~
16 ~~which the court is located, either state or order of~~
17 ~~the court or, if the advocate is appointed by the~~
18 ~~county board of supervisors, on the direction of the~~
19 ~~board. If the advocate is appointed by the court, the~~
20 The advocate is an employee of the state for purposes
21 of chapter 669. If the advocate is appointed by the
22 county board of supervisors, the advocate is an
23 employee of the county for purposes of chapter 678.
24 If the person who is legally liable for the patient's
25 support is not indigent, the state shall recover the
26 costs of compensating the advocate from that person.
27 If that person has an income level as determined
28 pursuant to section 815.9 greater than one hundred
29 percent but not more than one hundred fifty percent of
30 the poverty guidelines, at least one hundred dollars
31 of the advocate's compensation shall be recovered in
32 accordance with rules adopted by the state public
33 defender. If that person has an income level as
34 determined pursuant to section 815.9 greater than one
35 hundred fifty percent of the poverty guidelines, at
36 least two hundred dollars of the advocate's
37 compensation shall be recovered in accordance with
38 rules adopted by the state public defender."

39 2. Page 5, line 40, by inserting after the word
40 "mortgages," the following: "by providing state
41 compensation for an advocate for an indigent
42 involuntarily committed mental patient,".

By MAGGIE TINSMAN
TOM VILSACK

S-5294 FILED MARCH 24, 1994

out of order
4-14-94
(P.1251)

HOUSE FILE 642

S-5295

1 Amend the Committee amendment, S-5279, to House
2 File 642, as amended, passed, and reprinted by the
3 House, as follows:
4 1. Page 2, by striking lines 16 and 17 and
5 inserting the following:
6 "____". Page 2, by inserting after line 23 the
7 following:"

By MAGGIE TINSMAN
TOM VILSACK

S-5295 FILED MARCH 24, 1994

out of Order
4-14-94
(p. 1251)

HOUSE FILE 642

S-5386

1 Amend the amendment, S-5279, to House File 642, as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 2, by inserting after line 38 the
5 following:
6 "____. Page 9, by inserting before line 19 the
7 following:
8 "Sec. _____. Section 309.82, Code 1993, is amended
9 to read as follows:
10 309.82 RECORD OF FINAL COST.
11 On completion of a bridge or culvert, a detailed
12 statement of cost, and of additions or alterations to
13 the plans shall be filed by the engineer, all of which
14 shall be retained in the county engineer's office as
15 permanent records,~~and when the work is completed and~~
16 ~~approved, a statement of the costs shall be filed with~~
17 ~~the department by the county engineer."~~
18 2. Page 3, lines 1 and 2, by striking the words
19 ~~"upon the basis of an engineering and traffic~~
20 ~~investigation"~~ and inserting the following: "upon the
21 basis of an engineering and traffic investigation".
22 3. Page 3, by inserting after line 37 the
23 following:
24 "____. Page 11, by inserting after line 17 the
25 following:
26 "Sec. _____. Section 331.552, Code 1993, is amended
27 by adding the following new subsection:
28 NEW SUBSECTION. 32. File with the county auditor
29 the name of a designated employee, if other than the
30 first deputy treasurer, authorized to perform the
31 duties of the treasurer during the absence or
32 disability of the treasurer and the name of any
33 employee authorized to sign, on behalf of the
34 treasurer, any form, notice, or document requiring the
35 signature of the treasurer."
36 4. Page 4, by inserting after line 17 the
37 following:
38 "____. Page 11, by inserting after line 21 the
39 following:
40 "Sec. _____. Section 331.903, subsection 4, Code
41 1993, is amended to read as follows:
42 4. Each deputy officer, assistant and clerk shall
43 perform the duties assigned by the principal officer
44 making the appointment. During the absence or
45 disability of the principal officer, the first deputy,
46 or designee in those instances where there is no first
47 deputy or in the absence or disability of the first
48 deputy, shall perform the duties of the principal
49 officer."
50 5. Page 5, line 46, by inserting after the word

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1 "veterans," the following: "by reducing bridge and
2 culvert cost records being kept by the state, by
3 providing for the designation of certain county
4 officers to act on behalf of their principal
5 officers".

By TOM VILSACK

S-5386 FILED MARCH 31, 1994

out of order 4-14-94 (p. 125)

HOUSE FILE 642

S-5389

1 Amend the amendment, S-5279, to House File 642, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking line 12 and inserting the
5 following: "than March 15 of each year for counties
6 or April 15 of each year for other political
7 subdivisions on blanks prescribed".
8 2. Page 1, by striking lines 26 and 27, and
9 inserting the following:
10 "Not later than March 25 for counties or April 25
11 ~~if the municipality is a school district~~ for other
12 political subdivisions, a number of persons".
13 3. Page 2, line 15, by striking the words "March
14 April" and inserting the following: "March".

By JOHN W. JENSEN
EUGENE S. FRAISE

S-5389 FILED MARCH 31, 1994

out of order -- 4-14-94 (p. 125)

HOUSE FILE 642

S-5468

1 Amend the amendment, S-5279, to House File 642, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by inserting after line 15 the
5 following:

6 "_____. Page 1, by inserting after line 19 the
7 following:

8 "Sec. _____. Section 18.6, subsection 10, Code 1993,
9 is amended to read as follows:

10 10. The state ~~and its political subdivisions~~ shall
11 give preference to purchasing Iowa products and
12 purchasing from Iowa based businesses if the bids
13 submitted are comparable in price to those submitted
14 by other bidders and meet the required
15 specifications."

16 _____. Page 2, by inserting after line 3 the
17 following:

18 "Sec. _____. Section 73.1, Code 1993, is amended to
19 read as follows:

20 73.1 PREFERENCE AUTHORIZED -- CONDITIONS.

21 Every commission, board, committee, officer or
22 other governing body of the state, ~~or of any county,~~
23 ~~township, school district or city,~~ and every person
24 acting as contracting or purchasing agent for any such
25 commission, board, committee, officer or other
26 governing body shall use only those products and
27 provisions grown and coal produced within the state of
28 Iowa, when they are found in marketable quantities in
29 the state and are of a quality reasonably suited to
30 the purpose intended, and can be secured without
31 additional cost over foreign products or products of
32 other states. This section shall apply to
33 horticultural products grown in this state even if the
34 products are not in the stage of processing that the
35 agency usually purchases the product. ~~However, this~~
36 ~~section does not apply to a school district purchasing~~
37 ~~food while the school district is participating in the~~
38 ~~federal school lunch program."~~

39 2. Page 5, line 33, by inserting after the word
40 "budgets," the following: "by removing preference
41 requirements for the purchase of Iowa products or
42 services,".

By MAGGIE TINSMAN
O. GENE MADDOX
LYLE E. ZIEMAN

S-5468 FILED APRIL 5, 1994

out of order
4-14-94
(P1251)

HOUSE FILE 642

S-5461

- 1 Amend the amendment, S-5279, to House File 642, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking line 12 and inserting the
 5 following: "than March 15 of each year for counties
 6 or April 15 of each year for other political
 7 subdivisions on blanks prescribed".
 8 2. Page 1, by striking lines 26 and 27, and
 9 inserting the following:
 10 "Not later than March 25 for counties or April 25
 11 if the municipality is a school district for other
 12 political subdivisions, a number of persons".
 13 3. Page 2, line 15, by striking the words "March
 14 April" and inserting the following: "March".
 15 4. Page 5, line 32, by striking the words "county
 16 and".

By JOHN W. JENSEN

S-5461 FILED APRIL 5, 1994

out of order 4-14-94 (p. 1251)

HOUSE FILE 642

S-5466

- 1 Amend the amendment, S-5279, to House File 642, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 4, by inserting after line 13 the
 5 following:
 6 "____. Page 11, by inserting after line 19 the
 7 following:
 8 "Sec. ____ Section 331.752, Code 1993, is amended
 9 by adding the following new subsection:
 10 NEW SUBSECTION. 3A. A resolution changing the
 11 full-time or part-time status of a county attorney may
 12 take effect at any time before the sixty days expire
 13 upon agreement of the board of supervisors and the
 14 affected county attorney or county attorney-elect."
 15 2. Page 5, line 49, by inserting after the word
 16 "taxes," the following: "by authorizing an early
 17 change in full-time or part-time status of a county
 18 attorney by agreement,".

By RAY TAYLOR

S-5466 FILED APRIL 5, 1994

*out of order
4-14-94
(p. 1251)*

HOUSE FILE 642

S-5469

1 Amend the amendment, S-5279, to House File 642, as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 4, by inserting after line 17 the
5 following:

6 "____. Page 12, by inserting after line 12 the
7 following:

8 "Sec. ____ . Section 411.6, subsection 5, paragraph
9 c, Code 1993, is amended to read as follows:

10 c. Disease under this section shall mean heart
11 disease or any disease of the lungs or respiratory
12 tract ~~and shall be presumed to have been contracted~~
13 ~~while on active duty as a result of strain or the~~
14 ~~inhalation of noxious fumes, poison or gases arising~~
15 ~~out of and in the course of employment as defined by~~
16 ~~section 85.61, subsection 7. However, if a person's~~
17 ~~membership in the system first commenced on or after~~
18 ~~July 1, 1992, and the heart disease or disease of the~~
19 ~~lungs or respiratory tract would not exist, but for a~~
20 ~~medical condition that was known to exist on the date~~
21 ~~that membership commenced, the presumption established~~
22 ~~in this paragraph shall not apply."~~

23 2. Page 5, line 47, by inserting after the word
24 "veterans," the following: "by defining a disease
25 resulting in employee disability,".

By O. GENE MADDOX
LYLE E. ZIEMAN

S-5469 FILED APRIL 5, 1994

out of order
4.14.94
(P.1251)

HOUSE FILE 642

S-5470

1 Amend the amendment, S-5279, to House File 642, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, by inserting after line 37 the
5 following:
6 "____. Page 12, by inserting before line 21 the
7 following:
8 "Sec. ____ . Section 568.3, Code 1993, is amended to
9 read as follows:
10 568.3 APPLICATION BY PROSPECTIVE PURCHASER.
11 ~~If the county auditor fails or neglects to make~~
12 ~~such application, then any~~ A person desiring to
13 purchase such land described in section 568.1 may file
14 a written application with the secretary of state,
15 asking that the said land be surveyed, appraised, and
16 sold.
17 Sec. ____ . Section 568.4, Code 1993, is amended to
18 read as follows:
19 568.4 FORM OF APPLICATION.
20 The said application ~~whether made by the county~~
21 ~~auditor or by a person desiring to purchase the land,~~
22 shall contain an accurate description thereof of the
23 land, stating whether the land is abandoned river
24 channel, or land within such the abandoned river
25 channel, or an island or a sand bar in a navigable
26 stream, and giving the number of township and range in
27 which it is located, and the section numbers if
28 possible, and also the estimated acreage."
29 2. Page 5, line 26, by striking the word and
30 figure "and 428.10" and inserting the following:
31 "428.10, and 568.2".
32 3. Page 5, line 31, by inserting after the word
33 "actions" the following: ", abandoned islands,".

By SHELDON RITTMER
MAGGIE TINSMAN
O. GENE MADDOX

S-5470 FILED APRIL 5, 1994

*Out of order
4-14-94
(P. 1251)*

HOUSE FILE 642

S-5473

1 Amend the amendment, S-5279, to House File 642, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by inserting after line 38 the
5 following:
6 "_____. Page 10, by inserting after line 11 the
7 following:
8 "Sec. _____. Section 321.251, subsection 2, Code
9 Supplement 1993, is amended by adding the following
10 new paragraph:
11 NEW PARAGRAPH. e. A city may charge a mobile home
12 park owner for vehicular traffic regulation as
13 provided in this section."
14 _____. Page 12, by inserting before line 21 the
15 following:
16 "Sec. _____. Section 474.5, subsection 2, Code 1993,
17 is amended to read as follows:
18 2. The utilities board shall adopt rules approving
19 the types of ~~city-owned-or~~ utility-owned lighting
20 which shall be used in providing energy efficient
21 exterior lighting under ~~sections-364-23-and~~ section
22 476.62.""
23 2. Page 5, line 43, by inserting after the word
24 "required," the following: "by authorizing a city to
25 charge for certain services to private property, by
26 removing city electric utility responsibilities for
27 energy efficient exterior lighting,""

By O. GENE MADDOX
MAGGIE TINSMAN
LYLE E. ZIEMAN

S-5473 FILED APRIL 5, 1994

out of order
4.14.94
(P. 1252)

HOUSE FILE 642

S-5471

1 Amend the amendment, S-5279, to House File 642, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by inserting after line 15, the
5 following:

6 "_____. Page 1, by inserting after line 19 the
7 following:

8 "Sec. _____. Section 25B.2, Code 1993, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 3. If, on or after the effective
11 date of this Act, a state mandate is enacted by the
12 general assembly, or otherwise imposed, on a political
13 subdivision and the state mandate requires a political
14 subdivision to engage in any new activity, to provide
15 any new service, or to provide any service beyond that
16 required by any law enacted prior to the effective
17 date of this Act, and the state does not appropriate
18 moneys to fully fund the cost of the state mandate,
19 the political subdivision is not required to perform
20 the activity or provide the service and the political
21 subdivision shall not be subject to the imposition of
22 any fines or penalties for the failure to comply with
23 the state mandate unless the legislation specifies the
24 amount or proportion of the cost of the state mandate
25 which the state shall pay annually. However, this
26 subsection does not apply to any requirement imposed
27 on a political subdivision relating to public employee
28 retirement systems under chapters 97B, 410, and 411.

29 For the purposes of this subsection, any
30 requirement originating from the federal government
31 and administered, implemented, or enacted by the
32 state, or any allocation of federal moneys conditioned
33 upon enactment of a state law or rule, is not a state
34 mandate.

35 For the purposes of this subsection, "political
36 subdivision" includes community colleges and area
37 education agencies.""

38 2. Page 5, line 33, by inserting after the word
39 "budgets," the following: "by providing for the
40 funding of state mandates,".

By O. GENE MADDOX
JOHN W. JENSEN
MAGGIE TINSMAN

S-5471 FILED APRIL 5, 1994

out of Order 4/14/94

S-5541

1 Amend the amendment, S-5279, to House File 642, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 2, by inserting after line 38 the fol-
 5 lowing:

6 "_____. Page 10, by inserting after line 11 the
 7 following:

8 "Sec. _____. Section 317.9, Code 1993, is amended to
 9 read as follows:

10 317.9 DUTY OF BOARD TO ENFORCE.

11 The responsibility for the enforcement of the
 12 provisions of this chapter shall be vested in the
 13 board of supervisors as to all farm lands, railroad
 14 lands including railroad right-of-ways under section
 15 327G.81, abandoned cemeteries, state lands and state
 16 parks, primary and secondary roads; roads, streets and
 17 other lands within cities unless otherwise provided.

18 Sec. _____. Section 317.14, subsection 3, Code 1993,
 19 is amended to read as follows:

20 3. That unless ~~said~~ the order is complied with the
 21 weed commissioner shall ~~cause~~ said the weeds to be
 22 destroyed and the cost thereof of the weed destruction
 23 will be taxed against the real estate on which the
 24 noxious weeds are destroyed regardless of the real
 25 estate's tax status."

26 2. Page 4, by inserting after line 17 the
 27 following:

28 "_____. Page 12, by inserting after line 12 the
 29 following:

30 Sec. _____. Section 359A.3, Code 1993, is amended to
 31 read as follows:

32 359A.3 POWERS OF FENCE VIEWERS.

33 The fence viewers shall have power to determine any
 34 controversy arising under this chapter including
 35 railroad right-of-ways under section 327G.81, upon
 36 giving five days' notice in writing to the opposite
 37 party or parties, prescribing the time and place of
 38 meeting to hear and determine the matter named in said
 39 notice. Upon request of any landowner, the fence
 40 viewers shall give such notice to all adjoining
 41 landowners liable for the erection, maintenance,
 42 rebuilding, trimming, or cutting back, or repairing of
 43 a partition fence, or to pay for an existing hedge or
 44 fence."

By BRAD BANKS

S-5541 FILED APRIL 8, 1994

out of order
4/14/94

HOUSE FILE 642

S-5583

1 Amend the amendment, S-5279, to House File 642, as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. By striking page 1, line 3 through page 2,
5 line 15.

6 2. Page 5, lines 31 through 33, by striking the
7 words "by amending dates for certification and
8 protests of county and city budgets,".

By TOM VILSACK

S-5583 FILED APRIL 12, 1994

out of order
4/14/94

HOUSE FILE 642

S-5652

1 Amend House File 642, as amended, passed, and
2 reprinted by the House as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 1.15, Code 1993, is amended to
6 read as follows:

7 1.15 ATTORNEY APPOINTED BY STATE IN CIVIL ACTIONS.

8 In all civil causes of action where the state of
9 Iowa or any of its subdivisions or departments is a
10 party, and a member of the Sac and Fox Indian
11 settlement is a party, the district court of Iowa
12 shall appoint competent legal counsel at all stages of
13 hearing, appeal, and final determination for any
14 Indian not otherwise represented by legal counsel, in
15 any domestic relations matter, including, but not
16 limited to, matters pertaining to dependency, neglect,
17 delinquency, care, or custody of minors. The court
18 shall fix and allow reasonable compensation for the
19 services of the attorney, costs of transcripts and
20 depositions, and investigative expense, which shall be
21 paid as a claim by ~~the office of county auditor of the~~
22 ~~county where the action is commenced, and the county~~
23 ~~shall be paid for all sums so paid~~ out of any funds in
24 the state treasury not otherwise appropriated, upon
25 filing the claim with the director of revenue and
26 finance.

27 Sec. 2. Section 25B.2, Code 1993, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 3. If, on or after the effective
30 date of this Act, a state mandate is enacted by the
31 general assembly, or otherwise imposed, on a political
32 subdivision and the state mandate requires a political
33 subdivision to engage in any new activity, to provide
34 any new service, or to provide any service beyond that
35 required by any law enacted prior to the effective
36 date of this Act, and the state does not appropriate
37 moneys to fully fund the cost of the state mandate,
38 the political subdivision is not required to perform
39 the activity or provide the service and the political
40 subdivision shall not be subject to the imposition of
41 any fines or penalties for the failure to comply with
42 the state mandate unless the legislation specifies the
43 amount or proportion of the cost of the state mandate
44 which the state shall pay annually. However, this
45 subsection does not apply to any requirement imposed
46 on a political subdivision relating to public employee
47 retirement systems under chapters 97B, 410, and 411.

48 For the purposes of this subsection, any
49 requirement originating from the federal government
50 and administered, implemented, or enacted by the

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1 state, or any allocation of federal moneys conditioned
2 upon enactment of a state law or rule, is not a state
3 mandate.

4 For the purposes of this subsection, "political
5 subdivision" includes community colleges and area
6 education agencies.

7 Sec. 3. Section 72.5, subsection 1, unnumbered
8 paragraph 1, and subsection 3, Code 1993, are amended
9 to read as follows:

10 A contract for a public improvement or construction
11 of a public building, including new construction or
12 renovation of an existing public building, by the
13 state, or an agency or ~~political subdivision~~ of the
14 state, shall not be let without satisfying the
15 following requirements:

16 3. The department of management shall develop a
17 proposal for submission to the general assembly on or
18 before January 10, 1991, to create a division within
19 the department of management to evaluate life cycle
20 costs on design proposals submitted on public
21 improvement and construction contracts for agencies
22 ~~and political subdivisions~~ of the state, to assure
23 uniform comparisons and professional evaluations of
24 design proposals by an independent agency. The report
25 shall also address potential redundancy and conflicts
26 within existing state law regarding life cycle cost
27 analysis and recommend the resolution of any problems
28 which are identified.

29 Sec. 4. Section 99A.4, Code 1993, is amended to
30 read as follows:

31 99A.4 DUTIES OF PEACE OFFICERS.

32 Every sheriff, deputy sheriff, constable, marshal,
33 policeman, police officer, and peace officer shall
34 ~~observe and inspect licensed premises and ascertain~~
35 ~~whether gambling devices are present thereon and~~
36 immediately report the finding thereof of gambling
37 devices at licensed premises to the authority or
38 authorities issuing the license or licenses applicable
39 to the premises in question.

40 Sec. 5. Section 99A.7, Code 1993, is amended to
41 read as follows:

42 99A.7 COUNTY ATTORNEY GENERAL -- DUTY.

43 The ~~county attorney for the county in which the~~
44 ~~hearing is held shall, and the~~ attorney general may,
45 shall attend the hearing, interrogate the witnesses,
46 and advise the issuing authority. The ~~county attorney~~
47 ~~shall, and the~~ attorney general may, shall also appear
48 for the issuing authority in any certiorari proceeding
49 taken pursuant to the ~~provisions of~~ section 99A.6.

50 Sec. 6. Section 147.92, Code 1993, is amended to

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Page 3

1 read as follows:

2 147.92 ATTORNEY GENERAL AND COUNTY ATTORNEY.

3 Upon request of the department the attorney general
4 shall institute in the name of the state the proper
5 proceedings against any person charged by the
6 department with violating any provision of this or the
7 following chapters of this subtitle, excluding
8 chapters 152B and 152C, and the county attorney, at
9 the request of the attorney general, shall appear and
10 prosecute such action when brought in the county
11 attorney's county.

12 Sec. 7. Section 216D.2, subsection 2, Code 1993,
13 is amended to read as follows:

14 2. "Food service" includes restaurant, cafeteria,
15 snack bar, vending machines for food and beverages,
16 and goods and services customarily offered in
17 connection with any of these. It does not include
18 goods and services offered by a veteran's newsstand
19 under section 331.361, subsection 4.

20 Sec. 8. Section 229.19, unnumbered paragraph 3,
21 Code Supplement 1993, is amended to read as follows:

22 The court or, if the advocate is appointed by the
23 county board of supervisors, the board shall prescribe
24 reasonable compensation for the services of the
25 advocate. The compensation shall be based upon the
26 reports filed by the advocate with the court. The
27 advocate's compensation shall be paid by the county in
28 which the court is located, either on order of the
29 court or, if the advocate is appointed by the county
30 board of supervisors, on the direction of the board.
31 If the advocate is appointed by the court, the
32 advocate is an employee of the state for purposes of
33 chapter 669. If the advocate is appointed by the
34 county board of supervisors, the advocate is an
35 employee of the county for purposes of chapter 670.
36 If the patient or the person who is legally liable for
37 the patient's support is not indigent, the board shall
38 recover the costs of compensating the advocate from
39 that person. If that person has an income level as
40 determined pursuant to section 815.9 greater than one
41 hundred percent but not more than one hundred fifty
42 percent of the poverty guidelines, at least one
43 hundred dollars of the advocate's compensation shall
44 be recovered in accordance with rules adopted by the
45 state public defender. If that person has an income
46 level as determined pursuant to section 815.9 greater
47 than one hundred fifty percent of the poverty
48 guidelines, at least two hundred dollars of the
49 advocate's compensation shall be recovered in
50 accordance with rules adopted by the state public

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1 defender.

2 Sec. 9. Section 257B.39, Code 1993, is amended to
3 read as follows:

4 257B.39 REPORT AS TO SALES -- INTEREST.

5 County auditors shall report, on or before January
6 1 of each year, to the director of revenue and finance
7 the amount of the sales and resales made during the
8 previous year, of the sixteenth section, five-hundred-
9 thousand-acre grant, and escheat estates, and-lands
10 taken-under-foreclosure-of-permanent-school-fund
11 mortgages, and the director of revenue and finance
12 shall charge them to the counties with interest from
13 the date of such the sale or resale to January 1, at
14 the rate of three percent per annum.

15 Sec. 10. Section 257B.42, Code 1993, is amended to
16 read as follows:

17 257B.42 REPORT AS TO RENTS.

18 By January 1 of each year, county auditors shall
19 report to the director of revenue and finance the
20 amount of rents collected during the preceding year on
21 unsold school lands and-lands-taken-under-foreclosure
22 of-permanent-school-fund-mortgages-then-in-the-hands
23 of-the-county-treasurer, and the director shall
24 include the amount reported in the semiannual
25 apportionment of interest.

26 Sec. 11. Section 309.82, Code 1993, is amended to
27 read as follows:

28 309.82 RECORD OF FINAL COST.

29 On completion of a bridge or culvert, a detailed
30 statement of cost, and of additions or alterations to
31 the plans shall be filed by the engineer, all of which
32 shall be retained in the county engineer's office as
33 permanent records, and-when-the-work-is-completed-and
34 approved, a-statement-of-the-costs-shall-be-filed-with
35 the-department-by-the-county-engineer.

36 Sec. 12. Section 317.3, unnumbered paragraph 1,
37 Code 1993, is amended to read as follows:

38 The board of supervisors of each county shall may
39 annually appoint a county weed commissioner who may be
40 a person otherwise employed by the county and who
41 passes minimum standards established by the department
42 of agriculture and land stewardship for noxious weed
43 identification and the recognized methods for noxious
44 weed control and elimination. The county weed
45 commissioner's appointment shall be effective as of
46 March 1 and shall continue for a term at the
47 discretion of the board of supervisors unless the
48 commissioner is removed from office as provided for by
49 law. The county weed commissioner may, with the
50 approval of the board of supervisors, require that

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1 commercial applicators and their appropriate employees
2 pass the same standards for noxious weed
3 identification as established by the department of
4 agriculture and land stewardship. The name and
5 address of the person appointed as county weed
6 commissioner shall be certified to the county auditor
7 and to the secretary of agriculture within ten days of
8 the appointment. The board of supervisors shall fix
9 the compensation of the county weed commissioner and
10 deputies. In addition to compensation, the
11 commissioner and deputies shall be paid their
12 necessary travel expenses. At the discretion of the
13 board of supervisors, the weed commissioner shall
14 attend a seminar or school conducted or approved by
15 the state department of agriculture and land
16 stewardship relating to the identification, control,
17 and elimination of noxious weeds.

18 Sec. 13. Section 321.285, subsection 5, Code
19 Supplement 1993, is amended to read as follows:

20 5. Reasonable and proper, but not greater than
21 fifty-five miles per hour at any time between sunrise
22 and sunset, and not greater than fifty miles per hour
23 at any time between sunset and sunrise, on secondary
24 roads unless such roads are surfaced with concrete or
25 asphalt or a combination of both, in which case the
26 speed limits shall be the same as provided in
27 subsection 4 of this section. ~~Whenever~~ When the board
28 of supervisors of any county shall determine upon the
29 basis of an engineering and traffic investigation
30 ~~conducted-by-the-department-when-so-requested-by-said~~
31 ~~board~~ that the speed limit on any secondary road is
32 greater than is reasonable and proper under the
33 conditions found to exist at any intersection or other
34 place or upon any part of a secondary road, ~~said the~~
35 board shall determine and declare a reasonable and
36 proper speed limit ~~thereat~~ at the intersection or
37 other part of the secondary road. ~~Such~~ The speed
38 limits as determined by the board of supervisors shall
39 be effective when appropriate signs giving notice
40 ~~thereof~~ of the speed limits are erected by the board
41 of supervisors at ~~such the~~ the intersection or other place
42 or part of the highway.

43 Sec. 14. Section 331.321, subsection 1, paragraph
44 v, Code Supplement 1993, is amended by striking the
45 paragraph.

46 Sec. 15. Section 331.324, subsection 1, paragraph
47 b, Code 1993, is amended to read as follows:

48 b. Grant claims for mileage and expenses of
49 officers and employees in accordance with sections
50 70A.9 to 70A.13 and section 331.215, subsection 2, ~~and~~

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~~1 grant-employees-leaves-of-absence-to-participate-in
2 olympic-competition-in-accordance-with-section-70A-24.~~

3 Sec. 16. Section 331.341, subsection 1, Code 1993,
4 is amended to read as follows:

5 1. When the estimated cost of a public
6 improvement, other than improvements which may be paid
7 for from the secondary road fund, exceeds ~~twenty-five~~
8 ~~thousand-dollars~~ the amount specified in section
9 309.40, the board shall follow the contract letting
10 procedures provided for cities in sections 384.95 to
11 384.103. However, in following those sections the
12 board shall substitute the word "county" for the word
13 "city", section 331.305 for section 362.3, shall
14 consider "governing body" to mean the board, and shall
15 exclude references to a city utility, utility board of
16 trustees, or public utilities. As used in this
17 section, "public improvement" means the same as
18 defined in section 384.95 as modified by this
19 subsection.

20 Sec. 17. Section 331.361, subsection 4, Code 1993,
21 is amended by striking the subsection.

22 Sec. 18. Section 331.381, subsection 14, Code
23 Supplement 1993, is amended to read as follows:

24 14. Provide for the ~~licensure~~, seizure,
25 impoundment, and disposition of dogs in accordance
26 with chapter 351.

27 Sec. 19. Section 331.502, subsection 3, Code
28 Supplement 1993, is amended by striking the
29 subsection.

30 Sec. 20. Section 331.502, subsection 14, Code
31 Supplement 1993, is amended by striking the
32 subsection.

33 Sec. 21. Section 331.507, subsection 3, paragraphs
34 b and c, Code 1993, are amended by striking the
35 paragraphs.

36 Sec. 22. Section 331.508, subsection 7, Code 1993,
37 is amended by striking the subsection.

38 Sec. 23. Section 331.512, subsection 5, Code 1993,
39 is amended to read as follows:

40 5. Carry out duties relating to the preparation of
41 the tax list as provided in sections ~~427A-37~~, ~~427A-67~~
42 428.4, 441.17, 441.21, 443.2 to 443.9 and 443.21.

43 Sec. 24. Section 331.552, Code 1993, is amended by
44 adding the following new subsection:

45 NEW SUBSECTION. 32. File with the county auditor
46 the name of a designated employee, if other than the
47 first deputy treasurer, authorized to perform the
48 duties of the treasurer during the absence or
49 disability of the treasurer and the name of any
50 employee authorized to sign, on behalf of the

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1 treasurer, any form, notice, or document requiring the
2 signature of the treasurer.

3 Sec. 25. Section 331.653, subsection 21, Code
4 1993, is amended by striking the subsection.

5 Sec. 26. Section 331.756, subsection 5, unnumbered
6 paragraph 1, Code Supplement 1993, is amended to read
7 as follows:

8 Enforce all forfeited bonds and recognizances and
9 prosecute all proceedings necessary for the recovery
10 of debts, revenues, moneys, fines, penalties,
11 restitution of court-appointed attorney fees or
12 expense of a public defender, and forfeitures accruing
13 to the state, ~~or the county or to a school district or~~
14 ~~a road district in the county,~~ and all suits in the
15 county against public service corporations which are
16 brought in the name of the state. To assist in this
17 duty, the county attorney may procure professional
18 collection services provided by persons or
19 organizations, including private attorneys, which are
20 generally considered to have knowledge and special
21 abilities which are not generally available to state
22 or local government or may designate another county
23 official or agency to assist with collection efforts.

24 Sec. 27. Section 331.756, subsections 13, 23, 30,
25 75, and 76, Code Supplement 1993, are amended by
26 striking the subsections.

27 Sec. 28. Section 331.903, subsection 4, Code 1993,
28 is amended to read as follows:

29 4. Each deputy officer, assistant and clerk shall
30 perform the duties assigned by the principal officer
31 making the appointment. During the absence or
32 disability of the principal officer, the first deputy,
33 or designee in those instances where there is no first
34 deputy or in the absence or disability of the first
35 deputy, shall perform the duties of the principal
36 officer.

37 Sec. 29. Section 351.25, Code 1993, is amended to
38 read as follows:

39 351.25 DOG AS PROPERTY.

40 All dogs under six months of age, and all dogs over
41 said age and wearing a collar with a valid license
42 rabies vaccination tag attached thereto to the collar,
43 shall be deemed property. Dogs not ~~so~~ provided with
44 license a rabies vaccination tag shall not be deemed
45 property.

46 Sec. 30. Section 351.26, Code 1993, is amended to
47 read as follows:

48 351.26 RIGHT AND DUTY TO KILL UNLICENSED UNTAGGED
49 DOG.

50 It shall be lawful for any person, and the duty of

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1 all peace officers within their respective
2 jurisdictions unless such jurisdiction shall have
3 otherwise provided for the seizure and impoundment of
4 dogs, to kill any dog for which a license rabies
5 vaccination tag is required, when such the dog is not
6 wearing a collar with license rabies vaccination tag
7 attached as-herein-provided.

8 Sec. 31. Section 351.27, Code 1993, is amended to
9 read as follows:

10 351.27 RIGHT TO KILL LICENSED TAGGED DOG.

11 It shall be lawful for any person to kill a dog,
12 ~~licensed-and~~ wearing a collar with license a rabies
13 vaccination tag attached, when such the dog is caught
14 in the act of worrying, chasing, maiming, or killing
15 any domestic animal or fowl, or when such dog is
16 attacking or attempting to bite a person.

17 Sec. 32. Section 427.3, subsections 1 and 2, Code
18 1993, are amended by striking the subsections.

19 Sec. 33. Section 455E.11, subsection 2, paragraph
20 a, subparagraph (15), Code Supplement 1993, is amended
21 to read as follows:

22 (15) Notwithstanding the limitations of use of the
23 fees imposed under section 455B.310 and retained by a
24 city, county, public agency, or private agency under
25 this section, moneys retained by the city, county,
26 public agency, or private agency may be used to defray
27 ~~the-cost-of-installation-of-a-scale-at-a-sanitary~~
28 ~~landfill-or-to-defray-the-costs-of-closure-of-the~~
29 ~~sanitary-landfill,-the-costs-related-to-the~~
30 ~~establishment-of-a-transfer-station,-or-the-costs-of-a~~
31 ~~hydrogeological-plan~~ for other environmental
32 protection and environmental compliance activities.

33 Sec. 34. Section 568.3, Code 1993, is amended to
34 read as follows:

35 568.3 APPLICATION BY PROSPECTIVE PURCHASER.

36 ~~if-the-county-auditor-fails-or-neglects-to-make~~
37 ~~such-application,-then-any~~ A person desiring to
38 purchase such land described in section 568.1 may file
39 a written application with the secretary of state,
40 asking that the said land be surveyed, appraised, and
41 sold.

42 Sec. 35. Section 568.4, Code 1993, is amended to
43 read as follows:

44 568.4 FORM OF APPLICATION.

45 The ~~said~~ application ~~whether-made-by-the-county~~
46 ~~auditor-or-by-a-person-desiring-to-purchase-the-land,-~~
47 shall contain an accurate description thereof of the
48 land, stating whether the land is abandoned river
49 channel, or land within such the abandoned river
50 channel, or an island or a sand bar in a navigable

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1 stream, and giving the number of township and range in
2 which it is located, and the section numbers if
3 possible, and also the estimated acreage.

4 Sec. 36. Section 602.8102, subsection 34, Code
5 Supplement 1993, is amended by striking the
6 subsection.

7 Sec. 37. Section 641.1, Code 1993, is amended to
8 read as follows:

9 641.1 INDEBTEDNESS DUE THE STATE.

10 In all cases in which any person is indebted to the
11 state, or to any officer or agent thereof for the use
12 or benefit of the state, the ~~proper-county-attorney-or~~
13 attorney general shall demand payment or security
14 therefor, when, in the opinion of ~~said-county-attorney~~
15 or the attorney general, the debt is not sufficiently
16 secured.

17 Sec. 38. Section 641.2, Code 1993, is amended to
18 read as follows:

19 641.2 ATTACHMENT AUTHORIZED.

20 In all actions for money due to the state, or to
21 any agent or officer for the use of the state, it
22 shall be lawful for an attachment to issue against the
23 property or debts of the defendant not exempt from
24 execution, upon the filing of an affidavit ~~by-the~~
25 ~~county-attorney-of-the-proper-county,-or~~ of the
26 attorney general, that the ~~county-attorney-or~~ attorney
27 general verily believes that a specific amount therein
28 stated is justly due, and the defendant therein has
29 refused to pay or secure the same, and unless an
30 attachment is issued against the property of the
31 defendant there is danger that the amount due will be
32 lost to the state.

33 Sec. 39. REPEALS.

34 1. Chapters 169B and 361, Code 1993, are repealed.

35 2. Sections 70A.24, 351.1 through 351.14, 351.17,
36 351.20, 351.22 through 351.24, 351.34, 427A.2 through
37 427A.6, 427A.9 through 427A.11, 428.10, and 568.2,
38 Code 1993, are repealed."

39 2. Title page, line 2, by inserting after the
40 word "state" the following: "by striking certain
41 duties of cities, counties, and county auditors for
42 civil actions, abandoned islands, and public
43 contracts, by providing for the funding of state
44 mandates, the department of public health for health
45 professional licensing, and other matters related to
46 the state, by removing a reporting requirement by
47 county auditors for foreclosures of permanent school
48 fund mortgages, by providing for the recovery of
49 compensation for an advocate for an involuntarily
50 committed mental patient, by making the appointment of

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1 a county weed commissioner optional, by increasing the
2 dollar limit before county contract letting procedures
3 are required, by striking leave requirements for
4 public employees for Olympic competition, by striking
5 a requirement for lobby space in courthouses for
6 certain veterans, by reducing bridge and culvert cost
7 records kept by the state, by providing for the
8 designation of certain county officers to act on
9 behalf of the principal officers, by striking property
10 tax exemptions for certain veterans, by amending
11 procedures for setting speed limits on secondary
12 roads, by striking provisions relating to personal
13 property taxes, by striking requirements for county
14 attorneys to represent school districts, by striking
15 the requirements for county dog licensing, by striking
16 assessment provisions for ice and coal dealers, and by
17 making provisions for other properly related matters".

By TOM VILSACK

O. GENE MADDOX

S-5652 FILED APRIL 14, 1994

ADOPTED

4.14.94

SENATE AMENDMENT TO HOUSE FILE 642

H-6203

1 Amend House File 642, as amended, passed, and
2 reprinted by the House as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 1.15, Code 1993, is amended to
6 read as follows:

7 1.15 ATTORNEY APPOINTED BY STATE IN CIVIL ACTIONS.

8 In all civil causes of action where the state of
9 Iowa or any of its subdivisions or departments is a
10 party, and a member of the Sac and Fox Indian
11 settlement is a party, the district court of Iowa
12 shall appoint competent legal counsel at all stages of
13 hearing, appeal, and final determination for any
14 Indian not otherwise represented by legal counsel, in
15 any domestic relations matter, including, but not
16 limited to, matters pertaining to dependency, neglect,
17 delinquency, care, or custody of minors. The court
18 shall fix and allow reasonable compensation for the
19 services of the attorney, costs of transcripts and
20 depositions, and investigative expense, which shall be
21 paid as a claim by the office of county auditor of the
22 county where the action is commenced, and the county
23 shall be paid for all sums so paid out of any funds in
24 the state treasury not otherwise appropriated, upon
25 filing the claim with the director of revenue and
26 finance.

27 Sec. 2. Section 25B.2, Code 1993, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 3. If, on or after the effective
30 date of this Act, a state mandate is enacted by the
31 general assembly, or otherwise imposed, on a political
32 subdivision and the state mandate requires a political
33 subdivision to engage in any new activity, to provide
34 any new service, or to provide any service beyond that
35 required by any law enacted prior to the effective
36 date of this Act, and the state does not appropriate
37 moneys to fully fund the cost of the state mandate,
38 the political subdivision is not required to perform
39 the activity or provide the service and the political
40 subdivision shall not be subject to the imposition of
41 any fines or penalties for the failure to comply with
42 the state mandate unless the legislation specifies the
43 amount or proportion of the cost of the state mandate
44 which the state shall pay annually. However, this
45 subsection does not apply to any requirement imposed
46 on a political subdivision relating to public employee
47 retirement systems under chapters 97B, 410, and 411.

48 For the purposes of this subsection, any
49 requirement originating from the federal government
50 and administered, implemented, or enacted by the

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1 state, or any allocation of federal funds, is conditioned
2 upon enactment of a state law or rule, or a federal
3 mandate.

4 For the ~~purpose of~~ subsection, "political
5 subdivisions" includes community colleges and area
6 education agencies.

7 Sec. 3. Section 72.5, subsection 1, unnumbered
8 paragraph 1, and subsection 3, Code 1993, are amended
9 to read as follows:

10 A contract for a public improvement or construction
11 of a public building, including new construction or
12 renovation of an existing public building, by the
13 state, or an agency or ~~political subdivision~~ of the
14 state, shall not be let without satisfying the
15 following requirements:

16 3. The department of management shall develop a
17 proposal for submission to the general assembly on or
18 before January 10, 1991, to create a division within
19 the department of management to evaluate life cycle
20 costs on design proposals submitted on public
21 improvement and construction contracts for agencies
22 and ~~political subdivisions~~ of the state, to assure
23 uniform comparisons and professional evaluations of
24 design proposals by an independent agency. The report
25 shall also address potential redundancy and conflicts
26 within existing state law regarding life cycle cost
27 analysis and recommend the resolution of any problems
28 which are identified.

29 Sec. 4. Section 99A.4, Code 1993, is amended to
30 read as follows:

31 99A.4 DUTIES OF PEACE OFFICERS.

32 Every sheriff, deputy sheriff, constable, marshal,
33 policeman, police officer, and peace officer shall
34 ~~observe and inspect licensed premises and ascertain~~
35 ~~whether gambling devices are present therein and~~
36 immediately report the finding ~~thereof~~ of gambling
37 devices at licensed premises to the authority or
38 authorities issuing the license or licenses applicable
39 to the premises in question.

40 Sec. 5. Section 99A.7, Code 1993, is amended to
41 read as follows:

42 99A.7 COUNTY ATTORNEY GENERAL -- DUTY.

43 The ~~county attorney for the county in which the~~
44 ~~hearing is held shall, and the attorney general may~~
45 shall attend the hearing, interrogate the witnesses,
46 and advise the issuing authority. The ~~county attorney~~
47 ~~shall, and the attorney general may~~ shall also appear
48 for the issuing authority in any certiorari proceeding
49 taken pursuant to ~~the provisions of~~ section 99A.6.

50 Sec. 6. Section 147.92, Code 1993, is amended to

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Page 1 as follows:

1 147.92 ATTORNEY GENERAL AND-COUNTY-ATTORNEY.

2
3 Upon request of the department the attorney general
4 shall institute in the name of the state the proper
5 proceedings against any person charged by the
6 department with violating any provision of this or the
7 following chapters of this subtitle, excluding
8 chapters 152B and 152C; ~~and the county attorney, at~~
9 ~~the request of the attorney general, shall appear and~~
10 ~~prosecute such action when brought in the county~~
11 ~~attorney's county.~~

12 Sec. 7. Section 216D.2, subsection 2, Code 1993,
13 is amended to read as follows:

14 2. "Food service" includes restaurant, cafeteria,
15 snack bar, vending machines for food and beverages,
16 and goods and services customarily offered in
17 connection with any of these. ~~It does not include~~
18 ~~goods and services offered by a veteran's newsstand~~
19 ~~under section 331.361, subsection 4.~~

20 Sec. 8. Section 229.19, unnumbered paragraph 3,
21 Code Supplement 1993, is amended to read as follows:

22 The court or, if the advocate is appointed by the
23 county board of supervisors, the board shall prescribe
24 reasonable compensation for the services of the
25 advocate. The compensation shall be based upon the
26 reports filed by the advocate with the court. The
27 advocate's compensation shall be paid by the county in
28 which the court is located, either on order of the
29 court or, if the advocate is appointed by the county
30 board of supervisors, on the direction of the board.
31 If the advocate is appointed by the court, the
32 advocate is an employee of the state for purposes of
33 chapter 669. If the advocate is appointed by the
34 county board of supervisors, the advocate is an
35 employee of the county for purposes of chapter 670.
36 If the patient or the person who is legally liable for
37 the patient's support is not indigent, the board shall
38 recover the costs of compensating the advocate from
39 that person. If that person has an income level as
40 determined pursuant to section 815.9 greater than one
41 hundred percent but not more than one hundred fifty
42 percent of the poverty guidelines, at least one
43 hundred dollars of the advocate's compensation shall
44 be recovered in accordance with rules adopted by the
45 state public defender. If that person has an income
46 level as determined pursuant to section 815.9 greater
47 than one hundred fifty percent of the poverty
48 guidelines, at least two hundred dollars of the
49 advocate's compensation shall be recovered in
50 accordance with rules adopted by the state public

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1 defender.

2 Sec. 9. Section 257B.39, Code 1993, is amended to
3 read as follows:

4 257B.39 REPORT AS TO SALES -- INTEREST.

5 County auditors shall report, on or before January
6 1 of each year, to the director of revenue and finance
7 the amount of the sales and resales made during the
8 previous year, of the sixteenth section, five-hundred-
9 thousand-acre grant, and escheat estates, and lands
10 ~~taken under foreclosure of permanent school fund~~
11 ~~mortgages~~, and the director of revenue and finance
12 shall charge them to the counties with interest from
13 the date of ~~such~~ the sale or resale to January 1, at
14 the rate of three percent per annum.

15 Sec. 10. Section 257B.42, Code 1993, is amended to
16 read as follows:

17 257B.42 REPORT AS TO RENTS.

18 By January 1 of each year, county auditors shall
19 report to the director of revenue and finance the
20 amount of rents collected during the preceding year on
21 unsold school lands ~~and lands taken under foreclosure~~
22 ~~of permanent school fund mortgages then in the hands~~
23 ~~of the county treasurer~~, and the director shall
24 include the amount reported in the semiannual
25 apportionment of interest.

26 Sec. 11. Section 309.82, Code 1993, is amended to
27 read as follows:

28 309.82 RECORD OF FINAL COST.

29 On completion of a bridge or culvert, a detailed
30 statement of cost, and of additions or alterations to
31 the plans shall be filed by the engineer, all of which
32 shall be retained in the county engineer's office as
33 permanent records, ~~and when the work is completed and~~
34 ~~approved, a statement of the costs shall be filed with~~
35 ~~the department by the county engineer.~~

36 Sec. 12. Section 317.3, unnumbered paragraph 1,
37 Code 1993, is amended to read as follows:

38 The board of supervisors of each county ~~shall~~ may
39 annually appoint a county weed commissioner who may be
40 a person otherwise employed by the county and who
41 passes minimum standards established by the department
42 of agriculture and land stewardship for noxious weed
43 identification and the recognized methods for noxious
44 weed control and elimination. The county weed
45 commissioner's appointment shall be effective as of
46 March 1 and shall continue for a term at the
47 discretion of the board of supervisors unless the
48 commissioner is removed from office as provided for by
49 law. The county weed commissioner may, with the
50 approval of the board of supervisors, require that

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1 commercial applicators and their appropriate employees
2 pass the same standards for noxious weed
3 ~~identification as established by the department of~~
4 agriculture and land stewardship: The name and
5 address of the person appointed as county weed
6 commissioner shall be certified to the county auditor
7 and to the secretary of agriculture within ten days of
8 the appointment. The board of supervisors shall fix
9 the compensation of the county weed commissioner and
10 deputies. In addition to compensation, the
11 commissioner and deputies shall be paid their
12 necessary travel expenses. At the discretion of the
13 board of supervisors, the weed commissioner shall
14 attend a seminar or school conducted or approved by
15 the state department of agriculture and land
16 stewardship relating to the identification, control,
17 and elimination of noxious weeds.

18 Sec. 13. Section 321.285, subsection 5, Code
19 Supplement 1993, is amended to read as follows:

20 5. Reasonable and proper, but not greater than
21 fifty-five miles per hour at any time between sunrise
22 and sunset, and not greater than fifty miles per hour
23 at any time between sunset and sunrise, on secondary
24 roads unless such roads are surfaced with concrete or
25 asphalt or a combination of both, in which case the
26 speed limits shall be the same as provided in
27 subsection 4 of this section. ~~Whenever~~ When the board
28 of supervisors of any county shall determine upon the
29 basis of an engineering and traffic investigation
30 ~~conducted by the department when so requested by said~~
31 ~~board that the speed limit on any secondary road is~~
32 ~~greater than is reasonable and proper under the~~
33 ~~conditions found to exist at any intersection or other~~
34 ~~place or upon any part of a secondary road, said the~~
35 ~~board shall determine and declare a reasonable and~~
36 ~~proper speed limit thereat at the intersection or~~
37 ~~other part of the secondary road. Such~~ The speed
38 limits as determined by the board of supervisors shall
39 be effective when appropriate signs giving notice
40 thereof of the speed limits are erected by the board
41 of supervisors at such the intersection or other place
42 or part of the highway.

43 Sec. 14. Section 331.321, subsection 1, paragraph
44 v, Code Supplement 1993, is amended by striking the
45 paragraph.

46 Sec. 15. Section 331.324, subsection 1, paragraph
47 b, Code 1993, is amended to read as follows:

48 b. Grant claims for mileage and expenses of
49 officers and employees in accordance with sections
50 70A.9 to 70A.13 and section 331.215, subsection 27-~~and~~

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~~1 grant employees leaves of absence to participate in~~
~~2 ~~the secondary road fund in accordance with section 70A.24~~~~

3 Sec. 16. Section 331.341, subsection 1, Code 1993,
4 is amended to read as follows:

5 1. When the estimated cost of a public
6 improvement, other than improvements which may be paid
7 for from the secondary road fund, exceeds ~~twenty-five~~
8 ~~thousand dollars~~ the amount specified in section
9 309.40, the board shall follow the contract letting
10 procedures provided for cities in sections 384.95 to
11 384.103. However, in following those sections the
12 board shall substitute the word "county" for the word
13 "city", section 331.305 for section 362.3, shall
14 consider "governing body" to mean the board, and shall
15 exclude references to a city utility, utility board of
16 trustees, or public utilities. As used in this
17 section, "public improvement" means the same as
18 defined in section 384.95 as modified by this
19 subsection.

20 Sec. 17. Section 331.361, subsection 4, Code 1993,
21 is amended by striking the subsection.

22 Sec. 18. Section 331.381, subsection 14, Code
23 Supplement 1993, is amended to read as follows:

24 14. Provide for the ~~licensure~~, seizure,
25 impoundment, and disposition of dogs in accordance
26 with chapter 351.

27 Sec. 19. Section 331.502, subsection 3, Code
28 Supplement 1993, is amended by striking the
29 subsection.

30 Sec. 20. Section 331.502, subsection 14, Code
31 Supplement 1993, is amended by striking the
32 subsection.

33 Sec. 21. Section 331.507, subsection 3, paragraphs
34 b and c, Code 1993, are amended by striking the
35 paragraphs.

36 Sec. 22. Section 331.508, subsection 7, Code 1993,
37 is amended by striking the subsection.

38 Sec. 23. Section 331.512, subsection 5, Code 1993,
39 is amended to read as follows:

40 5. Carry out duties relating to the preparation of
41 the tax list as provided in sections ~~427A.37-427A.67~~,
42 428.4, 441.17, 441.21, 443.2 to 443.9 and 443.21.

43 Sec. 24. Section 331.552, Code 1993, is amended by
44 adding the following new subsection:

45 NEW SUBSECTION. 32. File with the county auditor
46 the name of a designated employee, if other than the
47 first deputy treasurer, authorized to perform the
48 duties of the treasurer during the absence or
49 disability of the treasurer and the name of any
50 employee authorized to sign, on behalf of the

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1 treasurer, any form, notice, or document requiring the
2 signature of the treasurer.

3 Sec. 25. Section 331.653, subsection 21, Code
4 1993, is amended by striking the subsection.

5 Sec. 26. Section 331.756, subsection 5, unnumbered
6 paragraph 1, Code Supplement 1993, is amended to read
7 as follows:

8 Enforce all forfeited bonds and recognizances and
9 prosecute all proceedings necessary for the recovery
10 of debts, revenues, moneys, fines, penalties,
11 restitution of court-appointed attorney fees or
12 expense of a public defender, and forfeitures accruing
13 to the state, ~~or the county or to a school district or~~
14 ~~a road district~~ in the county, and all suits in the
15 county against public service corporations which are
16 brought in the name of the state. To assist in this
17 duty, the county attorney may procure professional
18 collection services provided by persons or
19 organizations, including private attorneys, which are
20 generally considered to have knowledge and special
21 abilities which are not generally available to state
22 or local government or may designate another county
23 official or agency to assist with collection efforts.

24 Sec. 27. Section 331.756, subsections 13, 23, 30,
25 75, and 76, Code Supplement 1993, are amended by
26 striking the subsections.

27 Sec. 28. Section 331.903, subsection 4, Code 1993,
28 is amended to read as follows:

29 4. Each deputy officer, assistant and clerk shall
30 perform the duties assigned by the principal officer
31 making the appointment. During the absence or
32 disability of the principal officer, the first deputy,
33 or designee in those instances where there is no first
34 deputy or in the absence or disability of the first
35 deputy, shall perform the duties of the principal
36 officer.

37 Sec. 29. Section 351.25, Code 1993, is amended to
38 read as follows:

39 351.25 DOG AS PROPERTY.

40 All dogs under six months of age, and all dogs over
41 said age and wearing a collar with a valid ~~license~~
42 rabies vaccination tag attached thereto to the collar,
43 shall be deemed property. Dogs not ~~so~~ provided with
44 ~~license~~ a rabies vaccination tag shall not be deemed
45 property.

46 Sec. 30. Section 351.26, Code 1993, is amended to
47 read as follows:

48 351.26 RIGHT AND DUTY TO KILL ~~UNLICENSED~~ UNTAGGED
49 DOG.

50 It shall be lawful for any person, and the duty of

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1 all peace officers within their respective
2 jurisdictions unless such jurisdiction shall have
3 otherwise provided for the seizure and impoundment of
4 dogs, to kill any dog for which a license rabies
5 vaccination tag is required, when such the dog is not
6 wearing a collar with license rabies vaccination tag
7 attached as-herein-provided.

8 Sec. 31. Section 351.27, Code 1993, is amended to
9 read as follows:

10 351.27 RIGHT TO KILL LICENSED TAGGED DOG.

11 It shall be lawful for any person to kill a dog,
12 ~~licensed-and~~ wearing a collar with license a rabies
13 vaccination tag attached, when such the dog is caught
14 in the act of worrying, chasing, maiming, or killing
15 any domestic animal or fowl, or when such dog is
16 attacking or attempting to bite a person.

17 Sec. 32. Section 427.3, subsections 1 and 2, Code
18 1993, are amended by striking the subsections.

19 Sec. 33. Section 455E.11, subsection 2, paragraph
20 a, subparagraph (15), Code Supplement 1993, is amended
21 to read as follows:

22 (15) Notwithstanding the limitations of use of the
23 fees imposed under section 455B.310 and retained by a
24 city, county, public agency, or private agency under
25 this section, moneys retained by the city, county,
26 public agency, or private agency may be used to-defray
27 ~~the-cost-of-installation-of-a-seat-at-a-sanitary~~
28 ~~landfill-or-to-defray-the-costs-of-closure-of-the~~
29 ~~sanitary-landfill,-the-costs-related-to-the~~
30 ~~establishment-of-a-transfer-station,-or-the-costs-of-a~~
31 ~~hydrogeological-plan for other environmental~~
32 protection and environmental compliance activities.

33 Sec. 34. Section 568.3, Code 1993, is amended to
34 read as follows:

35 568.3 APPLICATION BY PROSPECTIVE PURCHASER.

36 ~~If-the-county-auditer-fails-or-neglects-to-make~~
37 ~~such-application,-then-any~~ A person desiring to
38 purchase such land described in section 568.1 may file
39 a written application with the secretary of state,
40 asking that the ~~said~~ land be surveyed, appraised, and
41 sold.

42 Sec. 35. Section 568.4, Code 1993, is amended to
43 read as follows:

44 568.4 FORM OF APPLICATION.

45 The ~~said~~ application ~~whether-made-by-the-county~~
46 ~~auditor-or-by-a-person-desiring-to-purchase-the-land,~~
47 shall contain an accurate description thereof of the
48 land, stating whether the land is abandoned river
49 channel, or land within such the abandoned river
50 channel, or an island or a sand bar in a navigable

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1 stream, and giving the number of township and range in
2 which it is located, and the section numbers if
3 possible, and also the estimated acreage.

4 Sec. 36. Section 602.8102, subsection 34, Code
5 Supplement 1993, is amended by striking the
6 subsection.

7 Sec. 37. Section 641.1, Code 1993, is amended to
8 read as follows:

9 641.1 INDEBTEDNESS DUE THE STATE.

10 In all cases in which any person is indebted to the
11 state, or to any officer or agent thereof for the use
12 or benefit of the state, the ~~proper county attorney or~~
13 attorney general shall demand payment or security
14 therefor, when, in the opinion of ~~said county attorney~~
15 ~~or the~~ attorney general, the debt is not sufficiently
16 secured.

17 Sec. 38. Section 641.2, Code 1993, is amended to
18 read as follows:

19 641.2 ATTACHMENT AUTHORIZED.

20 In all actions for money due to the state, or to
21 any agent or officer for the use of the state, it
22 shall be lawful for an attachment to issue against the
23 property or debts of the defendant not exempt from
24 execution, upon the filing of an affidavit ~~by the~~
25 ~~county attorney of the proper county, or of the~~
26 attorney general, that the ~~county attorney or~~ attorney
27 general verily believes that a specific amount therein
28 stated is justly due, and the defendant therein has
29 refused to pay or secure the same, and unless an
30 attachment is issued against the property of the
31 defendant there is danger that the amount due will be
32 lost to the state.

33 Sec. 39. REPEALS.

34 1. Chapters 169B and 361, Code 1993, are repealed.

35 2. Sections 70A.24, 351.1 through 351.14, 351.17,
36 351.20, 351.22 through 351.24, 351.34, 427A.2 through
37 427A.6, 427A.9 through 427A.11, 428.10, and 568.2,
38 Code 1993, are repealed."

39 2. Title page, line 2, by inserting after the
40 word "state" the following: "by striking certain
41 duties of cities, counties, and county auditors for
42 civil actions, abandoned islands, and public
43 contracts, by providing for the funding of state
44 mandates, the department of public health for health
45 professional licensing, and other matters related to
46 the state, by removing a reporting requirement by
47 county auditors for foreclosures of permanent school
48 fund mortgages, by providing for the recovery of
49 compensation for an advocate for an involuntarily
50 committed mental patient, by making the appointment of

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1 a county weed commissioner optional, by increasing the
2 dollar limit before county contract letting procedures
3 are required, by striking leave requirements for
4 public employees for Olympic competition, by striking
5 a requirement for lobby space in courthouses for
6 certain veterans, by reducing bridge and culvert cost
7 records kept by the state, by providing for the
8 designation of certain county officers to act on
9 behalf of the principal officers, by striking property
10 tax exemptions for certain veterans, by amending
11 procedures for setting speed limits on secondary
12 roads, by striking provisions relating to personal
13 property taxes, by striking requirements for county
14 attorneys to represent school districts, by striking
15 the requirements for county dog licensing, by striking
16 assessment provisions for ice and coal dealers, and by
17 making provisions for other properly related matters".

RECEIVED FROM THE SENATE

H-6203 FILED APRIL 14, 1994

House Concurred
4-15-94
(P. 1801)

HOUSE FILE 642

H-6233

1 Amend the amendment, H-6203, to House File 642, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 7, by inserting after line 4 the
5 following:

6 "Sec. ____ Section 331.752, Code 1993, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 3A. A resolution changing the
9 full-time or part-time status of a county attorney may
10 take effect at any time before the sixty days expire
11 upon agreement of the board of supervisors and the
12 affected county attorney or county attorney-elect."

13 2. Page 10, line 13, by inserting after the word
14 "taxes," the following: "by authorizing an early
15 change in full-time or part-time status of a county
16 attorney by agreement,".

By McNEAL of Hardin

H-6233 FILED APRIL 15, 1994

adopted

*4-15-94
(P. 1301)*

HOUSE FILE 642

H-6220

1 Amend the Senate amendment, H-6203, to House File
2 642, as amended, passed, and reprinted by the House as
3 follows:

4 1. Page 2, by inserting after line 6 the
5 following:

6 "Sec. ____ . Section 25B.3, subsection 2, Code 1993,
7 is amended to read as follows:

8 2. "State mandate" means a statutory requirement
9 or appropriation which requires a political
10 subdivision of the state to establish, expand, or
11 modify its activities in a manner which necessitates
12 additional combined annual expenditures of local
13 revenue by all affected political subdivisions of at
14 least one hundred thousand dollars, or additional
15 combined expenditures of local revenue by all affected
16 political subdivisions within five years of enactment
17 of five hundred thousand dollars or more, excluding an
18 order issued by a court of this state.

19 Sec. ____ . Section 25B.6, unnumbered paragraph 1,
20 Code 1993, is amended to read as follows:

21 A state agency or department shall not propose or
22 adopt an administrative rule which exceeds its
23 statutory authority by mandating expenditures by
24 political subdivisions, or agencies and entities which
25 contract with political subdivisions to provide
26 services. A state administrative rule, proposed
27 pursuant to chapter 17A, which necessitates additional
28 combined annual expenditures exceeding one hundred
29 thousand dollars by all affected political
30 subdivisions or agencies and entities which contract
31 with a the affected political subdivision subdivisions
32 to provide services shall be accompanied by a fiscal
33 note impact statement outlining the costs. The An
34 affected political subdivision, or an entity
35 representing the an affected political subdivision,
36 shall cooperate in the preparation of the fiscal note
37 impact statement. The fiscal note impact statement
38 shall be submitted to the administrative rules
39 coordinator for publication in the Iowa administrative
40 bulletin along with the notice of intended action."

By IVERSON of Wright

H-6220 FILED APRIL 15, 1994

adopted 4/15/94 (p.1801)

S-5683

1 Amend the Senate amendment, H-6203, to House File
2 642, as amended, passed, and reprinted by the House as
3 follows:

4 1. Page 2, by inserting after line 6 the
5 following:

6 "Sec. ____ . Section 25B.3, subsection 2, Code 1993,
7 is amended to read as follows:

8 2. "State mandate" means a statutory requirement
9 or appropriation which requires a political
10 subdivision of the state to establish, expand, or
11 modify its activities in a manner which necessitates
12 additional combined annual expenditures of local
13 revenue by all affected political subdivisions of at
14 least one hundred thousand dollars, or additional
15 combined expenditures of local revenue by all affected
16 political subdivisions within five years of enactment
17 of five hundred thousand dollars or more, excluding an
18 order issued by a court of this state.

19 Sec. ____ . Section 25B.6, unnumbered paragraph 1,
20 Code 1993, is amended to read as follows:

21 A state agency or department shall not propose or
22 adopt an administrative rule which exceeds its
23 statutory authority by mandating expenditures by
24 political subdivisions, or agencies and entities which
25 contract with political subdivisions to provide
26 services. A state administrative rule, proposed
27 pursuant to chapter 17A, which necessitates additional
28 combined annual expenditures exceeding one hundred
29 thousand dollars by all affected political
30 subdivisions or agencies and entities which contract
31 with ~~a the affected political subdivision subdivisions~~
32 to provide services shall be accompanied by a fiscal
33 note impact statement outlining the costs. ~~The An~~
34 affected political subdivision, or an entity
35 representing ~~the an~~ affected political subdivision,
36 shall cooperate in the preparation of the fiscal note
37 impact statement. ~~The fiscal note impact statement~~
38 shall be submitted to the administrative rules
39 coordinator for publication in the Iowa administrative
40 bulletin along with the notice of intended action."

41 2. Page 7, by inserting after line 4 the
42 following:

43 "Sec. ____ . Section 331.752, Code 1993, is amended
44 by adding the following new subsection:

45 NEW SUBSECTION. 3A. A resolution changing the
46 full-time or part-time status of a county attorney may
47 take effect at any time before the sixty days expire
48 upon agreement of the board of supervisors and the
49 affected county attorney or county attorney-elect.""

50 3. Page 10, line 13, by inserting after the word

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Page 2

1 "taxes," the following: "by authorizing an early
2 change in full-time or part-time status of a county
3 attorney by agreement,".

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

Senate Concurred 4/18/95 (P.1316) RECEIVED FROM THE HOUSE

S-5683 FILED APRIL 15, 1994

HOUSE FILE 642

S-5470

- 1 Amend the amendment, S-5279, to House File 642, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, by inserting after line 37 the
5 following:
6 "____. Page 12, by inserting before line 21 the
7 following:
8 "Sec. ____ . Section 568.3, Code 1993, is amended to
9 read as follows:
10 568.3 APPLICATION BY PROSPECTIVE PURCHASER.
11 ~~If the county auditor fails or neglects to make~~
12 ~~such application, then any~~ A person desiring to
13 purchase such land described in section 568.1 may file
14 a written application with the secretary of state,
15 asking that the said land be surveyed, appraised, and
16 sold.
17 Sec. ____ . Section 568.4, Code 1993, is amended to
18 read as follows:
19 568.4 FORM OF APPLICATION.
20 ~~The said application, whether made by the county~~
21 ~~auditor or by a person desiring to purchase the land,~~
22 shall contain an accurate description thereof of the
23 land, stating whether the land is abandoned river
24 channel, or land within such the abandoned river
25 channel, or an island or a sand bar in a navigable
26 stream, and giving the number of township and range in
27 which it is located, and the section numbers if
28 possible, and also the estimated acreage.""
29 2. Page 5, line 26, by striking the word and
30 figure "and 428.10" and inserting the following:
31 "428.10, and 568.2".
32 3. Page 5, line 31, by inserting after the word
33 "actions" the following: ", abandoned islands,".

By SHELDON RITTMER
MAGGIE TINSMAN
O. GENE MADDOX

S-5470 FILED APRIL 5, 1994

out of order
4/11/94
(p. 1251)

HOUSE FILE 642

H-3769

- 1 Amend House File 642 as follows:
- 2 1. Page 7, by striking lines 12 through 34.
By HOUSER of Pottawattamie

H-3769 FILED APRIL 6, 1993

Adopted 4-7-93 (P. 1100)

HOUSE FILE 642

H-3740

- 1 Amend House File 642 as follows:
- 2 1. Page 14, by striking lines 12 through 19.
By DVORSKY of Johnson
SHOULTZ of Black Hawk
OSTERBERG of Linn

H-3740 FILED APRIL 6, 1993

Lost 4-7-93 (P. 1101)

HOUSE FILE 642

H-3748

- 1 Amend House File 642 as follows:
- 2 1. By striking page 7, line 35, through page 8,
3 line 11.

Lost 4-7-93 (P. 1100)

Motion to R/C 4-7-93

By DVORSKY of Johnson
HAMMOND of Story

H-3748 FILED APRIL 6, 1993

Motion Lost 4-7-93

HOUSE FILE 642

H-3676

- 1 Amend House File 642 as follows:
- 2 1. By striking page 8, line 34 through page 9,
3 line 22.
- 4 2. By striking page 12, line 34 through page 13,
5 line 9.
- 6 3. Page 14, by striking lines 1 through 11.

Adopted 4-7-93 (P. 1100)

By FOGARTY of Palo Alto
HOUSER of Pottawattamie
EDDIE of Buena Vista

H-3676 FILED APRIL 2, 1993

HOUSE FILE 642

H-3683

- 1 Amend House File 642 as follows:
- 2 1. Page 11, by striking line 29 and inserting the
3 following: "1993, is amended to read as follows:
- 4 b. Grant claims for mileage and expenses of
5 officers and employees in accordance with sections
6 70A.9 to 70A.13 and section 331.215, subsection 27-and
7 grant-employees-leaves-of-absence-to-participate-in
8 olympic-competition-in-accordance-with-section
9 70A-24."

A.

- 10 2. Page 15, by striking lines 7 through 22.
By HOUSER of Pottawattamie

H-3683 FILED APRIL 2, 1993

Adopted 4-7-93 (P. 1100)

Motion to R/C 4-7-93 (P. 1101)

Division Requested

A. Withdrawn 4-7-93

B. adopted

HOUSE FILE 642

H-3785

1 Amend House File 642 as follows:

2 1. Page 2, by striking lines 4 through 13.

By HALVORSON of Webster

H-3785 FILED APRIL 7, 1993

MOTION TO SUSPEND RULES - LOST

HOUSE FILE 642

FISCAL NOTE

REQ. BY SENATOR VILSACK

A fiscal note for Amendment S-5294 to S-5279 to House File 642 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate Amendment 5294 requires the State to pay the costs of providing a court appointed advocate in judicial proceedings for indigent involuntarily committed mental patients. The amendment also provides that a person who is legally liable for the patient's support shall reimburse the State for the costs of the advocate, if that person is not indigent. Individuals with incomes between 100% and 150% of the poverty guidelines will pay at least \$100 of the cost of the advocate and individuals with an income above 150% of the poverty level will pay at least \$200 of the cost of the advocate.

FISCAL EFFECT

In FY 1993, the counties spent an estimated \$500,000 on providing advocates for indigent involuntarily committed mental patients. The Department of Human Services estimates that only a small portion of this amount could be recovered from families of committed individuals. However, there is no database which would allow an assessment of ability to pay, so it is currently impossible to provide an accurate estimate how much could be recouped.

(SOURCE: Department of Human Services)

(LSB 2420HV.2, DPW)

FILED MARCH 30, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 642
FISCAL NOTE

A fiscal note for House File 642 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 642 revises or repeals a number of mandates to political subdivisions of the State to reduce local governmental costs. The bill also requires the State to take over some of the duties now done by counties and authorizes counties as well as cities to receive 90% of all fines and forfeited bail received from a magistrate when the county is plaintiff in a criminal action.

FISCAL EFFECT

The language in Section 46 of the bill would allow counties to file as plaintiff even in certain court cases where currently the State is listed as plaintiff. If all county boards of supervisors adopt the same ordinances relating to vehicle speed, weight restrictions, and other vehicle restrictions not prohibited, the Judicial Department estimates that up to \$13.0 million in fine revenues to the General Fund would instead go to the counties. At a minimum, the Judicial Department estimates a \$200,000 loss to the General Fund would occur.

Additionally, with the Attorney General named to represent the State Fire Marshal and health care licensing boards instead of a county attorney, additional staff and travel costs may accrue, depending on the number and location of actions involved. Since the number and location of cases is unknown, the Attorney General's Office is unable to determine if additional staff would be needed.

The Iowa State Association of Counties did not provide an estimate of the cost savings to the counties that eliminating the various requirements would have.

SOURCES: Judicial Department
Department of Justice
Department of Management
Iowa League of Municipalities
Department of Transportation
Alcoholic Beverages Division

(LSB 2420hv, DPW)

FILED APRIL 5, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR

Krouser Ch.
Iverson
Royer

HSB 268

LOCAL GOVERNMENT

HOUSE FILE 642
BY (PROPOSED COMMITTEE ON LOCAL
GOVERNMENT BILL BY CHAIR-
PERSON IVERSON)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to revisions of mandates and goals to political
2 subdivisions of the state.

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

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1 Section 1. Section 1.15, Code 1993, is amended to read as
2 follows:

3 1.15 ATTORNEY APPOINTED BY STATE IN CIVIL ACTIONS.

4 In all civil causes of action where the state of Iowa or
5 any of its subdivisions or departments is a party, and a
6 member of the Sac and Fox Indian settlement is a party, the
7 district court of Iowa shall appoint competent legal counsel
8 at all stages of hearing, appeal, and final determination for
9 any Indian not otherwise represented by legal counsel, in any
10 domestic relations matter, including, but not limited to,
11 matters pertaining to dependency, neglect, delinquency, care,
12 or custody of minors. The court shall fix and allow
13 reasonable compensation for the services of the attorney,
14 costs of transcripts and depositions, and investigative
15 expense, which shall be paid as a claim ~~by-the-office-of~~
16 ~~county-auditor-of-the-county-where-the-action-is-commenced,~~
17 ~~and-the-county-shall-be-paid-for-all-sums-so-paid~~ out of any
18 funds in the state treasury not otherwise appropriated, upon
19 filing the claim with the director of revenue and finance.

20 Sec. 2. Section 24.17, Code 1993, is amended to read as
21 follows:

22 24.17 BUDGETS CERTIFIED.

23 1. The local budgets of the various political subdivisions
24 shall be certified by the chairperson of the certifying board
25 or levying board, as the case may be, in duplicate to the
26 county auditor not later than ~~March~~ April 15 of each year on
27 ~~blanks~~ forms prescribed by the state board, and according to
28 the rules and instruction which shall be furnished all
29 certifying and levying boards in printed form by the state
30 board or city finance committee in the case of cities or the
31 director of the department of management in the case of
32 counties pursuant to section 331.434. ~~However, if a city or~~
33 ~~county holds a special levy election, the certification shall~~
34 ~~be not later than fourteen days following the special levy~~
35 ~~election, and if the political subdivision is a school~~

1 ~~district, as defined in section 257.27, its budget shall be~~
2 ~~certified not later than April 15 of each year.~~

3 2. One copy of the budget shall be retained on file in the
4 office by the county auditor and the other shall be certified
5 by the county auditor within one week of receipt to the
6 department of management acting on behalf of the state board.

7 3. Taxes levied for political subdivisions whose budgets
8 are filed after the certification specified in this section
9 shall not exceed the dollar amount of taxes levied for the
10 preceding fiscal year's budget.

11 Sec. 3. Section 24.27, Code 1993, is amended to read as
12 follows:

13 24.27 PROTEST TO BUDGET.

14 Not later than March April 25, a number of persons in any
15 municipality equal to one-fourth of one percent of those
16 voting for the office of governor, at the last general
17 election in the municipality, but the number shall not be less
18 than ten, and the number need not be more than one hundred
19 persons, who are affected by any proposed budget, expenditure,
20 or tax levy, or by any item thereof, may appeal from any
21 decision of the certifying board or the levying board by
22 filing with the county auditor of the county in which the
23 municipal corporation is located, a written protest setting
24 forth their objections to the budget, expenditure, or tax
25 levy, or to one or more items thereof, and the grounds for
26 their objections. If a budget is certified after March April
27 15, all appeal time limits shall be extended to correspond to
28 allowances for a timely filing. Upon the filing of a protest,
29 the county auditor shall immediately prepare a true and
30 complete copy of the written protest, together with the
31 budget, proposed tax levy, or expenditure to which objections
32 are made, and shall transmit them forthwith to the state
33 board, and shall also send a copy of the protest to the
34 certifying board or to the levying board, as the case may be.

35 Sec. 4. Section 24.48, unnumbered paragraphs 4 and 5, Code

1 1993, are amended to read as follows:

2 The city finance committee shall have officially notified
3 any city of its approval, modification or rejection of the
4 city's appeal of the decision of the director of the
5 department of management regarding a city's request for a
6 suspension of the statutory property tax levy limitation prior
7 to thirty-five days before ~~March~~ April 15.

8 ~~The state appeals board shall have officially notified any~~
9 ~~county of its approval, modification or rejection of the~~
10 ~~county's request for a suspension of the statutory property~~
11 ~~tax levy limitation prior to thirty-five days before March 15.~~

12 Sec. 5. TEMPORARY BUDGET CERTIFICATION DATE.

13 Notwithstanding the budget certification date of April 15 and
14 budget protest date of April 25 specified in sections 24.17
15 and 24.27, the budget certification date and budget protest
16 date for cities and counties are March 15 and March 25,
17 respectively, for the fiscal years beginning July 1, 1993, and
18 July 1, 1994.

19 Sec. 6. Section 70A.9, Code 1993, is amended by adding the
20 following new unnumbered paragraph:

21 NEW UNNUMBERED PARAGRAPH. This section does not apply to
22 an officer, peace officer, or employee of a county or a city.

23 Sec. 7. Section 70A.24, Code 1993, is amended by adding
24 the following new paragraph:

25 NEW UNNUMBERED PARAGRAPH. This section does not apply to
26 cities or counties or to their officers and employees.

27 Sec. 8. Section 72.5, Code 1993, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 5. This section does not apply to
30 counties and cities.

31 Sec. 9. Section 99A.4, Code 1993, is amended to read as
32 follows:

33 99A.4 DUTIES OF PEACE OFFICERS.

34 Every sheriff, deputy sheriff, constable, marshal,
35 policeman, police officer, and peace officer shall observe and

1 inspect-licensed-premises-and-ascertain-whether-gambling
2 devices-are-present-thereon-and immediately report the finding
3 thereof of gambling devices at licensed premises to the
4 authority or authorities issuing the license or licenses
5 applicable to the premises in question.

6 Sec. 10. Section 99A.7, Code 1993, is amended to read as
7 follows:

8 99A.7 COUNTY ATTORNEY GENERAL -- DUTY.

9 The ~~county-attorney-for-the-county-in-which-the-hearing-is~~
10 ~~held-shall,-and-the~~ attorney general ~~may,~~ shall attend the
11 hearing, interrogate the witnesses, and advise the issuing
12 authority. The ~~county-attorney-shall,-and-the~~ attorney
13 general ~~may,~~ shall also appear for the issuing authority in
14 any certiorari proceeding taken pursuant to ~~the-provisions-of~~
15 section 99A.6.

16 Sec. 11. Section 100.20, Code 1993, is amended to read as
17 follows:

18 100.20 COUNTY ATTORNEY GENERAL.

19 The county attorney general shall represent the state and
20 the fire marshal, but not to the exclusion of any other
21 attorney who may be engaged in said the cause.

22 Sec. 12. Section 123.19, subsection 4, Code 1993, is
23 amended to read as follows:

24 4. Any violation of the requirements of this section,
25 except subsection 3, shall subject the violator to the general
26 penalties provided in this chapter and in addition thereto
27 shall-be to the general penalties, is grounds for suspension
28 or revocation of the certificate of compliance, after notice
29 and hearing before the division-hearing-board administrator.
30 Willful failure to comply with requirements which may be
31 imposed under subsection 3 shall-be is grounds for suspension
32 or revocation of the certificate of compliance only.

33 ~~Decisions-of-the-hearing-board-concerning-such-suspension-or~~
34 ~~revocation-shall-be-binding-upon-all-parties-~~

35 Sec. 13. Section 123.32, subsections 2, 4, and 6, Code

1 1993, are amended to read as follows:

2 2. ACTION BY LOCAL AUTHORITIES. The local authority shall
3 either approve or disapprove the issuance of a liquor control
4 license, retail wine permit, or retail beer permit, shall
5 endorse its approval or disapproval on the application and
6 shall forward the application along with the necessary fee and
7 bond, if required, to the division. ~~Upon the initial~~
8 ~~application for a liquor control license, retail wine permit,~~
9 ~~or retail beer permit, the fact that the local authority~~
10 ~~determines that no liquor control license, retail wine permit,~~
11 ~~or retail beer permit shall be issued shall not be held to be~~
12 ~~arbitrary, capricious, or without reasonable cause.~~ There is
13 no limit upon the number of liquor control licenses, retail
14 wine permits, or retail beer permits which may be approved for
15 issuance by local authorities.

16 4. ACTION BY ADMINISTRATOR.

17 a. Upon receipt of an application having been disapproved
18 by the local authority, the administrator shall ~~disapprove the~~
19 ~~application,~~ so notify the applicant that the applicant may
20 appeal the disapproval of the application to the
21 administrator. The applicant shall be notified by certified
22 mail, and return the application, the fee, and any bond shall
23 be returned to the applicant.

24 b. Upon receipt of an application having been approved by
25 the local authority, the division shall make such an
26 investigation as the administrator deems necessary to
27 determine that the applicant complies with all requirements
28 for holding a license or permit, and may require the applicant
29 to appear to be examined under oath ~~regarding any matters~~
30 ~~pertinent to the application, in which case~~ to demonstrate
31 that the applicant complies with all of the requirements to
32 hold a license or permit. If the administrator requires the
33 applicant to appear and to testify under oath, a record shall
34 be made of all testimony or evidence and the same record shall
35 become a part of the application. The administrator may

1 appoint a member of the division or may request an
2 administrative law judge of the department of inspections and
3 appeals to receive the testimony under oath and evidence, and
4 to issue a proposed decision to approve or disapprove the
5 application for a license or permit. The administrator may
6 affirm or reverse the proposed decision to approve or
7 disapprove the application for the license or permit. If the
8 application is approved by the administrator, the license or
9 permit applied-for shall be issued. If the application is
10 disapproved by the administrator, the applicant and the
11 appropriate local authority shall be so notified by certified
12 mail, ~~and the fee and any bond returned to the applicant.~~

13 6. JUDICIAL REVIEW. ~~Judicial~~ The applicant or the local
14 authority may seek judicial review of the action of the
15 ~~division-hearing-board-may-be-sought~~ administrator in
16 accordance with the terms of the Iowa administrative procedure
17 Act. Notwithstanding the terms of said the Iowa
18 administrative procedure Act, petitions for judicial review
19 may be filed in the district court of the county wherein where
20 the premises covered by the application are situated.

21 ~~Where the hearing board on an appeal by an applicant finds~~
22 ~~that the local authority acted arbitrarily, capriciously, or~~
23 ~~without reasonable cause in disapproving an application and~~
24 ~~the administrator issues a license or permit, the local~~
25 ~~authority may seek judicial review of such decision according~~
26 ~~to the terms of the Iowa administrative procedure Act within~~
27 ~~thirty days.~~

28 Sec. 14. Section 123.32, subsection 5, Code 1993, is
29 amended by striking the subsection and inserting in lieu
30 thereof the following:

31 5. APPEAL TO ADMINISTRATOR. An applicant for a liquor
32 control license, wine permit, or beer permit may appeal from
33 the local authority's disapproval of an application for a
34 license or permit to the administrator. In the appeal the
35 applicant shall be allowed the opportunity to demonstrate in

1 an evidentiary hearing conducted pursuant to chapter 17A that
2 the applicant complies with all of the requirements for
3 holding the license or permit. The administrator may appoint
4 a member of the division or an administrative law judge from
5 the department of inspections and appeals to conduct the
6 evidentiary hearing and to render a proposed decision to
7 approve or disapprove the issuance of the license or permit.
8 The administrator may affirm or reverse the proposed decision.
9 If the administrator determines that the applicant complies
10 with all of the requirements for holding a license or permit,
11 the administrator shall order the issuance of the license or
12 permit. If the administrator determines that the applicant
13 does not comply with the requirements for holding a license or
14 permit, the administrator shall disapprove the issuance of the
15 license or permit.

16 Sec. 15. Section 123.32, Code 1993, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 7. SUSPENSION BY LOCAL AUTHORITY. A
19 liquor control licensee or a wine or beer permittee whose
20 license or permit has been suspended or revoked or a civil
21 penalty imposed by a local authority for a violation of this
22 chapter or suspended by a local authority for violation of a
23 local ordinance may appeal the suspension, revocation, or
24 civil penalty to the administrator. The administrator may
25 appoint a member of the division or an administrative law
26 judge from the department of inspections and appeals to hear
27 the appeal which shall be conducted in accordance with chapter
28 17A and to issue a proposed decision. The administrator may
29 review the proposed decision upon the motion of a party to the
30 appeal or upon the administrator's own motion in accordance
31 with chapter 17A. Upon review of the proposed decision, the
32 administrator may affirm, reverse, or modify the proposed
33 decision. A liquor control licensee, wine or beer permittee,
34 or a local authority aggrieved by a decision of the
35 administrator may seek judicial review of the decision

1 pursuant to chapter 17A.

2 Sec. 16. Section 123.37, unnumbered paragraph 5, Code
3 1993, is amended by striking the paragraph.

4 Sec. 17. Section 123.39, subsection 4, Code 1993, is
5 amended to read as follows:

6 4. If the cause for suspension is a first offense
7 violation of section 123.49, subsection 2, paragraph "h", and
8 the violation occurred on or after January 1, 1988, the
9 administrator or local authority shall impose a civil penalty
10 in the amount of three hundred dollars in lieu of suspension
11 of the license or permit. Local authorities shall retain
12 civil penalties collected under this paragraph subsection if
13 the proceeding to impose the penalty is conducted by the local
14 authority. The division shall retain civil penalties
15 collected under this paragraph subsection if the proceeding to
16 impose the penalty is conducted by the administrator of the
17 division. ~~if-the-matter-is-appealed-to-the-division's-hearing~~
18 ~~board-the-hearing-board-shall-not-reduce-the-amount-of-the~~
19 ~~civil-penalty-imposed-under-this-paragraph-if-a-violation-of~~
20 ~~section-123.49-subsection-2-paragraph-"h"-is-found-~~

21 Sec. 18. Section 147.92, Code 1993, is amended to read as
22 follows:

23 147.92 ATTORNEY GENERAL AND-COUNTY-ATTORNEY.

24 Upon request of the department the attorney general shall
25 institute in the name of the state the proper proceedings
26 against any person charged by the department with violating
27 any provision of this or the following chapters of this
28 subtitle, excluding chapters 152B and 152C ~~and-the-county~~
29 ~~attorney-at-the-request-of-the-attorney-general-shall-appear~~
30 ~~and-prosecute-such-action-when-brought-in-the-county~~
31 ~~attorney's-county.~~

32 Sec. 19. Section 216D.2, subsection 2, Code 1993, is
33 amended to read as follows:

34 2. "Food service" includes restaurant, cafeteria, snack
35 bar, vending machines for food and beverages, and goods and

1 services customarily offered in connection with any of these.
2 ~~It does not include goods and services offered by a veteran's~~
3 ~~newsstand under section 331.3617 subsection 4.~~

4 Sec. 20. Section 229.12, subsections 1 and 2, Code 1993,
5 are amended to read as follows:

6 1. ~~At the hospitalization hearing, evidence in support of~~
7 ~~the contentions made in the application shall be presented by~~
8 ~~the county attorney.~~ During the hearing the applicant and the
9 respondent shall be afforded an opportunity to testify and to
10 present and cross-examine witnesses, and the court may receive
11 the testimony of any other interested person. The respondent
12 has the right to be present at the hearing. If the respondent
13 exercises that right and has been medicated within twelve
14 hours, or such longer period of time as the court may
15 designate, prior to the beginning of the hearing or an
16 adjourned session thereof, the judge shall be informed of that
17 fact and of the probable effects of the medication upon
18 convening of the hearing.

19 2. All persons not necessary for the conduct of the
20 proceeding shall be excluded, except that the court may admit
21 persons having a legitimate interest in the proceeding. ~~Upon~~
22 ~~motion of the county attorney, the~~ The judge may exclude the
23 respondent from the hearing during the testimony of any
24 particular witness if the judge determines that witness'
25 testimony is likely to cause the respondent severe emotional
26 trauma.

27 Sec. 21. Section 232.141, subsection 8, Code 1993, is
28 amended by striking the subsection.

29 Sec. 22. Section 252.25, unnumbered paragraph 1, Code
30 1993, is amended to read as follows:

31 The board of supervisors of each county shall provide for
32 the assistance of poor persons in its county who are
33 ineligible for, or are in immediate need and are awaiting
34 approval and receipt of, assistance under programs provided by
35 state or federal law, or whose actual needs cannot be fully

1 met by the assistance furnished under those programs. The
2 county board shall establish general rules as its members deem
3 necessary to properly discharge their responsibility under
4 this section and to determine the form and duration of the
5 assistance.

6 Sec. 23. Section 257B.39, Code 1993, is amended to read as
7 follows:

8 257B.39 REPORT AS TO SALES -- INTEREST.

9 County auditors shall report, on or before January 1 of
10 each year, to the director of revenue and finance the amount
11 of the sales and resales made during the previous year, of the
12 sixteenth section, five-hundred-thousand-acre grant, and
13 ~~escheat estates, and lands taken under foreclosure of~~
14 ~~permanent-school-fund mortgages,~~ and the director of revenue
15 and finance shall charge them to the counties with interest
16 from the date of ~~such~~ the sale or resale to January 1, at the
17 rate of three percent per annum.

18 Sec. 24. Section 257B.42, Code 1993, is amended to read as
19 follows:

20 257B.42 REPORT AS TO RENTS.

21 By January 1 of each year, county auditors shall report to
22 the director of revenue and finance the amount of rents
23 collected during the preceding year on unsold school lands and
24 ~~lands taken under foreclosure of permanent-school-fund~~
25 ~~mortgages then in the hands of the county treasurer,~~ and the
26 director shall include the amount reported in the semiannual
27 apportionment of interest.

28 Sec. 25. Section 260C.19A, Code 1993, is amended to read
29 as follows:

30 260C.19A MOTOR VEHICLES REQUIRED TO OPERATE ON ETHANOL-
31 BLENDED GASOLINE.

32 A motor vehicle purchased by or used under the direction of
33 the board of directors to provide services to a merged area
34 shall not, on or after January 1, 1993, operate on gasoline
35 other than gasoline blended with at least ten percent ethanol.

1 ~~The motor vehicle shall also be affixed with a brightly~~
2 ~~visible sticker which notifies the traveling public that the~~
3 ~~motor vehicle is being operated on gasoline blended with~~
4 ~~ethanol.~~

5 Sec. 26. Section 279.34, Code 1993, is amended to read as
6 follows:

7 279.34 MOTOR VEHICLES REQUIRED TO OPERATE ON ETHANOL-
8 BLENDED GASOLINE.

9 A motor vehicle purchased by or used under the direction of
10 the board of directors to provide services to a school
11 corporation shall not, on or after January 1, 1993, operate on
12 gasoline other than gasoline blended with at least ten percent
13 ethanol. ~~The motor vehicle shall also be affixed with a~~
14 ~~brightly visible sticker which notifies the traveling public~~
15 ~~that the motor vehicle is being operated on gasoline blended~~
16 ~~with ethanol.~~

17 Sec. 27. Section 309.10, unnumbered paragraph 1, Code
18 1993, is amended to read as follows:

19 Notwithstanding section 310.4, if the board of supervisors
20 of a county does not plan to utilize its farm-to-market road
21 fund allocation for the succeeding fiscal year for farm-to-
22 market projects, the board may annually, by stipulation in the
23 secondary road construction program ~~and secondary road budget~~
24 submitted to the department in accordance with sections 309.22
25 and ~~309.93~~ 309.23, determine an amount of the unobligated
26 portion of its allocation, up to a maximum of fifty percent of
27 its anticipated total annual allocation, for the construction
28 and reconstruction of local secondary roads. However, moneys
29 from the farm-to-market road fund shall not be so used if the
30 moneys are needed to match federal funds available for farm-
31 to-market road projects.

32 Sec. 28. Section 309.23, Code 1993, is amended by striking
33 the section and inserting in lieu thereof the following:

34 309.23 REVIEW BY DEPARTMENT.

35 1. The secondary road construction program or amended

1 program is subject to review by the department. The
2 department shall approve or disapprove the original program by
3 June 1 and any amended programs within thirty days of receipt
4 of the amendment by the department.

5 2. If the program or amended program is disapproved, the
6 department shall state the reasons for disapproval when the
7 program or amended program is returned to the county. The
8 county may elect to revise the program or amended program to
9 receive approval or the county may elect to operate with the
10 disapproved program or amended program. If the county elects
11 to operate with the disapproved program or amended program,
12 within twenty days after receipt of the department's report,
13 the board of supervisors shall publish notice of a public
14 hearing on the department's recommendations in the official
15 newspapers of the county. The public hearing shall be held
16 within ten days of the date of publication and at the
17 conclusion of the public hearing, the board of supervisors
18 shall adopt its original program or amended program or revise
19 and adopt its original program or amended program before
20 projects are commenced.

21 3. Funds shall not be expended and work shall not be
22 started on the projects listed in the program or amended
23 program until the county receives departmental approval or
24 until the public hearing process is completed.

25 Sec. 29. Section 317.3, unnumbered paragraph 1, Code 1993,
26 is amended to read as follows:

27 The board of supervisors of each county shall annually
28 appoint a county weed commissioner who may be a person
29 otherwise employed by the county and who passes minimum
30 standards established by the department of agriculture and
31 land stewardship for noxious weed identification and the
32 recognized methods for noxious weed control and elimination.
33 The county weed commissioner's appointment shall be effective
34 as of March 1 and shall continue for a term at the discretion
35 of the board of supervisors unless the commissioner is removed

1 from office as provided for by law. The county weed
2 commissioner may, with the approval of the board of
3 supervisors, require that commercial applicators and their
4 appropriate employees pass the same standards for noxious weed
5 identification as established by the department of agriculture
6 and land stewardship. The name and address of the person
7 appointed as county weed commissioner shall be certified to
8 the county auditor and to the secretary of agriculture within
9 ten days of the appointment. The board of supervisors shall
10 fix the compensation of the county weed commissioner and
11 deputies. In addition to compensation, the commissioner and
12 deputies shall be paid their necessary travel expenses. At
13 the discretion of the board of supervisors, the weed
14 commissioner shall attend a seminar or school conducted or
15 approved by the state department of agriculture and land
16 stewardship relating to the identification, control, and
17 elimination of noxious weeds.

18 Sec. 30. Section 331.321, subsection 1, paragraph 1, Code
19 1993, is amended by striking the paragraph.

20 Sec. 31. Section 331.324, subsection 1, paragraph b, Code
21 1993, is amended by striking the paragraph.

22 Sec. 32. Section 331.215, subsection 2, Code 1993, is
23 amended to read as follows:

24 2. A supervisor is entitled to reimbursement for mileage
25 expenses incurred while engaged in the performance of official
26 duties at the rate ~~specified-in-section-70A-9~~ determined by
27 the board. The total mileage expense for all supervisors in a
28 county shall not exceed the product of the rate of mileage
29 ~~specified-in-section-70A-9~~ determined by the board multiplied
30 by the total number of supervisors in the county times ten
31 thousand. The board may also authorize reimbursement for
32 mileage and other actual expenses incurred by its members when
33 attending an educational course, seminar, or school which is
34 related to the performance of their official duties.

35 Sec. 33. Section 331.321, subsection 1, paragraph v, Code

1 1993, is amended by striking the paragraph.

2 Sec. 34. Section 331.341, subsection 1, Code 1993, is
3 amended to read as follows:

4 1. When the estimated cost of a public improvement, other
5 than improvements which may be paid for from the secondary
6 road fund, exceeds ~~twenty-five~~ fifty thousand dollars, the
7 board shall follow the contract letting procedures provided
8 for cities in sections 384.95 to 384.103. However, in
9 following those sections the board shall substitute the word
10 "county" for the word "city", section 331.305 for section
11 362.3, shall consider "governing body" to mean the board, and
12 shall exclude references to a city utility, utility board of
13 trustees, or public utilities. As used in this section,
14 "public improvement" means the same as defined in section
15 384.95 as modified by this subsection.

16 Sec. 35. Section 331.361, subsection 4, Code 1993, is
17 amended by striking the subsection.

18 Sec. 36. Section 331.401, subsection 1, paragraph b, Code
19 1993, is amended to read as follows:

20 b. Establish budgets for the farm-to-market road fund and
21 the secondary road fund in accordance with ~~sections~~ section
22 309.10 ~~and-309-93-to-309-97~~.

23 Sec. 37. Section 331.502, subsection 3, Code 1993, is
24 amended by striking the subsection.

25 Sec. 38. Section 331.502, subsection 14, Code 1993, is
26 amended by striking the subsection.

27 Sec. 39. Section 331.502, subsection 46, Code 1993, is
28 amended by striking the subsection.

29 Sec. 40. Section 331.507, subsection 2, paragraph b, Code
30 1993, is amended by striking the paragraph.

31 Sec. 41. Section 331.508, subsection 3, Code 1993, is
32 amended by striking the subsection.

33 Sec. 42. Section 331.653, subsections 21 and 53, Code
34 1993, are amended by striking the subsections.

35 Sec. 43. Section 331.756, subsections 23, 30, and 42, Code

1 1993, are amended by striking the subsections.

2 Sec. 44. Section 331.908, Code 1993, is amended to read as
3 follows:

4 331.908 MOTOR VEHICLES REQUIRED TO OPERATE ON ETHANOL-
5 BLENDED GASOLINE.

6 A motor vehicle purchased or used by a county to provide
7 county services shall not, on or after January 1, 1993,
8 operate on gasoline other than gasoline blended with at least
9 ten percent ethanol. ~~The motor vehicle shall also be affixed
10 with a brightly visible sticker which notifies the traveling
11 public that the motor vehicle is being operated on gasoline
12 blended with ethanol.~~

13 Sec. 45. Section 351.3, Code 1993, is amended to read as
14 follows:

15 351.3 APPLICATION BY OWNER.

16 The owner of a dog for which a license is required shall,
17 on or before the first day of January of each year, apply for
18 a license for each dog owned. An owner residing in a city
19 which licenses dogs shall apply to the city clerk. An owner
20 not residing in a city which licenses dogs shall apply to the
21 ~~auditor~~ of a licensed veterinarian in the county in which the
22 owner resides.

23 Sec. 46. Section 351.5, unnumbered paragraph 1, Code 1993,
24 is amended to read as follows:

25 The application shall be in writing on blanks provided by
26 the city clerk or ~~county auditor~~ licensed veterinarian and
27 shall state the breed, sex, age, color, markings, and name, if
28 any, of the dog, and the address of the owner, and be signed
29 by the owner. The applications shall be supplied to the
30 licensed veterinarian by the county auditor.

31 Sec. 47. Section 351.7, unnumbered paragraph 1, and
32 subsection 3, Code 1993, are amended to read as follows:

33 The city clerk or the ~~county auditor~~ licensed veterinarian
34 shall, upon receipt of the application, deliver or mail to the
35 applicant a license which shall be in the form of a metal tag

1 stamped as follows:

2 3. Serial number as shown by the record book in the office
3 of the city clerk or county-auditor licensed veterinarian.

4 Each licensed veterinarian shall report the licenses issued at
5 least quarterly to the county auditor.

6 Sec. 48. Section 351.11, Code 1993, is amended to read as
7 follows:

8 351.11 TRANSFER ON CHANGE OF RESIDENCE.

9 When If a dog licensed in one county is permanently
10 transferred to another county or is permanently transferred to
11 a city which licenses dogs, the owner shall surrender the
12 original license tag to a licensed veterinarian who issues
13 licenses, the auditor of the county, or to the clerk of the
14 city to which the dog is removed. When If a dog licensed in a
15 city is permanently transferred outside the city, the owner
16 shall surrender the original license tag to the city to which
17 the dog is removed, if the city licenses dogs, or to a
18 licensed veterinarian issuing licenses or the auditor of the
19 county if the dog is removed outside a city or to a city which
20 does not license dogs. The city clerk, a licensed
21 veterinarian issuing licenses, or auditor shall preserve the
22 surrendered tag, and, without license fee, issue a new license
23 tag. The city clerk, a licensed veterinarian issuing
24 licenses, or auditor shall note on the license record the fact
25 that the newly issued license tag is issued to effect a
26 transfer of, and is in lieu of, such the surrendered license
27 tag.

28 Sec. 49. Section 351.12, Code 1993, is amended to read as
29 follows:

30 351.12 FEE ON TRANSFER.

31 The auditor or a licensed veterinarian issuing licenses, on
32 making any transfer, shall collect a fee of twenty-five cents.

33 Sec. 50. Section 351.14, Code 1993, is amended to read as
34 follows:

35 351.14 DUPLICATE TAG.

1 Upon the filing of an affidavit that the license tag has
2 been lost or destroyed, the owner may obtain another tag on
3 the payment of twenty-five cents. The city clerk or county
4 auditor licensed veterinarian shall enter in the license
5 record the new number assigned. The licensed veterinarians
6 shall notify the county auditor of the duplicate tag.

7 Sec. 51. Section 364.20, Code 1993, is amended to read as
8 follows:

9 364.20 MOTOR VEHICLES REQUIRED TO OPERATE ON ETHANOL-
10 BLENDED GASOLINE.

11 A motor vehicle purchased or used by a city to provide city
12 services shall not, on or after January 1, 1993, operate on
13 gasoline other than gasoline blended with at least ten percent
14 ethanol. ~~The motor vehicle shall also be affixed with a~~
15 ~~brightly visible sticker which notifies the traveling public~~
16 ~~that the motor vehicle is being operated on gasoline blended~~
17 ~~with ethanol.~~

18 Sec. 52. Section 411.6, subsection 5, paragraph c, Code
19 1993, is amended to read as follows:

20 c. Disease under this section shall mean heart disease or
21 any disease of the lungs or respiratory tract ~~and shall be~~
22 ~~presumed to have been contracted while on active duty as a~~
23 ~~result of strain or the inhalation of noxious fumes, poison or~~
24 gases arising out of and in the course of employment as
25 defined by section 85.61, subsection 7. ~~However, if a~~
26 ~~person's membership in the system first commenced on or after~~
27 ~~July 1, 1992, and the heart disease or disease of the lungs or~~
28 ~~respiratory tract would not exist, but for a medical condition~~
29 ~~that was known to exist on the date that membership commenced,~~
30 ~~the presumption established in this paragraph shall not apply.~~

31 Sec. 53. Section 445.36, subsection 2, Code 1993, is
32 amended to read as follows:

33 2. A demand of taxes is not necessary, but every person
34 subject to taxation shall attend at the office of the county
35 treasurer and pay the taxes either in full, or one-half of the

1 taxes before September 1 succeeding the levy, and the
2 remaining half before March 1 following. However, ~~if the~~
3 ~~first installment of taxes is delinquent and not paid as of~~
4 ~~February 15, the treasurer shall mail a notice to the taxpayer~~
5 ~~of the delinquency and the due date for the second~~
6 ~~installment. Failure to receive a mailed notice is not a~~
7 ~~defense to the payment of the tax and any interest due.~~ This
8 section does not apply to special assessments, or rates or
9 charges.

10 Sec. 54. Section 455E.11, subsection 2, paragraph a, Code
11 1993, is amended by adding the following new subparagraph:

12 NEW SUBPARAGRAPH. (15) Notwithstanding the limitations on
13 the use of the fees under section 455B.310 and retained by a
14 city, county, or public agency under this section, moneys
15 retained by a city, county, or public agency may be used for
16 other environmental protection and environmental compliance
17 activities.

18 Sec. 55. Section 465A.1, unnumbered paragraph 2, Code
19 1993, is amended by striking the unnumbered paragraph.

20 Sec. 56. Section 602.6405, subsection 1, Code 1993, is
21 amended to read as follows:

22 1. Magistrates have jurisdiction of simple misdemeanors,
23 including traffic and ordinance violations, and preliminary
24 hearings, search warrant proceedings, county and municipal
25 infractions, and small claims. Magistrates have jurisdiction
26 ~~to exercise the powers specified in sections 644.2 and 644.127~~
27 ~~and to~~ hear complaints or preliminary informations, issue
28 warrants, order arrests, make commitments, and take bail.
29 Magistrates have jurisdiction over violations of section
30 123.49, subsection 2, paragraph "h". Magistrates who are
31 admitted to the practice of law in this state have
32 jurisdiction over all proceedings for the involuntary
33 commitment, treatment, or hospitalization of individuals under
34 chapters 125 and 229, except as otherwise provided under
35 section 229.6A; nonlawyer magistrates have jurisdiction over

1 emergency detention and hospitalization proceedings under
2 sections 125.91 and 229.22. Magistrates have jurisdiction to
3 conduct hearings authorized under section 809.4 and section
4 809.10, subsection 2.

5 Sec. 57. Section 602.8102, subsections 34 and 110, Code
6 1993, are amended by striking the subsections.

7 Sec. 58. Section 602.8106, subsection 2, Code 1993, is
8 amended to read as follows:

9 2. The clerk shall remit ninety percent of all fines and
10 forfeited bail received from a magistrate or district
11 associate judge to the city or county that was the plaintiff
12 in any action, and shall provide that city or county with a
13 statement showing the total number of cases, the total of all
14 fines and forfeited bail collected, and the total of all cases
15 dismissed. The clerk shall deposit the remaining ten percent
16 in the court revenue distribution account established under
17 section 602.8108.

18 Sec. 59. EFFECTIVE DATE. Section 4 of this Act takes
19 effect on January 1, 1995.

20 Sec. 60. REPEALS. Chapters 169B, 361, and 644, Code 1993,
21 are repealed. Sections 23A.3, 28E.20, 70A.13, 123.15, 222.18,
22 309.93, 309.94, 309.95, 309.96, and 309.97, Code 1993, are
23 repealed.

24 EXPLANATION

25 This bill revises or repeals a number of mandates to
26 political subdivisions of the state to reduce unnecessary
27 costs.

28 This bill removes the county responsibility for legal costs
29 of civil actions relating to the Sac and Fox Indian
30 settlement.

31 This bill changes the budget certification date for most
32 local governments to April 15. Currently, March 15 is the
33 deadline for local budget certification. A corresponding
34 amendment is made to change to a deadline for decisions
35 relating to suspension of the city property tax levy. The

1 date changes do not affect cities and counties until the
2 fiscal year beginning July 1, 1995.

3 The bill also provides for the appeal of an alcoholic
4 beverage license or permit decision to district court rather
5 than to the hearing board of the alcoholic beverages division
6 of the department of commerce.

7 The bill removes cities and counties from requirements
8 relating to mileage and expenses for travel and relating to
9 personnel leave. Cities and counties are also exempt from
10 contract requirements for the Olympics and for life cycle cost
11 analysis of buildings. Counties are no longer required to
12 reserve newsstand space for military veterans. The counties
13 are also no longer required to appoint a weed commissioner.

14 The county attorney and sheriff are released from mandated
15 actions regarding inspecting licensed premises for gambling
16 and prosecution of gambling violations.

17 The county attorney is relieved from presenting the
18 application for an involuntary hospitalization for mental
19 illness at a court hearing.

20 The attorney general is also named to represent the state
21 fire marshal and health care licensing boards in lieu of the
22 county attorney.

23 The board of supervisors is directed to determine the form
24 and duration of assistance provided under the county general
25 assistance program.

26 The board of supervisors is also authorized to proceed with
27 the implementation of a secondary road construction program or
28 amended program which is not approved by the state department
29 of transportation. However, the board of supervisors must
30 give notice and hold a public hearing on the program and at
31 the conclusion of the public hearing, adopt the original
32 program or amended program, or revise the original program or
33 amended program before commencing projects.

34 The estimated dollar amount of the cost of a county public
35 improvement requiring contract bid procedures is increased

1 from \$25,000 to \$50,000.

2 The bill removes the requirement that cities, school
3 districts, community colleges, and counties advertise that
4 their vehicles are using an ethanol-blended gasoline.

5 The county of legal settlement is no longer required to pay
6 shelter care costs above the state reimbursement rate.

7 The county treasurer is no longer required to give written
8 notice to a taxpayer who is delinquent in payment of the first
9 installment of property taxes and has not paid them by
10 February 15.

11 The county auditor is no longer required to report the
12 sales of lands taken under foreclosure of permanent school
13 fund mortgages. The county auditor is no longer authorized to
14 collect a fee for indexing a parcel name change.

15 The bill allows cities, counties, and other public agencies
16 to spend tonnage fees collected under section 455B.310 for
17 other environmental projects or compliance activities than
18 those specified in section 455B.310.

19 The bill strikes a paragraph which establishes a goal that
20 10 percent of the land area of Iowa be reserved in some way
21 for public outdoor space.

22 Counties as well as cities are authorized to receive 90
23 percent of all fines and forfeited bail received from a
24 magistrate when the county is plaintiff in a criminal action.

25 Three Code chapters relating to estrays, lost property, and
26 weather modification are repealed along with a number of
27 sections. The repeal of section 23A.3 removes the mandate
28 that local governments give preference to local business; the
29 repeal of section 28E.20 removes the mandate for joint
30 equipment purchases; and the repeal of section 70A.13 removes
31 a county mandate regarding mileage expenses and travel expense
32 records. Four of the sections, sections 309.93 to 309.96,
33 establish procedures for secondary road budgets. The repeal
34 of section 222.18 removes the requirement that the county
35 attorney appear at an involuntary commitment hearing related

1 to mental retardation on behalf of the petitioner. Section
2 123.15 repeals the hearing board which complements the
3 amendments in sections 3 and 4. Section 18 is a corresponding
4 amendment removing reference to repealed sections.

5 Chapter 351 is amended to transfer dog licensing to
6 licensed veterinarians. The county will continue to maintain
7 records of licenses and transfers.

8 The bill also contains a number of corresponding amendments
9 which are required because of repeals or amendments to other
10 sections.

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HOUSE FILE 642

AN ACT

RELATING TO REVISIONS OF MANDATES AND GOALS TO POLITICAL SUBDIVISIONS OF THE STATE BY STRIKING CERTAIN DUTIES OF CITIES, COUNTIES, AND COUNTY AUDITORS FOR CIVIL ACTIONS, ABANDONED ISLANDS, AND PUBLIC CONTRACTS, BY PROVIDING FOR THE FUNDING OF STATE MANDATES, THE DEPARTMENT OF PUBLIC HEALTH FOR HEALTH PROFESSIONAL LICENSING, AND OTHER MATTERS RELATED TO THE STATE, BY REMOVING A REPORTING REQUIREMENT BY COUNTY AUDITORS FOR FORECLOSURES OF PERMANENT SCHOOL FUND MORTGAGES, BY PROVIDING FOR THE RECOVERY OF COMPENSATION FOR AN ADVOCATE FOR AN INVOLUNTARILY COMMITTED MENTAL PATIENT, BY MAKING THE APPOINTMENT OF A COUNTY WEED COMMISSIONER OPTIONAL, BY INCREASING THE DOLLAR LIMIT BEFORE COUNTY CONTRACT LETTING PROCEDURES ARE REQUIRED, BY STRIKING LEAVE REQUIREMENTS FOR PUBLIC EMPLOYEES FOR OLYMPIC COMPETITION, BY STRIKING A REQUIREMENT FOR LOBBY SPACE IN COURTHOUSES FOR CERTAIN VETERANS, BY REDUCING BRIDGE AND CULVERT COST RECORDS KEPT BY THE STATE, BY PROVIDING FOR THE DESIGNATION OF CERTAIN COUNTY OFFICERS TO ACT ON BEHALF OF THE PRINCIPAL OFFICERS, BY STRIKING PROPERTY TAX EXEMPTIONS FOR CERTAIN VETERANS, BY AMENDING PROCEDURES FOR SETTING SPEED LIMITS ON SECONDARY ROADS, BY STRIKING PROVISIONS RELATING TO PERSONAL PROPERTY TAXES, BY AUTHORIZING AN EARLY CHANGE IN FULL-TIME OR PART-TIME STATUS OF A COUNTY ATTORNEY BY AGREEMENT, BY STRIKING REQUIREMENTS FOR COUNTY ATTORNEYS TO REPRESENT SCHOOL DISTRICTS, BY STRIKING THE REQUIREMENTS FOR COUNTY DOG LICENSING, BY STRIKING ASSESSEMENT PROVISIONS FOR ICE AND COAL DEALERS, AND BY MAKING PROVISIONS FOR OTHER PROPERLY RELATED MATTERS.

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

Section 1. Section 1.15, Code 1993, is amended to read as follows:

1.15 ATTORNEY APPOINTED BY STATE IN CIVIL ACTIONS.

In all civil causes of action where the state of Iowa or any of its subdivisions or departments is a party, and a member of the Sac and Fox Indian settlement is a party, the district court of Iowa shall appoint competent legal counsel at all stages of hearing, appeal, and final determination for any Indian not otherwise represented by legal counsel, in any domestic relations matter, including, but not limited to, matters pertaining to dependency, neglect, delinquency, care, or custody of minors. The court shall fix and allow reasonable compensation for the services of the attorney, costs of transcripts and depositions, and investigative expense, which shall be paid as a claim ~~by the office of county auditor of the county where the action is commenced, and the county shall be paid for all sums so paid~~ out of any funds in the state treasury not otherwise appropriated, upon filing the claim with the director of revenue and finance.

Sec. 2. Section 25B.2, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If, on or after the effective date of this Act, a state mandate is enacted by the general assembly, or otherwise imposed, on a political subdivision and the state mandate requires a political subdivision to engage in any new activity, to provide any new service, or to provide any service beyond that required by any law enacted prior to the effective date of this Act, and the state does not appropriate moneys to fully fund the cost of the state mandate, the political subdivision is not required to perform the activity or provide the service and the political subdivision shall not be subject to the imposition of any fines or penalties for the failure to comply with the state mandate unless the legislation specifies the amount or proportion of the cost of the state mandate which the state shall pay annually. However, this subsection does not apply to any requirement imposed on a political subdivision relating to public employee retirement systems under chapters 97B, 410, and 411.

For the purposes of this subsection, any requirement originating from the federal government and administered, implemented, or enacted by the state, or any allocation of federal moneys conditioned upon enactment of a state law or rule, is not a state mandate.

For the purposes of this subsection, "political subdivision" includes community colleges and area education agencies.

Sec. 3. Section 25B.3, subsection 2, Code 1993, is amended to read as follows:

2. "State mandate" means a statutory requirement or appropriation which requires a political subdivision of the state to establish, expand, or modify its activities in a manner which necessitates additional combined annual expenditures of local revenue by all affected political subdivisions of at least one hundred thousand dollars, or additional combined expenditures of local revenue by all affected political subdivisions within five years of enactment of five hundred thousand dollars or more, excluding an order issued by a court of this state.

Sec. 4. Section 25B.6, unnumbered paragraph 1, Code 1993, is amended to read as follows:

A state agency or department shall not propose or adopt an administrative rule which exceeds its statutory authority by mandating expenditures by political subdivisions, or agencies and entities which contract with political subdivisions to provide services. A state administrative rule, proposed pursuant to chapter 17A, which necessitates additional combined annual expenditures exceeding one hundred thousand dollars by all affected political subdivisions or agencies and entities which contract with a the affected political subdivision subdivisions to provide services shall be accompanied by a fiscal note impact statement outlining the costs. ~~The~~ An affected political subdivision, or an entity representing the an affected political subdivision, shall cooperate in the preparation of the fiscal note impact statement. The fiscal note impact statement shall be

submitted to the administrative rules coordinator for publication in the Iowa administrative bulletin along with the notice of intended action.

Sec. 5. Section 22.5, subsection 1, unnumbered paragraph 1, and subsection 3, Code 1993, are amended to read as follows:

A contract for a public improvement or construction of a public building, including new construction or renovation of an existing public building, by the state, or an agency or ~~political-subdivision~~ of the state, shall not be let without satisfying the following requirements:

3. The department of management shall develop a proposal for submission to the general assembly on or before January 10, 1991, to create a division within the department of management to evaluate life cycle costs on design proposals submitted on public improvement and construction contracts for agencies ~~and-political-subdivisions~~ of the state, to assure uniform comparisons and professional evaluations of design proposals by an independent agency. The report shall also address potential redundancy and conflicts within existing state law regarding life cycle cost analysis and recommend the resolution of any problems which are identified.

Sec. 6. Section 99A.4, Code 1993, is amended to read as follows:

99A.4 DUTIES OF PEACE OFFICERS.

Every sheriff, deputy sheriff, constable, marshal, policeman, police officer, and peace officer shall ~~observe-and inspect-licensed-premises-and-ascertain-whether-gambling devices-are-present-thereon-and~~ immediately report the finding ~~thereof~~ of gambling devices at licensed premises to the authority or authorities issuing the license or licenses applicable to the premises in question.

Sec. 7. Section 99A.7, Code 1993, is amended to read as follows:

99A.7 COUNTY ATTORNEY GENERAL -- DUTY.

~~The county-attorney-for-the-county-in-which-the-hearing-is held-shall-and-the~~ attorney general may shall attend the

hearing, interrogate the witnesses, and advise the issuing authority. ~~The county attorney shall, and the attorney general may, shall~~ also appear for the issuing authority in any certiorari proceeding taken pursuant to the provisions of section 99A.6.

Sec. 8. Section 147.92, Code 1993, is amended to read as follows:

147.92 ATTORNEY GENERAL AND COUNTY ATTORNEY.

Upon request of the department the attorney general shall institute in the name of the state the proper proceedings against any person charged by the department with violating any provision of this or the following chapters of this subtitle, excluding chapters 152B and 152C ~~and the county attorney, at the request of the attorney general, shall appear and prosecute such action when brought in the county attorney's county.~~

Sec. 9. Section 216D.2, subsection 2, Code 1993, is amended to read as follows:

2. "Food service" includes restaurant, cafeteria, snack bar, vending machines for food and beverages, and goods and services customarily offered in connection with any of these. ~~It does not include goods and services offered by a veteran's newsstand under section 331.3617, subsection 4.~~

Sec. 10. Section 229.19, unnumbered paragraph 3, Code Supplement 1993, is amended to read as follows:

The court or, if the advocate is appointed by the county board of supervisors, the board shall prescribe reasonable compensation for the services of the advocate. The compensation shall be based upon the reports filed by the advocate with the court. The advocate's compensation shall be paid by the county in which the court is located, either on order of the court or, if the advocate is appointed by the county board of supervisors, on the direction of the board. If the advocate is appointed by the court, the advocate is an employee of the state for purposes of chapter 669. If the advocate is appointed by the county board of supervisors, the advocate is an employee of the county for purposes of chapter

670. If the patient or the person who is legally liable for the patient's support is not indigent, the board shall recover the costs of compensating the advocate from that person. If that person has an income level as determined pursuant to section 815.9 greater than one hundred percent but not more than one hundred fifty percent of the poverty guidelines, at least one hundred dollars of the advocate's compensation shall be recovered in accordance with rules adopted by the state public defender. If that person has an income level as determined pursuant to section 815.9 greater than one hundred fifty percent of the poverty guidelines, at least two hundred dollars of the advocate's compensation shall be recovered in accordance with rules adopted by the state public defender.

Sec. 11. Section 257B.39, Code 1993, is amended to read as follows:

257B.39 REPORT AS TO SALES -- INTEREST.

County auditors shall report, on or before January 1 of each year, to the director of revenue and finance the amount of the sales and resales made during the previous year, of the sixteenth section, five-hundred-thousand-acre grant, and escheat estates, ~~and lands taken under foreclosure of permanent school fund mortgages,~~ and the director of revenue and finance shall charge them to the counties with interest from the date of ~~such~~ the sale or resale to January 1, at the rate of three percent per annum.

Sec. 12. Section 257B.42, Code 1993, is amended to read as follows:

257B.42 REPORT AS TO RENTS.

By January 1 of each year, county auditors shall report to the director of revenue and finance the amount of rents collected during the preceding year on unsold school lands ~~and lands taken under foreclosure of permanent school fund mortgages then in the hands of the county treasurer,~~ and the director shall include the amount reported in the semiannual apportionment of interest.

Sec. 13. Section 309.82, Code 1993, is amended to read as follows:

309.82 RECORD OF FINAL COST.

On completion of a bridge or culvert, a detailed statement of cost, and of additions or alterations to the plans shall be filed by the engineer, all of which shall be retained in the county engineer's office as permanent records, ~~and when the work is completed and approved, a statement of the costs shall be filed with the department by the county engineer.~~

Sec. 14. Section 317.3, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The board of supervisors of each county shall ~~may~~ annually appoint a county weed commissioner who may be a person otherwise employed by the county and who passes minimum standards established by the department of agriculture and land stewardship for noxious weed identification and the recognized methods for noxious weed control and elimination. The county weed commissioner's appointment shall be effective as of March 1 and shall continue for a term at the discretion of the board of supervisors unless the commissioner is removed from office as provided for by law. The county weed commissioner may, with the approval of the board of supervisors, require that commercial applicators and their appropriate employees pass the same standards for noxious weed identification as established by the department of agriculture and land stewardship. The name and address of the person appointed as county weed commissioner shall be certified to the county auditor and to the secretary of agriculture within ten days of the appointment. The board of supervisors shall fix the compensation of the county weed commissioner and deputies. In addition to compensation, the commissioner and deputies shall be paid their necessary travel expenses. At the discretion of the board of supervisors, the weed commissioner shall attend a seminar or school conducted or approved by the state department of agriculture and land stewardship relating to the identification, control, and elimination of noxious weeds.

Sec. 15. Section 321.285, subsection 3, Code Supplement 1993, is amended to read as follows:

5. Reasonable and proper, but not greater than fifty-five miles per hour at any time between sunrise and sunset, and not greater than fifty miles per hour at any time between sunset and sunrise, on secondary roads unless such roads are surfaced with concrete or asphalt or a combination of both, in which case the speed limits shall be the same as provided in subsection 4 of this section. ~~Whenever~~ When the board of supervisors of any county shall determine upon the basis of an engineering and traffic investigation ~~conducted by the department when so requested by said board~~ that the speed limit on any secondary road is greater than is reasonable and proper under the conditions found to exist at any intersection or other place or upon any part of a secondary road, ~~said the~~ the board shall determine and declare a reasonable and proper speed limit ~~thereat at the intersection or other part of the secondary road.~~ Such ~~The~~ speed limits as determined by the board of supervisors shall be effective when appropriate signs giving notice ~~thereof of the speed limits~~ of the speed limits are erected by the board of supervisors at ~~such the~~ the intersection or other place or part of the highway.

Sec. 16. Section 331.321, subsection 1, paragraph v, Code Supplement 1993, is amended by striking the paragraph.

Sec. 17. Section 331.324, subsection 1, paragraph b, Code 1993, is amended to read as follows:

b. Grant claims for mileage and expenses of officers and employees in accordance with sections 70A.9 to 70A.13 and section 331.215, subsection 2, ~~and grant employees leaves of absence to participate in olympic competition in accordance with section 70A.24.~~

Sec. 18. Section 331.341, subsection 1, Code 1993, is amended to read as follows:

1. When the estimated cost of a public improvement, other than improvements which may be paid for from the secondary road fund, exceeds ~~twenty-five thousand dollars~~ the amount specified in section 309.40, the board shall follow the contract letting procedures provided for cities in sections 384.95 to 384.103. However, in following those sections the

board shall substitute the word "county" for the word "city", section 331.305 for section 362.3, shall consider "governing body" to mean the board, and shall exclude references to a city utility, utility board of trustees, or public utilities. As used in this section, "public improvement" means the same as defined in section 384.95 as modified by this subsection.

Sec. 19. Section 331.361, subsection 4, Code 1993, is amended by striking the subsection.

Sec. 20. Section 331.381, subsection 14, Code Supplement 1993, is amended to read as follows:

14. Provide for the ~~licensure~~ seizure, impoundment, and disposition of dogs in accordance with chapter 351.

Sec. 21. Section 331.502, subsection 3, Code Supplement 1993, is amended by striking the subsection.

Sec. 22. Section 331.502, subsection 14, Code Supplement 1993, is amended by striking the subsection.

Sec. 23. Section 331.507, subsection 3, paragraphs b and c, Code 1993, are amended by striking the paragraphs.

Sec. 24. Section 331.508, subsection 7, Code 1993, is amended by striking the subsection.

Sec. 25. Section 331.512, subsection 5, Code 1993, is amended to read as follows:

5. Carry out duties relating to the preparation of the tax list as provided in sections ~~429A-97-429A-67~~ 428.4, 441.17, 441.21, 443.2 to 443.9 and 443.21.

Sec. 26. Section 331.552, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 32. File with the county auditor the name of a designated employee, if other than the first deputy treasurer, authorized to perform the duties of the treasurer during the absence or disability of the treasurer and the name of any employee authorized to sign, on behalf of the treasurer, any form, notice, or document requiring the signature of the treasurer.

Sec. 27. Section 331.653, subsection 21, Code 1993, is amended by striking the subsection.

Sec. 28. Section 331.752, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. A resolution changing the full-time or part-time status of a county attorney may take effect at any time before the sixty days expire upon agreement of the board of supervisors and the affected county attorney or county attorney-elect.

Sec. 29. Section 331.756, subsection 5, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

Enforce all forfeited bonds and recognizances and prosecute all proceedings necessary for the recovery of debts, revenues, moneys, fines, penalties, restitution of court-appointed attorney fees or expense of a public defender, and forfeitures accruing to the state, or the county or ~~to a school district~~ or a road district in the county, and all suits in the county against public service corporations which are brought in the name of the state. To assist in this duty, the county attorney may procure professional collection services provided by persons or organizations, including private attorneys, which are generally considered to have knowledge and special abilities which are not generally available to state or local government or may designate another county official or agency to assist with collection efforts.

Sec. 30. Section 331.756, subsections 13, 23, 30, 75, and 76, Code Supplement 1993, are amended by striking the subsections.

Sec. 31. Section 331.903, subsection 4, Code 1993, is amended to read as follows:

4. Each deputy officer, assistant and clerk shall perform the duties assigned by the principal officer making the appointment. During the absence or disability of the principal officer, the first deputy, or designee in those instances where there is no first deputy or in the absence or disability of the first deputy, shall perform the duties of the principal officer.

Sec. 32. Section 351.25, Code 1993, is amended to read as follows:

351.25 DOG AS PROPERTY.

All dogs under six months of age, and all dogs over said age and wearing a collar with a valid license rabies vaccination tag attached thereto to the collar, shall be deemed property. Dogs not so provided with license a rabies vaccination tag shall not be deemed property.

Sec. 33. Section 351.26, Code 1993, is amended to read as follows:

351.26 RIGHT AND DUTY TO KILL ~~UNLICENSED~~ UNTAGGED DOG.

It shall be lawful for any person, and the duty of all peace officers within their respective jurisdictions unless such jurisdiction shall have otherwise provided for the seizure and impoundment of dogs, to kill any dog for which a license rabies vaccination tag is required, when such the dog is not wearing a collar with license rabies vaccination tag attached ~~as herein provided~~.

Sec. 34. Section 351.27, Code 1993, is amended to read as follows:

351.27 RIGHT TO KILL ~~LICENSED~~ TAGGED DOG.

It shall be lawful for any person to kill a dog, ~~licensed~~ and wearing a collar with license a rabies vaccination tag attached, when such the dog is caught in the act of worrying, chasing, maiming, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.

Sec. 35. Section 427.3, subsections 1 and 2, Code 1993, are amended by striking the subsections.

Sec. 36. Section 455E.11, subsection 2, paragraph a, subparagraph (15), Code Supplement 1993, is amended to read as follows:

(15) Notwithstanding the limitations of use of the fees imposed under section 455B.310 and retained by a city, county, public agency, or private agency under this section, moneys retained by the city, county, public agency, or private agency may be used ~~to defray the cost of installation of a scale at a sanitary landfill or to defray the costs of closure of the~~

~~sanitary landfill; the costs related to the establishment of a transfer station; or the costs of a hydrogeological plan for other environmental protection and environmental compliance activities.~~

Sec. 37. Section 568.3, Code 1993, is amended to read as follows:

568.3 APPLICATION BY PROSPECTIVE PURCHASER.

~~if the county auditor fails or neglects to make such application; then any~~ A person desiring to purchase such land described in section 568.1 may file a written application with the secretary of state, asking that the ~~said~~ land be surveyed, appraised, and sold.

Sec. 38. Section 568.4, Code 1993, is amended to read as follows:

568.4 FORM OF APPLICATION.

The ~~said~~ application ~~whether made by the county auditor or by a person desiring to purchase the land;~~ shall contain an accurate description thereof of the land, stating whether the land is abandoned river channel, or land within such ~~the~~ abandoned river channel, or an island or a sand bar in a navigable stream, and giving the number of township and range in which it is located, and the section numbers if possible, and also the estimated acreage.

Sec. 39. Section 602.8102, subsection 34, Code Supplement 1993, is amended by striking the subsection.

Sec. 40. Section 641.1, Code 1993, is amended to read as follows:

641.1 INDEBTEDNESS DUE THE STATE.

In all cases in which any person is indebted to the state, or to any officer or agent thereof for the use or benefit of the state, the ~~proper county attorney or~~ attorney general shall demand payment or security therefor, when, in the opinion of ~~said county attorney or~~ the attorney general, the debt is not sufficiently secured.

Sec. 41. Section 641.2, Code 1993, is amended to read as follows:

641.2 ATTACHMENT AUTHORIZED.

In all actions for money due to the state, or to any agent or officer for the use of the state, it shall be lawful for an attachment to issue against the property or debts of the defendant not exempt from execution, upon the filing of an affidavit ~~by the county attorney of the proper county, or of the attorney general,~~ that the ~~county attorney or~~ attorney general verily believes that a specific amount therein stated is justly due, and the defendant therein has refused to pay or secure the same, and unless an attachment is issued against the property of the defendant there is danger that the amount due will be lost to the state.

Sec. 42. REPEALS.

1. Chapters 169B and 361, Code 1993, are repealed.
2. Sections 70A.24, 351.1 through 351.14, 351.17, 351.20, 351.22 through 351.24, 351.34, 427A.2 through 427A.6, 427A.9 through 427A.11, 428.10, and 568.2, Code 1993, are repealed.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 642, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved  1994

TERRY E. BRANSTAD
Governor