

Reprinted

SENATE FILE 87
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 34)

Passed Senate, ^(p. 305) Date 2/9/95 Passed House, Date 4-13-95
Vote: Ayes 50 Nays 0 Vote: Ayes 97 Nays 0
Approved April 25, 1995

A BILL FOR

1 An Act relating to nonsubstantive Code corrections, and providing
2 effective and applicability date provisions.

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

4

5

SENATE FILE 87

S-3030

- 1 Amend Senate File 87 as follows:
- 2 1. By striking page 3, line 11 through page 4,
- 3 line 4.
- 4 2. Page 12, by striking lines 23 through 26 and
- 5 inserting the following: "traffic volume conditions
- 6 or the vehicle subject to the permit has an overall
- 7 length not to exceed one hundred feet, an overall
- 8 width not to exceed eleven feet, and an overall height
- 9 not to exceed fourteen feet, four inches, ~~and the~~
- 10 permit".
- 11 3. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
RANDAL GIANNETTO, Chairperson

(p. 304) *Adopted 2/9/95*

S-3030 FILED FEBRUARY 2, 1995

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S.F. 87

1 Section 1. Section 2B.13, subsection 4, Code 1995, is
2 amended to read as follows:

3 4. The Iowa Code editor shall seek direction from the
4 senate committee on judiciary and the house committee on
5 judiciary ~~and-law-enforcement~~ when making Iowa Code or Code
6 Supplement changes, and the administrative code editor shall
7 seek direction from the administrative rules review committee
8 and the administrative rules coordinator when making Iowa
9 administrative code changes, which appear to require
10 substantial editing and which might otherwise be interpreted
11 to exceed the scope of the authority granted in this section.

12 Sec. 2. Section 10A.104, subsection 8, Code 1995, is
13 amended to read as follows:

14 8. Establish by rule standards and procedures for
15 certifying that targeted small businesses are eligible to
16 participate in the procurement set-aside program ~~and-that~~
17 ~~small-businesses-are-eligible-to-participate-in-the~~
18 ~~construction-procurement-set-aside-program~~ established in
19 sections 73.15 through 73.21. The procedure for determination
20 of eligibility shall not include self-certification by a
21 business. Rules and guidelines adopted pursuant to this
22 subsection are subject to review and approval by the director
23 of the department of management. The director shall maintain
24 a current directory of targeted small businesses which have
25 been certified pursuant to this subsection.

26 Sec. 3. Section 13B.8, subsection 1, unnumbered paragraph
27 2, Code 1995, is amended to read as follows:

28 Before establishing or abolishing a local public defender
29 office, the state public defender shall provide a written
30 report detailing the reasons for the action to be taken to the
31 regulation appropriations subcommittee, the chairperson, vice
32 chairperson, and ranking member of the senate committee on
33 judiciary and committee on appropriations, and the
34 chairperson, vice chairperson, and ranking member of the house
35 of representatives committee on judiciary ~~and-law-enforcement~~

1 and committee on appropriations. The report shall contain a
2 statement of the estimated fiscal impact of the action taken.
3 Any action taken in establishing or abolishing a local public
4 defender office shall only take effect upon the approval of
5 the general assembly. If the state public defender proposes
6 to abolish a local public defender office prior to the
7 beginning of any regular session of the general assembly and
8 the general assembly takes no action regarding that proposal
9 during the first ninety days of the first regular session
10 occurring after the proposal is made, the office shall be
11 abolished.

12 Sec. 4. Section 15.308, subsection 2, paragraph h, Code
13 1995, is amended to read as follows:

14 h. ~~Establish-a~~ The new jobs and income program.

15 Sec. 5. Section 15E.120, subsection 5, Code 1995, is
16 amended to read as follows:

17 5. Loan repayments received by the Iowa department of
18 economic development shall be deposited into a special account
19 to be used at its discretion as matching funds to attract
20 financial assistance from and to participate in programs with
21 national rural development and finance corporations or as
22 provided in subsection 6. Funds in this special account shall
23 not revert to the state general fund at the end of any fiscal
24 year. If the programs for which the funds in the special
25 account are to be used are terminated or expire, the funds in
26 the special account and funds that would be repaid, if any, to
27 the special account shall be transferred or repaid to the
28 community economic betterment account of the Iowa-plan-fund
29 ~~for-economic-development-as-established-in-section-99E-31~~
30 strategic investment fund established in section 15.313.

31 Sec. 6. Section 35A.2, subsection 1, Code 1995, is amended
32 to read as follows:

33 1. A commission of veterans affairs is created consisting
34 of seven persons who shall be appointed by the governor,
35 subject to confirmation by the senate. Members shall be

1 appointed to staggered terms of four years beginning and
2 ending as provided in section 69.19. The governor shall fill
3 a vacancy for the unexpired portion of the term.

4 Sec. 7. Section 48A.14, subsection 3, Code 1995, is
5 amended to read as follows:

6 3. A challenge shall contain a statement signed by the
7 challenger in substantially the following form: "I swear or
8 affirm that information contained on this challenge is true.
9 I understand that knowingly filing a challenge containing
10 false information is ~~a-serious~~ an aggravated misdemeanor."

11 Sec. 8. Section 50.16, unnumbered paragraph 2, Code 1995,
12 is amended to read as follows:

13 At an election at in township, or in
14 precinct of city or township, in county, state of
15 Iowa, on the ... day of, ~~A-B~~ .., there were .. ballots
16 cast for the office of of which

17 A B had .. votes.
18 C D had .. votes.

19 (and in the same manner for any other officer).

20 A true tally list:

21 L M Election Board
22 N O Members.
23 P Q

24 Attest:

25 R S Designated
26 T U Tally Keepers.

27 Sec. 9. Section 50.29, unnumbered paragraph 2, Code 1995,
28 is amended to read as follows:

29 At an election held in said county on the .. day of,
30 ~~A-B~~ .. A B was elected to the office of for
31 the term of .. years from the .. day of, ~~A-B~~ .. (or if
32 elected to fill a vacancy, for the residue of the term ending
33 on the .. day of, ~~A-B~~ ..), and until a successor is
34 elected and qualified.

35 C..... D.....,

1 President of Board of Canvassers.

2 Witness, E..... F.....,

3 County Commissioner of Elections

4 (clerk)

5 Sec. 10. Section 53.37, subsection 5, Code 1995, is
6 amended to read as follows:

7 5. Citizens of the United States who do not fall under any
8 of the categories described in subsections 1 to 4, but who are
9 entitled to register and vote pursuant to section ~~47-47~~
10 ~~subsection-3~~ 48A.5, subsection 4.

11 Sec. 11. Section 53.39, Code 1995, is amended to read as
12 follows:

13 53.39 REQUEST FOR BALLOT -- WHEN AVAILABLE.

14 Section 53.2 does not apply in the case of a registered
15 qualified voter of the state of Iowa serving in the armed
16 forces of the United States. In any such case an application
17 for ballot as provided for in that section is not required and
18 an absent voter's ballot shall be sent or made available to
19 any such registered qualified voter upon a request as provided
20 in this division.

21 All official ballots to be voted by qualified absent voters
22 in the armed forces of the United States at the primary
23 election and the general election shall be printed prior to
24 forty days before the respective elections and shall be
25 available for transmittal to such registered qualified voters
26 in the armed forces of the United States at least forty days
27 before the respective elections. The provisions of this
28 chapter apply to absent voting by qualified voters in the
29 armed forces of the United States except as modified by the
30 provisions of this division.

31 Sec. 12. Section 56.14, Code 1995, is amended to read as
32 follows:

33 56.14 POLITICAL ADVERTISEMENTS -- YARD SIGNS.

34 1. A person who causes the publication or distribution of
35 published material designed to promote or defeat the

1 nomination or election of a candidate for public office or the
2 passage of a constitutional amendment or public measure shall
3 include conspicuously on the published material the identity
4 and address of the person responsible for the material. If
5 the person responsible is an organization, the name of one
6 officer of the organization shall appear on the material.
7 However, if the organization is a committee which has filed a
8 statement of organization under this chapter, only the name of
9 the committee is required to be included on the published
10 material. This ~~section~~ subsection does not apply to the
11 editorials or news articles of a newspaper or magazine which
12 are not political advertisements. For the purpose of this
13 ~~section~~ subsection, "published material" means any newspaper,
14 magazine, shopper, outdoor advertising facility, poster,
15 direct mailing, brochure, or any other form of printed general
16 public political advertising; however, the identification need
17 not be conspicuous on posters. This ~~section~~ subsection does
18 not apply to yard signs, bumper stickers, pins, buttons, pens,
19 matchbooks, and similar small items upon which the inclusion
20 of the disclaimer would be impracticable or to published
21 material which is subject to federal regulations regarding a
22 disclaimer requirement.

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

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

13 Sec. 13. Section 135.107, subsection 1, unnumbered
14 paragraph 2, Code 1995, is amended to read as follows:

15 The advisory committee shall regularly meet with the
16 administrative head of the center as well as the director of
17 the center for agricultural health and safety established
18 under section 262.78. The head of the ~~office~~ center and the
19 director of the center for agricultural health and safety
20 shall consult with the advisory committee and provide the
21 committee with relevant information regarding their agencies.

22 Sec. 14. Section 135C.2, subsection 5, paragraph g, Code
23 1995, is amended to read as follows:

24 g. The facilities licensed under this subsection shall be
25 eligible for funding utilized by other licensed residential
26 care facilities for the mentally retarded, or licensed
27 residential care facilities for the mentally ill, including
28 but not limited to funding under or from the federal social
29 services block grant, the state supplementary assistance
30 program, state mental health and ~~mental-retardation~~
31 developmental disabilities services funds, and county funding
32 provisions.

33 Sec. 15. Section 144.12A, subsection 5, paragraph c, Code
34 1995, is amended to read as follows:

35 c. Revocation ~~shall-be-deemed-a-nullity~~ nullifies the

1 registration and the information provided by the registrant
2 shall be expunged.

3 Sec. 16. Section 163.47, Code 1995, is amended to read as
4 follows:

5 163.47 EXEMPTIONS.

6 The provisions of this division shall not apply to 4-H or
7 Future Farmers of America organizations engaged in breeding
8 programs, ~~the sale of semen collected before January 17, 1978.~~

9 Sec. 17. Section 192.124, Code 1995, is amended to read as
10 follows:

11 192.124 RETENTION OF MARKED CONTAINER.

12 No A person shall not, without the consent of the owner,
13 retain for a longer period than three days a container bearing
14 a registered mark, and any person receiving such a container
15 shall immediately return it to the owner by a common carrier.
16 A receipt from a common carrier ~~shall be prima facie~~ is prima
17 facie evidence that such the container was returned.

18 ~~Notwithstanding section 189.217, a person retaining a~~
19 ~~container used for the handling of dairy products intended for~~
20 ~~sale as provided in this section, which bears a mark~~
21 ~~registered pursuant to section 192.123, shall not be subject~~
22 ~~to any penalty provided by law, if the person returns the~~
23 ~~container to its owner on or after April 14, 1992, but before~~
24 ~~August 17, 1992.~~

25 Sec. 18. Section 232.44, subsection 7, Code 1995, is
26 amended to read as follows:

27 7. If a child held in shelter care or detention by court
28 order has not been released after a detention hearing or has
29 not appeared at an adjudicatory hearing before the expiration
30 of the order of detention, an additional hearing shall
31 automatically be scheduled for the next court day following
32 the expiration of the order. The child, the child's counsel,
33 the child's guardian ad litem, and the child's parent,
34 guardian or custodian shall be notified of this hearing not
35 less than twenty-four hours before the hearing is scheduled to

1 take place. The hearing required by this ~~section~~ subsection
2 may be held by telephone conference call.

3 Sec. 19. Section 232.102, subsection 3, Code 1995, is
4 amended to read as follows:

5 3. After a dispositional hearing and upon written findings
6 of fact based upon evidence in the record that an alternative
7 placement set forth in subsection 1, paragraph "b" has
8 previously been made and is not appropriate the court may
9 enter an order transferring the guardianship of the ~~court~~
10 child for the purposes of subsection 8, to the director of
11 human services for the purposes of placement in the Iowa
12 juvenile home at Toledo.

13 Sec. 20. Section 232.148, subsection 5, Code 1995, is
14 amended to read as follows:

15 5. Fingerprints and photographs of a child shall be
16 removed from the file and destroyed upon notification by the
17 child's guardian ad litem or legal counsel to the department
18 of public safety that ~~any~~ either of the following situations
19 apply:

20 a. A petition alleging the child to be delinquent is not
21 filed and the child has not entered into an informal
22 adjustment, admitting involvement in a delinquent act alleged
23 in the complaint.

24 b. After a petition is filed, the petition is dismissed or
25 the proceedings are suspended and the child has not entered
26 into a consent decree and has not been adjudicated delinquent
27 on the basis of a delinquent act other than one alleged in the
28 petition in question.

29 ~~e--~~ Upon Fingerprints and photographs of a child shall also
30 be removed from the file and destroyed upon petition by the
31 child when the child reaches twenty-one years of age and the
32 child has not been adjudicated a delinquent nor convicted of
33 committing an aggravated misdemeanor or a felony after
34 reaching sixteen years of age.

35 Sec. 21. Section 252A.6A, subsection 2, paragraph a, Code

1 1995, is amended to read as follows:

2 a. (1) If the prior determination of paternity is based
3 on an affidavit of paternity filed pursuant to section
4 252A.3A, or an administrative order entered pursuant to
5 chapter 252F, or an order by the courts of this state, or by
6 operation of law when the mother and established father are or
7 were married to each other, the provisions of section ~~600B.41~~
8 600B.41A are applicable.

9 (2) If the court determines that the prior determination
10 of paternity should not be overcome, pursuant to section
11 ~~600B.41~~ 600B.41A, and that the respondent has a duty to
12 provide support, the court shall enter an order establishing
13 the monthly child support payment and the amount of the
14 support debt accrued and accruing pursuant to section 598.21,
15 subsection 4, or medical support pursuant to chapter 252E, or
16 both.

17 Sec. 22. Section 252C.4, subsection 7, paragraph a, Code
18 1995, is amended to read as follows:

19 a. (1) If the prior determination of paternity is based
20 on an affidavit of paternity filed pursuant to section
21 252A.3A, or an administrative order entered pursuant to
22 chapter 252F, or an order by the courts of this state, or by
23 operation of law when the mother and established father are or
24 were married to each other, the provisions of section ~~600B.41~~
25 600B.41A are applicable.

26 (2) If the court determines that the prior determination
27 of paternity should not be overcome pursuant to section
28 ~~600B.41~~ 600B.41A, and that the responsible person has a duty
29 to provide support, the court shall enter an order
30 establishing the monthly child support payment and the amount
31 of the support debt accrued and accruing pursuant to section
32 598.21, subsection 4, or medical support pursuant to chapter
33 252E, or both.

34 Sec. 23. Section 256.33, unnumbered paragraph 1, Code
35 1995, is amended to read as follows:

1 The department shall consort with school districts, area
2 education agencies, community colleges, and colleges and
3 universities to provide assistance to them in the use of
4 educational technology for instruction purposes. The
5 department shall consult with ~~the advisory committee on the~~
6 ~~operation of the narrowcast system, established in section~~
7 ~~256.82,~~ the advisory committee on telecommunications,
8 established in section 256.7, subsection 7, and other users of
9 educational technology on the development and operation of
10 programs under this section.

11 Sec. 24. Section 261B.6, Code 1995, is amended to read as
12 follows:

13 261B.6 LIST OF SCHOOLS.

14 The secretary shall maintain a list of registered schools
15 and the list and the information submitted under sections
16 261B.3 and 261B.4 are public records under chapter ~~21~~ 22.

17 Sec. 25. Section 294.10A, subsection 1, Code 1995, is
18 amended to read as follows:

19 1. Notwithstanding section 294.9 or other provisions of
20 this chapter, beginning January 1, following the submission by
21 ~~the~~ a board of trustees of an application to the federal
22 internal revenue service requesting qualification of a plan in
23 accordance with the requirements of the Internal Revenue Code,
24 as defined in section 422.3, teacher assessments required
25 under section 294.9 which are picked up by ~~the~~ an employing
26 school district shall be considered employer contributions for
27 federal income tax purposes, and each employing school
28 district establishing a pension and annuity retirement system
29 pursuant to this chapter shall pick up the teacher assessments
30 to be made under section 294.9 by its employees commencing the
31 January 1 following an application for qualification. Each
32 employing school district shall pick up these teacher
33 assessments by reducing the salary of each of the teachers
34 covered by this chapter by the amount which each teacher is
35 required to contribute through assessments under section 294.9

1 and shall pay to the board of trustees the amount picked up in
2 lieu of the teacher assessments for recording and deposit in
3 the fund.

4 Sec. 26. Section 298.9, Code 1995, is amended to read as
5 follows:

6 298.9 SPECIAL LEVIES.

7 If the voter-approved physical plant and equipment levy,
8 consisting solely of a physical plant and equipment property
9 tax levy, is voted at a special election and certified to the
10 board of supervisors after the regular levy is made, the board
11 shall at its next regular meeting levy the tax and cause it to
12 be entered upon the tax list to be collected as other school
13 taxes. If the certification is filed prior to April 1, the
14 annual levy shall begin with the tax levy of the year of
15 filing. If the certification is filed after April 1 in a
16 year, the levy shall begin with the levy of the fiscal year
17 succeeding the year of the filing of the certification.

18 Sec. 27. Section 298A.11, Code 1995, is amended to read as
19 follows:

20 298A.11 SCHOOL NUTRITION FUND.

21 A school nutrition fund is an enterprise fund. A school
22 nutrition fund must be established in any school corporation
23 receiving moneys from the school ~~lunch~~ meal program authorized
24 under chapter 283A.

25 Sec. 28. Section 321.189, subsection 7, paragraphs a and
26 b, Code 1995, are amended to read as follows:

27 a. An operator who has been issued a class M license prior
28 to ~~July 1, 1994~~ May 1, 1995.

29 b. An operator who is renewing the operator's class M
30 license issued prior to ~~July 1, 1994~~ May 1, 1995.

31 Sec. 29. Section 321.454, Code 1995, is amended to read as
32 follows:

33 321.454 WIDTH OF VEHICLES.

34 The total outside width of any vehicle or the load on the
35 vehicle shall not exceed eight feet except that a motor home,

1 commercial motor vehicle, motor truck or trailer hauling grain
2 or livestock, travel trailer, fifth-wheel travel trailer, or
3 bus having a total outside width not exceeding eight feet six
4 inches, exclusive of safety equipment, is exempt from the
5 permit requirements of chapter 321E and may be operated on the
6 public highways of the state. However, if hay, straw or
7 stover moved on any implement of husbandry and the total width
8 of load of the implement of husbandry exceeds eight feet in
9 width, the implement of husbandry is not subject to the permit
10 requirements of chapter 321E. If hay, straw or stover is
11 moved on any other vehicle subject to registration, the moves
12 are subject to the permit requirements for transporting loads
13 exceeding eight feet in width as required under chapter 321E.
14 ~~The vehicle width limitations imposed by this subsection only~~
15 ~~apply to the public highways of the state not subject to the~~
16 ~~width limitations imposed under subsection 2.~~

17 Sec. 30. Section 321E.11, unnumbered paragraph 1, Code
18 1995, is amended to read as follows:

19 Movements by permit in accordance with this chapter shall
20 be permitted only during the hours from sunrise to sunset
21 unless the issuing authority determines that the movement can
22 be better accomplished at another period of time because of
23 traffic volume conditions ~~or the vehicle subject to the permit~~
24 ~~has an overall length not to exceed one hundred feet, an~~
25 ~~overall width not to exceed eleven feet, and an overall height~~
26 ~~not to exceed fourteen feet, four inches, and the permit~~
27 ~~requires the vehicle to operate only on the designated highway~~
28 system. Additional safety lighting and escorts may be
29 required for movement at night.

30 Sec. 31. Section 331.507, subsection 3, Code 1995, is
31 amended to read as follows:

32 3. The auditor shall collect or receive the following
33 fees:

34 a. --The bee entry fee collected from nonresidents importing
35 bees by the state apiarist as provided under section 160.16.

1 Sec. 32. Section 331.653, subsection 53, Code 1995, is
2 amended to read as follows:

3 53. Carry out duties relating to the disposition of lost
4 property as provided in chapter 644 556F.

5 Sec. 33. Section 357G.4, Code 1995, is amended to read as
6 follows:

7 357G.4 TIME OF HEARING.

8 The public hearing required in section 357G.2 shall be held
9 within thirty days of the presentation of the petition.

10 Notice of hearing shall be given by publication in two
11 successive issues of any paper newspaper of general
12 circulation within the district. The last publication shall
13 be not less than one week before the proposed hearing.

14 Sec. 34. Section 384.84, subsection 6, paragraph a,
15 subparagraph (5), Code 1995, is amended to read as follows:

16 (5) Contract for a period not to exceed forty years with
17 persons and other governmental bodies for the purpose purchase
18 or sale of water, gas, or electric power and energy on a
19 wholesale basis.

20 Sec. 35. Section 427A.1, subsection 1, unnumbered
21 paragraph 1, Code 1995, is amended to read as follows:

22 ~~All-tangible-property-except-that-which-is-assessed-and~~
23 ~~taxed-as-real-property-is-subject-to-the-personal-property-tax~~
24 ~~credits-provided-in-this-chapter, unless the property is~~
25 ~~taxed, licensed, or exempt from taxation under other~~
26 ~~provisions of law.~~ For the purposes of property taxation
27 only, the following shall be assessed and taxed, unless
28 otherwise qualified for exemption, as real property:

29 Sec. 36. NEW SECTION. 427A.2 PERSONAL PROPERTY NOT
30 SUBJECT TO PROPERTY TAX.

31 Personal property shall not be listed or assessed for
32 taxation and is not subject to the property tax.

33 Sec. 37. Section 447.9, unnumbered paragraph 2, Code 1995,
34 is amended to read as follows:

35 Service of the notice shall also be made by mail on any

1 mortgagee having a lien upon the parcel, a vendor of the
2 parcel under a recorded contract of sale, a lessor who has a
3 recorded lease or recorded memorandum of a recorded lease, and
4 any other person who has an interest of record, at the
5 person's last known address,--and-on-the-state-of-iowa-in-case
6 of-an-old-age-assistance-lien-by-service-upon-the-state
7 department-of-human-services. The notice shall also be served
8 on any city where the parcel is situated. Only those persons
9 who are required to be sent the notice of expiration as
10 provided in this section are eligible to redeem a parcel from
11 tax sale.

12 Sec. 38. Section 502.207A, subsection 5, Code 1995, is
13 amended to read as follows:

14 5. In connection with an offering registered under this
15 section, a person may be registered as an agent of the issuer
16 under section 502.301 by the filing of an application by the
17 issuer with the administrator for the registration of the
18 person as an agent of the issuer and the paying of a fee of
19 ten dollars. Notwithstanding any other provision of this
20 chapter, the registration of the agent shall be effective
21 until withdrawn by the issuer or until the securities
22 registered pursuant to the registration statement have all
23 been sold, whichever occurs first. The registration of an
24 agent shall become effective when ordered by the administrator
25 or on the fifth business day after the agent's application has
26 been filed with the administrator, whichever occurs first, and
27 the administrator shall not impose further conditions upon the
28 registration of the agent. However, the administrator may
29 deny, revoke, suspend, or withdraw the registration of the
30 agent at any time as provided in section 502.304.

31 ~~Notwithstanding-section-502-302,-subsection-5,-for~~ For the
32 purposes of registration of agents under this section, the
33 issuer and agent are not required to post bond. An agent
34 registered solely pursuant to this section is entitled to sell
35 only securities registered under this section.

1 Sec. 39. Section 508.36, subsection 8, paragraph a, Code
2 1995, is amended to read as follows:

3 a. A company's aggregate reserves for all life insurance
4 policies, excluding disability and accidental death benefits,
5 issued on or after the operative date of section 508.37, shall
6 not be less than the aggregate reserves calculated in
7 accordance with the methods set forth in subsections 6, 7, 10,
8 and 11, and the mortality table or tables and rate or rates of
9 interest used in calculating nonforfeiture benefits for such
10 policies.

11 Sec. 40. Section 515C.1, Code 1995, is amended to read as
12 follows:

13 515C.1 DEFINITION.

14 "Mortgage guaranty insurance" means insurance against
15 financial loss by reason of nonpayment of principal, interest
16 and other sums agreed to be paid under the terms of any note
17 or bond or other evidence of indebtedness secured by a
18 mortgage, deed ~~or~~ of trust or other instrument constituting a
19 lien or charge on real estate or on an owner-occupied mobile
20 home.

21 Sec. 41. Section 548.101, subsection 9, Code 1995, is
22 amended to read as follows:

23 9. "Trademark" means a word, name, symbol, or device or
24 any combination of a word, name, symbol, or device, used by a
25 person to identify and distinguish the goods of that person,
26 including a unique product, from ~~products~~ those manufactured
27 and sold by others, and to indicate the source of the goods,
28 even if that source is unknown.

29 Sec. 42. Section 548.101, subsection 11, paragraph a, Code
30 1995, is amended to read as follows:

31 a. On goods sold or transported in commerce in this state
32 when the mark is placed in any manner on the goods or
33 containers or associated displays, or on affixed tags or
34 labels, ~~in this state~~ or if the nature of the goods makes the
35 placement on the goods or containers impracticable, on

1 documents associated with the goods or their sale.

2 Sec. 43. Section 548.102, subsection 5, unnumbered
3 paragraph 2, Code 1995, is amended to read as follows:

4 This subsection 5 does not prevent the registration of a
5 mark used by the applicant which has become distinctive of the
6 applicant's goods or services. The secretary may accept as
7 evidence that the mark has become distinctive, as used on or
8 in connection with the applicant's goods or services, proof of
9 continuous use thereof as a mark by the applicant in this
10 state for the five years before the date on which the claim
11 for distinctiveness is made.

12 Sec. 44. Section 554.3102, subsections 1 and 2, Code 1995,
13 are amended to read as follows:

14 1. This Article applies to negotiable instruments. It
15 does not apply to money, to payment orders governed by Article
16 8 12, or to securities governed by Article ~~12~~ 8.

17 2. If there is conflict between this Article and Article 4
18 or 9 or-12, Articles 4 and 9 and-12 govern.

19 Sec. 45. Section 554.4104, subsection 3, Code 1995, is
20 amended to read as follows:

21 3. The following definitions in other Articles apply to
22 this Article:

23	"Acceptance"	Section 554.3409
24	"Alteration"	Section 554.3407
25	"Cashier's check"	Section 554.3104
26	"Certificate of deposit"	Section 554.3104
27	"Certified check"	Section 554.3409
28	"Check"	Section 554.3104
29	"Draft"-----	Section 554.3104
30	"Good faith"	Section 554.3103
31	"Holder in due course"	Section 554.3302
32	"Instrument"	Section 554.3104
33	"Notice of dishonor"	Section 554.3503
34	"Order"	Section 554.3103
35	"Ordinary care"	Section 554.3103

- 1 "Person entitled to enforce" Section 554.3301
- 2 "Presentment" Section 554.3501
- 3 "Promise" Section 554.3103
- 4 "Prove" Section 554.3103
- 5 "Teller's check" Section 554.3104
- 6 "Unauthorized signature" Section 554.3403

7 Sec. 46. Section 554.4212, subsection 2, Code 1995, is
8 amended to read as follows:

9 2. If presentment is made by notice and payment,
10 acceptance, or request for compliance with a requirement under
11 section 554.3501 is not received by the close of business on
12 the day after maturity or, in the case of demand items, by the
13 close of business on the third banking day after notice was
14 sent, the presenting bank may treat the item as dishonored and
15 charge any drawer or endorser by sending it notice of the
16 facts.

17 Sec. 47. Section 554.4215, subsection 6, Code 1995, is
18 amended to read as follows:

19 6. Subject to applicable law stating a time for
20 availability of funds and any right of a bank to apply a
21 deposit ~~of money~~ to an obligation of the customer depositor,
22 the a deposit of money becomes available for withdrawal as of
23 right at the opening of the bank's next banking day after
24 receipt of the deposit.

25 Sec. 48. Section 554.4401, subsection 1, Code 1995, is
26 amended to read as follows:

27 1. A bank may charge against the ~~customer's~~ account of a
28 customer an item that is properly payable from that account
29 even though the charge creates an overdraft. An item is
30 properly payable if it is authorized by the customer and is in
31 accordance with any agreement between the customer and bank.

32 Sec. 49. Section 602.8102, subsection 110, Code 1995, is
33 amended to read as follows:

34 110. Carry out duties relating to the disposition of lost
35 property as provided in chapter 644 556F.

1 Sec. 50. Section 633.703B, Code 1995, is amended to read
2 as follows:

3 633.703B AVAILABILITY OF AMENDMENT PROCEDURES.

4 Amendment procedures in ~~this chapter~~ section 633.703A and
5 this section shall be available to trusts created in any
6 manner, whether by trust agreement, will, deed, or otherwise,
7 and may be used on or after July 1, 1994, for any trust
8 created before or after that date.

9 Sec. 51. Section 709B.3, subsection 14, Code 1995, is
10 amended to read as follows:

11 14. In addition to persons to whom disclosure of the
12 results of a convicted offender's HIV-related test results is
13 authorized under this chapter, the victim may also disclose
14 the results to the victim's spouse, persons with whom the
15 victim has engaged in vaginal, anal, or oral intercourse
16 subsequent to the sexual assault, or members of the victim's
17 family within the fourth third degree of consanguinity.

18 Sec. 52. 1994 Iowa Acts, chapter 1119, section 36, is
19 amended to read as follows:

20 SEC. 36. ELIMINATION OF FUNDING SOURCE -- DIRECTIONS TO
21 CODE EDITOR.

22 1. Section 423.24, subsection 1, paragraph b, Code
23 Supplement 1993, as amended by 1994 Iowa Acts, chapter 1119,
24 section 29, is amended by striking the paragraph.

25 2. No moneys shall be deposited into the value-added
26 agricultural products and processes financial assistance fund
27 or the renewable fuels and coproducts fund, pursuant to
28 section 423.24, as provided in this Act, after June 30, 2000.

29 3. Notwithstanding this section, restrictions upon the
30 amount of money used to support administrative expenses by the
31 department of economic development and the office of renewable
32 fuels and coproducts shall continue to apply to moneys
33 deposited in the value-added agricultural products and
34 processes financial assistance fund and the renewable fuels
35 and coproducts fund, pursuant to section 423.24, as provided

1 in this Act, after June 30, 2000.

2 4. a. Any unencumbered or unobligated moneys in the
3 value-added agricultural products and processes financial
4 assistance fund derived from moneys deposited pursuant to
5 section 423.24, which are in excess of three million six
6 hundred fifty thousand dollars of the unencumbered or
7 unobligated moneys in the fund deposited pursuant to that
8 section, and which are remaining on June 30, 2000, shall be
9 credited on August 31, 2000, to the road use tax fund as
10 created in section 312.1.

11 b. Any unencumbered or unobligated moneys in the renewable
12 fuels and coproducts fund derived from moneys deposited
13 pursuant to section 423.24, which are in excess of three
14 hundred fifty thousand dollars of the unencumbered or
15 unobligated moneys in the fund deposited pursuant to that
16 section, and which are remaining on June 30, 2000, shall be
17 credited on August 31, 2000, to the road use tax fund as
18 created in section 312.1.

19 5. The Code editor is directed to eliminate provisions
20 within sections of the Code as provided in this Act wherever
21 references to section 423.24, subsection 1, paragraph "b",
22 appear in those provisions.

23 6. This section takes effect on July 1, 2000.

24 Sec. 53. 1994 Iowa Acts, chapter 1171, section 52,
25 subsections 5 and 6, are amended to read as follows:

26 5. Sections 40, 41, 42, and 46 through 48 of this Act,
27 being deemed of immediate importance, take effect upon
28 enactment.

29 6. Sections 40, 41, 42, and 46 through 48 of this Act
30 apply to any action to overcome paternity, including any
31 paternity determination made prior to the effective date of
32 sections 40, 41, 42, and 46 through 48 of this Act.

33 Sec. 54. 1994 Iowa Acts, chapter 1183, section 89,
34 subsection 1, is amended to read as follows:

35 1. The department of personnel, in consultation with the

1 public retirement systems committee established in section
2 97D.4, shall develop a proposal concerning the possible estab-
3 lishment of a new benefit formula under the Iowa public
4 ~~employee's~~ employees' retirement system created in chapter
5 97B. The proposed benefit formula shall provide a method by
6 which a member may combine the value of the following
7 different types of membership service:

8 a. Membership service as a sheriff or deputy sheriff or
9 airport fire fighter in accordance with section 97B.49,
10 subsection 16, paragraph "b".

11 b. Membership service in a protection occupation, as pro-
12 vided in section 97B.49, subsection 16, paragraphs "a" and
13 "d".

14 c. Any other membership service, as defined in section
15 97B.41.

16 Sec. 55. 1994 Iowa Acts, chapter 1201, section 2, is
17 amended to read as follows:

18 SEC. 2. Notwithstanding section 15E.120, subsections 5, 6,
19 and 7, and section 15.287, there is appropriated from the Iowa
20 community development loan fund ~~from~~ all the moneys available
21 during the fiscal year beginning July 1, 1994, and ending June
22 30, 1995, to the department of economic development for the
23 rural development program to be used by the department for the
24 purposes of the program.

25 Sec. 56. AMENDMENTS CHANGING TERMINOLOGY REGARDING
26 REGISTERED VOTERS -- DIRECTIVE TO CODE EDITOR.

27 1. Sections 28E.17, 28E.22, 28E.25, 28E.28A, 28E.39, 37.2,
28 39.22, 47.6, 49.3, 49.12, 49.13, 49.51, 49.72, 56.19, 174.10,
29 176A.6, 257.18, 257.29, 275.22, 279.39, 279.53, 300.2, 303.20,
30 303.33, 331.203, 331.204, 331.205, 331.208, 331.237, 331.301,
31 331.306, 331.402, 331.441, 331.442, 331.447, 336.2, 357G.8,
32 358.2, 358.5, 360.3, 364.4, 368.19, 373.6, 384.24A, 384.26,
33 384.84A, 422A.2, and 422B.1, Code 1995, are amended by
34 striking from the sections the words "qualified electors" and
35 inserting in lieu thereof the words "registered voters".

1 2. Section 53.30, Code 1995, is amended by striking from
2 the section the words "qualified elector's" and inserting in
3 lieu thereof the words "registered voter's".

4 3. Section 346.27, Code 1995, is amended by striking from
5 the section the words "qualified voters" and inserting in lieu
6 thereof the words "registered voters".

7 4. The Code editor is directed to substitute the words
8 "registered voter" or "registered voters" for the words
9 "qualified elector" or "qualified electors", as appropriate,
10 when there appears to be no doubt as to the intent to refer to
11 persons who are registered to vote.

12 Sec. 57. EFFECTIVE AND RETROACTIVE APPLICABILITY DATE
13 PROVISIONS.

14 1. The section of this Act which amends 1994 Iowa Acts,
15 chapter 1171, section 52, subsections 5 and 6, being deemed of
16 immediate importance, takes effect upon enactment and applies
17 retroactively to May 11, 1994.

18 2. The section of this Act which amends 1994 Iowa Acts,
19 chapter 1201, section 2, being deemed of immediate importance,
20 takes effect upon enactment.

21 EXPLANATION

22 This bill contains the following nonsubstantive Code
23 corrections:

24 2B.13(4); 13B.8(1), unn. para. 2: Change the name of a
25 house committee from committee on judiciary and law
26 enforcement to committee on judiciary, consistent with actions
27 of the current general assembly.

28 10A.104(8): In provision relating to rules for certifying
29 eligibility of targeted small businesses, strikes reference to
30 "construction procurement set-aside program". This language
31 was overlooked when the proposed program was stricken from
32 House File 2403 in 1994.

33 15.308(2)(h): Revises wording so that new item fits
34 grammatically into the list of state financial assistance
35 programs for which community builder program participants may

1 be eligible.

2 15E.120(5): In provision relating to loan repayments,
3 updates a reference to the community economic betterment
4 account to reflect that the account is now a part of the
5 strategic investment fund and strikes obsolete reference to
6 section 99E.31, which was repealed in 1994.

7 35A.2(1): Adds reference to the standard beginning and
8 ending of terms for members of the commission of veterans
9 affairs.

10 48A.14(3): In new chapter on voter registration, corrects
11 language of challenger's oath regarding the crime of knowingly
12 filing a challenge containing false information. Under
13 section 48A.41(2)(d), the crime is classified as an aggravated
14 misdemeanor rather than a serious misdemeanor.

15 50.16, unn. para. 2; 50.29, unn. para. 2: Delete
16 references to "A.D." (anno domini) as part of the dates in
17 statutory forms for tally lists and certificates of election.

18 53.37(5): In chapter relating to absentee voting,
19 substitutes new reference for reference to repealed provision
20 on voter qualifications for citizens living outside the United
21 States.

22 53.39: Substitutes "qualified voter" for "registered
23 voter" in section relating to absent voting by armed forces.
24 This corrects an error in the directive of 94 Acts, ch 1169,
25 section 64, as to section 53.39. For purposes of armed forces
26 voting, an applicant need not be registered before receiving
27 an absentee ballot. The affidavit on the returned ballot
28 envelope serves as sufficient registration.

29 56.14: Creates separate subsections in section relating to
30 political advertising. The first subsection relates to
31 information to be included as part of certain published
32 material and the second subsection relates to yard signs. In
33 subsection 2, the bill includes family farm limited liability
34 companies among the types of family farm operations allowed to
35 place signs on agricultural land. Family farm corporations,

1 family farm limited partnerships, and family trusts are
2 already specified.

3 135.107(1), unen. para. 2: In section establishing the
4 center for rural health and primary care, changes designation
5 from "office" to "center" (to conform with 1994 amendments).
6 The bill also differentiates the centers by specifically
7 identifying the center for agricultural health and safety.

8 135C.2(5)(g): Updates terminology in provision relating to
9 funding for residential care facilities which serve five or
10 fewer persons with mental retardation, chronic mental illness,
11 a developmental disability, or brain injury.

12 144.12A(5)(c): In section relating to the declaration of
13 paternity registry, revises language to clarify that
14 revocation by the registrant nullifies the registration and
15 leads to expungement of the information.

16 163.47: Strikes an obsolete "grandfather" provision
17 exempting from regulation the sale of semen of breeding bulls
18 collected before January 1, 1978.

19 192.124: Strikes an obsolete amnesty provision relating to
20 the penalty for theft of a milk container bearing a registered
21 mark and makes grammatical changes. The amnesty expired
22 August 1, 1992.

23 232.44(7): In provision relating to the use of telephone
24 conference calls for juvenile detention and shelter hearings,
25 changes the word "section" to "subsection" to clarify that the
26 conference call option applies only to certain additional
27 hearings and not to original hearings.

28 232.102(3): In child in need of assistance provisions of
29 juvenile code, corrects a reference to transfer of
30 guardianship of the child by the court.

31 232.148(5): In provision of juvenile code governing the
32 circumstances under which fingerprints and photographs of a
33 child by a criminal justice agency must be destroyed, makes
34 revisions for clarity of expression.

35 252A.6A(2)(a); 252C.4(7)(a): Correct errors in internal

1 references in a 1994 enactment relating to paternity
2 establishment. The references should be to section 600B.41A,
3 which contains the new provisions on overcoming establishment
4 of paternity.

5 256.33, unn. para. 1: In provision relating to educational
6 technology, strikes a reference to the advisory committee on
7 the operation of the narrowcast system. This advisory
8 committee was repealed in 1994.

9 261B.6: Corrects an internal reference in provision
10 relating to registration of postsecondary schools. The
11 reference should be to chapter 22, which is the public records
12 chapter. Chapter 21 is the open meeting chapter.

13 294.10A(1): Revises language for clarity of new provision
14 relating to pretax treatment of teacher assessments for
15 pension and annuity retirement systems.

16 298.9: Specifies that certification for levy is to the
17 county board of supervisors following favorable vote at a
18 special election on property levy for plant and equipment for
19 school district.

20 298A.11: In new section establishing school nutrition fund
21 (effective July 1, 1995), substitutes "school meal program"
22 for "school lunch program" to conform with recent changes in
23 chapter 283A adding references to breakfasts.

24 321.189(7): Changes dates in text of exceptions to
25 motorcycle education requirements to correspond to the
26 effective date of the requirements, which is May 1, 1995.

27 321.454: In section relating to width of vehicles, strikes
28 a reference to specific limitations for operation on
29 designated highways under former subsection 2, which was
30 stricken in 1994.

31 321E.11, unn. para. 1: In section relating to daylight
32 movement of oversize and overweight vehicles, strikes
33 reference to an exception for certain vehicles operating on
34 the designated highway system. This change was overlooked
35 when other references to the designated highway system were

1 stricken in 1994.

2 331.507(3): Removes lone paragraph designation in
3 provision relating to the county auditor's collection of fees.
4 Former paragraphs "b" and "c" were stricken in 1994 in
5 connection with the reduction of state mandates.

6 331.653(53); 602.8102(110): Correct internal references to
7 transferred chapter in enumerations of duties of sheriff and
8 clerk of the district court.

9 357G.4: Changes "paper" to "newspaper" in new provision
10 relating to publication of notice of hearing on establishment
11 of city emergency medical services district.

12 384.84(6)(a)(5): Substitutes "purchase or sale" for
13 "purpose or sale" in provision setting forth the power of the
14 governing body of a city utility or enterprise system to
15 contract for water, gas, or electricity.

16 427A.1(1), unn. para. 1: Strikes obsolete language
17 relating to personal property tax credits. Personal property
18 is no longer subject to the property tax and former sections
19 providing personal property tax credits have been repealed.

20 427A.2: Restores language stating that personal property
21 is not subject to the property tax. The new section has its
22 basis in former section 427A.10, which included the effective
23 date of July 1, 1987.

24 447.9, unn. para. 2: In chapter on tax redemption, revises
25 provision relating to service of notice of the expiration of
26 the right of redemption by correcting reference to recorded
27 memorandum of a lease and by deleting an obsolete reference to
28 old-age assistance liens.

29 502.207A(5): In section of Uniform Securities Act relating
30 to expedited registration by filing, strikes an obsolete
31 reference to bonding provision which was stricken in 1994.

32 508.36(8)(a): In provision requiring certain minimum
33 reserves for life insurance, adds language inadvertently
34 omitted from 1994 enactment. The language appears in the
35 model Act on which the enactment was based.

1 515C.1: In the definition of mortgage guaranty insurance,
2 corrects reference to "deed of trust".

3 548.101(9) and (11)(a); 548.102(5), unen. para. 2: Make
4 minor revisions in trademark law to conform to the model Act
5 on which the 1994 enactment was based.

6 554.3102(1) and (2): In new negotiable instruments article
7 of Uniform Commercial Code (UCC), correct internal references
8 to conform to uniform Act.

9 554.4104(3): In revised banking article of Uniform
10 Commercial Code, makes correction to conform to uniform Act.

11 554.4212(2): In presentment provision of revised banking
12 article of UCC, adds the word "not", which appears in the
13 uniform Act but was inadvertently omitted in the 1994
14 enactment.

15 554.4215(6): In UCC banking provision on availability for
16 withdrawal, makes corrections to conform to uniform Act.

17 554.4401(1): Makes a grammatical correction in another UCC
18 banking provision to conform to uniform Act.

19 633.703B: In a new provision of the probate code relating
20 to certain separate trusts, changes an internal reference from
21 "this chapter". It appears from the context and bill history
22 that the reference was intended to be limited to sections
23 633.703A and 633.703B.

24 709B.3(14): In provision relating to victims' disclosure
25 of results of HIV tests for certain sexual offenders, allows
26 disclosure to family members within the third degree of
27 consanguinity, consistent with section 141.23.

28 94 Acts, ch 1119, section 36: Makes a technical correction
29 in bill from 1994 relating to agricultural development and
30 rural revitalization by adding an inadvertently omitted
31 reference to the 1994 amendment of certain allocations of
32 motor vehicle use taxes.

33 94 Acts, ch 1171, section 52(5) and (6): Add the new
34 guardian ad litem provision of section 598.21(4B) to portions
35 of the effective date and applicability section in paternity

1 bill from 1994. Failure to include this section in the list
2 was a drafting oversight.

3 94 Acts, ch 1183, section 89(1): Adds airport fire fighter
4 to the list of IPERS groups for whom the department of
5 personnel is directed to work on proposals for combining types
6 of membership service. This reflects the 1994 addition of
7 airport fire fighters to section 97B.49(16)(b).

8 94 Acts, ch 1201, section 2: Corrects a drafting error in
9 1994 appropriation to the department of economic development
10 for the rural development program.

11 Registered voters: Numerous sections are amended to
12 substitute "registered voters" for "qualified electors", in
13 keeping with the changes made by the 1994 "motor voter" bill
14 (see 1994 Iowa Acts, chapter 1169). In addition, the Code
15 editor is directed to make similar changes when there appears
16 to be no doubt as to the intent to refer to persons who are
17 registered to vote.

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H. 2/13/95 *Judiciary*
H. 3/31/95 *Amend/Do Pass*
W/H - 3659

SENATE FILE **87**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 34)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 9, 1995)

- _____ - New Language by the Senate
- * - Language Stricken by the Senate

Re - Passed Senate, Date 4/17/95 (p. 1232) Passed House, Date 4-13-95
 Vote: Ayes 48 Nays 0 Vote: Ayes 97 Nays 0
 Approved April 25, 1995

A BILL FOR

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

HOUSE AMENDMENT TO
SENATE FILE 87

S-3419

- 1 Amend Senate File 87, as amended, passed, and
- 2 reprinted, by the Senate, as follows:
- 3 1. By striking page 4, line 2, through page 5,
- 4 line 18.
- 5 2. Page 11, line 32, by striking the words "~~and~~
- 6 ~~the-permit~~" and inserting the following: ", and the
- 7 permit".
- 8 3. Page 11, by striking line 33 and inserting the
- 9 following: "requires the vehicle to operate only on
- 10 the those highways designated highway".
- 11 4. Page 11, line 34, by inserting after the word
- 12 "~~system~~" the following: "by the department".
- 13 5. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3419 FILED APRIL 13, 1995
Senate concurred 4/17/95 (p. 1232)

S.F. 87

1 Section 1. Section 2B.13, subsection 4, Code 1995, is
2 amended to read as follows:

3 4. The Iowa Code editor shall seek direction from the
4 senate committee on judiciary and the house committee on
5 judiciary ~~and-law-enforcement~~ when making Iowa Code or Code
6 Supplement changes, and the administrative code editor shall
7 seek direction from the administrative rules review committee
8 and the administrative rules coordinator when making Iowa
9 administrative code changes, which appear to require
10 substantial editing and which might otherwise be interpreted
11 to exceed the scope of the authority granted in this section.

12 Sec. 2. Section 10A.104, subsection 8, Code 1995, is
13 amended to read as follows:

14 8. Establish by rule standards and procedures for
15 certifying that targeted small businesses are eligible to
16 participate in the procurement set-aside program ~~and-that~~
17 ~~small-businesses-are-eligible-to-participate-in-the~~
18 ~~construction-procurement-set-aside-program~~ established in
19 sections 73.15 through 73.21. The procedure for determination
20 of eligibility shall not include self-certification by a
21 business. Rules and guidelines adopted pursuant to this
22 subsection are subject to review and approval by the director
23 of the department of management. The director shall maintain
24 a current directory of targeted small businesses which have
25 been certified pursuant to this subsection.

26 Sec. 3. Section 13B.8, subsection 1, unnumbered paragraph
27 2, Code 1995, is amended to read as follows:

28 Before establishing or abolishing a local public defender
29 office, the state public defender shall provide a written
30 report detailing the reasons for the action to be taken to the
31 regulation appropriations subcommittee, the chairperson, vice
32 chairperson, and ranking member of the senate committee on
33 judiciary and committee on appropriations, and the
34 chairperson, vice chairperson, and ranking member of the house
35 of representatives committee on judiciary ~~and-law-enforcement~~

1 and committee on appropriations. The report shall contain a
2 statement of the estimated fiscal impact of the action taken.
3 Any action taken in establishing or abolishing a local public
4 defender office shall only take effect upon the approval of
5 the general assembly. If the state public defender proposes
6 to abolish a local public defender office prior to the
7 beginning of any regular session of the general assembly and
8 the general assembly takes no action regarding that proposal
9 during the first ninety days of the first regular session
10 occurring after the proposal is made, the office shall be
11 abolished.

12 Sec. 4. Section 15.308, subsection 2, paragraph h, Code
13 1995, is amended to read as follows:

14 h. ~~Establish-a~~ The new jobs and income program.

15 Sec. 5. Section 15E.120, subsection 5, Code 1995, is
16 amended to read as follows:

17 5. Loan repayments received by the Iowa department of
18 economic development shall be deposited into a special account
19 to be used at its discretion as matching funds to attract
20 financial assistance from and to participate in programs with
21 national rural development and finance corporations or as
22 provided in subsection 6. Funds in this special account shall
23 not revert to the state general fund at the end of any fiscal
24 year. If the programs for which the funds in the special
25 account are to be used are terminated or expire, the funds in
26 the special account and funds that would be repaid, if any, to
27 the special account shall be transferred or repaid to the
28 community economic betterment account of the ~~Iowa-plan-fund~~
29 ~~for-economic-development-as-established-in-section-99E.31~~
30 strategic investment fund established in section 15.313.

31 Sec. 6. Section 35A.2, subsection 1, Code 1995, is amended
32 to read as follows:

33 1. A commission of veterans affairs is created consisting
34 of seven persons who shall be appointed by the governor,
35 subject to confirmation by the senate. Members shall be

1 appointed to staggered terms of four years beginning and
2 ending as provided in section 69.19. The governor shall fill
3 a vacancy for the unexpired portion of the term.

4 Sec. 7. Section 48A.14, subsection 3, Code 1995, is
5 amended to read as follows:

6 3. A challenge shall contain a statement signed by the
7 challenger in substantially the following form: "I swear or
8 affirm that information contained on this challenge is true.
9 I understand that knowingly filing a challenge containing
10 false information is ~~a~~-serious an aggravated misdemeanor."

*11 Sec. 8. Section 53.37, subsection 5, Code 1995, is amended
12 to read as follows:

13 5. Citizens of the United States who do not fall under any
14 of the categories described in subsections 1 to 4, but who are
15 entitled to register and vote pursuant to section ~~47-47~~
16 ~~subsection-3~~ 48A.5, subsection 4.

17 Sec. 9. Section 53.39, Code 1995, is amended to read as
18 follows:

19 53.39 REQUEST FOR BALLOT -- WHEN AVAILABLE.

20 Section 53.2 does not apply in the case of a registered
21 qualified voter of the state of Iowa serving in the armed
22 forces of the United States. In any such case an application
23 for ballot as provided for in that section is not required and
24 an absent voter's ballot shall be sent or made available to
25 any such registered qualified voter upon a request as provided
26 in this division.

27 All official ballots to be voted by qualified absent voters
28 in the armed forces of the United States at the primary
29 election and the general election shall be printed prior to
30 forty days before the respective elections and shall be
31 available for transmittal to such registered qualified voters
32 in the armed forces of the United States at least forty days
33 before the respective elections. The provisions of this
34 chapter apply to absent voting by qualified voters in the
35 armed forces of the United States except as modified by the

1 provisions of this division.

2 Sec. 10. Section 56.14, Code 1995, is amended to read as
3 follows:

4 56.14 POLITICAL ADVERTISEMENTS -- YARD SIGNS.

5 1. A person who causes the publication or distribution of
6 published material designed to promote or defeat the
7 nomination or election of a candidate for public office or the
8 passage of a constitutional amendment or public measure shall
9 include conspicuously on the published material the identity
10 and address of the person responsible for the material. If
11 the person responsible is an organization, the name of one
12 officer of the organization shall appear on the material.
13 However, if the organization is a committee which has filed a
14 statement of organization under this chapter, only the name of
15 the committee is required to be included on the published
16 material. This ~~section~~ subsection does not apply to the
17 editorials or news articles of a newspaper or magazine which
18 are not political advertisements. For the purpose of this
19 ~~section~~ subsection, "published material" means any newspaper,
20 magazine, shopper, outdoor advertising facility, poster,
21 direct mailing, brochure, or any other form of printed general
22 public political advertising; however, the identification need
23 not be conspicuous on posters. This ~~section~~ subsection does
24 not apply to yard signs, bumper stickers, pins, buttons, pens,
25 matchbooks, and similar small items upon which the inclusion
26 of the disclaimer would be impracticable or to published
27 material which is subject to federal regulations regarding a
28 disclaimer requirement.

29 2. Yard signs shall not be placed on any property which
30 adjoins a city, county, or state roadway sooner than forty-
31 five days preceding a primary or general election and shall be
32 removed within seven days after the primary or general
33 election, in which the name of the particular candidate or
34 ballot issue described on the yard sign appears on the ballot.
35 Yard signs are subject to removal by highway authorities as

1 provided in section 319.13. The placement or erection of yard
2 signs shall be exempt from the requirements of chapter 480.
3 Notice may be provided to the chairperson of the appropriate
4 county central committee if the highway authorities are unable
5 to provide notice to the candidate, candidate's committee, or
6 political committee regarding the yard sign. This ~~section~~
7 subsection does not prohibit the placement of yard signs on
8 agricultural land owned by individuals or by a family farm
9 operation as defined in section 9H.1, subsections 8, 8A, 9,
10 and 10; does not prohibit the placement of yard signs on
11 property owned by private individuals who have rented or
12 leased the property to a corporation, if the prior written
13 permission of the property owner is obtained; and does not
14 prohibit the placement of yard signs on residential property
15 owned by a corporation but rented or leased to a private
16 individual if the prior permission of the renter or lessee is
17 obtained. For the purposes of this chapter, "agricultural
18 land" means agricultural land as defined in section 9H.1.

19 Sec. 11. Section 135.107, subsection 1, unnumbered
20 paragraph 2, Code 1995, is amended to read as follows:

21 The advisory committee shall regularly meet with the
22 administrative head of the center as well as the director of
23 the center for agricultural health and safety established
24 under section 262.78. The head of the ~~office~~ center and the
25 director of the center for agricultural health and safety
26 shall consult with the advisory committee and provide the
27 committee with relevant information regarding their agencies.

28 Sec. 12. Section 135C.2, subsection 5, paragraph g, Code
29 1995, is amended to read as follows:

30 g. The facilities licensed under this subsection shall be
31 eligible for funding utilized by other licensed residential
32 care facilities for the mentally retarded, or licensed
33 residential care facilities for the mentally ill, including
34 but not limited to funding under or from the federal social
35 services block grant, the state supplementary assistance

1 program, state mental health and ~~mental-retardation~~
2 developmental disabilities services funds, and county funding
3 provisions.

4 Sec. 13. Section 144.12A, subsection 5, paragraph c, Code
5 1995, is amended to read as follows:

6 c. Revocation ~~shall-be-deemed-a-nullity~~ nullifies the
7 registration and the information provided by the registrant
8 shall be expunged.

9 Sec. 14. Section 163.47, Code 1995, is amended to read as
10 follows:

11 163.47 EXEMPTIONS.

12 The provisions of this division shall not apply to 4-H or
13 Future Farmers of America organizations engaged in breeding
14 programs, ~~the sale of semen collected before January 17, 1978.~~

15 Sec. 15. Section 192.124, Code 1995, is amended to read as
16 follows:

17 192.124 RETENTION OF MARKED CONTAINER.

18 No A person shall not, without the consent of the owner,
19 retain for a longer period than three days a container bearing
20 a registered mark, and any person receiving such a container
21 shall immediately return it to the owner by a common carrier.
22 A receipt from a common carrier ~~shall-be-prima-facie~~ is prima
23 facie evidence that such the container was returned.

24 ~~Notwithstanding section 189.217 a person retaining a~~
25 ~~container used for the handling of dairy products intended for~~
26 ~~sale as provided in this section, which bears a mark~~
27 ~~registered pursuant to section 192.123, shall not be subject~~
28 ~~to any penalty provided by law, if the person returns the~~
29 ~~container to its owner on or after April 14, 1992, but before~~
30 ~~August 17, 1992.~~

31 Sec. 16. Section 232.44, subsection 7, Code 1995, is
32 amended to read as follows:

33 7. If a child held in shelter care or detention by court
34 order has not been released after a detention hearing or has
35 not appeared at an adjudicatory hearing before the expiration

1 of the order of detention, an additional hearing shall
2 automatically be scheduled for the next court day following
3 the expiration of the order. The child, the child's counsel,
4 the child's guardian ad litem, and the child's parent,
5 guardian or custodian shall be notified of this hearing not
6 less than twenty-four hours before the hearing is scheduled to
7 take place. The hearing required by this section subsection
8 may be held by telephone conference call.

9 Sec. 17. Section 232.102, subsection 3, Code 1995, is
10 amended to read as follows:

11 3. After a dispositional hearing and upon written findings
12 of fact based upon evidence in the record that an alternative
13 placement set forth in subsection 1, paragraph "b" has
14 previously been made and is not appropriate the court may
15 enter an order transferring the guardianship of the court
16 child for the purposes of subsection 8, to the director of
17 human services for the purposes of placement in the Iowa
18 juvenile home at Toledo.

19 Sec. 18. Section 232.148, subsection 5, Code 1995, is
20 amended to read as follows:

21 5. Fingerprints and photographs of a child shall be
22 removed from the file and destroyed upon notification by the
23 child's guardian ad litem or legal counsel to the department
24 of public safety that any either of the following situations
25 apply:

26 a. A petition alleging the child to be delinquent is not
27 filed and the child has not entered into an informal
28 adjustment, admitting involvement in a delinquent act alleged
29 in the complaint.

30 b. After a petition is filed, the petition is dismissed or
31 the proceedings are suspended and the child has not entered
32 into a consent decree and has not been adjudicated delinquent
33 on the basis of a delinquent act other than one alleged in the
34 petition in question.

35 c.--Upon Fingerprints and photographs of a child shall also

1 be removed from the file and destroyed upon petition by the
2 child when the child reaches twenty-one years of age and the
3 child has not been adjudicated a delinquent nor convicted of
4 committing an aggravated misdemeanor or a felony after
5 reaching sixteen years of age.

6 Sec. 19. Section 252A.6A, subsection 2, paragraph a, Code
7 1995, is amended to read as follows:

8 a. (1) If the prior determination of paternity is based
9 on an affidavit of paternity filed pursuant to section
10 252A.3A, or an administrative order entered pursuant to
11 chapter 252F, or an order by the courts of this state, or by
12 operation of law when the mother and established father are or
13 were married to each other, the provisions of section ~~600B.41~~
14 600B.41A are applicable.

15 (2) If the court determines that the prior determination
16 of paternity should not be overcome, pursuant to section
17 ~~600B.41~~ 600B.41A, and that the respondent has a duty to
18 provide support, the court shall enter an order establishing
19 the monthly child support payment and the amount of the
20 support debt accrued and accruing pursuant to section 598.21,
21 subsection 4, or medical support pursuant to chapter 252E, or
22 both.

23 Sec. 20. Section 252C.4, subsection 7, paragraph a, Code
24 1995, is amended to read as follows:

25 a. (1) If the prior determination of paternity is based
26 on an affidavit of paternity filed pursuant to section
27 252A.3A, or an administrative order entered pursuant to
28 chapter 252F, or an order by the courts of this state, or by
29 operation of law when the mother and established father are or
30 were married to each other, the provisions of section ~~600B.41~~
31 600B.41A are applicable.

32 (2) If the court determines that the prior determination
33 of paternity should not be overcome pursuant to section
34 ~~600B.41~~ 600B.41A, and that the responsible person has a duty
35 to provide support, the court shall enter an order

1 establishing the monthly child support payment and the amount
2 of the support debt accrued and accruing pursuant to section
3 598.21, subsection 4, or medical support pursuant to chapter
4 252E, or both.

5 Sec. 21. Section 256.33, unnumbered paragraph 1, Code
6 1995, is amended to read as follows:

7 The department shall consort with school districts, area
8 education agencies, community colleges, and colleges and
9 universities to provide assistance to them in the use of
10 educational technology for instruction purposes. The
11 department shall consult with ~~the advisory committee on the~~
12 ~~operation of the narrowcast system, established in section~~
13 ~~256.02,~~ the advisory committee on telecommunications,
14 established in section 256.7, subsection 7, and other users of
15 educational technology on the development and operation of
16 programs under this section.

17 Sec. 22. Section 261B.6, Code 1995, is amended to read as
18 follows:

19 261B.6 LIST OF SCHOOLS.

20 The secretary shall maintain a list of registered schools
21 and the list and the information submitted under sections
22 261B.3 and 261B.4 are public records under chapter ~~21~~ 22.

23 Sec. 23. Section 294.10A, subsection 1, Code 1995, is
24 amended to read as follows:

25 1. Notwithstanding section 294.9 or other provisions of
26 this chapter, beginning January 17 following the submission by
27 ~~the~~ a board of trustees of an application to the federal
28 internal revenue service requesting qualification of a plan in
29 accordance with the requirements of the Internal Revenue Code,
30 as defined in section 422.3, teacher assessments required
31 under section 294.9 which are picked up by ~~the~~ an employing
32 school district shall be considered employer contributions for
33 federal income tax purposes, and each employing school
34 district establishing a pension and annuity retirement system
35 pursuant to this chapter shall pick up the teacher assessments

1 to be made under section 294.9 by its employees commencing the
2 January 1 following an application for qualification. Each
3 employing school district shall pick up these teacher
4 assessments by reducing the salary of each of the teachers
5 covered by this chapter by the amount which each teacher is
6 required to contribute through assessments under section 294.9
7 and shall pay to the board of trustees the amount picked up in
8 lieu of the teacher assessments for recording and deposit in
9 the fund.

10 Sec. 24. Section 298.9, Code 1995, is amended to read as
11 follows:

12 298.9 SPECIAL LEVIES.

13 If the voter-approved physical plant and equipment levy,
14 consisting solely of a physical plant and equipment property
15 tax levy, is voted at a special election and certified to the
16 board of supervisors after the regular levy is made, the board
17 shall at its next regular meeting levy the tax and cause it to
18 be entered upon the tax list to be collected as other school
19 taxes. If the certification is filed prior to April 1, the
20 annual levy shall begin with the tax levy of the year of
21 filing. If the certification is filed after April 1 in a
22 year, the levy shall begin with the levy of the fiscal year
23 succeeding the year of the filing of the certification.

24 Sec. 25. Section 298A.11, Code 1995, is amended to read as
25 follows:

26 298A.11 SCHOOL NUTRITION FUND.

27 A school nutrition fund is an enterprise fund. A school
28 nutrition fund must be established in any school corporation
29 receiving moneys from the school lunch meal program authorized
30 under chapter 283A.

31 Sec. 26. Section 321.189, subsection 7, paragraphs a and
32 b, Code 1995, are amended to read as follows:

33 a. An operator who has been issued a class M license prior
34 to ~~July 1, 1994~~ May 1, 1995.

35 b. An operator who is renewing the operator's class M

1 license issued prior to ~~July 17, 1994~~ May 1, 1995.

2 Sec. 27. Section 321.454, Code 1995, is amended to read as
3 follows:

4 321.454 WIDTH OF VEHICLES.

5 The total outside width of any vehicle or the load on the
6 vehicle shall not exceed eight feet except that a motor home,
7 commercial motor vehicle, motor truck or trailer hauling grain
8 or livestock, travel trailer, fifth-wheel travel trailer, or
9 bus having a total outside width not exceeding eight feet six
10 inches, exclusive of safety equipment, is exempt from the
11 permit requirements of chapter 321E and may be operated on the
12 public highways of the state. However, if hay, straw or
13 stover moved on any implement of husbandry and the total width
14 of load of the implement of husbandry exceeds eight feet in
15 width, the implement of husbandry is not subject to the permit
16 requirements of chapter 321E. If hay, straw or stover is
17 moved on any other vehicle subject to registration, the moves
18 are subject to the permit requirements for transporting loads
19 exceeding eight feet in width as required under chapter 321E.
20 ~~The vehicle width limitations imposed by this subsection only~~
21 ~~apply to the public highways of the state not subject to the~~
22 ~~width limitations imposed under subsection 2.~~

23 Sec. 28. Section 321E.11, unnumbered paragraph 1, Code
24 1995, is amended to read as follows:

25 Movements by permit in accordance with this chapter shall
26 be permitted only during the hours from sunrise to sunset
27 unless the issuing authority determines that the movement can
28 be better accomplished at another period of time because of
29 traffic volume conditions or the vehicle subject to the permit
30 has an overall length not to exceed one hundred feet, an
31 overall width not to exceed eleven feet, and an overall height
32 not to exceed fourteen feet, four inches, and the permit
33 ~~requires the vehicle to operate only on the designated highway~~
34 ~~system.~~ Additional safety lighting and escorts may be
35 required for movement at night.

1 Sec. 29. Section 331.507, subsection 3, Code 1995, is
2 amended to read as follows:

3 3. The auditor shall collect or receive the following
4 fees:

5 a. The bee entry fee collected from nonresidents importing
6 bees by the state apiarist as provided under section 160.16.

7 Sec. 30. Section 331.653, subsection 53, Code 1995, is
8 amended to read as follows:

9 53. Carry out duties relating to the disposition of lost
10 property as provided in chapter 644 556F.

11 Sec. 31. Section 357G.4, Code 1995, is amended to read as
12 follows:

13 357G.4 TIME OF HEARING.

14 The public hearing required in section 357G.2 shall be held
15 within thirty days of the presentation of the petition.

16 Notice of hearing shall be given by publication in two
17 successive issues of any paper newspaper of general
18 circulation within the district. The last publication shall
19 be not less than one week before the proposed hearing.

20 Sec. 32. Section 384.84, subsection 6, paragraph a,
21 subparagraph (5), Code 1995, is amended to read as follows:

22 (5) Contract for a period not to exceed forty years with
23 persons and other governmental bodies for the purpose purchase
24 or sale of water, gas, or electric power and energy on a
25 wholesale basis.

26 Sec. 33. Section 427A.1, subsection 1, unnumbered
27 paragraph 1, Code 1995, is amended to read as follows:

28 ~~All-tangible-property-except-that-which-is-assessed-and~~
29 ~~taxed-as-real-property-is-subject-to-the-personal-property-tax~~
30 ~~credits-provided-in-this-chapter,--unless-the-property-is~~
31 ~~taxed,--licensed,--or-exempt-from-taxation-under-other~~
32 ~~provisions-of-law.~~ For the purposes of property taxation
33 only, the following shall be assessed and taxed, unless
34 otherwise qualified for exemption, as real property:

35 Sec. 34. NEW SECTION. 427A.2 PERSONAL PROPERTY NOT

1 SUBJECT TO PROPERTY TAX.

2 Personal property shall not be listed or assessed for
3 taxation and is not subject to the property tax.

4 Sec. 35. Section 447.9, unnumbered paragraph 2, Code 1995,
5 is amended to read as follows:

6 Service of the notice shall also be made by mail on any
7 mortgagee having a lien upon the parcel, a vendor of the
8 parcel under a recorded contract of sale, a lessor who has a
9 recorded lease or recorded memorandum of a recorded lease, and
10 any other person who has an interest of record, at the
11 person's last known address, ~~and on the state of Iowa in case~~
12 ~~of an old age assistance lien by service upon the state~~
13 ~~department of human services.~~ The notice shall also be served
14 on any city where the parcel is situated. Only those persons
15 who are required to be sent the notice of expiration as
16 provided in this section are eligible to redeem a parcel from
17 tax sale.

18 Sec. 36. Section 502.207A, subsection 5, Code 1995, is
19 amended to read as follows:

20 5. In connection with an offering registered under this
21 section, a person may be registered as an agent of the issuer
22 under section 502.301 by the filing of an application by the
23 issuer with the administrator for the registration of the
24 person as an agent of the issuer and the paying of a fee of
25 ten dollars. Notwithstanding any other provision of this
26 chapter, the registration of the agent shall be effective
27 until withdrawn by the issuer or until the securities
28 registered pursuant to the registration statement have all
29 been sold, whichever occurs first. The registration of an
30 agent shall become effective when ordered by the administrator
31 or on the fifth business day after the agent's application has
32 been filed with the administrator, whichever occurs first, and
33 the administrator shall not impose further conditions upon the
34 registration of the agent. However, the administrator may
35 deny, revoke, suspend, or withdraw the registration of the

1 agent at any time as provided in section 502.304.

2 ~~Notwithstanding-section-502-3027-subsection-57-for~~ For the
3 purposes of registration of agents under this section, the
4 issuer and agent are not required to post bond. An agent
5 registered solely pursuant to this section is entitled to sell
6 only securities registered under this section.

7 Sec. 37. Section 508.36, subsection 8, paragraph a, Code
8 1995, is amended to read as follows:

9 a. A company's aggregate reserves for all life insurance
10 policies, excluding disability and accidental death benefits,
11 issued on or after the operative date of section 508.37, shall
12 not be less than the aggregate reserves calculated in
13 accordance with the methods set forth in subsections 6, 7, 10,
14 and 11, and the mortality table or tables and rate or rates of
15 interest used in calculating nonforfeiture benefits for such
16 policies.

17 Sec. 38. Section 515C.1, Code 1995, is amended to read as
18 follows:

19 515C.1 DEFINITION.

20 "Mortgage guaranty insurance" means insurance against
21 financial loss by reason of nonpayment of principal, interest
22 and other sums agreed to be paid under the terms of any note
23 or bond or other evidence of indebtedness secured by a
24 mortgage, deed ~~or~~ of trust or other instrument constituting a
25 lien or charge on real estate or on an owner-occupied mobile
26 home.

27 Sec. 39. Section 548.101, subsection 9, Code 1995, is
28 amended to read as follows:

29 9. "Trademark" means a word, name, symbol, or device or
30 any combination of a word, name, symbol, or device, used by a
31 person to identify and distinguish the goods of that person,
32 including a unique product, from ~~products~~ those manufactured
33 and sold by others, and to indicate the source of the goods,
34 even if that source is unknown.

35 Sec. 40. Section 548.101, subsection 11, paragraph a, Code

1 1995, is amended to read as follows:

2 a. On goods sold or transported in commerce in this state
3 when the mark is placed in any manner on the goods or
4 containers or associated displays, or on affixed tags or
5 labels, ~~in-this-state~~ or if the nature of the goods makes the
6 placement on the goods or containers impracticable, on
7 documents associated with the goods or their sale.

8 Sec. 41. Section 548.102, subsection 5, unnumbered
9 paragraph 2, Code 1995, is amended to read as follows:

10 This subsection 5 does not prevent the registration of a
11 mark used by the applicant which has become distinctive of the
12 applicant's goods or services. The secretary may accept as
13 evidence that the mark has become distinctive, as used on or
14 in connection with the applicant's goods or services, proof of
15 continuous use thereof as a mark by the applicant in this
16 state for the five years before the date on which the claim
17 for distinctiveness is made.

18 Sec. 42. Section 554.3102, subsections 1 and 2, Code 1995,
19 are amended to read as follows:

20 1. This Article applies to negotiable instruments. It
21 does not apply to money, to payment orders governed by Article
22 ~~8~~ 12, or to securities governed by Article ~~12~~ 8.

23 2. If there is conflict between this Article and Article 4
24 ~~or 9 or 12~~, Articles 4 and 9 ~~and 12~~ govern.

25 Sec. 43. Section 554.4104, subsection 3, Code 1995, is
26 amended to read as follows:

27 3. The following definitions in other Articles apply to
28 this Article:

29	"Acceptance"	Section 554.3409
30	"Alteration"	Section 554.3407
31	"Cashier's check"	Section 554.3104
32	"Certificate of deposit"	Section 554.3104
33	"Certified check"	Section 554.3409
34	"Check"	Section 554.3104
35	"Draft"-----	Section 554.3104

1	"Good faith"	Section 554.3103
2	"Holder in due course"	Section 554.3302
3	"Instrument"	Section 554.3104
4	"Notice of dishonor"	Section 554.3503
5	"Order"	Section 554.3103
6	"Ordinary care"	Section 554.3103
7	"Person entitled to enforce"	Section 554.3301
8	"Presentment"	Section 554.3501
9	"Promise"	Section 554.3103
10	"Prove"	Section 554.3103
11	"Teller's check"	Section 554.3104
12	"Unauthorized signature"	Section 554.3403
13	Sec. 44. Section 554.4212, subsection 2, Code 1995, is	
14	amended to read as follows:	

15 2. If presentment is made by notice and payment,
16 acceptance, or request for compliance with a requirement under
17 section 554.3501 is not received by the close of business on
18 the day after maturity or, in the case of demand items, by the
19 close of business on the third banking day after notice was
20 sent, the presenting bank may treat the item as dishonored and
21 charge any drawer or endorser by sending it notice of the
22 facts.

23 Sec. 45. Section 554.4215, subsection 6, Code 1995, is
24 amended to read as follows:

25 6. Subject to applicable law stating a time for
26 availability of funds and any right of a bank to apply a
27 deposit ~~of money~~ to an obligation of the ~~customer~~ depositor,
28 ~~the a deposit of money~~ becomes available for withdrawal as of
29 right at the opening of the bank's next banking day after
30 receipt of the deposit.

31 Sec. 46. Section 554.4401, subsection 1, Code 1995, is
32 amended to read as follows:

33 1. A bank may charge against the ~~customer's~~ account of a
34 customer an item that is properly payable from that account
35 even though the charge creates an overdraft. An item is

1 properly payable if it is authorized by the customer and is in
2 accordance with any agreement between the customer and bank.

3 Sec. 47. Section 602.8102, subsection 110, Code 1995, is
4 amended to read as follows:

5 110. Carry out duties relating to the disposition of lost
6 property as provided in chapter 644 556F.

7 Sec. 48. Section 633.703B, Code 1995, is amended to read
8 as follows:

9 633.703B AVAILABILITY OF AMENDMENT PROCEDURES.

10 Amendment procedures in ~~this chapter~~ section 633.703A and
11 this section shall be available to trusts created in any
12 manner, whether by trust agreement, will, deed, or otherwise,
13 and may be used on or after July 1, 1994, for any trust
14 created before or after that date.

15 Sec. 49. Section 709B.3, subsection 14, Code 1995, is
16 amended to read as follows:

17 14. In addition to persons to whom disclosure of the
18 results of a convicted offender's HIV-related test results is
19 authorized under this chapter, the victim may also disclose
20 the results to the victim's spouse, persons with whom the
21 victim has engaged in vaginal, anal, or oral intercourse
22 subsequent to the sexual assault, or members of the victim's
23 family within the ~~fourth~~ third degree of consanguinity.

24 Sec. 50. 1994 Iowa Acts, chapter 1119, section 36, is
25 amended to read as follows:

26 SEC. 36. ELIMINATION OF FUNDING SOURCE -- DIRECTIONS TO
27 CODE EDITOR.

28 1. Section 423.24, subsection 1, paragraph b, Code
29 Supplement 1993, as amended by 1994 Iowa Acts, chapter 1119,
30 section 29, is amended by striking the paragraph.

31 2. No moneys shall be deposited into the value-added
32 agricultural products and processes financial assistance fund
33 or the renewable fuels and coproducts fund, pursuant to
34 section 423.24, as provided in this Act, after June 30, 2000.

35 3. Notwithstanding this section, restrictions upon the

1 amount of money used to support administrative expenses by the
2 department of economic development and the office of renewable
3 fuels and coproducts shall continue to apply to moneys
4 deposited in the value-added agricultural products and
5 processes financial assistance fund and the renewable fuels
6 and coproducts fund, pursuant to section 423.24, as provided
7 in this Act, after June 30, 2000.

8 4. a. Any unencumbered or unobligated moneys in the
9 value-added agricultural products and processes financial
10 assistance fund derived from moneys deposited pursuant to
11 section 423.24, which are in excess of three million six
12 hundred fifty thousand dollars of the unencumbered or
13 unobligated moneys in the fund deposited pursuant to that
14 section, and which are remaining on June 30, 2000, shall be
15 credited on August 31, 2000, to the road use tax fund as
16 created in section 312.1.

17 b. Any unencumbered or unobligated moneys in the renewable
18 fuels and coproducts fund derived from moneys deposited
19 pursuant to section 423.24, which are in excess of three
20 hundred fifty thousand dollars of the unencumbered or
21 unobligated moneys in the fund deposited pursuant to that
22 section, and which are remaining on June 30, 2000, shall be
23 credited on August 31, 2000, to the road use tax fund as
24 created in section 312.1.

25 5. The Code editor is directed to eliminate provisions
26 within sections of the Code as provided in this Act wherever
27 references to section 423.24, subsection 1, paragraph "b",
28 appear in those provisions.

29 6. This section takes effect on July 1, 2000.

30 Sec. 51. 1994 Iowa Acts, chapter 1171, section 52,
31 subsections 5 and 6, are amended to read as follows:

32 5. Sections 40, 41, 42, and 46 through 48 of this Act,
33 being deemed of immediate importance, take effect upon
34 enactment.

35 6. Sections 40, 41, 42, and 46 through 48 of this Act

1 apply to any action to overcome paternity, including any
2 paternity determination made prior to the effective date of
3 sections 40, 41, 42, and 46 through 48 of this Act.

4 Sec. 52. 1994 Iowa Acts, chapter 1183, section 89,
5 subsection 1, is amended to read as follows:

6 1. The department of personnel, in consultation with the
7 public retirement systems committee established in section
8 97D.4, shall develop a proposal concerning the possible estab-
9 lishment of a new benefit formula under the Iowa public
10 ~~employee's~~ employees' retirement system created in chapter
11 97B. The proposed benefit formula shall provide a method by
12 which a member may combine the value of the following
13 different types of membership service:

14 a. Membership service as a sheriff or deputy sheriff or
15 airport fire fighter in accordance with section 97B.49,
16 subsection 16, paragraph "b".

17 b. Membership service in a protection occupation, as pro-
18 vided in section 97B.49, subsection 16, paragraphs "a" and
19 "d".

20 c. Any other membership service, as defined in section
21 97B.41.

22 Sec. 53. 1994 Iowa Acts, chapter 1201, section 2, is
23 amended to read as follows:

24 SEC. 2. Notwithstanding section 15E.120, subsections 5, 6,
25 and 7, and section 15.287, there is appropriated from the Iowa
26 community development loan fund ~~from~~ all the moneys available
27 during the fiscal year beginning July 1, 1994, and ending June
28 30, 1995, to the department of economic development for the
29 rural development program to be used by the department for the
30 purposes of the program.

31 Sec. 54. AMENDMENTS CHANGING TERMINOLOGY REGARDING
32 REGISTERED VOTERS -- DIRECTIVE TO CODE EDITOR.

33 1. Sections 28E.17, 28E.22, 28E.25, 28E.28A, 28E.39, 37.2,
34 39.22, 47.6, 49.3, 49.12, 49.13, 49.51, 49.72, 56.19, 174.10,
35 176A.6, 257.18, 257.29, 275.22, 279.39, 279.53, 300.2, 303.20,

1 303.33, 331.203, 331.204, 331.205, 331.208, 331.237, 331.301,
2 331.306, 331.402, 331.441, 331.442, 331.447, 336.2, 357G.8,
3 358.2, 358.5, 360.3, 364.4, 368.19, 373.6, 384.24A, 384.26,
4 384.84A, 422A.2, and 422B.1, Code 1995, are amended by
5 striking from the sections the words "qualified electors" and
6 inserting in lieu thereof the words "registered voters".

7 2. Section 53.30, Code 1995, is amended by striking from
8 the section the words "qualified elector's" and inserting in
9 lieu thereof the words "registered voter's".

10 3. Section 346.27, Code 1995, is amended by striking from
11 the section the words "qualified voters" and inserting in lieu
12 thereof the words "registered voters".

13 4. The Code editor is directed to substitute the words
14 "registered voter" or "registered voters" for the words
15 "qualified elector" or "qualified electors", as appropriate,
16 when there appears to be no doubt as to the intent to refer to
17 persons who are registered to vote.

18 Sec. 55. EFFECTIVE AND RETROACTIVE APPLICABILITY DATE
19 PROVISIONS.

20 1. The section of this Act which amends 1994 Iowa Acts,
21 chapter 1171, section 52, subsections 5 and 6, being deemed of
22 immediate importance, takes effect upon enactment and applies
23 retroactively to May 11, 1994.

24 2. The section of this Act which amends 1994 Iowa Acts,
25 chapter 1201, section 2, being deemed of immediate importance,
26 takes effect upon enactment.

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SENATE FILE 87

H-3659

1 Amend Senate File 87, as amended, passed, and
2 reprinted, by the Senate, as follows:

3 1. By striking page 4, line 2, through page 5,
4 line 18.

5 2. Page 11, line 32, by striking the words "~~and~~
6 ~~the-permit~~" and inserting the following: ", and the
7 permit".

8 3. Page 11, by striking line 33 and inserting the
9 following: "requires the vehicle to operate only on
10 the those highways designated highway".

11 4. Page 11, line 34, by inserting after the word
12 "~~system~~" the following: "by the department".

13 5. By renumbering as necessary.

By COMMITTEE ON JUDICIARY

HURLEY of Fayette, Chairperson

H-3659 FILED MARCH 31, 1995

Adopted 4-13-95
(P. 1556)

Bartz-Chair

SSB-34

Giannetto

Judiciary

Vilsack

Succeeded By

SE/HE 87
SENATE FILE

Fraiser

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON GIANNETTO)

Maddox

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 applicability date provisions.

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

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1 Section 1. Section 2B.13, subsection 4, Code 1995, is
2 amended to read as follows:

3 4. The Iowa Code editor shall seek direction from the
4 senate committee on judiciary and the house committee on
5 judiciary ~~and-law-enforcement~~ when making Iowa Code or Code
6 Supplement changes, and the administrative code editor shall
7 seek direction from the administrative rules review committee
8 and the administrative rules coordinator when making Iowa
9 administrative code changes, which appear to require
10 substantial editing and which might otherwise be interpreted
11 to exceed the scope of the authority granted in this section.

12 Sec. 2. Section 10A.104, subsection 8, Code 1995, is
13 amended to read as follows:

14 8. Establish by rule standards and procedures for
15 certifying that targeted small businesses are eligible to
16 participate in the procurement set-aside program ~~and-that~~
17 ~~small-businesses-are-eligible-to-participate-in-the~~
18 ~~construction-procurement-set-aside-program~~ established in
19 sections 73.15 through 73.21. The procedure for determination
20 of eligibility shall not include self-certification by a
21 business. Rules and guidelines adopted pursuant to this
22 subsection are subject to review and approval by the director
23 of the department of management. The director shall maintain
24 a current directory of targeted small businesses which have
25 been certified pursuant to this subsection.

26 Sec. 3. Section 13B.8, subsection 1, unnumbered paragraph
27 2, Code 1995, is amended to read as follows:

28 Before establishing or abolishing a local public defender
29 office, the state public defender shall provide a written
30 report detailing the reasons for the action to be taken to the
31 regulation appropriations subcommittee, the chairperson, vice
32 chairperson, and ranking member of the senate committee on
33 judiciary and committee on appropriations, and the
34 chairperson, vice chairperson, and ranking member of the house
35 of representatives committee on judiciary ~~and-law-enforcement~~

1 and committee on appropriations. The report shall contain a
2 statement of the estimated fiscal impact of the action taken.
3 Any action taken in establishing or abolishing a local public
4 defender office shall only take effect upon the approval of
5 the general assembly. If the state public defender proposes
6 to abolish a local public defender office prior to the
7 beginning of any regular session of the general assembly and
8 the general assembly takes no action regarding that proposal
9 during the first ninety days of the first regular session
10 occurring after the proposal is made, the office shall be
11 abolished.

12 Sec. 4. Section 15.308, subsection 2, paragraph h, Code
13 1995, is amended to read as follows:

14 h. ~~Establish-a~~ The new jobs and income program.

15 Sec. 5. Section 15E.120, subsection 5, Code 1995, is
16 amended to read as follows:

17 5. Loan repayments received by the Iowa department of
18 economic development shall be deposited into a special account
19 to be used at its discretion as matching funds to attract
20 financial assistance from and to participate in programs with
21 national rural development and finance corporations or as
22 provided in subsection 6. Funds in this special account shall
23 not revert to the state general fund at the end of any fiscal
24 year. If the programs for which the funds in the special
25 account are to be used are terminated or expire, the funds in
26 the special account and funds that would be repaid, if any, to
27 the special account shall be transferred or repaid to the
28 community economic betterment account of the ~~Iowa-plan-fund~~
29 ~~for-economic-development-as-established-in-section-99E-31~~
30 strategic investment fund established in section 15.313.

31 Sec. 6. Section 35A.2, subsection 1, Code 1995, is amended
32 to read as follows:

33 1. A commission of veterans affairs is created consisting
34 of seven persons who shall be appointed by the governor,
35 subject to confirmation by the senate. Members shall be

1 appointed to staggered terms of four years beginning and
2 ending as provided in section 69.19. The governor shall fill
3 a vacancy for the unexpired portion of the term.

4 Sec. 7. Section 48A.14, subsection 3, Code 1995, is
5 amended to read as follows:

6 3. A challenge shall contain a statement signed by the
7 challenger in substantially the following form: "I swear or
8 affirm that information contained on this challenge is true.
9 I understand that knowingly filing a challenge containing
10 false information is ~~a-serious~~ an aggravated misdemeanor."

11 Sec. 8. Section 50.16, unnumbered paragraph 2, Code 1995,
12 is amended to read as follows:

13 At an election at in township, or in
14 precinct of city or township, in county, state of
15 Iowa, on the ... day of, ~~A-D-~~ .., there were .. ballots
16 cast for the office of of which

17 A B had .. votes.

18 C D had .. votes.

19 (and in the same manner for any other officer).

20 A true tally list:

21 L M Election Board

22 N O Members.

23 P Q

24 Attest:

25 R S Designated

26 T U Tally Keepers.

27 Sec. 9. Section 50.29, unnumbered paragraph 2, Code 1995,
28 is amended to read as follows:

29 At an election held in said county on the .. day of,
30 ~~A-D-~~ .. A B was elected to the office of for
31 the term of .. years from the .. day of, ~~A-D-~~ .. (or if
32 elected to fill a vacancy, for the residue of the term ending
33 on the .. day of, ~~A-D-~~ ..), and until a successor is
34 elected and qualified.

35 C..... D.....,

1 President of Board of Canvassers.

2 Witness, E..... F.....,

3 County Commissioner of Elections

4 (clerk)

5 Sec. 10. Section 53.37, subsection 5, Code 1995, is
6 amended to read as follows:

7 5. Citizens of the United States who do not fall under any
8 of the categories described in subsections 1 to 4, but who are
9 entitled to register and vote pursuant to section ~~47-47~~
10 ~~subsection-3~~ 48A.5, subsection 4.

11 Sec. 11. Section 53.39, Code 1995, is amended to read as
12 follows:

13 53.39 REQUEST FOR BALLOT -- WHEN AVAILABLE.

14 Section 53.2 does not apply in the case of a registered
15 qualified voter of the state of Iowa serving in the armed
16 forces of the United States. In any such case an application
17 for ballot as provided for in that section is not required and
18 an absent voter's ballot shall be sent or made available to
19 any such registered qualified voter upon a request as provided
20 in this division.

21 All official ballots to be voted by qualified absent voters
22 in the armed forces of the United States at the primary
23 election and the general election shall be printed prior to
24 forty days before the respective elections and shall be
25 available for transmittal to such registered qualified voters
26 in the armed forces of the United States at least forty days
27 before the respective elections. The provisions of this
28 chapter apply to absent voting by qualified voters in the
29 armed forces of the United States except as modified by the
30 provisions of this division.

31 Sec. 12. Section 56.14, Code 1995, is amended to read as
32 follows:

33 56.14 POLITICAL ADVERTISEMENTS -- YARD SIGNS.

34 1. A person who causes the publication or distribution of
35 published material designed to promote or defeat the

1 nomination or election of a candidate for public office or the
2 passage of a constitutional amendment or public measure shall
3 include conspicuously on the published material the identity
4 and address of the person responsible for the material. If
5 the person responsible is an organization, the name of one
6 officer of the organization shall appear on the material.
7 However, if the organization is a committee which has filed a
8 statement of organization under this chapter, only the name of
9 the committee is required to be included on the published
10 material. This ~~section~~ subsection does not apply to the
11 editorials or news articles of a newspaper or magazine which
12 are not political advertisements. For the purpose of this
13 section subsection, "published material" means any newspaper,
14 magazine, shopper, outdoor advertising facility, poster,
15 direct mailing, brochure, or any other form of printed general
16 public political advertising; however, the identification need
17 not be conspicuous on posters. This ~~section~~ subsection does
18 not apply to yard signs, bumper stickers, pins, buttons, pens,
19 matchbooks, and similar small items upon which the inclusion
20 of the disclaimer would be impracticable or to published
21 material which is subject to federal regulations regarding a
22 disclaimer requirement.

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

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

13 Sec. 13. Section 135.107, subsection 1, unnumbered
14 paragraph 2, Code 1995, is amended to read as follows:

15 The advisory committee shall regularly meet with the
16 administrative head of the center as well as the director of
17 the center for agricultural health and safety established
18 under section 262.78. The head of the office center and the
19 director of the center for agricultural health and safety
20 shall consult with the advisory committee and provide the
21 committee with relevant information regarding their agencies.

22 Sec. 14. Section 135C.2, subsection 5, paragraph g, Code
23 1995, is amended to read as follows:

24 g. The facilities licensed under this subsection shall be
25 eligible for funding utilized by other licensed residential
26 care facilities for the mentally retarded, or licensed
27 residential care facilities for the mentally ill, including
28 but not limited to funding under or from the federal social
29 services block grant, the state supplementary assistance
30 program, state mental health and ~~mental-retardation~~
31 developmental disabilities services funds, and county funding
32 provisions.

33 Sec. 15. Section 144.12A, subsection 5, paragraph c, Code
34 1995, is amended to read as follows:

35 c. Revocation ~~shall-be-deemed-a-nullity~~ nullifies the

1 registration and the information provided by the registrant
2 shall be expunged.

3 Sec. 16. Section 163.47, Code 1995, is amended to read as
4 follows:

5 163.47 EXEMPTIONS.

6 The provisions of this division shall not apply to 4-H or
7 Future Farmers of America organizations engaged in breeding
8 programs, ~~the sale of semen collected before January 17, 1978.~~

9 Sec. 17. Section 192.124, Code 1995, is amended to read as
10 follows:

11 192.124 RETENTION OF MARKED CONTAINER.

12 No A person shall not, without the consent of the owner,
13 retain for a longer period than three days a container bearing
14 a registered mark, and any person receiving such a container
15 shall immediately return it to the owner by a common carrier.
16 A receipt from a common carrier ~~shall be prima facie~~ is prima
17 facie evidence that such the container was returned.

18 ~~Notwithstanding section 189.21, a person retaining a~~
19 ~~container used for the handling of dairy products intended for~~
20 ~~sale as provided in this section, which bears a mark~~
21 ~~registered pursuant to section 192.123, shall not be subject~~
22 ~~to any penalty provided by law, if the person returns the~~
23 ~~container to its owner on or after April 14, 1992, but before~~
24 ~~August 17, 1992.~~

25 Sec. 18. Section 232.44, subsection 7, Code 1995, is
26 amended to read as follows:

27 7. If a child held in shelter care or detention by court
28 order has not been released after a detention hearing or has
29 not appeared at an adjudicatory hearing before the expiration
30 of the order of detention, an additional hearing shall
31 automatically be scheduled for the next court day following
32 the expiration of the order. The child, the child's counsel,
33 the child's guardian ad litem, and the child's parent,
34 guardian or custodian shall be notified of this hearing not
35 less than twenty-four hours before the hearing is scheduled to

1 take place. The hearing required by this ~~section~~ subsection
2 may be held by telephone conference call.

3 Sec. 19. Section 232.102, subsection 3, Code 1995, is
4 amended to read as follows:

5 3. After a dispositional hearing and upon written findings
6 of fact based upon evidence in the record that an alternative
7 placement set forth in subsection 1, paragraph "b" has
8 previously been made and is not appropriate the court may
9 enter an order transferring the guardianship of the ~~court~~
10 child for the purposes of subsection 8, to the director of
11 human services for the purposes of placement in the Iowa
12 juvenile home at Toledo.

13 Sec. 20. Section 232.148, subsection 5, Code 1995, is
14 amended to read as follows:

15 5. Fingerprints and photographs of a child shall be
16 removed from the file and destroyed upon notification by the
17 child's guardian ad litem or legal counsel to the department
18 of public safety that ~~any~~ either of the following situations
19 apply:

20 a. A petition alleging the child to be delinquent is not
21 filed and the child has not entered into an informal
22 adjustment, admitting involvement in a delinquent act alleged
23 in the complaint.

24 b. After a petition is filed, the petition is dismissed or
25 the proceedings are suspended and the child has not entered
26 into a consent decree and has not been adjudicated delinquent
27 on the basis of a delinquent act other than one alleged in the
28 petition in question.

29 ~~c.~~ Upon Fingerprints and photographs of a child shall also
30 be removed from the file and destroyed upon petition by the
31 child when the child reaches twenty-one years of age and the
32 child has not been adjudicated a delinquent nor convicted of
33 committing an aggravated misdemeanor or a felony after
34 reaching sixteen years of age.

35 Sec. 21. Section 252A.6A, subsection 2, paragraph a, Code

1 1995, is amended to read as follows:

2 a. (1) If the prior determination of paternity is based
3 on an affidavit of paternity filed pursuant to section
4 252A.3A, or an administrative order entered pursuant to
5 chapter 252F, or an order by the courts of this state, or by
6 operation of law when the mother and established father are or
7 were married to each other, the provisions of section ~~600B.41~~
8 600B.41A are applicable.

9 (2) If the court determines that the prior determination
10 of paternity should not be overcome, pursuant to section
11 ~~600B.41~~ 600B.41A, and that the respondent has a duty to
12 provide support, the court shall enter an order establishing
13 the monthly child support payment and the amount of the
14 support debt accrued and accruing pursuant to section 598.21,
15 subsection 4, or medical support pursuant to chapter 252E, or
16 both.

17 Sec. 22. Section 252C.4, subsection 7, paragraph a, Code
18 1995, is amended to read as follows:

19 a. (1) If the prior determination of paternity is based
20 on an affidavit of paternity filed pursuant to section
21 252A.3A, or an administrative order entered pursuant to
22 chapter 252F, or an order by the courts of this state, or by
23 operation of law when the mother and established father are or
24 were married to each other, the provisions of section ~~600B.41~~
25 600B.41A are applicable.

26 (2) If the court determines that the prior determination
27 of paternity should not be overcome pursuant to section
28 ~~600B.41~~ 600B.41A, and that the responsible person has a duty
29 to provide support, the court shall enter an order
30 establishing the monthly child support payment and the amount
31 of the support debt accrued and accruing pursuant to section
32 598.21, subsection 4, or medical support pursuant to chapter
33 252E, or both.

34 Sec. 23. Section 256.33, unnumbered paragraph 1, Code
35 1995, is amended to read as follows:

1 The department shall consort with school districts, area
2 education agencies, community colleges, and colleges and
3 universities to provide assistance to them in the use of
4 educational technology for instruction purposes. The
5 department shall consult with ~~the advisory committee on the~~
6 ~~operation of the narrowcast system, established in section~~
7 ~~256.82,~~ the advisory committee on telecommunications,
8 established in section 256.7, subsection 7, and other users of
9 educational technology on the development and operation of
10 programs under this section.

11 Sec. 24. Section 261B.6, Code 1995, is amended to read as
12 follows:

13 261B.6 LIST OF SCHOOLS.

14 The secretary shall maintain a list of registered schools
15 and the list and the information submitted under sections
16 261B.3 and 261B.4 are public records under chapter ~~21~~ 22.

17 Sec. 25. Section 294.10A, subsection 1, Code 1995, is
18 amended to read as follows:

19 1. Notwithstanding section 294.9 or other provisions of
20 this chapter, beginning January 1, following the submission by
21 the a board of trustees of an application to the federal
22 internal revenue service requesting qualification of a plan in
23 accordance with the requirements of the Internal Revenue Code,
24 as defined in section 422.3, teacher assessments required
25 under section 294.9 which are picked up by the an employing
26 school district shall be considered employer contributions for
27 federal income tax purposes, and each employing school
28 district establishing a pension and annuity retirement system
29 pursuant to this chapter shall pick up the teacher assessments
30 to be made under section 294.9 by its employees commencing the
31 January 1 following an application for qualification. Each
32 employing school district shall pick up these teacher
33 assessments by reducing the salary of each of the teachers
34 covered by this chapter by the amount which each teacher is
35 required to contribute through assessments under section 294.9

1 and shall pay to the board of trustees the amount picked up in
2 lieu of the teacher assessments for recording and deposit in
3 the fund.

4 Sec. 26. Section 298.9, Code 1995, is amended to read as
5 follows:

6 298.9 SPECIAL LEVIES.

7 If the voter-approved physical plant and equipment levy,
8 consisting solely of a physical plant and equipment property
9 tax levy, is voted at a special election and certified to the
10 board of supervisors after the regular levy is made, the board
11 shall at its next regular meeting levy the tax and cause it to
12 be entered upon the tax list to be collected as other school
13 taxes. If the certification is filed prior to April 1, the
14 annual levy shall begin with the tax levy of the year of
15 filing. If the certification is filed after April 1 in a
16 year, the levy shall begin with the levy of the fiscal year
17 succeeding the year of the filing of the certification.

18 Sec. 27. Section 298A.11, Code 1995, is amended to read as
19 follows:

20 298A.11 SCHOOL NUTRITION FUND.

21 A school nutrition fund is an enterprise fund. A school
22 nutrition fund must be established in any school corporation
23 receiving moneys from the school ~~lunch~~ meal program authorized
24 under chapter 283A.

25 Sec. 28. Section 321.189, subsection 7, paragraphs a and
26 b, Code 1995, are amended to read as follows:

27 a. An operator who has been issued a class M license prior
28 to ~~July-17-1994~~ May 1, 1995.

29 b. An operator who is renewing the operator's class M
30 license issued prior to ~~July-17-1994~~ May 1, 1995.

31 Sec. 29. Section 321.454, Code 1995, is amended to read as
32 follows:

33 321.454 WIDTH OF VEHICLES.

34 The total outside width of any vehicle or the load on the
35 vehicle shall not exceed eight feet except that a motor home,

1 commercial motor vehicle, motor truck or trailer hauling grain
2 or livestock, travel trailer, fifth-wheel travel trailer, or
3 bus having a total outside width not exceeding eight feet six
4 inches, exclusive of safety equipment, is exempt from the
5 permit requirements of chapter 321E and may be operated on the
6 public highways of the state. However, if hay, straw or
7 stover moved on any implement of husbandry and the total width
8 of load of the implement of husbandry exceeds eight feet in
9 width, the implement of husbandry is not subject to the permit
10 requirements of chapter 321E. If hay, straw or stover is
11 moved on any other vehicle subject to registration, the moves
12 are subject to the permit requirements for transporting loads
13 exceeding eight feet in width as required under chapter 321E.
14 ~~The-vehicle-width-limitations-imposed-by-this-subsection-only~~
15 ~~apply-to-the-public-highways-of-the-state-not-subject-to-the~~
16 ~~width-limitations-imposed-under-subsection-2-~~

17 Sec. 30. Section 321E.11, unnumbered paragraph 1, Code
18 1995, is amended to read as follows:

19 Movements by permit in accordance with this chapter shall
20 be permitted only during the hours from sunrise to sunset
21 unless the issuing authority determines that the movement can
22 be better accomplished at another period of time because of
23 traffic volume conditions ~~or-the-vehicle-subject-to-the-permit~~
24 ~~has-an-overall-length-not-to-exceed-one-hundred-feet,-an~~
25 ~~overall-width-not-to-exceed-eleven-feet,-and-an-overall-height~~
26 ~~not-to-exceed-fourteen-feet,-four-inches,-and-the-permit~~
27 ~~requires-the-vehicle-to-operate-only-on-the-designated-highway~~
28 system. Additional safety lighting and escorts may be
29 required for movement at night.

30 Sec. 31. Section 331.507, subsection 3, Code 1995, is
31 amended to read as follows:

32 3. The auditor shall collect or receive the following
33 fees:

34 a:--The bee entry fee collected from nonresidents importing
35 bees by the state apiarist as provided under section 160.16.

1 Sec. 32. Section 331.653, subsection 53, Code 1995, is
2 amended to read as follows:

3 53. Carry out duties relating to the disposition of lost
4 property as provided in chapter 644 556F.

5 Sec. 33. Section 357G.4, Code 1995, is amended to read as
6 follows:

7 357G.4 TIME OF HEARING.

8 The public hearing required in section 357G.2 shall be held
9 within thirty days of the presentation of the petition.
10 Notice of hearing shall be given by publication in two
11 successive issues of any paper newspaper of general
12 circulation within the district. The last publication shall
13 be not less than one week before the proposed hearing.

14 Sec. 34. Section 384.84, subsection 6, paragraph a,
15 subparagraph (5), Code 1995, is amended to read as follows:

16 (5) Contract for a period not to exceed forty years with
17 persons and other governmental bodies for the purpose purchase
18 or sale of water, gas, or electric power and energy on a
19 wholesale basis.

20 Sec. 35. Section 427A.1, subsection 1, unnumbered
21 paragraph 1, Code 1995, is amended to read as follows:

22 ~~All-tangible-property-except-that-which-is-assessed-and~~
23 ~~taxed-as-real-property-is-subject-to-the-personal-property-tax~~
24 ~~credits-provided-in-this-chapter,-unless-the-property-is~~
25 ~~taxed,-licensed,-or-exempt-from-taxation-under-other~~
26 ~~provisions-of-law.~~ For the purposes of property taxation
27 only, the following shall be assessed and taxed, unless
28 otherwise qualified for exemption, as real property:

29 Sec. 36. NEW SECTION. 427A.2 PERSONAL PROPERTY NOT
30 SUBJECT TO PROPERTY TAX.

31 Personal property shall not be listed or assessed for
32 taxation and is not subject to the property tax.

33 Sec. 37. Section 447.9, unnumbered paragraph 2, Code 1995,
34 is amended to read as follows:

35 Service of the notice shall also be made by mail on any

1 mortgagee having a lien upon the parcel, a vendor of the
2 parcel under a recorded contract of sale, a lessor who has a
3 recorded lease or recorded memorandum of a recorded lease, and
4 any other person who has an interest of record, at the
5 person's last known address, ~~and on the state of Iowa in case~~
6 ~~of an old age assistance lien by service upon the state~~
7 ~~department of human services.~~ The notice shall also be served
8 on any city where the parcel is situated. Only those persons
9 who are required to be sent the notice of expiration as
10 provided in this section are eligible to redeem a parcel from
11 tax sale.

12 Sec. 38. Section 502.207A, subsection 5, Code 1995, is
13 amended to read as follows:

14 5. In connection with an offering registered under this
15 section, a person may be registered as an agent of the issuer
16 under section 502.301 by the filing of an application by the
17 issuer with the administrator for the registration of the
18 person as an agent of the issuer and the paying of a fee of
19 ten dollars. Notwithstanding any other provision of this
20 chapter, the registration of the agent shall be effective
21 until withdrawn by the issuer or until the securities
22 registered pursuant to the registration statement have all
23 been sold, whichever occurs first. The registration of an
24 agent shall become effective when ordered by the administrator
25 or on the fifth business day after the agent's application has
26 been filed with the administrator, whichever occurs first, and
27 the administrator shall not impose further conditions upon the
28 registration of the agent. However, the administrator may
29 deny, revoke, suspend, or withdraw the registration of the
30 agent at any time as provided in section 502.304.

31 ~~Notwithstanding section 502.3027-subsection 57-for~~ For the
32 purposes of registration of agents under this section, the
33 issuer and agent are not required to post bond. An agent
34 registered solely pursuant to this section is entitled to sell
35 only securities registered under this section.

1 Sec. 39. Section 508.36, subsection 8, paragraph a, Code
2 1995, is amended to read as follows:

3 a. A company's aggregate reserves for all life insurance
4 policies, excluding disability and accidental death benefits,
5 issued on or after the operative date of section 508.37, shall
6 not be less than the aggregate reserves calculated in
7 accordance with the methods set forth in subsections 6, 7, 10,
8 and 11, and the mortality table or tables and rate or rates of
9 interest used in calculating nonforfeiture benefits for such
10 policies.

11 Sec. 40. Section 515C.1, Code 1995, is amended to read as
12 follows:

13 515C.1 DEFINITION.

14 "Mortgage guaranty insurance" means insurance against
15 financial loss by reason of nonpayment of principal, interest
16 and other sums agreed to be paid under the terms of any note
17 or bond or other evidence of indebtedness secured by a
18 mortgage, deed ~~or~~ of trust or other instrument constituting a
19 lien or charge on real estate or on an owner-occupied mobile
20 home.

21 Sec. 41. Section 548.101, subsection 9, Code 1995, is
22 amended to read as follows:

23 9. "Trademark" means a word, name, symbol, or device or
24 any combination of a word, name, symbol, or device, used by a
25 person to identify and distinguish the goods of that person,
26 including a unique product, from ~~products~~ those manufactured
27 and sold by others, and to indicate the source of the goods,
28 even if that source is unknown.

29 Sec. 42. Section 548.101, subsection 11, paragraph a, Code
30 1995, is amended to read as follows:

31 a. On goods sold or transported in commerce in this state
32 when the mark is placed in any manner on the goods or
33 containers or associated displays, or on affixed tags or
34 labels, ~~in-this-state~~ or if the nature of the goods makes the
35 placement on the goods or containers impracticable, on

1 documents associated with the goods or their sale.

2 Sec. 43. Section 548.102, subsection 5, unnumbered
3 paragraph 2, Code 1995, is amended to read as follows:

4 This subsection 5 does not prevent the registration of a
5 mark used by the applicant which has become distinctive of the
6 applicant's goods or services. The secretary may accept as
7 evidence that the mark has become distinctive, as used on or
8 in connection with the applicant's goods or services, proof of
9 continuous use thereof as a mark by the applicant in this
10 state for the five years before the date on which the claim
11 for distinctiveness is made.

12 Sec. 44. Section 554.3102, subsections 1 and 2, Code 1995,
13 are amended to read as follows:

14 1. This Article applies to negotiable instruments. It
15 does not apply to money, to payment orders governed by Article
16 ~~8~~ 12, or to securities governed by Article ~~12~~ 8.

17 2. If there is conflict between this Article and Article 4
18 ~~or 9 or 12~~, Articles 4 and 9 ~~and 12~~ govern.

19 Sec. 45. Section 554.4104, subsection 3, Code 1995, is
20 amended to read as follows:

21 3. The following definitions in other Articles apply to
22 this Article:

23	"Acceptance"	Section 554.3409
24	"Alteration"	Section 554.3407
25	"Cashier's check"	Section 554.3104
26	"Certificate of deposit"	Section 554.3104
27	"Certified check"	Section 554.3409
28	"Check"	Section 554.3104
29	"Draft"-----	Section 554.3104
30	"Good faith"	Section 554.3103
31	"Holder in due course"	Section 554.3302
32	"Instrument"	Section 554.3104
33	"Notice of dishonor"	Section 554.3503
34	"Order"	Section 554.3103
35	"Ordinary care"	Section 554.3103

1 "Person entitled to enforce" Section 554.3301
2 "Presentment" Section 554.3501
3 "Promise" Section 554.3103
4 "Prove" Section 554.3103
5 "Teller's check" Section 554.3104
6 "Unauthorized signature" Section 554.3403
7 Sec. 46. Section 554.4212, subsection 2, Code 1995,
8 is amended to read as follows:
9 2. If presentment is made by notice
10 and
11 payment, acceptance, or request for
12 compliance with
13 a requirement under section 554.3501 is not
14 received by
15 the close of business on the day after
16 maturity or, in the
17 case of demand items, by the close of
18 business on the third
19 banking day after notice was sent, the
20 presenting bank may
21 treat the item as dishonored and charge
22 any
23 drawer or endorser by sending it notice
24 of
25 the facts.
26 Sec. 47. Section 554.4215, subsection 6, Code 1995,
27 is amended to read as follows:
28 6. Subject to applicable law stating
29 a time for
30 availability of funds and any right of a
31 bank to apply
32 a deposit ~~of money~~ to an obligation of
33 the ~~customer~~ depositor, the a
34 deposit of money
35 becomes available for withdrawal

1 as of right at the
2 opening of the bank's next banking day
3 after receipt
4 of the deposit.

5 Sec. 48. Section 554.4401, subsection 1, Code 1995,
6 is amended to read as follows:

7 1. A bank may charge against
8 the customer's account of a customer an
9 item that is
10 properly payable from that account even
11 though the
12 charge creates an overdraft. An item is
13 properly payable if
14 it is authorized by the customer and is
15 in accordance with any
16 agreement between the customer and bank.

17 Sec. 49. Section 602.8102, subsection 110,
18 Code 1995, is amended to read as follows:

19 110. Carry out duties relating to
20 the disposition of lost
21 property as provided in chapter 644 556F.

22 Sec. 50. Section 633.703B, Code 1995, is amended
23 to read as follows:

24 633.703B AVAILABILITY OF AMENDMENT
25 PROCEDURES.

26 Amendment procedures in ~~this chapter~~ section 633.703A
27 and this section

28 shall be available to
29 trusts created in any manner, whether by
30 trust agreement,
31 will, deed, or otherwise, and may be
32 used on or after July 1,
33 1994, for any trust created before or
34 after that date.

35 Sec. 51. Section 709B.3, subsection 14, Code 1995,

1 is amended to read as follows:

2 14. In addition to persons to whom
3 disclosure of the
4 results of a convicted offender's HIV-
5 related test results is
6 authorized under this chapter, the
7 victim may also disclose
8 the results to the victim's spouse,
9 persons with whom the
10 victim has engaged in vaginal, anal, or
11 oral intercourse
12 subsequent to the sexual assault, or
13 members of the victim's
14 family within the ~~fourth~~ third degree of
15 consanguinity.

16 Sec. 52. 1994 Iowa Acts, chapter 1119, section 36, is
17 amended to read as follows:

18 SEC. 36. ELIMINATION OF FUNDING SOURCE -- DIRECTIONS TO
19 CODE EDITOR.

20 1. Section 423.24, subsection 1, paragraph b, Code
21 Supplement 1993, as amended by 1994 Iowa Acts, chapter
22 1119, section 29, is amended by striking the paragraph.

23 2. No moneys shall be deposited into the value-added
24 agricultural products and processes financial assistance fund
25 or the renewable fuels and coproducts fund, pursuant to
26 section 423.24, as provided in this Act, after June 30, 2000.

27 3. Notwithstanding this section, restrictions upon the
28 amount of money used to support administrative expenses by the
29 department of economic development and the office of renewable
30 fuels and coproducts shall continue to apply to moneys
31 deposited in the value-added agricultural products and
32 processes financial assistance fund and the renewable fuels
33 and coproducts fund, pursuant to section 423.24, as provided
34 in this Act, after June 30, 2000.

35 4. a. Any unencumbered or unobligated moneys in the

1 value-added agricultural products and processes financial
2 assistance fund derived from moneys deposited pursuant to
3 section 423.24, which are in excess of three million six
4 hundred fifty thousand dollars of the unencumbered or
5 unobligated moneys in the fund deposited pursuant to that
6 section, and which are remaining on June 30, 2000, shall be
7 credited on August 31, 2000, to the road use tax fund as
8 created in section 312.1.

9 b. Any unencumbered or unobligated moneys in the renewable
10 fuels and coproducts fund derived from moneys deposited
11 pursuant to section 423.24, which are in excess of three
12 hundred fifty thousand dollars of the unencumbered or
13 unobligated moneys in the fund deposited pursuant to that
14 section, and which are remaining on June 30, 2000, shall be
15 credited on August 31, 2000, to the road use tax fund as
16 created in section 312.1.

17 5. The Code editor is directed to eliminate provisions
18 within sections of the Code as provided in this Act wherever
19 references to section 423.24, subsection 1, paragraph "b",
20 appear in those provisions.

21 6. This section takes effect on July 1, 2000.

22 Sec. 53. 1994 Iowa Acts, chapter 1171, section 52,
23 subsections 5 and 6, are amended to read as follows:

24 5. Sections 40, 41, 42, and 46 through 48 of this Act, being
25 deemed of immediate importance, take effect upon enactment.

26 6. Sections 40, 41, 42, and 46 through 48 of this Act apply to
27 any action to overcome paternity, including any paternity
28 determination made prior to the effective date of sections 40,
29 41, 42, and 46 through 48 of this Act.

30 Sec. 54. 1994 Iowa Acts, chapter 1183, section 89,
31 subsection 1, is amended to read as follows:

32 1. The department of personnel, in consultation with the
33 public retirement systems committee established in section
34 97D.4, shall develop a proposal concerning the possible estab-
35 lishment of a new benefit formula under the Iowa public

1 employee's employees' retirement system created in chapter 97B. The
2 proposed benefit formula shall provide a method by which a
3 member may combine the value of the following different types
4 of membership service:

5 a. Membership service as a sheriff or deputy sheriff or
6 airport fire fighter in
7 accordance with section 97B.49, subsection 16, paragraph "b".

8 b. Membership service in a protection occupation, as pro-
9 vided in section 97B.49, subsection 16, paragraphs "a" and
10 "d".

11 c. Any other membership service, as defined in section
12 97B.41.

13 Sec. 55. 1994 Iowa Acts, chapter 1201, section 2, is amended to
14 read as follows:

15 SEC. 2. Notwithstanding section 15E.120, subsections 5, 6,
16 and 7, and section 15.287, there is appropriated from the Iowa
17 community development loan fund ~~from~~ all the moneys available
18 during the fiscal year beginning July 1, 1994, and ending June
19 30, 1995, to the department of economic development for the
20 rural development program to be used by the department for the
21 purposes of the program.

22 Sec. 56. AMENDMENTS CHANGING TERMINOLOGY REGARDING
23 REGISTERED VOTERS -- DIRECTIVE TO CODE EDITOR.

24 1. Sections 28E.17, 28E.22, 28E.25, 28E.28A, 28E.39, 37.2,
25 39.22, 47.6, 49.3, 49.12, 49.13, 49.51, 49.72, 56.19, 174.10,
26 176A.6, 257.18, 257.29, 275.22, 279.39, 279.53, 300.2, 303.20,
27 303.33, 331.203, 331.204, 331.205, 331.208, 331.237, 331.301,
28 331.306, 331.402, 331.441, 331.442, 331.447, 336.2,
29 357G.8, 358.2, 358.5, 360.3, 364.4, 368.19, 373.6, 384.24A,
30 384.26, 384.84A, 422A.2, and 422B.1, Code 1995, are amended
31 by striking from the sections the words "qualified electors"
32 and inserting in lieu thereof the words "registered voters".

33 2. Section 53.30, Code 1995, is amended by striking
34 from the section the words "qualified elector's" and inserting
35 in lieu thereof the words "registered voter's".

1 3. Section 346.27, Code 1995, is amended by striking from
2 the section the words "qualified voters" and inserting in lieu
3 thereof the words "registered voters".

4 4. The Code editor is directed to substitute the words
5 "registered voter" or "registered voters" for the words
6 "qualified elector" or "qualified electors", as appropriate,
7 when there appears to be no doubt as to the intent to
8 refer to persons who are registered to vote.

9 Sec. 57. EFFECTIVE AND RETROACTIVE APPLICABILITY
10 DATE PROVISIONS.

11 1. The
12 section of this Act which amends 1994 Iowa Acts, chapter 1171,
13 section 52, subsections 5 and 6, being deemed of immediate
14 importance, takes effect upon enactment and applies retroactively
15 to May 11, 1994.

16 2. This section of this Act which amends 1994 Iowa
17 Acts, chapter 1201, section 2, being deemed of immediate
18 importance, takes effect upon enactment.

19 EXPLANATION

20 This bill contains the following nonsubstantive Code
21 corrections:

22 2B.13(4); 13B.8(1), unn. para. 2: Change the name of a
23 house committee from committee on judiciary and law
24 enforcement to committee on judiciary, consistent with actions
25 of the current general assembly.

26 10A.104(8): In provision relating to rules for certifying
27 eligibility of targeted small businesses, strikes reference to
28 "construction procurement set-aside program". This language
29 was overlooked when the proposed program was stricken from
30 House File 2403 in 1994.

31 15.308(2)(h): Revises wording so that new item fits
32 grammatically into the list of state financial assistance
33 programs for which community builder program participants may
34 be eligible.

35 15E.120(5): In provision relating to loan repayments,

1 updates a reference to the community economic betterment
2 account to reflect that the account is now a part of the
3 strategic investment fund and strikes obsolete reference to
4 section 99E.31, which was repealed in 1994.

5 35A.2(1): Adds reference to the standard beginning and
6 ending of terms for members of the commission of veterans
7 affairs.

8 48A.14(3): In new chapter on voter registration, corrects
9 language of challenger's oath regarding the crime of knowingly
10 filing a challenge containing false information. Under
11 section 48A.41(2)(d), the crime is classified as an aggravated
12 misdemeanor rather than a serious misdemeanor.

13 50.16, unn. para. 2; 50.29, unn. para. 2: Delete
14 references to "A.D." (anno domini) as part of the dates in
15 statutory forms for tally lists and certificates of election.

16 53.37(5): In chapter relating to absentee voting,
17 substitutes new reference for reference to repealed provision
18 on voter qualifications for citizens living outside the United
19 States.

20 53.39: Substitutes "qualified voter" for "registered
21 voter" in section relating to absent voting by armed forces.
22 This corrects an error in the directive of 94 Acts, ch 1169,
23 section 64, as to section 53.39. For purposes of armed forces
24 voting, an applicant need not be registered before receiving
25 an absentee ballot. The affidavit on the returned ballot
26 envelope serves as sufficient registration.

27 56.14: Creates separate subsections in section relating to
28 political advertising. The first subsection relates to
29 information to be included as part of certain published
30 material and the second subsection relates to yard signs. In
31 subsection 2, the bill includes family farm limited liability
32 companies among the types of family farm operations allowed to
33 place signs on agricultural land. Family farm corporations,
34 family farm limited partnerships, and family trusts are
35 already specified.

1 135.107(1), unen. para. 2: In section establishing the
2 center for rural health and primary care, changes designation
3 from "office" to "center" (to conform with 1994 amendments).
4 The bill also differentiates the centers by specifically
5 identifying the center for agricultural health and safety.

6 135C.2(5)(g): Updates terminology in provision relating to
7 funding for residential care facilities which serve five or
8 fewer persons with mental retardation, chronic mental illness,
9 a developmental disability, or brain injury.

10 144.12A(5)(c): In section relating to the declaration of
11 paternity registry, revises language to clarify that
12 revocation by the registrant nullifies the registration and
13 leads to expungement of the information.

14 163.47: Strikes an obsolete "grandfather" provision
15 exempting from regulation the sale of semen of breeding bulls
16 collected before January 1, 1978.

17 192.124: Strikes an obsolete amnesty provision relating to
18 the penalty for theft of a milk container bearing a registered
19 mark and makes grammatical changes. The amnesty expired
20 August 1, 1992.

21 232.44(7): In provision relating to the use of telephone
22 conference calls for juvenile detention and shelter hearings,
23 changes the word "section" to "subsection" to clarify that the
24 conference call option applies only to certain additional
25 hearings and not to original hearings.

26 232.102(3): In child in need of assistance provisions of
27 juvenile code, corrects a reference to transfer of
28 guardianship of the child by the court.

29 232.148(5): In provision of juvenile code governing the
30 circumstances under which fingerprints and photographs of a
31 child by a criminal justice agency must be destroyed, makes
32 revisions for clarity of expression.

33 252A.6A(2)(a); 252C.4(7)(a): Correct errors in internal
34 references in a 1994 enactment relating to paternity
35 establishment. The references should be to section 600B.41A,

1 which contains the new provisions on overcoming establishment
2 of paternity.

3 256.33, unn. para. 1: In provision relating to educational
4 technology, strikes a reference to the advisory committee on
5 the operation of the narrowcast system. This advisory
6 committee was repealed in 1994.

7 261B.6: Corrects an internal reference in provision
8 relating to registration of postsecondary schools. The
9 reference should be to chapter 22, which is the public records
10 chapter. Chapter 21 is the open meeting chapter.

11 294.10A(1): Revises language for clarity of new provision
12 relating to pretax treatment of teacher assessments for
13 pension and annuity retirement systems.

14 298.9: Specifies that certification for levy is to the
15 county board of supervisors following favorable vote at a
16 special election on property levy for plant and equipment for
17 school district.

18 298A.11: In new section establishing school nutrition fund
19 (effective July 1, 1995), substitutes "school meal program"
20 for "school lunch program" to conform with recent changes in
21 chapter 283A adding references to breakfasts.

22 321.189(7): Changes dates in text of exceptions to
23 motorcycle education requirements to correspond to the
24 effective date of the requirements, which is May 1, 1995.

25 321.454: In section relating to width of vehicles, strikes
26 a reference to specific limitations for operation on
27 designated highways under former subsection 2, which was
28 stricken in 1994.

29 321E.11, unn. para. 1: In section relating to daylight
30 movement of oversize and overweight vehicles, strikes
31 reference to an exception for certain vehicles operating on
32 the designated highway system. This change was overlooked
33 when other references to the designated highway system were
34 stricken in 1994.

35 331.507(3): Removes lone paragraph designation in

1 provision relating to the county auditor's collection of fees.
2 Former paragraphs "b" and "c" were stricken in 1994 in
3 connection with the reduction of state mandates.

4 331.653(53); 602.8102(110): Correct internal references to
5 transferred chapter in enumerations of duties of sheriff and
6 clerk of the district court.

7 357G.4: Changes "paper" to "newspaper" in new provision
8 relating to publication of notice of hearing on establishment
9 of city emergency medical services district.

10 384.84(6)(a)(5): Substitutes "purchase or sale" for
11 "purpose or sale" in provision setting forth the power of the
12 governing body of a city utility or enterprise system to
13 contract for water, gas, or electricity.

14 427A.1(1), unn. para. 1: Strikes obsolete language
15 relating to personal property tax credits. Personal property
16 is no longer subject to the property tax and former sections
17 providing personal property tax credits have been repealed.

18 427A.2: Restores language stating that personal property
19 is not subject to the property tax. The new section has its
20 basis in former section 427A.10, which included the effective
21 date of July 1, 1987.

22 447.9, unn. para. 2: In chapter on tax redemption, revises
23 provision relating to service of notice of the expiration of
24 the right of redemption by correcting reference to recorded
25 memorandum of a lease and by deleting an obsolete reference to
26 old-age assistance liens.

27 502.207A(5): In section of Uniform Securities Act relating
28 to expedited registration by filing, strikes an obsolete
29 reference to bonding provision which was stricken in 1994.

30 508.36(8)(a): In provision requiring certain minimum
31 reserves for life insurance, adds language inadvertently
32 omitted from 1994 enactment. The language appears in the
33 model Act on which the enactment was based.

34 515C.1: In the definition of mortgage guaranty insurance,
35 corrects reference to "deed of trust".

1 548.101(9) and (11)(a); 548.102(5), unn. para. 2: Make
2 minor revisions in trademark law to conform to the model Act
3 on which the 1994 enactment was based.

4 554.3102(1) and (2): In new negotiable instruments article
5 of Uniform Commercial Code (UCC), correct internal references
6 to conform to uniform Act.

7 554.4104(3): In revised banking article of Uniform
8 Commercial Code, makes correction to conform to uniform Act.

9 554.4212(2): In presentment provision of revised banking
10 article of UCC, adds the word "not", which appears in the
11 uniform Act but was inadvertently omitted in the 1994
12 enactment.

13 554.4215(6): In UCC banking provision on availability for
14 withdrawal, makes corrections to conform to uniform Act.

15 554.4401(1): Makes a grammatical correction in another UCC
16 banking provision to conform to uniform Act.

17 633.703B: In a new provision of the probate code relating
18 to certain separate trusts, changes an internal reference from
19 "this chapter". It appears from the context and bill history
20 that the reference was intended to be limited to sections
21 633.703A and 633.703B.

22 709B.3(14): In provision relating to victims' disclosure
23 of results of HIV tests for certain sexual offenders, allows
24 disclosure to family members within the third degree of
25 consanguinity, consistent with section 141.23.

26 94 Acts, ch 1119, section 36: Makes a technical correction
27 in bill from 1994 relating to agricultural development and
28 rural revitalization by adding an inadvertently omitted
29 reference to the 1994 amendment of certain allocations of
30 motor vehicle use taxes.

31 94 Acts, ch 1171, section 52(5) and (6): Add the new
32 guardian ad litem provision of section 598.21(4B) to portions
33 of the effective date and applicability section in paternity
34 bill from 1994. Failure to include this section in the list
35 was a drafting oversight.

1 94 Acts, ch 1183, section 89(1): Adds airport fire fighter
2 to the list of IPERS groups for whom the department of
3 personnel is directed to work on proposals for combining types
4 of membership service. This reflects the 1994 addition of
5 airport fire fighters to section 97B.49(16)(b).

6 94 Acts, ch 1201, section 2: Corrects a drafting error in
7 1994 appropriation to the department of economic development
8 for the rural development program.

9 Registered voters: Numerous sections are amended to
10 substitute "registered voters" for "qualified electors", in
11 keeping with the changes made by the 1994 "motor voter" bill
12 (see 1994 Iowa Acts, chapter 1169). In addition, the Code
13 editor is directed to make similar changes when there appears
14 to be no doubt as to the intent to refer to persons who are
15 registered to vote.

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SENATE FILE 87

AN ACT

RELATING TO NONSUBSTANTIVE CODE CORRECTIONS, AND PROVIDING
EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

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

Section 1. Section 2B.13, subsection 4, Code 1995, is amended to read as follows:

4. The Iowa Code editor shall seek direction from the senate committee on judiciary and the house committee on judiciary ~~and law enforcement~~ when making Iowa Code or Code Supplement changes, and the administrative code editor shall seek direction from the administrative rules review committee and the administrative rules coordinator when making Iowa administrative code changes, which appear to require substantial editing and which might otherwise be interpreted to exceed the scope of the authority granted in this section.

Sec. 2. Section 10A.104, subsection 8, Code 1995, is amended to read as follows:

8. Establish by rule standards and procedures for certifying that targeted small businesses are eligible to participate in the procurement set-aside program ~~and that small businesses are eligible to participate in the construction-procurement-set-aside program~~ established in sections 73.15 through 73.21. The procedure for determination of eligibility shall not include self-certification by a business. Rules and guidelines adopted pursuant to this subsection are subject to review and approval by the director of the department of management. The director shall maintain a current directory of targeted small businesses which have been certified pursuant to this subsection.

Sec. 3. Section 13B.8, subsection 1, unnumbered paragraph 2, Code 1995, is amended to read as follows:

Before establishing or abolishing a local public defender office, the state public defender shall provide a written report detailing the reasons for the action to be taken to the regulation appropriations subcommittee, the chairperson, vice chairperson, and ranking member of the senate committee on judiciary and committee on appropriations, and the chairperson, vice chairperson, and ranking member of the house of representatives committee on judiciary ~~and law enforcement~~ and committee on appropriations. The report shall contain a statement of the estimated fiscal impact of the action taken. Any action taken in establishing or abolishing a local public defender office shall only take effect upon the approval of the general assembly. If the state public defender proposes to abolish a local public defender office prior to the beginning of any regular session of the general assembly and the general assembly takes no action regarding that proposal during the first ninety days of the first regular session occurring after the proposal is made, the office shall be abolished.

Sec. 4. Section 15.308, subsection 2, paragraph h, Code 1995, is amended to read as follows:

h. ~~Establish a~~ The new jobs and income program.

Sec. 5. Section 15E.120, subsection 5, Code 1995, is amended to read as follows:

5. Loan repayments received by the Iowa department of economic development shall be deposited into a special account to be used at its discretion as matching funds to attract financial assistance from and to participate in programs with national rural development and finance corporations or as provided in subsection 6. Funds in this special account shall not revert to the state general fund at the end of any fiscal year. If the programs for which the funds in the special account are to be used are terminated or expire, the funds in the special account and funds that would be repaid, if any, to the special account shall be transferred or repaid to the community economic betterment account of the ~~Iowa plan fund~~

~~for economic development as established in section 99E.31~~
strategic investment fund established in section 15.313.

Sec. 6. Section 35A.2, subsection 1, Code 1995, is amended to read as follows:

1. A commission of veterans affairs is created consisting of seven persons who shall be appointed by the governor, subject to confirmation by the senate. Members shall be appointed to staggered terms of four years beginning and ending as provided in section 69.19. The governor shall fill a vacancy for the unexpired portion of the term.

Sec. 7. Section 48A.14, subsection 3, Code 1995, is amended to read as follows:

3. A challenge shall contain a statement signed by the challenger in substantially the following form: "I swear or affirm that information contained on this challenge is true. I understand that knowingly filing a challenge containing false information is ~~a serious~~ an aggravated misdemeanor."

Sec. 8. Section 53.37, subsection 5, Code 1995, is amended to read as follows:

5. Citizens of the United States who do not fall under any of the categories described in subsections 1 to 4, but who are entitled to register and vote pursuant to section ~~47.47~~ subsection-3 48A.5, subsection 4.

Sec. 9. Section 53.39, Code 1995, is amended to read as follows:

53.39 REQUEST FOR BALLOT -- WHEN AVAILABLE.

Section 53.2 does not apply in the case of a registered qualified voter of the state of Iowa serving in the armed forces of the United States. In any such case an application for ballot as provided for in that section is not required and an absent voter's ballot shall be sent or made available to any such registered qualified voter upon a request as provided in this division.

All official ballots to be voted by qualified absent voters in the armed forces of the United States at the primary election and the general election shall be printed prior to

forty days before the respective elections and shall be available for transmittal to such registered qualified voters in the armed forces of the United States at least forty days before the respective elections. The provisions of this chapter apply to absent voting by qualified voters in the armed forces of the United States except as modified by the provisions of this division.

Sec. 10. Section 135.107, subsection 1, unnumbered paragraph 2, Code 1995, is amended to read as follows:

The advisory committee shall regularly meet with the administrative head of the center as well as the director of the center for agricultural health and safety established under section 262.78. The head of the ~~office~~ center and the director of the center for agricultural health and safety shall consult with the advisory committee and provide the committee with relevant information regarding their agencies.

Sec. 11. Section 135C.2, subsection 5, paragraph g, Code 1995, is amended to read as follows:

g. The facilities licensed under this subsection shall be eligible for funding utilized by other licensed residential care facilities for the mentally retarded, or licensed residential care facilities for the mentally ill, including but not limited to funding under or from the federal social services block grant, the state supplementary assistance program, state mental health and ~~mental-retardation~~ developmental disabilities services funds, and county funding provisions.

Sec. 12. Section 144.12A, subsection 5, paragraph c, Code 1995, is amended to read as follows:

c. ~~Revocation shall be deemed a nullity~~ nullifies the registration and the information provided by the registrant shall be expunged.

Sec. 13. Section 163.47, Code 1995, is amended to read as follows:

163.47 EXEMPTIONS.

The provisions of this division shall not apply to 4-H or Future Farmers of America organizations engaged in breeding programs, ~~the sale of semen collected before January 17, 1978.~~

Sec. 14. Section 192.124, Code 1995, is amended to read as follows:

192.124 RETENTION OF MARKED CONTAINER.

No A person shall not, without the consent of the owner, retain for a longer period than three days a container bearing a registered mark, and any person receiving such a container shall immediately return it to the owner by a common carrier. A receipt from a common carrier ~~shall be prima facie~~ is prima facie evidence that such the container was returned.

~~Notwithstanding section 189.217, a person retaining a container used for the handling of dairy products intended for sale as provided in this section, which bears a mark registered pursuant to section 192.123, shall not be subject to any penalty provided by law if the person returns the container to its owner on or after April 14, 1992, but before August 17, 1992.~~

Sec. 15. Section 232.44, subsection 7, Code 1995, is amended to read as follows:

7. If a child held in shelter care or detention by court order has not been released after a detention hearing or has not appeared at an adjudicatory hearing before the expiration of the order of detention, an additional hearing shall automatically be scheduled for the next court day following the expiration of the order. The child, the child's counsel, the child's guardian ad litem, and the child's parent, guardian or custodian shall be notified of this hearing not less than twenty-four hours before the hearing is scheduled to take place. The hearing required by this ~~section~~ subsection may be held by telephone conference call.

Sec. 16. Section 232.102, subsection 3, Code 1995, is amended to read as follows:

3. After a dispositional hearing and upon written findings of fact based upon evidence in the record that an alternative

placement set forth in subsection 1, paragraph "b" has previously been made and is not appropriate the court may enter an order transferring the guardianship of the court child for the purposes of subsection 8, to the director of human services for the purposes of placement in the Iowa juvenile home at Toledo.

Sec. 17. Section 232.148, subsection 5, Code 1995, is amended to read as follows:

5. Fingerprints and photographs of a child shall be removed from the file and destroyed upon notification by the child's guardian ad litem or legal counsel to the department of public safety that any either of the following situations apply:

a. A petition alleging the child to be delinquent is not filed and the child has not entered into an informal adjustment, admitting involvement in a delinquent act alleged in the complaint.

b. After a petition is filed, the petition is dismissed or the proceedings are suspended and the child has not entered into a consent decree and has not been adjudicated delinquent on the basis of a delinquent act other than one alleged in the petition in question.

~~or~~ Upon Fingerprints and photographs of a child shall also be removed from the file and destroyed upon petition by the child when the child reaches twenty-one years of age and the child has not been adjudicated a delinquent nor convicted of committing an aggravated misdemeanor or a felony after reaching sixteen years of age.

Sec. 18. Section 252A.6A, subsection 2, paragraph a, Code 1995, is amended to read as follows:

a. (1) If the prior determination of paternity is based on an affidavit of paternity filed pursuant to section 252A.3A, or an administrative order entered pursuant to chapter 252F, or an order by the courts of this state, or by operation of law when the mother and established father are or were married to each other, the provisions of section 600B.41 ~~600B.41~~ 600B.41A are applicable.

(2) If the court determines that the prior determination of paternity should not be overcome, pursuant to section 600B-41 600B.41A, and that the respondent has a duty to provide support, the court shall enter an order establishing the monthly child support payment and the amount of the support debt accrued and accruing pursuant to section 598.21, subsection 4, or medical support pursuant to chapter 252E, or both.

Sec. 19. Section 252C.4, subsection 7, paragraph a, Code 1995, is amended to read as follows:

a. (1) If the prior determination of paternity is based on an affidavit of paternity filed pursuant to section 252A.3A, or an administrative order entered pursuant to chapter 252F, or an order by the courts of this state, or by operation of law when the mother and established father are or were married to each other, the provisions of section 600B-41 600B.41A are applicable.

(2) If the court determines that the prior determination of paternity should not be overcome pursuant to section 600B-41 600B.41A, and that the responsible person has a duty to provide support, the court shall enter an order establishing the monthly child support payment and the amount of the support debt accrued and accruing pursuant to section 598.21, subsection 4, or medical support pursuant to chapter 252E, or both.

Sec. 20. Section 256.33, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The department shall consort with school districts, area education agencies, community colleges, and colleges and universities to provide assistance to them in the use of educational technology for instruction purposes. The department shall consult with ~~the advisory committee on the operation of the narrowcast system, established in section 256-82,~~ the advisory committee on telecommunications, established in section 256.7, subsection 7, and other users of educational technology on the development and operation of programs under this section.

Sec. 21. Section 261B.6, Code 1995, is amended to read as follows:

261B.6 LIST OF SCHOOLS.

The secretary shall maintain a list of registered schools and the list and the information submitted under sections 261B.3 and 261B.4 are public records under chapter 21 22.

Sec. 22. Section 294.10A, subsection 1, Code 1995, is amended to read as follows:

1. Notwithstanding section 294.9 or other provisions of this chapter, beginning January 1, following the submission by ~~the~~ a board of trustees of an application to the federal internal revenue service requesting qualification of a plan in accordance with the requirements of the Internal Revenue Code, as defined in section 422.3, teacher assessments required under section 294.9 which are picked up by the an employing school district shall be considered employer contributions for federal income tax purposes, and each employing school district establishing a pension and annuity retirement system pursuant to this chapter shall pick up the teacher assessments to be made under section 294.9 by its employees commencing the January 1 following an application for qualification. Each employing school district shall pick up these teacher assessments by reducing the salary of each of the teachers covered by this chapter by the amount which each teacher is required to contribute through assessments under section 294.9 and shall pay to the board of trustees the amount picked up in lieu of the teacher assessments for recording and deposit in the fund.

Sec. 23. Section 298.9, Code 1995, is amended to read as follows:

298.9 SPECIAL LEVIES.

If the voter-approved physical plant and equipment levy, consisting solely of a physical plant and equipment property tax levy, is voted at a special election and certified to the board of supervisors after the regular levy is made, the board shall at its next regular meeting levy the tax and cause it to

be entered upon the tax list to be collected as other school taxes. If the certification is filed prior to April 1, the annual levy shall begin with the tax levy of the year of filing. If the certification is filed after April 1 in a year, the levy shall begin with the levy of the fiscal year succeeding the year of the filing of the certification.

Sec. 24. Section 298A.11, Code 1995, is amended to read as follows:

298A.11 SCHOOL NUTRITION FUND.

A school nutrition fund is an enterprise fund. A school nutrition fund must be established in any school corporation receiving moneys from the school lunch meal program authorized under chapter 283A.

Sec. 25. Section 321.189, subsection 7, paragraphs a and b, Code 1995, are amended to read as follows:

a. An operator who has been issued a class M license prior to ~~July-17-1994~~ May 1, 1995.

b. An operator who is renewing the operator's class M license issued prior to ~~July-17-1994~~ May 1, 1995.

Sec. 26. Section 321.454, Code 1995, is amended to read as follows:

321.454 WIDTH OF VEHICLES.

The total outside width of any vehicle or the load on the vehicle shall not exceed eight feet except that a motor home, commercial motor vehicle, motor truck or trailer hauling grain or livestock, travel trailer, fifth-wheel travel trailer, or bus having a total outside width not exceeding eight feet six inches, exclusive of safety equipment, is exempt from the permit requirements of chapter 321E and may be operated on the public highways of the state. However, if hay, straw or stover moved on any implement of husbandry and the total width of load of the implement of husbandry exceeds eight feet in width, the implement of husbandry is not subject to the permit requirements of chapter 321E. If hay, straw or stover is moved on any other vehicle subject to registration, the moves are subject to the permit requirements for transporting loads

exceeding eight feet in width as required under chapter 321E. ~~The vehicle width limitations imposed by this subsection only apply to the public highways of the state not subject to the width limitations imposed under subsection 2.~~

Sec. 27. Section 321E.11, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Movements by permit in accordance with this chapter shall be permitted only during the hours from sunrise to sunset unless the issuing authority determines that the movement can be better accomplished at another period of time because of traffic volume conditions or the vehicle subject to the permit has an overall length not to exceed one hundred feet, an overall width not to exceed eleven feet, and an overall height not to exceed fourteen feet, four inches, and the permit requires the vehicle to operate only on the those highways designated highway system by the department. Additional safety lighting and escorts may be required for movement at night.

Sec. 28. Section 331.507, subsection 3, Code 1995, is amended to read as follows:

3. The auditor shall collect or receive the following fees:

~~a. The~~ bee entry fee collected from nonresidents importing bees by the state apiarist as provided under section 160.16.

Sec. 29. Section 331.653, subsection 53, Code 1995, is amended to read as follows:

53. Carry out duties relating to the disposition of lost property as provided in chapter 644 556F.

Sec. 30. Section 357G.4, Code 1995, is amended to read as follows:

357G.4 TIME OF HEARING.

The public hearing required in section 357G.2 shall be held within thirty days of the presentation of the petition. Notice of hearing shall be given by publication in two successive issues of any paper newspaper of general circulation within the district. The last publication shall be not less than one week before the proposed hearing.

Sec. 31. Section 384.84, subsection 6, paragraph a, subparagraph (5), Code 1995, is amended to read as follows:

(5) Contract for a period not to exceed forty years with persons and other governmental bodies for the purpose purchase or sale of water, gas, or electric power and energy on a wholesale basis.

Sec. 32. Section 427A.1, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

~~All-tangible-property-except-that-which-is-assessed-and taxed-as-real-property-is-subject-to-the-personal-property-tax credits-provided-in-this-chapter,-unless-the-property-is taxed,-licensed,-or-exempt-from-taxation-under-other provisions-of-law.~~ For the purposes of property taxation only, the following shall be assessed and taxed, unless otherwise qualified for exemption, as real property:

Sec. 33. NEW SECTION. 427A.2 PERSONAL PROPERTY NOT SUBJECT TO PROPERTY TAX.

Personal property shall not be listed or assessed for taxation and is not subject to the property tax.

Sec. 34. Section 447.9, unnumbered paragraph 2, Code 1995, is amended to read as follows:

Service of the notice shall also be made by mail on any mortgagee having a lien upon the parcel, a vendor of the parcel under a recorded contract of sale, a lessor who has a recorded lease or recorded memorandum of a recorded lease, and any other person who has an interest of record, at the person's last known address, ~~and-on-the-state-of-Iowa-in-case of-an-old-age-assistance-lien-by-service-upon-the-state department-of-human-services.~~ The notice shall also be served on any city where the parcel is situated. Only those persons who are required to be sent the notice of expiration as provided in this section are eligible to redeem a parcel from tax sale.

Sec. 35. Section 502.207A, subsection 5, Code 1995, is amended to read as follows:

5. In connection with an offering registered under this section, a person may be registered as an agent of the issuer under section 502.301 by the filing of an application by the issuer with the administrator for the registration of the person as an agent of the issuer and the paying of a fee of ten dollars. Notwithstanding any other provision of this chapter, the registration of the agent shall be effective until withdrawn by the issuer or until the securities registered pursuant to the registration statement have all been sold, whichever occurs first. The registration of an agent shall become effective when ordered by the administrator or on the fifth business day after the agent's application has been filed with the administrator, whichever occurs first, and the administrator shall not impose further conditions upon the registration of the agent. However, the administrator may deny, revoke, suspend, or withdraw the registration of the agent at any time as provided in section 502.304. ~~Notwithstanding-section-502.302,-subsection-57-for~~ For the purposes of registration of agents under this section, the issuer and agent are not required to post bond. An agent registered solely pursuant to this section is entitled to sell only securities registered under this section.

Sec. 36. Section 508.36, subsection 8, paragraph a, Code 1995, is amended to read as follows:

a. A company's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after the operative date of section 508.37, shall not be less than the aggregate reserves calculated in accordance with the methods set forth in subsections 6, 7, 10, and 11, and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies.

Sec. 37. Section 515C.1, Code 1995, is amended to read as follows:

515C.1 DEFINITION.

"Mortgage guaranty insurance" means insurance against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed or of trust or other instrument constituting a lien or charge on real estate or on an owner-occupied mobile home.

Sec. 38. Section 548.101, subsection 9, Code 1995, is amended to read as follows:

9. "Trademark" means a word, name, symbol, or device or any combination of a word, name, symbol, or device, used by a person to identify and distinguish the goods of that person, including a unique product, from ~~products~~ those manufactured and sold by others, and to indicate the source of the goods, even if that source is unknown.

Sec. 39. Section 548.101, subsection 11, paragraph a, Code 1995, is amended to read as follows:

a. On goods sold or transported in commerce in this state when the mark is placed in any manner on the goods or containers or associated displays, or on affixed tags or labels, ~~in this state~~ or if the nature of the goods makes the placement on the goods or containers impracticable, on documents associated with the goods or their sale.

Sec. 40. Section 548.102, subsection 5, unnumbered paragraph 2, Code 1995, is amended to read as follows:

This subsection 5 does not prevent the registration of a mark used by the applicant which has become distinctive of the applicant's goods or services. The secretary may accept as evidence that the mark has become distinctive, as used on or in connection with the applicant's goods or services, proof of continuous use thereof as a mark by the applicant in this state for the five years before the date on which the claim for distinctiveness is made.

Sec. 41. Section 554.3102, subsections 1 and 2, Code 1995, are amended to read as follows:

1. This Article applies to negotiable instruments. It does not apply to money, to payment orders governed by Article 8 ~~12~~, or to securities governed by Article ~~12~~ 8.

2. If there is conflict between this Article and Article 4 or 9 ~~er-12~~, Articles 4 and 9 and ~~12~~ govern.

Sec. 42. Section 554.4104, subsection 3, Code 1995, is amended to read as follows:

3. The following definitions in other Articles apply to this Article:

"Acceptance"	Section 554.3409
"Alteration"	Section 554.3407
"Cashier's check"	Section 554.3104
"Certificate of deposit"	Section 554.3104
"Certified check"	Section 554.3409
"Check"	Section 554.3104
"Draft"	Section 554.3104
"Good faith"	Section 554.3103
"Holder in due course"	Section 554.3302
"Instrument"	Section 554.3104
"Notice of dishonor"	Section 554.3503
"Order"	Section 554.3103
"Ordinary care"	Section 554.3103
"Person entitled to enforce"	Section 554.3301
"Presentment"	Section 554.3501
"Promise"	Section 554.3103
"Prove"	Section 554.3103
"Teller's check"	Section 554.3104
"Unauthorized signature"	Section 554.3403

Sec. 43. Section 554.4212, subsection 2, Code 1995, is amended to read as follows:

2. If presentment is made by notice and payment, acceptance, or request for compliance with a requirement under section 554.3501 is not received by the close of business on the day after maturity or, in the case of demand items, by the close of business on the third banking day after notice was sent, the presenting bank may treat the item as dishonored and

charge any drawer or endorser by sending it notice of the facts.

Sec. 44. Section 554.4215, subsection 6, Code 1995, is amended to read as follows:

6. Subject to applicable law stating a time for availability of funds and any right of a bank to apply a deposit of money to an obligation of the customer depositor, the a deposit of money becomes available for withdrawal as of right at the opening of the bank's next banking day after receipt of the deposit.

Sec. 45. Section 554.4401, subsection 1, Code 1995, is amended to read as follows:

1. A bank may charge against the customer's account of a customer an item that is properly payable from that account even though the charge creates an overdraft. An item is properly payable if it is authorized by the customer and is in accordance with any agreement between the customer and bank.

Sec. 46. Section 602.8102, subsection 110, Code 1995, is amended to read as follows:

110. Carry out duties relating to the disposition of lost property as provided in chapter 644 556F.

Sec. 47. Section 633.703B, Code 1995, is amended to read as follows:

633.703B AVAILABILITY OF AMENDMENT PROCEDURES.

Amendment procedures in this chapter section 633.703A and this section shall be available to trusts created in any manner, whether by trust agreement, will, deed, or otherwise, and may be used on or after July 1, 1994, for any trust created before or after that date.

Sec. 48. Section 709B.3, subsection 14, Code 1995, is amended to read as follows:

14. In addition to persons to whom disclosure of the results of a convicted offender's HIV-related test results is authorized under this chapter, the victim may also disclose the results to the victim's spouse, persons with whom the victim has engaged in vaginal, anal, or oral intercourse

subsequent to the sexual assault, or members of the victim's family within the fourth third degree of consanguinity.

Sec. 49. 1994 Iowa Acts, chapter 1119, section 36, is amended to read as follows:

SEC. 36. ELIMINATION OF FUNDING SOURCE -- DIRECTIONS TO CODE EDITOR.

1. Section 423.24, subsection 1, paragraph b, Code Supplement 1993, as amended by 1994 Iowa Acts, chapter 1119, section 29, is amended by striking the paragraph.

2. No moneys shall be deposited into the value-added agricultural products and processes financial assistance fund or the renewable fuels and coproducts fund, pursuant to section 423.24, as provided in this Act, after June 30, 2000.

3. Notwithstanding this section, restrictions upon the amount of money used to support administrative expenses by the department of economic development and the office of renewable fuels and coproducts shall continue to apply to moneys deposited in the value-added agricultural products and processes financial assistance fund and the renewable fuels and coproducts fund, pursuant to section 423.24, as provided in this Act, after June 30, 2000.

4. a. Any unencumbered or unobligated moneys in the value-added agricultural products and processes financial assistance fund derived from moneys deposited pursuant to section 423.24, which are in excess of three million six hundred fifty thousand dollars of the unencumbered or unobligated moneys in the fund deposited pursuant to that section, and which are remaining on June 30, 2000, shall be credited on August 31, 2000, to the road use tax fund as created in section 312.1.

b. Any unencumbered or unobligated moneys in the renewable fuels and coproducts fund derived from moneys deposited pursuant to section 423.24, which are in excess of three hundred fifty thousand dollars of the unencumbered or unobligated moneys in the fund deposited pursuant to that section, and which are remaining on June 30, 2000, shall be

credited on August 31, 2000, to the road use tax fund as created in section 312.1.

5. The Code editor is directed to eliminate provisions within sections of the Code as provided in this Act wherever references to section 423.24, subsection 1, paragraph "b", appear in those provisions.

6. This section takes effect on July 1, 2000.

Sec. 50. 1994 Iowa Acts, chapter 1171, section 52, subsections 5 and 6, are amended to read as follows:

5. Sections 40, 41, 42, and 46 through 48 of this Act, being deemed of immediate importance, take effect upon enactment.

6. Sections 40, 41, 42, and 46 through 48 of this Act apply to any action to overcome paternity, including any paternity determination made prior to the effective date of sections 40, 41, 42, and 46 through 48 of this Act.

Sec. 51. 1994 Iowa Acts, chapter 1183, section 89, subsection 1, is amended to read as follows:

1. The department of personnel, in consultation with the public retirement systems committee established in section 97D.4, shall develop a proposal concerning the possible establishment of a new benefit formula under the Iowa public employee's employees' retirement system created in chapter 97B. The proposed benefit formula shall provide a method by which a member may combine the value of the following different types of membership service:

a. Membership service as a sheriff or deputy sheriff or airport fire fighter in accordance with section 97B.49, subsection 16, paragraph "b".

b. Membership service in a protection occupation, as provided in section 97B.49, subsection 16, paragraphs "a" and "d".

c. Any other membership service, as defined in section 97B.41.

Sec. 52. 1994 Iowa Acts, chapter 1201, section 2, is amended to read as follows:

SEC. 2. Notwithstanding section 15E.120, subsections 5, 6, and 7, and section 15.287, there is appropriated from the Iowa community development loan fund from all the moneys available during the fiscal year beginning July 1, 1994, and ending June 30, 1995, to the department of economic development for the rural development program to be used by the department for the purposes of the program.

Sec. 53. AMENDMENTS CHANGING TERMINOLOGY REGARDING REGISTERED VOTERS -- DIRECTIVE TO CODE EDITOR.

1. Sections 28E.17, 28E.22, 28E.25, 28E.28A, 28E.39, 37.2, 39.22, 47.6, 49.3, 49.12, 49.13, 49.51, 49.72, 56.19, 174.10, 176A.6, 257.18, 257.29, 275.22, 279.39, 279.53, 300.2, 303.20, 303.33, 331.203, 331.204, 331.205, 331.208, 331.237, 331.301, 331.306, 331.402, 331.441, 331.442, 331.447, 336.2, 357G.8, 358.2, 358.5, 360.3, 364.4, 368.19, 373.6, 384.24A, 384.26, 384.84A, 422A.2, and 422B.1, Code 1995, are amended by striking from the sections the words "qualified electors" and inserting in lieu thereof the words "registered voters".

2. Section 53.30, Code 1995, is amended by striking from the section the words "qualified elector's" and inserting in lieu thereof the words "registered voter's".

3. Section 346.27, Code 1995, is amended by striking from the section the words "qualified voters" and inserting in lieu thereof the words "registered voters".

4. The Code editor is directed to substitute the words "registered voter" or "registered voters" for the words "qualified elector" or "qualified electors", as appropriate, when there appears to be no doubt as to the intent to refer to persons who are registered to vote.

Sec. 54. EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

1. The section of this Act which amends 1994 Iowa Acts, chapter 1171, section 52, subsections 5 and 6, being deemed of immediate importance, takes effect upon enactment and applies retroactively to May 11, 1994.

2. The section of this Act which amends 1994 Iowa Acts, chapter 1201, section 2, being deemed of immediate importance, takes effect upon enactment.

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 87, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 25, 1995

TERRY E. BRANSTAD
Governor