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SENATE FILE 2080
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2018)

Passed Senate, Date ^(p.212) 2/1/96 Passed House, Date ^(p.943) 3-25-96
Vote: Ayes 45 Nays 0 Vote: Ayes 98 Nays 6
Approved April 2, 1996

A BILL FOR

1 An Act relating to nonsubstantive Code corrections, and providing
2 effective and retroactive applicability dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2080

1 Section 1. Section 8D.13, subsection 12, Code Supplement
2 1995, is amended to read as follows:

3 12. The commission, on its own or as recommended by an
4 advisory committee of the commission and approved by the
5 commission, shall permit a fee to be charged by a receiving
6 site to the originator of the communication provided on the
7 network. The fee charged shall be for the purpose of
8 recovering the operating costs of a receiving site. The fee
9 charged shall be reduced by an amount received by the
10 receiving site pursuant to a state appropriation for such
11 costs, or federal assistance received for such costs. Fees
12 established under this subsection shall be paid by the
13 originating-site originator of the communication directly to
14 the receiving site. For purposes of this section, "operating
15 costs" include the costs associated with the management or
16 coordination, operations, utilities, classroom, equipment,
17 maintenance, and other costs directly related to providing the
18 receiving site.

19 Sec. 2. Section 43.67, unnumbered paragraph 1, Code 1995,
20 is amended to read as follows:

21 Each candidate nominated pursuant to section ~~43.66~~ 43.52 or
22 43.65 is entitled to have the candidate's name printed on the
23 official ballot to be voted at the general election without
24 other certificate unless the candidate was nominated by write-
25 in votes. Immediately after the completion of the canvass
26 held under section 43.49, the county auditor shall notify each
27 person who was nominated by write-in votes for a county or
28 township office that the person is required to file an
29 affidavit of candidacy if the person wishes to be a candidate
30 for that office at the general election. Immediately after
31 the completion of the canvass held under section 43.63, the
32 secretary of state shall notify each person who was nominated
33 by write-in votes for a state or federal office that the
34 person is required to file an affidavit of candidacy if the
35 person wishes to be a candidate for that office at the general

1 election. If the affidavit is not filed by five p.m. on the
2 seventh day after the completion of the canvass, that person's
3 name shall not be placed upon the official general election
4 ballot. The affidavit shall be signed by the candidate,
5 notarized, and filed with the county auditor or the secretary
6 of state, whichever is applicable.

7 Sec. 3. Section 97B.41, subsection 8, paragraph b,
8 subparagraph (16), Code Supplement 1995, is amended by
9 striking the subparagraph.

10 Sec. 4. Section 124.409, subsection 1, Code 1995, is
11 amended to read as follows:

12 1. Whenever a person who has not previously been convicted
13 of an offense under this chapter or an offense under a state
14 or federal statute relating to narcotic drugs or cocaine,
15 marijuana, or stimulant, depressant, or hallucinogenic drugs,
16 pleads guilty to or is found guilty of possession of a
17 controlled substance under section 124.401, subsection 3, or
18 is sentenced pursuant to section 124.410, the court, without
19 entering a judgment of guilt and with the consent of the
20 accused, may defer further proceedings and place the accused
21 on probation upon terms and conditions as it requires. When a
22 person is placed on probation under this subsection, the
23 person's appearance bond may be discharged at the discretion
24 of the court. Upon violation of a term or condition, the
25 court may enter an adjudication of guilt and proceed as
26 otherwise provided. Upon fulfillment of the terms and
27 conditions, the court shall discharge the person and dismiss
28 the proceedings against the person. Discharge and dismissal
29 under this section shall be without court adjudication of
30 guilt and is not a conviction for purposes of this section or
31 for purposes of disqualifications or disabilities imposed by
32 law upon conviction of a crime, including the additional
33 penalties imposed for second or subsequent convictions under
34 section ~~124.410~~ 124.411. Discharge and dismissal under this
35 section may occur only once with respect to any person.

1 Sec. 5. Section 139B.1, subsection 2, paragraph b, Code
2 Supplement 1995, is amended to read as follows:

3 b. If an individual is diagnosed or confirmed as having a
4 contagious or infectious disease, the hospital shall notify
5 the designated officer of an emergency care provider service
6 who shall notify persons involved in attending or transporting
7 the individual. For blood-borne contagious or infectious
8 diseases, notification shall only take place upon filing of an
9 exposure report form with the hospital. The exposure report
10 form may be incorporated into the Iowa prehospital care
11 report, the Iowa prehospital advanced care report, or a
12 similar report used by an ambulance, rescue, or first
13 responder response service or law enforcement agency.

14 Sec. 6. Section 161A.12, Code 1995, is amended to read as
15 follows:

16 161A.12 STATEMENT TO DEPARTMENT OF MANAGEMENT.

17 On or before ~~September~~ October 1 next preceding each annual
18 legislative session, the division shall submit to the
19 department of management, on official estimate blanks
20 furnished for those purposes, statements and estimates of the
21 expenditure requirements for each fiscal year, and a statement
22 of the balance of funds, if any, available to the division,
23 and the estimates of the division as to the sums needed for
24 the administrative and other expenses of the division for the
25 purposes of this chapter.

26 Sec. 7. Section 162.1, subsection 1, Code 1995, is amended
27 to read as follows:

28 1. To insure that all dogs and cats handled by boarding
29 kennels, commercial kennels, ~~hobby-kennels~~, commercial
30 breeders, dealers, and public auctions are provided with
31 humane care and treatment by regulating the transportation,
32 sale, purchase, housing, care, handling, and treatment of such
33 animals by persons or organizations engaged in transporting,
34 buying, or selling them and to provide that all vertebrate
35 animals consigned to pet shops are provided humane care and

1 treatment by regulating the transportation, sale, purchase,
2 housing, care, handling, and treatment of such animals by pet
3 shops.

4 Sec. 8. Section 169A.13, Code Supplement 1995, is amended
5 to read as follows:

6 169A.13 FEE EACH FIFTH YEAR.

7 Each owner of a brand of record beginning on January 1,
8 1970, shall pay to the secretary a fee of five dollars and a
9 renewal fee on January 1 of each fifth year after the payment
10 of the five dollar fee, or on January 1 of each fifth year
11 following the original recording of a brand recorded after
12 June 30, 1975. The amount of the renewal fee required for
13 January 1, 1976, and each year thereafter shall be established
14 by rule of the secretary pursuant to chapter 17A. The amount
15 of the fee shall be based upon the administrative costs of
16 maintaining the brand program provided for in this chapter.
17 The secretary shall notify every owner of a brand of record at
18 least thirty days prior to the date of the renewal period. If
19 the owner of a brand of record does not pay the fee by July 1
20 of each year in which it is due, the owner shall forfeit the
21 brand and the brand shall no longer be recorded. A forfeited
22 brand shall not be issued to any other person for five or more
23 years following date of forfeiture.

24 Sec. 9. Section 229.27, subsection 1, Code 1995, is
25 amended to read as follows:

26 1. Hospitalization of a person under this chapter, either
27 voluntarily or involuntarily, does not constitute a finding of
28 nor equate with nor raise a presumption of incompetency, nor
29 cause the person so hospitalized to be deemed a person of
30 unsound mind nor a person under legal disability for any
31 purpose including but not limited to any circumstances to
32 which sections 6B.15, 447.7, 487.402, subsection 5, paragraph
33 "b", sections 487.705, 597.6, 600B.21, 614.8, 614.19, 614.22,
34 614.24, 614.27, ~~622-67~~ and 633.244 are applicable.

35 Sec. 10. Section 232.88, Code Supplement 1995, is amended

1 to read as follows:

2 232.88 SUMMONS, NOTICE, SUBPOENAS AND SERVICES.

3 After a petition has been filed the court shall issue and
4 serve summons, notice, subpoenas, and other process in the
5 same manner as for adjudicatory hearings in cases of juvenile
6 delinquency as provided in section 232.37. In addition to the
7 parties persons required to be provided notice under section
8 232.37, notice for any hearing under this division shall be
9 provided to the agency, facility, institution, or person,
10 including a foster parent, with whom a child has been placed
11 for the purposes of foster care.

12 Sec. 11. Section 232.148, subsection 2, Code Supplement
13 1995, is amended to read as follows:

14 2. Fingerprints and photographs of a child who has been
15 taken into custody and who is fourteen years of age or older
16 may be taken and filed by a criminal or juvenile justice
17 agency investigating the commission of a public offense other
18 than a simple or serious misdemeanor. The criminal or
19 juvenile justice agency shall forward the fingerprints to the
20 department of public safety for inclusion in the automated
21 fingerprint identification system and may also retain a copy
22 of the fingerprint card for comparison with latent
23 fingerprints and the identification of repeat offenders.

24 Sec. 12. Section 236.3, subsection 2, Code Supplement
25 1995, is amended to read as follows:

26 2. ~~If the petition is being filed on behalf of an~~
27 ~~unemancipated minor, the name~~ Name and address of the parent
28 or guardian filing the petition ~~and the parent's or guardian's~~
29 ~~address,~~ if the petition is being filed on behalf of an
30 unemancipated minor. For the purposes of this chapter,
31 "plaintiff" includes a person filing an action on behalf of an
32 unemancipated minor.

33 Sec. 13. Section 236.9, unnumbered paragraph 1, Code 1995,
34 is amended to read as follows:

35 Criminal or juvenile justice agencies, as defined in

1 section 692.1, shall collect and maintain information on
2 incidents involving domestic abuse and shall provide the
3 information to the department of public safety in the manner
4 prescribed by the department of public safety.

5 Sec. 14. Section 238.1, subsection 2, Code 1995, is
6 amended by striking the subsection.

7 Sec. 15. Section 252I.1, subsection 2, Code 1995, is
8 amended to read as follows:

9 2. "Bank" means "bank", "insured bank", "~~private-bank~~",
10 and "state bank" as defined in section 524.103.

11 Sec. 16. Section 260D.12, Code Supplement 1995, is amended
12 to read as follows:

13 260D.12 PAYMENT OF APPROPRIATION.

14 Payment of appropriations for distribution under this
15 chapter or chapter 260C, or of appropriations made in lieu of
16 such appropriations, shall be made by the department of
17 revenue and finance in monthly installments due on or about
18 the fifteenth day of each month of a budget year, and
19 installments shall be as nearly equal as possible, as
20 determined by the department of revenue and finance, taking
21 into consideration the relative budget and cash position of
22 the state resources.

23 Sec. 17. Section 294A.13, Code 1995, is amended to read as
24 follows:

25 294A.13 PHASE III PROGRAM.

26 For the school year beginning July 1, 1987, and succeeding
27 school years, each school district and area education agency
28 that meets the requirements of this ~~section~~ division is
29 eligible to receive moneys for the implementation under phase
30 III of a performance-based pay plan or supplemental pay plan,
31 or a combination of the two.

32 Sec. 18. Section 303.33, unnumbered paragraph 1, Code
33 Supplement 1995, is amended to read as follows:

34 Two years after the establishment of a district, a
35 referendum for the termination of the district shall be held

1 if ten percent of the eligible voters in the district so
2 request. If the registered voters, by a majority of those
3 voting, favor termination, ~~this Act~~ sections 303.20 through
4 303.32 will no longer have any effect on the property formerly
5 included in the district.

6 Sec. 19. Section 321.19, subsection 2, unnumbered
7 paragraph 3, Code Supplement 1995, is amended to read as
8 follows:

9 ~~Section-452A.3-and-chapter~~ Chapter 326 ~~are~~ is not
10 applicable to urban transit companies or systems.

11 Sec. 20. Section 321.213A, Code Supplement 1995, is
12 amended to read as follows:

13 321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED
14 DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

15 Upon the entering of an order at the conclusion of a
16 dispositional hearing under section 232.50, where the child
17 has been adjudicated to have committed a delinquent act, which
18 would be a first or subsequent violation of section 123.46,
19 section 123.47 involving the purchase or attempt to purchase
20 alcoholic beverages, chapter 124, section 126.3, chapter 453B,
21 or a second or subsequent violation of section 123.47
22 regarding the possession of alcoholic beverages, the clerk of
23 the juvenile court in the dispositional hearing shall forward
24 a copy of the adjudication and dispositional order to the
25 department. The department shall suspend the license or
26 operating privilege of the child for one year. The child may
27 receive a temporary restricted license or permit as provided
28 in section 321.215.

29 Sec. 21. Section 321.423, subsection 1, paragraph c, Code
30 Supplement 1995, is amended to read as follows:

31 c. "Member" means a person who is a member in good
32 standing of a fire department or a person who is an emergency
33 medical care provider employed by an ambulance, rescue, or
34 first responder response service.

35 Sec. 22. Section 321.423, subsection 4, Code Supplement

1 1995, is amended to read as follows:

2 4. EXPIRATION OF AUTHORITY. The authorization shall
3 expire at midnight on the thirty-first day of December five
4 years from the year in which it was issued, or when the
5 vehicle is no longer owned by the member, or when the member
6 has ceased to be an active member of the fire department or of
7 an ambulance, rescue, or first responder response service, or
8 when the member has used the blue or white light beyond the
9 scope of its authorized use. A person issued an authorization
10 under subsection 3, paragraph "b", shall return the
11 authorization to the fire chief upon expiration or upon a
12 determination by the fire chief or the department that the
13 authorization should be revoked.

14 Sec. 23. Section 321.423, subsection 7, paragraphs a and
15 b, Code Supplement 1995, are amended to read as follows:

16 a. On a vehicle owned or exclusively operated by an
17 ambulance, rescue, or first responder response service.

18 b. On a vehicle authorized by the director of public
19 health when all of the following apply:

20 (1) The vehicle is owned by a member of an ambulance,
21 rescue, or first responder response service.

22 (2) The request for authorization is made by the member on
23 forms provided by the Iowa department of public health.

24 (3) Necessity for authorization is demonstrated in the
25 request.

26 (4) The head of an ambulance, rescue, or first responder
27 response service certifies that the member is in good standing
28 and recommends that the authorization be granted.

29 Sec. 24. Section 321.484, unnumbered paragraph 2, Code
30 Supplement 1995, is amended to read as follows:

31 The owner of a vehicle shall not be held responsible for a
32 violation of a provision regulating the stopping, standing, or
33 parking of a vehicle, whether the provision is contained in
34 this chapter, or chapter 321L, or an ordinance or other
35 regulation or rule, if the owner establishes that at the time

1 of the violation the vehicle was in the custody of an
2 identified person other than the owner pursuant to a lease as
3 defined in chapter 321F. The furnishing to the clerk of the
4 district court where the charge is pending of a copy of the
5 lease prescribed by section 321F.6 that was in effect for the
6 vehicle at the time of the alleged violation shall be prima
7 facie evidence that the vehicle was in the custody of an
8 identified person other than the owner within the meaning of
9 this paragraph, and the charge against the owner shall be
10 dismissed. The clerk of the district court then shall cause a
11 uniform citation and complaint to be issued against the lessee
12 of the vehicle, and the citation shall be served upon the
13 defendant by ordinary mail directed to the defendant at the
14 address shown in the ~~certificate-of-responsibility~~ lease.

15 Sec. 25. Section 321.492A, Code 1995, is amended to read
16 as follows:

17 321.492A QUOTAS ON CITATIONS PROHIBITED.

18 A political subdivision or agency of the state shall not
19 order, mandate, require, or in any other manner, directly or
20 indirectly, suggest to a peace officer employed by the
21 political subdivision or agency that the peace officer shall
22 issue a certain number of traffic citations, police citations,
23 memorandums of traffic violations, or memorandums of faulty
24 equipment on a daily, weekly, monthly, quarterly, or yearly
25 basis.

26 Sec. 26. Section 321.560, Code Supplement 1995, is amended
27 to read as follows:

28 321.560 PERIOD OF REVOCATION.

29 A license to operate a motor vehicle in this state shall
30 not be issued to any person declared to be a habitual offender
31 under section 321.555, subsection 1, for a period of not less
32 than two years nor more than six years from the date of the
33 final decision of the department under section 17A.19 or the
34 date on which the district court upholds the final decision of
35 the department, whichever occurs later. However, a temporary

1 restricted ~~license~~ permit may be issued to a person declared
2 to be a habitual offender under section 321.555, subsection 1,
3 paragraph "c", pursuant to section 321.215, subsection 2. A
4 license to operate a motor vehicle in this state shall not be
5 issued to any person declared to be a habitual offender under
6 section 321.555, subsection 2, for a period of one year from
7 the date of the final decision of the department under section
8 17A.19 or the date on which the district court upholds the
9 final decision of the department, whichever occurs later. The
10 department shall adopt rules under chapter 17A which establish
11 a point system which shall be used to determine the period for
12 which a person who is declared to be a habitual offender under
13 section 321.555, subsection 1, shall not be issued a license.

14 Sec. 27. Section 321.561, Code Supplement 1995, is amended
15 to read as follows:

16 321.561 PUNISHMENT FOR VIOLATION.

17 It shall be unlawful for any person found to be a habitual
18 offender to operate any motor vehicle in this state during the
19 period of time specified in section 321.560 except for a
20 habitual offender who has been granted a temporary restricted
21 ~~license~~ permit pursuant to section 321.215, subsection 2. A
22 person violating this section commits an aggravated
23 misdemeanor.

24 Sec. 28. Section 323.1, subsection 4, Code Supplement
25 1995, is amended to read as follows:

26 4. "Distributor" means ~~a person~~ distributor as defined in
27 ~~chapter-452A~~ section 452A.2.

28 Sec. 29. Section 331.756, subsection 69, Code Supplement
29 1995, is amended by striking the subsection.

30 Sec. 30. Section 358C.13, subsection 5, Code Supplement
31 1995, is amended to read as follows:

32 5. The board of trustees shall not require or grant a
33 franchise ~~under-section-364.27~~ to any person pursuant to
34 section 364.2, subsection 4.

35 Sec. 31. Section 358C.17, subsection 1, Code Supplement

1 1995, is amended to read as follows:

2 1. The board of trustees of a real estate improvement
3 district may provide for payment of all or any portion of the
4 costs of a public improvement specified in section 358C.4, by
5 assessing all, or any portion of, the costs on adjacent
6 property according to the benefits derived. For the purposes
7 of this chapter, the board of trustees may define "adjacent
8 property" as all that included within a designated benefited
9 district to be fixed by the board, which may be all of the
10 property located within the real estate improvement district
11 or any lesser portion of that property. It is not a valid
12 objection to a special assessment that the improvement for
13 which the assessment is levied is outside the limits of the
14 district, but a special assessment shall not be made upon
15 property situated outside of the district. Special
16 assessments pursuant to this section shall be in proportion to
17 the special benefits conferred upon the property, and not in
18 excess of the benefits. The value of a property is the
19 present fair market value of the property with the proposed
20 public improvements completed. Payment of installments of a
21 special assessment against property shall be made in the same
22 manner and under the same procedures as provided in chapter
23 384 for special assessments by cities. Notwithstanding the
24 provisions of section 384.62, the combined assessments against
25 any lot for public improvements included in the petition
26 creating the housing-development real estate improvement
27 district or as authorized in section 358C.4 shall not exceed
28 the valuation of that lot as established by section 384.46.

29 Sec. 32. Section 421.17A, subsection 1, paragraph b, Code
30 Supplement 1995, is amended to read as follows:

31 b. "Bank" means "bank", "insured bank", "~~private-bank~~",
32 and "state bank" as these are defined in section 524.103.

33 Sec. 33. Section 421.31, subsection 9, Code Supplement
34 1995, is amended to read as follows:

35 9. INTEREST OF THE PERMANENT SCHOOL FUND. To transfer the

1 interest of the permanent school fund to the credit of the
2 ~~first-in-the-nation-in-education-foundation-as-provided-in~~
3 ~~section-257B-1A~~ interest for Iowa schools fund.

4 Sec. 34. Section 422.45, subsection 47, Code Supplement
5 1995, is amended by striking the subsection.

6 Sec. 35. Section 422.69, subsection 3, Code 1995, is
7 amended by striking the subsection.

8 Sec. 36. Section 426B.1, subsection 1, Code Supplement
9 1995, is amended to read as follows:

10 1. A property tax relief fund is created in the state
11 treasury under the authority of the department of revenue and
12 finance. The fund shall be separate from the general fund of
13 the state and shall not be considered part of the general fund
14 of the state except in determining the cash position of the
15 state for payment of state obligations. The moneys in the
16 fund are not subject to the provisions of section 8.33 and
17 shall not be transferred, used, obligated, appropriated, or
18 otherwise encumbered except as provided in this ~~section~~
19 chapter. Moneys in the fund may be used for cash flow
20 purposes, provided that any moneys so allocated are returned
21 to the fund by the end of each fiscal year. However, the fund
22 shall be considered a special account for the purposes of
23 section 8.53, relating to elimination of any GAAP deficit.
24 For the purposes of this chapter, unless the context otherwise
25 requires, "property tax relief fund" means the property tax
26 relief fund created in this section.

27 Sec. 37. Section 427.1, subsection 4, Code Supplement
28 1995, is amended to read as follows:

29 4. FIRE EQUIPMENT COMPANY BUILDINGS AND GROUNDS. Fire
30 ~~engines-and-all-implements-for-extinguishing-fires,-and-the~~
31 The publicly owned buildings and grounds used exclusively for
32 keeping ~~them~~ fire engines and implements for extinguishing
33 fires and for meetings of fire companies.

34 Sec. 38. Section 441.21, subsection 9, paragraph b, Code
35 Supplement 1995, is amended to read as follows:

1 b. Notwithstanding paragraph "a", any construction or
2 installation of a solar energy system on property so
3 classified as agricultural, residential, commercial, or
4 industrial property shall not increase the actual, assessed
5 and taxable values of the property for five full assessment
6 years.

7 Sec. 39. Section 444.25, subsection 4, paragraph b,
8 subparagraph (3), Code 1995, is amended to read as follows:

9 (3) Need for additional moneys for health care, treatment
10 and facilities, including mental health and mental retardation
11 care and treatment pursuant to section 331.424, subsection 1,
12 paragraphs "a" through "h", Code 1995.

13 Sec. 40. Section 450.94, subsections 6 and 7, Code 1995,
14 are amended by striking the subsections.

15 Sec. 41. Section 452A.3, subsection 3, Code Supplement
16 1995, is amended to read as follows:

17 3. For the privilege of operating motor vehicles or
18 aircraft in this state, there is imposed an excise tax on the
19 use of special fuel in a motor vehicle or aircraft. The tax
20 rate on special fuel for diesel engines of motor vehicles is
21 twenty-two and one-half cents per gallon. The rate of tax on
22 special fuel for aircraft is three cents per gallon. On all
23 other special fuel the per gallon rate is the same as the
24 motor fuel tax. Indelible dye meeting United States
25 environmental protection agency and internal revenue service
26 regulations must be added to fuel before or upon withdrawal at
27 a terminal or refinery rack for that fuel to be exempt from
28 tax and the dyed fuel may be used only for an exempt purpose.

29 Sec. 42. Section 452A.57, subsections 5 and 10, Code
30 Supplement 1995, are amended to read as follows:

31 5. "Fuel taxes" means the per gallon excise taxes imposed
32 under ~~division-F~~ divisions I and III of this chapter with
33 respect to motor fuel and undyed special fuel.

34 10. "Public highways" shall mean and include any way or
35 place available to the public for purposes of vehicular travel

1 notwithstanding that it is temporarily closed.

2 Sec. 43. Section 452A.71, Code Supplement 1995, is amended
3 to read as follows:

4 452A.71 REFUNDS TO PERSONS OTHER THAN DISTRIBUTORS AND
5 COMPRESSED NATURAL GAS AND LIQUEFIED PETROLEUM GAS DEALERS AND
6 USERS.

7 Except as provided in section 452A.54, any person other
8 than a person who has paid or has had charged to the person's
9 account with a distributor, dealer, or user fuel taxes imposed
10 under this chapter with respect to motor fuel or undyed
11 special fuel in excess of one hundred gallons, which, while
12 the person is the owner, is subsequently lost or destroyed,
13 ~~while-the-person-is-the-owner~~, through leakage, fire,
14 explosion, lightning, flood, storm, or other casualty, except
15 evaporation, shrinkage, or unknown causes, ~~the-person~~ shall be
16 entitled to a refund of the tax so paid or charged. To
17 qualify for the refund, the person shall notify the department
18 of revenue and finance in writing of the loss or destruction
19 and the gallonage lost or destroyed within ten days from the
20 date of discovery of the loss or destruction. Within sixty
21 days after filing the notice, the person shall file with the
22 department of revenue and finance an affidavit sworn to by the
23 person having immediate custody of the motor fuel or undyed
24 special fuel at the time of the loss or destruction setting
25 forth in full the circumstances and amount of the loss or
26 destruction and such other information as the department of
27 revenue and finance may require. Any refund payable under
28 this section may be applied by the department against any tax
29 liability outstanding on the books of the department against
30 the claimant.

31 Sec. 44. Section 513C.4, subsection 2, Code Supplement
32 1995, is amended to read as follows:

33 2. An affiliated carrier that is a health maintenance
34 organization having a certificate of authority under section
35 ~~513E.5~~ 514B.5 shall be considered to be a separate carrier for

1 the purposes of this chapter.

2 Sec. 45. Section 523I.1, subsection 4, Code Supplement
3 1995, is amended to read as follows:

4 4. "Interment rights" means a right of use conveyed by
5 contract or property ownership to inter human rights remains
6 in a columbarium, grave, mausoleum, lawn crypt, or undeveloped
7 space.

8 Sec. 46. Section 524.306, subsection 2, Code Supplement
9 1995, is amended to read as follows:

10 2. The secretary of state's acknowledgement of filing of
11 the articles of incorporation is conclusive proof that the
12 incorporators satisfied all conditions precedent to
13 incorporation, except in a proceeding instituted by the
14 superintendent to cancel or revoke the incorporation or
15 involuntarily dissolve the corporation.

16 Sec. 47. Section 524.1415, subsection 1, Code Supplement
17 1995, is amended to read as follows:

18 1. The conversion is effective upon the filing of the
19 articles of conversion with the secretary of state, or at any
20 later date and time as specified in the articles of
21 conversion. The certificate-of-conversion acknowledgement of
22 filing is conclusive evidence of the performance of all
23 conditions required by this chapter for conversion of a
24 national bank into a state bank, except as against the state.

25 Sec. 48. Section 554.9401, subsection 6, Code Supplement
26 1995, is amended to read as follows:

27 6. Of each fee collected by the county recorder under
28 sections ~~570A-47~~ 554.9403, 554.9405, and 554.9406, the county
29 recorder shall remit five dollars, if filed on a standard form
30 or six dollars otherwise, to the department of revenue and
31 finance for deposit in the general fund of the state.

32 Sec. 49. Section 561.19, Code Supplement 1995, is amended
33 to read as follows:

34 561.19 EXEMPTION IN HANDS OF ISSUE.

35 Where the homestead descends to the issue of either spouse

1 the ~~issue~~ homestead shall be held exempt from any antecedent
2 debts of the issue's parents or antecedent debts of the issue,
3 except those of the owner of the homestead contracted prior to
4 acquisition of the homestead or those created under section
5 249A.5 relating to the recovery of medical assistance
6 payments.

7 Sec. 50. Section 566A.15, Code Supplement 1995, is amended
8 to read as follows:

9 566A.15 CEMETERY FUND.

10 A special revenue fund is created in the state treasury,
11 under the control of the commissioner, to be known as the
12 insurance division cemetery fund. Commencing July 1, 1995,
13 ~~filing-fees-received-pursuant-to-section-566A-2C-and~~ one
14 dollar from the audit fee for each deed reported on the annual
15 report required by section 566A.2D, executed during the
16 preceding fiscal year, shall be deposited in the insurance
17 division cemetery fund by the commissioner. However, if the
18 balance of the fund on July 1 of any year exceeds two hundred
19 thousand dollars, the allocation to the fund shall not be
20 made, and the total sum of the fees paid pursuant to section
21 566A.2D shall be deposited in the general fund of the state.
22 Notwithstanding section 8.33, moneys in the fund shall not
23 revert to the general fund but shall remain in the cemetery
24 fund. Moneys in the cemetery fund are appropriated to the
25 insurance division and, subject to authorization by the
26 commissioner, may be used to pay the expenses of that office
27 incurred in the administration of the audit, investigative,
28 and enforcement duties and obligations imposed under this
29 chapter, and the expenses of receiverships established
30 pursuant to section 566A.12.

31 Sec. 51. Section 602.1304, subsection 2, paragraph b, Code
32 Supplement 1995, is amended to read as follows:

33 b. For each fiscal year, a judicial collection estimate
34 for that fiscal year shall be equally and proportionally
35 divided into a quarterly amount. The judicial collection

1 estimate shall be calculated by using the state revenue
2 estimating conference estimate made by December 15 pursuant to
3 section 8.22A, subsection 3, of the total amount of fines,
4 fees, civil penalties, costs, surcharges, and other revenues
5 collected by judicial officers and court employees for deposit
6 into the general fund of the state. The revenue estimating
7 conference estimate shall be reduced by the maximum amounts
8 allocated to the Iowa prison infrastructure fund pursuant to
9 section 602.8108A, and the court technology and modernization
10 fund pursuant to section 602.8108, and the remainder shall be
11 the judicial collection estimate. In each quarter of a fiscal
12 year, after revenues collected by judicial officers and court
13 employees equal to that quarterly amount are deposited into
14 the general fund of the state and after the required amount is
15 deposited during the quarter into the Iowa prison
16 infrastructure fund pursuant to section 602.8108A and into the
17 court technology and modernization fund pursuant to section
18 602.8108, the director of revenue and finance shall deposit
19 the remaining revenues for that quarter into the enhanced
20 court collections fund in lieu of the general fund. However,
21 after total deposits into the collections fund for the fiscal
22 year are equal to the maximum deposit amount established for
23 the collections fund, remaining revenues for that fiscal year
24 shall be deposited into the general fund. If the revenue
25 estimating conference agrees to a different estimate at a
26 later meeting which projects a lesser amount of revenue than
27 the initial estimate amount used to calculate the judicial
28 collection estimate, the director of revenue and finance shall
29 recalculate the judicial collection estimate accordingly. If
30 the revenue estimating conference agrees to a different
31 estimate at a later meeting which projects a greater amount of
32 revenue than the initial estimate amount used to calculate the
33 judicial collection estimate, the director of revenue and
34 finance shall recalculate the judicial collection estimate
35 accordingly but only to the extent that the greater amount is

1 due to an increase in the fines, fees, civil penalties, costs,
2 surcharges, or other revenues allowed by law to be collected
3 by judicial officers and court employees.

4 Sec. 52. Section 692.12, Code Supplement 1995, is amended
5 to read as follows:

6 692.12 DATA PROCESSING.

7 Nothing in this chapter shall preclude the use of the
8 equipment and hardware of the data processing service center
9 for the storage and retrieval of criminal history data. Files
10 shall be stored on the computer in such a manner as that the
11 files cannot be modified, destroyed, accessed, changed, or
12 overlaid in any fashion by ~~noncriminal-or-juvenile-justice~~
13 agency terminals or personnel not belonging to a criminal or
14 juvenile justice agency. That portion of any computer,
15 electronic switch or manual terminal having access to criminal
16 history data stored in the state computer must be under the
17 management control of a criminal or juvenile justice agency.

18 Sec. 53. Section 692.21, Code Supplement 1995, is amended
19 to read as follows:

20 692.21 DATA TO AGENCY MAKING ARREST OR TAKING JUVENILE
21 INTO CUSTODY.

22 The clerk of the district court shall forward conviction
23 and disposition data to the criminal or juvenile justice
24 agency making the arrest or taking a juvenile into custody
25 within thirty days of final court disposition of the case.

26 Sec. 54. Section 692A.1, subsection 2, Code Supplement
27 1995, is amended to read as follows:

28 2. "Criminal or juvenile justice agency" means an agency
29 or department of any level of government or an entity wholly
30 owned, financed, or controlled by one or more such agencies or
31 departments which performs as its principal function the
32 apprehension, prosecution, adjudication, incarceration, or
33 rehabilitation of criminal or juvenile offenders.

34 Sec. 55. Section 692A.10, subsection 4, Code Supplement
35 1995, is amended to read as follows:

1 4. Adopt rules under chapter 17A, as necessary, to ensure
2 compliance with registration and verification requirements of
3 this chapter, to provide guidelines for persons required to
4 assist in obtaining registry information, and to provide a
5 procedure for the dissemination of information contained in
6 the registry. The procedure for the dissemination of
7 information shall include, but not be limited to, practical
8 guidelines for use by criminal or juvenile justice agencies in
9 determining when public release of information contained in
10 the registry is appropriate and a requirement that if a member
11 of the general public requests information regarding a
12 specific individual in the manner provided in section 692A.13,
13 subsection 6, the information shall be released. The
14 department, in developing the procedure, shall consult with
15 associations which represent the interests of law enforcement
16 officers. Rules adopted shall also include a procedure for
17 removal of information from the registry upon the reversal or
18 setting aside of a conviction of a person who is registered
19 under this chapter.

20 Sec. 56. Section 692A.13, subsections 1, 3, and 5, Code
21 Supplement 1995, are amended to read as follows:

22 1. The department or a sheriff may disclose information to
23 criminal or juvenile justice agencies for law enforcement or
24 prosecution purposes.

25 3. The department or a criminal or juvenile justice agency
26 with case-specific authorization from the department may
27 release relevant information from the registry regarding a
28 criminal offense against a minor, sexual exploitation, or a
29 sexually violent offense, that is necessary to protect the
30 public concerning a specific person who is required to
31 register under this chapter.

32 5. Criminal history information data contained in the
33 registry may be released as provided in chapter 692 or used by
34 criminal or juvenile justice agencies as an index for purposes
35 of locating a relevant conviction record.

1 Sec. 57. Section 692A.15, Code Supplement 1995, is amended
2 to read as follows:

3 692A.15 IMMUNITY FOR GOOD FAITH CONDUCT.

4 Criminal or juvenile justice agencies, officials, and
5 employees of criminal or juvenile justice agencies and state
6 agencies and their employees shall be immune from liability
7 for acts or omissions arising from a good faith effort to
8 comply with this chapter.

9 Sec. 58. Section 708.3A, Code Supplement 1995, is amended
10 to read as follows:

11 708.3A ASSAULTS ON PEACE OFFICERS, FIRE FIGHTERS, AND
12 EMERGENCY CARE PROVIDERS.

13 1. A person who commits an assault, as defined in section
14 708.1, against a peace officer, ~~basic-emergency-medical-care~~
15 ~~provider-under-chapter-1477-an-advanced~~ emergency medical care
16 provider under chapter 147A, or fire fighter, whether paid or
17 volunteer, with the knowledge that the person against whom the
18 assault is committed is a peace officer, ~~basic-emergency~~
19 ~~medical-care-provider-under-chapter-1477-an-advanced~~ emergency
20 medical care provider under chapter 147A, or fire fighter and
21 the intent to inflict a serious injury upon the peace officer,
22 ~~basic-emergency-medical-care-provider-under-chapter-1477-an~~
23 ~~advanced~~ emergency medical care provider under chapter 147A,
24 or fire fighter, is guilty of a class "D" felony.

25 2. A person who commits an assault, as defined in section
26 708.1, against a peace officer, ~~basic-emergency-medical-care~~
27 ~~provider-under-chapter-1477-an-advanced~~ emergency medical care
28 provider under chapter 147A, or fire fighter, whether paid or
29 volunteer, who knows that the person against whom the assault
30 is committed is a peace officer, ~~basic-emergency-medical-care~~
31 ~~provider-under-chapter-1477-an-advanced~~ emergency medical care
32 provider under chapter 147A, or fire fighter and who uses or
33 displays a dangerous weapon in connection with the assault, is
34 guilty of a class "D" felony.

35 3. A person who commits an assault, as defined in section

1 708.1, against a peace officer, ~~basic-emergency-medical-care~~
2 ~~provider-under-chapter-147,-an-advanced~~ emergency medical care
3 provider under chapter 147A, or fire fighter, whether paid or
4 volunteer, who knows that the person against whom the assault
5 is committed is a peace officer, ~~basic-emergency-medical-care~~
6 ~~provider-under-chapter-147,-an-advanced~~ emergency medical care
7 provider under chapter 147A, or fire fighter, and who causes
8 bodily injury or disabling mental illness, is guilty of an
9 aggravated misdemeanor.

10 4. Any other assault, as defined in section 708.1,
11 committed against a peace officer, ~~basic-emergency-medical~~
12 ~~care-provider-under-chapter-147,-an-advanced~~ emergency medical
13 care provider under chapter 147A, or fire fighter, whether
14 paid or volunteer, by a person who knows that the person
15 against whom the assault is committed is a peace officer,
16 ~~basic-emergency-medical-care-provider-under-chapter-147,-an~~
17 ~~advanced~~ emergency medical care provider under chapter 147A,
18 or fire fighter, is a serious misdemeanor.

19 Sec. 59. Section 719.1, subsection 1, Code Supplement
20 1995, is amended to read as follows:

21 1. A person who knowingly resists or obstructs anyone
22 known by the person to be a peace officer, ~~basic-emergency~~
23 ~~medical-care-provider-under-chapter-147,-an-advanced~~ emergency
24 medical care provider under chapter 147A, or fire fighter,
25 whether paid or volunteer, in the performance of any act which
26 is within the scope of the lawful duty or authority of that
27 officer, ~~basic-emergency-medical-care-provider-under-chapter~~
28 ~~147,-an-advanced~~ emergency medical care provider under chapter
29 147A, or fire fighter, whether paid or volunteer, or who
30 knowingly resists or obstructs the service or execution by any
31 authorized person of any civil or criminal process or order of
32 any court, commits a serious misdemeanor. However, if a
33 person commits an interference with official acts, as defined
34 in this subsection, and in so doing inflicts bodily injury
35 other than serious injury, that person commits an aggravated

1 misdemeanor. If a person commits an interference with
2 official acts, as defined in this subsection, and in so doing
3 inflicts or attempts to inflict serious injury, or displays a
4 dangerous weapon, as defined in section 702.7, or is armed
5 with a firearm, that person commits a class "D" felony.

6 Sec. 60. Section 727.11, subsection 2, paragraph a, Code
7 1995, is amended to read as follows:

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

15 Sec. 61. Section 805.5, Code Supplement 1995, is amended
16 to read as follows:

17 805.5 FAILURE TO APPEAR.

18 Any person who willfully fails to appear in court as
19 specified by the citation shall be guilty of a simple
20 misdemeanor. Where a defendant fails to make a required court
21 appearance, the court shall issue an arrest warrant for the
22 offense of failure to appear, and shall forward the warrant
23 and the original or electronically produced citation to the
24 clerk. The clerk shall enter a transfer to the issuing agency
25 on the docket, and shall return the warrant with the original
26 or electronically produced citation attached to the law
27 enforcement agency which issued the ~~original-or-electronically~~
28 ~~produced~~ citation for enforcement of the warrant. Upon arrest
29 of the defendant, the warrant and the original or
30 electronically produced citation shall be returned to the
31 court, and the offenses shall be heard and disposed of
32 simultaneously.

33 Sec. 62. Section 909.10, subsection 2, Code 1995, is
34 amended to read as follows:

35 2. Notwithstanding the disposition sections of sections

1 602.8106 and ~~911-3~~ 602.8108, subsection 3, upon the collection
2 of delinquent amounts, the clerks of the district court shall
3 remit the delinquent amounts to the treasurer of state for
4 deposit into the revolving fund established pursuant to
5 section 602.1302, to be used for the payment of jury and
6 witness fees and mileage.

7 Sec. 63. Section 910A.9A, subsection 1, Code Supplement
8 1995, is amended to read as follows:

9 1. The date on which the juvenile or sexually violent
10 predator is expected to be temporarily released from the
11 custody of the department of human services, and whether the
12 juvenile or sexually violent predator is expected to return to
13 the community where the registered victim resides.

14 Sec. 64. AMENDMENTS CHANGING TERMINOLOGY REGARDING
15 PODIATRIC PHYSICIANS. Sections 135B.7, 148.2, 148A.3, 149.2,
16 150.3, 150A.2, 157.2, 158.2, 455B.333, 514.1, 514.5, 514.8,
17 and 514.17, Code 1995, are amended by striking from the
18 sections the word "podiatrists" and inserting in lieu thereof
19 the words "podiatric physicians".

20 Sec. 65. 1995 Iowa Acts, chapter 215, section 34, is
21 amended to read as follows:

22 SEC. 34. EFFECTIVE DATE. Sections 3 through 10, sections
23 17 through 25, ~~sections~~ section 27, and-28, section 29,
24 subsection 2, and sections 30, 31, and 33, being deemed of
25 immediate importance, take effect upon enactment. Sections 1
26 and 2, sections 11 through 14, and section 29, subsection 1,
27 are effective July 1, 1995. Section 28 is effective January
28 1, 1996. Sections 15 and 26 of this Act, being deemed of
29 immediate importance, take effect upon enactment.

30 Sec. 66. REPEALS.

31 1. Sections 260C.24 and 303.18, Code Supplement 1995, are
32 repealed.

33 2. Sections 422.47A, 422.47B, and 422.47C, Code 1995, are
34 repealed.

35 Sec. 67. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

1 Section 65 of this Act, amending 1995 Iowa Acts, chapter 215,
2 section 34, being deemed of immediate importance, takes effect
3 upon enactment and applies retroactively to May 24, 1995.

4 EXPLANATION

5 This bill contains the following nonsubstantive Code
6 corrections:

7 8D.13(12): In subsection permitting Iowa communications
8 network receiving sites to charge fees for recovering
9 operating costs, changes the designation of the party required
10 to pay the fee from "originating site" to "originator of the
11 communication" to conform with similar changes to the
12 subsection enacted in 1995 Iowa Acts, chapter 20.

13 43.67, unnumbered paragraph 1: In provision entitling a
14 political nominee to have the candidate's name printed on the
15 official general election ballot unless the candidate was
16 nominated by write-in votes, strikes an incorrect reference to
17 section 43.66, which concerns write-in candidates, and
18 replaces it with references to section 43.52 or 43.65, which
19 concern nominees of political parties.

20 97B.41(8)(b)(16): Strikes the subparagraph that exempts
21 employees of the Iowa peace institute who do not file an
22 application with the department of personnel from the
23 definition of "employee" for purposes of the Iowa public
24 employees' retirement system. Former chapter 38, pertaining
25 to the Iowa peace institute, was repealed by 1995 Iowa Acts,
26 chapter 204, § 19.

27 124.409(1): Corrects an erroneous internal reference in
28 provisions relating to controlled substance offenses.
29 Although this error was in the original 1971 bill enacting
30 this section, it appears that the reference should be to
31 section 124.411, which concerns second or subsequent offenses,
32 rather than section 124.410, which concerns accommodation
33 offenses.

34 139B.1(2)(b); 321.423(1)(c), (4), and (7)(a, b): Change
35 terminology from "first responder service" to "first response

1 service", which is the more commonly used phrase throughout
2 the Code.

3 161A.12: Changes the September 1 deadline to October 1 for
4 budget submissions by the soil and water conservation
5 division. This conforms with the 1995 amendment to section
6 8.23, which establishes the October 1 deadline for all
7 departments and establishments of the government.

8 162.1(1): Strikes an obsolete reference to "hobby kennels"
9 from the policy statement in chapter 162 on the care of
10 animals in commercial establishments. Section 162.11,
11 subsection 5, enacted in 1988 Iowa Acts, chapter 1186, § 13,
12 provides that chapter 162 does not apply to noncommercial
13 hobby kennels. This change was requested by the department of
14 agriculture and land stewardship.

15 169A.13: In provision prohibiting the issuance of a
16 forfeited brand to another person for a specific time period,
17 strikes the phrase "or more" from the five-year time period,
18 to clarify the amendments contained in 1995 Iowa Acts, chapter
19 60, § 8.

20 229.27(1): In provisions relating to the procedures for
21 the hospitalization of persons with mental illness, strikes a
22 reference to section 622.6, which concerned depositions taken
23 conditionally and was repealed by 1983 Iowa Acts, chapter 37,
24 § 7, in conjunction with the establishment of the Iowa rules
25 of evidence.

26 232.88: In provision specifying those entitled to notice
27 of child in need of assistance (CINA) hearings by referring to
28 juvenile delinquency notice requirements, substitutes the more
29 accurate term "persons" for "parties".

30 232.148(2); 236.9, unnumbered paragraph 1: Propose
31 conforming amendments to 1995 Iowa Acts, chapter 191, which
32 changed the definition of and expanded the duties given to
33 criminal justice agencies to include juvenile justice
34 agencies.

35 236.3(2): Revises wording so that item enacted in 1995

1 concerning unemancipated minors fits grammatically into the
2 list of items that must be stated in a petition seeking relief
3 from domestic abuse.

4 238.1(2): Strikes the superfluous definition of "case
5 permanency plan" from chapter 238, which concerns child-
6 placing agencies. The term is not used in the chapter.

7 252I.1(2); 421.17A(1)(b): In definition of "bank" for
8 purposes of the chapter pertaining to levies against accounts
9 for the collection of child support payments and the section
10 providing an administrative levy against accounts of persons
11 owing a delinquent indebtedness to the state, strike the term
12 "private bank" to conform to the amendment that struck the
13 definition of "private bank" from section 524.103 in 1995 Iowa
14 Acts, chapter 148, §3.

15 260D.12: In section specifying method of payment of
16 appropriations for distribution to community colleges, adds a
17 reference to chapter 260C pertaining to community colleges.
18 In 1995 Iowa Acts, chapter 214, §9, this section was amended,
19 whereas in 1995 Iowa Acts, chapter 218, § 18, an identical
20 provision was enacted for codification as section 260C.24.
21 The proposed changes include the repeal of the duplicate
22 provision, section 260C.24, at the end of this bill.

23 294A.13: Substitutes the more accurate term "division" for
24 an erroneous reference to "section" in provisions relating to
25 eligibility to receive moneys under phase III of the
26 educational excellence program. This section sets no
27 requirements for the program.

28 303.33, unnumbered paragraph 1: Replaces a reference to
29 the 1976 Act that created historical preservation districts
30 with the appropriate Code section numbers.

31 321.19(2), unnumbered paragraph 3: In definition of "urban
32 transit company", strikes a reference to the inapplicability
33 of section 452A.3, which concerns the motor fuel excise tax.
34 The amendment to section 452A.3 contained in 1995 Iowa Acts,
35 chapter 155, § 14, eliminated the tax exemption for urban

1 transit companies or systems, whereas the amendment to section
2 452A.17 in that Act made provisions for urban transit systems
3 to receive a refund of the tax. Accordingly, the reference in
4 this section is stricken.

5 321.213A: In section pertaining to motor vehicle license
6 suspension for juveniles adjudicated delinquent for certain
7 drug or alcohol offenses, and in order to clarify changes
8 enacted in 1995 Iowa Acts, chapter 55, §§ 9 and 10, specifies
9 that a juvenile may receive a temporary restricted permit if a
10 request for a temporary restricted license has been denied, as
11 is provided in section 321.215, subsection 2.

12 321.484, unnumbered paragraph 2: In provision pertaining
13 to service of a uniform citation to the lessee of a motor
14 vehicle, replaces "certificate of responsibility" with
15 "lease", in accordance with changes to this section and
16 section 321F.6 enacted in 1995 Iowa Acts, chapter 118, §§ 27
17 and 29.

18 321.492A: In provisions prohibiting quotas on the number
19 of citations filed by peace officers, clarifies the kind of
20 traffic memorandums referred to by adding the word
21 "violations", which is consistent with terminology used
22 elsewhere in the Code.

23 321.560; 321.561: In motor vehicle provisions establishing
24 revocation periods and penalties applicable to habitual
25 offenders which were amended in 1995 Iowa Acts, chapter 143,
26 corrects reference from "temporary restricted license" to
27 "temporary restricted permit", to accurately describe the
28 procedure referenced in section 321.215, subsection 2.

29 323.1(4): Clarifies amendments to this section and chapter
30 452A contained in 1995 Iowa Acts, chapter 155, to refer to the
31 definition of "distributor" contained in section 452A.2,
32 rather than the definition of "person" in section 452A.57.

33 331.756(69): Strikes an obsolete duty of the county
34 attorney. Section 478.29 was stricken and rewritten in 1991
35 Iowa Acts, chapter 112, § 2, and the provisions for requesting

1 the county attorney to prosecute violations concerning
2 electric lines that cross railroad tracks were removed at that
3 time. Violations of chapter 478, which pertains to electric
4 transmission lines, are within the jurisdiction of the
5 utilities board.

6 358C.13(5): Clarifies reference enacted in 1995 Iowa Acts,
7 chapter 200, prohibiting a real estate improvement district
8 board of trustees from requiring or granting a franchise.
9 Subsection 4 of this section is not relevant to the issue of
10 franchises, whereas section 364.2, subsection 4, grants the
11 authority to a city.

12 358C.17(1): Substitutes "real estate improvement"
13 district, the term used throughout 1995 Iowa Acts, chapter
14 200, for "housing development" district, a term used in a
15 prior version of the legislation.

16 421.31(9): Requires the director of revenue and finance to
17 transfer the interest of the permanent school fund to the
18 interest for Iowa schools fund, rather than the first in the
19 nation in education foundation, in accordance with the
20 revision of section 257B.1A in 1995 Iowa Acts, chapter 218, §
21 17.

22 422.45(47): Strikes obsolete exemption provision from the
23 sales and services tax law. The exemption, which was enacted
24 in 1992 Iowa Acts, chapter 1019, § 7, and repealed on August
25 31, 1992, covered receipts from the rendering of additional
26 services taxed under 1992 tax revisions pursuant to a written
27 service contract in effect on March 1, 1992. This change was
28 requested by the department of revenue and finance.

29 422.69(3): Strikes a requirement that the director of
30 revenue and finance estimate and deposit the amount of state
31 corporate income tax revenues collected as a result of the
32 court decision holding that the federal windfall profits tax
33 is not a federal income tax, because the federal windfall
34 profits tax has been repealed. This amendment was requested
35 by the department of revenue and finance.

1 426B.1(1): In section establishing the property tax relief
2 fund, as enacted in 1995 Iowa Acts, chapter 206, substitutes
3 the term "chapter" for the word "section" to accurately
4 reflect the provisions authorizing distributions from the
5 fund.

6 427.1(4): Revises wording to eliminate redundancy in
7 property tax exemption provisions. Personal property, such as
8 fire equipment and implements for extinguishing fires, is
9 already exempt from the property tax. These changes were
10 requested by the department of revenue and finance.

11 441.21(9)(b): In provisions relating to the actual,
12 assessed, and taxable values for property upon which a solar
13 energy system is constructed or installed, clarifies that the
14 provision relates to agricultural, residential, commercial, or
15 industrial property. In 1995 Iowa Acts, chapter 83, § 28, an
16 obsolete provision was stricken from this paragraph and the
17 list of property classes affected was inadvertently removed.

18 444.25(4)(b)(3): In section pertaining to the property tax
19 limitations for the 1994 and 1995 fiscal years, specifies that
20 the reference to section 331.424, subsection 1, paragraph "a"
21 through "h", pertains to the section as it appeared in the
22 1995 Iowa Code. In 1995 Iowa Acts, chapter 206, § 9, which
23 became effective January 1, 1996, the majority of the
24 provisions cited were stricken in revising the obligations of
25 the county to pay for mental health services.

26 450.94(6, 7): Strikes expired extensions for certain
27 claims for refund of inheritance taxes. The extensions were
28 enacted in 1989 and the last deadline for seeking an extension
29 was more than five years ago. This provision was requested by
30 the department of revenue and finance.

31 452A.3(3): For ease of understanding of revisions enacted
32 in 1995 Iowa Acts, chapter 155, § 14, pertaining to exemptions
33 from excise taxes on special fuel, clarifies that what may be
34 used only for an exempt purpose is the dyed fuel, rather than
35 the indelible dye.

1 452A.57(5, 10): In definition of "fuel taxes" in division
2 of chapter 452A applicable to all fuel taxes imposed by the
3 chapter, reinserts a reference to division III of the chapter,
4 which pertains to the motor fuel and special fuel use tax for
5 interstate motor vehicle operations. While this definition no
6 longer applies to division II of the chapter, which was
7 repealed in 1995 Iowa Acts, chapter 155, the definition
8 appears to remain applicable to division III, although the
9 reference was stricken in section 28 of that Act. The
10 proposed change to subsection 10 is intended to clarify the
11 definition of "public highways".

12 452A.71: Rewrites a sentence for improved readability in
13 section relating to refunds of fuel taxes.

14 513C.4(2): In provision in individual health insurance
15 market reform chapter enacted in 1995 Iowa Acts, chapter 5,
16 pertaining to consideration of affiliated carriers that are
17 health maintenance organizations, replaces a reference to
18 certificates of authority issued under section 513C.5, which
19 pertains to restrictions relating to premium rates, with a
20 reference to section 514B.5, which concerns the issuance of
21 certificates of authority to health maintenance organizations.
22 The proposed change was requested by the insurance division.

23 523I.1(4): In 1995 enactment pertaining to cemeteries,
24 clarifies that human "remains" are interred rather than human
25 "rights".

26 524.306(2); 524.1415(1): Conform language in two sections
27 to reflect 1995 amendments in banking laws enacted in 1995
28 Iowa Acts, chapter 148, § 119, in which "certificates" of
29 incorporation or conversion were stricken. When banks are
30 incorporated under section 524.306 or converted from national
31 banks into state banks under section 524.1415, either articles
32 of incorporation or articles of conversion must be filed with
33 the secretary of state. In both cases, the secretary of
34 state's "acknowledgment of filing" now serves as evidence of
35 the fulfillment of all conditions required.

1 554.9401(6): Strikes an erroneous reference to section
2 570A.4 in article 9 of the uniform commercial code relating to
3 the proper place of filing to perfect a security interest.
4 Section 570A.4 provides that the secretary of state, not the
5 county recorder, collects fees for the filing of an
6 agricultural supply dealer's lien. This error was contained
7 in the original enactment of subsection 6 of section 554.9401
8 contained in 1991 Iowa Acts, chapter 267, § 618.

9 561.19: Clarifies change enacted in 1995 Iowa Acts,
10 chapter 68, § 6, to specify that it is the "homestead" rather
11 than the "issue" that will be exempt from certain debts when
12 homesteads descend to issue.

13 566A.15: Strikes reference to a filing fee provision that
14 was stricken before final passage of 1995 cemetery
15 legislation. Section 566A.2C as enacted does not provide
16 filing fees for nonperpetual care cemeteries.

17 602.1304(2)(b): In section creating the enhanced court
18 collections fund, corrects the reference to the "court
19 technology and modernization fund" established in section
20 602.8108.

21 692.12; 692.21: In sections providing for the exchange of
22 criminal history data, clarify terminology prohibiting data
23 processing access except by criminal or juvenile justice
24 agencies, and conform provisions to legislation enacted in
25 1995, which changed the definition of and expanded the duties
26 given to criminal justice agencies to include juvenile justice
27 agencies.

28 692A.1(2); 692A.10(4); 692A.13(1, 3, and 5); 692A.15:
29 Propose conforming amendments to chapter 692A, the sex
30 offender registry chapter enacted in 1995, to reflect the
31 changes enacted in 1995 Iowa Acts, chapter 191, which amended
32 the definition of and expanded the duties given to criminal
33 justice agencies to include juvenile justice agencies.
34 Moreover, chapter 692A requires juveniles adjudicated
35 delinquent for certain specified acts to register. The

1 proposed change to section 692A.13, subsection 5, also
2 replaces a reference to the release of criminal history
3 "information", as provided in chapter 692, to criminal history
4 "data", which is the defined term specified in section 692.1.
5 708.3A; 719.1(1): In provisions relating to assaults upon
6 and interference with emergency medical care providers,
7 conform terminology to changes enacted in 1995 Iowa Acts,
8 chapter 41, which removed references to emergency medical care
9 providers in chapter 147, which contains the general
10 provisions governing the health-related professions, and
11 consolidated provisions governing emergency medical care
12 providers in chapter 147A, pertaining to emergency medical
13 care and trauma care.

14 727.11(2)(a): In section regulating the release of certain
15 information concerning the use of videotapes, includes
16 juvenile justice agencies in addition to criminal justice
17 agencies, to conform to changes enacted in 1995 Iowa Acts,
18 chapter 191.

19 805.5: In section pertaining to failure to appear upon
20 issuance of a citation in lieu of arrest, conforms language to
21 provide for the use of electronically produced citations in
22 accordance with changes enacted in 1995 Iowa Acts, chapter
23 118.

24 909.10: In section directing the disposition of certain
25 delinquent fines, costs, and surcharges collected by the clerk
26 of the district court, replaces a reference to section 911.3,
27 which was repealed in 1994 Iowa Acts, chapter 1074, § 18, with
28 a reference to section 602.8108, subsection 3, which now
29 contains the provisions pertaining to the distribution of
30 amounts collected from the criminal surcharge assessed in
31 section 911.2.

32 910A.9A(1): In provisions regarding notification of
33 victims by the department of human services, adds the phrase
34 "or sexually violent predator" to conform with other
35 amendments adding the phrase to the section in 1995 Iowa Acts,

1 chapter 144, §5.

2 Amendments changing terminology regarding podiatric
3 physicians: Replace "podiatrists" with "podiatric physicians"
4 to conform language with that adopted by 1995 Iowa Acts,
5 chapter 108.

6 1995 Acts, chapter 215, section 34: In section containing
7 effective dates of various provisions in the 1995 underground
8 storage tank legislation, strikes a reference to section 28 of
9 that Act, which creates a marketability fund. This section
10 contains two different dates of enactment for section 28, and
11 the bill strikes the reference to the date of enactment, which
12 was May 24, 1995, rather than the reference establishing
13 January 1, 1996, as the effective date, because the earlier
14 reference appears to have been included by error in amending
15 and reprinting the bill. This bill makes the correction
16 effective upon enactment of this bill and retroactive to May
17 24, 1995.

18 260C.24: Repeals a section specifying method of payment of
19 appropriations for distribution to community colleges, which
20 is identical to section 260D.12. This bill also amends
21 section 260D.12 to add a reference to chapter 260C.

22 303.18: Repeals section that provided for a loan to the
23 historical division of the department of cultural affairs
24 because the loan has now been repaid.

25 422.47A; 422.47B; 422.47C: Repeal three obsolete sections
26 relating to sales tax refunds for specified machinery,
27 equipment and computer purchases and rentals. These repeals
28 were requested by the department of revenue and finance.

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SENATE FILE 2080

S-5009

1 Amend Senate File 2080 as follows:

2 1. Page 10, by inserting after line 27 the
3 following:

4 "Sec. ____ . Section 331.602, subsection 10, Code
5 Supplement 1995, is amended to read as follows:

6 10. Carry out duties relating to the issuance of
7 hunting, fishing, and trapping fur harvester licenses
8 as provided in sections 483A.10, 483A.12, 483A.13,
9 483A.14, 483A.15 and 483A.22.

10 Sec. ____ . Section 331.605, subsection 2,
11 unnumbered paragraph 1, Code 1995, is amended to read
12 as follows:

13 For issuance of hunting, fishing and trapping fur
14 harvester licenses:"

15 2. Page 14, by inserting after line 30 the
16 following:

17 "Sec. ____ . Section 483A.19, Code 1995, is amended
18 to read as follows:

19 483A.19 SHOWING LICENSE TO OFFICER.

20 Every person shall, while fishing, hunting, or
21 trapping fur harvesting, show the person's license,
22 certificate, or permit, to any peace officer or the
23 owner or person in lawful control of the land or water
24 upon which licensee may be hunting, fishing, or
25 trapping fur harvesting when requested by said the
26 persons to do so. Any failure to so carry or refusal
27 to show or so exhibit the person's license,
28 certificate or permit, shall be a violation of this
29 chapter.

30 Sec. ____ . Section 483A.20, Code 1995, is amended
31 to read as follows:

32 483A.20 RECIPROCITY.

33 Licenses for bait dealers or for fishing, hunting,
34 or trapping fur harvesting shall not be issued to
35 residents of states that do not sell similar licenses
36 or certificates to residents of Iowa. However, the
37 licensing of nonresident bait dealers who sell at
38 wholesale to licensed dealers in Iowa for resale is
39 permitted."

40 3. By renumbering and correcting internal
41 references as necessary.

By COMMITTEE ON JUDICIARY
RANDAL J. GIANNETTO, Chairperson

S-5009 FILED JANUARY 24, 1996

*Adopted 2/1/96
(P. 212)*

H- (P. 226) 2/5/96 Judiciary
H- (P. 592) 3/6/96 Do Pass
H- R 143) 3-25/96 Passage

SENATE FILE **2080**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2018)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 1, 1996)

_____ - New Language by the Senate

Passed Senate, Date _____ Passed House, ^(P. 943) Date 3-25-96
Vote: Ayes _____ Nays _____ Vote: Ayes 98 Nays 0
Approved April 2, 1996

A BILL FOR

1 An Act relating to nonsubstantive Code corrections, and providing
2 effective and retroactive applicability dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S.F. 2080

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1 Section 1. Section 8D.13, subsection 12, Code Supplement
2 1995, is amended to read as follows:

3 12. The commission, on its own or as recommended by an
4 advisory committee of the commission and approved by the
5 commission, shall permit a fee to be charged by a receiving
6 site to the originator of the communication provided on the
7 network. The fee charged shall be for the purpose of
8 recovering the operating costs of a receiving site. The fee
9 charged shall be reduced by an amount received by the
10 receiving site pursuant to a state appropriation for such
11 costs, or federal assistance received for such costs. Fees
12 established under this subsection shall be paid by the
13 originating-site originator of the communication directly to
14 the receiving site. For purposes of this section, "operating
15 costs" include the costs associated with the management or
16 coordination, operations, utilities, classroom, equipment,
17 maintenance, and other costs directly related to providing the
18 receiving site.

19 Sec. 2. Section 43.67, unnumbered paragraph 1, Code 1995,
20 is amended to read as follows:

21 Each candidate nominated pursuant to section ~~43-66~~ 43.52 or
22 43.65 is entitled to have the candidate's name printed on the
23 official ballot to be voted at the general election without
24 other certificate unless the candidate was nominated by write-
25 in votes. Immediately after the completion of the canvass
26 held under section 43.49, the county auditor shall notify each
27 person who was nominated by write-in votes for a county or
28 township office that the person is required to file an
29 affidavit of candidacy if the person wishes to be a candidate
30 for that office at the general election. Immediately after
31 the completion of the canvass held under section 43.63, the
32 secretary of state shall notify each person who was nominated
33 by write-in votes for a state or federal office that the
34 person is required to file an affidavit of candidacy if the
35 person wishes to be a candidate for that office at the general

1 election. If the affidavit is not filed by five p.m. on the
2 seventh day after the completion of the canvass, that person's
3 name shall not be placed upon the official general election
4 ballot. The affidavit shall be signed by the candidate,
5 notarized, and filed with the county auditor or the secretary
6 of state, whichever is applicable.

7 Sec. 3. Section 97B.41, subsection 8, paragraph b,
8 subparagraph (16), Code Supplement 1995, is amended by
9 striking the subparagraph.

10 Sec. 4. Section 124.409, subsection 1, Code 1995, is
11 amended to read as follows:

12 1. Whenever a person who has not previously been convicted
13 of an offense under this chapter or an offense under a state
14 or federal statute relating to narcotic drugs or cocaine,
15 marijuana, or stimulant, depressant, or hallucinogenic drugs,
16 pleads guilty to or is found guilty of possession of a
17 controlled substance under section 124.401, subsection 3, or
18 is sentenced pursuant to section 124.410, the court, without
19 entering a judgment of guilt and with the consent of the
20 accused, may defer further proceedings and place the accused
21 on probation upon terms and conditions as it requires. When a
22 person is placed on probation under this subsection, the
23 person's appearance bond may be discharged at the discretion
24 of the court. Upon violation of a term or condition, the
25 court may enter an adjudication of guilt and proceed as
26 otherwise provided. Upon fulfillment of the terms and
27 conditions, the court shall discharge the person and dismiss
28 the proceedings against the person. Discharge and dismissal
29 under this section shall be without court adjudication of
30 guilt and is not a conviction for purposes of this section or
31 for purposes of disqualifications or disabilities imposed by
32 law upon conviction of a crime, including the additional
33 penalties imposed for second or subsequent convictions under
34 section ~~124.410~~ 124.411. Discharge and dismissal under this
35 section may occur only once with respect to any person.

1 Sec. 5. Section 139B.1, subsection 2, paragraph b, Code
2 Supplement 1995, is amended to read as follows:

3 b. If an individual is diagnosed or confirmed as having a
4 contagious or infectious disease, the hospital shall notify
5 the designated officer of an emergency care provider service
6 who shall notify persons involved in attending or transporting
7 the individual. For blood-borne contagious or infectious
8 diseases, notification shall only take place upon filing of an
9 exposure report form with the hospital. The exposure report
10 form may be incorporated into the Iowa prehospital care
11 report, the Iowa prehospital advanced care report, or a
12 similar report used by an ambulance, rescue, or first
13 responder response service or law enforcement agency.

14 Sec. 6. Section 161A.12, Code 1995, is amended to read as
15 follows:

16 161A.12 STATEMENT TO DEPARTMENT OF MANAGEMENT.

17 On or before ~~September~~ October 1 next preceding each annual
18 legislative session, the division shall submit to the
19 department of management, on official estimate blanks
20 furnished for those purposes, statements and estimates of the
21 expenditure requirements for each fiscal year, and a statement
22 of the balance of funds, if any, available to the division,
23 and the estimates of the division as to the sums needed for
24 the administrative and other expenses of the division for the
25 purposes of this chapter.

26 Sec. 7. Section 162.1, subsection 1, Code 1995, is amended
27 to read as follows:

28 1. To insure that all dogs and cats handled by boarding
29 kennels, commercial kennels, ~~hobby-kennels,~~ commercial
30 breeders, dealers, and public auctions are provided with
31 humane care and treatment by regulating the transportation,
32 sale, purchase, housing, care, handling, and treatment of such
33 animals by persons or organizations engaged in transporting,
34 buying, or selling them and to provide that all vertebrate
35 animals consigned to pet shops are provided humane care and

1 treatment by regulating the transportation, sale, purchase,
2 housing, care, handling, and treatment of such animals by pet
3 shops.

4 Sec. 8. Section 169A.13, Code Supplement 1995, is amended
5 to read as follows:

6 169A.13 FEE EACH FIFTH YEAR.

7 Each owner of a brand of record beginning on January 1,
8 1970, shall pay to the secretary a fee of five dollars and a
9 renewal fee on January 1 of each fifth year after the payment
10 of the five dollar fee, or on January 1 of each fifth year
11 following the original recording of a brand recorded after
12 June 30, 1975. The amount of the renewal fee required for
13 January 1, 1976, and each year thereafter shall be established
14 by rule of the secretary pursuant to chapter 17A. The amount
15 of the fee shall be based upon the administrative costs of
16 maintaining the brand program provided for in this chapter.
17 The secretary shall notify every owner of a brand of record at
18 least thirty days prior to the date of the renewal period. If
19 the owner of a brand of record does not pay the fee by July 1
20 of each year in which it is due, the owner shall forfeit the
21 brand and the brand shall no longer be recorded. A forfeited
22 brand shall not be issued to any other person for five or more
23 years following date of forfeiture.

24 Sec. 9. Section 229.27, subsection 1, Code 1995, is
25 amended to read as follows:

26 1. Hospitalization of a person under this chapter, either
27 voluntarily or involuntarily, does not constitute a finding of
28 nor equate with nor raise a presumption of incompetency, nor
29 cause the person so hospitalized to be deemed a person of
30 unsound mind nor a person under legal disability for any
31 purpose including but not limited to any circumstances to
32 which sections 6B.15, 447.7, 487.402, subsection 5, paragraph
33 "b", sections 487.705, 597.6, 600B.21, 614.8, 614.19, 614.22,
34 614.24, 614.27, ~~622.67~~, and 633.244 are applicable.

35 Sec. 10. Section 232.88, Code Supplement 1995, is amended

1 to read as follows:

2 232.88 SUMMONS, NOTICE, SUBPOENAS AND SERVICES.

3 After a petition has been filed the court shall issue and
4 serve summons, notice, subpoenas, and other process in the
5 same manner as for adjudicatory hearings in cases of juvenile
6 delinquency as provided in section 232.37. In addition to the
7 parties persons required to be provided notice under section
8 232.37, notice for any hearing under this division shall be
9 provided to the agency, facility, institution, or person,
10 including a foster parent, with whom a child has been placed
11 for the purposes of foster care.

12 Sec. 11. Section 232.148, subsection 2, Code Supplement
13 1995, is amended to read as follows:

14 2. Fingerprints and photographs of a child who has been
15 taken into custody and who is fourteen years of age or older
16 may be taken and filed by a criminal or juvenile justice
17 agency investigating the commission of a public offense other
18 than a simple or serious misdemeanor. The criminal or
19 juvenile justice agency shall forward the fingerprints to the
20 department of public safety for inclusion in the automated
21 fingerprint identification system and may also retain a copy
22 of the fingerprint card for comparison with latent
23 fingerprints and the identification of repeat offenders.

24 Sec. 12. Section 236.3, subsection 2, Code Supplement
25 1995, is amended to read as follows:

26 ~~2. If the petition is being filed on behalf of an~~
27 ~~unemancipated minor, the name~~ Name and address of the parent
28 or guardian filing the petition ~~and the parent's or guardian's~~
29 ~~address,~~ if the petition is being filed on behalf of an
30 unemancipated minor. For the purposes of this chapter,
31 "plaintiff" includes a person filing an action on behalf of an
32 unemancipated minor.

33 Sec. 13. Section 236.9, unnumbered paragraph 1, Code 1995,
34 is amended to read as follows:

35 Criminal or juvenile justice agencies, as defined in

1 section 692.1, shall collect and maintain information on
2 incidents involving domestic abuse and shall provide the
3 information to the department of public safety in the manner
4 prescribed by the department of public safety.

5 Sec. 14. Section 238.1, subsection 2, Code 1995, is
6 amended by striking the subsection.

7 Sec. 15. Section 252I.1, subsection 2, Code 1995, is
8 amended to read as follows:

9 2. "Bank" means "bank", "insured bank", "~~private-bank~~",
10 and "state bank" as defined in section 524.103.

11 Sec. 16. Section 260D.12, Code Supplement 1995, is amended
12 to read as follows:

13 260D.12 PAYMENT OF APPROPRIATION.

14 Payment of appropriations for distribution under this
15 chapter or chapter 260C, or of appropriations made in lieu of
16 such appropriations, shall be made by the department of
17 revenue and finance in monthly installments due on or about
18 the fifteenth day of each month of a budget year, and
19 installments shall be as nearly equal as possible, as
20 determined by the department of revenue and finance, taking
21 into consideration the relative budget and cash position of
22 the state resources.

23 Sec. 17. Section 294A.13, Code 1995, is amended to read as
24 follows:

25 294A.13 PHASE III PROGRAM.

26 For the school year beginning July 1, 1987, and succeeding
27 school years, each school district and area education agency
28 that meets the requirements of this ~~section~~ division is
29 eligible to receive moneys for the implementation under phase
30 III of a performance-based pay plan or supplemental pay plan,
31 or a combination of the two.

32 Sec. 18. Section 303.33, unnumbered paragraph 1, Code
33 Supplement 1995, is amended to read as follows:

34 Two years after the establishment of a district, a
35 referendum for the termination of the district shall be held

1 if ten percent of the eligible voters in the district so
2 request. If the registered voters, by a majority of those
3 voting, favor termination, ~~this Act~~ sections 303.20 through
4 303.32 will no longer have any effect on the property formerly
5 included in the district.

6 Sec. 19. Section 321.19, subsection 2, unnumbered
7 paragraph 3, Code Supplement 1995, is amended to read as
8 follows:

9 ~~Section-452A:3-and-chapter~~ Chapter 326 ~~are~~ is not
10 applicable to urban transit companies or systems.

11 Sec. 20. Section 321.213A, Code Supplement 1995, is
12 amended to read as follows:

13 321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED
14 DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

15 Upon the entering of an order at the conclusion of a
16 dispositional hearing under section 232.50, where the child
17 has been adjudicated to have committed a delinquent act, which
18 would be a first or subsequent violation of section 123.46,
19 section 123.47 involving the purchase or attempt to purchase
20 alcoholic beverages, chapter 124, section 126.3, chapter 453B,
21 or a second or subsequent violation of section 123.47
22 regarding the possession of alcoholic beverages, the clerk of
23 the juvenile court in the dispositional hearing shall forward
24 a copy of the adjudication and dispositional order to the
25 department. The department shall suspend the license or
26 operating privilege of the child for one year. The child may
27 receive a temporary restricted license or permit as provided
28 in section 321.215.

29 Sec. 21. Section 321.423, subsection 1, paragraph c, Code
30 Supplement 1995, is amended to read as follows:

31 c. "Member" means a person who is a member in good
32 standing of a fire department or a person who is an emergency
33 medical care provider employed by an ambulance, rescue, or
34 first responder response service.

35 Sec. 22. Section 321.423, subsection 4, Code Supplement

1 1995, is amended to read as follows:

2 4. EXPIRATION OF AUTHORITY. The authorization shall
3 expire at midnight on the thirty-first day of December five
4 years from the year in which it was issued, or when the
5 vehicle is no longer owned by the member, or when the member
6 has ceased to be an active member of the fire department or of
7 an ambulance, rescue, or first ~~responder~~ response service, or
8 when the member has used the blue or white light beyond the
9 scope of its authorized use. A person issued an authorization
10 under subsection 3, paragraph "b", shall return the
11 authorization to the fire chief upon expiration or upon a
12 determination by the fire chief or the department that the
13 authorization should be revoked.

14 Sec. 23. Section 321.423, subsection 7, paragraphs a and
15 b, Code Supplement 1995, are amended to read as follows:

16 a. On a vehicle owned or exclusively operated by an
17 ambulance, rescue, or first ~~responder~~ response service.

18 b. On a vehicle authorized by the director of public
19 health when all of the following apply:

20 (1) The vehicle is owned by a member of an ambulance,
21 rescue, or first ~~responder~~ response service.

22 (2) The request for authorization is made by the member on
23 forms provided by the Iowa department of public health.

24 (3) Necessity for authorization is demonstrated in the
25 request.

26 (4) The head of an ambulance, rescue, or first ~~responder~~
27 response service certifies that the member is in good standing
28 and recommends that the authorization be granted.

29 Sec. 24. Section 321.484, unnumbered paragraph 2, Code
30 Supplement 1995, is amended to read as follows:

31 The owner of a vehicle shall not be held responsible for a
32 violation of a provision regulating the stopping, standing, or
33 parking of a vehicle, whether the provision is contained in
34 this chapter, or chapter 321L, or an ordinance or other
35 regulation or rule, if the owner establishes that at the time

1 of the violation the vehicle was in the custody of an
2 identified person other than the owner pursuant to a lease as
3 defined in chapter 321F. The furnishing to the clerk of the
4 district court where the charge is pending of a copy of the
5 lease prescribed by section 321F.6 that was in effect for the
6 vehicle at the time of the alleged violation shall be prima
7 facie evidence that the vehicle was in the custody of an
8 identified person other than the owner within the meaning of
9 this paragraph, and the charge against the owner shall be
10 dismissed. The clerk of the district court then shall cause a
11 uniform citation and complaint to be issued against the lessee
12 of the vehicle, and the citation shall be served upon the
13 defendant by ordinary mail directed to the defendant at the
14 address shown in the certificate-of-responsibility lease.

15 Sec. 25. Section 321.492A, Code 1995, is amended to read
16 as follows:

17 321.492A QUOTAS ON CITATIONS PROHIBITED.

18 A political subdivision or agency of the state shall not
19 order, mandate, require, or in any other manner, directly or
20 indirectly, suggest to a peace officer employed by the
21 political subdivision or agency that the peace officer shall
22 issue a certain number of traffic citations, police citations,
23 memorandums of traffic violations, or memorandums of faulty
24 equipment on a daily, weekly, monthly, quarterly, or yearly
25 basis.

26 Sec. 26. Section 321.560, Code Supplement 1995, is amended
27 to read as follows:

28 321.560 PERIOD OF REVOCATION.

29 A license to operate a motor vehicle in this state shall
30 not be issued to any person declared to be a habitual offender
31 under section 321.555, subsection 1, for a period of not less
32 than two years nor more than six years from the date of the
33 final decision of the department under section 17A.19 or the
34 date on which the district court upholds the final decision of
35 the department, whichever occurs later. However, a temporary

1 restricted license permit may be issued to a person declared
2 to be a habitual offender under section 321.555, subsection 1,
3 paragraph "c", pursuant to section 321.215, subsection 2. A
4 license to operate a motor vehicle in this state shall not be
5 issued to any person declared to be a habitual offender under
6 section 321.555, subsection 2, for a period of one year from
7 the date of the final decision of the department under section
8 17A.19 or the date on which the district court upholds the
9 final decision of the department, whichever occurs later. The
10 department shall adopt rules under chapter 17A which establish
11 a point system which shall be used to determine the period for
12 which a person who is declared to be a habitual offender under
13 section 321.555, subsection 1, shall not be issued a license.

14 Sec. 27. Section 321.561, Code Supplement 1995, is amended
15 to read as follows:

16 321.561 PUNISHMENT FOR VIOLATION.

17 It shall be unlawful for any person found to be a habitual
18 offender to operate any motor vehicle in this state during the
19 period of time specified in section 321.560 except for a
20 habitual offender who has been granted a temporary restricted
21 license permit pursuant to section 321.215, subsection 2. A
22 person violating this section commits an aggravated
23 misdemeanor.

24 Sec. 28. Section 323.1, subsection 4, Code Supplement
25 1995, is amended to read as follows:

26 4. "Distributor" means a person distributor as defined in
27 chapter-452A section 452A.2.

28 Sec. 29. Section 331.602, subsection 10, Code Supplement
29 1995, is amended to read as follows:

30 10. Carry out duties relating to the issuance of hunting,
31 fishing, and trapping fur harvester licenses as provided in
32 sections 483A.10, 483A.12, 483A.13, 483A.14, 483A.15 and
33 483A.22.

34 Sec. 30. Section 331.605, subsection 2, unnumbered
35 paragraph 1, Code 1995, is amended to read as follows:

1 for issuance of hunting, fishing and trapping fur harvester
2 licenses:

3 Sec. 31. Section 331.756, subsection 69, Code Supplement
4 1995, is amended by striking the subsection.

5 Sec. 32. Section 358C.13, subsection 5, Code Supplement
6 1995, is amended to read as follows:

7 5. The board of trustees shall not require or grant a
8 franchise ~~under section 364.27~~ to any person pursuant to
9 section 364.2, subsection 4.

10 Sec. 33. Section 358C.17, subsection 1, Code Supplement
11 1995, is amended to read as follows:

12 1. The board of trustees of a real estate improvement
13 district may provide for payment of all or any portion of the
14 costs of a public improvement specified in section 358C.4, by
15 assessing all, or any portion of, the costs on adjacent
16 property according to the benefits derived. For the purposes
17 of this chapter, the board of trustees may define "adjacent
18 property" as all that included within a designated benefited
19 district to be fixed by the board, which may be all of the
20 property located within the real estate improvement district
21 or any lesser portion of that property. It is not a valid
22 objection to a special assessment that the improvement for
23 which the assessment is levied is outside the limits of the
24 district, but a special assessment shall not be made upon
25 property situated outside of the district. Special
26 assessments pursuant to this section shall be in proportion to
27 the special benefits conferred upon the property, and not in
28 excess of the benefits. The value of a property is the
29 present fair market value of the property with the proposed
30 public improvements completed. Payment of installments of a
31 special assessment against property shall be made in the same
32 manner and under the same procedures as provided in chapter
33 384 for special assessments by cities. Notwithstanding the
34 provisions of section 384.62, the combined assessments against
35 any lot for public improvements included in the petition

1 creating the housing-development real estate improvement
2 district or as authorized in section 358C.4 shall not exceed
3 the valuation of that lot as established by section 384.46.

4 Sec. 34. Section 421.17A, subsection 1, paragraph b, Code
5 Supplement 1995, is amended to read as follows:

6 b. "Bank" means "bank", "insured bank", "~~private-bank~~",
7 and "state bank" as these are defined in section 524.103.

8 Sec. 35. Section 421.31, subsection 9, Code Supplement
9 1995, is amended to read as follows:

10 9. INTEREST OF THE PERMANENT SCHOOL FUND. To transfer the
11 interest of the permanent school fund to the credit of the
12 ~~first-in-the-nation-in-education-foundation-as-provided-in~~
13 ~~section-257B:1A~~ interest for Iowa schools fund.

14 Sec. 36. Section 422.45, subsection 47, Code Supplement
15 1995, is amended by striking the subsection.

16 Sec. 37. Section 422.69, subsection 3, Code 1995, is
17 amended by striking the subsection.

18 Sec. 38. Section 426B.1, subsection 1, Code Supplement
19 1995, is amended to read as follows:

20 1. A property tax relief fund is created in the state
21 treasury under the authority of the department of revenue and
22 finance. The fund shall be separate from the general fund of
23 the state and shall not be considered part of the general fund
24 of the state except in determining the cash position of the
25 state for payment of state obligations. The moneys in the
26 fund are not subject to the provisions of section 8.33 and
27 shall not be transferred, used, obligated, appropriated, or
28 otherwise encumbered except as provided in this ~~section~~
29 chapter. Moneys in the fund may be used for cash flow
30 purposes, provided that any moneys so allocated are returned
31 to the fund by the end of each fiscal year. However, the fund
32 shall be considered a special account for the purposes of
33 section 8.53, relating to elimination of any GAAP deficit.

34 For the purposes of this chapter, unless the context otherwise
35 requires, "property tax relief fund" means the property tax

1 relief fund created in this section.

2 Sec. 39. Section 427.1, subsection 4, Code Supplement
3 1995, is amended to read as follows:

4 4. FIRE EQUIPMENT COMPANY BUILDINGS AND GROUNDS. ~~Fire~~
5 ~~engines-and-all-implements-for-extinguishing-fires,-and-the~~
6 The publicly owned buildings and grounds used exclusively for
7 keeping ~~them~~ fire engines and implements for extinguishing
8 fires and for meetings of fire companies.

9 Sec. 40. Section 441.21, subsection 9, paragraph b, Code
10 Supplement 1995, is amended to read as follows:

11 b. Notwithstanding paragraph "a", any construction or
12 installation of a solar energy system on property ~~so~~
13 classified as agricultural, residential, commercial, or
14 industrial property shall not increase the actual, assessed
15 and taxable values of the property for five full assessment
16 years.

17 Sec. 41. Section 444.25, subsection 4, paragraph b,
18 subparagraph (3), Code 1995, is amended to read as follows:

19 (3) Need for additional moneys for health care, treatment
20 and facilities, including mental health and mental retardation
21 care and treatment pursuant to section 331.424, subsection 1,
22 paragraphs "a" through "h", Code 1995.

23 Sec. 42. Section 450.94, subsections 6 and 7, Code 1995,
24 are amended by striking the subsections.

25 Sec. 43. Section 452A.3, subsection 3, Code Supplement
26 1995, is amended to read as follows:

27 3. For the privilege of operating motor vehicles or
28 aircraft in this state, there is imposed an excise tax on the
29 use of special fuel in a motor vehicle or aircraft. The tax
30 rate on special fuel for diesel engines of motor vehicles is
31 twenty-two and one-half cents per gallon. The rate of tax on
32 special fuel for aircraft is three cents per gallon. On all
33 other special fuel the per gallon rate is the same as the
34 motor fuel tax. Indelible dye meeting United States
35 environmental protection agency and internal revenue service

1 regulations must be added to fuel before or upon withdrawal at
2 a terminal or refinery rack for that fuel to be exempt from
3 tax and the dyed fuel may be used only for an exempt purpose.

4 Sec. 44. Section 452A.57, subsections 5 and 10, Code
5 Supplement 1995, are amended to read as follows:

6 5. "Fuel taxes" means the per gallon excise taxes imposed
7 under ~~division-I~~ divisions I and III of this chapter with
8 respect to motor fuel and undyed special fuel.

9 10. "Public highways" shall mean and include any way or
10 place available to the public for purposes of vehicular travel
11 notwithstanding that it is temporarily closed.

12 Sec. 45. Section 452A.71, Code Supplement 1995, is amended
13 to read as follows:

14 452A.71 REFUNDS TO PERSONS OTHER THAN DISTRIBUTORS AND
15 COMPRESSED NATURAL GAS AND LIQUEFIED PETROLEUM GAS DEALERS AND
16 USERS.

17 Except as provided in section 452A.54, any person other
18 than a person who has paid or has had charged to the person's
19 account with a distributor, dealer, or user fuel taxes imposed
20 under this chapter with respect to motor fuel or undyed
21 special fuel in excess of one hundred gallons, which, while
22 the person is the owner, is subsequently lost or destroyed,
23 ~~while-the-person-is-the-owner~~, through leakage, fire,
24 explosion, lightning, flood, storm, or other casualty, except
25 evaporation, shrinkage, or unknown causes, ~~the-person~~ shall be
26 entitled to a refund of the tax so paid or charged. To
27 qualify for the refund, the person shall notify the department
28 of revenue and finance in writing of the loss or destruction
29 and the gallonage lost or destroyed within ten days from the
30 date of discovery of the loss or destruction. Within sixty
31 days after filing the notice, the person shall file with the
32 department of revenue and finance an affidavit sworn to by the
33 person having immediate custody of the motor fuel or undyed
34 special fuel at the time of the loss or destruction setting
35 forth in full the circumstances and amount of the loss or

1 destruction and such other information as the department of
2 revenue and finance may require. Any refund payable under
3 this section may be applied by the department against any tax
4 liability outstanding on the books of the department against
5 the claimant.

6 Sec. 46. Section 483A.19, Code 1995, is amended to read as
7 follows:

8 483A.19 SHOWING LICENSE TO OFFICER.

9 Every person shall, while fishing, hunting, or trapping fur
10 harvesting, show the person's license, certificate, or permit,
11 to any peace officer or the owner or person in lawful control
12 of the land or water upon which licensee may be hunting,
13 fishing, or trapping fur harvesting when requested by said the
14 persons to do so. Any failure to so carry or refusal to show
15 or so exhibit the person's license, certificate or permit,
16 shall be a violation of this chapter.

17 Sec. 47. Section 483A.20, Code 1995, is amended to read as
18 follows:

19 483A.20 RECIPROCITY.

20 Licenses for bait dealers or for fishing, hunting, or
21 trapping fur harvesting shall not be issued to residents of
22 states that do not sell similar licenses or certificates to
23 residents of Iowa. However, the licensing of nonresident bait
24 dealers who sell at wholesale to licensed dealers in Iowa for
25 resale is permitted.

26 Sec. 48. Section 513C.4, subsection 2, Code Supplement
27 1995, is amended to read as follows:

28 2. An affiliated carrier that is a health maintenance
29 organization having a certificate of authority under section
30 ~~513E.5~~ 514B.5 shall be considered to be a separate carrier for
31 the purposes of this chapter.

32 Sec. 49. Section 523I.1, subsection 4, Code Supplement
33 1995, is amended to read as follows:

34 4. "Interment rights" means a right of use conveyed by
35 contract or property ownership to inter human rights remains

1 in a columbarium, grave, mausoleum, lawn crypt, or undeveloped
2 space.

3 Sec. 50. Section 524.306, subsection 2, Code Supplement
4 1995, is amended to read as follows:

5 2. The secretary of state's acknowledgement of filing of
6 the articles of incorporation is conclusive proof that the
7 incorporators satisfied all conditions precedent to
8 incorporation, except in a proceeding instituted by the
9 superintendent to cancel or revoke the incorporation or
10 involuntarily dissolve the corporation.

11 Sec. 51. Section 524.1415, subsection 1, Code Supplement
12 1995, is amended to read as follows:

13 1. The conversion is effective upon the filing of the
14 articles of conversion with the secretary of state, or at any
15 later date and time as specified in the articles of
16 conversion. The certificate-of-conversion acknowledgement of
17 filing is conclusive evidence of the performance of all
18 conditions required by this chapter for conversion of a
19 national bank into a state bank, except as against the state.

20 Sec. 52. Section 554.9401, subsection 6, Code Supplement
21 1995, is amended to read as follows:

22 6. Of each fee collected by the county recorder under
23 sections ~~570A-47~~ 554.9403, 554.9405, and 554.9406, the county
24 recorder shall remit five dollars, if filed on a standard form
25 or six dollars otherwise, to the department of revenue and
26 finance for deposit in the general fund of the state.

27 Sec. 53. Section 561.19, Code Supplement 1995, is amended
28 to read as follows:

29 561.19 EXEMPTION IN HANDS OF ISSUE.

30 Where the homestead descends to the issue of either spouse
31 the issue homestead shall be held exempt from any antecedent
32 debts of the issue's parents or antecedent debts of the issue,
33 except those of the owner of the homestead contracted prior to
34 acquisition of the homestead or those created under section
35 249A.5 relating to the recovery of medical assistance

1 payments.

2 Sec. 54. Section 566A.15, Code Supplement 1995, is amended
3 to read as follows:

4 566A.15 CEMETERY FUND.

5 A special revenue fund is created in the state treasury,
6 under the control of the commissioner, to be known as the
7 insurance division cemetery fund. Commencing July 1, 1995,
8 ~~filling-fees-received-pursuant-to-section-566A:2E-and~~ one
9 dollar from the audit fee for each deed reported on the annual
10 report required by section 566A.2D, executed during the
11 preceding fiscal year, shall be deposited in the insurance
12 division cemetery fund by the commissioner. However, if the
13 balance of the fund on July 1 of any year exceeds two hundred
14 thousand dollars, the allocation to the fund shall not be
15 made, and the total sum of the fees paid pursuant to section
16 566A.2D shall be deposited in the general fund of the state.
17 Notwithstanding section 8.33, moneys in the fund shall not
18 revert to the general fund but shall remain in the cemetery
19 fund. Moneys in the cemetery fund are appropriated to the
20 insurance division and, subject to authorization by the
21 commissioner, may be used to pay the expenses of that office
22 incurred in the administration of the audit, investigative,
23 and enforcement duties and obligations imposed under this
24 chapter, and the expenses of receiverships established
25 pursuant to section 566A.12.

26 Sec. 55. Section 602.1304, subsection 2, paragraph b, Code
27 Supplement 1995, is amended to read as follows:

28 b. For each fiscal year, a judicial collection estimate
29 for that fiscal year shall be equally and proportionally
30 divided into a quarterly amount. The judicial collection
31 estimate shall be calculated by using the state revenue
32 estimating conference estimate made by December 15 pursuant to
33 section 8.22A, subsection 3, of the total amount of fines,
34 fees, civil penalties, costs, surcharges, and other revenues
35 collected by judicial officers and court employees for deposit

1 into the general fund of the state. The revenue estimating
2 conference estimate shall be reduced by the maximum amounts
3 allocated to the Iowa prison infrastructure fund pursuant to
4 section 602.8108A, and the court technology and modernization
5 fund pursuant to section 602.8108, and the remainder shall be
6 the judicial collection estimate. In each quarter of a fiscal
7 year, after revenues collected by judicial officers and court
8 employees equal to that quarterly amount are deposited into
9 the general fund of the state and after the required amount is
10 deposited during the quarter into the Iowa prison
11 infrastructure fund pursuant to section 602.8108A and into the
12 court technology and modernization fund pursuant to section
13 602.8108, the director of revenue and finance shall deposit
14 the remaining revenues for that quarter into the enhanced
15 court collections fund in lieu of the general fund. However,
16 after total deposits into the collections fund for the fiscal
17 year are equal to the maximum deposit amount established for
18 the collections fund, remaining revenues for that fiscal year
19 shall be deposited into the general fund. If the revenue
20 estimating conference agrees to a different estimate at a
21 later meeting which projects a lesser amount of revenue than
22 the initial estimate amount used to calculate the judicial
23 collection estimate, the director of revenue and finance shall
24 recalculate the judicial collection estimate accordingly. If
25 the revenue estimating conference agrees to a different
26 estimate at a later meeting which projects a greater amount of
27 revenue than the initial estimate amount used to calculate the
28 judicial collection estimate, the director of revenue and
29 finance shall recalculate the judicial collection estimate
30 accordingly but only to the extent that the greater amount is
31 due to an increase in the fines, fees, civil penalties, costs,
32 surcharges, or other revenues allowed by law to be collected
33 by judicial officers and court employees.

34 Sec. 56. Section 692.12, Code Supplement 1995, is amended
35 to read as follows:

1 692.12 DATA PROCESSING.

2 Nothing in this chapter shall preclude the use of the
3 equipment and hardware of the data processing service center
4 for the storage and retrieval of criminal history data. Files
5 shall be stored on the computer in such a manner as that the
6 files cannot be modified, destroyed, accessed, changed, or
7 overlaid in any fashion by ~~noncriminal-or-juvenile-justice~~
8 agency terminals or personnel not belonging to a criminal or
9 juvenile justice agency. That portion of any computer,
10 electronic switch or manual terminal having access to criminal
11 history data stored in the state computer must be under the
12 management control of a criminal or juvenile justice agency.

13 Sec. 57. Section 692.21, Code Supplement 1995, is amended
14 to read as follows:

15 692.21 DATA TO AGENCY MAKING ARREST OR TAKING JUVENILE
16 INTO CUSTODY.

17 The clerk of the district court shall forward conviction
18 and disposition data to the criminal or juvenile justice
19 agency making the arrest or taking a juvenile into custody
20 within thirty days of final court disposition of the case.

21 Sec. 58. Section 692A.1, subsection 2, Code Supplement
22 1995, is amended to read as follows:

23 2. "Criminal or juvenile justice agency" means an agency
24 or department of any level of government or an entity wholly
25 owned, financed, or controlled by one or more such agencies or
26 departments which performs as its principal function the
27 apprehension, prosecution, adjudication, incarceration, or
28 rehabilitation of criminal or juvenile offenders.

29 Sec. 59. Section 692A.10, subsection 4, Code Supplement
30 1995, is amended to read as follows:

31 4. Adopt rules under chapter 17A, as necessary, to ensure
32 compliance with registration and verification requirements of
33 this chapter, to provide guidelines for persons required to
34 assist in obtaining registry information, and to provide a
35 procedure for the dissemination of information contained in

1 the registry. The procedure for the dissemination of
2 information shall include, but not be limited to, practical
3 guidelines for use by criminal or juvenile justice agencies in
4 determining when public release of information contained in
5 the registry is appropriate and a requirement that if a member
6 of the general public requests information regarding a
7 specific individual in the manner provided in section 692A.13,
8 subsection 6, the information shall be released. The
9 department, in developing the procedure, shall consult with
10 associations which represent the interests of law enforcement
11 officers. Rules adopted shall also include a procedure for
12 removal of information from the registry upon the reversal or
13 setting aside of a conviction of a person who is registered
14 under this chapter.

15 Sec. 60. Section 692A.13, subsections 1, 3, and 5, Code
16 Supplement 1995, are amended to read as follows:

17 1. The department or a sheriff may disclose information to
18 criminal or juvenile justice agencies for law enforcement or
19 prosecution purposes.

20 3. The department or a criminal or juvenile justice agency
21 with case-specific authorization from the department may
22 release relevant information from the registry regarding a
23 criminal offense against a minor, sexual exploitation, or a
24 sexually violent offense, that is necessary to protect the
25 public concerning a specific person who is required to
26 register under this chapter.

27 5. Criminal history information data contained in the
28 registry may be released as provided in chapter 692 or used by
29 criminal or juvenile justice agencies as an index for purposes
30 of locating a relevant conviction record.

31 Sec. 61. Section 692A.15, Code Supplement 1995, is amended
32 to read as follows:

33 692A.15 IMMUNITY FOR GOOD FAITH CONDUCT.

34 Criminal or juvenile justice agencies, officials, and
35 employees of criminal or juvenile justice agencies and state

1 agencies and their employees shall be immune from liability
2 for acts or omissions arising from a good faith effort to
3 comply with this chapter.

4 Sec. 62. Section 708.3A, Code Supplement 1995, is amended
5 to read as follows:

6 708.3A ASSAULTS ON PEACE OFFICERS, FIRE FIGHTERS, AND
7 EMERGENCY CARE PROVIDERS.

8 1. A person who commits an assault, as defined in section
9 708.1, against a peace officer, ~~basic-emergency-medical-care~~
10 ~~provider-under-chapter-1477-an-advanced~~ emergency medical care
11 provider under chapter 147A, or fire fighter, whether paid or
12 volunteer, with the knowledge that the person against whom the
13 assault is committed is a peace officer, ~~basic-emergency~~
14 ~~medical-care-provider-under-chapter-1477-an-advanced~~ emergency
15 medical care provider under chapter 147A, or fire fighter and
16 the intent to inflict a serious injury upon the peace officer,
17 ~~basic-emergency-medical-care-provider-under-chapter-1477-an~~
18 ~~advanced~~ emergency medical care provider under chapter 147A,
19 or fire fighter, is guilty of a class "D" felony.

20 2. A person who commits an assault, as defined in section
21 708.1, against a peace officer, ~~basic-emergency-medical-care~~
22 ~~provider-under-chapter-1477-an-advanced~~ emergency medical care
23 provider under chapter 147A, or fire fighter, whether paid or
24 volunteer, who knows that the person against whom the assault
25 is committed is a peace officer, ~~basic-emergency-medical-care~~
26 ~~provider-under-chapter-1477-an-advanced~~ emergency medical care
27 provider under chapter 147A, or fire fighter and who uses or
28 displays a dangerous weapon in connection with the assault, is
29 guilty of a class "D" felony.

30 3. A person who commits an assault, as defined in section
31 708.1, against a peace officer, ~~basic-emergency-medical-care~~
32 ~~provider-under-chapter-1477-an-advanced~~ emergency medical care
33 provider under chapter 147A, or fire fighter, whether paid or
34 volunteer, who knows that the person against whom the assault
35 is committed is a peace officer, ~~basic-emergency-medical-care~~

1 ~~provider-under-chapter-147,-an-advanced~~ emergency medical care
2 provider under chapter 147A, or fire fighter, and who causes
3 bodily injury or disabling mental illness, is guilty of an
4 aggravated misdemeanor.

5 4. Any other assault, as defined in section 708.1,
6 committed against a peace officer, ~~basic-emergency-medical~~
7 ~~care-provider-under-chapter-147,-an-advanced~~ emergency medical
8 care provider under chapter 147A, or fire fighter, whether
9 paid or volunteer, by a person who knows that the person
10 against whom the assault is committed is a peace officer,
11 ~~basic-emergency-medical-care-provider-under-chapter-147,-an~~
12 ~~advanced~~ emergency medical care provider under chapter 147A,
13 or fire fighter, is a serious misdemeanor.

14 Sec. 63. Section 719.1, subsection 1, Code Supplement
15 1995, is amended to read as follows:

16 1. A person who knowingly resists or obstructs anyone
17 known by the person to be a peace officer, ~~basic-emergency~~
18 ~~medical-care-provider-under-chapter-147,-an-advanced~~ emergency
19 medical care provider under chapter 147A, or fire fighter,
20 whether paid or volunteer, in the performance of any act which
21 is within the scope of the lawful duty or authority of that
22 officer, ~~basic-emergency-medical-care-provider-under-chapter~~
23 ~~147,-an-advanced~~ emergency medical care provider under chapter
24 147A, or fire fighter, whether paid or volunteer, or who
25 knowingly resists or obstructs the service or execution by any
26 authorized person of any civil or criminal process or order of
27 any court, commits a serious misdemeanor. However, if a
28 person commits an interference with official acts, as defined
29 in this subsection, and in so doing inflicts bodily injury
30 other than serious injury, that person commits an aggravated
31 misdemeanor. If a person commits an interference with
32 official acts, as defined in this subsection, and in so doing
33 inflicts or attempts to inflict serious injury, or displays a
34 dangerous weapon, as defined in section 702.7, or is armed
35 with a firearm, that person commits a class "D" felony.

1 Sec. 64. Section 727.11, subsection 2, paragraph a, Code
2 1995, is amended to read as follows:

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

10 Sec. 65. Section 805.5, Code Supplement 1995, is amended
11 to read as follows:

12 805.5 FAILURE TO APPEAR.

13 Any person who willfully fails to appear in court as
14 specified by the citation shall be guilty of a simple
15 misdemeanor. Where a defendant fails to make a required court
16 appearance, the court shall issue an arrest warrant for the
17 offense of failure to appear, and shall forward the warrant
18 and the original or electronically produced citation to the
19 clerk. The clerk shall enter a transfer to the issuing agency
20 on the docket, and shall return the warrant with the original
21 or electronically produced citation attached to the law
22 enforcement agency which issued the ~~original-or-electronically~~
23 ~~produced~~ citation for enforcement of the warrant. Upon arrest
24 of the defendant, the warrant and the original or
25 electronically produced citation shall be returned to the
26 court, and the offenses shall be heard and disposed of
27 simultaneously.

28 Sec. 66. Section 909.10, subsection 2, Code 1995, is
29 amended to read as follows:

30 2. Notwithstanding the disposition sections of sections
31 602.8106 and ~~911-3~~ 602.8108, subsection 3, upon the collection
32 of delinquent amounts, the clerks of the district court shall
33 remit the delinquent amounts to the treasurer of state for
34 deposit into the revolving fund established pursuant to
35 section 602.1302, to be used for the payment of jury and

1 witness fees and mileage.

2 Sec. 67. Section 910A.9A, subsection 1, Code Supplement
3 1995, is amended to read as follows:

4 1. The date on which the juvenile or sexually violent
5 predator is expected to be temporarily released from the
6 custody of the department of human services, and whether the
7 juvenile or sexually violent predator is expected to return to
8 the community where the registered victim resides.

9 Sec. 68. AMENDMENTS CHANGING TERMINOLOGY REGARDING
10 PODIATRIC PHYSICIANS. Sections 135B.7, 148.2, 148A.3, 149.2,
11 150.3, 150A.2, 157.2, 158.2, 455B.333, 514.1, 514.5, 514.8,
12 and 514.17, Code 1995, are amended by striking from the
13 sections the word "podiatrists" and inserting in lieu thereof
14 the words "podiatric physicians".

15 Sec. 69. 1995 Iowa Acts, chapter 215, section 34, is
16 amended to read as follows:

17 SEC. 34. EFFECTIVE DATE. Sections 3 through 10, sections
18 17 through 25, ~~sections~~ section 27, ~~and-28~~, section 29,
19 subsection 2, and sections 30, 31, and 33, being deemed of
20 immediate importance, take effect upon enactment. Sections 1
21 and 2, sections 11 through 14, and section 29, subsection 1,
22 are effective July 1, 1995. Section 28 is effective January
23 1, 1996. Sections 15 and 26 of this Act, being deemed of
24 immediate importance, take effect upon enactment.

25 Sec. 70. REPEALS.

26 1. Sections 260C.24 and 303.18, Code Supplement 1995, are
27 repealed.

28 2. Sections 422.47A, 422.47B, and 422.47C, Code 1995, are
29 repealed.

30 Sec. 71. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
31 Section 69 of this Act, amending 1995 Iowa Acts, chapter 215,
32 section 34, being deemed of immediate importance, takes effect
33 upon enactment and applies retroactively to May 24, 1995.

34
35

Maddox
Giannetto
Neuhauser
Vilsack
Boettger

SSB-2018
Judiciary
ed By

SENATE FILED 2080
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 nonsubstantive Code corrections, and providing
2 effective and retroactive applicability dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 8D.13, subsection 12, Code Supplement
2 1995, is amended to read as follows:

3 12. The commission, on its own or as recommended by an
4 advisory committee of the commission and approved by the
5 commission, shall permit a fee to be charged by a receiving
6 site to the originator of the communication provided on the
7 network. The fee charged shall be for the purpose of
8 recovering the operating costs of a receiving site. The fee
9 charged shall be reduced by an amount received by the
10 receiving site pursuant to a state appropriation for such
11 costs, or federal assistance received for such costs. Fees
12 established under this subsection shall be paid by the
13 ~~originating-site~~ originator of the communication directly to
14 the receiving site. For purposes of this section, "operating
15 costs" include the costs associated with the management or
16 coordination, operations, utilities, classroom, equipment,
17 maintenance, and other costs directly related to providing the
18 receiving site.

19 Sec. 2. Section 43.67, unnumbered paragraph 1, Code 1995,
20 is amended to read as follows:

21 Each candidate nominated pursuant to section ~~43.66~~ 43.52 or
22 43.65 is entitled to have the candidate's name printed on the
23 official ballot to be voted at the general election without
24 other certificate unless the candidate was nominated by write-
25 in votes. Immediately after the completion of the canvass
26 held under section 43.49, the county auditor shall notify each
27 person who was nominated by write-in votes for a county or
28 township office that the person is required to file an
29 affidavit of candidacy if the person wishes to be a candidate
30 for that office at the general election. Immediately after
31 the completion of the canvass held under section 43.63, the
32 secretary of state shall notify each person who was nominated
33 by write-in votes for a state or federal office that the
34 person is required to file an affidavit of candidacy if the
35 person wishes to be a candidate for that office at the general

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1 election. If the affidavit is not filed by five p.m. on the
2 seventh day after the completion of the canvass, that person's
3 name shall not be placed upon the official general election
4 ballot. The affidavit shall be signed by the candidate,
5 notarized, and filed with the county auditor or the secretary
6 of state, whichever is applicable.

7 Sec. 3. Section 97B.41, subsection 8, paragraph b,
8 subparagraph (16), Code Supplement 1995, is amended by
9 striking the subparagraph.

10 Sec. 4. Section 124.409, subsection 1, Code 1995, is
11 amended to read as follows:

12 1. Whenever a person who has not previously been convicted
13 of an offense under this chapter or an offense under a state
14 or federal statute relating to narcotic drugs or cocaine,
15 marijuana, or stimulant, depressant, or hallucinogenic drugs,
16 pleads guilty to or is found guilty of possession of a
17 controlled substance under section 124.401, subsection 3, or
18 is sentenced pursuant to section 124.410, the court, without
19 entering a judgment of guilt and with the consent of the
20 accused, may defer further proceedings and place the accused
21 on probation upon terms and conditions as it requires. When a
22 person is placed on probation under this subsection, the
23 person's appearance bond may be discharged at the discretion
24 of the court. Upon violation of a term or condition, the
25 court may enter an adjudication of guilt and proceed as
26 otherwise provided. Upon fulfillment of the terms and
27 conditions, the court shall discharge the person and dismiss
28 the proceedings against the person. Discharge and dismissal
29 under this section shall be without court adjudication of
30 guilt and is not a conviction for purposes of this section or
31 for purposes of disqualifications or disabilities imposed by
32 law upon conviction of a crime, including the additional
33 penalties imposed for second or subsequent convictions under
34 section ~~124.410~~ 124.411. Discharge and dismissal under this
35 section may occur only once with respect to any person.

1 Sec. 5. Section 139B.1, subsection 2, paragraph b, Code
2 Supplement 1995, is amended to read as follows:

3 b. If an individual is diagnosed or confirmed as having a
4 contagious or infectious disease, the hospital shall notify
5 the designated officer of an emergency care provider service
6 who shall notify persons involved in attending or transporting
7 the individual. For blood-borne contagious or infectious
8 diseases, notification shall only take place upon filing of an
9 exposure report form with the hospital. The exposure report
10 form may be incorporated into the Iowa prehospital care
11 report, the Iowa prehospital advanced care report, or a
12 similar report used by an ambulance, rescue, or first
13 responder response service or law enforcement agency.

14 Sec. 6. Section 161A.12, Code 1995, is amended to read as
15 follows:

16 161A.12 STATEMENT TO DEPARTMENT OF MANAGEMENT.

17 On or before ~~September~~ October 1 next preceding each annual
18 legislative session, the division shall submit to the
19 department of management, on official estimate blanks
20 furnished for those purposes, statements and estimates of the
21 expenditure requirements for each fiscal year, and a statement
22 of the balance of funds, if any, available to the division,
23 and the estimates of the division as to the sums needed for
24 the administrative and other expenses of the division for the
25 purposes of this chapter.

26 Sec. 7. Section 162.1, subsection 1, Code 1995, is amended
27 to read as follows:

28 1. To insure that all dogs and cats handled by boarding
29 kennels, commercial kennels, ~~hobby-kennels,~~ commercial
30 breeders, dealers, and public auctions are provided with
31 humane care and treatment by regulating the transportation,
32 sale, purchase, housing, care, handling, and treatment of such
33 animals by persons or organizations engaged in transporting,
34 buying, or selling them and to provide that all vertebrate
35 animals consigned to pet shops are provided humane care and

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1 treatment by regulating the transportation, sale, purchase,
2 housing, care, handling, and treatment of such animals by pet
3 shops.

4 Sec. 8. Section 169A.13, Code Supplement 1995, is amended
5 to read as follows:

6 169A.13 FEE EACH FIFTH YEAR.

7 Each owner of a brand of record beginning on January 1,
8 1970, shall pay to the secretary a fee of five dollars and a
9 renewal fee on January 1 of each fifth year after the payment
10 of the five dollar fee, or on January 1 of each fifth year
11 following the original recording of a brand recorded after
12 June 30, 1975. The amount of the renewal fee required for
13 January 1, 1976, and each year thereafter shall be established
14 by rule of the secretary pursuant to chapter 17A. The amount
15 of the fee shall be based upon the administrative costs of
16 maintaining the brand program provided for in this chapter.
17 The secretary shall notify every owner of a brand of record at
18 least thirty days prior to the date of the renewal period. If
19 the owner of a brand of record does not pay the fee by July 1
20 of each year in which it is due, the owner shall forfeit the
21 brand and the brand shall no longer be recorded. A forfeited
22 brand shall not be issued to any other person for five or more
23 years following date of forfeiture.

24 Sec. 9. Section 229.27, subsection 1, Code 1995, is
25 amended to read as follows:

26 1. Hospitalization of a person under this chapter, either
27 voluntarily or involuntarily, does not constitute a finding of
28 nor equate with nor raise a presumption of incompetency, nor
29 cause the person so hospitalized to be deemed a person of
30 unsound mind nor a person under legal disability for any
31 purpose including but not limited to any circumstances to
32 which sections 6B.15, 447.7, 487.402, subsection 5, paragraph
33 "b", sections 487.705, 597.6, 600B.21, 614.8, 614.19, 614.22,
34 614.24, 614.27, ~~622.67~~ and 633.244 are applicable.

35 Sec. 10. Section 232.88, Code Supplement 1995, is amended

1 to read as follows:

2 232.88 SUMMONS, NOTICE, SUBPOENAS AND SERVICES.

3 After a petition has been filed the court shall issue and
4 serve summons, notice, subpoenas, and other process in the
5 same manner as for adjudicatory hearings in cases of juvenile
6 delinquency as provided in section 232.37. In addition to the
7 ~~parties~~ persons required to be provided notice under section
8 232.37, notice for any hearing under this division shall be
9 provided to the agency, facility, institution, or person,
10 including a foster parent, with whom a child has been placed
11 for the purposes of foster care.

12 Sec. 11. Section 232.148, subsection 2, Code Supplement
13 1995, is amended to read as follows:

14 2. Fingerprints and photographs of a child who has been
15 taken into custody and who is fourteen years of age or older
16 may be taken and filed by a criminal or juvenile justice
17 agency investigating the commission of a public offense other
18 than a simple or serious misdemeanor. The criminal or
19 juvenile justice agency shall forward the fingerprints to the
20 department of public safety for inclusion in the automated
21 fingerprint identification system and may also retain a copy
22 of the fingerprint card for comparison with latent
23 fingerprints and the identification of repeat offenders.

24 Sec. 12. Section 236.3, subsection 2, Code Supplement
25 1995, is amended to read as follows:

26 ~~2. If the petition is being filed on behalf of an~~
27 ~~unemancipated minor, the name~~ Name and address of the parent
28 or guardian filing the petition ~~and the parent's or guardian's~~
29 ~~address,~~ if the petition is being filed on behalf of an
30 unemancipated minor. For the purposes of this chapter,
31 "plaintiff" includes a person filing an action on behalf of an
32 unemancipated minor.

33 Sec. 13. Section 236.9, unnumbered paragraph 1, Code 1995,
34 is amended to read as follows:

35 Criminal or juvenile justice agencies, as defined in

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1 section 692.1, shall collect and maintain information on
2 incidents involving domestic abuse and shall provide the
3 information to the department of public safety in the manner
4 prescribed by the department of public safety.

5 Sec. 14. Section 238.1, subsection 2, Code 1995, is
6 amended by striking the subsection.

7 Sec. 15. Section 252I.1, subsection 2, Code 1995, is
8 amended to read as follows:

9 2. "Bank" means "bank", "insured bank", "~~private-bank~~",
10 and "state bank" as defined in section 524.103.

11 Sec. 16. Section 260D.12, Code Supplement 1995, is amended
12 to read as follows:

13 260D.12 PAYMENT OF APPROPRIATION.

14 Payment of appropriations for distribution under this
15 chapter or chapter 260C, or of appropriations made in lieu of
16 such appropriations, shall be made by the department of
17 revenue and finance in monthly installments due on or about
18 the fifteenth day of each month of a budget year, and
19 installments shall be as nearly equal as possible, as
20 determined by the department of revenue and finance, taking
21 into consideration the relative budget and cash position of
22 the state resources.

23 Sec. 17. Section 294A.13, Code 1995, is amended to read as
24 follows:

25 294A.13 PHASE III PROGRAM.

26 For the school year beginning July 1, 1987, and succeeding
27 school years, each school district and area education agency
28 that meets the requirements of this section division is
29 eligible to receive moneys for the implementation under phase
30 III of a performance-based pay plan or supplemental pay plan,
31 or a combination of the two.

32 Sec. 18. Section 303.33, unnumbered paragraph 1, Code
33 Supplement 1995, is amended to read as follows:

34 Two years after the establishment of a district, a
35 referendum for the termination of the district shall be held

1 if ten percent of the eligible voters in the district so
2 request. If the registered voters, by a majority of those
3 voting, favor termination, ~~this Act~~ sections 303.20 through
4 303.32 will no longer have any effect on the property formerly
5 included in the district.

6 Sec. 19. Section 321.19, subsection 2, unnumbered
7 paragraph 3, Code Supplement 1995, is amended to read as
8 follows:

9 ~~Section-452A-3-and-chapter~~ Chapter 326 ~~are~~ is not
10 applicable to urban transit companies or systems.

11 Sec. 20. Section 321.213A, Code Supplement 1995, is
12 amended to read as follows:

13 321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED
14 DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

15 Upon the entering of an order at the conclusion of a
16 dispositional hearing under section 232.50, where the child
17 has been adjudicated to have committed a delinquent act, which
18 would be a first or subsequent violation of section 123.46,
19 section 123.47 involving the purchase or attempt to purchase
20 alcoholic beverages, chapter 124, section 126.3, chapter 453B,
21 or a second or subsequent violation of section 123.47
22 regarding the possession of alcoholic beverages, the clerk of
23 the juvenile court in the dispositional hearing shall forward
24 a copy of the adjudication and dispositional order to the
25 department. The department shall suspend the license or
26 operating privilege of the child for one year. The child may
27 receive a temporary restricted license or permit as provided
28 in section 321.215.

29 Sec. 21. Section 321.423, subsection 1, paragraph c, Code
30 Supplement 1995, is amended to read as follows:

31 c. "Member" means a person who is a member in good
32 standing of a fire department or a person who is an emergency
33 medical care provider employed by an ambulance, rescue, or
34 first responder response service.

35 Sec. 22. Section 321.423, subsection 4, Code Supplement

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1 1995, is amended to read as follows:

2 4. EXPIRATION OF AUTHORITY. The authorization shall
3 expire at midnight on the thirty-first day of December five
4 years from the year in which it was issued, or when the
5 vehicle is no longer owned by the member, or when the member
6 has ceased to be an active member of the fire department or of
7 an ambulance, rescue, or first responder response service, or
8 when the member has used the blue or white light beyond the
9 scope of its authorized use. A person issued an authorization
10 under subsection 3, paragraph "b", shall return the
11 authorization to the fire chief upon expiration or upon a
12 determination by the fire chief or the department that the
13 authorization should be revoked.

14 Sec. 23. Section 321.423, subsection 7, paragraphs a and
15 b, Code Supplement 1995, are amended to read as follows:

16 a. On a vehicle owned or exclusively operated by an
17 ambulance, rescue, or first responder response service.

18 b. On a vehicle authorized by the director of public
19 health when all of the following apply:

20 (1) The vehicle is owned by a member of an ambulance,
21 rescue, or first responder response service.

22 (2) The request for authorization is made by the member on
23 forms provided by the Iowa department of public health.

24 (3) Necessity for authorization is demonstrated in the
25 request.

26 (4) The head of an ambulance, rescue, or first responder
27 response service certifies that the member is in good standing
28 and recommends that the authorization be granted.

29 Sec. 24. Section 321.484, unnumbered paragraph 2, Code
30 Supplement 1995, is amended to read as follows:

31 The owner of a vehicle shall not be held responsible for a
32 violation of a provision regulating the stopping, standing, or
33 parking of a vehicle, whether the provision is contained in
34 this chapter, or chapter 321L, or an ordinance or other
35 regulation or rule, if the owner establishes that at the time

1 of the violation the vehicle was in the custody of an
2 identified person other than the owner pursuant to a lease as
3 defined in chapter 321F. The furnishing to the clerk of the
4 district court where the charge is pending of a copy of the
5 lease prescribed by section 321F.6 that was in effect for the
6 vehicle at the time of the alleged violation shall be prima
7 facie evidence that the vehicle was in the custody of an
8 identified person other than the owner within the meaning of
9 this paragraph, and the charge against the owner shall be
10 dismissed. The clerk of the district court then shall cause a
11 uniform citation and complaint to be issued against the lessee
12 of the vehicle, and the citation shall be served upon the
13 defendant by ordinary mail directed to the defendant at the
14 address shown in the certificate-of-responsibility lease.

15 Sec. 25. Section 321.492A, Code 1995, is amended to read
16 as follows:

17 321.492A QUOTAS ON CITATIONS PROHIBITED.

18 A political subdivision or agency of the state shall not
19 order, mandate, require, or in any other manner, directly or
20 indirectly, suggest to a peace officer employed by the
21 political subdivision or agency that the peace officer shall
22 issue a certain number of traffic citations, police citations,
23 memorandums of traffic violations, or memorandums of faulty
24 equipment on a daily, weekly, monthly, quarterly, or yearly
25 basis.

26 Sec. 26. Section 321.560, Code Supplement 1995, is amended
27 to read as follows:

28 321.560 PERIOD OF REVOCATION.

29 A license to operate a motor vehicle in this state shall
30 not be issued to any person declared to be a habitual offender
31 under section 321.555, subsection 1, for a period of not less
32 than two years nor more than six years from the date of the
33 final decision of the department under section 17A.19 or the
34 date on which the district court upholds the final decision of
35 the department, whichever occurs later. However, a temporary

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1 restricted ~~license~~ permit may be issued to a person declared
 2 to be a habitual offender under section 321.555, subsection 1,
 3 paragraph "c", pursuant to section 321.215, subsection 2. A
 4 license to operate a motor vehicle in this state shall not be
 5 issued to any person declared to be a habitual offender under
 6 section 321.555, subsection 2, for a period of one year from
 7 the date of the final decision of the department under section
 8 17A.19 or the date on which the district court upholds the
 9 final decision of the department, whichever occurs later. The
 10 department shall adopt rules under chapter 17A which establish
 11 a point system which shall be used to determine the period for
 12 which a person who is declared to be a habitual offender under
 13 section 321.555, subsection 1, shall not be issued a license.

14 Sec. 27. Section 321.561, Code Supplement 1995, is amended
 15 to read as follows:

16 321.561 PUNISHMENT FOR VIOLATION.

17 It shall be unlawful for any person found to be a habitual
 18 offender to operate any motor vehicle in this state during the
 19 period of time specified in section 321.560 except for a
 20 habitual offender who has been granted a temporary restricted
 21 ~~license~~ permit pursuant to section 321.215, subsection 2. A
 22 person violating this section commits an aggravated
 23 misdemeanor.

24 Sec. 28. Section 323.1, subsection 4, Code Supplement
 25 1995, is amended to read as follows:

26 4. "Distributor" means ~~a person~~ distributor as defined in
 27 ~~chapter-452A~~ section 452A.2.

28 Sec. 29. Section 331.756, subsection 69, Code Supplement
 29 1995, is amended by striking the subsection.

30 Sec. 30. Section 358C.13, subsection 5, Code Supplement
 31 1995, is amended to read as follows:

32 5. The board of trustees shall not require or grant a
 33 ~~franchise under section-364-27~~ to any person pursuant to
 34 section 364.2, subsection 4.

35 Sec. 31. Section 358C.17, subsection 1, Code Supplement

1 1995, is amended to read as follows:

2 1. The board of trustees of a real estate improvement
3 district may provide for payment of all or any portion of the
4 costs of a public improvement specified in section 358C.4, by
5 assessing all, or any portion of, the costs on adjacent
6 property according to the benefits derived. For the purposes
7 of this chapter, the board of trustees may define "adjacent
8 property" as all that included within a designated benefited
9 district to be fixed by the board, which may be all of the
10 property located within the real estate improvement district
11 or any lesser portion of that property. It is not a valid
12 objection to a special assessment that the improvement for
13 which the assessment is levied is outside the limits of the
14 district, but a special assessment shall not be made upon
15 property situated outside of the district. Special
16 assessments pursuant to this section shall be in proportion to
17 the special benefits conferred upon the property, and not in
18 excess of the benefits. The value of a property is the
19 present fair market value of the property with the proposed
20 public improvements completed. Payment of installments of a
21 special assessment against property shall be made in the same
22 manner and under the same procedures as provided in chapter
23 384 for special assessments by cities. Notwithstanding the
24 provisions of section 384.62, the combined assessments against
25 any lot for public improvements included in the petition
26 creating the housing-development real estate improvement
27 district or as authorized in section 358C.4 shall not exceed
28 the valuation of that lot as established by section 384.46.

29 Sec. 32. Section 421.17A, subsection 1, paragraph b, Code
30 Supplement 1995, is amended to read as follows:

31 b. "Bank" means "bank", "insured bank", "~~private-bank~~",
32 and "state bank" as these are defined in section 524.103.

33 Sec. 33. Section 421.31, subsection 9, Code Supplement
34 1995, is amended to read as follows:

35 9. INTEREST OF THE PERMANENT SCHOOL FUND. To transfer the

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1 interest of the permanent school fund to the credit of the
2 ~~first-in-the-nation-in-education-foundation-as-provided-in~~
3 ~~section-257B-1A~~ interest for Iowa schools fund.

4 Sec. 34. Section 422.45, subsection 47, Code Supplement
5 1995, is amended by striking the subsection.

6 Sec. 35. Section 422.69, subsection 3, Code 1995, is
7 amended by striking the subsection.

8 Sec. 36. Section 426B.1, subsection 1, Code Supplement
9 1995, is amended to read as follows:

10 1. A property tax relief fund is created in the state
11 treasury under the authority of the department of revenue and
12 finance. The fund shall be separate from the general fund of
13 the state and shall not be considered part of the general fund
14 of the state except in determining the cash position of the
15 state for payment of state obligations. The moneys in the
16 fund are not subject to the provisions of section 8.33 and
17 shall not be transferred, used, obligated, appropriated, or
18 otherwise encumbered except as provided in this ~~section~~
19 chapter. Moneys in the fund may be used for cash flow
20 purposes, provided that any moneys so allocated are returned
21 to the fund by the end of each fiscal year. However, the fund
22 shall be considered a special account for the purposes of
23 section 8.53, relating to elimination of any GAAP deficit.
24 For the purposes of this chapter, unless the context otherwise
25 requires, "property tax relief fund" means the property tax
26 relief fund created in this section.

27 Sec. 37. Section 427.1, subsection 4, Code Supplement
28 1995, is amended to read as follows:

29 4. FIRE EQUIPMENT COMPANY BUILDINGS AND GROUNDS. Fire
30 ~~engines-and-all-implements-for-extinguishing-fires,-and-the~~
31 The publicly owned buildings and grounds used exclusively for
32 keeping them fire engines and implements for extinguishing
33 fires and for meetings of fire companies.

34 Sec. 38. Section 441.21, subsection 9, paragraph b, Code
35 Supplement 1995, is amended to read as follows:

1 b. Notwithstanding paragraph "a", any construction or
2 installation of a solar energy system on property so
3 classified as agricultural, residential, commercial, or
4 industrial property shall not increase the actual, assessed
5 and taxable values of the property for five full assessment
6 years.

7 Sec. 39. Section 444.25, subsection 4, paragraph b,
8 subparagraph (3), Code 1995, is amended to read as follows:

9 (3) Need for additional moneys for health care, treatment
10 and facilities, including mental health and mental retardation
11 care and treatment pursuant to section 331.424, subsection 1,
12 paragraphs "a" through "h", Code 1995.

13 Sec. 40. Section 450.94, subsections 6 and 7, Code 1995,
14 are amended by striking the subsections.

15 Sec. 41. Section 452A.3, subsection 3, Code Supplement
16 1995, is amended to read as follows:

17 3. For the privilege of operating motor vehicles or
18 aircraft in this state, there is imposed an excise tax on the
19 use of special fuel in a motor vehicle or aircraft. The tax
20 rate on special fuel for diesel engines of motor vehicles is
21 twenty-two and one-half cents per gallon. The rate of tax on
22 special fuel for aircraft is three cents per gallon. On all
23 other special fuel the per gallon rate is the same as the
24 motor fuel tax. Indelible dye meeting United States
25 environmental protection agency and internal revenue service
26 regulations must be added to fuel before or upon withdrawal at
27 a terminal or refinery rack for that fuel to be exempt from
28 tax and the dyed fuel may be used only for an exempt purpose.

29 Sec. 42. Section 452A.57, subsections 5 and 10, Code
30 Supplement 1995, are amended to read as follows:

31 5. "Fuel taxes" means the per gallon excise taxes imposed
32 under ~~division I~~ divisions I and III of this chapter with
33 respect to motor fuel and undyed special fuel.

34 10. "Public highways" shall mean and include any way or
35 place available to the public for purposes of vehicular travel

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1 notwithstanding that it is temporarily closed.

2 Sec. 43. Section 452A.71, Code Supplement 1995, is amended
3 to read as follows:

4 452A.71 REFUNDS TO PERSONS OTHER THAN DISTRIBUTORS AND
5 COMPRESSED NATURAL GAS AND LIQUEFIED PETROLEUM GAS DEALERS AND
6 USERS.

7 Except as provided in section 452A.54, any person other
8 than a person who has paid or has had charged to the person's
9 account with a distributor, dealer, or user fuel taxes imposed
10 under this chapter with respect to motor fuel or undyed
11 special fuel in excess of one hundred gallons, which, while
12 the person is the owner, is subsequently lost or destroyed,
13 ~~while-the-person-is-the-owner~~, through leakage, fire,
14 explosion, lightning, flood, storm, or other casualty, except
15 evaporation, shrinkage, or unknown causes, ~~the-person~~ shall be
16 entitled to a refund of the tax so paid or charged. To
17 qualify for the refund, the person shall notify the department
18 of revenue and finance in writing of the loss or destruction
19 and the gallonage lost or destroyed within ten days from the
20 date of discovery of the loss or destruction. Within sixty
21 days after filing the notice, the person shall file with the
22 department of revenue and finance an affidavit sworn to by the
23 person having immediate custody of the motor fuel or undyed
24 special fuel at the time of the loss or destruction setting
25 forth in full the circumstances and amount of the loss or
26 destruction and such other information as the department of
27 revenue and finance may require. Any refund payable under
28 this section may be applied by the department against any tax
29 liability outstanding on the books of the department against
30 the claimant.

31 Sec. 44. Section 513C.4, subsection 2, Code Supplement
32 1995, is amended to read as follows:

33 2. An affiliated carrier that is a health maintenance
34 organization having a certificate of authority under section
35 ~~513C-5~~ 514B.5 shall be considered to be a separate carrier for

1 the purposes of this chapter.

2 Sec. 45. Section 523I.1, subsection 4, Code Supplement
3 1995, is amended to read as follows:

4 4. "Interment rights" means a right of use conveyed by
5 contract or property ownership to inter human rights remains
6 in a columbarium, grave, mausoleum, lawn crypt, or undeveloped
7 space.

8 Sec. 46. Section 524.306, subsection 2, Code Supplement
9 1995, is amended to read as follows:

10 2. The secretary of state's acknowledgement of filing of
11 the articles of incorporation is conclusive proof that the
12 incorporators satisfied all conditions precedent to
13 incorporation, except in a proceeding instituted by the
14 superintendent to cancel or revoke the incorporation or
15 involuntarily dissolve the corporation.

16 Sec. 47. Section 524.1415, subsection 1, Code Supplement
17 1995, is amended to read as follows:

18 1. The conversion is effective upon the filing of the
19 articles of conversion with the secretary of state, or at any
20 later date and time as specified in the articles of
21 conversion. The ~~certificate-of-conversion~~ acknowledgement of
22 filing is conclusive evidence of the performance of all
23 conditions required by this chapter for conversion of a
24 national bank into a state bank, except as against the state.

25 Sec. 48. Section 554.9401, subsection 6, Code Supplement
26 1995, is amended to read as follows:

27 6. Of each fee collected by the county recorder under
28 sections ~~570A-47~~, 554.9403, 554.9405, and 554.9406, the county
29 recorder shall remit five dollars, if filed on a standard form
30 or six dollars otherwise, to the department of revenue and
31 finance for deposit in the general fund of the state.

32 Sec. 49. Section 561.19, Code Supplement 1995, is amended
33 to read as follows:

34 561.19 EXEMPTION IN HANDS OF ISSUE.

35 Where the homestead descends to the issue of either spouse

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1 the issue homestead shall be held exempt from any antecedent
2 debts of the issue's parents or antecedent debts of the issue,
3 except those of the owner of the homestead contracted prior to
4 acquisition of the homestead or those created under section
5 249A.5 relating to the recovery of medical assistance
6 payments.

7 Sec. 50. Section 566A.15, Code Supplement 1995, is amended
8 to read as follows:

9 566A.15 CEMETERY FUND.

10 A special revenue fund is created in the state treasury,
11 under the control of the commissioner, to be known as the
12 insurance division cemetery fund. Commencing July 1, 1995,
13 ~~filing-fees-received-pursuant-to-section-566A-2C-and~~ one
14 dollar from the audit fee for each deed reported on the annual
15 report required by section 566A.2D, executed during the
16 preceding fiscal year, shall be deposited in the insurance
17 division cemetery fund by the commissioner. However, if the
18 balance of the fund on July 1 of any year exceeds two hundred
19 thousand dollars, the allocation to the fund shall not be
20 made, and the total sum of the fees paid pursuant to section
21 566A.2D shall be deposited in the general fund of the state.
22 Notwithstanding section 8.33, moneys in the fund shall not
23 revert to the general fund but shall remain in the cemetery
24 fund. Moneys in the cemetery fund are appropriated to the
25 insurance division and, subject to authorization by the
26 commissioner, may be used to pay the expenses of that office
27 incurred in the administration of the audit, investigative,
28 and enforcement duties and obligations imposed under this
29 chapter, and the expenses of receiverships established
30 pursuant to section 566A.12.

31 Sec. 51. Section 602.1304, subsection 2, paragraph b, Code
32 Supplement 1995, is amended to read as follows:

33 b. For each fiscal year, a judicial collection estimate
34 for that fiscal year shall be equally and proportionally
35 divided into a quarterly amount. The judicial collection

1 estimate shall be calculated by using the state revenue
2 estimating conference estimate made by December 15 pursuant to
3 section 8.22A, subsection 3, of the total amount of fines,
4 fees, civil penalties, costs, surcharges, and other revenues
5 collected by judicial officers and court employees for deposit
6 into the general fund of the state. The revenue estimating
7 conference estimate shall be reduced by the maximum amounts
8 allocated to the Iowa prison infrastructure fund pursuant to
9 section 602.8108A, and the court technology and modernization
10 fund pursuant to section 602.8108, and the remainder shall be
11 the judicial collection estimate. In each quarter of a fiscal
12 year, after revenues collected by judicial officers and court
13 employees equal to that quarterly amount are deposited into
14 the general fund of the state and after the required amount is
15 deposited during the quarter into the Iowa prison
16 infrastructure fund pursuant to section 602.8108A and into the
17 court technology and modernization fund pursuant to section
18 602.8108, the director of revenue and finance shall deposit
19 the remaining revenues for that quarter into the enhanced
20 court collections fund in lieu of the general fund. However,
21 after total deposits into the collections fund for the fiscal
22 year are equal to the maximum deposit amount established for
23 the collections fund, remaining revenues for that fiscal year
24 shall be deposited into the general fund. If the revenue
25 estimating conference agrees to a different estimate at a
26 later meeting which projects a lesser amount of revenue than
27 the initial estimate amount used to calculate the judicial
28 collection estimate, the director of revenue and finance shall
29 recalculate the judicial collection estimate accordingly. If
30 the revenue estimating conference agrees to a different
31 estimate at a later meeting which projects a greater amount of
32 revenue than the initial estimate amount used to calculate the
33 judicial collection estimate, the director of revenue and
34 finance shall recalculate the judicial collection estimate
35 accordingly but only to the extent that the greater amount is

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1 due to an increase in the fines, fees, civil penalties, costs,
2 surcharges, or other revenues allowed by law to be collected
3 by judicial officers and court employees.

4 Sec. 52. Section 692.12, Code Supplement 1995, is amended
5 to read as follows:

6 692.12 DATA PROCESSING.

7 Nothing in this chapter shall preclude the use of the
8 equipment and hardware of the data processing service center
9 for the storage and retrieval of criminal history data. Files
10 shall be stored on the computer in such a manner as that the
11 files cannot be modified, destroyed, accessed, changed, or
12 overlaid in any fashion by ~~noncriminal-or-juvenile-justice~~
13 agency terminals or personnel not belonging to a criminal or
14 juvenile justice agency. That portion of any computer,
15 electronic switch or manual terminal having access to criminal
16 history data stored in the state computer must be under the
17 management control of a criminal or juvenile justice agency.

18 Sec. 53. Section 692.21, Code Supplement 1995, is amended
19 to read as follows:

20 692.21 DATA TO AGENCY MAKING ARREST OR TAKING JUVENILE
21 INTO CUSTODY.

22 The clerk of the district court shall forward conviction
23 and disposition data to the criminal or juvenile justice
24 agency making the arrest or taking a juvenile into custody
25 within thirty days of final court disposition of the case.

26 Sec. 54. Section 692A.1, subsection 2, Code Supplement
27 1995, is amended to read as follows:

28 2. "Criminal or juvenile justice agency" means an agency
29 or department of any level of government or an entity wholly
30 owned, financed, or controlled by one or more such agencies or
31 departments which performs as its principal function the
32 apprehension, prosecution, adjudication, incarceration, or
33 rehabilitation of criminal or juvenile offenders.

34 Sec. 55. Section 692A.10, subsection 4, Code Supplement
35 1995, is amended to read as follows:

1 4. Adopt rules under chapter 17A, as necessary, to ensure
2 compliance with registration and verification requirements of
3 this chapter, to provide guidelines for persons required to
4 assist in obtaining registry information, and to provide a
5 procedure for the dissemination of information contained in
6 the registry. The procedure for the dissemination of
7 information shall include, but not be limited to, practical
8 guidelines for use by criminal or juvenile justice agencies in
9 determining when public release of information contained in
10 the registry is appropriate and a requirement that if a member
11 of the general public requests information regarding a
12 specific individual in the manner provided in section 692A.13,
13 subsection 6, the information shall be released. The
14 department, in developing the procedure, shall consult with
15 associations which represent the interests of law enforcement
16 officers. Rules adopted shall also include a procedure for
17 removal of information from the registry upon the reversal or
18 setting aside of a conviction of a person who is registered
19 under this chapter.

20 Sec. 56. Section 692A.13, subsections 1, 3, and 5, Code
21 Supplement 1995, are amended to read as follows:

22 1. The department or a sheriff may disclose information to
23 criminal or juvenile justice agencies for law enforcement or
24 prosecution purposes.

25 3. The department or a criminal or juvenile justice agency
26 with case-specific authorization from the department may
27 release relevant information from the registry regarding a
28 criminal offense against a minor, sexual exploitation, or a
29 sexually violent offense, that is necessary to protect the
30 public concerning a specific person who is required to
31 register under this chapter.

32 5. Criminal history information data contained in the
33 registry may be released as provided in chapter 692 or used by
34 criminal or juvenile justice agencies as an index for purposes
35 of locating a relevant conviction record.

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1 Sec. 57. Section 692A.15, Code Supplement 1995, is amended
2 to read as follows:

3 692A.15 IMMUNITY FOR GOOD FAITH CONDUCT.

4 Criminal or juvenile justice agencies, officials, and
5 employees of criminal or juvenile justice agencies and state
6 agencies and their employees shall be immune from liability
7 for acts or omissions arising from a good faith effort to
8 comply with this chapter.

9 Sec. 58. Section 708.3A, Code Supplement 1995, is amended
10 to read as follows:

11 708.3A ASSAULTS ON PEACE OFFICERS, FIRE FIGHTERS, AND
12 EMERGENCY CARE PROVIDERS.

13 1. A person who commits an assault, as defined in section
14 708.1, against a peace officer, ~~basic-emergency-medical-care~~
15 ~~provider-under-chapter-1477-an-advanced~~ emergency medical care
16 provider under chapter 147A, or fire fighter, whether paid or
17 volunteer, with the knowledge that the person against whom the
18 assault is committed is a peace officer, ~~basic-emergency~~
19 ~~medical-care-provider-under-chapter-1477-an-advanced~~ emergency
20 medical care provider under chapter 147A, or fire fighter and
21 the intent to inflict a serious injury upon the peace officer,
22 ~~basic-emergency-medical-care-provider-under-chapter-1477-an~~
23 advanced emergency medical care provider under chapter 147A,
24 or fire fighter, is guilty of a class "D" felony.

25 2. A person who commits an assault, as defined in section
26 708.1, against a peace officer, ~~basic-emergency-medical-care~~
27 ~~provider-under-chapter-1477-an-advanced~~ emergency medical care
28 provider under chapter 147A, or fire fighter, whether paid or
29 volunteer, who knows that the person against whom the assault
30 is committed is a peace officer, ~~basic-emergency-medical-care~~
31 ~~provider-under-chapter-1477-an-advanced~~ emergency medical care
32 provider under chapter 147A, or fire fighter and who uses or
33 displays a dangerous weapon in connection with the assault, is
34 guilty of a class "D" felony.

35 3. A person who commits an assault, as defined in section

1 708.1, against a peace officer, ~~basic-emergency-medical-care~~
2 ~~provider-under-chapter-147,-an-advanced~~ emergency medical care
3 provider under chapter 147A, or fire fighter, whether paid or
4 volunteer, who knows that the person against whom the assault
5 is committed is a peace officer, ~~basic-emergency-medical-care~~
6 ~~provider-under-chapter-147,-an-advanced~~ emergency medical care
7 provider under chapter 147A, or fire fighter, and who causes
8 bodily injury or disabling mental illness, is guilty of an
9 aggravated misdemeanor.

10 4. Any other assault, as defined in section 708.1,
11 committed against a peace officer, ~~basic-emergency-medical~~
12 ~~care-provider-under-chapter-147,-an-advanced~~ emergency medical
13 care provider under chapter 147A, or fire fighter, whether
14 paid or volunteer, by a person who knows that the person
15 against whom the assault is committed is a peace officer,
16 ~~basic-emergency-medical-care-provider-under-chapter-147,-an~~
17 ~~advanced~~ emergency medical care provider under chapter 147A,
18 or fire fighter, is a serious misdemeanor.

19 Sec. 59. Section 719.1, subsection 1, Code Supplement
20 1995, is amended to read as follows:

21 1. A person who knowingly resists or obstructs anyone
22 known by the person to be a peace officer, ~~basic-emergency~~
23 ~~medical-care-provider-under-chapter-147,-an-advanced~~ emergency
24 medical care provider under chapter 147A, or fire fighter,
25 whether paid or volunteer, in the performance of any act which
26 is within the scope of the lawful duty or authority of that
27 officer, ~~basic-emergency-medical-care-provider-under-chapter~~
28 ~~147,-an-advanced~~ emergency medical care provider under chapter
29 147A, or fire fighter, whether paid or volunteer, or who
30 knowingly resists or obstructs the service or execution by any
31 authorized person of any civil or criminal process or order of
32 any court, commits a serious misdemeanor. However, if a
33 person commits an interference with official acts, as defined
34 in this subsection, and in so doing inflicts bodily injury
35 other than serious injury, that person commits an aggravated

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1 misdemeanor. If a person commits an interference with
2 official acts, as defined in this subsection, and in so doing
3 inflicts or attempts to inflict serious injury, or displays a
4 dangerous weapon, as defined in section 702.7, or is armed
5 with a firearm, that person commits a class "D" felony.

6 Sec. 60. Section 727.11, subsection 2, paragraph a, Code
7 1995, is amended to read as follows:

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

15 Sec. 61. Section 805.5, Code Supplement 1995, is amended
16 to read as follows:

17 805.5 FAILURE TO APPEAR.

18 Any person who willfully fails to appear in court as
19 specified by the citation shall be guilty of a simple
20 misdemeanor. Where a defendant fails to make a required court
21 appearance, the court shall issue an arrest warrant for the
22 offense of failure to appear, and shall forward the warrant
23 and the original or electronically produced citation to the
24 clerk. The clerk shall enter a transfer to the issuing agency
25 on the docket, and shall return the warrant with the original
26 or electronically produced citation attached to the law
27 enforcement agency which issued the ~~original-or-electronically~~
28 ~~produced~~ citation for enforcement of the warrant. Upon arrest
29 of the defendant, the warrant and the original or
30 electronically produced citation shall be returned to the
31 court, and the offenses shall be heard and disposed of
32 simultaneously.

33 Sec. 62. Section 909.10, subsection 2, Code 1995, is
34 amended to read as follows:

35 2. Notwithstanding the disposition sections of sections

1 602.8106 and ~~911-3~~ 602.8108, subsection 3, upon the collection
2 of delinquent amounts, the clerks of the district court shall
3 remit the delinquent amounts to the treasurer of state for
4 deposit into the revolving fund established pursuant to
5 section 602.1302, to be used for the payment of jury and
6 witness fees and mileage.

7 Sec. 63. Section 910A.9A, subsection 1, Code Supplement
8 1995, is amended to read as follows:

9 1. The date on which the juvenile or sexually violent
10 predator is expected to be temporarily released from the
11 custody of the department of human services, and whether the
12 juvenile or sexually violent predator is expected to return to
13 the community where the registered victim resides.

14 Sec. 64. AMENDMENTS CHANGING TERMINOLOGY REGARDING
15 PODIATRIC PHYSICIANS. Sections 135B.7, 148.2, 148A.3, 149.2,
16 150.3, 150A.2, 157.2, 158.2, 455B.333, 514.1, 514.5, 514.8,
17 and 514.17, Code 1995, are amended by striking from the
18 sections the word "podiatrists" and inserting in lieu thereof
19 the words "podiatric physicians".

20 Sec. 65. 1995 Iowa Acts, chapter 215, section 34, is
21 amended to read as follows:

22 SEC. 34. EFFECTIVE DATE. Sections 3 through 10, sections
23 17 through 25, ~~sections~~ section 27, ~~and-28~~, section 29,
24 subsection 2, and sections 30, 31, and 33, being deemed of
25 immediate importance, take effect upon enactment. Sections 1
26 and 2, sections 11 through 14, and section 29, subsection 1,
27 are effective July 1, 1995. Section 28 is effective January
28 1, 1996. Sections 15 and 26 of this Act, being deemed of
29 immediate importance, take effect upon enactment.

30 Sec. 66. REPEALS.

31 1. Sections 260C.24 and 303.18, Code Supplement 1995, are
32 repealed.

33 2. Sections 422.47A, 422.47B, and 422.47C, Code 1995, are
34 repealed.

35 Sec. 67. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

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1 Section 65 of this Act, amending 1995 Iowa Acts, chapter 215,
2 section 34, being deemed of immediate importance, takes effect
3 upon enactment and applies retroactively to May 24, 1995.

4 EXPLANATION

5 This bill contains the following nonsubstantive Code
6 corrections:

7 8D.13(12): In subsection permitting Iowa communications
8 network receiving sites to charge fees for recovering
9 operating costs, changes the designation of the party required
10 to pay the fee from "originating site" to "originator of the
11 communication" to conform with similar changes to the
12 subsection enacted in 1995 Iowa Acts, chapter 20.

13 43.67, unnumbered paragraph 1: In provision entitling a
14 political nominee to have the candidate's name printed on the
15 official general election ballot unless the candidate was
16 nominated by write-in votes, strikes an incorrect reference to
17 section 43.66, which concerns write-in candidates, and
18 replaces it with references to section 43.52 or 43.65, which
19 concern nominees of political parties.

20 97B.41(8)(b)(16): Strikes the subparagraph that exempts
21 employees of the Iowa peace institute who do not file an
22 application with the department of personnel from the
23 definition of "employee" for purposes of the Iowa public
24 employees' retirement system. Former chapter 38, pertaining
25 to the Iowa peace institute, was repealed by 1995 Iowa Acts,
26 chapter 204, § 19.

27 124.409(1): Corrects an erroneous internal reference in
28 provisions relating to controlled substance offenses.
29 Although this error was in the original 1971 bill enacting
30 this section, it appears that the reference should be to
31 section 124.411, which concerns second or subsequent offenses,
32 rather than section 124.410, which concerns accommodation
33 offenses.

34 139B.1(2)(b); 321.423(1)(c), (4), and (7)(a, b): Change
35 terminology from "first responder service" to "first response

1 service", which is the more commonly used phrase throughout
2 the Code.

3 161A.12: Changes the September 1 deadline to October 1 for
4 budget submissions by the soil and water conservation
5 division. This conforms with the 1995 amendment to section
6 8.23, which establishes the October 1 deadline for all
7 departments and establishments of the government.

8 162.1(1): Strikes an obsolete reference to "hobby kennels"
9 from the policy statement in chapter 162 on the care of
10 animals in commercial establishments. Section 162.11,
11 subsection 5, enacted in 1988 Iowa Acts, chapter 1186, § 13,
12 provides that chapter 162 does not apply to noncommercial
13 hobby kennels. This change was requested by the department of
14 agriculture and land stewardship.

15 169A.13: In provision prohibiting the issuance of a
16 forfeited brand to another person for a specific time period,
17 strikes the phrase "or more" from the five-year time period,
18 to clarify the amendments contained in 1995 Iowa Acts, chapter
19 60, § 8.

20 229.27(1): In provisions relating to the procedures for
21 the hospitalization of persons with mental illness, strikes a
22 reference to section 622.6, which concerned depositions taken
23 conditionally and was repealed by 1983 Iowa Acts, chapter 37,
24 § 7, in conjunction with the establishment of the Iowa rules
25 of evidence.

26 232.88: In provision specifying those entitled to notice
27 of child in need of assistance (CINA) hearings by referring to
28 juvenile delinquency notice requirements, substitutes the more
29 accurate term "persons" for "parties".

30 232.148(2); 236.9, unnumbered paragraph 1: Propose
31 conforming amendments to 1995 Iowa Acts, chapter 191, which
32 changed the definition of and expanded the duties given to
33 criminal justice agencies to include juvenile justice
34 agencies.

35 236.3(2): Revises wording so that item enacted in 1995

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1 concerning unemancipated minors fits grammatically onto the
2 list of items that must be stated in a petition seeking relief
3 from domestic abuse.

4 238.1(2): Strikes the superfluous definition of "case
5 permanency plan" from chapter 238, which concerns child-
6 placing agencies. The term is not used in the chapter.

7 252I.1(2); 421.17A(1)(b): In definition of "bank" for
8 purposes of the chapter pertaining to levies against accounts
9 for the collection of child support payments and the section
10 providing an administrative levy against accounts of persons
11 owing a delinquent indebtedness to the state, strike the term
12 "private bank" to conform to the amendment that struck the
13 definition of "private bank" from section 524.103 in 1995 Iowa
14 Acts, chapter 148, §3.

15 260D.12: In section specifying method of payment of
16 appropriations for distribution to community colleges, adds a
17 reference to chapter 260C pertaining to community colleges.
18 In 1995 Iowa Acts, chapter 214, §9, this section was amended,
19 whereas in 1995 Iowa Acts, chapter 218, § 18, an identical
20 provision was enacted for codification as section 260C.24.
21 The proposed changes include the repeal of the duplicate
22 provision, section 260C.24, at the end of this bill.

23 294A.13: Substitutes the more accurate term "division" for
24 an erroneous reference to "section" in provisions relating to
25 eligibility to receive moneys under phase III of the
26 educational excellence program. This section sets no
27 requirements for the program.

28 303.33, unnumbered paragraph 1: Replaces a reference to
29 the 1976 Act that created historical preservation districts
30 with the appropriate Code section numbers.

31 321.19(2), unnumbered paragraph 3: In definition of "urban
32 transit company", strikes a reference to the inapplicability
33 of section 452A.3, which concerns the motor fuel excise tax.
34 The amendment to section 452A.3 contained in 1995 Iowa Acts,
35 chapter 155, § 14, eliminated the tax exemption for urban

1 transit companies or systems, whereas the amendment to section
2 452A.17 in that Act made provisions for urban transit systems
3 to receive a refund of the tax. Accordingly, the reference in
4 this section is stricken.

5 321.213A: In section pertaining to motor vehicle license
6 suspension for juveniles adjudicated delinquent for certain
7 drug or alcohol offenses, and in order to clarify changes
8 enacted in 1995 Iowa Acts, chapter 55, §§ 9 and 10, specifies
9 that a juvenile may receive a temporary restricted permit if a
10 request for a temporary restricted license has been denied, as
11 is provided in section 321.215, subsection 2.

12 321.484, unnumbered paragraph 2: In provision pertaining
13 to service of a uniform citation to the lessee of a motor
14 vehicle, replaces "certificate of responsibility" with
15 "lease", in accordance with changes to this section and
16 section 321F.6 enacted in 1995 Iowa Acts, chapter 118, §§ 27
17 and 29.

18 321.492A: In provisions prohibiting quotas on the number
19 of citations filed by peace officers, clarifies the kind of
20 traffic memorandums referred to by adding the word
21 "violations", which is consistent with terminology used
22 elsewhere in the Code.

23 321.560; 321.561: In motor vehicle provisions establishing
24 revocation periods and penalties applicable to habitual
25 offenders which were amended in 1995 Iowa Acts, chapter 143,
26 corrects reference from "temporary restricted license" to
27 "temporary restricted permit", to accurately describe the
28 procedure referenced in section 321.215, subsection 2.

29 323.1(4): Clarifies amendments to this section and chapter
30 452A contained in 1995 Iowa Acts, chapter 155, to refer to the
31 definition of "distributor" contained in section 452A.2,
32 rather than the definition of "person" in section 452A.57.

33 331.756(69): Strikes an obsolete duty of the county
34 attorney. Section 478.29 was stricken and rewritten in 1991
35 Iowa Acts, chapter 112, § 2, and the provisions for requesting

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1 the county attorney to prosecute violations concerning
2 electric lines that cross railroad tracks were removed at that
3 time. Violations of chapter 478, which pertains to electric
4 transmission lines, are within the jurisdiction of the
5 utilities board.

6 358C.13(5): Clarifies reference enacted in 1995 Iowa Acts,
7 chapter 200, prohibiting a real estate improvement district
8 board of trustees from requiring or granting a franchise.
9 Subsection 4 of this section is not relevant to the issue of
10 franchises, whereas section 364.2, subsection 4, grants the
11 authority to a city.

12 358C.17(1): Substitutes "real estate improvement"
13 district, the term used throughout 1995 Iowa Acts, chapter
14 200, for "housing development" district, a term used in a
15 prior version of the legislation.

16 421.31(9): Requires the director of revenue and finance to
17 transfer the interest of the permanent school fund to the
18 interest for Iowa schools fund, rather than the first in the
19 nation in education foundation, in accordance with the
20 revision of section 257B.1A in 1995 Iowa Acts, chapter 218, §
21 17.

22 422.45(47): Strikes obsolete exemption provision from the
23 sales and services tax law. The exemption, which was enacted
24 in 1992 Iowa Acts, chapter 1019, § 7, and repealed on August
25 31, 1992, covered receipts from the rendering of additional
26 services taxed under 1992 tax revisions pursuant to a written
27 service contract in effect on March 1, 1992. This change was
28 requested by the department of revenue and finance.

29 422.69(3): Strikes a requirement that the director of
30 revenue and finance estimate and deposit the amount of state
31 corporate income tax revenues collected as a result of the
32 court decision holding that the federal windfall profits tax
33 is not a federal income tax, because the federal windfall
34 profits tax has been repealed. This amendment was requested
35 by the department of revenue and finance.

1 426B.1(1): In section establishing the property tax relief
2 fund, as enacted in 1995 Iowa Acts, chapter 206, substitutes
3 the term "chapter" for the word "section" to accurately
4 reflect the provisions authorizing distributions from the
5 fund.

6 427.1(4): Revises wording to eliminate redundancy in
7 property tax exemption provisions. Personal property, such as
8 fire equipment and implements for extinguishing fires, is
9 already exempt from the property tax. These changes were
10 requested by the department of revenue and finance.

11 441.21(9)(b): In provisions relating to the actual,
12 assessed, and taxable values for property upon which a solar
13 energy system is constructed or installed, clarifies that the
14 provision relates to agricultural, residential, commercial, or
15 industrial property. In 1995 Iowa Acts, chapter 83, § 28, an
16 obsolete provision was stricken from this paragraph and the
17 list of property classes affected was inadvertently removed.

18 444.25(4)(b)(3): In section pertaining to the property tax
19 limitations for the 1994 and 1995 fiscal years, specifies that
20 the reference to section 331.424, subsection 1, paragraph "a"
21 through "h", pertains to the section as it appeared in the
22 1995 Iowa Code. In 1995 Iowa Acts, chapter 206, § 9, which
23 became effective January 1, 1996, the majority of the
24 provisions cited were stricken in revising the obligations of
25 the county to pay for mental health services.

26 450.94(6, 7): Strikes expired extensions for certain
27 claims for refund of inheritance taxes. The extensions were
28 enacted in 1989 and the last deadline for seeking an extension
29 was more than five years ago. This provision was requested by
30 the department of revenue and finance.

31 452A.3(3): For ease of understanding of revisions enacted
32 in 1995 Iowa Acts, chapter 155, § 14, pertaining to exemptions
33 from excise taxes on special fuel, clarifies that what may be
34 used only for an exempt purpose is the dyed fuel, rather than
35 the indelible dye.

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1 452A.57(5, 10): In definition of "fuel taxes" in division
2 of chapter 452A applicable to all fuel taxes imposed by the
3 chapter, reinserts a reference to division III of the chapter,
4 which pertains to the motor fuel and special fuel use tax for
5 interstate motor vehicle operations. While this definition no
6 longer applies to division II of the chapter, which was
7 repealed in 1995 Iowa Acts, chapter 155, the definition
8 appears to remain applicable to division III, although the
9 reference was stricken in section 28 of that Act. The
10 proposed change to subsection 10 is intended to clarify the
11 definition of "public highways".

12 452A.71: Rewrites a sentence for improved readability in
13 section relating to refunds of fuel taxes.

14 513C.4(2): In provision in individual health insurance
15 market reform chapter enacted in 1995 Iowa Acts, chapter 5,
16 pertaining to consideration of affiliated carriers that are
17 health maintenance organizations, replaces a reference to
18 certificates of authority issued under section 513C.5, which
19 pertains to restrictions relating to premium rates, with a
20 reference to section 514B.5, which concerns the issuance of
21 certificates of authority to health maintenance organizations.
22 The proposed change was requested by the insurance division.

23 523I.1(4): In 1995 enactment pertaining to cemeteries,
24 clarifies that human "remains" are interred rather than human
25 "rights".

26 524.306(2); 524.1415(1): Conform language in two sections
27 to reflect 1995 amendments in banking laws enacted in 1995
28 Iowa Acts, chapter 148, § 119, in which "certificates" of
29 incorporation or conversion were stricken. When banks are
30 incorporated under section 524.306 or converted from national
31 banks into state banks under section 524.1415, either articles
32 of incorporation or articles of conversion must be filed with
33 the secretary of state. In both cases, the secretary of
34 state's "acknowledgment of filing" now serves as evidence of
35 the fulfillment of all conditions required.

1 554.9401(6): Strikes an erroneous reference to section
2 570A.4 in article 9 of the uniform commercial code relating to
3 the proper place of filing to perfect a security interest.
4 Section 570A.4 provides that the secretary of state, not the
5 county recorder, collects fees for the filing of an
6 agricultural supply dealer's lien. This error was contained
7 in the original enactment of subsection 6 of section 554.9401
8 contained in 1991 Iowa Acts, chapter 267, § 618.

9 561.19: Clarifies change enacted in 1995 Iowa Acts,
10 chapter 68, § 6, to specify that it is the "homestead" rather
11 than the "issue" that will be exempt from certain debts when
12 homesteads descend to issue.

13 566A.15: Strikes reference to a filing fee provision that
14 was stricken before final passage of 1995 cemetery
15 legislation. Section 566A.2C as enacted does not provide
16 filing fees for nonperpetual care cemeteries.

17 602.1304(2)(b): In section creating the enhanced court
18 collections fund, corrects the reference to the "court
19 technology and modernization fund" established in section
20 602.8108.

21 692.12; 692.21: In sections providing for the exchange of
22 criminal history data, clarify terminology prohibiting data
23 processing access except by criminal or juvenile justice
24 agencies, and conform provisions to legislation enacted in
25 1995, which changed the definition of and expanded the duties
26 given to criminal justice agencies to include juvenile justice
27 agencies.

28 692A.1(2); 692A.10(4); 692A.13(1, 3, and 5); 692A.15:
29 Proposed conforming amendments to chapter 692A, the sex
30 offender registry chapter enacted in 1995, to reflect the
31 changes enacted in 1995 Iowa Acts, chapter 191, which amended
32 the definition of and expanded the duties given to criminal
33 justice agencies to include juvenile justice agencies.
34 Moreover, chapter 692A requires juveniles adjudicated
35 delinquent for certain specified acts to register. The

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1 proposed change to section 692A.13, subsection 5, also
2 replaces a reference to the release of criminal history
3 "information", as provided in chapter 692, to criminal history
4 "data", which is the defined term specified in section 692.1.
5 708.3A; 719.1(1): In provisions relating to assaults upon
6 and interference with emergency medical care providers,
7 conform terminology to changes enacted in 1995 Iowa Acts,
8 chapter 41, which removed references to emergency medical care
9 providers in chapter 147, which contains the general
10 provisions governing the health-related professions, and
11 consolidated provisions governing emergency medical care
12 providers in chapter 147A, pertaining to emergency medical
13 care and trauma care.

14 727.11(2)(a): In section regulating the release of certain
15 information concerning the use of videotapes, includes
16 juvenile justice agencies in addition to criminal justice
17 agencies, to conform to changes enacted in 1995 Iowa Acts,
18 chapter 191.

19 805.5: In section pertaining to failure to appear upon
20 issuance of a citation in lieu of arrest, conforms language to
21 provide for the use of electronically produced citations in
22 accordance with changes enacted in 1995 Iowa Acts, chapter
23 118.

24 909.10: In section directing the disposition of certain
25 delinquent fines, costs, and surcharges collected by the clerk
26 of the district court, replaces a reference to section 911.3,
27 which was repealed in 1994 Iowa Acts, chapter 1074, § 18, with
28 a reference to section 602.8108, subsection 3, which now
29 contains the provisions pertaining to the distribution of
30 amounts collected from the criminal surcharge assessed in
31 section 911.2.

32 910A.9A(1): In provisions regarding notification of
33 victims by the department of human services, adds the phrase
34 "or sexually violent predator" to conform with other
35 amendments adding the phrase to the section in 1995 Iowa Acts,

1 chapter 144, §5.

2 Amendments changing terminology regarding podiatric
3 physicians: Replace "podiatrists" with "podiatric physicians"
4 to conform language with that adopted by 1995 Iowa Acts,
5 chapter 108.

6 1995 Acts, chapter 215, section 34: In section containing
7 effective dates of various provisions in the 1995 underground
8 storage tank legislation, strikes a reference to section 28 of
9 that Act, which creates a marketability fund. This section
10 contains two different dates of enactment for section 28, and
11 the bill strikes the reference to the date of enactment, which
12 was May 24, 1995, rather than the reference establishing
13 January 1, 1996, as the effective date, because the earlier
14 reference appears to have been included by error in amending
15 and reprinting the bill. This bill makes the correction
16 effective upon enactment of this bill and retroactive to May
17 24, 1995.

18 260C.24: Repeals a section specifying method of payment of
19 appropriations for distribution to community colleges, which
20 is identical to section 260D.12. This bill also amends
21 section 260D.12 to add a reference to chapter 260C.

22 303.18: Repeals section that provided for a loan to the
23 historical division of the department of cultural affairs
24 because the loan has now been repaid.

25 422.47A; 422.47B; 422.47C: Repeal three obsolete sections
26 relating to sales tax refunds for specified machinery,
27 equipment and computer purchases and rentals. These repeals
28 were requested by the department of revenue and finance.

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SENATE FILE 2080

AN ACT

RELATING TO NONSUBSTANTIVE CODE CORRECTIONS, AND PROVIDING
EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

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

Section 1. Section 8D.13, subsection 12, Code Supplement 1995, is amended to read as follows:

12. The commission, on its own or as recommended by an advisory committee of the commission and approved by the commission, shall permit a fee to be charged by a receiving site to the originator of the communication provided on the network. The fee charged shall be for the purpose of recovering the operating costs of a receiving site. The fee charged shall be reduced by an amount received by the receiving site pursuant to a state appropriation for such costs, or federal assistance received for such costs. Fees established under this subsection shall be paid by the originating-site originator of the communication directly to the receiving site. For purposes of this section, "operating costs" include the costs associated with the management or coordination, operations, utilities, classroom, equipment, maintenance, and other costs directly related to providing the receiving site.

Sec. 2. Section 43.67, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Each candidate nominated pursuant to section ~~43.66~~ 43.52 or 43.65 is entitled to have the candidate's name printed on the official ballot to be voted at the general election without other certificate unless the candidate was nominated by write-in votes. Immediately after the completion of the canvass held under section 43.49, the county auditor shall notify each person who was nominated by write-in votes for a county or

township office that the person is required to file an affidavit of candidacy if the person wishes to be a candidate for that office at the general election. Immediately after the completion of the canvass held under section 43.63, the secretary of state shall notify each person who was nominated by write-in votes for a state or federal office that the person is required to file an affidavit of candidacy if the person wishes to be a candidate for that office at the general election. If the affidavit is not filed by five p.m. on the seventh day after the completion of the canvass, that person's name shall not be placed upon the official general election ballot. The affidavit shall be signed by the candidate, notarized, and filed with the county auditor or the secretary of state, whichever is applicable.

Sec. 3. Section 97B.41, subsection 8, paragraph b, subparagraph (16), Code Supplement 1995, is amended by striking the subparagraph.

Sec. 4. Section 124.409, subsection 1, Code 1995, is amended to read as follows:

1. Whenever a person who has not previously been convicted of an offense under this chapter or an offense under a state or federal statute relating to narcotic drugs or cocaine, marijuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under section 124.401, subsection 3, or is sentenced pursuant to section 124.410, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place the accused on probation upon terms and conditions as it requires. When a person is placed on probation under this subsection, the person's appearance bond may be discharged at the discretion of the court. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss

the proceedings against the person. Discharge and dismissal under this section shall be without court adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under section ~~124.410~~ 124.411. Discharge and dismissal under this section may occur only once with respect to any person.

Sec. 5. Section 139B.1, subsection 2, paragraph b, Code Supplement 1995, is amended to read as follows:

b. If an individual is diagnosed or confirmed as having a contagious or infectious disease, the hospital shall notify the designated officer of an emergency care provider service who shall notify persons involved in attending or transporting the individual. For blood-borne contagious or infectious diseases, notification shall only take place upon filing of an exposure report form with the hospital. The exposure report form may be incorporated into the Iowa prehospital care report, the Iowa prehospital advanced care report, or a similar report used by an ambulance, rescue, or first responder response service or law enforcement agency.

Sec. 6. Section 161A.12, Code 1995, is amended to read as follows:

161A.12 STATEMENT TO DEPARTMENT OF MANAGEMENT.

On or before ~~September~~ October 1 next preceding each annual legislative session, the division shall submit to the department of management, on official estimate blanks furnished for those purposes, statements and estimates of the expenditure requirements for each fiscal year, and a statement of the balance of funds, if any, available to the division, and the estimates of the division as to the sums needed for the administrative and other expenses of the division for the purposes of this chapter.

Sec. 7. Section 162.1, subsection 1, Code 1995, is amended to read as follows:

1. To insure that all dogs and cats handled by boarding kennels, commercial kennels, ~~hobby-kennels~~, commercial breeders, dealers, and public auctions are provided with humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling, and treatment of such animals by persons or organizations engaged in transporting, buying, or selling them and to provide that all vertebrate animals consigned to pet shops are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling, and treatment of such animals by pet shops.

Sec. 8. Section 169A.13, Code Supplement 1995, is amended to read as follows:

169A.13 FEE EACH FIFTH YEAR.

Each owner of a brand of record beginning on January 1, 1970, shall pay to the secretary a fee of five dollars and a renewal fee on January 1 of each fifth year after the payment of the five dollar fee, or on January 1 of each fifth year following the original recording of a brand recorded after June 30, 1975. The amount of the renewal fee required for January 1, 1976, and each year thereafter shall be established by rule of the secretary pursuant to chapter 17A. The amount of the fee shall be based upon the administrative costs of maintaining the brand program provided for in this chapter. The secretary shall notify every owner of a brand of record at least thirty days prior to the date of the renewal period. If the owner of a brand of record does not pay the fee by July 1 of each year in which it is due, the owner shall forfeit the brand and the brand shall no longer be recorded. A forfeited brand shall not be issued to any other person for five ~~or more~~ years following date of forfeiture.

Sec. 9. Section 229.27, subsection 1, Code 1995, is amended to read as follows:

1. Hospitalization of a person under this chapter, either voluntarily or involuntarily, does not constitute a finding of

nor equate with nor raise a presumption of incompetency, nor cause the person so hospitalized to be deemed a person of unsound mind nor a person under legal disability for any purpose including but not limited to any circumstances to which sections 6B.15, 447.7, 487.402, subsection 5, paragraph "b", sections 487.705, 597.6, 600B.21, 614.8, 614.19, 614.22, 614.24, 614.27, ~~622-67~~ and 633.244 are applicable.

Sec. 10. Section 232.88, Code Supplement 1995, is amended to read as follows:

232.88 SUMMONS, NOTICE, SUBPOENAS AND SERVICES.

After a petition has been filed the court shall issue and serve summons, notice, subpoenas, and other process in the same manner as for adjudicatory hearings in cases of juvenile delinquency as provided in section 232.37. In addition to the ~~parties~~ persons required to be provided notice under section 232.37, notice for any hearing under this division shall be provided to the agency, facility, institution, or person, including a foster parent, with whom a child has been placed for the purposes of foster care.

Sec. 11. Section 232.148, subsection 2, Code Supplement 1995, is amended to read as follows:

2. Fingerprints and photographs of a child who has been taken into custody and who is fourteen years of age or older may be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense ~~other~~ than a simple or serious misdemeanor. The criminal or juvenile justice agency shall forward the fingerprints to the department of public safety for inclusion in the automated fingerprint identification system and may also retain a copy of the fingerprint card for comparison with latent fingerprints and the identification of repeat offenders.

Sec. 12. Section 236.3, subsection 2, Code Supplement 1995, is amended to read as follows:

2. ~~if-the-petition-is-being-filed-on-behalf-of-an unemancipated-minor, the name~~ Name and address of the parent

or guardian filing the petition ~~and-the-parent's-or-guardian's address, if the petition is being filed on behalf of an unemancipated minor~~. For the purposes of this chapter, "plaintiff" includes a person filing an action on behalf of an unemancipated minor.

Sec. 13. Section 236.9, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Criminal or juvenile justice agencies, as defined in section 692.1, shall collect and maintain information on incidents involving domestic abuse and shall provide the information to the department of public safety in the manner prescribed by the department of public safety.

Sec. 14. Section 238.1, subsection 2, Code 1995, is amended by striking the subsection.

Sec. 15. Section 252I.1, subsection 2, Code 1995, is amended to read as follows:

2. "Bank" means "bank", "insured bank", ~~"private-bank"~~, and "state bank" as defined in section 524.103.

Sec. 16. Section 260D.12, Code Supplement 1995, is amended to read as follows:

260D.12 PAYMENT OF APPROPRIATION.

Payment of appropriations for distribution under this chapter or chapter 260C, or of appropriations made in lieu of such appropriations, shall be made by the department of revenue and finance in monthly installments due on or about the fifteenth day of each month of a budget year, and installments shall be as nearly equal as possible, as determined by the department of revenue and finance, taking into consideration the relative budget and cash position of the state resources.

Sec. 17. Section 294A.13, Code 1995, is amended to read as follows:

294A.13 PHASE III PROGRAM.

For the school year beginning July 1, 1987, and succeeding school years, each school district and area education agency

that meets the requirements of this section division is eligible to receive moneys for the implementation under phase III of a performance-based pay plan or supplemental pay plan, or a combination of the two.

Sec. 18. Section 303.33, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

Two years after the establishment of a district, a referendum for the termination of the district shall be held if ten percent of the eligible voters in the district so request. If the registered voters, by a majority of those voting, favor termination, ~~this Act~~ sections 303.20 through 303.32 will no longer have any effect on the property formerly included in the district.

Sec. 19. Section 321.19, subsection 2, unnumbered paragraph 3, Code Supplement 1995, is amended to read as follows:

~~Section-452A-3-and-chapter~~ Chapter 326 are is not applicable to urban transit companies or systems.

Sec. 20. Section 321.213A, Code Supplement 1995, is amended to read as follows:

321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

Upon the entering of an order at the conclusion of a dispositional hearing under section 232.50, where the child has been adjudicated to have committed a delinquent act, which would be a first or subsequent violation of section 123.46, section 123.47 involving the purchase or attempt to purchase alcoholic beverages, chapter 124, section 126.3, chapter 453B, or a second or subsequent violation of section 123.47 regarding the possession of alcoholic beverages, the clerk of the juvenile court in the dispositional hearing shall forward a copy of the adjudication and dispositional order to the department. The department shall suspend the license or operating privilege of the child for one year. The child may receive a temporary restricted license or permit as provided in section 321.215.

Sec. 21. Section 321.423, subsection 1, paragraph c, Code Supplement 1995, is amended to read as follows:

c. "Member" means a person who is a member in good standing of a fire department or a person who is an emergency medical care provider employed by an ambulance, rescue, or first responder response service.

Sec. 22. Section 321.423, subsection 4, Code Supplement 1995, is amended to read as follows:

4. EXPIRATION OF AUTHORITY. The authorization shall expire at midnight on the thirty-first day of December five years from the year in which it was issued, or when the vehicle is no longer owned by the member, or when the member has ceased to be an active member of the fire department or of an ambulance, rescue, or first responder response service, or when the member has used the blue or white light beyond the scope of its authorized use. A person issued an authorization under subsection 3, paragraph "b", shall return the authorization to the fire chief upon expiration or upon a determination by the fire chief or the department that the authorization should be revoked.

Sec. 23. Section 321.423, subsection 7, paragraphs a and b, Code Supplement 1995, are amended to read as follows:

a. On a vehicle owned or exclusively operated by an ambulance, rescue, or first responder response service.

b. On a vehicle authorized by the director of public health when all of the following apply:

(1) The vehicle is owned by a member of an ambulance, rescue, or first responder response service.

(2) The request for authorization is made by the member on forms provided by the Iowa department of public health.

(3) Necessity for authorization is demonstrated in the request.

(4) The head of an ambulance, rescue, or first responder response service certifies that the member is in good standing and recommends that the authorization be granted.

Sec. 24. Section 321.484, unnumbered paragraph 2, Code Supplement 1995, is amended to read as follows:

The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing, or parking of a vehicle, whether the provision is contained in this chapter, or chapter 321L, or an ordinance or other regulation or rule, if the owner establishes that at the time of the violation the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in chapter 321F. The furnishing to the clerk of the district court where the charge is pending of a copy of the lease prescribed by section 321F.6 that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the vehicle was in the custody of an identified person other than the owner within the meaning of this paragraph, and the charge against the owner shall be dismissed. The clerk of the district court then shall cause a uniform citation and complaint to be issued against the lessee of the vehicle, and the citation shall be served upon the defendant by ordinary mail directed to the defendant at the address shown in the ~~certificate-of-responsibility~~ lease.

Sec. 25. Section 321.492A, Code 1995, is amended to read as follows:

321.492A QUOTAS ON CITATIONS PROHIBITED.

A political subdivision or agency of the state shall not order, mandate, require, or in any other manner, directly or indirectly, suggest to a peace officer employed by the political subdivision or agency that the peace officer shall issue a certain number of traffic citations, police citations, memorandums of traffic violations, or memorandums of faulty equipment on a daily, weekly, monthly, quarterly, or yearly basis.

Sec. 26. Section 321.560, Code Supplement 1995, is amended to read as follows:

321.560 PERIOD OF REVOCATION.

A license to operate a motor vehicle in this state shall not be issued to any person declared to be a habitual offender under section 321.555, subsection 1, for a period of not less than two years nor more than six years from the date of the final decision of the department under section 17A.19 or the date on which the district court upholds the final decision of the department, whichever occurs later. However, a temporary restricted license permit may be issued to a person declared to be a habitual offender under section 321.555, subsection 1, paragraph "c", pursuant to section 321.215, subsection 2. A license to operate a motor vehicle in this state shall not be issued to any person declared to be a habitual offender under section 321.555, subsection 2, for a period of one year from the date of the final decision of the department under section 17A.19 or the date on which the district court upholds the final decision of the department, whichever occurs later. The department shall adopt rules under chapter 17A which establish a point system which shall be used to determine the period for which a person who is declared to be a habitual offender under section 321.555, subsection 1, shall not be issued a license.

Sec. 27. Section 321.561, Code Supplement 1995, is amended to read as follows:

321.561 PUNISHMENT FOR VIOLATION.

It shall be unlawful for any person found to be a habitual offender to operate any motor vehicle in this state during the period of time specified in section 321.560 except for a habitual offender who has been granted a temporary restricted license permit pursuant to section 321.215, subsection 2. A person violating this section commits an aggravated misdemeanor.

Sec. 28. Section 323.1, subsection 4, Code Supplement 1995, is amended to read as follows:

4. "Distributor" means a person distributor as defined in ~~chapter-452A~~ section 452A.2.

Sec. 29. Section 331.602, subsection 10, Code Supplement 1995, is amended to read as follows:

10. Carry out duties relating to the issuance of hunting, fishing, and trapping fur harvester licenses as provided in sections 483A.10, 483A.12, 483A.13, 483A.14, 483A.15 and 483A.22.

Sec. 30. Section 331.605, subsection 2, unnumbered paragraph 1, Code 1995, is amended to read as follows:

For issuance of hunting, fishing and trapping fur harvester licenses:

Sec. 31. Section 331.756, subsection 69, Code Supplement 1995, is amended by striking the subsection.

Sec. 32. Section 358C.13, subsection 5, Code Supplement 1995, is amended to read as follows:

5. The board of trustees shall not require or grant a franchise ~~under section 364.2~~, to any person pursuant to section 364.2, subsection 4.

Sec. 33. Section 358C.17, subsection 1, Code Supplement 1995, is amended to read as follows:

1. The board of trustees of a real estate improvement district may provide for payment of all or any portion of the costs of a public improvement specified in section 358C.4, by assessing all, or any portion of, the costs on adjacent property according to the benefits derived. For the purposes of this chapter, the board of trustees may define "adjacent property" as all that included within a designated benefited district to be fixed by the board, which may be all of the property located within the real estate improvement district or any lesser portion of that property. It is not a valid objection to a special assessment that the improvement for which the assessment is levied is outside the limits of the district, but a special assessment shall not be made upon property situated outside of the district. Special assessments pursuant to this section shall be in proportion to the special benefits conferred upon the property, and not in

excess of the benefits. The value of a property is the present fair market value of the property with the proposed public improvements completed. Payment of installments of a special assessment against property shall be made in the same manner and under the same procedures as provided in chapter 384 for special assessments by cities. Notwithstanding the provisions of section 384.62, the combined assessments against any lot for public improvements included in the petition creating the housing-development real estate improvement district or as authorized in section 358C.4 shall not exceed the valuation of that lot as established by section 384.46.

Sec. 34. Section 421.17A, subsection 1, paragraph b, Code Supplement 1995, is amended to read as follows:

b. "Bank" means "bank", "insured bank", "~~private-bank~~", and "state bank" as these are defined in section 524.103.

Sec. 35. Section 421.31, subsection 9, Code Supplement 1995, is amended to read as follows:

9. INTEREST OF THE PERMANENT SCHOOL FUND. To transfer the interest of the permanent school fund to the credit of the ~~first-in-the-nation-in-education-foundation-as-provided-in section-257B-1A~~ interest for Iowa schools fund.

Sec. 36. Section 422.45, subsection 47, Code Supplement 1995, is amended by striking the subsection.

Sec. 37. Section 422.69, subsection 3, Code 1995, is amended by striking the subsection.

Sec. 38. Section 426B.1, subsection 1, Code Supplement 1995, is amended to read as follows:

1. A property tax relief fund is created in the state treasury under the authority of the department of revenue and finance. The fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state except in determining the cash position of the state for payment of state obligations. The moneys in the fund are not subject to the provisions of section 8.33 and shall not be transferred, used, obligated, appropriated, or

otherwise encumbered except as provided in this section chapter. Moneys in the fund may be used for cash flow purposes, provided that any moneys so allocated are returned to the fund by the end of each fiscal year. However, the fund shall be considered a special account for the purposes of section 8.53, relating to elimination of any GAAP deficit. For the purposes of this chapter, unless the context otherwise requires, "property tax relief fund" means the property tax relief fund created in this section.

Sec. 39. Section 427.1, subsection 4, Code Supplement 1995, is amended to read as follows:

4. ~~FIRE EQUIPMENT COMPANY BUILDINGS AND GROUNDS. Fire engines and all implements for extinguishing fires, and the~~ publicly owned buildings and grounds used exclusively for keeping them fire engines and implements for extinguishing fires and for meetings of fire companies.

Sec. 40. Section 441.21, subsection 9, paragraph b, Code Supplement 1995, is amended to read as follows:

b. Notwithstanding paragraph "a", any construction or installation of a solar energy system on property ~~so~~ classified as agricultural, residential, commercial, or industrial property shall not increase the actual, assessed and taxable values of the property for five full assessment years.

Sec. 41. Section 444.25, subsection 4, paragraph b, subparagraph (3), Code 1995, is amended to read as follows:

(3) Need for additional moneys for health care, treatment and facilities, including mental health and mental retardation care and treatment pursuant to section 331.424, subsection 1, paragraphs "a" through "h", Code 1995.

Sec. 42. Section 450.94, subsections 6 and 7, Code 1995, are amended by striking the subsections.

Sec. 43. Section 452A.3, subsection 3, Code Supplement 1995, is amended to read as follows:

3. For the privilege of operating motor vehicles or aircraft in this state, there is imposed an excise tax on the use of special fuel in a motor vehicle or aircraft. The tax rate on special fuel for diesel engines of motor vehicles is twenty-two and one-half cents per gallon. The rate of tax on special fuel for aircraft is three cents per gallon. On all other special fuel the per gallon rate is the same as the motor fuel tax. Indelible dye meeting United States environmental protection agency and internal revenue service regulations must be added to fuel before or upon withdrawal at a terminal or refinery rack for that fuel to be exempt from tax and the dyed fuel may be used only for an exempt purpose.

Sec. 44. Section 452A.57, subsections 5 and 10, Code Supplement 1995, are amended to read as follows:

5. "Fuel taxes" means the per gallon excise taxes imposed under ~~division I~~ divisions I and III of this chapter with respect to motor fuel and undyed special fuel.

10. "Public highways" shall mean and include any way or place available to the public for purposes of vehicular travel notwithstanding that it is temporarily closed.

Sec. 45. Section 452A.71, Code Supplement 1995, is amended to read as follows:

452A.71 REFUNDS TO PERSONS OTHER THAN DISTRIBUTORS AND COMPRESSED NATURAL GAS AND LIQUEFIED PETROLEUM GAS DEALERS AND USERS.

Except as provided in section 452A.54, any person other than a person who has paid or has had charged to the person's account with a distributor, dealer, or user fuel taxes imposed under this chapter with respect to motor fuel or undyed special fuel in excess of one hundred gallons, which, while the person is the owner, is subsequently lost or destroyed, ~~while the person is the owner~~, through leakage, fire, explosion, lightning, flood, storm, or other casualty, except evaporation, shrinkage, or unknown causes, ~~the person~~ shall be entitled to a refund of the tax so paid or charged. To

qualify for the refund, the person shall notify the department of revenue and finance in writing of the loss or destruction and the gallonage lost or destroyed within ten days from the date of discovery of the loss or destruction. Within sixty days after filing the notice, the person shall file with the department of revenue and finance an affidavit sworn to by the person having immediate custody of the motor fuel or undyed special fuel at the time of the loss or destruction setting forth in full the circumstances and amount of the loss or destruction and such other information as the department of revenue and finance may require. Any refund payable under this section may be applied by the department against any tax liability outstanding on the books of the department against the claimant.

Sec. 46. Section 483A.19, Code 1995, is amended to read as follows:

483A.19 SHOWING LICENSE TO OFFICER.

Every person shall, while fishing, hunting, or trapping fur harvesting, show the person's license, certificate, or permit, to any peace officer or the owner or person in lawful control of the land or water upon which licensee may be hunting, fishing, or trapping fur harvesting when requested by said the persons to do so. Any failure to so carry or refusal to show or so exhibit the person's license, certificate or permit, shall be a violation of this chapter.

Sec. 47. Section 483A.20, Code 1995, is amended to read as follows:

483A.20 RECIPROCITY.

Licenses for bait dealers or for fishing, hunting, or trapping fur harvesting shall not be issued to residents of states that do not sell similar licenses or certificates to residents of Iowa. However, the licensing of nonresident bait dealers who sell at wholesale to licensed dealers in Iowa for resale is permitted.

Sec. 48. Section 513C.4, subsection 2, Code Supplement 1995, is amended to read as follows:

2. An affiliated carrier that is a health maintenance organization having a certificate of authority under section ~~513E.5~~ 514B.5 shall be considered to be a separate carrier for the purposes of this chapter.

Sec. 49. Section 523I.1, subsection 4, Code Supplement 1995, is amended to read as follows:

4. "Interment rights" means a right of use conveyed by contract or property ownership to inter human rights remains in a columbarium, grave, mausoleum, lawn crypt, or undeveloped space.

Sec. 50. Section 524.306, subsection 2, Code Supplement 1995, is amended to read as follows:

2. The secretary of state's acknowledgement of filing of the articles of incorporation is conclusive proof that the incorporators satisfied all conditions precedent to incorporation, except in a proceeding instituted by the superintendent to cancel or revoke the incorporation or involuntarily dissolve the corporation.

Sec. 51. Section 524.1415, subsection 1, Code Supplement 1995, is amended to read as follows:

1. The conversion is effective upon the filing of the articles of conversion with the secretary of state, or at any later date and time as specified in the articles of conversion. The certificate-of-conversion acknowledgement of filing is conclusive evidence of the performance of all conditions required by this chapter for conversion of a national bank into a state bank, except as against the state.

Sec. 52. Section 554.9401, subsection 6, Code Supplement 1995, is amended to read as follows:

6. Of each fee collected by the county recorder under sections ~~570A.47~~ 554.9403, 554.9405, and 554.9406, the county recorder shall remit five dollars, if filed on a standard form or six dollars otherwise, to the department of revenue and finance for deposit in the general fund of the state.

Sec. 53. Section 561.19, Code Supplement 1995, is amended to read as follows:

561.19 EXEMPTION IN HANDS OF ISSUE.

Where the homestead descends to the issue of either spouse the issue homestead shall be held exempt from any antecedent debts of the issue's parents or antecedent debts of the issue, except those of the owner of the homestead contracted prior to acquisition of the homestead or those created under section 249A.5 relating to the recovery of medical assistance payments.

Sec. 54. Section 566A.15, Code Supplement 1995, is amended to read as follows:

566A.15 CEMETERY FUND.

A special revenue fund is created in the state treasury, under the control of the commissioner, to be known as the insurance division cemetery fund. Commencing July 1, 1995, ~~filing-fees-received-pursuant-to-section-566A-2E-and~~ one dollar from the audit fee for each deed reported on the annual report required by section 566A.2D, executed during the preceding fiscal year, shall be deposited in the insurance division cemetery fund by the commissioner. However, if the balance of the fund on July 1 of any year exceeds two hundred thousand dollars, the allocation to the fund shall not be made, and the total sum of the fees paid pursuant to section 566A.2D shall be deposited in the general fund of the state. Notwithstanding section 8.33, moneys in the fund shall not revert to the general fund but shall remain in the cemetery fund. Moneys in the cemetery fund are appropriated to the insurance division and, subject to authorization by the commissioner, may be used to pay the expenses of that office incurred in the administration of the audit, investigative, and enforcement duties and obligations imposed under this chapter, and the expenses of receiverships established pursuant to section 566A.12.

Sec. 55. Section 602.1304, subsection 2, paragraph b, Code Supplement 1995, is amended to read as follows:

b. For each fiscal year, a judicial collection estimate for that fiscal year shall be equally and proportionally divided into a quarterly amount. The judicial collection estimate shall be calculated by using the state revenue estimating conference estimate made by December 15 pursuant to section 8.22A, subsection 3, of the total amount of fines, fees, civil penalties, costs, surcharges, and other revenues collected by judicial officers and court employees for deposit into the general fund of the state. The revenue estimating conference estimate shall be reduced by the maximum amounts allocated to the Iowa prison infrastructure fund pursuant to section 602.8108A, and the court technology and modernization fund pursuant to section 602.8108, and the remainder shall be the judicial collection estimate. In each quarter of a fiscal year, after revenues collected by judicial officers and court employees equal to that quarterly amount are deposited into the general fund of the state and after the required amount is deposited during the quarter into the Iowa prison infrastructure fund pursuant to section 602.8108A and into the court technology and modernization fund pursuant to section 602.8108, the director of revenue and finance shall deposit the remaining revenues for that quarter into the enhanced court collections fund in lieu of the general fund. However, after total deposits into the collections fund for the fiscal year are equal to the maximum deposit amount established for the collections fund, remaining revenues for that fiscal year shall be deposited into the general fund. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a lesser amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of revenue and finance shall recalculate the judicial collection estimate accordingly. If the revenue estimating conference agrees to a different

estimate at a later meeting which projects a greater amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of revenue and finance shall recalculate the judicial collection estimate accordingly but only to the extent that the greater amount is due to an increase in the fines, fees, civil penalties, costs, surcharges, or other revenues allowed by law to be collected by judicial officers and court employees.

Sec. 56. Section 692.12, Code Supplement 1995, is amended to read as follows:

692.12 DATA PROCESSING.

Nothing in this chapter shall preclude the use of the equipment and hardware of the data processing service center for the storage and retrieval of criminal history data. Files shall be stored on the computer in such a manner as that the files cannot be modified, destroyed, accessed, changed, or overlaid in any fashion by noncriminal-or-juvenile-justice agency terminals or personnel not belonging to a criminal or juvenile justice agency. That portion of any computer, electronic switch or manual terminal having access to criminal history data stored in the state computer must be under the management control of a criminal or juvenile justice agency.

Sec. 57. Section 692.21, Code Supplement 1995, is amended to read as follows:

692.21 DATA TO AGENCY MAKING ARREST OR TAKING JUVENILE INTO CUSTODY.

The clerk of the district court shall forward conviction and disposition data to the criminal or juvenile justice agency making the arrest or taking a juvenile into custody within thirty days of final court disposition of the case.

Sec. 58. Section 692A.1, subsection 2, Code Supplement 1995, is amended to read as follows:

2. "Criminal or juvenile justice agency" means an agency or department of any level of government or an entity wholly owned, financed, or controlled by one or more such agencies or

departments which performs as its principal function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal or juvenile offenders.

Sec. 59. Section 692A.10, subsection 4, Code Supplement 1995, is amended to read as follows:

4. Adopt rules under chapter 17A, as necessary, to ensure compliance with registration and verification requirements of this chapter, to provide guidelines for persons required to assist in obtaining registry information, and to provide a procedure for the dissemination of information contained in the registry. The procedure for the dissemination of information shall include, but not be limited to, practical guidelines for use by criminal or juvenile justice agencies in determining when public release of information contained in the registry is appropriate and a requirement that if a member of the general public requests information regarding a specific individual in the manner provided in section 692A.13, subsection 6, the information shall be released. The department, in developing the procedure, shall consult with associations which represent the interests of law enforcement officers. Rules adopted shall also include a procedure for removal of information from the registry upon the reversal or setting aside of a conviction of a person who is registered under this chapter.

Sec. 60. Section 692A.13, subsections 1, 3, and 5, Code Supplement 1995, are amended to read as follows:

1. The department or a sheriff may disclose information to criminal or juvenile justice agencies for law enforcement or prosecution purposes.

3. The department or a criminal or juvenile justice agency with case-specific authorization from the department may release relevant information from the registry regarding a criminal offense against a minor, sexual exploitation, or a sexually violent offense, that is necessary to protect the public concerning a specific person who is required to register under this chapter.

5. Criminal history information data contained in the registry may be released as provided in chapter 692 or used by criminal or juvenile justice agencies as an index for purposes of locating a relevant conviction record.

Sec. 61. Section 692A.15, Code Supplement 1995, is amended to read as follows:

692A.15 IMMUNITY FOR GOOD FAITH CONDUCT.

Criminal or juvenile justice agencies, officials, and employees of criminal or juvenile justice agencies and state agencies and their employees shall be immune from liability for acts or omissions arising from a good faith effort to comply with this chapter.

Sec. 62. Section 708.3A, Code Supplement 1995, is amended to read as follows:

708.3A ASSAULTS ON PEACE OFFICERS, FIRE FIGHTERS, AND EMERGENCY CARE PROVIDERS.

1. A person who commits an assault, as defined in section 708.1, against a peace officer, ~~basic-emergency-medical-care provider-under-chapter-1477-an-advanced~~ emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, with the knowledge that the person against whom the assault is committed is a peace officer, ~~basic-emergency medical-care-provider-under-chapter-1477-an-advanced~~ emergency medical care provider under chapter 147A, or fire fighter and the intent to inflict a serious injury upon the peace officer, ~~basic-emergency-medical-care-provider-under-chapter-1477-an-advanced~~ emergency medical care provider under chapter 147A, or fire fighter, is guilty of a class "D" felony.

2. A person who commits an assault, as defined in section 708.1, against a peace officer, ~~basic-emergency-medical-care provider-under-chapter-1477-an-advanced~~ emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, who knows that the person against whom the assault is committed is a peace officer, ~~basic-emergency-medical-care provider-under-chapter-1477-an-advanced~~ emergency medical care

provider under chapter 147A, or fire fighter and who uses or displays a dangerous weapon in connection with the assault, is guilty of a class "D" felony.

3. A person who commits an assault, as defined in section 708.1, against a peace officer, ~~basic-emergency-medical-care provider-under-chapter-1477-an-advanced~~ emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, who knows that the person against whom the assault is committed is a peace officer, ~~basic-emergency-medical-care provider-under-chapter-1477-an-advanced~~ emergency medical care provider under chapter 147A, or fire fighter, and who causes bodily injury or disabling mental illness, is guilty of an aggravated misdemeanor.

4. Any other assault, as defined in section 708.1, committed against a peace officer, ~~basic-emergency-medical care-provider-under-chapter-1477-an-advanced~~ emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, by a person who knows that the person against whom the assault is committed is a peace officer, ~~basic-emergency-medical-care-provider-under-chapter-1477-an-advanced~~ emergency medical care provider under chapter 147A, or fire fighter, is a serious misdemeanor.

Sec. 63. Section 719.1, subsection 1, Code Supplement 1995, is amended to read as follows:

1. A person who knowingly resists or obstructs anyone known by the person to be a peace officer, ~~basic-emergency medical-care-provider-under-chapter-1477-an-advanced~~ emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, ~~basic-emergency-medical-care-provider-under-chapter-1477-an-advanced~~ emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of

any court, commits a serious misdemeanor. However, if a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts bodily injury other than serious injury, that person commits an aggravated misdemeanor. If a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts or attempts to inflict serious injury, or displays a dangerous weapon, as defined in section 702.7, or is armed with a firearm, that person commits a class "D" felony.

Sec. 64. Section 727.11, subsection 2, paragraph a, Code 1995, is amended to read as follows:

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

Sec. 65. Section 805.5, Code Supplement 1995, is amended to read as follows:

805.5 FAILURE TO APPEAR.

Any person who willfully fails to appear in court as specified by the citation shall be guilty of a simple misdemeanor. Where a defendant fails to make a required court appearance, the court shall issue an arrest warrant for the offense of failure to appear, and shall forward the warrant and the original or electronically produced citation to the clerk. The clerk shall enter a transfer to the issuing agency on the docket, and shall return the warrant with the original or electronically produced citation attached to the law enforcement agency which issued the ~~original or electronically produced~~ citation for enforcement of the warrant. Upon arrest of the defendant, the warrant and the original or electronically produced citation shall be returned to the court, and the offenses shall be heard and disposed of simultaneously.

Sec. 66. Section 909.10, subsection 2, Code 1995, is amended to read as follows:

2. Notwithstanding the disposition sections of sections 602.8106 and ~~911-3~~ 602.8108, subsection 3, upon the collection of delinquent amounts, the clerks of the district court shall remit the delinquent amounts to the treasurer of state for deposit into the revolving fund established pursuant to section 602.1302, to be used for the payment of jury and witness fees and mileage.

Sec. 67. Section 910A.9A, subsection 1, Code Supplement 1995, is amended to read as follows:

1. The date on which the juvenile or sexually violent predator is expected to be temporarily released from the custody of the department of human services, and whether the juvenile or sexually violent predator is expected to return to the community where the registered victim resides.

Sec. 68. AMENDMENTS CHANGING TERMINOLOGY REGARDING PODIATRIC PHYSICIANS. Sections 135B.7, 148.2, 148A.3, 149.2, 150.3, 150A.2, 157.2, 158.2, 455B.333, 514.1, 514.5, 514.8, and 514.17, Code 1995, are amended by striking from the sections the word "podiatrists" and inserting in lieu thereof the words "podiatric physicians".

Sec. 69. 1995 Iowa Acts, chapter 215, section 34, is amended to read as follows:

SEC. 34. EFFECTIVE DATE. Sections 3 through 10, sections 17 through 25, ~~sections section 27, and-28~~ section 29, subsection 2, and sections 30, 31, and 33, being deemed of immediate importance, take effect upon enactment. Sections 1 and 2, sections 11 through 14, and section 29, subsection 1, are effective July 1, 1995. Section 28 is effective January 1, 1996. Sections 15 and 26 of this Act, being deemed of immediate importance, take effect upon enactment.

Sec. 70. REPEALS.

1. Sections 260C.24 and 303.18, Code Supplement 1995, are repealed.

2. Sections 422.47A, 422.47B, and 422.47C, Code 1995, are repealed.

Sec. 71. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
Section 69 of this Act, amending 1995 Iowa Acts, chapter 215, section 34, being deemed of immediate importance, takes effect upon enactment and applies retroactively to May 24, 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 2080, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 2, 1996

TERRY E. BRANSTAD
Governor

SF 2080