

Sec. 72. TRUANCY JUVENILE COURT OFFICERS. Contingent on a specific appropriation being made for this purpose, the judicial department shall add one additional juvenile court officer per judicial district for the purpose of handling truancy cases referred to the juvenile court under section 299.5A, as amended in this Act.

Sec. 73. STUDY. The division of criminal and juvenile justice planning of the department of human rights shall study and compare rates of recidivism and rehabilitation for similar offenses in juveniles adjudicated delinquent versus juveniles waived to and convicted of an offense in the district court and the frequency and severity of sanctions imposed upon juveniles by the juvenile court versus those imposed by the district court for juveniles waived to the district court for similar offenses. The division shall report the results of its study to the general assembly by January 15, 1995.

Sec. 74. EFFECTIVE DATES. Sections 43 through 52 take effect July 1, 1995. Section 63 of this Act takes effect June 30, 1994.

Approved May 12, 1994

CHAPTER 1173

REVISIONS OF STATE MANDATES AND RELATED MATTERS

H.F. 642

AN ACT relating to revisions of mandates and goals to political subdivisions of the state by striking certain duties of cities, counties, and county auditors for civil actions, abandoned islands, and public contracts, by providing for the funding of state mandates, the department of public health for health professional licensing, and other matters related to the state, by removing a reporting requirement by county auditors for foreclosures of permanent school fund mortgages, by providing for the recovery of compensation for an advocate for an involuntarily committed mental patient, by making the appointment of a county weed commissioner optional, by increasing the dollar limit before county contract letting procedures are required, by striking leave requirements for public employees for olympic competition, by striking a requirement for lobby space in courthouses for certain veterans, by reducing bridge and culvert cost records kept by the state, by providing for the designation of certain county officers to act on behalf of the principal officers, by striking property tax exemptions for certain veterans, by amending procedures for setting speed limits on secondary roads, by striking provisions relating to personal property taxes, by authorizing an early change in full-time or part-time status of a county attorney by agreement, by striking requirements for county attorneys to represent school districts, by striking the requirements for county dog licensing, by striking assessment provisions for ice and coal dealers, and by making provisions for other properly related matters.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 1.15, Code 1993, is amended to read as follows:

1.15 ATTORNEY APPOINTED BY STATE IN CIVIL ACTIONS.

In all civil causes of action where the state of Iowa or any of its subdivisions or departments is a party, and a member of the Sac and Fox Indian settlement is a party, the district court of Iowa shall appoint competent legal counsel at all stages of hearing, appeal, and final determination for any Indian not otherwise represented by legal counsel, in any domestic relations matter, including, but not limited to, matters pertaining to dependency, neglect, delinquency, care, or custody of minors. The court shall fix and allow reasonable compensation for the

services of the attorney, costs of transcripts and depositions, and investigative expense, which shall be paid as a claim by the office of county auditor of the county where the action is commenced, and the county shall be paid for all sums so paid out of any funds in the state treasury not otherwise appropriated, upon filing the claim with the director of revenue and finance.

Sec. 2. Section 25B.2, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If, on or after the effective date of this Act, a state mandate is enacted by the general assembly, or otherwise imposed, on a political subdivision and the state mandate requires a political subdivision to engage in any new activity, to provide any new service, or to provide any service beyond that required by any law enacted prior to the effective date of this Act, and the state does not appropriate moneys to fully fund the cost of the state mandate, the political subdivision is not required to perform the activity or provide the service and the political subdivision shall not be subject to the imposition of any fines or penalties for the failure to comply with the state mandate unless the legislation specifies the amount or proportion of the cost of the state mandate which the state shall pay annually. However, this subsection does not apply to any requirement imposed on a political subdivision relating to public employee retirement systems under chapters 97B, 410, and 411.

For the purposes of this subsection, any requirement originating from the federal government and administered, implemented, or enacted by the state, or any allocation of federal moneys conditioned upon enactment of a state law or rule, is not a state mandate.

For the purposes of this subsection, "political subdivision" includes community colleges and area education agencies.

Sec. 3. Section 25B.3, subsection 2, Code 1993, is amended to read as follows:

2. "State mandate" means a statutory requirement or appropriation which requires a political subdivision of the state to establish, expand, or modify its activities in a manner which necessitates additional combined annual expenditures of local revenue by all affected political subdivisions of at least one hundred thousand dollars, or additional combined expenditures of local revenue by all affected political subdivisions within five years of enactment of five hundred thousand dollars or more, excluding an order issued by a court of this state.

Sec. 4. Section 25B.6, unnumbered paragraph 1, Code 1993, is amended to read as follows:

A state agency or department shall not propose or adopt an administrative rule which exceeds its statutory authority by mandating expenditures by political subdivisions, or agencies and entities which contract with political subdivisions to provide services. A state administrative rule, proposed pursuant to chapter 17A, which necessitates additional combined annual expenditures exceeding one hundred thousand dollars by all affected political subdivisions or agencies and entities which contract with a the affected political subdivisions to provide services shall be accompanied by a fiscal note impact statement outlining the costs. The An affected political subdivision, or an entity representing the an affected political subdivision, shall cooperate in the preparation of the fiscal note impact statement. The fiscal note impact statement shall be submitted to the administrative rules coordinator for publication in the Iowa administrative bulletin along with the notice of intended action.

Sec. 5. Section 72.5, subsection 1, unnumbered paragraph 1, and subsection 3, Code 1993, are amended to read as follows:

A contract for a public improvement or construction of a public building, including new construction or renovation of an existing public building, by the state, or an agency ~~or political subdivision~~ of the state, shall not be let without satisfying the following requirements:

3. The department of management shall develop a proposal for submission to the general assembly on or before January 10, 1991, to create a division within the department of management to evaluate life cycle costs on design proposals submitted on public improvement and construction contracts for agencies ~~and political subdivisions~~ of the state, to assure uniform comparisons and professional evaluations of design proposals by an independent agency. The report shall also address potential redundancy and conflicts within existing state law regarding life cycle cost analysis and recommend the resolution of any problems which are identified.

Sec. 6. Section 99A.4, Code 1993, is amended to read as follows:

99A.4 DUTIES OF PEACE OFFICERS.

Every sheriff, deputy sheriff, constable, marshal, policeman, police officer, and peace officer shall observe and inspect licensed premises and ascertain whether gambling devices are present thereon and immediately report the finding thereof of gambling devices at licensed premises to the authority or authorities issuing the license or licenses applicable to the premises in question.

Sec. 7. Section 99A.7, Code 1993, is amended to read as follows:

99A.7 COUNTY ATTORNEY GENERAL — DUTY.

The county attorney for the county in which the hearing is held shall, and the attorney general may, shall attend the hearing, interrogate the witnesses, and advise the issuing authority. The county attorney shall, and the attorney general may, shall also appear for the issuing authority in any certiorari proceeding taken pursuant to the provisions of section 99A.6.

Sec. 8. Section 147.92, Code 1993, is amended to read as follows:

147.92 ATTORNEY GENERAL AND COUNTY ATTORNEY.

Upon request of the department the attorney general shall institute in the name of the state the proper proceedings against any person charged by the department with violating any provision of this or the following chapters of this subtitle, excluding chapters 152B and 152C, and the county attorney, at the request of the attorney general, shall appear and prosecute such action when brought in the county attorney's county.

Sec. 9. Section 216D.2, subsection 2, Code 1993, is amended to read as follows:

2. "Food service" includes restaurant, cafeteria, snack bar, vending machines for food and beverages, and goods and services customarily offered in connection with any of these. It does not include goods and services offered by a veteran's newsstand under section 331.361, subsection 4.

Sec. 10. Section 229.19, unnumbered paragraph 3, Code Supplement 1993, is amended to read as follows:

The court or, if the advocate is appointed by the county board of supervisors, the board shall prescribe reasonable compensation for the services of the advocate. The compensation shall be based upon the reports filed by the advocate with the court. The advocate's compensation shall be paid by the county in which the court is located, either on order of the court or, if the advocate is appointed by the county board of supervisors, on the direction of the board. If the advocate is appointed by the court, the advocate is an employee of the state for purposes of chapter 669. If the advocate is appointed by the county board of supervisors, the advocate is an employee of the county for purposes of chapter 670. If the patient or the person who is legally liable for the patient's support is not indigent, the board shall recover the costs of compensating the advocate from that person. If that person has an income level as determined pursuant to section 815.9 greater than one hundred percent but not more than one hundred fifty percent of the poverty guidelines, at least one hundred dollars of the advocate's compensation shall be recovered in accordance with rules adopted by the state public defender. If that person has an income level as determined pursuant to section 815.9 greater than one hundred fifty percent of the poverty guidelines, at least two hundred dollars of the advocate's compensation shall be recovered in accordance with rules adopted by the state public defender.

Sec. 11. Section 257B.39, Code 1993, is amended to read as follows:

257B.39 REPORT AS TO SALES — INTEREST.

County auditors shall report, on or before January 1 of each year, to the director of revenue and finance the amount of the sales and resales made during the previous year, of the sixteenth section, five-hundred-thousand-acre grant, and escheat estates, and lands taken under foreclosure of permanent school fund mortgages, and the director of revenue and finance shall charge them to the counties with interest from the date of such the sale or resale to January 1, at the rate of three percent per annum.

Sec. 12. Section 257B.42, Code 1993, is amended to read as follows:
257B.42 REPORT AS TO RENTS.

By January 1 of each year, county auditors shall report to the director of revenue and finance the amount of rents collected during the preceding year on unsold school lands and lands taken under foreclosure of permanent school fund mortgages then in the hands of the county treasurer, and the director shall include the amount reported in the semiannual apportionment of interest.

Sec. 13. Section 309.82, Code 1993, is amended to read as follows:
309.82 RECORD OF FINAL COST.

On completion of a bridge or culvert, a detailed statement of cost, and of additions or alterations to the plans shall be filed by the engineer, all of which shall be retained in the county engineer's office as permanent records, and when the work is completed and approved, a statement of the costs shall be filed with the department by the county engineer.

Sec. 14. Section 317.3, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The board of supervisors of each county shall may annually appoint a county weed commissioner who may be a person otherwise employed by the county and who passes minimum standards established by the department of agriculture and land stewardship for noxious weed identification and the recognized methods for noxious weed control and elimination. The county weed commissioner's appointment shall be effective as of March 1 and shall continue for a term at the discretion of the board of supervisors unless the commissioner is removed from office as provided for by law. The county weed commissioner may, with the approval of the board of supervisors, require that commercial applicators and their appropriate employees pass the same standards for noxious weed identification as established by the department of agriculture and land stewardship. The name and address of the person appointed as county weed commissioner shall be certified to the county auditor and to the secretary of agriculture within ten days of the appointment. The board of supervisors shall fix the compensation of the county weed commissioner and deputies. In addition to compensation, the commissioner and deputies shall be paid their necessary travel expenses. At the discretion of the board of supervisors, the weed commissioner shall attend a seminar or school conducted or approved by the state department of agriculture and land stewardship relating to the identification, control, and elimination of noxious weeds.

Sec. 15. Section 321.285, subsection 5, Code Supplement 1993, is amended to read as follows:

5. Reasonable and proper, but not greater than fifty-five miles per hour at any time between sunrise and sunset, and not greater than fifty miles per hour at any time between sunset and sunrise, on secondary roads unless such roads are surfaced with concrete or asphalt or a combination of both, in which case the speed limits shall be the same as provided in subsection 4 of this section. ~~Whenever~~ When the board of supervisors of any county shall determine upon the basis of an engineering and traffic investigation ~~conducted by the department when so requested by said board~~ that the speed limit on any secondary road is greater than is reasonable and proper under the conditions found to exist at any intersection or other place or upon any part of a secondary road, ~~said the~~ the board shall determine and declare a reasonable and proper speed limit ~~thereat at the intersection or other part of the secondary road.~~ Such The speed limits as determined by the board of supervisors shall be effective when appropriate signs giving notice ~~thereof of the speed limits~~ are erected by the board of supervisors at ~~such the~~ the intersection or other place or part of the highway.

Sec. 16. Section 331.321, subsection 1, paragraph v, Code Supplement 1993, is amended by striking the paragraph.

Sec. 17. Section 331.324, subsection 1, paragraph b, Code 1993, is amended to read as follows:

b. Grant claims for mileage and expenses of officers and employees in accordance with sections 70A.9 to 70A.13 and section 331.215, subsection 2, and ~~grant employees leaves of absence to participate in olympic competition in accordance with section 70A.24.~~

Sec. 18. Section 331.341, subsection 1, Code 1993, is amended to read as follows:

1. When the estimated cost of a public improvement, other than improvements which may be paid for from the secondary road fund, exceeds ~~twenty-five thousand dollars~~ the amount specified in section 309.40, the board shall follow the contract letting procedures provided for cities in sections 384.95 to 384.103. However, in following those sections the board shall substitute the word "county" for the word "city", section 331.305 for section 362.3, shall consider "governing body" to mean the board, and shall exclude references to a city utility, utility board of trustees, or public utilities. As used in this section, "public improvement" means the same as defined in section 384.95 as modified by this subsection.

Sec. 19. Section 331.361, subsection 4, Code 1993, is amended by striking the subsection.

Sec. 20. Section 331.381, subsection 14, Code Supplement 1993, is amended to read as follows:

14. Provide for the licensure, seizure, impoundment, and disposition of dogs in accordance with chapter 351.

Sec. 21. Section 331.502, subsection 3, Code Supplement 1993, is amended by striking the subsection.

Sec. 22. Section 331.502, subsection 14, Code Supplement 1993, is amended by striking the subsection.

Sec. 23. Section 331.507, subsection 3, paragraphs b and c, Code 1993, are amended by striking the paragraphs.

Sec. 24. Section 331.508, subsection 7, Code 1993, is amended by striking the subsection.

Sec. 25. Section 331.512, subsection 5, Code 1993, is amended to read as follows:

5. Carry out duties relating to the preparation of the tax list as provided in sections ~~427A.3, 427A.6, 428.4, 441.17, 441.21, 443.2 to 443.9 and 443.21~~.

Sec. 26. Section 331.552, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 32. File with the county auditor the name of a designated employee, if other than the first deputy treasurer, authorized to perform the duties of the treasurer during the absence or disability of the treasurer and the name of any employee authorized to sign, on behalf of the treasurer, any form, notice, or document requiring the signature of the treasurer.

Sec. 27. Section 331.653, subsection 21, Code 1993, is amended by striking the subsection.

Sec. 28. Section 331.752, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. A resolution changing the full-time or part-time status of a county attorney may take effect at any time before the sixty days expire upon agreement of the board of supervisors and the affected county attorney or county attorney-elect.

Sec. 29. Section 331.756, subsection 5, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

Enforce all forfeited bonds and recognizances and prosecute all proceedings necessary for the recovery of debts, revenues, moneys, fines, penalties, restitution of court-appointed attorney fees or expense of a public defender, and forfeitures accruing to the state, ~~or the county or to a school district or a road district in the county, and all suits in the county against public service corporations which are brought in the name of the state. To assist in this duty, the county attorney may procure professional collection services provided by persons or organizations, including private attorneys, which are generally considered to have knowledge and special abilities which are not generally available to state or local government or may designate another county official or agency to assist with collection efforts.~~

Sec. 30. Section 331.756, subsections 13, 23, 30, 75, and 76, Code Supplement 1993, are amended by striking the subsections.

Sec. 31. Section 331.903, subsection 4, Code 1993, is amended to read as follows:

4. Each deputy officer, assistant and clerk shall perform the duties assigned by the principal officer making the appointment. During the absence or disability of the principal officer, the first deputy, or designee in those instances where there is no first deputy or in the absence or disability of the first deputy, shall perform the duties of the principal officer.

Sec. 32. Section 351.25, Code 1993, is amended to read as follows:

351.25 DOG AS PROPERTY.

All dogs under six months of age, and all dogs over said age and wearing a collar with a valid license rabies vaccination tag attached thereto to the collar, shall be deemed property. Dogs not so provided with license a rabies vaccination tag shall not be deemed property.

Sec. 33. Section 351.26, Code 1993, is amended to read as follows:

351.26 RIGHT AND DUTY TO KILL UNLICENSED UNTAGGED DOG.

It shall be lawful for any person, and the duty of all peace officers within their respective jurisdictions unless such jurisdiction shall have otherwise provided for the seizure and impoundment of dogs, to kill any dog for which a license rabies vaccination tag is required, when such the dog is not wearing a collar with license rabies vaccination tag attached as herein provided.

Sec. 34. Section 351.27, Code 1993, is amended to read as follows:

351.27 RIGHT TO KILL LICENSED TAGGED DOG.

It shall be lawful for any person to kill a dog, licensed and wearing a collar with license a rabies vaccination tag attached, when such the dog is caught in the act of worrying, chasing, maiming, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.

Sec. 35. Section 427.3, subsections 1 and 2, Code 1993, are amended by striking the subsections.

Sec. 36. Section 455E.11, subsection 2, paragraph a, subparagraph (15), Code Supplement 1993, is amended to read as follows:

(15) Notwithstanding the limitations of use of the fees imposed under section 455B.310 and retained by a city, county, public agency, or private agency under this section, moneys retained by the city, county, public agency, or private agency may be used to defray the cost of installation of a scale at a sanitary landfill or to defray the costs of closure of the sanitary landfill, the costs related to the establishment of a transfer station, or the costs of a hydrogeological plan for other environmental protection and environmental compliance activities.

Sec. 37. Section 568.3, Code 1993, is amended to read as follows:

568.3 APPLICATION BY PROSPECTIVE PURCHASER.

If the county auditor fails or neglects to make such application, then any A person desiring to purchase such land described in section 568.1 may file a written application with the secretary of state, asking that the said land be surveyed, appraised, and sold.

Sec. 38. Section 568.4, Code 1993, is amended to read as follows:

568.4 FORM OF APPLICATION.

The said application whether made by the county auditor or by a person desiring to purchase the land, shall contain an accurate description thereof of the land, stating whether the land is abandoned river channel, or land within such the abandoned river channel, or an island or a sand bar in a navigable stream, and giving the number of township and range in which it is located, and the section numbers if possible, and also the estimated acreage.

Sec. 39. Section 602.8102, subsection 34, Code Supplement 1993, is amended by striking the subsection.

Sec. 40. Section 641.1, Code 1993, is amended to read as follows:

641.1 INDEBTEDNESS DUE THE STATE.

In all cases in which any person is indebted to the state, or to any officer or agent thereof for the use or benefit of the state, the ~~proper county attorney or~~ attorney general shall demand payment or security therefor, when, in the opinion of said ~~county attorney or~~ the attorney general, the debt is not sufficiently secured.

Sec. 41. Section 641.2, Code 1993, is amended to read as follows:

641.2 ATTACHMENT AUTHORIZED.

In all actions for money due to the state, or to any agent or officer for the use of the state, it shall be lawful for an attachment to issue against the property or debts of the defendant not exempt from execution, upon the filing of an affidavit ~~by the county attorney of the proper county, or of the attorney general,~~ that the ~~county attorney or~~ attorney general verily believes that a specific amount therein stated is justly due, and the defendant therein has refused to pay or secure the same, and unless an attachment is issued against the property of the defendant there is danger that the amount due will be lost to the state.

Sec. 42. REPEALS.

1. Chapters 169B and 361, Code 1993, are repealed.
2. Sections 70A.24, 351.1 through 351.14, 351.17, 351.20, 351.22 through 351.24, 351.34, 427A.2 through 427A.6, 427A.9 through 427A.11, 428.10, and 568.2, Code 1993, are repealed.

Approved May 12, 1994

CHAPTER 1174

TERMINATION OF PARENTAL RIGHTS — ADOPTION PROCEDURES

H.F. 2377

AN ACT relating to termination of parental rights and adoption procedures, providing for applicability of the Act, providing penalties and an applicability provision.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 22.7, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 31. Information contained in a declaration of paternity completed and filed with the state registrar of vital statistics pursuant to section 144.12A, except to the extent that the information may be provided to persons in accordance with section 144.12A.

Sec. 2. **NEW SECTION. 144.12A DECLARATION OF PATERNITY REGISTRY.**

1. As used in this section, unless the context otherwise requires:
 - a. "Child" means a person under eighteen years of age for whom paternity has not been established.
 - b. "Court" means the juvenile court.
 - c. "Father" means the male, biological parent of a child.
 - d. "Putative father" means a man who is alleged to be or who claims to be the biological father of a child born to a woman to whom the man is not married at the time of the birth of the child.
 - e. "Registrant" means a person who has registered pursuant to this section and who claims to be the father of a child.
 - f. "Registrar" means the state registrar of vital statistics.
 - g. "Registry" means the declaration of paternity registry established in this section.