

# Senate Study Bill 2018

## Conference Committee Text

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1 1 Section 1. Section 8D.13, subsection 12, Code Supplement  
1 2 1995, is amended to read as follows:  
1 3 12. The commission, on its own or as recommended by an  
1 4 advisory committee of the commission and approved by the  
1 5 commission, shall permit a fee to be charged by a receiving  
1 6 site to the originator of the communication provided on the  
1 7 network. The fee charged shall be for the purpose of  
1 8 recovering the operating costs of a receiving site. The fee  
1 9 charged shall be reduced by an amount received by the  
1 10 receiving site pursuant to a state appropriation for such  
1 11 costs, or federal assistance received for such costs. Fees  
1 12 established under this subsection shall be paid by the  
1 13

~~originating site~~

- originator of the communication directly to  
1 14 the receiving site. For purposes of this section, "operating  
1 15 costs" include the costs associated with the management or  
1 16 coordination, operations, utilities, classroom, equipment,  
1 17 maintenance, and other costs directly related to providing the  
1 18 receiving site.  
1 19 Sec. 2. Section [43.67](#), unnumbered paragraph 1, Code 1995,  
1 20 is amended to read as follows:  
1 21 Each candidate nominated pursuant to section

~~43.66~~

- 43.52 or

1 22 [43.65](#) is entitled to have the candidate's name printed on the  
1 23 official ballot to be voted at the general election without  
1 24 other certificate unless the candidate was nominated by write-  
1 25 in votes. Immediately after the completion of the canvass  
1 26 held under section 43.49, the county auditor shall notify each  
1 27 person who was nominated by write-in votes for a county or  
1 28 township office that the person is required to file an  
1 29 affidavit of candidacy if the person wishes to be a candidate  
1 30 for that office at the general election. Immediately after  
1 31 the completion of the canvass held under section 43.63, the  
1 32 secretary of state shall notify each person who was nominated  
1 33 by write-in votes for a state or federal office that the  
1 34 person is required to file an affidavit of candidacy if the  
1 35 person wishes to be a candidate for that office at the general  
2 1 election. If the affidavit is not filed by five p.m. on the  
2 2 seventh day after the completion of the canvass, that person's  
2 3 name shall not be placed upon the official general election  
2 4 ballot. The affidavit shall be signed by the candidate,  
2 5 notarized, and filed with the county auditor or the secretary  
2 6 of state, whichever is applicable.

2 7 Sec. 3. Section 97B.41, subsection 8, paragraph b,  
2 8 subparagraph (16), Code Supplement 1995, is amended by  
2 9 striking the subparagraph.

2 10 Sec. 4. Section [124.409](#), subsection 1, Code 1995, is  
2 11 amended to read as follows:

2 12 1. Whenever a person who has not previously been convicted  
2 13 of an offense under this chapter or an offense under a state  
2 14 or federal statute relating to narcotic drugs or cocaine,  
2 15 marijuana, or stimulant, depressant, or hallucinogenic drugs,

2 16 pleads guilty to or is found guilty of possession of a  
2 17 controlled substance under section 124.401, subsection 3, or  
2 18 is sentenced pursuant to section 124.410, the court, without  
2 19 entering a judgment of guilt and with the consent of the  
2 20 accused, may defer further proceedings and place the accused  
2 21 on probation upon terms and conditions as it requires. When a  
2 22 person is placed on probation under this subsection, the  
2 23 person's appearance bond may be discharged at the discretion  
2 24 of the court. Upon violation of a term or condition, the  
2 25 court may enter an adjudication of guilt and proceed as  
2 26 otherwise provided. Upon fulfillment of the terms and  
2 27 conditions, the court shall discharge the person and dismiss  
2 28 the proceedings against the person. Discharge and dismissal  
2 29 under this section shall be without court adjudication of  
2 30 guilt and is not a conviction for purposes of this section or  
2 31 for purposes of disqualifications or disabilities imposed by  
2 32 law upon conviction of a crime, including the additional  
2 33 penalties imposed for second or subsequent convictions under  
2 34 section

~~124.410~~

- 124.411. Discharge and dismissal under this

2 35 section may occur only once with respect to any person.

3 1 Sec. 5. Section 139B.1, subsection 2, paragraph b, Code  
3 2 Supplement 1995, is amended to read as follows:

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

~~responder~~

- response service or law enforcement agency.

3 14 Sec. 6. Section 161A.12, Code 1995, is amended to read as  
3 15 follows:

3 16 161A.12 STATEMENT TO DEPARTMENT OF MANAGEMENT.

3 17 On or before

~~September~~

- October 1 next preceding each annual

3 18 legislative session, the division shall submit to the  
3 19 department of management, on official estimate blanks  
3 20 furnished for those purposes, statements and estimates of the  
3 21 expenditure requirements for each fiscal year, and a statement  
3 22 of the balance of funds, if any, available to the division,  
3 23 and the estimates of the division as to the sums needed for  
3 24 the administrative and other expenses of the division for the  
3 25 purposes of this chapter.

3 26 Sec. 7. Section 162.1, subsection 1, Code 1995, is amended  
3 27 to read as follows:

3 28 1. To insure that all dogs and cats handled by boarding  
3 29 kennels, commercial kennels,

~~hobby kennels,~~

- commercial

3 30 breeders, dealers, and public auctions are provided with  
3 31 humane care and treatment by regulating the transportation,  
3 32 sale, purchase, housing, care, handling, and treatment of such  
3 33 animals by persons or organizations engaged in transporting,  
3 34 buying, or selling them and to provide that all vertebrate  
3 35 animals consigned to pet shops are provided humane care and

4 1 treatment by regulating the transportation, sale, purchase,  
4 2 housing, care, handling, and treatment of such animals by pet  
4 3 shops.

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

4 6 169A.13 FEE EACH FIFTH YEAR.

4 7 Each owner of a brand of record beginning on January 1,  
4 8 1970, shall pay to the secretary a fee of five dollars and a  
4 9 renewal fee on January 1 of each fifth year after the payment  
4 10 of the five dollar fee, or on January 1 of each fifth year  
4 11 following the original recording of a brand recorded after  
4 12 June 30, 1975. The amount of the renewal fee required for  
4 13 January 1, 1976, and each year thereafter shall be established  
4 14 by rule of the secretary pursuant to chapter 17A. The amount  
4 15 of the fee shall be based upon the administrative costs of  
4 16 maintaining the brand program provided for in this chapter.  
4 17 The secretary shall notify every owner of a brand of record at  
4 18 least thirty days prior to the date of the renewal period. If  
4 19 the owner of a brand of record does not pay the fee by July 1  
4 20 of each year in which it is due, the owner shall forfeit the  
4 21 brand and the brand shall no longer be recorded. A forfeited  
4 22 brand shall not be issued to any other person for five

~~or more~~

4 23 years following date of forfeiture.

4 24 Sec. 9. Section [229.27](#), subsection 1, Code 1995, is  
4 25 amended to read as follows:

4 26 1. Hospitalization of a person under this chapter, either  
4 27 voluntarily or involuntarily, does not constitute a finding of  
4 28 nor equate with nor raise a presumption of incompetency, nor  
4 29 cause the person so hospitalized to be deemed a person of  
4 30 unsound mind nor a person under legal disability for any  
4 31 purpose including but not limited to any circumstances to  
4 32 which sections 6B.15, 447.7, 487.402, subsection 5, paragraph  
4 33 "b", ~~sections~~ 487.705, 597.6, 600B.21, 614.8, 614.19, 614.22,  
4 34 614.24, 614.27,

~~622.6,~~

~~and 633.244 are applicable.~~

4 35 Sec. 10. Section [232.88](#), Code Supplement 1995, is amended  
5 1 to read as follows:

5 2 232.88 SUMMONS, NOTICE, SUBPOENAS AND SERVICES.

5 3 After a petition has been filed the court shall issue and  
5 4 serve summons, notice, subpoenas, and other process in the  
5 5 same manner as for adjudicatory hearings in cases of juvenile  
5 6 delinquency as provided in section 232.37. In addition to the  
5 7

~~parties~~

~~persons~~ required to be provided notice under section

5 8 232.37, notice for any hearing under this division shall be  
5 9 provided to the agency, facility, institution, or person,  
5 10 including a foster parent, with whom a child has been placed  
5 11 for the purposes of foster care.

5 12 Sec. 11. Section 232.148, subsection 2, Code Supplement  
5 13 1995, is amended to read as follows:

5 14 2. Fingerprints and photographs of a child who has been  
5 15 taken into custody and who is fourteen years of age or older  
5 16 may be taken and filed by a criminal or juvenile justice  
5 17 agency investigating the commission of a public offense other  
5 18 than a simple or serious misdemeanor. The criminal or  
5 19 juvenile justice agency shall forward the fingerprints to the  
5 20 department of public safety for inclusion in the automated  
5 21 fingerprint identification system and may also retain a copy  
5 22 of the fingerprint card for comparison with latent  
5 23 fingerprints and the identification of repeat offenders.

5 24 Sec. 12. Section 236.3, subsection 2, Code Supplement  
5 25 1995, is amended to read as follows:  
5 26 2.

~~If the petition is being filed on behalf of an~~

5 27

~~unemancipated minor, the name~~

~~Name and address~~ of the parent  
5 28 or guardian filing the petition

~~and the parent's or guardian's~~

5 29

~~address~~

~~, if the petition is being filed on behalf of an~~

5 30 unemancipated minor. For the purposes of this chapter,  
5 31 "plaintiff" includes a person filing an action on behalf of an  
5 32 unemancipated minor.

5 33 Sec. 13. Section 236.9, unnumbered paragraph 1, Code 1995,  
5 34 is amended to read as follows:

5 35 Criminal or juvenile justice agencies, as defined in  
6 1 section 692.1, shall collect and maintain information on  
6 2 incidents involving domestic abuse and shall provide the  
6 3 information to the department of public safety in the manner  
6 4 prescribed by the department of public safety.

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

6 7 Sec. 15. Section 252I.1, subsection 2, Code 1995, is  
6 8 amended to read as follows:

6 9 2. "Bank" means "bank", "insured bank",

~~"private bank",~~

6 10 and "state bank" as defined in section 524.103.

6 11 Sec. 16. Section 260D.12, Code Supplement 1995, is amended  
6 12 to read as follows:

6 13 260D.12 PAYMENT OF APPROPRIATION.

6 14 Payment of appropriations for distribution under this  
6 15 chapter or chapter 260C, or of appropriations made in lieu of  
6 16 such appropriations, shall be made by the department of  
6 17 revenue and finance in monthly installments due on or about  
6 18 the fifteenth day of each month of a budget year, and  
6 19 installments shall be as nearly equal as possible, as  
6 20 determined by the department of revenue and finance, taking  
6 21 into consideration the relative budget and cash position of  
6 22 the state resources.

6 23 Sec. 17. Section 294A.13, Code 1995, is amended to read as  
6 24 follows:

6 25 294A.13 PHASE III PROGRAM.

6 26 For the school year beginning July 1, 1987, and succeeding  
6 27 school years, each school district and area education agency  
6 28 that meets the requirements of this

~~section~~

~~division is~~

6 29 eligible to receive moneys for the implementation under phase  
6 30 III of a performance-based pay plan or supplemental pay plan,  
6 31 or a combination of the two.

6 32 Sec. 18. Section 303.33, unnumbered paragraph 1, Code  
6 33 Supplement 1995, is amended to read as follows:

6 34 Two years after the establishment of a district, a  
6 35 referendum for the termination of the district shall be held  
7 1 if ten percent of the eligible voters in the district so  
7 2 request. If the registered voters, by a majority of those

7 3 voting, favor termination,

~~this Act~~

- sections 303.20 through

7 4 303.32 will no longer have any effect on the property formerly  
7 5 included in the district.

7 6 Sec. 19. Section 321.19, subsection 2, unnumbered

7 7 paragraph 3, Code Supplement 1995, is amended to read as

7 8 follows:

7 9

~~Section 452A.3 and chapter~~

- Chapter 326

~~are~~

- is not

7 10 applicable to urban transit companies or systems.

7 11 Sec. 20. Section 321.213A, Code Supplement 1995, is

7 12 amended to read as follows:

7 13 321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED

7 14 DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

7 15 Upon the entering of an order at the conclusion of a  
7 16 dispositional hearing under section 232.50, where the child  
7 17 has been adjudicated to have committed a delinquent act, which  
7 18 would be a first or subsequent violation of section 123.46,  
7 19 section 123.47 involving the purchase or attempt to purchase  
7 20 alcoholic beverages, chapter 124, section 126.3, chapter 453B,  
7 21 or a second or subsequent violation of section 123.47

7 22 regarding the possession of alcoholic beverages, the clerk of  
7 23 the juvenile court in the dispositional hearing shall forward  
7 24 a copy of the adjudication and dispositional order to the  
7 25 department. The department shall suspend the license or  
7 26 operating privilege of the child for one year. The child may  
7 27 receive a temporary restricted license or permit as provided  
7 28 in section 321.215.

7 29 Sec. 21. Section 321.423, subsection 1, paragraph c, Code  
7 30 Supplement 1995, is amended to read as follows:

7 31 c. "Member" means a person who is a member in good

7 32 standing of a fire department or a person who is an emergency  
7 33 medical care provider employed by an ambulance, rescue, or

7 34 first

~~responder~~

- response service.

7 35 Sec. 22. Section 321.423, subsection 4, Code Supplement  
8 1 1995, is amended to read as follows:

8 2 4. EXPIRATION OF AUTHORITY. The authorization shall  
8 3 expire at midnight on the thirty-first day of December five  
8 4 years from the year in which it was issued, or when the  
8 5 vehicle is no longer owned by the member, or when the member  
8 6 has ceased to be an active member of the fire department or of  
8 7 an ambulance, rescue, or first

~~responder~~

- response service, or

8 8 when the member has used the blue or white light beyond the  
8 9 scope of its authorized use. A person issued an authorization  
8 10 under subsection 3, paragraph "b", shall return the  
8 11 authorization to the fire chief upon expiration or upon a  
8 12 determination by the fire chief or the department that the  
8 13 authorization should be revoked.

8 14 Sec. 23. Section 321.423, subsection 7, paragraphs a and  
8 15 b, Code Supplement 1995, are amended to read as follows:

8 16 a. On a vehicle owned or exclusively operated by an  
8 17 ambulance, rescue, or first

~~responder~~

- response service.

8 18 b. On a vehicle authorized by the director of public  
8 19 health when all of the following apply:  
8 20 (1) The vehicle is owned by a member of an ambulance,  
8 21 rescue, or first

~~responder~~

- response service.

8 22 (2) The request for authorization is made by the member on  
8 23 forms provided by the Iowa department of public health.  
8 24 (3) Necessity for authorization is demonstrated in the  
8 25 request.  
8 26 (4) The head of an ambulance, rescue, or first

~~responder~~

-  
8 27 response service certifies that the member is in good standing  
8 28 and recommends that the authorization be granted.

8 29 Sec. 24. Section 321.484, unnumbered paragraph 2, Code  
8 30 Supplement 1995, is amended to read as follows:

8 31 The owner of a vehicle shall not be held responsible for a  
8 32 violation of a provision regulating the stopping, standing, or  
8 33 parking of a vehicle, whether the provision is contained in  
8 34 this chapter, or chapter 321L, or an ordinance or other  
8 35 regulation or rule, if the owner establishes that at the time  
9 1 of the violation the vehicle was in the custody of an  
9 2 identified person other than the owner pursuant to a lease as  
9 3 defined in chapter 321F. The furnishing to the clerk of the  
9 4 district court where the charge is pending of a copy of the  
9 5 lease prescribed by section 321F.6 that was in effect for the  
9 6 vehicle at the time of the alleged violation shall be prima  
9 7 facie evidence that the vehicle was in the custody of an  
9 8 identified person other than the owner within the meaning of  
9 9 this paragraph, and the charge against the owner shall be  
9 10 dismissed. The clerk of the district court then shall cause a  
9 11 uniform citation and complaint to be issued against the lessee  
9 12 of the vehicle, and the citation shall be served upon the  
9 13 defendant by ordinary mail directed to the defendant at the  
9 14 address shown in the

~~certificate of responsibility~~

- lease.

9 15 Sec. 25. Section [321.492A](#), Code 1995, is amended to read  
9 16 as follows:

9 17 321.492A QUOTAS ON CITATIONS PROHIBITED.

9 18 A political subdivision or agency of the state shall not  
9 19 order, mandate, require, or in any other manner, directly or  
9 20 indirectly, suggest to a peace officer employed by the  
9 21 political subdivision or agency that the peace officer shall  
9 22 issue a certain number of traffic citations, police citations,  
9 23 memorandums of traffic violations, or memorandums of faulty  
9 24 equipment on a daily, weekly, monthly, quarterly, or yearly  
9 25 basis.

9 26 Sec. 26. Section [321.560](#), Code Supplement 1995, is amended  
9 27 to read as follows:

9 28 321.560 PERIOD OF REVOCATION.

9 29 A license to operate a motor vehicle in this state shall  
9 30 not be issued to any person declared to be a habitual offender  
9 31 under section 321.555, subsection 1, for a period of not less  
9 32 than two years nor more than six years from the date of the  
9 33 final decision of the department under section 17A.19 or the  
9 34 date on which the district court upholds the final decision of  
9 35 the department, whichever occurs later. However, a temporary  
10 1 restricted

~~license~~

- permit may be issued to a person declared

10 2 to be a habitual offender under section 321.555, subsection 1,  
10 3 paragraph "c", pursuant to section 321.215, subsection 2. A  
10 4 license to operate a motor vehicle in this state shall not be  
10 5 issued to any person declared to be a habitual offender under  
10 6 section 321.555, subsection 2, for a period of one year from  
10 7 the date of the final decision of the department under section  
10 8 17A.19 or the date on which the district court upholds the  
10 9 final decision of the department, whichever occurs later. The  
10 10 department shall adopt rules under chapter 17A which establish  
10 11 a point system which shall be used to determine the period for  
10 12 which a person who is declared to be a habitual offender under  
10 13 section 321.555, subsection 1, shall not be issued a license.  
10 14 Sec. 27. Section [321.561](#), Code Supplement 1995, is amended

10 15 to read as follows:

10 16 321.561 PUNISHMENT FOR VIOLATION.

10 17 It shall be unlawful for any person found to be a habitual  
10 18 offender to operate any motor vehicle in this state during the  
10 19 period of time specified in section 321.560 except for a  
10 20 habitual offender who has been granted a temporary restricted  
10 21

~~license~~

- ~~permit~~ pursuant to section 321.215, subsection 2. A  
10 22 person violating this section commits an aggravated  
10 23 misdemeanor.

10 24 Sec. 28. Section 323.1, subsection 4, Code Supplement  
10 25 1995, is amended to read as follows:

10 26 4. "Distributor" means

~~a person~~

- ~~distributor~~ as defined in

10 27

~~chapter 452A~~

- ~~section 452A.2.~~

10 28 Sec. 29. Section 331.756, subsection 69, Code Supplement  
10 29 1995, is amended by striking the subsection.

10 30 Sec. 30. Section 358C.13, subsection 5, Code Supplement  
10 31 1995, is amended to read as follows:

10 32 5. The board of trustees shall not require or grant a  
10 33 franchise

~~under section 364.2,~~

- to any person pursuant to

10 34 ~~section 364.2,~~ subsection 4.

10 35 Sec. 31. Section 358C.17, subsection 1, Code Supplement  
11 1 1995, is amended to read as follows:

11 2 1. The board of trustees of a real estate improvement  
11 3 district may provide for payment of all or any portion of the  
11 4 costs of a public improvement specified in section 358C.4, by  
11 5 assessing all, or any portion of, the costs on adjacent  
11 6 property according to the benefits derived. For the purposes  
11 7 of this chapter, the board of trustees may define "adjacent  
11 8 property" as all that included within a designated benefited  
11 9 district to be fixed by the board, which may be all of the  
11 10 property located within the real estate improvement district  
11 11 or any lesser portion of that property. It is not a valid  
11 12 objection to a special assessment that the improvement for  
11 13 which the assessment is levied is outside the limits of the  
11 14 district, but a special assessment shall not be made upon  
11 15 property situated outside of the district. Special  
11 16 assessments pursuant to this section shall be in proportion to  
11 17 the special benefits conferred upon the property, and not in  
11 18 excess of the benefits. The value of a property is the  
11 19 present fair market value of the property with the proposed  
11 20 public improvements completed. Payment of installments of a  
11 21 special assessment against property shall be made in the same

11 22 manner and under the same procedures as provided in chapter  
11 23 384 for special assessments by cities. Notwithstanding the  
11 24 provisions of section 384.62, the combined assessments against  
11 25 any lot for public improvements included in the petition  
11 26 creating the

~~housing development~~

~~real estate improvement~~

11 27 district or as authorized in section 358C.4 shall not exceed  
11 28 the valuation of that lot as established by section 384.46.  
11 29 Sec. 32. Section 421.17A, subsection 1, paragraph b, Code  
11 30 Supplement 1995, is amended to read as follows:  
11 31 b. "Bank" means "bank", "insured bank",

~~"private bank",~~

11 32 and "state bank" as these are defined in section 524.103.  
11 33 Sec. 33. Section 421.31, subsection 9, Code Supplement  
11 34 1995, is amended to read as follows:  
11 35 9. INTEREST OF THE PERMANENT SCHOOL FUND. To transfer the  
12 1 interest of the permanent school fund to the credit of the  
12 2

~~first in the nation in education foundation as provided in~~

12 3

~~section 257B.1A~~

~~interest for Iowa schools fund.~~

12 4 Sec. 34. Section 422.45, subsection 47, Code Supplement  
12 5 1995, is amended by striking the subsection.  
12 6 Sec. 35. Section [422.69](#), subsection 3, Code 1995, is  
12 7 amended by striking the subsection.  
12 8 Sec. 36. Section 426B.1, subsection 1, Code Supplement  
12 9 1995, is amended to read as follows:  
12 10 1. A property tax relief fund is created in the state  
12 11 treasury under the authority of the department of revenue and  
12 12 finance. The fund shall be separate from the general fund of  
12 13 the state and shall not be considered part of the general fund  
12 14 of the state except in determining the cash position of the  
12 15 state for payment of state obligations. The moneys in the  
12 16 fund are not subject to the provisions of section 8.33 and  
12 17 shall not be transferred, used, obligated, appropriated, or  
12 18 otherwise encumbered except as provided in this

~~section~~

12 19 ~~chapter~~. Moneys in the fund may be used for cash flow  
12 20 purposes, provided that any moneys so allocated are returned  
12 21 to the fund by the end of each fiscal year. However, the fund  
12 22 shall be considered a special account for the purposes of  
12 23 section 8.53, relating to elimination of any GAAP deficit.  
12 24 For the purposes of this chapter, unless the context otherwise  
12 25 requires, "property tax relief fund" means the property tax  
12 26 relief fund created in this section.  
12 27 Sec. 37. Section 427.1, subsection 4, Code Supplement  
12 28 1995, is amended to read as follows:  
12 29 4. FIRE

~~EQUIPMENT~~

~~COMPANY BUILDINGS AND GROUNDS.~~

~~Fire~~

12 30

~~engines and all implements for extinguishing fires, and the~~

12 31 The publicly owned buildings and grounds used exclusively for  
12 32 keeping

~~them~~

~~fire engines and implements for extinguishing~~

12 33 fires and for meetings of fire companies.

12 34 Sec. 38. Section 441.21, subsection 9, paragraph b, Code  
12 35 Supplement 1995, is amended to read as follows:

13 1 b. Notwithstanding paragraph "a", any construction or  
13 2 installation of a solar energy system on property

~~so~~

13 3 classified as agricultural, residential, commercial, or  
13 4 industrial property shall not increase the actual, assessed  
13 5 and taxable values of the property for five full assessment  
13 6 years.

13 7 Sec. 39. Section 444.25, subsection 4, paragraph b,  
13 8 subparagraph (3), Code 1995, is amended to read as follows:

13 9 (3) Need for additional moneys for health care, treatment  
13 10 and facilities, including mental health and mental retardation  
13 11 care and treatment pursuant to section 331.424, subsection 1,  
13 12 paragraphs "a" through "h", Code 1995.

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

13 15 Sec. 41. Section 452A.3, subsection 3, Code Supplement  
13 16 1995, is amended to read as follows:

13 17 3. For the privilege of operating motor vehicles or  
13 18 aircraft in this state, there is imposed an excise tax on the  
13 19 use of special fuel in a motor vehicle or aircraft. The tax  
13 20 rate on special fuel for diesel engines of motor vehicles is  
13 21 twenty-two and one-half cents per gallon. The rate of tax on  
13 22 special fuel for aircraft is three cents per gallon. On all  
13 23 other special fuel the per gallon rate is the same as the  
13 24 motor fuel tax. Indelible dye meeting United States  
13 25 environmental protection agency and internal revenue service  
13 26 regulations must be added to fuel before or upon withdrawal at  
13 27 a terminal or refinery rack for that fuel to be exempt from  
13 28 tax and the dyed fuel may be used only for an exempt purpose.

13 29 Sec. 42. Section 452A.57, subsections 5 and 10, Code  
13 30 Supplement 1995, are amended to read as follows:

13 31 5. "Fuel taxes" means the per gallon excise taxes imposed  
13 32 under

~~division I~~

~~divisions I and III~~ of this chapter with

13 33 respect to motor fuel and undyed special fuel.

13 34 10. "Public highways" shall mean and include any way or  
13 35 place available to the public for purposes of vehicular travel  
14 1 notwithstanding that it is temporarily closed.

14 2 Sec. 43. Section 452A.71, Code Supplement 1995, is amended  
14 3 to read as follows:

14 4 452A.71 REFUNDS TO PERSONS OTHER THAN DISTRIBUTORS AND  
14 5 COMPRESSED NATURAL GAS AND LIQUEFIED PETROLEUM GAS DEALERS AND  
14 6 USERS.

14 7 Except as provided in section 452A.54, any person other  
14 8 than a person who has paid or has had charged to the person's  
14 9 account with a distributor, dealer, or user fuel taxes imposed  
14 10 under this chapter with respect to motor fuel or undyed  
14 11 special fuel in excess of one hundred gallons, which, while  
14 12 the person is the owner, is subsequently lost or destroyed

~~while the person is the owner,~~

- through leakage, fire,  
14 14 explosion, lightning, flood, storm, or other casualty, except  
14 15 evaporation, shrinkage, or unknown causes,

~~the person~~

- shall be  
14 16 entitled to a refund of the tax so paid or charged. To  
14 17 qualify for the refund, the person shall notify the department  
14 18 of revenue and finance in writing of the loss or destruction  
14 19 and the gallonage lost or destroyed within ten days from the  
14 20 date of discovery of the loss or destruction. Within sixty  
14 21 days after filing the notice, the person shall file with the  
14 22 department of revenue and finance an affidavit sworn to by the  
14 23 person having immediate custody of the motor fuel or undyed  
14 24 special fuel at the time of the loss or destruction setting  
14 25 forth in full the circumstances and amount of the loss or  
14 26 destruction and such other information as the department of  
14 27 revenue and finance may require. Any refund payable under  
14 28 this section may be applied by the department against any tax  
14 29 liability outstanding on the books of the department against  
14 30 the claimant.  
14 31 Sec. 44. Section 513C.4, subsection 2, Code Supplement  
14 32 1995, is amended to read as follows:  
14 33 2. An affiliated carrier that is a health maintenance  
14 34 organization having a certificate of authority under section  
14 35

~~513C.5~~

- 514B.5 shall be considered to be a separate carrier for  
15 1 the purposes of this chapter.  
15 2 Sec. 45. Section 523I.1, subsection 4, Code Supplement  
15 3 1995, is amended to read as follows:  
15 4 4. "Interment rights" means a right of use conveyed by  
15 5 contract or property ownership to inter human

~~rights~~

- remains  
15 6 in a columbarium, grave, mausoleum, lawn crypt, or undeveloped  
15 7 space.  
15 8 Sec. 46. Section 524.306, subsection 2, Code Supplement  
15 9 1995, is amended to read as follows:  
15 10 2. The secretary of state's acknowledgement of filing of  
15 11 the articles of incorporation is conclusive proof that the  
15 12 incorporators satisfied all conditions precedent to  
15 13 incorporation, except in a proceeding instituted by the  
15 14 superintendent to cancel or revoke the incorporation or  
15 15 involuntarily dissolve the corporation.  
15 16 Sec. 47. Section 524.1415, subsection 1, Code Supplement  
15 17 1995, is amended to read as follows:  
15 18 1. The conversion is effective upon the filing of the  
15 19 articles of conversion with the secretary of state, or at any  
15 20 later date and time as specified in the articles of  
15 21 conversion. The

~~certificate of conversion~~

- acknowledgement of  
15 22 filing is conclusive evidence of the performance of all  
15 23 conditions required by this chapter for conversion of a  
15 24 national bank into a state bank, except as against the state.  
15 25 Sec. 48. Section 554.9401, subsection 6, Code Supplement  
15 26 1995, is amended to read as follows:  
15 27 6. Of each fee collected by the county recorder under  
15 28 sections

~~570A.4,~~

- 554.9403, 554.9405, and 554.9406, the county

15 29 recorder shall remit five dollars, if filed on a standard form  
15 30 or six dollars otherwise, to the department of revenue and  
15 31 finance for deposit in the general fund of the state.  
15 32 Sec. 49. Section [561.19](#), Code Supplement 1995, is amended  
15 33 to read as follows:  
15 34 561.19 EXEMPTION IN HANDS OF ISSUE.  
15 35 Where the homestead descends to the issue of either spouse  
16 1 the

~~issue~~

- ~~homestead~~ shall be held exempt from any antecedent  
16 2 debts of the issue's parents or antecedent debts of the issue,  
16 3 except those of the owner of the homestead contracted prior to  
16 4 acquisition of the homestead or those created under section  
16 5 249A.5 relating to the recovery of medical assistance  
16 6 payments.  
16 7 Sec. 50. Section [566A.15](#), Code Supplement 1995, is amended  
16 8 to read as follows:  
16 9 566A.15 CEMETERY FUND.  
16 10 A special revenue fund is created in the state treasury,  
16 11 under the control of the commissioner, to be known as the  
16 12 insurance division cemetery fund. Commencing July 1, 1995,  
16 13

~~filing fees received pursuant to section 566A.2C and~~

- one  
16 14 dollar from the audit fee for each deed reported on the annual  
16 15 report required by section 566A.2D, executed during the  
16 16 preceding fiscal year, shall be deposited in the insurance  
16 17 division cemetery fund by the commissioner. However, if the  
16 18 balance of the fund on July 1 of any year exceeds two hundred  
16 19 thousand dollars, the allocation to the fund shall not be  
16 20 made, and the total sum of the fees paid pursuant to section  
16 21 566A.2D shall be deposited in the general fund of the state.  
16 22 Notwithstanding section 8.33, moneys in the fund shall not  
16 23 revert to the general fund but shall remain in the cemetery  
16 24 fund. Moneys in the cemetery fund are appropriated to the  
16 25 insurance division and, subject to authorization by the  
16 26 commissioner, may be used to pay the expenses of that office  
16 27 incurred in the administration of the audit, investigative,  
16 28 and enforcement duties and obligations imposed under this  
16 29 chapter, and the expenses of receiverships established  
16 30 pursuant to section 566A.12.  
16 31 Sec. 51. Section 602.1304, subsection 2, paragraph b, Code  
16 32 Supplement 1995, is amended to read as follows:  
16 33 b. For each fiscal year, a judicial collection estimate  
16 34 for that fiscal year shall be equally and proportionally  
16 35 divided into a quarterly amount. The judicial collection  
17 1 estimate shall be calculated by using the state revenue  
17 2 estimating conference estimate made by December 15 pursuant to  
17 3 section 8.22A, subsection 3, of the total amount of fines,  
17 4 fees, civil penalties, costs, surcharges, and other revenues  
17 5 collected by judicial officers and court employees for deposit  
17 6 into the general fund of the state. The revenue estimating  
17 7 conference estimate shall be reduced by the maximum amounts  
17 8 allocated to the Iowa prison infrastructure fund pursuant to  
17 9 section 602.8108A, and the court technology and modernization  
17 10 fund pursuant to section 602.8108, and the remainder shall be  
17 11 the judicial collection estimate. In each quarter of a fiscal  
17 12 year, after revenues collected by judicial officers and court  
17 13 employees equal to that quarterly amount are deposited into  
17 14 the general fund of the state and after the required amount is  
17 15 deposited during the quarter into the Iowa prison  
17 16 infrastructure fund pursuant to section 602.8108A and into the  
17 17 court technology and modernization fund pursuant to section  
17 18 602.8108, the director of revenue and finance shall deposit  
17 19 the remaining revenues for that quarter into the enhanced

17 20 court collections fund in lieu of the general fund. However,  
17 21 after total deposits into the collections fund for the fiscal  
17 22 year are equal to the maximum deposit amount established for  
17 23 the collections fund, remaining revenues for that fiscal year  
17 24 shall be deposited into the general fund. If the revenue  
17 25 estimating conference agrees to a different estimate at a  
17 26 later meeting which projects a lesser amount of revenue than  
17 27 the initial estimate amount used to calculate the judicial  
17 28 collection estimate, the director of revenue and finance shall  
17 29 recalculate the judicial collection estimate accordingly. If  
17 30 the revenue estimating conference agrees to a different  
17 31 estimate at a later meeting which projects a greater amount of  
17 32 revenue than the initial estimate amount used to calculate the  
17 33 judicial collection estimate, the director of revenue and  
17 34 finance shall recalculate the judicial collection estimate  
17 35 accordingly but only to the extent that the greater amount is  
18 1 due to an increase in the fines, fees, civil penalties, costs,  
18 2 surcharges, or other revenues allowed by law to be collected  
18 3 by judicial officers and court employees.

18 4 Sec. 52. Section [692.12](#), Code Supplement 1995, is amended  
18 5 to read as follows:

18 6 692.12 DATA PROCESSING.

18 7 Nothing in this chapter shall preclude the use of the  
18 8 equipment and hardware of the data processing service center  
18 9 for the storage and retrieval of criminal history data. Files  
18 10 shall be stored on the computer in such a manner

~~as~~

~~that~~ the

18 11 files cannot be modified, destroyed, accessed, changed, or  
18 12 overlaid in any fashion by

~~noncriminal or juvenile justice~~

~~agency~~

~~terminals or personnel not belonging to a criminal or~~

18 14 ~~juvenile justice~~ agency. That portion of any computer,  
18 15 electronic switch or manual terminal having access to criminal  
18 16 history data stored in the state computer must be under the  
18 17 management control of a criminal or juvenile justice agency.

18 18 Sec. 53. Section [692.21](#), Code Supplement 1995, is amended  
18 19 to read as follows:

18 20 692.21 DATA TO AGENCY MAKING ARREST OR TAKING JUVENILE  
18 21 INTO CUSTODY.

18 22 The clerk of the district court shall forward conviction  
18 23 and disposition data to the criminal or juvenile justice  
18 24 agency making the arrest or taking a juvenile into custody  
18 25 within thirty days of final court disposition of the case.

18 26 Sec. 54. Section 692A.1, subsection 2, Code Supplement  
18 27 1995, is amended to read as follows:

18 28 2. "Criminal or juvenile justice agency" means an agency  
18 29 or department of any level of government or an entity wholly  
18 30 owned, financed, or controlled by one or more such agencies or  
18 31 departments which performs as its principal function the  
18 32 apprehension, prosecution, adjudication, incarceration, or  
18 33 rehabilitation of criminal or juvenile offenders.

18 34 Sec. 55. Section 692A.10, subsection 4, Code Supplement  
18 35 1995, is amended to read as follows:

19 1 4. Adopt rules under chapter 17A, as necessary, to ensure  
19 2 compliance with registration and verification requirements of  
19 3 this chapter, to provide guidelines for persons required to  
19 4 assist in obtaining registry information, and to provide a  
19 5 procedure for the dissemination of information contained in  
19 6 the registry. The procedure for the dissemination of  
19 7 information shall include, but not be limited to, practical

19 8 guidelines for use by criminal or juvenile justice agencies in  
19 9 determining when public release of information contained in  
19 10 the registry is appropriate and a requirement that if a member  
19 11 of the general public requests information regarding a  
19 12 specific individual in the manner provided in section 692A.13,  
19 13 subsection 6, the information shall be released. The  
19 14 department, in developing the procedure, shall consult with  
19 15 associations which represent the interests of law enforcement  
19 16 officers. Rules adopted shall also include a procedure for  
19 17 removal of information from the registry upon the reversal or  
19 18 setting aside of a conviction of a person who is registered  
19 19 under this chapter.

19 20 Sec. 56. Section 692A.13, subsections 1, 3, and 5, Code  
19 21 Supplement 1995, are amended to read as follows:

19 22 1. The department or a sheriff may disclose information to  
19 23 criminal or juvenile justice agencies for law enforcement or  
19 24 prosecution purposes.

19 25 3. The department or a criminal or juvenile justice agency  
19 26 with case-specific authorization from the department may  
19 27 release relevant information from the registry regarding a  
19 28 criminal offense against a minor, sexual exploitation, or a  
19 29 sexually violent offense, that is necessary to protect the  
19 30 public concerning a specific person who is required to  
19 31 register under this chapter.

19 32 5. Criminal history

~~information~~

~~- data~~ contained in the

19 33 registry may be released as provided in chapter 692 or used by  
19 34 criminal or juvenile justice agencies as an index for purposes  
19 35 of locating a relevant conviction record.

20 1 Sec. 57. Section [692A.15](#), Code Supplement 1995, is amended  
20 2 to read as follows:

20 3 692A.15 IMMUNITY FOR GOOD FAITH CONDUCT.

20 4 Criminal or juvenile justice agencies, officials, and  
20 5 employees of criminal or juvenile justice agencies and state  
20 6 agencies and their employees shall be immune from liability  
20 7 for acts or omissions arising from a good faith effort to  
20 8 comply with this chapter.

20 9 Sec. 58. Section [708.3A](#), Code Supplement 1995, is amended  
20 10 to read as follows:

20 11 708.3A ASSAULTS ON PEACE OFFICERS, FIRE FIGHTERS, AND  
20 12 EMERGENCY CARE PROVIDERS.

20 13 1. A person who commits an assault, as defined in section  
20 14 708.1, against a peace officer,

~~basic emergency medical care~~

~~-~~  
20 15

~~provider under chapter 147, an advanced~~

~~- emergency medical care~~

20 16 provider under chapter 147A, or fire fighter, whether paid or  
20 17 volunteer, with the knowledge that the person against whom the  
20 18 assault is committed is a peace officer,

~~basic emergency~~

~~-~~  
20 19

~~medical care provider under chapter 147, an advanced~~

~~- emergency~~

20 20 medical care provider under chapter 147A, or fire fighter and  
20 21 the intent to inflict a serious injury upon the peace officer,  
20 22

~~basic emergency medical care provider under chapter 147, an~~

-  
20 23

~~advanced~~

- emergency medical care provider under chapter 147A,  
20 24 or fire fighter, is guilty of a class "D" felony.  
20 25 2. A person who commits an assault, as defined in section  
20 26 708.1, against a peace officer,

~~basic emergency medical care~~

-  
20 27

~~provider under chapter 147, an advanced~~

- emergency medical care  
20 28 provider under chapter 147A, or fire fighter, whether paid or  
20 29 volunteer, who knows that the person against whom the assault  
20 30 is committed is a peace officer,

~~basic emergency medical care~~

-  
20 31

~~provider under chapter 147, an advanced~~

- emergency medical care  
20 32 provider under chapter 147A, or fire fighter and who uses or  
20 33 displays a dangerous weapon in connection with the assault, is  
20 34 guilty of a class "D" felony.  
20 35 3. A person who commits an assault, as defined in section  
21 1 708.1, against a peace officer,

~~basic emergency medical care~~

-  
21 2

~~provider under chapter 147, an advanced~~

- emergency medical care  
21 3 provider under chapter 147A, or fire fighter, whether paid or  
21 4 volunteer, who knows that the person against whom the assault  
21 5 is committed is a peace officer,

~~basic emergency medical care~~

-  
21 6

~~provider under chapter 147, an advanced~~

- emergency medical care  
21 7 provider under chapter 147A, or fire fighter, and who causes  
21 8 bodily injury or disabling mental illness, is guilty of an  
21 9 aggravated misdemeanor.  
21 10 4. Any other assault, as defined in section 708.1,  
21 11 committed against a peace officer,

~~basic emergency medical~~

-  
21 12

~~care provider under chapter 147, an advanced~~

- emergency medical  
21 13 care provider under chapter 147A, or fire fighter, whether  
21 14 paid or volunteer, by a person who knows that the person  
21 15 against whom the assault is committed is a peace officer,  
21 16

~~basic emergency medical care provider under chapter 147, an~~

-  
21 17

~~advanced~~

- emergency medical care provider under chapter 147A,  
21 18 or fire fighter, is a serious misdemeanor.  
21 19 Sec. 59. Section 719.1, subsection 1, Code Supplement  
21 20 1995, is amended to read as follows:  
21 21 1. A person who knowingly resists or obstructs anyone  
21 22 known by the person to be a peace officer,

~~basic emergency~~

21 23

~~medical care provider under chapter 147, an advanced  
emergency~~

21 24 medical care provider under chapter 147A, or fire fighter,  
21 25 whether paid or volunteer, in the performance of any act which  
21 26 is within the scope of the lawful duty or authority of that  
21 27 officer,

~~basic emergency medical care provider under chapter~~

21 28

~~147, an advanced~~

- emergency medical care provider under chapter  
21 29 147A, or fire fighter, whether paid or volunteer, or who  
21 30 knowingly resists or obstructs the service or execution by any  
21 31 authorized person of any civil or criminal process or order of  
21 32 any court, commits a serious misdemeanor. However, if a  
21 33 person commits an interference with official acts, as defined  
21 34 in this subsection, and in so doing inflicts bodily injury  
21 35 other than serious injury, that person commits an aggravated  
22 1 misdemeanor. If a person commits an interference with  
22 2 official acts, as defined in this subsection, and in so doing  
22 3 inflicts or attempts to inflict serious injury, or displays a  
22 4 dangerous weapon, as defined in section 702.7, or is armed  
22 5 with a firearm, that person commits a class "D" felony.  
22 6 Sec. 60. Section 727.11, subsection 2, paragraph a, Code  
22 7 1995, is amended to read as follows:  
22 8 a. To a criminal or juvenile justice agency only pursuant  
22 9 to an investigation of a particular person or organization  
22 10 suspected of committing a known crime. The information shall  
22 11 be released only upon a judicial determination that a rational  
22 12 connection exists between the requested release of information  
22 13 and a legitimate end and that the need for the information is  
22 14 cogent and compelling.  
22 15 Sec. 61. Section [805.5](#), Code Supplement 1995, is amended  
22 16 to read as follows:  
22 17 805.5 FAILURE TO APPEAR.  
22 18 Any person who willfully fails to appear in court as  
22 19 specified by the citation shall be guilty of a simple  
22 20 misdemeanor. Where a defendant fails to make a required court  
22 21 appearance, the court shall issue an arrest warrant for the  
22 22 offense of failure to appear, and shall forward the warrant  
22 23 and the original or electronically produced citation to the  
22 24 clerk. The clerk shall enter a transfer to the issuing agency  
22 25 on the docket, and shall return the warrant with the original  
22 26 or electronically produced citation attached to the law  
22 27 enforcement agency which issued the

~~original or electronically~~

22 28

~~produced~~

- citation for enforcement of the warrant. Upon arrest

22 29 of the defendant, the warrant and the original or  
22 30 electronically produced citation shall be returned to the  
22 31 court, and the offenses shall be heard and disposed of  
22 32 simultaneously.

22 33 Sec. 62. Section [909.10](#), subsection 2, Code 1995, is  
22 34 amended to read as follows:

22 35 2. Notwithstanding the disposition sections of sections  
23 1 602.8106 and

~~911.3~~

- ~~602.8108, subsection 3~~, upon the collection

23 2 of delinquent amounts, the clerks of the district court shall  
23 3 remit the delinquent amounts to the treasurer of state for  
23 4 deposit into the revolving fund established pursuant to  
23 5 section 602.1302, to be used for the payment of jury and  
23 6 witness fees and mileage.

23 7 Sec. 63. Section 910A.9A, subsection 1, Code Supplement  
23 8 1995, is amended to read as follows:

23 9 1. The date on which the juvenile or sexually violent  
23 10 predator is expected to be temporarily released from the  
23 11 custody of the department of human services, and whether the  
23 12 juvenile or sexually violent predator is expected to return to  
23 13 the community where the registered victim resides.

23 14 Sec. 64. AMENDMENTS CHANGING TERMINOLOGY REGARDING  
23 15 PODIATRIC PHYSICIANS. Sections 135B.7, 148.2, 148A.3, 149.2,  
23 16 150.3, 150A.2, 157.2, 158.2, 455B.333, 514.1, 514.5, 514.8,  
23 17 and 514.17, Code 1995, are amended by striking from the  
23 18 sections the word "podiatrists" and inserting in lieu thereof  
23 19 the words "podiatric physicians".

23 20 Sec. 65. 1995 Iowa Acts, chapter 215, section 34, is  
23 21 amended to read as follows:

23 22 SEC. 34. EFFECTIVE DATE. Sections 3 through 10, sections  
23 23 17 through 25,

~~sections~~

- ~~section 27~~,

~~and 28~~,

- section 29,

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

23 30 Sec. 66. REPEALS.

23 31 1. Sections 260C.24 and 303.18, Code Supplement 1995, are  
23 32 repealed.

23 33 2. Sections 422.47A, 422.47B, and 422.47C, Code 1995, are  
23 34 repealed.

23 35 Sec. 67. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

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

24 4 EXPLANATION

24 5 This bill contains the following nonsubstantive Code  
24 6 corrections:

24 7 8D.13(12): In subsection permitting Iowa communications  
24 8 network receiving sites to charge fees for recovering  
24 9 operating costs, changes the designation of the party required  
24 10 to pay the fee from "originating site" to "originator of the  
24 11 communication" to conform with similar changes to the  
24 12 subsection enacted in 1995 Iowa Acts, chapter 20.

24 13 43.67, unnumbered paragraph 1: In provision entitling a  
24 14 political nominee to have the candidate's name printed on the  
24 15 official general election ballot unless the candidate was  
24 16 nominated by write-in votes, strikes an incorrect reference to

24 17 section 43.66, which concerns write-in candidates, and  
24 18 replaces it with references to section 43.52 or 43.65, which  
24 19 concern nominees of political parties.

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

24 27 124.409(1): Corrects an erroneous internal reference in  
24 28 provisions relating to controlled substance offenses.  
24 29 Although this error was in the original 1971 bill enacting  
24 30 this section, it appears that the reference should be to  
24 31 section 124.411, which concerns second or subsequent offenses,  
24 32 rather than section 124.410, which concerns accommodation  
24 33 offenses.

24 34 139B.1(2)(b); 321.423(1)(c), (4), and (7)(a, b): Change  
24 35 terminology from "first responder service" to "first response  
25 1 service", which is the more commonly used phrase throughout  
25 2 the Code.

25 3 161A.12: Changes the September 1 deadline to October 1 for  
25 4 budget submissions by the soil and water conservation  
25 5 division. This conforms with the 1995 amendment to section  
25 6 8.23, which establishes the October 1 deadline for all  
25 7 departments and establishments of the government.

25 8 162.1(1): Strikes an obsolete reference to "hobby kennels"  
25 9 from the policy statement in chapter 162 on the care of  
25 10 animals in commercial establishments. Section 162.11,  
25 11 subsection 5, enacted in 1988 Iowa Acts, chapter 1186, } 13,  
25 12 provides that chapter 162 does not apply to noncommercial  
25 13 hobby kennels. This change was requested by the department of  
25 14 agriculture and land stewardship.

25 15 169A.13: In provision prohibiting the issuance of a  
25 16 forfeited brand to another person for a specific time period,  
25 17 strikes the phrase "or more" from the five-year time period,  
25 18 to clarify the amendments contained in 1995 Iowa Acts, chapter  
25 19 60, } 8.

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

25 26 232.88: In provision specifying those entitled to notice  
25 27 of child in need of assistance (CINA) hearings by referring to  
25 28 juvenile delinquency notice requirements, substitutes the more  
25 29 accurate term "persons" for "parties".

25 30 232.148(2); 236.9, unnumbered paragraph 1: Propose  
25 31 conforming amendments to 1995 Iowa Acts, chapter 191, which  
25 32 changed the definition of and expanded the duties given to  
25 33 criminal justice agencies to include juvenile justice  
25 34 agencies.

25 35 236.3(2): Revises wording so that item enacted in 1995  
26 1 concerning unemancipated minors fits grammatically onto the  
26 2 list of items that must be stated in a petition seeking relief  
26 3 from domestic abuse.

26 4 238.1(2): Strikes the superfluous definition of "case  
26 5 permanency plan" from chapter 238, which concerns child-  
26 6 placing agencies. The term is not used in the chapter.

26 7 252I.1(2); 421.17A(1)(b): In definition of "bank" for  
26 8 purposes of the chapter pertaining to levies against accounts  
26 9 for the collection of child support payments and the section  
26 10 providing an administrative levy against accounts of persons  
26 11 owing a delinquent indebtedness to the state, strike the term  
26 12 "private bank" to conform to the amendment that struck the  
26 13 definition of "private bank" from section 524.103 in 1995 Iowa

26 14 Acts, chapter 148, }3.  
26 15 260D.12: In section specifying method of payment of  
26 16 appropriations for distribution to community colleges, adds a  
26 17 reference to chapter 260C pertaining to community colleges.  
26 18 In 1995 Iowa Acts, chapter 214, }9, this section was amended,  
26 19 whereas in 1995 Iowa Acts, chapter 218, } 18, an identical  
26 20 provision was enacted for codification as section 260C.24.  
26 21 The proposed changes include the repeal of the duplicate  
26 22 provision, section 260C.24, at the end of this bill.  
26 23 294A.13: Substitutes the more accurate term "division" for  
26 24 an erroneous reference to "section" in provisions relating to  
26 25 eligibility to receive moneys under phase III of the  
26 26 educational excellence program. This section sets no  
26 27 requirements for the program.  
26 28 303.33, unnumbered paragraph 1: Replaces a reference to  
26 29 the 1976 Act that created historical preservation districts  
26 30 with the appropriate Code section numbers.  
26 31 321.19(2), unnumbered paragraph 3: In definition of "urban  
26 32 transit company", strikes a reference to the inapplicability  
26 33 of section 452A.3, which concerns the motor fuel excise tax.  
26 34 The amendment to section 452A.3 contained in 1995 Iowa Acts,  
26 35 chapter 155, } 14, eliminated the tax exemption for urban  
27 1 transit companies or systems, whereas the amendment to section  
27 2 452A.17 in that Act made provisions for urban transit systems  
27 3 to receive a refund of the tax. Accordingly, the reference in  
27 4 this section is stricken.  
27 5 321.213A: In section pertaining to motor vehicle license  
27 6 suspension for juveniles adjudicated delinquent for certain  
27 7 drug or alcohol offenses, and in order to clarify changes  
27 8 enacted in 1995 Iowa Acts, chapter 55, }} 9 and 10, specifies  
27 9 that a juvenile may receive a temporary restricted permit if a  
27 10 request for a temporary restricted license has been denied, as  
27 11 is provided in section 321.215, subsection 2.  
27 12 321.484, unnumbered paragraph 2: In provision pertaining  
27 13 to service of a uniform citation to the lessee of a motor  
27 14 vehicle, replaces "certificate of responsibility" with  
27 15 "lease", in accordance with changes to this section and  
27 16 section 321F.6 enacted in 1995 Iowa Acts, chapter 118, }} 27  
27 17 and 29.  
27 18 321.492A: In provisions prohibiting quotas on the number  
27 19 of citations filed by peace officers, clarifies the kind of  
27 20 traffic memorandums referred to by adding the word  
27 21 "violations", which is consistent with terminology used  
27 22 elsewhere in the Code.  
27 23 321.560; 321.561: In motor vehicle provisions establishing  
27 24 revocation periods and penalties applicable to habitual  
27 25 offenders which were amended in 1995 Iowa Acts, chapter 143,  
27 26 corrects reference from "temporary restricted license" to  
27 27 "temporary restricted permit", to accurately describe the  
27 28 procedure referenced in section 321.215, subsection 2.  
27 29 323.1(4): Clarifies amendments to this section and chapter  
27 30 452A contained in 1995 Iowa Acts, chapter 155, to refer to the  
27 31 definition of "distributor" contained in section 452A.2,  
27 32 rather than the definition of "person" in section 452A.57.  
27 33 331.756(69): Strikes an obsolete duty of the county  
27 34 attorney. Section 478.29 was stricken and rewritten in 1991  
27 35 Iowa Acts, chapter 112, } 2, and the provisions for requesting  
28 1 the county attorney to prosecute violations concerning  
28 2 electric lines that cross railroad tracks were removed at that  
28 3 time. Violations of chapter 478, which pertains to electric  
28 4 transmission lines, are within the jurisdiction of the  
28 5 utilities board.  
28 6 358C.13(5): Clarifies reference enacted in 1995 Iowa Acts,  
28 7 chapter 200, prohibiting a real estate improvement district  
28 8 board of trustees from requiring or granting a franchise.  
28 9 Subsection 4 of this section is not relevant to the issue of  
28 10 franchises, whereas section 364.2, subsection 4, grants the

28 11 authority to a city.

28 12 358C.17(1): Substitutes "real estate improvement"  
28 13 district, the term used throughout 1995 Iowa Acts, chapter  
28 14 200, for "housing development" district, a term used in a  
28 15 prior version of the legislation.

28 16 421.31(9): Requires the director of revenue and finance to  
28 17 transfer the interest of the permanent school fund to the  
28 18 interest for Iowa schools fund, rather than the first in the  
28 19 nation in education foundation, in accordance with the  
28 20 revision of section 257B.1A in 1995 Iowa Acts, chapter 218, }  
28 21 17.

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

28 29 422.69(3): Strikes a requirement that the director of  
28 30 revenue and finance estimate and deposit the amount of state  
28 31 corporate income tax revenues collected as a result of the  
28 32 court decision holding that the federal windfall profits tax  
28 33 is not a federal income tax, because the federal windfall  
28 34 profits tax has been repealed. This amendment was requested  
28 35 by the department of revenue and finance.

29 1 426B.1(1): In section establishing the property tax relief  
29 2 fund, as enacted in 1995 Iowa Acts, chapter 206, substitutes  
29 3 the term "chapter" for the word "section" to accurately  
29 4 reflect the provisions authorizing distributions from the  
29 5 fund.

29 6 427.1(4): Revises wording to eliminate redundancy in  
29 7 property tax exemption provisions. Personal property, such as  
29 8 fire equipment and implements for extinguishing fires, is  
29 9 already exempt from the property tax. These changes were  
29 10 requested by the department of revenue and finance.

29 11 441.21(9)(b): In provisions relating to the actual,  
29 12 assessed, and taxable values for property upon which a solar  
29 13 energy system is constructed or installed, clarifies that the  
29 14 provision relates to agricultural, residential, commercial, or  
29 15 industrial property. In 1995 Iowa Acts, chapter 83, } 28, an  
29 16 obsolete provision was stricken from this paragraph and the  
29 17 list of property classes affected was inadvertently removed.

29 18 444.25(4)(b)(3): In section pertaining to the property tax  
29 19 limitations for the 1994 and 1995 fiscal years, specifies that  
29 20 the reference to section 331.424, subsection 1, paragraph "a"  
29 21 through "h", pertains to the section as it appeared in the  
29 22 1995 Iowa Code. In 1995 Iowa Acts, chapter 206, } 9, which  
29 23 became effective January 1, 1996, the majority of the  
29 24 provisions cited were stricken in revising the obligations of  
29 25 the county to pay for mental health services.

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

29 31 452A.3(3): For ease of understanding of revisions enacted  
29 32 in 1995 Iowa Acts, chapter 155, } 14, pertaining to exemptions  
29 33 from excise taxes on special fuel, clarifies that what may be  
29 34 used only for an exempt purpose is the dyed fuel, rather than  
29 35 the indelible dye.

30 1 452A.57(5, 10): In definition of "fuel taxes" in division  
30 2 of chapter 452A applicable to all fuel taxes imposed by the  
30 3 chapter, reinserts a reference to division III of the chapter,  
30 4 which pertains to the motor fuel and special fuel use tax for  
30 5 interstate motor vehicle operations. While this definition no  
30 6 longer applies to division II of the chapter, which was  
30 7 repealed in 1995 Iowa Acts, chapter 155, the definition

30 8 appears to remain applicable to division III, although the  
30 9 reference was stricken in section 28 of that Act. The  
30 10 proposed change to subsection 10 is intended to clarify the  
30 11 definition of "public highways".  
30 12 452A.71: Rewrites a sentence for improved readability in  
30 13 section relating to refunds of fuel taxes.  
30 14 513C.4(2): In provision in individual health insurance  
30 15 market reform chapter enacted in 1995 Iowa Acts, chapter 5,  
30 16 pertaining to consideration of affiliated carriers that are  
30 17 health maintenance organizations, replaces a reference to  
30 18 certificates of authority issued under section 513C.5, which  
30 19 pertains to restrictions relating to premium rates, with a  
30 20 reference to section 514B.5, which concerns the issuance of  
30 21 certificates of authority to health maintenance organizations.  
30 22 The proposed change was requested by the insurance division.  
30 23 523I.1(4): In 1995 enactment pertaining to cemeteries,  
30 24 clarifies that human "remains" are interred rather than human  
30 25 "rights".  
30 26 524.306(2); 524.1415(1): Conform language in two sections  
30 27 to reflect 1995 amendments in banking laws enacted in 1995  
30 28 Iowa Acts, chapter 148, } 119, in which "certificates" of  
30 29 incorporation or conversion were stricken. When banks are  
30 30 incorporated under section 524.306 or converted from national  
30 31 banks into state banks under section 524.1415, either articles  
30 32 of incorporation or articles of conversion must be filed with  
30 33 the secretary of state. In both cases, the secretary of  
30 34 state's "acknowledgment of filing" now serves as evidence of  
30 35 the fulfillment of all conditions required.  
31 1 554.9401(6): Strikes an erroneous reference to section  
31 2 570A.4 in article 9 of the uniform commercial code relating to  
31 3 the proper place of filing to perfect a security interest.  
31 4 Section 570A.4 provides that the secretary of state, not the  
31 5 county recorder, collects fees for the filing of an  
31 6 agricultural supply dealer's lien. This error was contained  
31 7 in the original enactment of subsection 6 of section 554.9401  
31 8 contained in 1991 Iowa Acts, chapter 267, } 618.  
31 9 561.19: Clarifies change enacted in 1995 Iowa Acts,  
31 10 chapter 68, } 6, to specify that it is the "homestead" rather  
31 11 than the "issue" that will be exempt from certain debts when  
31 12 homesteads descend to issue.  
31 13 566A.15: Strikes reference to a filing fee provision that  
31 14 was stricken before final passage of 1995 cemetery  
31 15 legislation. Section 566A.2C as enacted does not provide  
31 16 filing fees for nonperpetual care cemeteries.  
31 17 602.1304(2)(b): In section creating the enhanced court  
31 18 collections fund, corrects the reference to the "court  
31 19 technology and modernization fund" established in section  
31 20 602.8108.  
31 21 692.12; 692.21: In sections providing for the exchange of  
31 22 criminal history data, clarify terminology prohibiting data  
31 23 processing access except by criminal or juvenile justice  
31 24 agencies, and conform provisions to legislation enacted in  
31 25 1995, which changed the definition of and expanded the duties  
31 26 given to criminal justice agencies to include juvenile justice  
31 27 agencies.  
31 28 692A.1(2); 692A.10(4); 692A.13(1, 3, and 5); 692A.15:  
31 29 Proposed conforming amendments to chapter 692A, the sex  
31 30 offender registry chapter enacted in 1995, to reflect the  
31 31 changes enacted in 1995 Iowa Acts, chapter 191, which amended  
31 32 the definition of and expanded the duties given to criminal  
31 33 justice agencies to include juvenile justice agencies.  
31 34 Moreover, chapter 692A requires juveniles adjudicated  
31 35 delinquent for certain specified acts to register. The  
32 1 proposed change to section 692A.13, subsection 5, also  
32 2 replaces a reference to the release of criminal history  
32 3 "information", as provided in chapter 692, to criminal history  
32 4 "data", which is the defined term specified in section 692.1.

32 5 708.3A; 719.1(1): In provisions relating to assaults upon  
32 6 and interference with emergency medical care providers,  
32 7 conform terminology to changes enacted in 1995 Iowa Acts,  
32 8 chapter 41, which removed references to emergency medical care  
32 9 providers in chapter 147, which contains the general  
32 10 provisions governing the health-related professions, and  
32 11 consolidated provisions governing emergency medical care  
32 12 providers in chapter 147A, pertaining to emergency medical  
32 13 care and trauma care.

32 14 727.11(2)(a): In section regulating the release of certain  
32 15 information concerning the use of videotapes, includes  
32 16 juvenile justice agencies in addition to criminal justice  
32 17 agencies, to conform to changes enacted in 1995 Iowa Acts,  
32 18 chapter 191.

32 19 805.5: In section pertaining to failure to appear upon  
32 20 issuance of a citation in lieu of arrest, conforms language to  
32 21 provide for the use of electronically produced citations in  
32 22 accordance with changes enacted in 1995 Iowa Acts, chapter  
32 23 118.

32 24 909.10: In section directing the disposition of certain  
32 25 delinquent fines, costs, and surcharges collected by the clerk  
32 26 of the district court, replaces a reference to section 911.3,  
32 27 which was repealed in 1994 Iowa Acts, chapter 1074, } 18, with  
32 28 a reference to section 602.8108, subsection 3, which now  
32 29 contains the provisions pertaining to the distribution of  
32 30 amounts collected from the criminal surcharge assessed in  
32 31 section 911.2.

32 32 910A.9A(1): In provisions regarding notification of  
32 33 victims by the department of human services, adds the phrase  
32 34 "or sexually violent predator" to conform with other  
32 35 amendments adding the phrase to the section in 1995 Iowa Acts,  
33 1 chapter 144, }5.

33 2 Amendments changing terminology regarding podiatric  
33 3 physicians: Replace "podiatrists" with "podiatric physicians"  
33 4 to conform language with that adopted by 1995 Iowa Acts,  
33 5 chapter 108.

33 6 1995 Acts, chapter 215, section 34: In section containing  
33 7 effective dates of various provisions in the 1995 underground  
33 8 storage tank legislation, strikes a reference to section 28 of  
33 9 that Act, which creates a marketability fund. This section  
33 10 contains two different dates of enactment for section 28, and  
33 11 the bill strikes the reference to the date of enactment, which  
33 12 was May 24, 1995, rather than the reference establishing  
33 13 January 1, 1996, as the effective date, because the earlier  
33 14 reference appears to have been included by error in amending  
33 15 and reprinting the bill. This bill makes the correction  
33 16 effective upon enactment of this bill and retroactive to May  
33 17 24, 1995.

33 18 260C.24: Repeals a section specifying method of payment of  
33 19 appropriations for distribution to community colleges, which  
33 20 is identical to section 260D.12. This bill also amends  
33 21 section 260D.12 to add a reference to chapter 260C.

33 22 303.18: Repeals section that provided for a loan to the  
33 23 historical division of the department of cultural affairs  
33 24 because the loan has now been repaid.

33 25 422.47A; 422.47B; 422.47C: Repeal three obsolete sections  
33 26 relating to sales tax refunds for specified machinery,  
33 27 equipment and computer purchases and rentals. These repeals  
33 28 were requested by the department of revenue and finance.

33 29 LSB 3543SC 76

33 30 mc/cf/24