

Reprinted

SENATE FILE 2062
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2009)

Passed Senate, Date 2/28/96 (P.501) Passed House, Date 3/27/96 (P.1011)
Vote: Ayes 48 Nays 0 Vote: Ayes 95 Nays 3
Approved April 10, 1996

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities, and
6 providing effective and retroactive applicability dates.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2062

1 Section 1. Section 56.14, Code Supplement 1995, is amended
2 to read as follows:

3 56.14 POLITICAL MATERIAL -- SOLICITATIONS--- YARD SIGNS.

4 1. a. A person who causes the publication or distribution
5 of published material designed to promote or defeat the
6 nomination or election of a candidate for public office or the
7 passage of a constitutional amendment or public measure shall
8 include conspicuously on the published material the identity
9 and address of the person responsible for the material. If
10 the person responsible is an organization, the name of one
11 officer of the organization shall appear on the material.
12 However, if the organization is a committee which has filed a
13 statement of organization under this chapter, only the name of
14 the committee is required to be included on the published
15 material. Published material designed to promote or defeat
16 the nomination or election of a candidate for public office or
17 the passage of a constitutional amendment or public measure
18 which contains language or depictions which a reasonable
19 person would understand as asserting that an entity which is
20 incorporated or is a registered committee had authored the
21 material shall, if the entity is not incorporated or a
22 registered committee, include conspicuously on the published
23 material a statement that the apparent organization or
24 committee is not incorporated or a registered committee in
25 addition to the ~~disclaimer~~ attribution statement required by
26 this section. For purposes of this section, "registered
27 committee" means a committee which has an active statement of
28 organization filed under section 56.5.

29 2. b. This ~~section~~ subsection does not apply to the
30 editorials or news articles of a newspaper or magazine which
31 are not political advertisements. For the purpose of this
32 ~~section~~ subsection, "published material" means any newspaper,
33 magazine, shopper, outdoor advertising facility, poster,
34 direct mailing, brochure, or any other form of printed general
35 public political advertising; however, the identification need

1 not be conspicuous on posters. This ~~section~~ subsection does
2 not apply to yard signs, bumper stickers, pins, buttons, pens,
3 matchbooks, and similar small items upon which the inclusion
4 of the ~~disclaimer~~ attribution statement would be impracticable
5 or to published material which is subject to federal
6 regulations regarding ~~a-disclaimer~~ an attribution requirement.

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

12 ~~3-~~ 2. a. Yard signs shall not be placed on any property
13 which adjoins a city, county, or state roadway sooner than
14 forty-five days preceding a primary or general election and
15 shall be removed within seven days after the primary or
16 general election, in which the name of the particular
17 candidate or ballot issue described on the yard sign appears
18 on the ballot. Yard signs are subject to removal by highway
19 authorities as provided in section 319.13, or by county or
20 city law enforcement authorities in a manner consistent with
21 section 319.13. The placement or erection of yard signs shall
22 be exempt from the requirements of chapter 480. Notice may be
23 provided to the chairperson of the appropriate county central
24 committee if the highway authorities are unable to provide
25 notice to the candidate, candidate's committee, or political
26 committee regarding the yard sign.

27 ~~4-~~ b. This ~~section~~ subsection does not prohibit the
28 placement of yard signs on agricultural land owned by
29 individuals or by a family farm operation as defined in
30 section 9H.1, subsections 8, 8A, 9, and 10; does not prohibit
31 the placement of yard signs on property owned by private
32 individuals who have rented or leased the property to a
33 corporation, if the prior written permission of the property
34 owner is obtained; and does not prohibit the placement of yard
35 signs on residential property owned by a corporation but

1 rented or leased to a private individual if the prior
2 permission of the renter or lessee is obtained. For the
3 purposes of this chapter, "agricultural land" means
4 agricultural land as defined in section 9H.1.

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

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

12 The department shall adopt rules that are no less
13 restrictive than the uniform methods and rules for brucellosis
14 eradication promulgated by the United States department of
15 agriculture, APHIS 91-1, as effective July 17, 1984 January 1,
16 1996, but may adopt rules that are more restrictive, subject
17 to chapter 17A.

18 Sec. 3. Section 229.44, subsection 2, unnumbered paragraph
19 1, Code 1995, is amended to read as follows:

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

24 Sec. 4. Section 322G.15, Code Supplement 1995, is amended
25 to read as follows:

26 322G.15 APPLICABILITY.

27 1. This chapter takes effect July 1, 1991, and applies to
28 motor vehicles originally purchased or leased in this state by
29 consumers on or after July 17, 1991 that date.

30 2. Except This chapter applies to motor vehicles
31 originally purchased or leased in this state and, except for
32 section 322G.3, subsections 1 and 2, and section 322G.6,
33 subsection 1, this chapter applies to motor vehicles
34 originally purchased or leased in other states, if the
35 consumer is a resident of this state at the time the

1 consumer's rights are asserted under this chapter. Section
2 ~~3226.14, which concerns rulemaking, shall take effect May 9,~~
3 ~~1991.~~

4 Sec. 5. Section 421.17A, subsection 2, Code Supplement
5 1995, is amended to read as follows:

6 2. PURPOSE AND USE.

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

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

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

21 Sec. 6. Section 444.26, Code Supplement 1995, is amended
22 to read as follows:

23 444.26 PROPERTY TAX LEVY LIMITATIONS NOT AFFECTED.

24 Sections 444.25, and 444.25A, and 444.25B shall not be
25 construed as removing or otherwise affecting the property tax
26 limitations otherwise provided by law for any tax levy of the
27 political subdivision, except that, upon an appeal from the
28 political subdivision, the state appeal board may approve a
29 tax levy consistent with the provisions of section 24.48 or
30 331.426.

31 Sec. 7. Section 452A.74, subsection 1, Code Supplement
32 1995, is amended to read as follows:

33 1. For any person to knowingly fail, neglect, or refuse to
34 make any required return or statement or pay over fuel taxes
35 required under this section chapter.

1 Sec. 8. Section 455B.171, subsection 28, Code Supplement
2 1995, is amended to read as follows:

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

14 Sec. 9. Section 455B.174, subsection 5, unnumbered
15 paragraph 1, Code 1995, is amended to read as follows:

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

27 Sec. 10. Section 455B.177, subsection 1, Code 1995, is
28 amended to read as follows:

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

1 federal Water Pollution Control Act, and federal regulations
2 and guidelines issued pursuant to that Act.

3 Sec. 11. Section 455B.179, Code 1995, is amended to read
4 as follows:

5 455B.179 TRADE SECRETS PROTECTED.

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

23 Sec. 12. Section 610A.1, Code Supplement 1995, is amended
24 to read as follows:

25 610A.1 ACTIONS OR APPEALS BROUGHT BY INMATES OR PRISONERS.

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

32 a. Upon filing of the action or appeal, the court shall
33 order the inmate or prisoner to pay a minimum of twenty per-
34 cent of the required filing fee before the court will take any
35 further action on the inmate's or prisoner's action or appeal

1 and shall also order the inmate or prisoner to make monthly
2 payments of ten percent of all outstanding fees and costs
3 associated with the inmate's or prisoner's action or appeal.

4 b. If the inmate has an inmate account under section
5 904.702, the department of corrections shall withdraw moneys
6 maintained in the account for the payment of fees and costs
7 associated with the inmate's action or appeal in accordance
8 with the court's order until the required fees and costs are
9 paid in full. The inmate shall file a certified copy of the
10 inmate's account balance with the court at the time the action
11 or appeal is filed.

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

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

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

25 Sec. 13. Section 610A.4, Code Supplement 1995, is amended
26 to read as follows:

27 610A.4 COST SETOFF.

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

33 Sec. 14. Section 805.8, subsection 5, paragraphs c and d,
34 Code Supplement 1995, are amended to read as follows:

35 c. For violations of sections 481A.6, 481A.21, 481A.22,

1 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, ~~481A.82,~~
2 481A.83, 481A.84, 481A.92, 481A.123, 481A.145, subsection 3,
3 sections 482.7, 483A.7, 483A.8, 483A.23, and 483A.24, the
4 scheduled fine is twenty-five dollars.

5 d. For violations of sections 481A.7, 481A.24, 481A.47,
6 481A.52, 481A.53, 481A.55, 481A.58, ~~481A.63,~~ 481A.76, ~~481A.81,~~
7 481A.90, 481A.91, 481A.97, 481A.122, 481A.126, 481A.142,
8 481A.145, subsection 2, sections 482.8, and 483A.37, the
9 scheduled fine is fifty dollars.

10 Sec. 15. Section 805.8, subsection 5, paragraph k, Code
11 Supplement 1995, is amended to read as follows:

12 k. For violations of section ~~481A.80~~ 481A.144, subsection
13 4, or section 481A.145, subsections 4, 5, and 6, relating to
14 minnows:

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

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

19 Sec. 16. 1995 Iowa Acts, chapter 186, section 9, is
20 amended to read as follows:

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

29 Sec. 17. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
30 Section 16 of this Act, being deemed of immediate importance,
31 takes effect upon enactment and applies retroactively to May
32 22, 1995.

33 EXPLANATION

34 This bill contains statutory corrections which may adjust
35 language to reflect current practices, insert earlier

1 omissions, delete redundancies and inaccuracies, delete
2 temporary language, resolve inconsistencies and conflicts,
3 update ongoing provisions, or remove ambiguities.

4 56.14: In section relating to political advertising,
5 substitutes the term "attribution statement" for "disclaimer"
6 to more accurately refer to the identification requirement of
7 those who publish political material. The bill also
8 rearranges the subsections to differentiate between provisions
9 regulating published material and yard signs.

10 164.4, unnumbered paragraph 2: Updates reference to
11 federal uniform methods and rules for brucellosis eradication
12 in section providing that state rules may not be less
13 restrictive than federal rules. This change was requested by
14 the department of agriculture and land stewardship.

15 229.44(2), unnumbered paragraph 1: In provision relating
16 to changes of venue in proceedings for the involuntary
17 hospitalization of persons with mental illness, strikes a
18 reference to venue changes following the entry of an order
19 pursuant to section 229.34, which pertains to orders for a
20 person's discharge following a commission of inquiry to
21 investigate a complaint contesting confinement. The bill
22 changes the reference to include venue transfers following the
23 entry of more frequently utilized orders pursuant to sections
24 229.13 and 229.14, which pertain to evaluation and treatment
25 orders or orders entered following the chief medical officer's
26 report on the psychiatric evaluation. This change was
27 requested by a judicial hospitalization referee.

28 322G.15: Revises section amended in 1995 pertaining to the
29 applicability of the motor vehicle "lemon law" for greater
30 clarity and strikes reference to an effective date that has
31 passed.

32 421.17A(2)(a, c): In section providing for an
33 administrative levy against accounts to collect delinquent
34 indebtedness to the state, changes the word "chapter" to
35 "section" to more accurately describe the process.

1 444.26: In section providing that specific property tax
2 limitations enacted for fiscal years 1994 through 1997 do not
3 affect other levy limitations, adds a conforming amendment to
4 refer to the property tax limitation for fiscal year 1998 in
5 section 444.25B, which was enacted in 1995 Iowa Acts, chapter
6 206 (Senate File 69).

7 452A.74(1): Replaces a reference to "this section" with
8 "this chapter" in provisions prohibiting unlawful acts
9 relating to paying and filing returns or statements of motor
10 fuel and special fuel taxes. Other sections within chapter
11 452A contain requirements for payments and filings, whereas
12 section 452A.74 pertains only to unlawful acts and penalties.

13 455B.171(28); 455B.174(5), unnumbered paragraph 1;
14 455B.177(1); 455B.179: In water pollution control provisions
15 pertaining to the definition of sewer system, the duties of
16 the director of the department of natural resources in
17 conducting inspections of local public works projects, the
18 findings of the general assembly, and the confidentiality of
19 trade secrets, replace references to the water pollution
20 control provisions enacted in 1976 Iowa Acts, chapter 1204,
21 with references to division III, part 1, of chapter 455B,
22 which contains general water quality provisions, in order to
23 improve understandability. While intervening amendments to
24 part 1 have been enacted since 1976, the proposed changes do
25 not alter the scope of the provisions.

26 610A.1; 610A.4: In sections specifying the requirements
27 for inmates and prisoners to pay fees and costs associated
28 with civil actions or appeals and providing a cost setoff from
29 claims for the costs of incarceration, clarify that prisoners
30 of county jails and detention facilities are included. While
31 the apparent intent of the provisions enacted in 1995 Iowa
32 Acts, chapter 167 (House File 246), was to include prisoners
33 of all jails or detention facilities through the use of the
34 term "municipal", the term is not defined in title XV,
35 subtitle 2, of the Code, and it may not be clear that counties

1 are included.

2 805.8(5)(c),(d), and (k): In section providing penalties
3 for scheduled violations, correct internal references to
4 provisions which were repealed pursuant to 1993 Iowa Acts,
5 chapter 99. Legislation enacted in 1993 repealed provisions
6 pertaining to the requirements of licensed bait dealers and
7 the taking and selling of minnows and other bait, and
8 reenacted those provisions in sections 481A.144 and 481A.145.
9 The proposed changes correct the references to reflect the
10 reenacted provisions.

11 1995 Iowa Acts, chapter 186, section 9: Corrects the
12 retroactive applicability provision of the local option sales
13 tax bill enacted in 1995, Senate File 472. The apparent
14 intent of the legislation was that only the bond-related
15 provisions contained in sections 4 and 7 of the Act would
16 apply retroactively to July 1, 1994, rather than the entire
17 Act. Because the 1995 legislation became effective May 22,
18 1995, this bill provides that the proposed changes take effect
19 upon enactment and apply retroactively to May 22, 1995.

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S-5004

1 Amend Senate File 2062 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 10A.104, subsection 9, Code
5 Supplement 1995, is amended to read as follows:
6 9. Administer and enforce this chapter, and
7 chapters 99B, 135B, 135C, 135G, 135H, 135J, 137A,
8 137B, 137C, 137D, and 137E."

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

11 "Sec. ____ . Section 147A.26, subsection 2, Code
12 Supplement 1995, is amended to read as follows:

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

28 3. Page 4, by striking lines 31 through 35.

29 4. By renumbering and correcting internal
30 references as necessary.

By COMMITTEE ON JUDICIARY
RANDAL J. GIANNETTO, Chairperson

S-5004 FILED JANUARY 18, 1996

(p. 501) Adopted 4/28/96

1 Section 1. Section 10A.104, subsection 9, Code Supplement
2 1995, is amended to read as follows:

3 9. Administer and enforce this chapter, and chapters 99B,
4 135B, 135C, 135G, 135H, 135J, 137A, 137B, 137C, 137D, and
5 137E.

6 Sec. 2. Section 56.14, Code Supplement 1995, is amended to
7 read as follows:

8 56.14 POLITICAL MATERIAL -- SOLICITATIONS--- YARD SIGNS.

9 1. a. A person who causes the publication or distribution
10 of published material designed to promote or defeat the
11 nomination or election of a candidate for public office or the
12 passage of a constitutional amendment or public measure shall
13 include conspicuously on the published material the identity
14 and address of the person responsible for the material. If
15 the person responsible is an organization, the name of one
16 officer of the organization shall appear on the material.
17 However, if the organization is a committee which has filed a
18 statement of organization under this chapter, only the name of
19 the committee is required to be included on the published
20 material. Published material designed to promote or defeat
21 the nomination or election of a candidate for public office or
22 the passage of a constitutional amendment or public measure
23 which contains language or depictions which a reasonable
24 person would understand as asserting that an entity which is
25 incorporated or is a registered committee had authored the
26 material shall, if the entity is not incorporated or a
27 registered committee, include conspicuously on the published
28 material a statement that the apparent organization or
29 committee is not incorporated or a registered committee in
30 addition to the disclaimer attribution statement required by
31 this section. For purposes of this section, "registered
32 committee" means a committee which has an active statement of
33 organization filed under section 56.5.

34 2. b. This section subsection does not apply to the
35 editorials or news articles of a newspaper or magazine which

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

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

17 3- 2. a. Yard signs shall not be placed on any property
18 which adjoins a city, county, or state roadway sooner than
19 forty-five days preceding a primary or general election and
20 shall be removed within seven days after the primary or
21 general election, in which the name of the particular
22 candidate or ballot issue described on the yard sign appears
23 on the ballot. Yard signs are subject to removal by highway
24 authorities as provided in section 319.13, or by county or
25 city law enforcement authorities in a manner consistent with
26 section 319.13. The placement or erection of yard signs shall
27 be exempt from the requirements of chapter 480. Notice may be
28 provided to the chairperson of the appropriate county central
29 committee if the highway authorities are unable to provide
30 notice to the candidate, candidate's committee, or political
31 committee regarding the yard sign.

32 4- b. This section subsection does not prohibit the
33 placement of yard signs on agricultural land owned by
34 individuals or by a family farm operation as defined in
35 section 9H.1, subsections 8, 8A, 9, and 10; does not prohibit

1 the placement of yard signs on property owned by private
2 individuals who have rented or leased the property to a
3 corporation, if the prior written permission of the property
4 owner is obtained; and does not prohibit the placement of yard
5 signs on residential property owned by a corporation but
6 rented or leased to a private individual if the prior
7 permission of the renter or lessee is obtained. For the
8 purposes of this chapter, "agricultural land" means
9 agricultural land as defined in section 9H.1.

10 ~~5.---This-section-shall-not-be-construed-to-require-the~~
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13 ~~independently-and-using-the-individual's-own-modest-resources~~
14 ~~to-publish-or-distribute-the-material.~~

15 Sec. 3. Section 147A.26, subsection 2, Code Supplement
16 1995, is amended to read as follows:

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

30 Sec. 4. Section 164.4, unnumbered paragraph 2, Code 1995,
31 is amended to read as follows:

32 The department shall adopt rules that are no less
33 restrictive than the uniform methods and rules for brucellosis
34 eradication promulgated by the United States department of
35 agriculture, APHIS 91-1, as effective July 17, 1984 January 1,

1 1996, but may adopt rules that are more restrictive, subject
2 to chapter 17A.

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7 any county having venue at any further stage in the proceeding
8 as follows:

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10 to read as follows:

11 322G.15 APPLICABILITY.

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

15 2. Except This chapter applies to motor vehicles
16 originally purchased or leased in this state and, except for
17 section 322G.3, subsections 1 and 2, and section 322G.6,
18 subsection 1, this-chapter applies to motor vehicles
19 originally purchased or leased in other states, if the
20 consumer is a resident of this state at the time the
21 consumer's rights are asserted under this chapter. Section
22 322G.14, which concerns rulemaking, shall take effect May 9,
23 1991.

24 Sec. 7. Section 421.17A, subsection 2, Code Supplement
25 1995, is amended to read as follows:

26 2. PURPOSE AND USE.

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

35 b. An obligor is subject to this section if the obligor's

1 debt is being collected by the facility.

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

6 Sec. 8. Section 444.26, Code Supplement 1995, is amended
7 to read as follows:

8 444.26 PROPERTY TAX LEVY LIMITATIONS NOT AFFECTED.

9 Sections 444.25, and 444.25A, and 444.25B shall not be
10 construed as removing or otherwise affecting the property tax
11 limitations otherwise provided by law for any tax levy of the
12 political subdivision, except that, upon an appeal from the
13 political subdivision, the state appeal board may approve a
14 tax levy consistent with the provisions of section 24.48 or
15 331.426.

* 16 Sec. 9. Section 455B.171, subsection 28, Code Supplement
17 1995, is amended to read as follows:

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

29 Sec. 10. Section 455B.174, subsection 5, unnumbered
30 paragraph 1, Code 1995, is amended to read as follows:

31 Conduct random inspections of work done by city and county
32 public works departments to ensure such public works
33 departments are complying with this Act part of this division.
34 If a city or county public works department is not complying
35 with section 455B.183 in reviewing plans and specifications or

1 in granting permits or both, the department shall perform
2 these functions in that jurisdiction until the city or county
3 public works department is able to perform them. Performance
4 of these functions in a jurisdiction by a local public works
5 department shall not be suspended or revoked until after
6 notice and opportunity for hearing as provided in chapter 17A.

7 Sec. 11. Section 455B.177, subsection 1, Code 1995, is
8 amended to read as follows:

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

18 Sec. 12. Section 455B.179, Code 1995, is amended to read
19 as follows:

20 455B.179 TRADE SECRETS PROTECTED.

21 Upon a satisfactory showing by any person to the director
22 that public disclosure of any record, report, permit, permit
23 application, or other document or information or part thereof
24 would divulge methods or processes entitled to protection as a
25 trade secret, any such record, report, permit, permit
26 application, or other document or part thereof other than
27 effluent data and analytical results of monitoring or public
28 water supply systems, shall be accorded confidential
29 treatment. Notwithstanding the provisions of chapter 22, a
30 person in connection with duties or employment by the
31 department shall not make public any information accorded
32 confidential status; however, any such record or other
33 information accorded confidential status may be disclosed or
34 transmitted to other officers, employees, or authorized
35 representatives of this state or the United States concerned

1 with carrying out this part of this division or when relevant
2 in any proceeding under this Act part of this division.

3 Sec. 13. Section 610A.1, Code Supplement 1995, is amended
4 to read as follows:

5 610A.1 ACTIONS OR APPEALS BROUGHT BY INMATES OR PRISONERS.

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

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

19 b. If the inmate has an inmate account under section
20 904.702, the department of corrections shall withdraw moneys
21 maintained in the account for the payment of fees and costs
22 associated with the inmate's action or appeal in accordance
23 with the court's order until the required fees and costs are
24 paid in full. The inmate shall file a certified copy of the
25 inmate's account balance with the court at the time the action
26 or appeal is filed.

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

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

33 2. The court may make the authorization provided for in
34 section 610.1 if it finds that the inmate does not have suf-
35 ficient moneys in the inmate's account or sufficient moneys

1 flowing into the account to make the payments required in this
2 section or, in the case of a prisoner of a county or municipal
3 jail or detention facility, that the prisoner otherwise meets
4 the requirements of section 610.1.

5 Sec. 14. Section 610A.4, Code Supplement 1995, is amended
6 to read as follows:

7 610A.4 COST SETOFF.

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

13 Sec. 15. Section 805.8, subsection 5, paragraphs c and d,
14 Code Supplement 1995, are amended to read as follows:

15 c. For violations of sections 481A.6, 481A.21, 481A.22,
16 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, ~~481A.82~~
17 481A.83, 481A.84, 481A.92, 481A.123, 481A.145, subsection 3,
18 sections 482.7, 483A.7, 483A.8, 483A.23, and 483A.24, the
19 scheduled fine is twenty-five dollars.

20 d. For violations of sections 481A.7, 481A.24, 481A.47,
21 481A.52, 481A.53, 481A.55, 481A.58, ~~481A.63~~ 481A.76, ~~481A.81~~
22 481A.90, 481A.91, 481A.97, 481A.122, 481A.126, 481A.142,
23 481A.145, subsection 2, sections 482.8, and 483A.37, the
24 scheduled fine is fifty dollars.

25 Sec. 16. Section 805.8, subsection 5, paragraph k, Code
26 Supplement 1995, is amended to read as follows:

27 k. For violations of section ~~481A.80~~ 481A.144, subsection
28 4, or section 481A.145, subsections 4, 5, and 6, relating to
29 minnows:

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

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

34 Sec. 17. 1995 Iowa Acts, chapter 186, section 9, is
35 amended to read as follows:

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

9 Sec. 18. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
10 Section 17 of this Act, being deemed of immediate importance,
11 takes effect upon enactment and applies retroactively to May
12 22, 1995.

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SENATE FILE 2062

H-5496

1 Amend Senate File 2062, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 14 the
4 following:

5 "Sec. _____. Section 85.36, subsection 9, paragraph
6 a, Code Supplement 1995, is amended to read as
7 follows:

8 a. In computing the compensation to be allowed a
9 volunteer fire fighter, emergency medical care
10 provider, reserve peace officer, volunteer ambulance
11 driver, volunteer emergency rescue technician as
12 defined in section 147A.1, or emergency medical
13 technician trainee, the earnings as a fire fighter,
14 emergency medical care provider, reserve peace
15 officer, volunteer ambulance driver, volunteer
16 emergency rescue technician, or emergency medical
17 technician trainee shall be disregarded and the
18 volunteer fire fighter, emergency medical care
19 provider, reserve peace officer, volunteer ambulance
20 driver, volunteer emergency rescue technician, or
21 emergency medical technician trainee shall be paid an
22 amount equal to the compensation the volunteer fire
23 fighter, emergency medical care provider, reserve
24 peace officer, volunteer ambulance driver, volunteer
25 emergency rescue technician, or emergency medical
26 technician trainee would be paid if injured in the
27 normal course of the volunteer fire fighter's,
28 emergency medical care provider's, reserve peace
29 officer's, volunteer ambulance driver's, volunteer
30 emergency rescue technician's, or emergency medical
31 technician trainee's regular employment or an amount
32 equal to one hundred and forty percent of the
33 statewide average weekly wage, whichever is greater.

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

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

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

50 Personal injuries sustained by volunteer emergency

H-5496

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

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

11 "Worker" or "employee" includes an emergency
12 medical care provider as defined in section 147A.1, a
13 volunteer emergency rescue technician as defined in
14 section 147A.1, a volunteer ambulance driver, or an
15 emergency medical technician trainee, only if an
16 agreement is reached between such worker or employee
17 and the employer for whom the volunteer services are
18 provided that workers' compensation coverage under
19 chapters 85, 85A, and 85B is to be provided by the
20 employer. An emergency medical care provider or
21 volunteer emergency rescue technician who is a worker
22 or employee under this paragraph is not a casual
23 employee. "Volunteer ambulance driver" means a person
24 performing services as a volunteer ambulance driver at
25 the request of the person in charge of a fire
26 department or ambulance service of a municipality.
27 "Emergency medical technician trainee" means a person
28 enrolled in and training for emergency medical
29 technician certification."

30 2. Page 8, by inserting after line 12 the
31 following:

32 "Sec. ____ . Section 707A.1, subsection 1, as
33 enacted by 1996 Iowa Acts, Senate File 2066, section
34 1, is amended to read as follows:

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

40 3. Page 9, line 10, by inserting before the word
41 "Section" the following: "1."

42 4. Page 9, by inserting after line 12 the
43 following:

44 "2. The sections of this Act which amend section
45 85.36, subsection 9, paragraph "a", and section 85.61,
46 subsection 2, subsection 7, unnumbered paragraph 3,
47 and subsection 11, unnumbered paragraph 3, being
48 deemed of immediate importance, take effect upon
49 enactment and apply retroactively to July 1, 1995."

50 5. By renumbering and correcting internal

H-5496

-2-

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Page 3

1 references as necessary.

By COMMITTEE ON JUDICIARY
HURLEY of Fayette, Chairperson

H-5496 FILED MARCH 20, 1996

Adopted
3-27-96
(p. 1011)

HOUSE AMENDMENT TO
SENATE FILE 2062

S-5566

1 Amend Senate File 2062, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 14 the
4 following:

5 "Sec. ____ . Section 85.36, subsection 9, paragraph
6 a, Code Supplement 1995, is amended to read as
7 follows:

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9 volunteer fire fighter, emergency medical care
10 provider, reserve peace officer, volunteer ambulance
11 driver, volunteer emergency rescue technician as
12 defined in section 147A.1, or emergency medical
13 technician trainee, the earnings as a fire fighter,
14 emergency medical care provider, reserve peace
15 officer, volunteer ambulance driver, volunteer
16 emergency rescue technician, or emergency medical
17 technician trainee shall be disregarded and the
18 volunteer fire fighter, emergency medical care
19 provider, reserve peace officer, volunteer ambulance
20 driver, volunteer emergency rescue technician, or
21 emergency medical technician trainee shall be paid an
22 amount equal to the compensation the volunteer fire
23 fighter, emergency medical care provider, reserve
24 peace officer, volunteer ambulance driver, volunteer
25 emergency rescue technician, or emergency medical
26 technician trainee would be paid if injured in the
27 normal course of the volunteer fire fighter's,
28 emergency medical care provider's, reserve peace
29 officer's, volunteer ambulance driver's, volunteer
30 emergency rescue technician's, or emergency medical
31 technician trainee's regular employment or an amount
32 equal to one hundred and forty percent of the
33 statewide average weekly wage, whichever is greater.

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

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

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

50 Personal injuries sustained by volunteer emergency

S-5566

S-5566

Page 2

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3 employment if the injuries are sustained at any time
4 from the time the volunteer emergency rescue
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6 summoned to duty until the time those duties have been
7 fully discharged.

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

11 "Worker" or "employee" includes an emergency
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13 volunteer emergency rescue technician as defined in
14 section 147A.1, a volunteer ambulance driver, or an
15 emergency medical technician trainee, only if an
16 agreement is reached between such worker or employee
17 and the employer for whom the volunteer services are
18 provided that workers' compensation coverage under
19 chapters 85, 85A, and 85B is to be provided by the
20 employer. An emergency medical care provider or
21 volunteer emergency rescue technician who is a worker
22 or employee under this paragraph is not a casual
23 employee. "Volunteer ambulance driver" means a person
24 performing services as a volunteer ambulance driver at
25 the request of the person in charge of a fire
26 department or ambulance service of a municipality.
27 "Emergency medical technician trainee" means a person
28 enrolled in and training for emergency medical
29 technician certification."

30 2. Page 8, by inserting after line 12 the
31 following:

32 "Sec. _____. Section 707A.1, subsection 1, as
33 enacted by 1996 Iowa Acts, Senate File 2066, section
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35 1. "Licensed health care professional" means a
36 physician and surgeon, pediatrist podiatric physician,
37 osteopath, osteopathic physician and surgeon,
38 physician assistant, nurse, dentist, or pharmacist
39 required to be licensed under chapter 147."

40 3. Page 9, line 10, by inserting before the word
41 "Section" the following: "1."

42 4. Page 9, by inserting after line 12 the
43 following:

44 "2. The sections of this Act which amend section
45 85.36, subsection 9, paragraph "a", and section 85.61,
46 subsection 2, subsection 7, unnumbered paragraph 3,
47 and subsection 11, unnumbered paragraph 3, being
48 deemed of immediate importance, take effect upon
49 enactment and apply retroactively to July 1, 1995."

50 5. By renumbering and correcting internal

S-5566

-2-

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Page 3

1 references as necessary.

RECEIVED FROM THE HOUSE

S-5566 FILED MARCH 27, 1996

Senate concurred 4/1/96 (p.1150)

Bartz
Giannetto
Bisignano
Hansen
Maddox

SSB 2009
Judiciary

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIR-
PERSON GIANNETTO)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

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

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

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1 Section 1. Section 56.14, Code Supplement 1995, is amended
2 to read as follows:

3 56.14 POLITICAL MATERIAL -- SOLICITATIONS--- YARD SIGNS.

4 1. a. A person who causes the publication or distribution
5 of published material designed to promote or defeat the
6 nomination or election of a candidate for public office or the
7 passage of a constitutional amendment or public measure shall
8 include conspicuously on the published material the identity
9 and address of the person responsible for the material. If
10 the person responsible is an organization, the name of one
11 officer of the organization shall appear on the material.
12 However, if the organization is a committee which has filed a
13 statement of organization under this chapter, only the name of
14 the committee is required to be included on the published
15 material. Published material designed to promote or defeat
16 the nomination or election of a candidate for public office or
17 the passage of a constitutional amendment or public measure
18 which contains language or depictions which a reasonable
19 person would understand as asserting that an entity which is
20 incorporated or is a registered committee had authored the
21 material shall, if the entity is not incorporated or a
22 registered committee, include conspicuously on the published
23 material a statement that the apparent organization or
24 committee is not incorporated or a registered committee in
25 addition to the disclaimer attribution statement required by
26 this section. For purposes of this section, "registered
27 committee" means a committee which has an active statement of
28 organization filed under section 56.5.

29 2- b. This section subsection does not apply to the
30 editorials or news articles of a newspaper or magazine which
31 are not political advertisements. For the purpose of this
32 section subsection, "published material" means any newspaper,
33 magazine, shopper, outdoor advertising facility, poster,
34 direct mailing, brochure, or any other form of printed general
35 public political advertising; however, the identification need

1 not be conspicuous on posters. This ~~section~~ subsection does
2 not apply to yard signs, bumper stickers, pins, buttons, pens,
3 matchbooks, and similar small items upon which the inclusion
4 of the ~~disclaimer~~ attribution statement would be impracticable
5 or to published material which is subject to federal
6 regulations regarding a ~~disclaimer~~ an attribution requirement.

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

12 ~~3-~~ 2. a. Yard signs shall not be placed on any property
13 which adjoins a city, county, or state roadway sooner than
14 forty-five days preceding a primary or general election and
15 shall be removed within seven days after the primary or
16 general election, in which the name of the particular
17 candidate or ballot issue described on the yard sign appears
18 on the ballot. Yard signs are subject to removal by highway
19 authorities as provided in section 319.13, or by county or
20 city law enforcement authorities in a manner consistent with
21 section 319.13. The placement or erection of yard signs shall
22 be exempt from the requirements of chapter 480. Notice may be
23 provided to the chairperson of the appropriate county central
24 committee if the highway authorities are unable to provide
25 notice to the candidate, candidate's committee, or political
26 committee regarding the yard sign.

27 ~~4-~~ b. This ~~section~~ subsection does not prohibit the
28 placement of yard signs on agricultural land owned by
29 individuals or by a family farm operation as defined in
30 section 9H.1, subsections 8, 8A, 9, and 10; does not prohibit
31 the placement of yard signs on property owned by private
32 individuals who have rented or leased the property to a
33 corporation, if the prior written permission of the property
34 owner is obtained; and does not prohibit the placement of yard
35 signs on residential property owned by a corporation but

1 rented or leased to a private individual if the prior
2 permission of the renter or lessee is obtained. For the
3 purposes of this chapter, "agricultural land" means
4 agricultural land as defined in section 9H.1.

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

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

12 The department shall adopt rules that are no less
13 restrictive than the uniform methods and rules for brucellosis
14 eradication promulgated by the United States department of
15 agriculture, APHIS 91-1, ~~as effective July 17, 1984~~ January 1,
16 1996, but may adopt rules that are more restrictive, subject
17 to chapter 17A.

18 Sec. 3. Section 229.44, subsection 2, unnumbered paragraph
19 1, Code 1995, is amended to read as follows:

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

24 Sec. 4. Section 322G.15, Code Supplement 1995, is amended
25 to read as follows:

26 322G.15 APPLICABILITY.

27 1. This chapter takes effect July 1, 1991, and applies to
28 motor vehicles originally purchased or leased in this state by
29 consumers on or after July 17, 1991 that date.

30 2. Except This chapter applies to motor vehicles
31 originally purchased or leased in this state and, except for
32 section 322G.3, subsections 1 and 2, and section 322G.6,
33 subsection 1, this chapter applies to motor vehicles
34 originally purchased or leased in other states, if the
35 consumer is a resident of this state at the time the

1 consumer's rights are asserted under this chapter. Section
2 ~~3226-14, which concerns rulemaking, shall take effect May 9,~~
3 ~~1991.~~

4 Sec. 5. Section 421.17A, subsection 2, Code Supplement
5 1995, is amended to read as follows:

6 2. PURPOSE AND USE.

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

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

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

21 Sec. 6. Section 444.26, Code Supplement 1995, is amended
22 to read as follows:

23 444.26 PROPERTY TAX LEVY LIMITATIONS NOT AFFECTED.

24 Sections 444.25, and 444.25A, and 444.25B shall not be
25 construed as removing or otherwise affecting the property tax
26 limitations otherwise provided by law for any tax levy of the
27 political subdivision, except that, upon an appeal from the
28 political subdivision, the state appeal board may approve a
29 tax levy consistent with the provisions of section 24.48 or
30 331.426.

31 Sec. 7. Section 452A.74, subsection 1, Code Supplement
32 1995, is amended to read as follows:

33 1. For any person to knowingly fail, neglect, or refuse to
34 make any required return or statement or pay over fuel taxes
35 required under this section chapter.

1 Sec. 8. Section 455B.171, subsection 28, Code Supplement
2 1995, is amended to read as follows:

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

14 Sec. 9. Section 455B.174, subsection 5, unnumbered
15 paragraph 1, Code 1995, is amended to read as follows:

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

27 Sec. 10. Section 455B.177, subsection 1, Code 1995, is
28 amended to read as follows:

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

1 federal Water Pollution Control Act, and federal regulations
2 and guidelines issued pursuant to that Act.

3 Sec. 11. Section 455B.179, Code 1995, is amended to read
4 as follows:

5 455B.179 TRADE SECRETS PROTECTED.

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

23 Sec. 12. Section 610A.1, Code Supplement 1995, is amended
24 to read as follows:

25 610A.1 ACTIONS OR APPEALS BROUGHT BY INMATES OR PRISONERS.

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

32 a. Upon filing of the action or appeal, the court shall
33 order the inmate or prisoner to pay a minimum of twenty per-
34 cent of the required filing fee before the court will take any
35 further action on the inmate's or prisoner's action or appeal

1 and shall also order the inmate or prisoner to make monthly
2 payments of ten percent of all outstanding fees and costs
3 associated with the inmate's or prisoner's action or appeal.

4 b. If the inmate has an inmate account under section
5 904.702, the department of corrections shall withdraw moneys
6 maintained in the account for the payment of fees and costs
7 associated with the inmate's action or appeal in accordance
8 with the court's order until the required fees and costs are
9 paid in full. The inmate shall file a certified copy of the
10 inmate's account balance with the court at the time the action
11 or appeal is filed.

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

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

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

25 Sec. 13. Section 610A.4, Code Supplement 1995, is amended
26 to read as follows:

27 610A.4 COST SETOFF.

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

33 Sec. 14. Section 805.8, subsection 5, paragraphs c and d,
34 Code Supplement 1995, are amended to read as follows:

35 c. For violations of sections 481A.6, 481A.21, 481A.22,

1 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, ~~481A.82,~~
2 481A.83, 481A.84, 481A.92, 481A.123, 481A.145, subsection 3,
3 sections 482.7, 483A.7, 483A.8, 483A.23, and 483A.24, the
4 scheduled fine is twenty-five dollars.

5 d. For violations of sections 481A.7, 481A.24, 481A.47,
6 481A.52, 481A.53, 481A.55, 481A.58, ~~481A.63,~~ 481A.76, ~~481A.81,~~
7 481A.90, 481A.91, 481A.97, 481A.122, 481A.126, 481A.142,
8 481A.145, subsection 2, sections 482.8, and 483A.37, the
9 scheduled fine is fifty dollars.

10 Sec. 15. Section 805.8, subsection 5, paragraph k, Code
11 Supplement 1995, is amended to read as follows:

12 k. For violations of section ~~481A.80~~ 481A.144, subsection
13 4, or section 481A.145, subsections 4, 5, and 6, relating to
14 minnows:

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

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

19 Sec. 16. 1995 Iowa Acts, chapter 186, section 9, is
20 amended to read as follows:

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

29 Sec. 17. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
30 Section 16 of this Act, being deemed of immediate importance,
31 takes effect upon enactment and applies retroactively to May
32 22, 1995.

33 EXPLANATION

34 This bill contains statutory corrections which may adjust
35 language to reflect current practices, insert earlier

1 omissions, delete redundancies and inaccuracies, delete
2 temporary language, resolve inconsistencies and conflicts,
3 update ongoing provisions, or remove ambiguities.

4 56.14: In section relating to political advertising,
5 substitutes the term "attribution statement" for "disclaimer"
6 to more accurately refer to the identification requirement of
7 those who publish political material. The bill also
8 rearranges the subsections to differentiate between provisions
9 regulating published material and yard signs.

10 164.4, unnumbered paragraph 2: Updates reference to
11 federal uniform methods and rules for brucellosis eradication
12 in section providing that state rules may not be less
13 restrictive than federal rules. This change was requested by
14 the department of agriculture and land stewardship.

15 229.44(2), unnumbered paragraph 1: In provision relating
16 to changes of venue in proceedings for the involuntary
17 hospitalization of persons with mental illness, strikes a
18 reference to venue changes following the entry of an order
19 pursuant to section 229.34, which pertains to orders for a
20 person's discharge following a commission of inquiry to
21 investigate a complaint contesting confinement. The bill
22 changes the reference to include venue transfers following the
23 entry of more frequently utilized orders pursuant to sections
24 229.13 and 229.14, which pertain to evaluation and treatment
25 orders or orders entered following the chief medical officer's
26 report on the psychiatric evaluation. This change was
27 requested by a judicial hospitalization referee.

28 322G.15: Clarifies section amended in 1995 pertaining to
29 the applicability of the motor vehicle "lemon law" for greater
30 clarity and strikes reference to an effective date that has
31 passed.

32 421.17A(2)(a, c): In section providing for an
33 administrative levy against accounts to collect delinquent
34 indebtedness to the state, changes the word "chapter" to
35 "section" to more accurately describe the process.

1 444.26: In section providing that specific property tax
 2 limitations enacted for fiscal years 1994 through 1997 do not
 3 affect other levy limitations, adds a conforming amendment to
 4 refer to the property tax limitation for fiscal year 1998 in
 5 section 444.25B, which was enacted in 1995 Iowa Acts, chapter
 6 206 (Senate File 69).

7 452A.74(1): Replaces a reference to "this section" with
 8 "this chapter" in provisions prohibiting unlawful acts
 9 relating to paying and filing returns or statements of motor
 10 fuel and special fuel taxes. Other sections within chapter
 11 452A contain requirements for payments and filings, whereas
 12 section 452A.74 pertains only to unlawful acts and penalties.

13 455B.171(28); 455B.174(5), unnumbered paragraph 1;
 14 455B.177(1); 455B.179: In water pollution control provisions
 15 pertaining to the definition of sewer system, the duties of
 16 the director of the department of natural resources in
 17 conducting inspections of local public works projects, the
 18 findings of the general assembly, and the confidentiality of
 19 trade secrets, replace references to the water pollution
 20 control provisions enacted in 1976 Iowa Acts, chapter 1204,
 21 with references to division III, part 1, of chapter 455B,
 22 which contains general water quality provisions, in order to
 23 improve understandability. While intervening amendments to
 24 part 1 have been enacted since 1976, the proposed changes do
 25 not alter the scope of the provisions.

26 610A.1; 610A.4: In sections specifying the requirements
 27 for inmates and prisoners to pay fees and costs associated
 28 with civil actions or appeals and providing a cost setoff from
 29 claims for the costs of incarceration, clarify that prisoners
 30 of county jails and detention facilities are included. While
 31 the apparent intent of the provisions enacted in 1995 Iowa
 32 Acts, chapter 167 (House File 246), was to include prisoners
 33 of all jails or detention facilities through the use of the
 34 term "municipal", the term is not defined in title XV,
 35 subtitle 2, of the Code, and it may not be clear that counties

1 are included.

2 805.8(5)(c),(d), and (k): In section providing penalties
3 for scheduled violations, correct internal references to
4 provisions which were repealed pursuant to 1993 Acts, chapter
5 99. Legislation enacted in 1993 repealed provisions
6 pertaining to the requirements of licensed bait dealers and
7 the taking and selling of minnows and other bait, and
8 reenacted those provisions in sections 481A.144 and 481A.145.
9 The proposed changes correct the references to reflect the
10 reenacted provisions.

11 1995 Iowa Acts, chapter 186, section 9: Corrects the
12 retroactive applicability provision of the local option sales
13 tax bill enacted in 1995, Senate File 472. The apparent
14 intent of the legislation was that only the bond-related
15 provisions contained in sections 4 and 7 of the Act would
16 apply retroactively to July 1, 1994, rather than the entire
17 Act. Because the 1995 legislation became effective May 22,
18 1995, this bill provides that the proposed changes take effect
19 upon enactment and apply retroactively to May 22, 1995.

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SENATE FILE 2062

AN ACT

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

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

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

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

Sec. 2. Section 56.14, Code Supplement 1995, is amended to read as follows:

56.14 POLITICAL MATERIAL -- ~~SOLICITATIONS~~--- YARD SIGNS.

1. a. A person who causes the publication or distribution of published material designed to promote or defeat the nomination or election of a candidate for public office or the passage of a constitutional amendment or public measure shall include conspicuously on the published material the identity and address of the person responsible for the material. If the person responsible is an organization, the name of one officer of the organization shall appear on the material. However, if the organization is a committee which has filed a

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

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

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

3- 2. a. Yard signs shall not be placed on any property which adjoins a city, county, or state roadway sooner than forty-five days preceding a primary or general election and shall be removed within seven days after the primary or general election, in which the name of the particular candidate or ballot issue described on the yard sign appears on the ballot. Yard signs are subject to removal by highway authorities as provided in section 319.13, or by county or city law enforcement authorities in a manner consistent with section 319.13. The placement or erection of yard signs shall be exempt from the requirements of chapter 480. Notice may be provided to the chairperson of the appropriate county central committee if the highway authorities are unable to provide notice to the candidate, candidate's committee, or political committee regarding the yard sign.

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

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

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

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

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

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

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

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

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

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

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

2. The data collected by and furnished to the department pursuant to this section ~~shall not be public records under chapter 22~~ are confidential records of the condition, diagnosis, care, or treatment of patients or former patients, including outpatients, pursuant to section 22.7. The compilations prepared for release or dissemination from the

~~data collected shall be public records~~ are not confidential under chapter 22, which are not subject to section 22.7, subsection 2. However, ~~the confidentiality of information which individually identifies patients is to be protected shall not be disclosed and the laws of this state and federal law regarding patient confidentiality shall apply with regard to patient confidentiality.~~

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

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

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

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

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

322G.15 APPLICABILITY.

1. This chapter takes effect July 1, 1991, and applies to motor vehicles originally purchased or leased ~~in this state~~ by consumers on or after ~~July 17, 1991~~ that date.

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

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

2. PURPOSE AND USE.

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

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

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

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

444.26 PROPERTY TAX LEVY LIMITATIONS NOT AFFECTED.

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

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

28. "Sewer system" means pipelines or conduits, pumping stations, force mains, vehicles, vessels, conveyances, injection wells, and all other constructions, devices and appliances appurtenant thereto used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal or disposal to any water of the state. To the extent

that they are not subject to section 402 of the federal Water Pollution Control Act, ditches, pipes, and drains that serve only to collect, channel, direct, and convey nonpoint runoff from precipitation are not considered as sewer systems for the purposes of this Act part of this division.

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

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

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

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

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

455B.179 TRADE SECRETS PROTECTED.

Upon a satisfactory showing by any person to the director that public disclosure of any record, report, permit, permit application, or other document or information or part thereof

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

Sec. 17. Section 610A.1, Code Supplement 1995, is amended to read as follows:

610A.1 ACTIONS OR APPEALS BROUGHT BY INMATES OR PRISONERS.

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

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

b. If the inmate has an inmate account under section 904.702, the department of corrections shall withdraw moneys maintained in the account for the payment of fees and costs associated with the inmate's action or appeal in accordance with the court's order until the required fees and costs are

paid in full. The inmate shall file a certified copy of the inmate's account balance with the court at the time the action or appeal is filed.

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

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

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

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

610A.4 COST SETOFF.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 23. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

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

2. The sections of this Act which amend section 85.36, subsection 9, paragraph "a", and section 85.61, subsection 2,

subsection 7, unnumbered paragraph 3, and subsection 11, unnumbered paragraph 3, being deemed of immediate importance, take effect upon enactment and apply retroactively to July 1, 1995.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2062, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 10, 1996

TERRY E. BRANSTAD
Governor