

Reprinted

FILED FEB 2 1995

SENATE FILE 88  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 35)

Passed Senate, <sup>(P.304)</sup> Date 2/9/95 Passed House, <sup>P.1543)</sup> Date 4/13/95  
Vote: Ayes 49 Nays 0 Vote: Ayes 97 Nays 0  
Approved 4-24-95

A BILL FOR

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

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

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SENATE FILE 88

S-3031

- 1 Amend Senate File 88 as follows:
- 2 1. Page 6, by striking lines 4 and 5 and
- 3 inserting the following: "residency requirements
- 4 under section 47.4, subsection 1, paragraph "d", Code
- 5 1993, in the".
- 6 2. Page 7, by striking lines 22 through 30.
- 7 3. By renumbering as necessary.

By COMMITTEE ON JUDICIARY  
RANDAL GIANNETTO, Chairperson

<sup>(P.304)</sup> Adopted 2/9/95

S-3031 FILED FEBRUARY 2, 1995

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S.F. 88

1 Section 1. Section 17A.8, subsection 9, Code 1995, is  
2 amended to read as follows:

3 9. Upon a vote of two-thirds of its members, the  
4 administrative rules review committee may delay the effective  
5 date of a rule until the adjournment of the next regular  
6 session of the general assembly. The committee shall refer a  
7 rule whose effective date has been delayed to the speaker of  
8 the house of representatives and the president of the senate  
9 who shall refer the rule to the appropriate standing  
10 committees of the general assembly. If the general assembly  
11 has not disapproved of the rule by a joint resolution, the  
12 rule shall become effective. The speaker of the house of  
13 representatives and the president of the senate shall notify  
14 the administrative code editor of the final disposition of  
15 each rule delayed pursuant to this subsection. If a rule is  
16 disapproved, it shall not become effective and the agency  
17 shall ~~withdraw~~ rescind the rule. This section shall not apply  
18 to rules made effective under section 17A.5, subsection 2,  
19 paragraph "b".

20 Sec. 2. Section 99F.7, subsection 10, Code 1995, is  
21 amended to read as follows:

22 10. a. A license to conduct gambling games on an  
23 excursion gambling boat in a county shall be issued only if  
24 the county electorate approves the conduct of the gambling  
25 games as provided in this subsection. The board of  
26 supervisors, upon receipt of a valid petition meeting the  
27 requirements of section 331.306, shall direct the commissioner  
28 of elections to submit to the ~~qualified-electors~~ registered  
29 voters of the county a proposition to approve or disapprove  
30 the conduct of gambling games on an excursion gambling boat in  
31 the county. The proposition shall be submitted at a general  
32 election or at a special election called for that purpose. To  
33 be submitted at a general election, the petition must be  
34 received by the board of supervisors at least five working  
35 days before the last day for candidates for county offices to

1 file nomination papers for the general election pursuant to  
2 section 44.4. If a majority of the county voters voting on  
3 the proposition favor the conduct of gambling games, the  
4 commission may issue one or more licenses as provided in this  
5 chapter. If a majority of the county voters voting on the  
6 proposition do not favor the conduct of gambling games, a  
7 license to conduct gambling games in the county shall not be  
8 issued. After a referendum has been held, another referendum  
9 requested by petition shall not be held for at least two  
10 years.

11 b. If licenses to conduct gambling games and to operate an  
12 excursion gambling boat are in effect pursuant to a referendum  
13 as set forth in this section and are subsequently disapproved  
14 by a referendum of the county electorate, the licenses issued  
15 by the commission after a referendum approving gambling games  
16 on excursion gambling boats shall remain valid and are subject  
17 to renewal for a total of nine years from the date of original  
18 issue unless the commission revokes a license at an earlier  
19 date as provided in this chapter.

20 c. ~~If, after January 1, 1994, section 99F.47, subsection 4,~~  
21 ~~or 99F.97, subsection 2, is amended or stricken, including any~~  
22 ~~amending or striking by 1994 Iowa Acts, chapter 1021, or a~~  
23 licensee of a pari-mutuel racetrack who held a valid license  
24 issued under chapter 99D as of January 1, 1994, requests a  
25 license to operate gambling games as provided in this chapter,  
26 the board of supervisors of a county ~~in which excursion boat~~  
27 ~~gambling has been approved or~~ in which the licensee of a pari-  
28 mutuel racetrack requests a license to operate gambling games  
29 shall submit to the county electorate a proposition to approve  
30 or disapprove ~~the conduct of gambling games on excursion~~  
31 ~~gambling boats or~~ the operation of gambling games at pari-  
32 mutuel racetracks at a special election at the earliest  
33 practicable time. ~~If excursion boat gambling is not approved~~  
34 ~~by a majority of the county electorate voting on the~~  
35 ~~proposition at the election, paragraph "b" does not apply to~~

1 ~~the licenses and the commission shall cancel the licenses~~  
2 ~~issued for the county within sixty days of the unfavorable~~  
3 ~~referendum.~~ If the operation of gambling games at the pari-  
4 mutuel racetrack is not approved by a majority of the county  
5 electorate voting on the proposition at the election, the  
6 commission shall not issue a license to operate gambling games  
7 at the racetrack.

8 d. If the proposition to operate gambling games on an  
9 excursion gambling boat or at a racetrack enclosure is  
10 approved by a majority of the county electorate voting on the  
11 proposition, the board of supervisors shall submit the same  
12 proposition to the county electorate at the general election  
13 held in 2002 and, unless the operation of gambling games is  
14 ~~not~~ terminated earlier as provided in this chapter or chapter  
15 99D, at the general election held at each subsequent eight-  
16 year interval.

17 Sec. 3. Section 235A.19, subsection 5, Code 1995, is  
18 amended to read as follows:

19 5. Whenever the registry corrects or eliminates  
20 information as requested or as ordered by the court, the  
21 registry shall advise all persons who have received the  
22 incorrect information of such fact. Upon application to the  
23 court and service of notice on the registry, any ~~individual~~  
24 subject of a child abuse report may request and obtain a list  
25 of all persons who have received child abuse information  
26 referring to the ~~individual~~ subject.

27 Sec. 4. Section 256.3, unnumbered paragraph 1, Code 1995,  
28 is amended to read as follows:

29 The state board of education is established for the  
30 department. The state board consists of nine members  
31 appointed by the governor subject to senate confirmation. The  
32 members shall be ~~qualified electors~~ registered voters of the  
33 state and hold no other elective or appointive state office.  
34 A member shall not be engaged in professional education for a  
35 major portion of the member's time nor shall the member derive

1 a major portion of income from any business or activity  
2 connected with education. Not more than five members shall be  
3 of the same political party.

4 Sec. 5. Section 275.12, subsection 1, Code 1995, is  
5 amended to read as follows:

6 1. A petition describing the boundaries, or accurately  
7 describing the area included therein by legal descriptions, of  
8 the proposed district, which boundaries or area described  
9 shall conform to plans developed or the petition shall request  
10 change of the plan, shall be filed with the area education  
11 agency administrator of the area education agency in which the  
12 greatest number of ~~qualified-electors~~ registered voters  
13 reside. However, the area education agency administrator  
14 shall not accept a petition if any of the school districts  
15 affected have approved the issuance of general obligation  
16 bonds at an election pursuant to section 296.6 during the  
17 preceding six-month period. The petition shall be signed by  
18 ~~qualified-electors~~ registered voters in each existing school  
19 district or portion affected equal in number to at least  
20 twenty percent of the number of ~~qualified-electors~~ registered  
21 voters or four hundred ~~qualified-electors~~ registered voters,  
22 whichever is the smaller number.

23 Sec. 6. Section 275.27, Code 1995, is amended to read as  
24 follows:

25 275.27 COMMUNITY SCHOOL DISTRICTS -- PART OF AREA  
26 EDUCATION AGENCY.

27 School districts created or enlarged under this chapter are  
28 community school districts and are part of the area education  
29 agency in which the greatest number of ~~qualified-electors~~  
30 registered voters of the district reside at the time of the  
31 special election called for in section 275.18, and sections of  
32 the Code applicable to the common schools generally are  
33 applicable to these districts in addition to the powers and  
34 privileges conferred by this chapter. If a school district,  
35 created or enlarged under this chapter and assigned to an area

1 education agency under this section, can demonstrate that  
2 students in the district were utilizing a service or program  
3 prior to the formation of the new or enlarged district that is  
4 unavailable from the area education agency to which the new or  
5 enlarged district is assigned, the district may be reassigned  
6 to the area education agency which formerly provided the  
7 service or program, upon an affirmative majority vote of the  
8 boards of the affected area education agencies to permit the  
9 change.

10 Sec. 7. Section 275.51, unnumbered paragraph 1, Code 1995,  
11 is amended to read as follows:

12 As an alternative to school district reorganization  
13 prescribed in this chapter, the board of directors of a school  
14 district may establish a school district dissolution  
15 commission to prepare a proposal of dissolution of the school  
16 district and attachment of all of the school district to one  
17 or more contiguous school districts and to include in the  
18 proposal a division of the assets and liabilities of the  
19 dissolving school district. A school district dissolution  
20 commission shall be established by the board of directors of a  
21 school district if a dissolution proposal has been prepared by  
22 ~~qualified-electors~~ registered voters who reside within the  
23 district. The proposal must contain the names of the proposed  
24 members of the commission and be accompanied by a petition  
25 which has been signed by at least twenty percent of the  
26 ~~qualified-electors~~ registered voters.

27 Sec. 8. Section 331.508, subsection 3, Code 1995, is  
28 amended to read as follows:

29 3. Estray Lost property book as provided in ~~section~~  
30 ~~169B-30~~ chapter 556F.

31 Sec. 9. Section 331.756, Code 1995, is amended by adding  
32 the following new subsection:

33 NEW SUBSECTION. 23. Represent the state fire marshal in  
34 legal proceedings as provided in section 100.20.

35 Sec. 10. Section 347.16, subsection 2, Code 1995, is

1 amended to read as follows:

2 2. Free care and treatment shall be furnished in a county  
3 public hospital to any sick or injured person who fulfills the  
4 residency requirements under section ~~47.47-subsection-17~~  
5 ~~paragraph-"d"~~ 48A.5, subsection 2, paragraph "b", in the  
6 county maintaining the hospital, and who is indigent. The  
7 board of hospital trustees shall determine whether a person is  
8 indigent and entitled to free care under this subsection, or  
9 may delegate that determination to the general assistance  
10 director or the office of the department of human services in  
11 that county, subject to guidelines the board may adopt in  
12 conformity with applicable statutes.

13 Sec. 11. Section 384.84, subsection 4, Code 1995, is  
14 amended to read as follows:

15 4. A lien shall not be imposed pursuant to this section  
16 for a delinquent charge of less than five dollars. The  
17 governing body of the city utility or enterprise may charge up  
18 to five dollars, and the county treasurer may charge up to ~~two~~  
19 five dollars, as an administrative expense of certifying and  
20 filing this lien, which amounts shall be added to the amount  
21 of the lien to be collected at the time of payment of the  
22 assessment from the payor. Administrative expenses collected  
23 by the county treasurer on behalf of the city utility or  
24 enterprise shall be paid to the governing body of the city  
25 utility or enterprise, and those collected by the county  
26 treasurer on behalf of the county shall be credited to the  
27 county general fund. The lien has equal precedence with  
28 ordinary taxes, may be certified to the county treasurer and  
29 collected in the same manner as taxes, and is not divested by  
30 a judicial sale.

31 Sec. 12. Section 421.1, unnumbered paragraph 2, Code 1995,  
32 is amended to read as follows:

33 The members of the state board shall be ~~qualified-electors~~  
34 registered voters of the state and shall hold no other  
35 elective or appointive public office.

1 Sec. 13. Section 479.33, Code 1995, is amended to read as  
2 follows:

3 479.33 AUTHORIZED FEDERAL AID.

4 The board may enter into agreements with and receive moneys  
5 from the United States department of transportation for the  
6 inspection of pipelines to determine compliance with  
7 applicable standards of pipeline safety, and for enforcement  
8 of the applicable standards of pipeline safety as provided by  
9 ~~Public-Law-90-481,--the-Natural-Gas-Pipeline-Safety-Act-of-1968~~  
10 ~~(49-United-States-Code-1671--1684)~~ Pub. L. No. 103-272, as  
11 codified in 49 U.S.C. § 60101--60125.

12 Sec. 14. Section 479A.18, Code 1995, is amended to read as  
13 follows:

14 479A.18 FEDERAL INSPECTION.

15 The board may enter into agreements with and receive moneys  
16 from the United States department of transportation for the  
17 inspection of pipelines to determine compliance with the  
18 applicable standards of pipeline safety as provided by Pub. L.  
19 ~~No. 90-481,--the-Natural-Gas-Pipeline-Safety-Act-of-1968,--49~~  
20 ~~U.S.C.--§-1671--1684~~ 103-272, as codified in 49 U.S.C. §  
21 60101--60125.

22 Sec. 15. Section 537.1302, Code 1995, is amended to read  
23 as follows:

24 537.1302 DEFINITION -- TRUTH IN LENDING ACT.

25 As used in this chapter, "Truth in Lending Act" means title  
26 1 of the Consumer Credit Protection Act, in subchapter 1 of  
27 chapter 41 of title 15 of the United States Code, as amended  
28 to and including January 1, ~~1989~~ 1995, and includes  
29 regulations issued pursuant to that Act prior to January 1,  
30 ~~1989~~ 1995.

31 Sec. 16. Section 548.101, subsection 1, paragraph a, Code  
32 1995, is amended to read as follows:

33 a. The use of the mark has been discontinued with intent  
34 not to resume such use. Intent not to resume may be inferred  
35 from circumstances. Nonuse for two consecutive years shall

1 constitute prima facie evidence of abandonment.

2 Sec. 17. Section 554.4109, subsection 2, Code 1995, is  
3 amended to read as follows:

4 2. Delay by a collecting bank or payor bank beyond time  
5 limits prescribed or permitted by this chapter or by  
6 instructions is excused if (i) the delay is caused by  
7 interruption of communication or computer facilities,  
8 suspension of payments by another bank, war, emergency  
9 conditions, failure of equipment, or other circumstances  
10 beyond the control of the bank, and (ii) the bank exercises  
11 such diligence as the circumstances require.

12 Sec. 18. Section 554.4215, Code 1995, is amended by adding  
13 the following new subsection:

14 NEW SUBSECTION. 2. If provisional settlement for an item  
15 does not become final, the item is not finally paid.

16 Sec. 19. Section 556F.2, Code 1995, is amended to read as  
17 follows:

18 556F.2 WARRANT -- APPRAISAL -- RETURN -- RECORD.

19 The ~~said~~ district judge, district associate judge, judicial  
20 magistrate, or district court clerk shall thereupon issue a  
21 warrant, directed to some peace officer, commanding the peace  
22 officer to summon three respectable householders of the  
23 neighborhood, who shall proceed without delay to examine and  
24 appraise ~~such~~ the property, including cargo, tackle, rigging,  
25 and other appendages if ~~any-there-be~~ applicable, and to make  
26 ~~report-thereof-under-their-hands~~ submit a report regarding the  
27 examination and appraisal to the magistrate, judge, or clerk  
28 issuing ~~such~~ the warrant, who shall transmit a certified copy  
29 ~~thereof~~ to the county auditor to be recorded in ~~the-estray a~~  
30 lost property book in the auditor's office.

31 Sec. 20. Section 556F.7, Code 1995, is amended to read as  
32 follows:

33 556F.7 WHEN OWNER UNKNOWN.

34 If the owner ~~be~~ is unknown, ~~such-person~~ the finder shall,  
35 within five days after ~~such~~ finding the property, take ~~such~~

1 the money, bank notes, and a description of any other property  
2 before the county auditor of the county where the property was  
3 found, and make provide an affidavit of-the-description  
4 thereof describing the property, the time when and place where  
5 the same property was found, and attesting that no alteration  
6 has been made in the appearance thereof of the property since  
7 the finding; ~~whereupon-the.~~ The county auditor shall enter a  
8 description of the property and the value thereof, as nearly  
9 as the auditor can determine it, in the auditor's estrays lost  
10 property book, together with the affidavit of the finder.

11 Sec. 21. Section 556F.16, Code 1995, is amended to read as  
12 follows:

13 556F.16 RESPONSIBILITY OF TAKER-UP.

14 If the taker-up of any watercraft, logs, or lumber, or  
15 finder of lost goods, bank notes, or other things, ~~shall-take~~  
16 takes reasonable care of the same property, and any  
17 unavoidable accident happens ~~thereto~~ to the property without  
18 the fault or neglect of the finder or taker-up before the  
19 owner ~~shall-have~~ has an opportunity of reclaiming the same  
20 property, such the taker-up or finder shall not be accountable  
21 therefor for the unavoidable accident, if ~~in-cases-of-accident~~  
22 ~~as-aforesaid-the-finder-or-taker-up~~ within ten days thereafter  
23 ~~shall-certify~~ of the accident, the finder or taker-up  
24 certifies the same accident to the county auditor, who shall  
25 make an entry thereof of the accident in the auditor's estrays  
26 lost property book.

27 Sec. 22. Section 600A.5, subsection 3, paragraph c, Code  
28 1995, is amended to read as follows:

29 c. A plain statement of the facts and grounds in section  
30 600A.8, subsections ~~1-to-4~~ 1, 2, 3, 4, and 7, which indicate  
31 that the parent-child relationship should be terminated.

32 Sec. 23. Section 615.3, Code 1995, is amended to read as  
33 follows:

34 615.3 FUTURE JUDGMENTS WITHOUT FORECLOSURE.

35 A judgment hereafter rendered on a promissory obligation

1 secured by a mortgage, deed of trust of, or real estate  
2 contract upon property which at the time of the judgment is  
3 either used for an agricultural purpose as defined in section  
4 535.13 or a one-family or two-family dwelling which is the  
5 residence of the mortgagor, but without foreclosure against  
6 the security, shall not be subject to renewal by action  
7 thereon, and, after the lapse of two years from the date of  
8 rendition, shall be without force and effect for any purpose  
9 whatsoever except as a setoff or counterclaim. As used in  
10 this section, "mortgagor" means a mortgagor of a mortgage or a  
11 borrower executing a deed of trust as provided in chapter 654  
12 or the vendee of a real estate contract.

13 Sec. 24. Section 631.1, subsection 5, Code 1995, is  
14 amended to read as follows:

15 5. The district court sitting in small claims has  
16 concurrent jurisdiction of an action for abandonment of a  
17 mobile home or personal property pursuant to section 555B.3,  
18 if no money judgment in excess of ~~two~~ four thousand dollars is  
19 sought for actions commenced on or after July 1, 1995. If  
20 commenced under this chapter, the action is a small claim for  
21 the purposes of this chapter.

22 Sec. 25. Section 716B.3, Code 1995, is amended to read as  
23 follows:

24 716B.3 UNLAWFUL TRANSPORTATION OF HAZARDOUS WASTE --  
25 PENALTIES.

26 A person who knowingly or with reason to know, transports  
27 or causes to be transported any hazardous waste to any loca-  
28 tion other than a facility that is authorized to receive,  
29 treat, store, or dispose of the hazardous waste under rules  
30 adopted pursuant to the federal Resource Conservation and  
31 Recovery Act, 42 U.S.C. § 9601-9675 6901--6992, is guilty of  
32 an aggravated misdemeanor and upon conviction shall be  
33 punished by a fine of not more than twenty-five thousand  
34 dollars for each day of violation or imprisonment for not more  
35 than two years, or both. If the conviction is for a violation

1 committed after a first conviction under this section, the  
2 person is guilty of a class "D" felony and shall be punished  
3 by a fine of not more than fifty thousand dollars for each day  
4 of violation or imprisonment for not more than five years, or  
5 both.

6 Sec. 26. Section 717B.3, subsection 3, Code 1995, is  
7 amended to read as follows:

8 3. A person who negligently or intentionally commits the  
9 offense of animal neglect is guilty of a simple misdemeanor.  
10 A person who intentionally commits the offense of animal abuse  
11 neglect which results in serious injury to or the death of an  
12 animal is guilty of a serious misdemeanor.

13 Sec. 27. Section 729.1, Code 1995, is amended to read as  
14 follows:

15 729.1 RELIGIOUS TEST.

16 Any violation of section 4, Article I of the Constitution  
17 of Iowa is hereby declared to be a serious simple misdemeanor  
18 unless a greater penalty is otherwise provided by law.

19 Sec. 28. Section 729.3, Code 1995, is amended to read as  
20 follows:

21 729.3 PENALTY.

22 Any person, agency, bureau, corporation, or association  
23 that violates provisions of ~~sections-729.1-and~~ section 729.2  
24 shall be guilty of a simple misdemeanor.

25 Sec. 29. JURISDICTIONAL AMOUNT REVERSION. The  
26 jurisdictional amount in the section of this Act which amends  
27 section 631.1, subsection 5, shall revert to two thousand  
28 dollars if a court of competent jurisdiction declares the four  
29 thousand dollar amount unconstitutional.

30 EXPLANATION

31 This bill contains statutory corrections which may adjust  
32 language to reflect current practices, insert earlier  
33 omissions, delete redundancies and inaccuracies, delete  
34 temporary language, resolve inconsistencies and conflicts,  
35 update ongoing provisions, or remove ambiguities.

1 17A.8(9): Adds a notification requirement to the provision  
2 which allows the administrative rules review committee, on a  
3 two-thirds vote, to delay the effective date of a proposed  
4 rule until adjournment of the next regular legislative  
5 session. This change was requested by the administrative code  
6 editor.

7 99F.7(10): Updates provisions relating to the  
8 circumstances under which certain gambling questions are  
9 automatically submitted to a vote of the county electorate.  
10 Also substitutes "registered voters" for "qualified electors"  
11 and strikes an extraneous "not" from the phrase "unless the  
12 operation of gambling games is not terminated earlier".

13 235A.19(5): In provision relating to procedures for  
14 correction of child abuse reports, specifies that it is the  
15 subject of the child abuse report who is entitled to access to  
16 the list of persons who have received information referring to  
17 the subject. References in subsections 1 through 3 were  
18 similarly changed in 94 Acts, ch 1130, section 10.

19 256.3, unn. para. 1: In section governing the  
20 qualifications of members of the state board of education,  
21 substitutes "registered voters" for "qualified electors".

22 275.12(1); 275.27; 275.51, unn. para. 1: Substitute  
23 "registered voters" for "qualified electors" in chapter  
24 relating to school district reorganization. This is a follow-  
25 up to the changes in sections 275.1 and 275.13 directed by 94  
26 Acts, ch 1169, sections 64 and 65.

27 331.508(3): Revises reference to the county auditor's  
28 "estrays" book so that it refers instead to the "lost property"  
29 book in chapter 556F. Chapter 169B, relating to estrays, was  
30 repealed in 1994, but separate provisions relating to duties  
31 of the county auditor with respect to other lost property were  
32 retained.

33 331.756(23): In the list of duties of county attorneys,  
34 restores former provision referring to representation of the  
35 state fire marshal in legal proceedings. The underlying

1 requirement, which appears in section 100.20, was originally  
2 proposed for repeal as part of the state mandates bill in  
3 1994, but the repeal was deleted from the bill.

4 347.16(2): In section describing the terms under which  
5 persons are entitled to free care and treatment in a county  
6 public hospital, updates obsolete reference to residency  
7 requirements under the voter registration law.

8 384.84(4): In provision relating to liens imposed for  
9 delinquent charges for city utility and enterprise services,  
10 changes from two dollars to five dollars the maximum fee which  
11 may be charged by the county treasurer as an administrative  
12 expense of certifying and filing the lien. This is a  
13 restoration of an increase enacted in 1993 but omitted from  
14 the 1994 rewrite of the section.

15 421.1, unn. para. 2: In provision governing qualifications  
16 of members of the state board of tax review, substitutes  
17 "registered voters" for "qualified electors".

18 479.33; 479A.18: Update federal citations relating to  
19 pipeline safety. These changes were requested by the  
20 utilities board.

21 537.1302: Updates a provision defining the federal Truth  
22 in Lending Act so that it includes amendments and regulations  
23 to January 1, 1995. The definition appears in the Iowa  
24 Consumer Credit Code and the update was requested by the  
25 office of the attorney general.

26 548.101(1)(a): In the revised trademark law, adds a  
27 sentence to a portion of the definition of an abandoned mark.  
28 This sentence appears in the model Act and apparently should  
29 have been included in the 1994 enactment based on the model.

30 554.4109(2): In revised banking article of the Uniform  
31 Commercial Code (UCC), corrects an inadvertent omission of  
32 language which appears in the uniform Act.

33 554.4215(2): In UCC provision on final payment of an item  
34 by a payor bank, adds subsection which appears in the uniform  
35 Act but was inadvertently omitted from the 1994 enactment.

1 556F.2; 556F.7; 556F.16: In the chapter relating to lost  
2 property, substitute the term "lost property book" for "estrays  
3 book" of the county auditor, because of the 1994 repeal of  
4 former chapter 169B, the estray law. These provisions also  
5 update archaic language.

6 600A.5(3)(c): In provision relating to the contents of a  
7 petition for termination of parental rights, extends the list  
8 of grounds for which an explanatory statement is required. It  
9 appears that this conforming amendment was overlooked in 1992  
10 when a new ground was added to section 600A.8.

11 615.3: In chapter relating to limitations on judgments,  
12 revises section on future judgments without foreclosure by  
13 adding a reference to real estate contracts, so that the  
14 language newly added in 1994 parallels that of section 615.1.  
15 (See 94 Acts, chapter 1115.)

16 631.1(5): Increases the small claims jurisdictional amount  
17 in subsection 5 to \$4,000 for actions commenced on or after  
18 July 1, 1995. This change is included for consistency with  
19 subsections 1 through 4, which were amended in 1994.  
20 Subsection 5 was missed in 1994 due to a drafting oversight.  
21 A separate section of the bill contains a provision that the  
22 jurisdictional amount shall revert to \$2,000 if a court  
23 declares the \$4,000 amount unconstitutional, which is  
24 consistent with the other jurisdictional changes in 94 Acts,  
25 chapter 1117.

26 716B.3: In section establishing penalties for unlawful  
27 transportation of hazardous waste, corrects the federal  
28 citation to the Resource Conservation and Recovery Act, which  
29 relates to permitting hazardous waste facilities. This change  
30 was requested by the office of the attorney general.

31 717B.3(3): In section relating to neglect of animals other  
32 than livestock, changes "animal abuse" to "animal neglect"  
33 where it appears from the context that use of the term "animal  
34 abuse" was a drafting error and "animal neglect" was the  
35 intended term. Animal abuse is covered in section 717B.2 and

1 is an aggravated misdemeanor.  
2 729.1; 729.3: In chapter relating to infringement of  
3 individual rights, eliminate an inconsistency in the penalties  
4 provided by these two sections for violations of section 4 of  
5 the Iowa Constitution's Bill of Rights. A violation would be  
6 a simple misdemeanor unless a greater penalty is prescribed  
7 elsewhere.

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H. 2/13/94 Judiciary  
H. 4/6/95 Do Pass

SENATE FILE 88  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 35)

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

- \_\_\_\_\_ - New Language by the Senate
- \* - Language Stricken by the Senate

Passed Senate, Date \_\_\_\_\_ Passed House, <sup>(P. 1543)</sup> Date 4/13/95  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 97 Nays 0  
 Approved April 24, 1995

**A BILL FOR**

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

S.F. 88

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1 Section 1. Section 17A.8, subsection 9, Code 1995, is  
2 amended to read as follows:

3 9. Upon a vote of two-thirds of its members, the  
4 administrative rules review committee may delay the effective  
5 date of a rule until the adjournment of the next regular  
6 session of the general assembly. The committee shall refer a  
7 rule whose effective date has been delayed to the speaker of  
8 the house of representatives and the president of the senate  
9 who shall refer the rule to the appropriate standing  
10 committees of the general assembly. If the general assembly  
11 has not disapproved of the rule by a joint resolution, the  
12 rule shall become effective. The speaker of the house of  
13 representatives and the president of the senate shall notify  
14 the administrative code editor of the final disposition of  
15 each rule delayed pursuant to this subsection. If a rule is  
16 disapproved, it shall not become effective and the agency  
17 shall withdraw rescind the rule. This section shall not apply  
18 to rules made effective under section 17A.5, subsection 2,  
19 paragraph "b".

20 Sec. 2. Section 99F.7, subsection 10, Code 1995, is  
21 amended to read as follows:

22 10. a. A license to conduct gambling games on an  
23 excursion gambling boat in a county shall be issued only if  
24 the county electorate approves the conduct of the gambling  
25 games as provided in this subsection. The board of  
26 supervisors, upon receipt of a valid petition meeting the  
27 requirements of section 331.306, shall direct the commissioner  
28 of elections to submit to the qualified-electors registered  
29 voters of the county a proposition to approve or disapprove  
30 the conduct of gambling games on an excursion gambling boat in  
31 the county. The proposition shall be submitted at a general  
32 election or at a special election called for that purpose. To  
33 be submitted at a general election, the petition must be  
34 received by the board of supervisors at least five working  
35 days before the last day for candidates for county offices to

1 file nomination papers for the general election pursuant to  
2 section 44.4. If a majority of the county voters voting on  
3 the proposition favor the conduct of gambling games, the  
4 commission may issue one or more licenses as provided in this  
5 chapter. If a majority of the county voters voting on the  
6 proposition do not favor the conduct of gambling games, a  
7 license to conduct gambling games in the county shall not be  
8 issued. After a referendum has been held, another referendum  
9 requested by petition shall not be held for at least two  
10 years.

11 b. If licenses to conduct gambling games and to operate an  
12 excursion gambling boat are in effect pursuant to a referendum  
13 as set forth in this section and are subsequently disapproved  
14 by a referendum of the county electorate, the licenses issued  
15 by the commission after a referendum approving gambling games  
16 on excursion gambling boats shall remain valid and are subject  
17 to renewal for a total of nine years from the date of original  
18 issue unless the commission revokes a license at an earlier  
19 date as provided in this chapter.

20 c. ~~If after January 1, 1994, section 99F.4, subsection 4,~~  
21 ~~or 99F.9, subsection 2, is amended or stricken, including any~~  
22 ~~amending or striking by 1994 Iowa Acts, chapter 1021, or a~~  
23 licensee of a pari-mutuel racetrack who held a valid license  
24 issued under chapter 99D as of January 1, 1994, requests a  
25 license to operate gambling games as provided in this chapter,  
26 the board of supervisors of a county ~~in which excursion boat~~  
27 ~~gambling has been approved or~~ in which the licensee of a pari-  
28 mutuel racetrack requests a license to operate gambling games  
29 shall submit to the county electorate a proposition to approve  
30 or disapprove ~~the conduct of gambling games on excursion~~  
31 ~~gambling boats or~~ the operation of gambling games at pari-  
32 mutuel racetracks at a special election at the earliest  
33 practicable time. ~~if excursion boat gambling is not approved~~  
34 ~~by a majority of the county electorate voting on the~~  
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1 ~~the licenses and the commission shall cancel the licenses~~  
2 ~~issued for the county within sixty days of the unfavorable~~  
3 ~~referendum.~~ If the operation of gambling games at the pari-  
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5 electorate voting on the proposition at the election, the  
6 commission shall not issue a license to operate gambling games  
7 at the racetrack.

8 d. If the proposition to operate gambling games on an  
9 excursion gambling boat or at a racetrack enclosure is  
10 approved by a majority of the county electorate voting on the  
11 proposition, the board of supervisors shall submit the same  
12 proposition to the county electorate at the general election  
13 held in 2002 and, unless the operation of gambling games is  
14 not terminated earlier as provided in this chapter or chapter  
15 99D, at the general election held at each subsequent eight-  
16 year interval.

17 Sec. 3. Section 235A.19, subsection 5, Code 1995, is  
18 amended to read as follows:

19 5. Whenever the registry corrects or eliminates  
20 information as requested or as ordered by the court, the  
21 registry shall advise all persons who have received the  
22 incorrect information of such fact. Upon application to the  
23 court and service of notice on the registry, any ~~individual~~  
24 subject of a child abuse report may request and obtain a list  
25 of all persons who have received child abuse information  
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27 Sec. 4. Section 256.3, unnumbered paragraph 1, Code 1995,  
28 is amended to read as follows:

29 The state board of education is established for the  
30 department. The state board consists of nine members  
31 appointed by the governor subject to senate confirmation. The  
32 members shall be ~~qualified electors~~ registered voters of the  
33 state and hold no other elective or appointive state office.  
34 A member shall not be engaged in professional education for a  
35 major portion of the member's time nor shall the member derive

1 a major portion of income from any business or activity  
2 connected with education. Not more than five members shall be  
3 of the same political party.

4 Sec. 5. Section 275.12, subsection 1, Code 1995, is  
5 amended to read as follows:

6 1. A petition describing the boundaries, or accurately  
7 describing the area included therein by legal descriptions, of  
8 the proposed district, which boundaries or area described  
9 shall conform to plans developed or the petition shall request  
10 change of the plan, shall be filed with the area education  
11 agency administrator of the area education agency in which the  
12 greatest number of ~~qualified-electors~~ registered voters  
13 reside. However, the area education agency administrator  
14 shall not accept a petition if any of the school districts  
15 affected have approved the issuance of general obligation  
16 bonds at an election pursuant to section 296.6 during the  
17 preceding six-month period. The petition shall be signed by  
18 ~~qualified-electors~~ registered voters in each existing school  
19 district or portion affected equal in number to at least  
20 twenty percent of the number of ~~qualified-electors~~ registered  
21 voters or four hundred ~~qualified-electors~~ registered voters,  
22 whichever is the smaller number.

23 Sec. 6. Section 275.27, Code 1995, is amended to read as  
24 follows:

25 275.27 COMMUNITY SCHOOL DISTRICTS -- PART OF AREA  
26 EDUCATION AGENCY.

27 School districts created or enlarged under this chapter are  
28 community school districts and are part of the area education  
29 agency in which the greatest number of ~~qualified-electors~~  
30 registered voters of the district reside at the time of the  
31 special election called for in section 275.18, and sections of  
32 the Code applicable to the common schools generally are  
33 applicable to these districts in addition to the powers and  
34 privileges conferred by this chapter. If a school district,  
35 created or enlarged under this chapter and assigned to an area

1 education agency under this section, can demonstrate that  
2 students in the district were utilizing a service or program  
3 prior to the formation of the new or enlarged district that is  
4 unavailable from the area education agency to which the new or  
5 enlarged district is assigned, the district may be reassigned  
6 to the area education agency which formerly provided the  
7 service or program, upon an affirmative majority vote of the  
8 boards of the affected area education agencies to permit the  
9 change.

10 Sec. 7. Section 275.51, unnumbered paragraph 1, Code 1995,  
11 is amended to read as follows:

12 As an alternative to school district reorganization  
13 prescribed in this chapter, the board of directors of a school  
14 district may establish a school district dissolution  
15 commission to prepare a proposal of dissolution of the school  
16 district and attachment of all of the school district to one  
17 or more contiguous school districts and to include in the  
18 proposal a division of the assets and liabilities of the  
19 dissolving school district. A school district dissolution  
20 commission shall be established by the board of directors of a  
21 school district if a dissolution proposal has been prepared by  
22 ~~qualified-electors~~ registered voters who reside within the  
23 district. The proposal must contain the names of the proposed  
24 members of the commission and be accompanied by a petition  
25 which has been signed by at least twenty percent of the  
26 ~~qualified-electors~~ registered voters.

27 Sec. 8. Section 331.508, subsection 3, Code 1995, is  
28 amended to read as follows:

29 3. Estray Lost property book as provided in section  
30 ~~169B-30~~ chapter 556F.

31 Sec. 9. Section 331.756, Code 1995, is amended by adding  
32 the following new subsection:

33 NEW SUBSECTION. 23. Represent the state fire marshal in  
34 legal proceedings as provided in section 100.20.

35 Sec. 10. Section 347.16, subsection 2, Code 1995, is

1 amended to read as follows:

2 2. Free care and treatment shall be furnished in a county  
3 public hospital to any sick or injured person who fulfills the  
4 residency requirements under section 47.4, subsection 1,  
5 paragraph "d", Code 1993, in the county maintaining the  
6 hospital, and who is indigent. The board of hospital trustees  
7 shall determine whether a person is indigent and entitled to  
8 free care under this subsection, or may delegate that  
9 determination to the general assistance director or the office  
10 of the department of human services in that county, subject to  
11 guidelines the board may adopt in conformity with applicable  
12 statutes.

13 Sec. 11. Section 384.84, subsection 4, Code 1995, is  
14 amended to read as follows:

15 4. A lien shall not be imposed pursuant to this section  
16 for a delinquent charge of less than five dollars. The  
17 governing body of the city utility or enterprise may charge up  
18 to five dollars, and the county treasurer may charge up to ~~two~~  
19 five dollars, as an administrative expense of certifying and  
20 filing this lien, which amounts shall be added to the amount  
21 of the lien to be collected at the time of payment of the  
22 assessment from the payor. Administrative expenses collected  
23 by the county treasurer on behalf of the city utility or  
24 enterprise shall be paid to the governing body of the city  
25 utility or enterprise, and those collected by the county  
26 treasurer on behalf of the county shall be credited to the  
27 county general fund. The lien has equal precedence with  
28 ordinary taxes, may be certified to the county treasurer and  
29 collected in the same manner as taxes, and is not divested by  
30 a judicial sale.

31 Sec. 12. Section 421.1, unnumbered paragraph 2, Code 1995,  
32 is amended to read as follows:

33 The members of the state board shall be ~~qualified-electors~~  
34 registered voters of the state and shall hold no other  
35 elective or appointive public office.

1 Sec. 13. Section 479.33, Code 1995, is amended to read as  
2 follows:

3 479.33 AUTHORIZED FEDERAL AID.

4 The board may enter into agreements with and receive moneys  
5 from the United States department of transportation for the  
6 inspection of pipelines to determine compliance with  
7 applicable standards of pipeline safety, and for enforcement  
8 of the applicable standards of pipeline safety as provided by  
9 ~~Public Law 90-481, the Natural Gas Pipeline Safety Act of 1968~~  
10 ~~(49 United States Code 1671--1684)~~ Pub. L. No. 103-272, as  
11 codified in 49 U.S.C. § 60101--60125.

12 Sec. 14. Section 479A.18, Code 1995, is amended to read as  
13 follows:

14 479A.18 FEDERAL INSPECTION.

15 The board may enter into agreements with and receive moneys  
16 from the United States department of transportation for the  
17 inspection of pipelines to determine compliance with the  
18 applicable standards of pipeline safety as provided by Pub. L.  
19 ~~No. 90-481, the Natural Gas Pipeline Safety Act of 1968, 49~~  
20 ~~U.S.C. § 1671--1684~~ 103-272, as codified in 49 U.S.C. §  
21 60101--60125.

\*22 Sec. 15. Section 548.101, subsection 1, paragraph a, Code  
23 1995, is amended to read as follows:

24 a. The use of the mark has been discontinued with intent  
25 not to resume such use. Intent not to resume may be inferred  
26 from circumstances. Nonuse for two consecutive years shall  
27 constitute prima facie evidence of abandonment.

28 Sec. 16. Section 554.4109, subsection 2, Code 1995, is  
29 amended to read as follows:

30 2. Delay by a collecting bank or payor bank beyond time  
31 limits prescribed or permitted by this chapter or by  
32 instructions is excused if (i) the delay is caused by  
33 interruption of communication or computer facilities,  
34 suspension of payments by another bank, war, emergency  
35 conditions, failure of equipment, or other circumstances

1 beyond the control of the bank, and (ii) the bank exercises  
2 such diligence as the circumstances require.

3 Sec. 17. Section 554.4215, Code 1995, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 2. If provisional settlement for an item  
6 does not become final, the item is not finally paid.

7 Sec. 18. Section 556F.2, Code 1995, is amended to read as  
8 follows:

9 556F.2 WARRANT -- APPRAISAL -- RETURN -- RECORD.

10 The ~~said~~ district judge, district associate judge, judicial  
11 magistrate, or district court clerk shall thereupon issue a  
12 warrant, directed to some peace officer, commanding the peace  
13 officer to summon three respectable householders of the  
14 neighborhood, who shall proceed without delay to examine and  
15 appraise such the property, including cargo, tackle, rigging,  
16 and other appendages if ~~any-there-be~~ applicable, and to make  
17 ~~report-thereof-under-their-hands~~ submit a report regarding the  
18 examination and appraisal to the magistrate, judge, or clerk  
19 issuing such the warrant, who shall transmit a certified copy  
20 ~~thereof~~ to the county auditor to be recorded in ~~the-estray a~~  
21 lost property book in the auditor's office.

22 Sec. 19. Section 556F.7, Code 1995, is amended to read as  
23 follows:

24 556F.7 WHEN OWNER UNKNOWN.

25 If the owner ~~be is~~ unknown, ~~such-person the finder~~ shall,  
26 within five days after ~~such finding the property~~, take ~~such~~  
27 the money, bank notes, and a description of any other property  
28 before the county auditor of the county where the property was  
29 found, and ~~make provide an~~ affidavit of-the-description  
30 ~~thereof describing the property~~, the time when and place where  
31 the ~~same property~~ was found, and attesting that no alteration  
32 has been made in the appearance ~~thereof of the property~~ since  
33 the finding, ~~whereupon-the.~~ The county auditor shall enter a  
34 description of the property and the value thereof, as nearly  
35 as the auditor can determine it, in the auditor's estray lost

1 property book, together with the affidavit of the finder.

2 Sec. 20. Section 556F.16, Code 1995, is amended to read as  
3 follows:

4 556F.16 RESPONSIBILITY OF TAKER-UP.

5 If the taker-up of any watercraft, logs, or lumber, or  
6 finder of lost goods, bank notes, or other things, ~~shall take~~  
7 takes reasonable care of the same property, and any  
8 unavoidable accident happens ~~thereto~~ to the property without  
9 the fault or neglect of the finder or taker-up before the  
10 owner ~~shall have~~ has an opportunity of reclaiming the same  
11 property, such the taker-up or finder shall not be accountable  
12 therefor for the unavoidable accident, if ~~in-cases-of-accident~~  
13 ~~as-foresaid-the-finder-or-taker-up~~ within ten days thereafter  
14 ~~shall certify~~ of the accident, the finder or taker-up  
15 certifies the same accident to the county auditor, who shall  
16 make an entry thereof of the accident in the auditor's estrays  
17 lost property book.

18 Sec. 21. Section 600A.5, subsection 3, paragraph c, Code  
19 1995, is amended to read as follows:

20 c. A plain statement of the facts and grounds in section  
21 600A.8, subsections ~~1-to-4~~ 1, 2, 3, 4, and 7, which indicate  
22 that the parent-child relationship should be terminated.

23 Sec. 22. Section 615.3, Code 1995, is amended to read as  
24 follows:

25 615.3 FUTURE JUDGMENTS WITHOUT FORECLOSURE.

26 A judgment hereafter rendered on a promissory obligation  
27 secured by a mortgage, deed of trust ~~of~~, or real estate  
28 contract upon property which at the time of the judgment is  
29 either used for an agricultural purpose as defined in section  
30 535.13 or a one-family or two-family dwelling which is the  
31 residence of the mortgagor, but without foreclosure against  
32 the security, shall not be subject to renewal by action  
33 thereon, and, after the lapse of two years from the date of  
34 rendition, shall be without force and effect for any purpose  
35 whatsoever except as a setoff or counterclaim. As used in

1 this section, "mortgagor" means a mortgagor of a mortgage or a  
2 borrower executing a deed of trust as provided in chapter 654  
3 or the vendee of a real estate contract.

4 Sec. 23. Section 631.1, subsection 5, Code 1995, is  
5 amended to read as follows:

6 5. The district court sitting in small claims has  
7 concurrent jurisdiction of an action for abandonment of a  
8 mobile home or personal property pursuant to section 555B.3,  
9 if no money judgment in excess of ~~two~~ four thousand dollars is  
10 sought for actions commenced on or after July 1, 1995. If  
11 commenced under this chapter, the action is a small claim for  
12 the purposes of this chapter.

13 Sec. 24. Section 716B.3, Code 1995, is amended to read as  
14 follows:

15 716B.3 UNLAWFUL TRANSPORTATION OF HAZARDOUS WASTE --  
16 PENALTIES.

17 A person who knowingly or with reason to know, transports  
18 or causes to be transported any hazardous waste to any loca-  
19 tion other than a facility that is authorized to receive,  
20 treat, store, or dispose of the hazardous waste under rules  
21 adopted pursuant to the federal Resource Conservation and  
22 Recovery Act, 42 U.S.C. § ~~9601-9675~~ 6901--6992, is guilty of  
23 an aggravated misdemeanor and upon conviction shall be  
24 punished by a fine of not more than twenty-five thousand  
25 dollars for each day of violation or imprisonment for not more  
26 than two years, or both. If the conviction is for a violation  
27 committed after a first conviction under this section, the  
28 person is guilty of a class "D" felony and shall be punished  
29 by a fine of not more than fifty thousand dollars for each day  
30 of violation or imprisonment for not more than five years, or  
31 both.

32 Sec. 25. Section 717B.3, subsection 3, Code 1995, is  
33 amended to read as follows:

34 3. A person who negligently or intentionally commits the  
35 offense of animal neglect is guilty of a simple misdemeanor.

1 A person who intentionally commits the offense of animal abuse  
2 neglect which results in serious injury to or the death of an  
3 animal is guilty of a serious misdemeanor.

4 Sec. 26. Section 729.1, Code 1995, is amended to read as  
5 follows:

6 729.1 RELIGIOUS TEST.

7 Any violation of section 4, Article I of the Constitution  
8 of Iowa is hereby declared to be a serious simple misdemeanor  
9 unless a greater penalty is otherwise provided by law.

10 Sec. 27. Section 729.3, Code 1995, is amended to read as  
11 follows:

12 729.3 PENALTY.

13 Any person, agency, bureau, corporation, or association  
14 that violates provisions of ~~sections-729.1-and~~ section 729.2  
15 shall be guilty of a simple misdemeanor.

16 Sec. 28. JURISDICTIONAL AMOUNT REVERSION. The  
17 jurisdictional amount in the section of this Act which amends  
18 section 631.1, subsection 5, shall revert to two thousand  
19 dollars if a court of competent jurisdiction declares the four  
20 thousand dollar amount unconstitutional.

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SSB-35

Giannetto

Vilsack

Fraize

Bartz

Sponsored By Judiciary

SF/HF 88  
SENATE FILE

BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON GIANNETTO)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

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7 rule whose effective date has been delayed to the speaker of  
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13 representatives and the president of the senate shall notify  
14 the administrative code editor of the final disposition of  
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17 shall ~~withdraw~~ rescind the rule. This section shall not apply  
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18 issue unless the commission revokes a license at an earlier  
19 date as provided in this chapter.

20 c. ~~If after January 1, 1994, section 99F.47, subsection 47~~  
21 ~~or 99F.97, subsection 27, is amended or stricken, including any~~  
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10 change of the plan, shall be filed with the area education  
11 agency administrator of the area education agency in which the  
12 greatest number of ~~qualified-electors~~ registered voters  
13 reside. However, the area education agency administrator  
14 shall not accept a petition if any of the school districts  
15 affected have approved the issuance of general obligation  
16 bonds at an election pursuant to section 296.6 during the  
17 preceding six-month period. The petition shall be signed by  
18 ~~qualified-electors~~ registered voters in each existing school  
19 district or portion affected equal in number to at least  
20 twenty percent of the number of ~~qualified-electors~~ registered  
21 voters or four hundred ~~qualified-electors~~ registered voters,  
22 whichever is the smaller number.

23 Sec. 6. Section 275.27, Code 1995, is amended to read as  
24 follows:

25 275.27 COMMUNITY SCHOOL DISTRICTS -- PART OF AREA  
26 EDUCATION AGENCY.

27 School districts created or enlarged under this chapter are  
28 community school districts and are part of the area education  
29 agency in which the greatest number of ~~qualified-electors~~  
30 registered voters of the district reside at the time of the  
31 special election called for in section 275.18, and sections of  
32 the Code applicable to the common schools generally are  
33 applicable to these districts in addition to the powers and  
34 privileges conferred by this chapter. If a school district,  
35 created or enlarged under this chapter and assigned to an area

1 education agency under this section, can demonstrate that  
2 students in the district were utilizing a service or program  
3 prior to the formation of the new or enlarged district that is  
4 unavailable from the area education agency to which the new or  
5 enlarged district is assigned, the district may be reassigned  
6 to the area education agency which formerly provided the  
7 service or program, upon an affirmative majority vote of the  
8 boards of the affected area education agencies to permit the  
9 change.

10 Sec. 7. Section 275.51, unnumbered paragraph 1, Code 1995,  
11 is amended to read as follows:

12 As an alternative to school district reorganization  
13 prescribed in this chapter, the board of directors of a school  
14 district may establish a school district dissolution  
15 commission to prepare a proposal of dissolution of the school  
16 district and attachment of all of the school district to one  
17 or more contiguous school districts and to include in the  
18 proposal a division of the assets and liabilities of the  
19 dissolving school district. A school district dissolution  
20 commission shall be established by the board of directors of a  
21 school district if a dissolution proposal has been prepared by  
22 ~~qualified-electors~~ registered voters who reside within the  
23 district. The proposal must contain the names of the proposed  
24 members of the commission and be accompanied by a petition  
25 which has been signed by at least twenty percent of the  
26 ~~qualified-electors~~ registered voters.

27 Sec. 8. Section 331.508, subsection 3, Code 1995, is  
28 amended to read as follows:

29 3. Estray Lost property book as provided in section  
30 ~~169B-30~~ chapter 556F.

31 Sec. 9. Section 331.756, Code 1995, is amended by adding  
32 the following new subsection:

33 NEW SUBSECTION. 23. Represent the state fire marshal in  
34 legal proceedings as provided in section 100.20.

35 Sec. 10. Section 347.16, subsection 2, Code 1995, is

1 amended to read as follows:

2 2. Free care and treatment shall be furnished in a county  
3 public hospital to any sick or injured person who fulfills the  
4 residency requirements under section ~~47-47-subsection-17~~  
5 ~~paragraph-"d"~~ 48A.5, subsection 2, paragraph "b", in the  
6 county maintaining the hospital, and who is indigent. The  
7 board of hospital trustees shall determine whether a person is  
8 indigent and entitled to free care under this subsection, or  
9 may delegate that determination to the general assistance  
10 director or the office of the department of human services in  
11 that county, subject to guidelines the board may adopt in  
12 conformity with applicable statutes.

13 Sec. 11. Section 384.84, subsection 4, Code 1995, is  
14 amended to read as follows:

15 4. A lien shall not be imposed pursuant to this section  
16 for a delinquent charge of less than five dollars. The  
17 governing body of the city utility or enterprise may charge up  
18 to five dollars, and the county treasurer may charge up to ~~two~~  
19 five dollars, as an administrative expense of certifying and  
20 filing this lien, which amounts shall be added to the amount  
21 of the lien to be collected at the time of payment of the  
22 assessment from the payor. Administrative expenses collected  
23 by the county treasurer on behalf of the city utility or  
24 enterprise shall be paid to the governing body of the city  
25 utility or enterprise, and those collected by the county  
26 treasurer on behalf of the county shall be credited to the  
27 county general fund. The lien has equal precedence with  
28 ordinary taxes, may be certified to the county treasurer and  
29 collected in the same manner as taxes, and is not divested by  
30 a judicial sale.

31 Sec. 12. Section 421.1, unnumbered paragraph 2, Code 1995,  
32 is amended to read as follows:

33 The members of the state board shall be ~~qualified-electors~~  
34 registered voters of the state and shall hold no other  
35 elective or appointive public office.

1 Sec. 13. Section 479.33, Code 1995, is amended to read as  
2 follows:

3 479.33 AUTHORIZED FEDERAL AID.

4 The board may enter into agreements with and receive moneys  
5 from the United States department of transportation for the  
6 inspection of pipelines to determine compliance with  
7 applicable standards of pipeline safety, and for enforcement  
8 of the applicable standards of pipeline safety as provided by  
9 ~~Public-Law-90-4817-the-Natural-Gas-Pipeline-Safety-Act-of-1968~~  
10 ~~{49-United-States-Code-1671--1684}~~ Pub. L. No. 103-272, as  
11 codified in 49 U.S.C. § 60101--60125.

12 Sec. 14. Section 479A.18, Code 1995, is amended to read as  
13 follows:

14 479A.18 FEDERAL INSPECTION.

15 The board may enter into agreements with and receive moneys  
16 from the United States department of transportation for the  
17 inspection of pipelines to determine compliance with the  
18 applicable standards of pipeline safety as provided by Pub. L.  
19 ~~No. 90-4817-the-Natural-Gas-Pipeline-Safety-Act-of-19687-49~~  
20 ~~U.S.C.-§-1671--1684~~ 103-272, as codified in 49 U.S.C. §  
21 60101--60125.

22 Sec. 15. Section 537.1302, Code 1995, is amended to read  
23 as follows:

24 537.1302 DEFINITION -- TRUTH IN LENDING ACT.

25 As used in this chapter, "Truth in Lending Act" means title  
26 1 of the Consumer Credit Protection Act, in subchapter 1 of  
27 chapter 41 of title 15 of the United States Code, as amended  
28 to and including January 1, ~~1989~~ 1995, and includes  
29 regulations issued pursuant to that Act prior to January 1,  
30 ~~1989~~ 1995.

31 Sec. 16. Section 548.101, subsection 1, paragraph a, Code  
32 1995, is amended to read as follows:

33 a. The use of the mark has been discontinued with intent  
34 not to resume such use. Intent not to resume may be inferred  
35 from circumstances. Nonuse for two consecutive years shall

1 constitute prima facie evidence of abandonment.

2 Sec. 17. Section 554.4109, subsection 2, Code 1995, is  
3 amended to read as follows:

4 2. Delay by a collecting bank or payor bank beyond time  
5 limits prescribed or permitted by this chapter or by  
6 instructions is excused if (i) the delay is caused by  
7 interruption of communication or computer facilities,  
8 suspension of payments by another bank, war, emergency  
9 conditions, failure of equipment, or other circumstances  
10 beyond the control of the bank, and (ii) the bank exercises  
11 such diligence as the circumstances require.

12 Sec. 18. Section 554.4215, Code 1995, is amended by adding  
13 the following new subsection:

14 NEW SUBSECTION. 2. If provisional settlement for an item  
15 does not become final, the item is not finally paid.

16 Sec. 19. Section 556F.2, Code 1995, is amended to read as  
17 follows:

18 556F.2 WARRANT -- APPRAISAL -- RETURN -- RECORD.

19 The ~~said~~ district judge, district associate judge, judicial  
20 magistrate, or district court clerk shall thereupon issue a  
21 warrant, directed to some peace officer, commanding the peace  
22 officer to summon three respectable householders of the  
23 neighborhood, who shall proceed without delay to examine and  
24 appraise ~~such~~ the property, including cargo, tackle, rigging,  
25 and other appendages if ~~any-there-be~~ applicable, and to make  
26 ~~report-thereof-under-their-hands~~ submit a report regarding the  
27 examination and appraisal to the magistrate, judge, or clerk  
28 issuing ~~such~~ the warrant, who shall transmit a certified copy  
29 thereof to the county auditor to be recorded in the ~~estray~~ a  
30 lost property book in the auditor's office.

31 Sec. 20. Section 556F.7, Code 1995, is amended to read as  
32 follows:

33 556F.7 WHEN OWNER UNKNOWN.

34 If the owner be is unknown, ~~such-person~~ the finder shall,  
35 within five days after ~~such~~ finding the property, take such

1 the money, bank notes, and a description of any other property  
2 before the county auditor of the county where the property was  
3 found, and make provide an affidavit of-the-description  
4 thereof describing the property, the time when and place where  
5 the same property was found, and attesting that no alteration  
6 has been made in the appearance thereof of the property since  
7 the finding, ~~whereupon-the.~~ The county auditor shall enter a  
8 description of the property and the value thereof, as nearly  
9 as the auditor can determine it, in the auditor's estray lost  
10 property book, together with the affidavit of the finder.

11 Sec. 21. Section 556F.16, Code 1995, is amended to read as  
12 follows:

13 556F.16 RESPONSIBILITY OF TAKER-UP.

14 If the taker-up of any watercraft, logs, or lumber, or  
15 finder of lost goods, bank notes, or other things, ~~shall-take~~  
16 takes reasonable care of the same property, and any  
17 unavoidable accident happens ~~thereto to the property~~ without  
18 the fault or neglect of the finder or taker-up before the  
19 owner ~~shall-have~~ has an opportunity of reclaiming the same  
20 property, such the taker-up or finder shall not be accountable  
21 therefor for the unavoidable accident, if ~~in-cases-of-accident~~  
22 ~~as-aforsaid-the-finder-or-taker-up~~ within ten days thereafter  
23 ~~shall-certify of the accident~~, the finder or taker-up  
24 certifies the same accident to the county auditor, who shall  
25 make an entry thereof of the accident in the auditor's estray  
26 lost property book.

27 Sec. 22. Section 600A.5, subsection 3, paragraph c, Code  
28 1995, is amended to read as follows:

29 c. A plain statement of the facts and grounds in section  
30 600A.8, subsections ~~1-to-4~~ 1, 2, 3, 4, and 7, which indicate  
31 that the parent-child relationship should be terminated.

32 Sec. 23. Section 615.3, Code 1995, is amended to read as  
33 follows:

34 615.3 FUTURE JUDGMENTS WITHOUT FORECLOSURE.

35 A judgment hereafter rendered on a promissory obligation

1 secured by a mortgage, deed of trust ~~of~~, or real estate  
2 contract upon property which at the time of the judgment is  
3 either used for an agricultural purpose as defined in section  
4 535.13 or a one-family or two-family dwelling which is the  
5 residence of the mortgagor, but without foreclosure against  
6 the security, shall not be subject to renewal by action  
7 thereon, and, after the lapse of two years from the date of  
8 rendition, shall be without force and effect for any purpose  
9 whatsoever except as a setoff or counterclaim. As used in  
10 this section, "mortgagor" means a mortgagor of a mortgage or a  
11 borrower executing a deed of trust as provided in chapter 654  
12 or the vendee of a real estate contract.

13 Sec. 24. Section 631.1, subsection 5, Code 1995, is  
14 amended to read as follows:

15 5. The district court sitting in small claims has  
16 concurrent jurisdiction of an action for abandonment of a  
17 mobile home or personal property pursuant to section 555B.3,  
18 if no money judgment in excess of ~~two~~ four thousand dollars is  
19 sought for actions commenced on or after July 1, 1995. If  
20 commenced under this chapter, the action is a small claim for  
21 the purposes of this chapter.

22 Sec. 25. Section 716B.3, Code 1995, is amended to read as  
23 follows:

24 716B.3 UNLAWFUL TRANSPORTATION OF HAZARDOUS WASTE --  
25 PENALTIES.

26 A person who knowingly or with reason to know, transports  
27 or causes to be transported any hazardous waste to any loca-  
28 tion other than a facility that is authorized to receive,  
29 treat, store, or dispose of the hazardous waste under rules  
30 adopted pursuant to the federal Resource Conservation and  
31 Recovery Act, 42 U.S.C. § ~~9601-9675~~ 6901--6992, is guilty of  
32 an aggravated misdemeanor and upon conviction shall be  
33 punished by a fine of not more than twenty-five thousand  
34 dollars for each day of violation or imprisonment for not more  
35 than two years, or both. If the conviction is for a violation

1 committed after a first conviction under this section, the  
2 person is guilty of a class "D" felony and shall be punished  
3 by a fine of not more than fifty thousand dollars for each day  
4 of violation or imprisonment for not more than five years, or  
5 both.

6 Sec. 26. Section 717B.3, subsection 3, Code 1995, is  
7 amended to read as follows:

8 3. A person who negligently or intentionally commits the  
9 offense of animal neglect is guilty of a simple misdemeanor.  
10 A person who intentionally commits the offense of animal ~~abuse~~  
11 neglect which results in serious injury to or the death of an  
12 animal is guilty of a serious misdemeanor.

13 Sec. 27. Section 729.1, Code 1995, is amended to read as  
14 follows:

15 729.1 RELIGIOUS TEST.

16 Any violation of section 4, Article I of the Constitution  
17 of Iowa is hereby declared to be a serious simple misdemeanor  
18 unless a greater penalty is otherwise provided by law.

19 Sec. 28. Section 729.3, Code 1995, is amended to read as  
20 follows:

21 729.3 PENALTY.

22 Any person, agency, bureau, corporation, or association  
23 that violates provisions of ~~sections 729.1 and~~ section 729.2  
24 shall be guilty of a simple misdemeanor.

25 Sec. 29. JURISDICTIONAL AMOUNT REVERSION. The  
26 jurisdictional amount in the section of this Act which amends  
27 section 631.1, subsection 5, shall revert to two thousand  
28 dollars if a court of competent jurisdiction declares the four  
29 thousand dollar amount unconstitutional.

30 EXPLANATION

31 This bill contains statutory corrections which may adjust  
32 language to reflect current practices, insert earlier  
33 omissions, delete redundancies and inaccuracies, delete  
34 temporary language, resolve inconsistencies and conflicts,  
35 update ongoing provisions, or remove ambiguities.

1 17A.8(9): Adds a notification requirement to the provision  
2 which allows the administrative rules review committee, on a  
3 two-thirds vote, to delay the effective date of a proposed  
4 rule until adjournment of the next regular legislative  
5 session. This change was requested by the administrative code  
6 editor.

7 99F.7(10): Updates provisions relating to the  
8 circumstances under which certain gambling questions are  
9 automatically submitted to a vote of the county electorate.  
10 Also substitutes "registered voters" for "qualified electors"  
11 and strikes an extraneous "not" from the phrase "unless the  
12 operation of gambling games is not terminated earlier".

13 235A.19(5): In provision relating to procedures for  
14 correction of child abuse reports, specifies that it is the  
15 subject of the child abuse report who is entitled to access to  
16 the list of persons who have received information referring to  
17 the subject. References in subsections 1 through 3 were  
18 similarly changed in 94 Acts, ch 1130, section 10.

19 256.3, un. para. 1: In section governing the  
20 qualifications of members of the state board of education,  
21 substitutes "registered voters" for "qualified electors".

22 275.12(1); 275.27; 275.51, un. para. 1: Substitute  
23 "registered voters" for "qualified electors" in chapter  
24 relating to school district reorganization. This is a follow-  
25 up to the changes in sections 275.1 and 275.13 directed by 94  
26 Acts, ch 1169, sections 64 and 65.

27 331.508(3): Revises reference to the county auditor's  
28 "estrays" book so that it refers instead to the "lost property"  
29 book in chapter 556F. Chapter 169B, relating to estrays, was  
30 repealed in 1994, but separate provisions relating to duties  
31 of the county auditor with respect to other lost property were  
32 retained.

33 331.756(23): In the list of duties of county attorneys,  
34 restores former provision referring to representation of the  
35 state fire marshal in legal proceedings. The underlying

1 requirement, which appears in section 100.20, was originally  
2 proposed for repeal as part of the state mandates bill in  
3 1994, but the repeal was deleted from the bill.

4 347.16(2): In section describing the terms under which  
5 persons are entitled to free care and treatment in a county  
6 public hospital, updates obsolete reference to residency  
7 requirements under the voter registration law.

8 384.84(4): In provision relating to liens imposed for  
9 delinquent charges for city utility and enterprise services,  
10 changes from two dollars to five dollars the maximum fee which  
11 may be charged by the county treasurer as an administrative  
12 expense of certifying and filing the lien. This is a  
13 restoration of an increase enacted in 1993 but omitted from  
14 the 1994 rewrite of the section.

15 421.1, unn. para. 2: In provision governing qualifications  
16 of members of the state board of tax review, substitutes  
17 "registered voters" for "qualified electors".

18 479.33; 479A.18: Update federal citations relating to  
19 pipeline safety. These changes were requested by the  
20 utilities board.

21 537.1302: Updates a provision defining the federal Truth  
22 in Lending Act so that it includes amendments and regulations  
23 to January 1, 1995. The definition appears in the Iowa  
24 Consumer Credit Code and the update was requested by the  
25 office of the attorney general.

26 548.101(1)(a): In the revised trademark law, adds a  
27 sentence to a portion of the definition of an abandoned mark.  
28 This sentence appears in the model Act and apparently should  
29 have been included in the 1994 enactment based on the model.

30 554.4109(2): In revised banking article of the Uniform  
31 Commercial Code (UCC), corrects an inadvertent omission of  
32 language which appears in the uniform Act.

33 554.4215(2): In UCC provision on final payment of an item  
34 by a payor bank, adds subsection which appears in the uniform  
35 Act but was inadvertently omitted from the 1994 enactment.

1 556F.2; 556F.7; 556F.16: In the chapter relating to lost  
2 property, substitute the term "lost property book" for "estrays  
3 book" of the county auditor, because of the 1994 repeal of  
4 former chapter 169B, the estray law. These provisions also  
5 update archaic language.

6 600A.5(3)(c): In provision relating to the contents of a  
7 petition for termination of parental rights, extends the list  
8 of grounds for which an explanatory statement is required. It  
9 appears that this conforming amendment was overlooked in 1992  
10 when a new ground was added to section 600A.8.

11 615.3: In chapter relating to limitations on judgments,  
12 revises section on future judgments without foreclosure by  
13 adding a reference to real estate contracts, so that the  
14 language newly added in 1994 parallels that of section 615.1.  
15 (See 94 Acts, chapter 1115.)

16 631.1(5): Increases the small claims jurisdictional amount  
17 in subsection 5 to \$4,000 for actions commenced on or after  
18 July 1, 1995. This change is included for consistency with  
19 subsections 1 through 4, which were amended in 1994.  
20 Subsection 5 was missed in 1994 due to a drafting oversight.  
21 A separate section of the bill contains a provision that the  
22 jurisdictional amount shall revert to \$2,000 if a court  
23 declares the \$4,000 amount unconstitutional, which is  
24 consistent with the other jurisdictional changes in 94 Acts,  
25 chapter 1117.

26 716B.3: In section establishing penalties for unlawful  
27 transportation of hazardous waste, corrects the federal  
28 citation to the Resource Conservation and Recovery Act, which  
29 relates to permitting hazardous waste facilities. This change  
30 was requested by the office of the attorney general.

31 717B.3(3): In section relating to neglect of animals other  
32 than livestock, changes "animal abuse" to "animal neglect"  
33 where it appears from the context that use of the term "animal  
34 abuse" was a drafting error and "animal neglect" was the  
35 intended term. Animal abuse is covered in section 717B.2 and

1 is an aggravated misdemeanor.

2 729.1; 729.3: In chapter relating to infringement of  
3 individual rights, eliminate an inconsistency in the penalties  
4 provided by these two sections for violations of section 4 of  
5 the Iowa Constitution's Bill of Rights. A violation would be  
6 a simple misdemeanor unless a greater penalty is prescribed  
7 elsewhere.

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SENATE FILE 88

AN ACT

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

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

Section 1. Section 17A.8, subsection 9, Code 1995, is amended to read as follows:

9. Upon a vote of two-thirds of its members, the administrative rules review committee may delay the effective date of a rule until the adjournment of the next regular session of the general assembly. The committee shall refer a rule whose effective date has been delayed to the speaker of the house of representatives and the president of the senate who shall refer the rule to the appropriate standing committees of the general assembly. If the general assembly has not disapproved of the rule by a joint resolution, the rule shall become effective. The speaker of the house of representatives and the president of the senate shall notify the administrative code editor of the final disposition of

each rule delayed pursuant to this subsection. If a rule is disapproved, it shall not become effective and the agency shall withdraw rescind the rule. This section shall not apply to rules made effective under section 17A.5, subsection 2, paragraph "b".

Sec. 2. Section 99F.7, subsection 10, Code 1995, is amended to read as follows:

10. a. A license to conduct gambling games on an excursion gambling boat in a county shall be issued only if the county electorate approves the conduct of the gambling games as provided in this subsection. The board of supervisors, upon receipt of a valid petition meeting the requirements of section 331.306, shall direct the commissioner of elections to submit to the qualified-electors registered voters of the county a proposition to approve or disapprove the conduct of gambling games on an excursion gambling boat in the county. The proposition shall be submitted at a general election or at a special election called for that purpose. To be submitted at a general election, the petition must be received by the board of supervisors at least five working days before the last day for candidates for county offices to file nomination papers for the general election pursuant to section 44.4. If a majority of the county voters voting on the proposition favor the conduct of gambling games, the commission may issue one or more licenses as provided in this chapter. If a majority of the county voters voting on the proposition do not favor the conduct of gambling games, a license to conduct gambling games in the county shall not be issued. After a referendum has been held, another referendum requested by petition shall not be held for at least two years.

b. If licenses to conduct gambling games and to operate an excursion gambling boat are in effect pursuant to a referendum as set forth in this section and are subsequently disapproved by a referendum of the county electorate, the licenses issued

by the commission after a referendum approving gambling games on excursion gambling boats shall remain valid and are subject to renewal for a total of nine years from the date of original issue unless the commission revokes a license at an earlier date as provided in this chapter.

~~c. If after January 1, 1994, section 99F.4, subsection 4, or 99F.9, subsection 2, is amended or stricken, including any amending or striking by 1994 Iowa Acts, chapter 1021, or a licensee of a pari-mutuel racetrack who held a valid license issued under chapter 99D as of January 1, 1994, requests a license to operate gambling games as provided in this chapter, the board of supervisors of a county in which excursion boat gambling has been approved or in which the licensee of a pari-mutuel racetrack requests a license to operate gambling games shall submit to the county electorate a proposition to approve or disapprove the conduct of gambling games on excursion gambling boats or the operation of gambling games at pari-mutuel racetracks at a special election at the earliest practicable time. If excursion boat gambling is not approved by a majority of the county electorate voting on the proposition at the election, paragraph "b" does not apply to the licenses and the commission shall cancel the licenses issued for the county within sixty days of the unfavorable referendum. If the operation of gambling games at the pari-mutuel racetrack is not approved by a majority of the county electorate voting on the proposition at the election, the commission shall not issue a license to operate gambling games at the racetrack.~~

d. If the proposition to operate gambling games on an excursion gambling boat or at a racetrack enclosure is approved by a majority of the county electorate voting on the proposition, the board of supervisors shall submit the same proposition to the county electorate at the general election held in 2002 and, unless the operation of gambling games is not terminated earlier as provided in this chapter or chapter

99D, at the general election held at each subsequent eight-year interval.

Sec. 3. Section 235A.19, subsection 5, Code 1995, is amended to read as follows:

5. Whenever the registry corrects or eliminates information as requested or as ordered by the court, the registry shall advise all persons who have received the incorrect information of such fact. Upon application to the court and service of notice on the registry, any individual subject of a child abuse report may request and obtain a list of all persons who have received child abuse information referring to the individual subject.

Sec. 4. Section 256.3, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The state board of education is established for the department. The state board consists of nine members appointed by the governor subject to senate confirmation. The members shall be qualified electors registered voters of the state and hold no other elective or appointive state office. A member shall not be engaged in professional education for a major portion of the member's time nor shall the member derive a major portion of income from any business or activity connected with education. Not more than five members shall be of the same political party.

Sec. 5. Section 275.12, subsection 1, Code 1995, is amended to read as follows:

1. A petition describing the boundaries, or accurately describing the area included therein by legal descriptions, of the proposed district, which boundaries or area described shall conform to plans developed or the petition shall request change of the plan, shall be filed with the area education agency administrator of the area education agency in which the greatest number of qualified electors registered voters reside. However, the area education agency administrator shall not accept a petition if any of the school districts

affected have approved the issuance of general obligation bonds at an election pursuant to section 296.6 during the preceding six-month period. The petition shall be signed by qualified-electors registered voters in each existing school district or portion affected equal in number to at least twenty percent of the number of qualified-electors registered voters or four hundred qualified-electors registered voters, whichever is the smaller number.

Sec. 6. Section 275.27, Code 1995, is amended to read as follows:

275.27 COMMUNITY SCHOOL DISTRICTS -- PART OF AREA EDUCATION AGENCY.

School districts created or enlarged under this chapter are community school districts and are part of the area education agency in which the greatest number of qualified-electors registered voters of the district reside at the time of the special election called for in section 275.18, and sections of the Code applicable to the common schools generally are applicable to these districts in addition to the powers and privileges conferred by this chapter. If a school district, created or enlarged under this chapter and assigned to an area education agency under this section, can demonstrate that students in the district were utilizing a service or program prior to the formation of the new or enlarged district that is unavailable from the area education agency to which the new or enlarged district is assigned, the district may be reassigned to the area education agency which formerly provided the service or program, upon an affirmative majority vote of the boards of the affected area education agencies to permit the change.

Sec. 7. Section 275.51, unnumbered paragraph 1, Code 1995, is amended to read as follows:

As an alternative to school district reorganization prescribed in this chapter, the board of directors of a school district may establish a school district dissolution

commission to prepare a proposal of dissolution of the school district and attachment of all of the school district to one or more contiguous school districts and to include in the proposal a division of the assets and liabilities of the dissolving school district. A school district dissolution commission shall be established by the board of directors of a school district if a dissolution proposal has been prepared by qualified-electors registered voters who reside within the district. The proposal must contain the names of the proposed members of the commission and be accompanied by a petition which has been signed by at least twenty percent of the qualified-electors registered voters.

Sec. 8. Section 331.508, subsection 3, Code 1995, is amended to read as follows:

3. Estray Lost property book as provided in section ~~169B-30~~ chapter 556F.

Sec. 9. Section 331.756, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 23. Represent the state fire marshal in legal proceedings as provided in section 100.20.

Sec. 10. Section 347.16, subsection 2, Code 1995, is amended to read as follows:

2. Free care and treatment shall be furnished in a county public hospital to any sick or injured person who fulfills the residency requirements under section 47.4, subsection 1, paragraph "d", Code 1993, in the county maintaining the hospital, and who is indigent. The board of hospital trustees shall determine whether a person is indigent and entitled to free care under this subsection, or may delegate that determination to the general assistance director or the office of the department of human services in that county, subject to guidelines the board may adopt in conformity with applicable statutes.

Sec. 11. Section 384.84, subsection 4, Code 1995, is amended to read as follows:

4. A lien shall not be imposed pursuant to this section for a delinquent charge of less than five dollars. The governing body of the city utility or enterprise may charge up to five dollars, and the county treasurer may charge up to two five dollars, as an administrative expense of certifying and filing this lien, which amounts shall be added to the amount of the lien to be collected at the time of payment of the assessment from the payor. Administrative expenses collected by the county treasurer on behalf of the city utility or enterprise shall be paid to the governing body of the city utility or enterprise, and those collected by the county treasurer on behalf of the county shall be credited to the county general fund. The lien has equal precedence with ordinary taxes, may be certified to the county treasurer and collected in the same manner as taxes, and is not divested by a judicial sale.

Sec. 12. Section 421.1, unnumbered paragraph 2, Code 1995, is amended to read as follows:

The members of the state board shall be qualified electors registered voters of the state and shall hold no other elective or appointive public office.

Sec. 13. Section 479.33, Code 1995, is amended to read as follows:

479.33 AUTHORIZED FEDERAL AID.

The board may enter into agreements with and receive moneys from the United States department of transportation for the inspection of pipelines to determine compliance with applicable standards of pipeline safety, and for enforcement of the applicable standards of pipeline safety as provided by Public-Law-90-481; the-Natural-Gas-Pipeline-Safety-Act-of-1968 (49-United-States-Code-1671--1684) Pub. L. No. 103-272, as codified in 49 U.S.C. § 60101--60125.

Sec. 14. Section 479A.18, Code 1995, is amended to read as follows:

479A.18 FEDERAL INSPECTION.

The board may enter into agreements with and receive moneys from the United States department of transportation for the inspection of pipelines to determine compliance with the applicable standards of pipeline safety as provided by Pub. L. No. 90-481; ~~the-Natural-Gas-Pipeline-Safety-Act-of-1968~~; 49 U.S.C. ~~§-1671--1684~~ 103-272, as codified in 49 U.S.C. § 60101--60125.

Sec. 15. Section 548.101, subsection 1, paragraph a, Code 1995, is amended to read as follows:

a. The use of the mark has been discontinued with intent not to resume such use. Intent not to resume may be inferred from circumstances. Nonuse for two consecutive years shall constitute prima facie evidence of abandonment.

Sec. 16. Section 554.4109, subsection 2, Code 1995, is amended to read as follows:

2. Delay by a collecting bank or payor bank beyond time limits prescribed or permitted by this chapter or by instructions is excused if (i) the delay is caused by interruption of communication or computer facilities, suspension of payments by another bank, war, emergency conditions, failure of equipment, or other circumstances beyond the control of the bank, and (ii) the bank exercises such diligence as the circumstances require.

Sec. 17. Section 554.4215, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 2. If provisional settlement for an item does not become final, the item is not finally paid.

Sec. 18. Section 556F.2, Code 1995, is amended to read as follows:

556F.2 WARRANT -- APPRAISAL -- RETURN -- RECORD.

The ~~said~~ district judge, district associate judge, judicial magistrate, or district court clerk shall thereupon issue a warrant, directed to some peace officer, commanding the peace officer to summon three respectable householders of the neighborhood, who shall proceed without delay to examine and

appraise ~~such the~~ property, including cargo, tackle, rigging, and other appendages if ~~any-there-be~~ applicable, and to make ~~report-thereof-under-their-hands~~ submit a report regarding the examination and appraisal to the magistrate, judge, or clerk issuing ~~such the~~ warrant, who shall transmit a certified copy thereof to the county auditor to be recorded in the ~~estray a~~ lost property book in the auditor's office.

Sec. 19. Section 556F.7, Code 1995, is amended to read as follows:

556F.7 WHEN OWNER UNKNOWN.

If the owner be is unknown, ~~such-person~~ the finder shall, within five days after ~~such finding the property~~, take ~~such the~~ money, bank notes, and a description of any other property before the county auditor of the county where the property was found, and make provide an affidavit ~~of-the-description~~ thereof describing the property, the time when and place where the ~~same property~~ was found, and attesting that no alteration has been made in the appearance thereof of the property since the finding, ~~whereupon-the~~. The county auditor shall enter a description of the property and the value thereof, as nearly as the auditor can determine it, in the auditor's estray lost property book, together with the affidavit of the finder.

Sec. 20. Section 556F.16, Code 1995, is amended to read as follows:

556F.16 RESPONSIBILITY OF TAKER-UP.

If the taker-up of any watercraft, logs, or lumber, or finder of lost goods, bank notes, or other things, ~~shall-take~~ takes reasonable care of the ~~same property~~, and any unavoidable accident happens ~~thereto to the property~~ without the fault or neglect of the finder or taker-up before the owner ~~shall-have~~ has an opportunity of reclaiming the ~~same property~~, ~~such the~~ taker-up or finder shall not be accountable therefor for the unavoidable accident, if ~~in-cases-of-accident~~ as-aforesaid-the-finder-or-taker-up within ten days thereafter shall-certify of the accident, the finder or taker-up

certifies the same accident to the county auditor, who shall make an entry thereof of the accident in the auditor's estray lost property book.

Sec. 21. Section 600A.5, subsection 3, paragraph c, Code 1995, is amended to read as follows:

c. A plain statement of the facts and grounds in section 600A.8, subsections ~~1-to-4~~ 1, 2, 3, 4, and 7, which indicate that the parent-child relationship should be terminated.

Sec. 22. Section 615.3, Code 1995, is amended to read as follows:

615.3 FUTURE JUDGMENTS WITHOUT FORECLOSURE.

A judgment hereafter rendered on a promissory obligation secured by a mortgage, deed of trust ~~of,~~ or real estate contract upon property which at the time of the judgment is either used for an agricultural purpose as defined in section 535.13 or a one-family or two-family dwelling which is the residence of the mortgagor, but without foreclosure against the security, shall not be subject to renewal by action thereon, and, after the lapse of two years from the date of rendition, shall be without force and effect for any purpose whatsoever except as a setoff or counterclaim. As used in this section, "mortgagor" means a mortgagor of a mortgage or a borrower executing a deed of trust as provided in chapter 654 or the vendee of a real estate contract.

Sec. 23. Section 631.1, subsection 5, Code 1995, is amended to read as follows:

5. The district court sitting in small claims has concurrent jurisdiction of an action for abandonment of a mobile home or personal property pursuant to section 555B.3, if no money judgment in excess of two four thousand dollars is sought for actions commenced on or after July 1, 1995. If commenced under this chapter, the action is a small claim for the purposes of this chapter.

Sec. 24. Section 716B.3, Code 1995, is amended to read as follows:

716B.3 UNLAWFUL TRANSPORTATION OF HAZARDOUS WASTE --  
PENALTIES.

A person who knowingly or with reason to know, transports or causes to be transported any hazardous waste to any location other than a facility that is authorized to receive, treat, store, or dispose of the hazardous waste under rules adopted pursuant to the federal Resource Conservation and Recovery Act, 42 U.S.C. § 9601-9675 6901--6992, is guilty of an aggravated misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five thousand dollars for each day of violation or imprisonment for not more than two years, or both. If the conviction is for a violation committed after a first conviction under this section, the person is guilty of a class "D" felony and shall be punished by a fine of not more than fifty thousand dollars for each day of violation or imprisonment for not more than five years, or both.

Sec. 25. Section 717B.3, subsection 3, Code 1995, is amended to read as follows:

3. A person who negligently or intentionally commits the offense of animal neglect is guilty of a simple misdemeanor. A person who intentionally commits the offense of animal ~~abuse~~ neglect which results in serious injury to or the death of an animal is guilty of a serious misdemeanor.

Sec. 26. Section 729.1, Code 1995, is amended to read as follows:

729.1 RELIGIOUS TEST.

Any violation of section 4, Article I of the Constitution of Iowa is hereby declared to be a serious simple misdemeanor unless a greater penalty is otherwise provided by law.

Sec. 27. Section 729.3, Code 1995, is amended to read as follows:

729.3 PENALTY.

Any person, agency, bureau, corporation, or association that violates provisions of ~~sections 729.1 and~~ section 729.2 shall be guilty of a simple misdemeanor.

Sec. 28. JURISDICTIONAL AMOUNT REVERSION. The jurisdictional amount in the section of this Act which amends section 631.1, subsection 5, shall revert to two thousand dollars if a court of competent jurisdiction declares the four thousand dollar amount unconstitutional.

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LEONARD L. BOSWELL  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 88, Seventy-sixth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved April 24, 1995

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TERRY E. BRANSTAD  
Governor