

FILED FEB 16 1993

SENATE FILE 141  
BY COMMITTEE ON EDUCATION

*Substituted for HF 238 2/1/93*  
(SUCCESSOR TO SF 70)

Passed Senate, Date <sup>(p.368)</sup> 2-22-92 Passed House, <sup>(p.443)</sup> Date 3-1-93  
Vote: Ayes 42 Nays 0 Vote: Ayes 96 Nays 0  
Approved March 8, 1993

A BILL FOR

1 An Act to permit the participation in the voter-approved  
2 enrichment levy by newly reorganized school districts.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF141

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1 Section 1. Section 257.33, Code 1993, is amended by adding  
 2 the following new unnumbered paragraph:  
 3 NEW UNNUMBERED PARAGRAPH. Use of the additional enrichment  
 4 amounts approved under chapter 442, Code 1991, is not affected  
 5 by a change in the boundaries of the school district, except  
 6 as otherwise provided in this section. If each school  
 7 district involved in a school reorganization under chapter 275  
 8 has approved the use of the additional enrichment amount, and  
 9 if the voters have not voted upon the question of  
 10 participation in the instructional support program in the  
 11 reorganized district, the use of the additional enrichment  
 12 amount shall be in effect for the reorganized district that  
 13 has been approved for the least amount and the shortest time  
 14 in any of the districts.

15 EXPLANATION

16 This bill provides that use of the additional enrichment  
 17 amount is not affected by a district's change in its borders.  
 18 The bill also provides that if the districts involved in  
 19 reorganization under chapter 275 already have approved the  
 20 enrichment amount then the amount which has been approved in  
 21 one of the former school districts for the least amount and  
 22 the shortest period of time is to be in effect in the  
 23 reorganized school district.

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JUDGE, CH.  
NESTER  
RIORDAN  
SORENSEN  
ZIEMAN

SSB 70  
AGRICULTURE  
New

SENATE FILE 141  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON PRIEBE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for the rescue and maintenance of neglected  
2 animals, providing penalties, and providing for the repeal of  
3 a provision.

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

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1 Section 1. Section 331.307, subsection 1, Code 1993, is  
2 amended to read as follows:

3 1. A county infraction is a civil offense punishable by a  
4 civil penalty of not more than one hundred dollars for each  
5 violation or if the infraction is a repeat offense a civil  
6 penalty not to exceed two hundred dollars for each repeat  
7 offense. However, notwithstanding section 331.302, a county  
8 infraction arising from the neglect of an animal as provided  
9 in section 717.7 may be punishable by a civil penalty of not  
10 more than one thousand dollars.

11 Sec. 2. Section 331.307, subsection 6, Code 1993, is  
12 amended to read as follows:

13 6. Notwithstanding section 602.8106, subsection 3,  
14 penalties or forfeitures collected by the court for county  
15 infractions shall be remitted to the county in the same manner  
16 as fines and forfeitures are remitted to cities for criminal  
17 violations under section 602.8106. The entire amount of a  
18 penalty collected pursuant to a violation of section 717.7  
19 shall be deposited with the county treasurer for use by the  
20 county in administering and enforcing section 717.7. If the  
21 person named in the citation is served as provided in this  
22 section and fails without good cause to appear in response to  
23 the civil citation, judgment shall be entered against the  
24 person cited.

25 Sec. 3. Section 331.653, subsection 21, Code 1993, is  
26 amended to read as follows:

27 21. Destroy a neglected or stray disabled animal as  
28 ~~provided-in-section-169B-49.~~

29 Sec. 4. Section 364.22, subsection 1, unnumbered paragraph  
30 1, Code 1993, is amended to read as follows:

31 A municipal infraction is a civil offense punishable by a  
32 civil penalty of not more than one hundred dollars for each  
33 violation or if the infraction is a repeat offense, a civil  
34 penalty not to exceed two hundred dollars for each repeat  
35 offense. However, notwithstanding section 364.3, a municipal

1 infraction arising from the neglect of an animal as provided  
2 in section 717.7 may be punishable by a civil penalty of not  
3 more than one thousand dollars. However, notwithstanding  
4 Notwithstanding section 364.3, a municipal infraction arising  
5 from noncompliance with a pretreatment standard or  
6 requirement, referred to in 40 C.F.R. § 403.8, by an  
7 industrial user may be punishable by a civil penalty of not  
8 more than one thousand dollars for each day a violation exists  
9 or continues.

10 Sec. 5. Section 364.22, subsection 6, Code 1993, is  
11 amended to read as follows:

12 6. All penalties or forfeitures collected by the court for  
13 municipal infractions shall be remitted to the city in the  
14 same manner as fines and forfeitures are remitted for criminal  
15 violations under section 602.8106. The entire amount of a  
16 penalty collected pursuant to a violation of section 717.7  
17 shall be deposited with the city treasurer for use by the city  
18 in administering and enforcing section 717.7. If the person  
19 named in the citation is served as provided in this section  
20 and fails without good cause to appear in response to the  
21 civil citation, judgment shall be entered against the person  
22 cited.

23 Sec. 6. Section 670.4, Code 1993, is amended by adding the  
24 following new subsection:

25 NEW SUBSECTION. 13. A claim based on an act or omission  
26 by a county or city pursuant to section 717.7 relating to  
27 either of the following:

28 a. The providing of on-site care to or the rescue of a  
29 neglected animal by a law enforcement officer, unless the  
30 rescue results in injury or damage.

31 b. The maintenance or disposition of a neglected animal by  
32 the county or city.

33 Sec. 7. NEW SECTION. 717.7 RESCUE AND MAINTENANCE OF  
34 NEGLECTED ANIMALS.

35 1. As used in this section, unless the context otherwise

1 requires:

2 a. "Animal care provider" means a person designated by a  
3 county or city to provide care to an animal which is removed  
4 by the county or city pursuant to this section.

5 b. "Law enforcement officer" means a regularly employed  
6 member of a police force of a city or county, including a  
7 sheriff, who is responsible for the prevention and detection  
8 of crime and the enforcement of the criminal laws of this  
9 state.

10 c. "Local authority" means a city as defined in section  
11 362.2 or a county as provided in chapter 331.

12 d. "Maintenance" means to provide care to a neglected  
13 animal, to dispose of the animal, or to destroy the animal.

14 e. "Neglected animal" means an animal subjected to cruelty  
15 in violation of section 717.2.

16 2. A law enforcement officer may enter onto the property  
17 of a person to rescue a neglected animal, if the officer  
18 obtains a search warrant issued by a court, or sees the  
19 neglected animal in open view in an area where there exists no  
20 reasonable expectation of privacy.

21 3. A local authority may contact an animal care provider  
22 for the maintenance of the neglected animal. The local  
23 authority shall pay the animal care provider for the animal's  
24 maintenance regardless of proceeds received from the sale of  
25 the animal. The local authority may assess the owner of the  
26 neglected animal the costs of maintaining the animal,  
27 including payments made to the animal care provider.

28 4. If the owner of the animal is a titleholder of land who  
29 fails to pay charges for maintenance, the cost of maintenance  
30 subtracted by the amount collected in charges from the sale of  
31 the animal shall be assessed against the land and collected  
32 from the titleholder. The local authority shall submit the  
33 amount to the clerk of the county board of supervisors who  
34 shall report the amount to the county auditor and county  
35 treasurer. The amount shall be placed upon the tax books, and

1 collected together with interest and penalty after due, in the  
2 same manner as other unpaid property taxes. The county shall  
3 reimburse a city within thirty days from the collection of the  
4 property taxes.

5 5. A neglected animal shall not be returned to the owner.  
6 The animal shall be subject to disposition as required by a  
7 court, including by sale, adoption, or destruction. Moneys  
8 from the sale of a neglected animal shall be paid first to the  
9 local authority before satisfying indebtedness secured by any  
10 security interest in or lien on the animal. A neglected  
11 animal shall be destroyed only by euthanasia as defined in  
12 section 162.2.

13 6. A proceeding required to obtain an order pursuant to  
14 this section shall be expedited. An order shall not be issued  
15 by a district court later than twenty-four hours from an  
16 application or petition by the local authority.

17 7. The owner of a neglected animal rescued by a law  
18 enforcement officer is subject to prosecution for a county  
19 infraction as provided in section 331.307 or for a municipal  
20 infraction as provided in section 364.22. The amount of the  
21 penalty shall be not more than one thousand dollars. Each  
22 neglected animal rescued by a law enforcement officer  
23 constitutes a separate violation. If the action is brought by  
24 a city, the moneys shall be deposited with the city treasurer  
25 for use by the city in administering and enforcing this  
26 section. If the action is brought by a county, the moneys  
27 shall be deposited with the county treasurer for use by the  
28 county in administering and enforcing this section.

29 Sec. 8. Section 169B.49, Code 1993, is repealed.

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EXPLANATION

31 This bill repeals a provision which allows any person to  
32 care for or remove a neglected animal belonging to another  
33 person.

34 This bill provides that a county or city law enforcement  
35 officer may enter onto the property of a person to rescue a

1 neglected animal, by either providing care to the animal or  
2 removing the animal to the custody of the city or county. A  
3 local authority may contact an animal care provider for the  
4 maintenance of the neglected animal. The local authority may  
5 assess the owner of a neglected animal the reasonable cost of  
6 maintenance. The actions by the officer in caring for or  
7 rescuing the animal are exempt from tort claims. The actions  
8 of the county or city in maintaining or disposing of the  
9 animal are also exempt from such claims.

10 If the owner of the animal is a titleholder of land, the  
11 cost of maintenance subtracted by the amount collected from  
12 the sale of the animal is assessed against the land and  
13 collected from the titleholder. A neglected animal shall not  
14 be returned to the owner. The animal shall be subject to  
15 disposition as required by a court, including by sale,  
16 adoption, or destruction. Moneys from the sale of a neglected  
17 animal must be paid to the local authority before satisfying  
18 indebtedness secured by any security interest in or lien on  
19 the animal.

20 The owner of a neglected animal rescued by a law  
21 enforcement officer may be subject to a civil penalty of up to  
22 \$1,000 as a county or municipal infraction. Each neglected  
23 animal rescued by a local officer shall be considered a  
24 separate violation. Moneys collected shall be deposited with  
25 the county or city treasurer for use by the county or city in  
26 administering and enforcing provisions of the bill.

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has been approved for the least amount and the shortest time in any of the districts.

SENATE FILE 141

AN ACT

TO PERMIT THE PARTICIPATION IN THE VOTER-APPROVED ENRICHMENT LEVY BY NEWLY REORGANIZED SCHOOL DISTRICTS.

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

Section 1. Section 257.33, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Use of the additional enrichment amounts approved under chapter 442, Code 1991, is not affected by a change in the boundaries of the school district, except as otherwise provided in this section. If each school district involved in a school reorganization under chapter 275 has approved the use of the additional enrichment amount, and if the voters have not voted upon the question of participation in the instructional support program in the reorganized district, the use of the additional enrichment amount shall be in effect for the reorganized district that

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LEONARD L. BOSWELL  
President of the Senate

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HAROLD VAN MAANEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 141, Seventy-fifth General Assembly.

\_\_\_\_\_  
JOHN P. DWYER  
Secretary of the Senate

Approved March 8, 1993

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TERRY E. BRANSTAD  
Governor