

State of Iowa

1969

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

FIRST REGULAR SESSION

OF THE

Sixty-third General Assembly

OF THE

STATE OF IOWA



CHARLES W. BARLOW

CODE EDITOR

WAYNE A. FAUPEL

DEPUTY CODE EDITOR

Published by the
STATE OF IOWA
Des Moines

CERTIFICATE

STATE OF IOWA
Office of Code Editor

We, Charles W. Barlow and Wayne A. Faupel, Editors of the Code of Iowa, do hereby certify that the Acts, laws and joint resolutions and the certificates by the Secretary of State of the publication or filing thereof contained in this volume have been prepared from the original enrolled Acts on file in the office of the Secretary of State and are correct copies of said Acts and are published under the authority of the statutes of this state and constitute the Acts, laws and joint resolutions of the First Regular Session of the Sixty-third General Assembly of the State of Iowa.

Charles W. Barlow

Wayne A. Faupel

June, 1969.

Section 622.59 of the 1966 Code of Iowa is as follows:

"Printed copies of the statute laws of this or any other of the United States, or of Congress, or of any foreign government, purporting or proved to have been published under the authority thereof, or proved to be commonly admitted as evidence of the existing laws in the courts of such state or government, shall be admitted in the courts of this state as presumptive evidence of such laws."

EDITORS' NOTE

The Acts and Resolutions of the First Regular Session of the Sixty-third General Assembly have been printed in this book exactly as they appear on file in the office of the Secretary of State. No attempt has been made to correct misspelled words or errors in punctuation, if any.

The user may be assured that the laws as reproduced herein are exact copies of the enrolled Acts.

Proper editorial changes in spelling and arrangement of subjects, without altering the meaning, will appear in the final embodiment of these Acts in the Code of Iowa.

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STATE ROSTER

List of elective state officers, judges of the supreme, district and municipal courts, members of the General Assembly, and other state officers, commissions, boards and appointive officers of the State of Iowa, prepared and furnished by the Honorable Melvin D. Synhorst, Secretary of State, for insertion in the published volume of Session Laws for the Sixty-third General Assembly, in accordance with the requirements of Code section 14.10(3), 1966 Code of Iowa.

OFFICERS, COMMISSIONS AND BOARDS

ELECTIVE OFFICERS

Name and Office	County from which originally chosen
GOVERNOR	
Robert D. Ray	Polk
LIEUTENANT GOVERNOR	
Roger W. Jepsen	Scott
SECRETARY OF STATE	
Melvin D. Synhorst	Polk
AUDITOR OF STATE	
Lloyd R. Smith	Polk
TREASURER OF STATE	
Maurice E. Baringer	Fayette
SECRETARY OF AGRICULTURE	
L. B. Liddy	Van Buren
ATTORNEY GENERAL	
Richard C. Turner	Pottawattamie
Oscar Strauss, Assistant	Polk
Richard E. Haesemeyer, Solicitor General	Polk
George W. Murray, Special Assistant	Polk
Roger H. Ivie, Special Assistant	Johnson
Donald Bennett, Special Assistant	Polk
Lorna L. Williams, Special Assistant	Polk
Henry Holst, Special Assistant (Hwy.)	Story
Elizabeth Nolan, Assistant	Johnson
David A. Elderkin, Assistant	Polk
William Claerhout, Assistant	Polk
Joseph Zeller, Assistant	Polk
Julian Garrett, Assistant	Polk
Harry M. Griger, Assistant	Polk
Larry Seckington, Assistant	Polk
James R. Martin, Assistant	Polk
David Sather, Assistant	Polk
Robert Lego, Assistant (Hwy.)	Polk
James Petersen, Assistant (Hwy.)	Polk
John Kiener, Assistant (Hwy.)	Polk
Clifford Peterson, Assistant	Polk
Bennett Cullison, Assistant	Polk
Douglas R. Carlson, Assistant	Polk
James C. Sell, Assistant	Polk

ATTORNEY GENERAL—Continued

Raymond Beebe, Assistant
 Stephen Petosa, Assistant
 John Adams, Assistant
 Tom Moser, Assistant
 Charles Garretson, Assistant (Hwy.)
 Jerome Lundgren, Assistant (Hwy.)

APPOINTIVE OFFICERS

Name and Office	City or town from which originally chosen	Term Ending
ACCOUNTANCY BOARD		
Earl W. Druehl	Davenport	June 30, 1972
Richard G. Peebler	Des Moines	June 30, 1970
Roger R. Cloutier	Des Moines	June 30, 1971
ADJUTANT GENERAL		
Major General Junior F. Miller	Des Moines	June 30, 1971
Colonel Joseph G. May	Des Moines	June 30, 1971
ADVISORY INVESTMENT BOARD (Iowa Public Employees Retirement System)		
§97B.8		
Dale K. DeKoster (Banking)	Waterloo	June 30, 1973
William F. Poorman (Life Ins.)	Des Moines	June 30, 1971
Sen. James Griffin	Council Bluffs	June 30, 1971
Rep. Leonard C. Andersen	Sioux City	June 30, 1971
Robert W. Coleman (Industry)	Clinton	June 30, 1975
AERONAUTICS COMMISSION		
Ray Nyemaster, Chairman	Des Moines	June 30, 1973
Glenn Miller, Airport Engineer	Des Moines	None
Forest F. McDonald	Jefferson	June 30, 1971
Laurence A. Straley	Clinton	June 30, 1973
Norbert D. Baltus	Charles City	June 30, 1975
Bruce W. Van Druff	Red Oak	June 30, 1975
Frank Berlin, Director		
COMMISSION ON THE AGING Ch. 249B		
Rev. Clarence W. Tompkins	Fort Dodge	June 30, 1973
Dr. W. W. Morris	Iowa City	June 30, 1973
Fred E. Miller	Des Moines	June 30, 1973
Dr. James F. Speers	Des Moines	June 30, 1973
Mrs. Thelma Kass	Davenport	June 30, 1971
Robert D. Blue	Eagle Grove	June 30, 1971
Edward B. Jakubauskes	Ames	June 30, 1971
House Members		
Gordon Stokes	LeMars	June 30, 1971
Clair Strand	Grinnell	June 30, 1971
Tom Dougherty	Albia	June 30, 1973
Senate Members		
Charles K. Sullivan	Sioux City	June 30, 1970
Bass Van Gilst	Oskaloosa	June 30, 1973
Pearle DeHart	Ames	June 30, 1973

STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
AIR POLLUTION CONTROL COMMISSION		
W. J. Hausler, Jr.	Iowa City	June 30, 1971
Louis P. Culver	Dunlap	June 30, 1971
C. Hibbard Savery	Davenport	June 30, 1971
Dr. Arthur W. Shafer	Davenport	June 30, 1973
R. G. Anderson	Des Moines	June 30, 1973
Carl D. Smith	Cedar Rapids	June 30, 1973
John Jebens	Davenport	June 30, 1973

COMMISSION ON ALCOHOLISM

§123A.2

Judge Ray Harrison	Des Moines	June 30, 1973
Robert C. Hickle, Chairman	Waverly	June 30, 1973
John C. McQueen, M.D.	Iowa City	June 30, 1971
Judge Louis Fautsch	Dubuque	June 30, 1971
Arthur P. Long, M.D.	Des Moines	
Ross C. King	Clinton	June 30, 1971
Senator Vernon H. Kyhl	Parkersburg	June 30, 1971
K. George Shimoda, M.D.	Marshalltown	June 30, 1973
Rev. Robert A. Roof	Cedar Falls	June 30, 1973

APPEAL BOARD

(Public Contracts and Bonds)

Lloyd R. Smith	Auditor of State	
Maurice E. Baringer, Chairman	Treasurer of State	
Marvin R. Selden, Jr.	Comptroller	

APPEAL BOARD

(Education, Control and Fair Board Contracts)

Marvin R. Selden, Jr., Chairman	Comptroller	
Albert A. Augustine	Des Moines	June 30, 1971
Donald Ossian	Denison	June 30, 1973

ARCHITECTURAL EXAMINERS

Harold F. Bianco, Chairman	Mason City	June 30, 1971
Charles V. Richardson, Vice-Chairman	Davenport	June 30, 1971
Eugene C. O'Neil, Secretary-Treasurer	Des Moines	June 30, 1972
Gerald I. Griffith	Des Moines	June 30, 1972
Edward H. Healey	Cedar Rapids	June 30, 1972
Lucille Long, Executive Secretary	Des Moines	

STATE ADVISORY COMMITTEE ON AREA SCHOOLS

§280A.29

Hugh Clarke	Des Moines	June 30, 1971
Casey Loss	Algona	June 30, 1971
Mrs. Eleanor Carris	Des Moines	June 30, 1971
Franklin S. Main	Lamoni	June 30, 1971
Ralph P. Hofstad	Fort Dodge	June 30, 1971

ARMORY BOARD

(Appointed by the Armory Advisory Council)

Brig. Gen. Joseph B. Flatt	Winterset	
Col. Keith E. McWilliams	Des Moines	
Brig. Gen. Robert L. Gamrath	Fairfield	
W. K. Backman	Des Moines	
Richard Goeway	Des Moines	
Brig. Gen. Roger W. Gilbert	Des Moines	
Lt. Gen. Frank P. Williams	Cedar Falls	
Major Gen. Junior F. Miller, Chairman of the Board	Des Moines	

At the pleasure
of the Governor
All Indefinite Term

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STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
IOWA STATE ARTS COUNCIL		
David E. Archie	Charles City	June 30, 1973
Arthur J. Davis	Fort Dodge	June 30, 1971
Kathryn Graham	Sioux City	June 30, 1971
David Kruidenier	Des Moines	June 30, 1973
Marion C. Lichty	Waterloo	June 30, 1971
Raymond D. Reed	Ames	June 30, 1970
Helen Reppert	Des Moines	June 30, 1970
James S. Schramm	Burlington	June 30, 1973
Peter O. Stamats	Cedar Rapids	June 30, 1973
Elizabeth S. Miller	Des Moines	June 30, 1970
Peggy A. Patrick	West Des Moines	June 30, 1970
Dr. Don C. Koser	Cherokee	June 30, 1971
Stanley G. Wood	Cedar Falls	June 30, 1973
Himie Voxman	Iowa City	June 30, 1970
Dale Ball	Council Bluffs	June 30, 1971
Jack E. Olds, Director	Cedar Falls	At the pleasure of the Governor

STATE BANKING BOARD

Collin Fritz, Superintendent	Newton	June 30, 1973
Holmes Foster, Deputy	Des Moines	
James W. Cravens	Sanborn	
Joseph G. Knock	Creston	
Francis Price	Des Moines	
John B. Rigler	Muscatine	

BASIC SCIENCE BOARD

Dr. Leland P. Johnson	Des Moines	June 30, 1973
Dr. W. Bernard King	Ames	June 30, 1973
Elmer W. Hertel	Waverly	June 30, 1975
Kenneth MacDonald	Iowa City	June 30, 1975
Rev. Warren E. Nye, Ph.D.	Dubuque	June 30, 1971
Irving Y. Fishman, Ph.D.	Grinnell	June 30, 1971

COMMISSION FOR THE BLIND

Elwyn Hemken	Blairsburg	June 30, 1971
William S. Wimer	Des Moines	June 30, 1971
W. C. Hahle	Sumner	June 30, 1970
Mrs. Nell Bonnell	Fort Dodge	June 30, 1972
Kenneth Jernigan, Director	Des Moines	

IOWA BONUS BOARD

Lloyd R. Smith	Auditor of State	
Maurice E. Baringer	Treasurer of State	
Major General Junior F. Miller	Adjutant General	
Glen M. Dugger	Adjutant Department of American Legion	

BUDGET AND FINANCIAL CONTROL COMMITTEE

§2.41

House Members

Elmer H. DenHerder	Sioux Center	June 30, 1971
Ray Cunningham	Ames	June 30, 1971
Richard M. Radl	Lisbon	June 30, 1973
Keith Dunton	Thornburg	June 30, 1973
Conrad Ossian	Red Oak	June 30, 1973

Senate Members

Lee Gaudineer	Des Moines	June 30, 1971
Joseph B. Flatt	Winterset	June 30, 1971
Charles F. Balloun	Toledo	June 30, 1971
Francis L. Messerly	Cedar Falls	June 30, 1973
C. Joseph Coleman	Clare	June 30, 1973

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STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
CAPITOL PLANNING COMMISSION		
Ch. 18A		
House Members		
William I. Wagner	Dallas Center	June 30, 1973
Fred B. Hanson	Osage	April 30, 1971
William Darrington	Persia	April 30, 1973
Senate Members		
Hugh H. Clarke	Belmond	April 30, 1973
Charles G. Mogged	Fairfield	April 30, 1971
CAR DISPATCHER		
Jack R. Langford	Ankeny	At the pleasure of the Governor
CIVIL DEFENSE ADVISORY COUNCIL		
F. O. Rosenberger	Sioux City	July 3, 1971
Richard C. Morgan, Vice-Chairman	Des Moines	July 3, 1972
Edward W. Collins	Red Oak	July 3, 1971
Samuel F. Mazziotti	Oelwein	July 3, 1971
Floyd Nelson	Ames	July 3, 1972
I. Weir Sears, Jr.	Davenport	July 3, 1971
Lloyd L. Turner, Chairman	Waterloo	July 3, 1970
Rex R. Gross	Colo	July 3, 1970
Richard L. Grove	Fort Dodge	July 3, 1972
CIVIL RIGHTS COMMISSION		
John E. Strothers	Waterloo	June 30, 1973
Harry D. Harper, M.D.	Fort Madison	June 30, 1971
Mrs. Elizabeth S. Kruidenier	Des Moines	June 30, 1971
Lawrence S. Slotsky	Sioux City	June 30, 1971
Lafayette J. Twyner	Davenport	June 30, 1973
Madonna M. Skagstrom	Algona	June 30, 1973
CLERK OF THE SUPREME COURT		
Helen Lyman	Des Moines	Dec. 31, 1970
CODE EDITOR		
Charles W. Barlow	Mason City	Dec. 31, 1970
Wayne A. Faupel, Deputy	Clear Lake	
COMMERCE COMMISSION		
Dick A. Witt, Chairman	Des Moines	June 30, 1973
Frank B. Means	Manilla	June 30, 1971
Kenneth Benda	Hartwick	June 30, 1975
Leo J. Steffen, Chief Counsel		
COMPTROLLER		
Marvin R. Selden, Jr.	Des Moines	At the pleasure of the Governor
CONSERVATION COMMISSION		
Dr. Keith A. McNurlen, Vice Chairman	Ames	June 30, 1971
Ed Weinheimer	Fontanelle	June 30, 1973
Earl E. Jarvis	Wilton Junction	June 30, 1971
William E. Noble	Oelwein	June 30, 1973
Leslie L. Licklider	Cherokee	June 30, 1975
James D. Bixler	Council Bluffs	June 30, 1975
Joan Geisler	Dubuque	June 30, 1975
Everett B. Speaker	Des Moines	
Fred Priewert, Director		

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STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
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BOARD OF CONTROL

(This Board, along with the Department of Social Welfare and the Board of Parole, now make up the Department of Social Services)

CRIME COMMISSION

Max Milo Mills, Director Marshalltown

DEPARTMENTAL RULES REVIEW COMMITTEE

Ch. 17A

House Members

Elizabeth Shaw	Davenport	April 30, 1973
Charles Grassley	New Hartford	April 30, 1971
Thomas A. Renda	Des Moines	April 30, 1973

Senate Members

John L. Mowry	Marshalltown	April 30, 1973
J. Henry Lucken	LeMars	April 30, 1971
Alan Shirley	Perry	April 30, 1971
Phyllis Barry, Secretary	Des Moines	

IOWA DEVELOPMENT COMMISSION

Robert K. Beck	Centerville	June 30, 1973
Delmar Van Horn	Jefferson	June 30, 1973
William W. Summervill	Iowa City	June 30, 1973
James W. Callison	Des Moines	June 30, 1973
Robert A. Young, Sr.	Waterloo	June 30, 1973
Frank W. Griffith	Sioux City	June 30, 1972
Chad Wymer, Director	Council Bluffs	At the pleasure of the Governor

HIGHER EDUCATION FACILITIES COMMISSION

Ch. 261

Bass Van Gilst	Oskaloosa	June 30, 1971
Dr. Lloyd Watkins	Des Moines	June 30, 1971
Rudy Van Drie	Ames	June 30, 1973
Mrs. Georgia C. Nye	Cedar Rapids	June 30, 1973
Robert C. Williams	Des Moines	June 30, 1971
Keith S. Noah	Charles City	June 30, 1973

STATE EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD

John M. Banker	Clinton	June 30, 1971
John Van der Linden	Sibley	June 30, 1970
Louis E. Smith	Indianola	June 30, 1972

EMPLOYMENT AGENCY LICENSING COMMISSION

Melvin D. Synhorst	Secretary of State
Harry W. Dahl	Industrial Commissioner
Jerry L. Addy	Labor Commissioner

EMPLOYMENT SAFETY COMMISSION

John H. Harness (Employees)	Ottumwa	June 30, 1975
Billy G. Aringdale	Davenport	June 30, 1973
R. C. Lacy (Employers)	Bloomfield	June 30, 1971
Burdette B. Cochran (Employees)	Des Moines	June 30, 1971
Carl G. Dahl (Employees)	Waterloo	June 30, 1971
Clinton Ruby (Employees)	Fort Dodge	June 30, 1973
William C. Leachman (Employers)	Des Moines	June 30, 1973
James J. Wengert (Employees)	Des Moines	
Ray B. Lauterbach (Employers)	Perry	June 30, 1975
Myron L. Lorenzen (Employers)	Waterloo	June 30, 1975

STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
EMPLOYMENT SECURITY COMMISSION		
J. W. Janssen, Chairman	Hubbard	June 30, 1971
Cecil A. Reed	Cedar Rapids	June 30, 1973
George A. Lundberg	Des Moines	June 30, 1975

ENGINEERING EXAMINERS

Henry M. Black, Chairman	Ames	June 30, 1973
Robert S. Dunn	Cedar Rapids	June 30, 1973
Robert D. Rickert	Rock Rapids	June 30, 1971
Eldo W. Schornhorst, Jr.	Spencer	June 30, 1971
Noel W. Willis	Iowa City	June 30, 1971
Stephen C. Robinson, Secretary		

EXECUTIVE COUNCIL

Robert D. Ray	Des Moines
Melvin D. Synhorst	Des Moines
Lloyd R. Smith	Des Moines
Maurice E. Baringer	Oelwein
L. B. Liddy	Keosauqua
Stephen C. Robinson, Secretary	

FAIR BOARD

H. M. Duncan, President	Columbus Junction
C. C. Wagler, Vice President	Bloomfield
Thomas N. Scott, Treasurer	Dallas Center
Kenneth R. Fulk, Secretary	Des Moines
Don Greiman	Garner
Charles F. Iles	Des Moines
Howard Waters	Danville
C. J. Matthiessen	Monticello
George E. Janssen	Eldora
W. L. Yount	Altoona
Jean M. Kleve	Humboldt
G. W. Prince	Guthrie Center
Robert D. Ray, Governor of the State of Iowa	
W. Robert Parks, President, Iowa State University, Ames	
L. B. Liddy, Secretary of Agriculture	

**IOWA STATE FAIR AND WORLD FOOD EXPOSITION
STUDY COMMITTEE**

62 GA, Ch. 472; 63 GA, Ch. 329

House Members

William H. Harbor, Speaker of House

Senate Members

Roger Jepsen, President of Senate

Robert R. Dodds Danville June 30, 1971

FIRE MARSHAL

Wilbur R. Johnson Ottumwa

GEOLOGICAL BOARD

Robert D. Ray, Governor

Lloyd R. Smith, Auditor of State

Vacancy, President, State University of Iowa

W. Robert Parks, President, Iowa State University of Science & Technology

John O. Chellevoid, President, Iowa Academy of Science

H. Garland Hershey, Director

STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
GEOLOGIST		
Dr. H. Garland Hershey	Iowa City	At the pleasure of the Geologist Board

BOARD OF HEALTH

Ex Officio Members:

Robert D. Ray, Governor
 Melvin D. Synhorst, Secretary of State
 Lloyd R. Smith, Auditor of State
 Maurice E. Baringer, Treasurer of State
 L. B. Liddy, Secretary of Agriculture

Members:

Franklin H. Top, M.D.	Iowa City	June 30, 1971
E. E. Gamet, M.D.	Lamoni	June 30, 1970
G. A. Whetstone, D.O.	Wilton Junction	June 30, 1970
Albert J. Soucek, D.D.S.	Iowa City	June 30, 1972
George C. Christensen, D.V.M.	Ames	June 30, 1971
Charles D. Mullinax, B.S.	Cedar Rapids	June 30, 1970
Mrs. Meridean Maas	Liscomb	June 30, 1972
P. J. Leehey, M.D.	Independence	June 30, 1971
Dr. Harry C. Rasdal	Spencer	June 30, 1972

COMMISSIONER OF HEALTH

Dr. James F. Speers
 P. J. Houser, Chief of Environmental Engineering Service

HEALTH DEPARTMENT

Practice Acts Examining Boards

Barber Examiners

Leslie W. Jones	Burlington	June 30, 1972
Merlyn V. Boyken	Waterloo	June 30, 1971
A. E. Morehouse	Cedar Rapids	June 30, 1970

Chiropractic Examiners

Dr. Palmer Whittenberg	Knoxville	June 30, 1971
Dr. E. C. Vorland	Cedar Falls	June 30, 1972
Dr. George T. Lammers	Iowa Falls	June 30, 1970

Cosmetology Examiners

George R. Uhl	Cedar Rapids	June 30, 1972
Mrs. Margaret Holub	Central City	June 30, 1970
Richard C. Poindexter	Burlington	June 30, 1971

Dental Examiners

Dr. LeRoy Larson	Fort Dodge	June 30, 1971
Dr. Carl T. Ostrem	Des Moines	June 30, 1972
Dr. Anthony J. Kalb	Dubuque	June 30, 1973
Dr. Morris B. Katzoff	Cedar Rapids	June 30, 1970
Dr. Harold W. Sidwell	Villisca	June 30, 1974

Embalmer Examiners

George F. Murdock	Marion	June 30, 1972
Maurice J. Tierney	Dubuque	June 30, 1971
James A. Vander Ploeg	Sheldon	June 30, 1970

STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
<i>Medical Examiners</i>		
Frank R. Peterson, M.D.	Cedar Rapids	June 30, 1972
Elwood P. Russell, M.D.	Burlington	June 30, 1974
John K. MacGregor, M.D.	Mason City	June 30, 1973
George H. Scanlon, M.D.	Iowa City	June 30, 1971
Ronald K. Woods, D.O.	Des Moines	June 30, 1971
Roger B. Anderson	Sioux City	June 30, 1973
John W. Billingsley	Newton	June 30, 1970
James L. Coffey	Emmetsburg	June 30, 1973
Howard G. Ellis	Des Moines	June 30, 1971

<i>Nurse Examiners</i>		
Sister Mary Brigid Condon, R.S.M.	Davenport	June 30, 1971
Virginia C. Turner	Waterloo	June 30, 1973
Virginia R. Lawrence	Mason City	June 30, 1972
Sister Mary Suzanne Wickenkamp, C.H.M.	Ottumwa	June 30, 1970
Mrs. Sara J. Fishel	Cedar Rapids	June 30, 1974

<i>Optometry Examiners</i>		
Dr. K. O. McMaster, O.D.	Oelwein	June 30, 1971
Dr. H. R. Wilson	Forest City	June 30, 1972
Alfred O. Klein, O.D.	Spirit Lake	June 30, 1970

<i>Podiatry Examiners</i>		
W. L. Franson	Perry	June 30, 1971
Dr. Gerald L. Smith	Waterloo	June 30, 1973
E. S. Thompson	Davenport	June 30, 1973
C. B. Dunshee	Oskaloosa	June 30, 1970

<i>Physical Therapy Examiners</i>		
Dr. Maurice Schnell	Iowa City	June 30, 1971
Ann McColley	Des Moines	June 30, 1971
Philip G. Abood	Marshalltown	June 30, 1972
William R. Bird	Des Moines	June 30, 1970

COMMISSION ON INTERSTATE COOPERATION

Ch. 28B

Russell L. Wilson	Des Moines	
Marvin R. Selden, Jr., Comptroller		
Robert R. Rigler	New Hampton	April 30, 1971
Vernon H. Kyhl	Parkersburg	April 30, 1971
John M. Walsh	Dubuque	April 30, 1971
James A. Potgeter	Steamboat Rock	April 30, 1971
James F. Schaben	Dunlap	April 30, 1971
James T. Caffrey	Des Moines	June 30, 1971
John Camp	Bryant	June 30, 1971
Harold O. Fischer	Wellsburg	June 30, 1971
Edgar J. Koch	Sioux City	June 30, 1971
Dale L. Tieden	Elkader	June 30, 1971

HIGHWAY COMMISSION

Bernard Mercer	Des Moines	June 30, 1973
Derby D. Thompson, Vice Chairman	Burlington	June 30, 1971
Joseph R. Coupal, Jr., Director of Highways		
Howard E. Gunderson, Chief Engineer	Ames	
Robert C. Barry	Danbury	June 30, 1971
Koert S. Voorhees	Cedar Falls	June 30, 1971
William O. Gray	Cedar Rapids	June 30, 1973

HISTORY AND ARCHIVES DEPARTMENT

Jack W. Musgrove, Curator	Des Moines
Joan Muyskens, Editor of Annals	Des Moines

STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
HISTORICAL SOCIETY (Board of Curators)		
Donald R. Murphy	Des Moines	June 23, 1970
Ray L. Klueger, Sr.	Keokuk	June 23, 1970
Ruth Hollingshead	Albia	June 23, 1970
Erwin D. Sias	Sioux City	June 23, 1970
Iver Christoffersen	Cedar Falls	June 23, 1970
Dr. Eugene Garbee	Fayette	June 23, 1970
J. Leo Connolly	Council Bluffs	June 23, 1970
L. Dale Ahern	Decorah	June 23, 1970
INDUSTRIAL COMMISSIONER		
Harry W. Dahl	Des Moines	June 30, 1973
INSURANCE COMMISSIONER		
Lorne R. Worthington	Lamoni	June 30, 1971
JUDICIAL STATISTICIAN		
Clarence A. Kading	Knoxville	At the pleasure of the Supreme Court
LABOR COMMISSIONER		
Jerry L. Addy	Des Moines	June 30, 1971
LAND REHABILITATION ADVISORY BOARD		
L. Guy Young	Bedford	June 30, 1970
Marion J. Nelson	Cedar Rapids	June 30, 1971
William Greiner	Ankeny	
William W. Fall	Bussey	
John Stokes	Des Moines	June 30, 1971
Garland Hershey	Iowa City	June 30, 1970
Earl Jarvis	Wilton Junction	June 30, 1970
Frank W. Schaller	Ames	June 30, 1969
LAW ENFORCEMENT ACADEMY COUNCIL 62 GA, Ch. 112		
Jack Hilsabeck	Audubon	Aug. 14, 1971
Frank O'Keefe	Sioux City	Aug. 14, 1969
George J. Matias	Cedar Rapids	Aug. 14, 1969
Warren J. Kruck	Boone	Aug. 14, 1971
Harold Thordsen	Davenport	Aug. 14, 1971
LAW EXAMINERS		
Richard C. Turner, Attorney General, Chairman		
Charles F. Swisher	Waterloo	
Jake S. More	Harlan	June 30, 1970
E. S. Tesdell, Jr.	Des Moines	June 30, 1970
Robert R. Eidsmoe	Sioux City	June 30, 1970
Wilbur R. Dull	Ottumwa	June 30, 1970

STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
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LEGISLATIVE COUNCIL

62 G.A., Ch. 69

Ex Officio Members:

Seeley G. Lodwick, President Pro tempore of Senate
 William H. Harbor, Speaker of House
 David M. Stanley, Majority Leader of Senate
 Andrew G. Frommelt, Minority Leader of Senate
 Ralph F. McCartney, Majority Leader of House
 William J. Gannon, Minority Leader of House

Arthur A. Neu, Carroll (R)	Senate Member	June 30, 1971
Elmer F. Lange, Sac City (R)	Senate Member	June 30, 1971
James E. Briles, Corning (R)	Senate Member	June 30, 1971
George E. O'Malley, Des Moines (D)	Senate Member	June 30, 1971
Eugene Hill, Newton (D)	Senate Member	June 30, 1971
Leroy S. Miller, Shenandoah (R)	House Member	June 30, 1971
Charles P. Miller, Burlington (D)	House Member	June 30, 1971
Nathan F. Sorg, Marion (R)	House Member	June 30, 1971
Andrew J. Varley, Stuart (R)	House Member	June 30, 1971
Dale M. Cochran, Eagle Grove (D)	House Member	June 30, 1971

LIBRARY BOARD OF TRUSTEES

Robert D. Ray, Governor
 T. G. Garfield, Supreme Court Chief Justice
 Paul F. Johnston, Superintendent of Public Instruction

Librarian, Law:

Geraldine Dunham Des Moines

Librarian, Traveling:

Ernestine Grafton Des Moines

Librarian, Medical:

Mrs. Marion Samo

LIBRARY

(Board of Trustees of State Traveling)

Jeanne A. Gee, Chairman	Shenandoah	June 30, 1973
Helen Margaret Crabb	Jamaica	June 30, 1972
Arie M. Verrips	Sioux Center	June 30, 1970
William R. Sheridan	Keokuk	June 30, 1971
Mrs. Katherine M. Zastrow	Charles City	June 30, 1973

LIQUOR CONTROL COMMISSION

Homer Adcock, Chairman	Des Moines	June 30, 1971
Carl G. Sinning	Manning	June 30, 1973
Kenneth W. Anderson	Davenport	June 30, 1975

MANPOWER ADVISORY COUNCIL

Mary Fitzgerald	Des Moines	June 30, 1971
Edgar R. Czarnecki	Iowa City	June 30, 1971
Charles Toney	Davenport	June 30, 1971
Michael McCormick	Iowa City	June 30, 1971

MEDICAL ASSISTANCE COUNCIL

Joan Lipsky (R)	Cedar Rapids	June 30, 1971
A. Jane Franklin (D)	Des Moines	June 30, 1971

STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
MENTAL HYGIENE COMMITTEE		
Dr. James D. Maloney	Council Bluffs	July 3, 1970
Charles F. Haner	Grinnell	July 3, 1970
Dr. Leroy K. Berryhill	Newton	July 3, 1970
Mrs. Margaret G. Westerhof	Carlisle	July 3, 1972
Mrs. Erma Bunge	Cedar Rapids	July 3, 1971
Douglas B. Grant	Cedar Rapids	July 3, 1971
Thomas C. Piekenbrock	Dubuque	July 3, 1971
Dr. George W. Sutton	Mount Pleasant	July 3, 1972

**ADVISORY COUNCIL FOR THE CONSTRUCTION
OF FACILITIES FOR THE MENTALLY RETARDED
AND COMMUNITY MENTAL HEALTH CENTERS**

John J. Wolfe, Jr.	Des Moines	June 30, 1970
Drexel D. Lange	Des Moines	June 30, 1970
Robert W. Brindley	Mason City	June 30, 1970
Dwight E. Barton	Adel	June 30, 1970
P. E. Huston	Iowa City	June 30, 1970
George W. Sutton	Mt. Pleasant	June 30, 1970
James O. Cromwell	Des Moines	
Joseph B. Flatt	Winterset	June 30, 1970
Minnette Doderer	Iowa City	June 30, 1970
John Montgomery	Des Moines	June 30, 1970
Louise K. Lyon	Clinton	June 30, 1970
Conrad R. Wurtz	Des Moines	June 30, 1970
Harold Bridges	Muscatine	June 30, 1970
Juliet Saxton	Des Moines	June 30, 1970
Frances C. Hines	Des Moines	June 30, 1970
Thomas C. Piekenbrock	Dubuque	June 30, 1971

MERIT EMPLOYMENT COMMISSION

Kenneth R. D. Wolfe	Marshalltown	June 30, 1975
Emma Jo Uban	Waterloo	June 30, 1971
William C. Hubbard	Iowa City	June 30, 1973
Al Meacham	Grinnell	June 30, 1973
James B. Morris, Jr.	Des Moines	June 30, 1975
Gerald L. Howell, Director		

MINE INSPECTOR

W. Dean Aubrey	Ottumwa
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STATE MINING BOARD

Nels G. Grandquist	Des Moines	June 30, 1970
J. R. Hamm	Centerville	
Dr. John Lemish	Ames	June 30, 1970
Harold L. Zelms	Fort Dodge	
William J. Evans	Des Moines	June 30, 1970
Robert R. Welp	Fort Dodge	
John Victor	Fort Dodge	June 30, 1970

MISSISSIPPI RIVER PARKWAY PLANNING COMMISSION

William E. Leming	Wilton Junction	
Joseph Carew	Dubuque	
Loren W. Hamann	St. Olaf	June 30, 1971
Richard Norpel	Bellevue	June 30, 1971
Stephen M. Delaney	Clinton	June 30, 1971
Mark E. Scott	West Point	June 30, 1971
John McCormally	Burlington	June 30, 1971

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STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
MUNICIPAL STATUTES STUDY COMMITTEE		
Ralph W. Potter, Marion	Senate Member	
John M. Walsh, Dubuque	Senate Member	
Alan Shirley, Perry	Senate Member	
William H. Huff, Des Moines	House Member	
Stanley T. Shepherd, Farmington	House Member	
Ed Skinner, Altoona	House Member	
NATURAL RESOURCES COUNCIL		
Othie R. McMurry, Director	Ankeny	
Dr. H. Garland Hershey	Iowa City	June 30, 1973
Stanley L. Haynes	Mason City	June 30, 1971
L. Guy Young	Bedford	June 30, 1971
William G. Murray	Ames	June 30, 1971
J. Justin Rogers	Spirit Lake	June 30, 1975
Clifford M. Naser	Fort Dodge	June 30, 1973
Joseph W. Howe	Iowa City	June 30, 1973
Mrs. Mabel Miller	Keosauqua	June 30, 1975
Hugh A. Templeton	Knoxville	June 30, 1975
PAROLE BOARD		
John E. Andrews	Des Moines	June 30, 1971
George L. Paul	Brooklyn	June 30, 1973
Jack Bedell	Spirit Lake	June 30, 1973
PHARMACY EXAMINERS		
Dwight E. Fry	Greenfield	June 30, 1972
Charles A. Hughes	Emmetsburg	June 30, 1971
Thomas W. Kenefick	Eagle Grove	June 30, 1970
ADVISORY BOARD FOR PRESERVES		
Marshall McKusick	Iowa City	June 30, 1971
William J. Peterson	Iowa City	June 30, 1971
PRINTING BOARD		
Melvin D. Synhorst, Secretary of State		Ex Officio
Lloyd R. Smith, Auditor of State		Ex Officio
Richard C. Turner, Attorney General		Ex Officio
LeRoy E. Vanderwicken	Grundy Center	
Reeves Hall	Independence	June 30, 1970
J. C. Moore, Superintendent	Winterset	
Carl Ball, Asst. Superintendent	Mystic	
PROFESSIONAL TEACHING PRACTICES COMMISSION		
Earl Barbour	Fort Dodge	June 30, 19
H. Johann Eschbach	Cedar Rapids	June 30, 1970
Carman M. Gioiello	Council Bluffs	June 30, 19
William Hoskins	Fort Madison	June 30, 1971
Darryl G. Irish	Emmetsburg	June 30, 1970
Ray Pugh	Des Moines	
Mrs. Hazel Chuck	Mason City	
Orrin Nearhoof	Des Moines	June 30, 19
Mrs. Corliss Williams	Des Moines	June 30, 1971
PUBLIC INSTRUCTION		
Nolden Gentry	Des Moines	Jan. 2, 1974
Mrs. Virgil Shepard	Allison	Jan. 1, 1976
John D. Warin	Maloy	Jan. 2, 1970
Dr. James N. Walter	Ames	Jan. 2, 1972
Dr. Jack D. Fickle	Red Oak	Jan. 2, 1972

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STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
Lester D. Menke	Calumet	Jan. 2, 1976
Mrs. Earl G. Sievers	Avoca	Jan. 2, 1972
Mrs. Richard Cole	Decorah	Jan. 2, 1974
John E. Vander Linden	Sibley	Jan. 1, 1976
Richard H. Delaney	Burlington	Jan. 2, 1974

SUPERINTENDENT OF PUBLIC INSTRUCTION

Paul F. Johnston, Superintendent	Des Moines
Gayle Obrecht, Consultant of Vocational and Technical Plant Facilities	West Des Moines
W. T. Edgran, Asst. Superintendent of Administration	
David Bechtel, Administrative Assistant to the Superintendent	
Leonard C. Abels, Development and Planning Consultant	

PUBLIC SAFETY DEPARTMENT

Jack M. Fulton, Commissioner	Cedar Rapids	June 30, 1971
Robert D. Taha, Deputy	Des Moines	
Thomas A. Danaher	Des Moines	
Charles Sinclair	Clear Lake	

REAL ESTATE COMMISSION

Melvin D. Synhorst, Secretary of State, Chairman		
Stephen G. Darling	Iowa City	June 30, 1971
Gery M. Martin	Sioux City	June 30, 1971
Jack D. Schuck	Parkersburg	June 30, 1973
Lester E. Calvert	Des Moines	June 30, 1973
George C. Clarkson, Director		

BOARD OF REGENTS

Stanley Redeker, President	Boone	June 30, 1973
Ned E. Perrin	Mapleton	June 30, 1973
Ralph H. Wallace	Mason City	June 30, 1973
Casey Loss	Algona	June 30, 1971
Thomas A. Loudon	Keokuk	June 30, 1971
William B. Quarton	Cedar Rapids	June 30, 1971
Donald H. Shaw	Davenport	June 30, 1975
Mrs. H. Rand Petersen	Harlan	June 30, 1975
Ray V. Bailey	Clarion	June 30, 1975
Wayne Richey, Executive Secretary	Des Moines	
Paul V. Porter, Director of Research and Information	Ankeny	

REPORTER OF SUPREME COURT

Charles W. Barlow, Reporter	Mason City	Dec. 31, 1970
Alice Foarde, Deputy	Des Moines	Dec. 31, 1970

DEPARTMENT OF REVENUE

William H. Forst, Director	Des Moines	At the pleasure of the Governor
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SCHOOL BUDGET REVIEW COMMITTEE

Harry Helgeson	Lake Mills	June 30, 1970
Stephen Carst	Coon Rapids	June 30, 1971
Earle G. Bellamy	Knoxville	June 30, 1972

SERVICEMEN'S BALLOT COMMISSION

Mrs. Dorothy J. Elliott	Nevada	Mar. 15, 1970
Andrew Reising	Wesley	Mar. 15, 1970
E. J. Jeter	Bedford	Mar. 15, 1970
Richard F. Drake	Muscataine	Mar. 15, 1970

STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
COUNCIL ON SOCIAL SERVICES		
Maurice A. Harmon, Director		Pleasure of Governor
Jack Bedell, Parole Board	Spirit Lake	June 30, 1975
David J. Albert	Sioux City	June 30, 1975
Meredith U. Deevers	Bettendorf	June 30, 1973
David F. McCann	Council Bluffs	June 30, 1973
Lois M. Emanuel	Marion	June 30, 1973
Fernice Robbins	Waterloo	June 30, 1971
SOIL CONSERVATION BOARD		
M. Wayne Casey, Chairman	Peterson	June 30, 1971
Donald Johnson	Fairfield	June 30, 1971
Dr. Marvin A. Anderson	Ames	Ex Officio
Fred Cherry	Rowley	June 30, 1973
Wendell C. Pellett	Atlantic	June 30, 1975
L. B. Liddy, Sec. of Agriculture		
George Annan	Clarinda	
Wm. H. Greiner, Director	Des Moines	
Wilson Moon, Advisor to Committee	West Des Moines	
SUPERINTENDENT OF BUILDINGS AND GROUNDS		
William Gall		At the pleasure of the Executive Council
TAX COMMISSION		
(This Commission is now known as the Department of Revenue, under the direction of William H. Forst.)		
BOARD OF TAX REVIEW		
L. L. Pierce	Newton	June 30, 1973
Marvin Winick	Des Moines	June 30, 1971
Edwin A. Hicklin	Wapello	June 30, 1975
UNIFORM STATE LAWS		
George Lindeman	Waterloo	June 30, 1972
Allan Vestal	Iowa City	June 30, 1972
Val L. Schoenthal	Des Moines	June 30, 1972
VOTING MACHINE COMMISSION		
Howard L. Snook	Newton	June 30, 1974
Mrs. Susan E. Buell	Muscatine	June 30, 1974
W. F. Selene	Hampton	
Roy E. Voelker	Oskaloosa	June 30, 1974
WATCHMAKING EXAMINERS		
Delmar D. Conklin	Perry	June 30, 1972
Kenneth Waldruff	Griswold	June 30, 1972
James R. Williams	Storm Lake	June 30, 1970
Donald C. Spaight	Cedar Rapids	June 30, 1971
Willa J. Dickens	Iowa City	June 30, 1971
WATER POLLUTION CONTROL COMMISSION		
Lee Albaugh	Charles City	June 30, 1973
Robert R. Buckmaster	Waterloo	June 30, 1973
Carol B. Curtis	Newton	June 30, 1973
Robert L. Morris	Iowa City	June 30, 1973
Elvie L. Dreezen	Cushing	June 30, 1973
Leo M. Sweesy	Mason City	June 30, 1973

JUDICIAL DEPARTMENT

JUDICIAL DEPARTMENT

JUSTICES OF THE SUPREME COURT

(Justices listed according to seniority)

Name	Office Address	Term Ending
T. G. Garfield, Chief Justice	Ames	June 30, 1973
Robert L. Larson	Iowa City	Dec. 31, 1974
Bruce M. Snell	Ida Grove	Dec. 31, 1974
C. Edwin Moore	Des Moines	June 30, 1973
William C. Stuart	Chariton	Dec. 31, 1972
M. L. Mason	Mason City	Dec. 31, 1974
Maurice E. Rawlings	Sioux City	Dec. 31, 1974
Francis H. Becker	Dubuque	Dec. 31, 1974
Clay LeGrand	Davenport	Dec. 31, 1976

JUDGES OF THE DISTRICT COURT

(Judges listed according to seniority)

First Judicial District

J. R. Leary, C. J.	Fort Madison	June 30, 1971
W. L. Huiskamp	Keokuk	June 30, 1971
William S. Cahill	Burlington	Dec. 31, 1974

Second Judicial District

Charles N. Pettit	Bloomfield	June 30, 1971
Edward P. Powers	Centerville	Dec. 31, 1970
A. V. Hass, C. J.	Chariton	Dec. 31, 1972
Arthur A. McGiverin	Ottumwa	Dec. 31, 1972

Third Judicial District

H. J. Kittleman, C. J.	Creston	June 30, 1971
Thomas S. Bown	Corydon	Dec. 31, 1972
James E. Hughes	Lenox	Dec. 31, 1972

Fourth Judicial District

George M. Paradise	Sioux City	June 30, 1971
Lawrence W. McCormick	Sioux City	June 30, 1971
Donald M. Pendleton	Sioux City	Dec. 31, 1972
C. F. Stilwill, C. J.	Sioux City	Dec. 31, 1974

Fifth Judicial District

Hobart E. Newton	Stuart	June 30, 1971
Maurice C. Herrick, C. J.	Indianola	Dec. 31, 1972
Robert O. Frederick	Winterset	Dec. 31, 1974

Sixth Judicial District

R. G. Yoder, C. J.	Sigourney	June 30, 1971
Harold J. Fleck	Newton	June 30, 1971
L. R. Carson	Oskaloosa	June 30, 1971

Seventh Judicial District

M. L. Sutton	Clinton	June 30, 1971
Arthur F. Janssen	Maquoketa	June 30, 1971
Nathan Grant, C. J.	Davenport	June 30, 1971
Lowell D. Phelps	Davenport	Dec. 31, 1970
Robert K. Stohr	Muscatine	Dec. 31, 1972
James R. Havercamp	Davenport	Dec. 31, 1974

JUDICIAL DEPARTMENT—Continued

Name	Office Address	Term Ending
Eighth Judicial District		
B. J. Maxwell	Tipton	June 30, 1971
William R. Eads	Cedar Rapids	Dec. 31, 1970
Warren J. Rees, C. J.	Anamosa	Dec. 31, 1970
Harold D. Vietor	Cedar Rapids	Dec. 31, 1972
J. Paul Naughton	Marengo	Dec. 31, 1972
Ansel J. Chapman	Iowa City	Dec. 31, 1970
Ninth Judicial District		
Wade Clarke	Des Moines	June 30, 1971
Don L. Tidrick	Des Moines	June 30, 1971
Gibson C. Holliday, C. J.	Des Moines	June 30, 1971
John N. Hughes, Jr.	Des Moines	Dec. 31, 1972
Harry Perkins, Jr.	Des Moines	Dec. 31, 1972
Waldo F. Wheeler	Des Moines	Dec. 31, 1972
Dale S. Missildine	Des Moines	Dec. 31, 1972
James P. Denato	Des Moines	Dec. 31, 1974
A. B. Crouch	Des Moines	Dec. 31, 1970
Leo Oxberger	Des Moines	Dec. 31, 1970
Tenth Judicial District		
George C. Heath	Waterloo	June 30, 1971
Blair C. Wood	Waterloo	June 30, 1971
Peter Van Metre	Waterloo	June 30, 1971
Carroll E. Engelkes, C. J.	Grundy Center	June 30, 1971
Eleventh Judicial District		
Harvey Uhlenhopp, C. J.	Hampton	June 30, 1971
E. J. Kelley	Ames	June 30, 1971
Paul E. Hellwege	Boone	Dec. 31, 1972
Edward J. Flattery	Fort Dodge	Dec. 31, 1972
Mark McCormick	Fort Dodge	Dec. 31, 1970
Twelfth Judicial District		
C. H. Wild, C. J.	Waverly	June 30, 1971
L. E. Plummer	Northwood	June 30, 1971
John F. Stone	Mason City	Dec. 31, 1972
B. C. Sullivan	Rockford	Dec. 31, 1972
Thirteenth Judicial District		
E. B. Shaw, C. J.	Oelwein	June 30, 1971
Thomas H. Nelson	Dubuque	Dec. 31, 1972
John C. Oberhausen	Dubuque	Dec. 31, 1972
Joseph C. Keefe	Decorah	Dec. 31, 1972
Fourteenth Judicial District		
G. W. Stillman	Algona	June 30, 1971
Joseph P. Hand	Emmetsburg	June 30, 1971
Richard W. Cooper, C. J.	Storm Lake	June 30, 1971
Murray S. Underwood	Spencer	Dec. 31, 1974
Fifteenth Judicial District		
R. Kent Martin	Atlantic	June 30, 1971
Bennett Cullison, C. J.	Harlan	June 30, 1971
Folsom Everest	Council Bluffs	June 30, 1971
Leroy H. Johnson	Red Oak	June 30, 1971
Harold L. Martin	Hamburg	Dec. 31, 1974
Sixteenth Judicial District		
R. K. Brannon	Denison	June 30, 1971
A. J. Braginton	Manson	June 30, 1971
David Harris, C. J.	Jefferson	Dec. 31, 1970

JUDICIAL DEPARTMENT—Continued

Name	Office Address	Term Ending
Seventeenth Judicial District		
M. C. Farber	Marshalltown	June 30, 1971
John W. Tobin, C. J.	Vinton	June 30, 1971
Eighteenth Judicial District		
James P. Kelley, C. J.	LeMars	Dec. 31, 1970
Edward F. Kennedy	Sibley	Dec. 31, 1970

JUDGES OF THE MUNICIPAL COURTS

Ames	John L. McKinney
Burlington	Gary J. Snyder
Cedar Falls	Forest E. Eastman
Cedar Rapids	Loren M. Hullinger, Jr. John B. Reilly Clinton E. Shaeffer
Clinton	David F. Halbach
Council Bluffs	Allan Ardell Ross F. Caniglia
Davenport	Bertram B. Metcalf Phillip Steffin, Jr.
Des Moines	Howard W. Brooks Luther T. Glanton, Jr. Harry B. Grund Ray Harrison
Dubuque	Karl Kenline Frank D. Gilloon, Jr.
Marshalltown	R. M. O'Bryan
Ottumwa	Charles C. Ayres, Jr.
Sioux City	John M. Fachman John E. Hutchinson
Waterloo	Everett H. Scott William W. Parker

CONGRESSIONAL DIRECTORY

UNITED STATES SENATORS

Jack Miller	Sioux City	Dec. 31, 1972
Harold Hughes	Des Moines	Dec. 31, 1974

REPRESENTATIVES IN CONGRESS

District	Name	Office Address	Term Ending
1	Fred Schwengel	Davenport	Dec. 31, 1970
2	John Culver	Marion	Dec. 31, 1970
3	H. R. Gross	Waterloo	Dec. 31, 1970
4	John Kyl	Bloomfield	Dec. 31, 1970
5	Neal Smith	Altoona	Dec. 31, 1970
6	Wiley Mayne	Sioux City	Dec. 31, 1970
7	William J. Scherle	Henderson	Dec. 31, 1970

GENERAL ASSEMBLY

SENATORS IN THE GENERAL ASSEMBLY

Name	Address	Age	Occupation	Dis.	Counties Composing District	Former Legislative Service
Anderson, Quentin V.	Beaconsfield	36	Farmer, Businessman	4	Decatur, Clarke, Ringgold, Wayne	60, 60X, 61
Arbuckle, R. Dean	Jefferson	42	Proprietor	28	Boone, Greene	None
*Balloun, Charles F.	Toledo	64	Farmer	25	Benton, Tama	59, 60, 60X, 61, 62
*Benda, Kenneth	Hartwick	50	Banker	18	Iowa, Poweshiek	60, 60X, 61, 62
Briles, James E.	Corning	42	Auctioneer, Real Est.	5	Adams, Montgomery, Taylor, Union	56, 57, 58, 59, 60, 60X, 61, 62
*Clarke, Hugh H.	Belmond	50	Farmer	34	Hamilton, Wright	62
Coleman, C. Joseph	Clare	45	Farmer	35	Webster	57, 58, 59, 60, 60X, 61, 62
Conklin, W. Charlene	Waterloo	39	Housewife	32	Black Hawk (Subdist. No. 3)	62
Curran, Leigh R.	Mason City	62	Farmer, Businessman	42	Cerro Gordo	59, 60, 60X, 62
*DeHart, Pearle	Ames	70	Retired Tax Consult.	27	Story	62
DeKoster, Lucas J.	Hull	50	Lawyer, Ins. Agent	49	Sioux, Lyon	61, 62
*Denman, William F.	Des Moines	43	Lawyer	20	Polk (Subdist. No. 3)	56, 59, 60, 60X, 61, 62
*Dodds, Robert R.	Danville	44	Farmer	7	Des Moines	57, 58, 59, 60, 60X, 61, 62
Doderer, Minnette Frerichs	Iowa City	45	Legislator	17	Johnson	60, 60X, 61, 62
*Erskine, Alden J.	Sioux City	67	Owner-Opr. Auto Maint. Bus.	37	Woodbury (Subdist. No. 2)	62
Flatt, Joseph B.	Winterset	47	Men's Clothier	12	Madison, Adair, Cass	58, 59, 60, 60X, 61, 62
*Frey, Thomas J.	Neola	67	Publisher	13	Pottawattamie (Subdist. No. 1)	54, 55, 56, 57, 62
*Frommelt, Andrew G.	Dubuque	47	Ins., Real Estate	30	Dubuque (Subdist. No. 2)	55, 56, 57, 58, 59, 60, 60X, 61, 62
Gaudineer, Lee H., Jr.	Des Moines	36	Lawyer	20	Polk (Subdist. No. 4)	61, 62
Gilley, Floyd	Maynard	66	Retired Farmer	39	Fayette, Winneshiek	None
*Glenn, Gene W.	Ottumwa	40	Lawyer	9	Wapello	61, 62
Griffin, Jim	Council Bluffs	33	Insurance Executive	13	Pottawattamie (Subdist. No. 2)	None
Hammer, Walter B.	Estherville	63	School Administrator	45	Palo Alto, Emmet, Pocahontas	None
*Hill, Eugene Marshall	Newton	55	Farmer	19	Jasper	58, 59, 60, 60X, 61, 62
*Hougen, Chester O.	Cedar Falls	61	Merchant, Lawyer	32	Black Hawk (Subdist. No. 1)	59, 60, 60X, 62
Keith, Wayne	Algona	60	Farmer	44	Kossuth, Humboldt	None

SENATORS IN GENERAL ASSEMBLY—Continued

Name	Address	Age	Occupation	Dis.	Counties Composing District	Former Legislative Service
Klink, Leslie C.	Elkader	42	Farmer	38	Clayton, Allamakee	None
*Kosek, Ernest	Cedar Rapids	61	Investment Banker	24	Linn (Subdist. No. 2)	52, 52X, 53, 54, 55, 56, 57, 62
Kyhl, Vernon H.	Parkersburg	60	Auto Dealer	41	Butler, Floyd, Mitchell	60, 60X, 61, 62
*Lamborn, Clifton C.	Maquoketa	49	Road Contractor	23	Jackson, Jones	62
*Lange, Elmer F.	Sac City	51	Dairy Mfgr. Exec.	36	Calhoun, Ida, Sac	59, 60, 60X, 61, 62
Laverty, Charles O.	Indianola	52	Elevator, Farmer	11	Marion, Warren	None
Leonard, J. Leslie	Linn Grove	63	Minister	46	Clay, Buena Vista	None
*Lisle, Vern	Clarinda	62	Manufacturer	6	Fremont, Mills, Page	53, 54, 55, 56, 57, 58, 59, 60, 60X, 61, 62
*Lodwick, Seeley G.	Wever	48	Farm Manager	1	Lee	60, 60X, 61, 62
Lucken, J. Henry	LeMars	72	Retired Farmer	47	Plymouth, Cherokee	52, 52X, 53, 54, 55, 56, 57, 58, 59, 60, 60X, 61, 62
McGill, Donald S.	Melrose	62	Farmer	3	Monroe, Lucas, Appanoose	61, 62
*Messerly, Francis	Cedar Falls	54	Home Bld. & Inv. Mgmt.	32	Black Hawk (Subdist. No. 2)	59, 60, 60X, 61, 62
Mogged, Charles G.	Fairfield	36	Realtor	2	Van Buren, Davis, Jefferson	None
Mowry, John L.	Marshalltown	62	Lawyer	26	Marshall	57, 58, 59, 60, 60X, 62
*Neu, Arthur A.	Carroll	35	Lawyer	29	Carroll, Crawford	62
†Nicholson, Edward E.	Davenport	64	Retired Businessman, Farm Owner and Opr.	15	Scott (Subdist. No. 2)	None
Ollenburg, Herbert L.	Garner	57	Bank President	43	Winnebago, Hancock, Worth	None
*O'Malley, George E.	Des Moines	63	Lawyer	20	Polk (Subdist. No. 2)	53, 54, 55, 56, 57, 58, 59, 60, 60X, 61, 62
Palmer, William D.	Des Moines	33	Ins. Sales and Mgmt.	20	Polk (Subdist. No. 1)	61, 62
Parker, Kenneth L.	Lamont	64	Farmer	31	Buchanan, Delaware	59, 60, 60X
*Potgeter, James A.	Steamboat Rock	38	Grain Dealer	33	Franklin, Grundy, Hardin	62
Potter, Ralph W.	Marion	48	Real Estate Broker	24	Linn (Subdist. No. 1)	None
*Reichardt, Wm. J.	Des Moines	38	Retail Clothing	20	Polk (Subdist. No. 5)	61, 62
*Rigler, Robert R.	New Hampton	45	Bank President	40	Bremer, Chickasaw, Howard	56, 57, 58, 59, 60, 60X, 61, 62
*Schaben, James	Dunlap	42	Livestock Auction Mkt. Opr., Farmer	22	Harrison, Monona, Shelby	62
*Shaff, Roger J.	Camanche	57	Farmer, Bank Pres.	16	Clinton	62
Shirley, Alan	Perry	31	Lawyer	21	Dallas, Guthrie, Audubon	61, 62
Smith, Marvin W.	Paullina	67	Retired Farmer, Teacher	48	O'Brien, Osceola, Dickinson	57, 58, 59, 60, 60X, 61, 62
*Stanley, David M.	Muscatine	40	Lawyer	14	Cedar, Muscatine	58, 59, 60, 60X, 61, 62

SENATORS IN GENERAL ASSEMBLY—Continued

Name	Address	Age	Occupation	Dis.	Counties Composing District	Former Legislative Service
*Stephens, Richard L.	Crawfordsville	64	Farmer, Stockman	8	Henry, Louisa, Washington	57, 58, 59, 60, 60X, 61, 62
Sullivan, Charles K.	Sioux City	59	Businessman	37	Woodbury (Subdist. No. 1)	62
Thordsen, Harold A.	Davenport	59	Real Estate Broker	15	Scott (Subdist. No. 1)	62
Van Gilst, Bass	Oskaloosa	57	Grain and Livestock Farming	10	Mahaska, Keokuk	61, 62
*Walsh, John M.	Dubuque	28	Jr. Dept. Store Mgr.	30	Dubuque (Subdist. No. 1)	62
†Weimer, J. Donald	Cedar Rapids	49	Banker	24	Linn (Subdist. No. 3)	None

*Holdover

†Elected to fill a vacancy of a holdover Senator

REPRESENTATIVES IN THE GENERAL ASSEMBLY

Name	Address	Age	Occupation	County	Former Legislative Service
Alt, Don D.	West Des Moines	52	Savings & Loan Exec.	Polk, Sub. # 4	None
Andersen, Leonard C.	Sioux City	57	Realtor, Insurance	Woodbury, Sub. # 1	59, 60, 60X, 62
Bailey, Ray V.	Clarion	55	Lawyer	Wright	61, 62
Baker, Donald E.	Boone	38	Electronics Technician	Boone	61, 62
Battles, Lynn, Sr.	Maquoketa	58	Farmer, Cattleman	Jackson	62
Bennett, Vernon N.	Des Moines	32	Union Vice-President	Polk, Sub. # 5	62
Bergman, Irvin L.	Harris	57	Farmer	Lyon, Osceola	62
Blouin, Michael T.	Dubuque	23	Teacher	Dubuque, Sub. # 2	None
Brinck, Adrian B.	West Point	55	Advertising Manager	Lee, Sub. # 1	57, 61
Caffrey, James T.	Des Moines	59	Production Worker	Polk, Sub. # 10	61, 62
Camp, John	Bryant	53	Farm Management	Clinton, Sub. # 1	58, 59, 60, 60X, 62
Campbell, Herbert L.	Washington	57	Farmer	Washington	None
Christensen, Perry L.	Kent	36	Farmer	Clarke, Union	62
Cochran, Dale M.	Eagle Grove	40	Farmer, Businessman	Webster, Sub. # 2	61, 62
Corey, Dean O.	Morning Sun	47	Nursing Home Director	Louisa, Sub. # 2	None
Crabb, Frank A.	Denison	65	Farmer	Crawford	None
Crosier, Dale T.	Cedar Rapids	65	Salesman	Linn, Sub. # 5	61
Cunningham, Ray C.	Ames	75	Retired (YMCA)	Story, Sub. # 2	57, 58, 59, 60, 60X, 62
Darrington, William E.	Persia	64	Farmer	Harrison	54, 55, 56, 57, 58, 59, 60, 60X, 62
Den Herder, Elmer H.	Sioux Center	60	Realtor	Sioux	57, 58, 59, 60, 60X, 61, 62

REPRESENTATIVES IN GENERAL ASSEMBLY—Continued

Name	Address	Age	Occupation	County	Former Legislative Service
Dietz, Walter	Walcott	72	Retired	Scott, Sub. # 1	47, 48, 49
Dooley, Andrew G.	Sioux City	54	Pharmacist	Woodbury, Sub. # 3	None
Dougherty, Tom	Albia	58	Farmer	Lucas, Monroe	60X, 61
Doyle, Donald V.	Sioux City	44	Lawyer	Woodbury, Sub. # 2	57, 58, 61
Drake, Richard F.	Muscatine	41	Farmer	Louisa, Muscatine, Sub. # 1	None
Dunton, Keith	Thornburg	53	Farmer, Businessman	Keokuk	58, 59, 60, 60X, 61, 62
Edgington, Floyd P.	Sheffield	69	Retired Farmer	Franklin	55, 56, 57, 58, 59, 60, 60X, 61, 62
Ellsworth, Theodore R.	Dubuque	50	Insurance	Dubuque, Sub. # 3	None
Ewell, Vernon A.	Waterloo	31	Teacher	Black Hawk, Sub. # 4	None
Fischer, Harold O.	Wellsburg	51	Insurance, Realtor	Grundy	58, 59, 60, 60X, 61, 62
Fisher, C. Raymond	Grand Junction	61	Farmer	Greene	58, 59, 60, 60X, 61, 62
Franklin, A. June	Des Moines	38	Insurance, Realtor	Polk, Sub. # 9	62
Freeman, Dennis L.	Storm Lake	29	Insurance Counselor	Buena Vista	None
Freeman, Lester M.	Spirit Lake	58	Resort Owner, Realtor	Clay, Dickinson	62
Gannon, William J.	Mingo	31	Farmer	Jasper, Sub. # 1	61, 62
Goode, Dewey E.	Bloomfield	70	Retired	Appanoose, Davis	45, 45X, 46, 46X, 47, 48, 49, 50, 50X, 53, 54, 55, 56, 57, 59, 60, 60X
Graham, J. Wesley	Ida Grove	66	Farm Manager	Ida, Sac	59, 60, 60X, 61, 62
Grassley, Charles E.	New Hartford	35	Farmer	Butler	58, 59, 60, 60X, 61, 62
Hamilton, Howard A.	Tipton	59	Insurance, Dist. Mgr.	Cedar	None
Hansen, Willard R.	Cedar Falls	37	Insurance Executive	Black Hawk, Sub. # 1	None
Hanson, Fred B.	Osage	80	Secretary County Fair	Howard, Mitchell	59, 60, 60X, 62
Harbor, William H.	Henderson	48	Grain Elevator Owner	Fremont, Mills	56, 57, 58, 62
Hill, William	Marshalltown	38	Lawyer, Pastor	Marshall, Sub. # 1	62
Holden, Edgar H.	Davenport	54	Business Executive	Scott, Sub. # 5	62
Huff, William H., III	Urbandale	31	Lawyer	Polk, Sub. # 2	None
Jesse, Norman G.	Des Moines	31	Lawyer	Polk, Sub. # 6	None
Johnson, Harvey W.	Exira	64	Farmer	Audubon	56, 58, 60, 60X, 62
Johnston, Joseph C.	Iowa City	30	Lawyer, Accountant	Johnson, Sub. # 1	None
Kehe, Luvern W.	Waverly	58	Contractor, Engineer	Bremer	None
Kennedy, Gene V.	Dubuque	41	Insurance	Dubuque, Sub. # 1	None
Kennedy, Michael K.	New Hampton	29	Lawyer	Chickasaw	None
Kitner, Art	Independence	49	Farmer	Buchanan	62
Klein, James T.	Lake Mills	31	Planning Analyst	Winnebago, Worth	62
Cluever, Lester L.	Atlantic	48	Lawyer	Cass	57, 58, 59, 60, 60X, 61, 62
Knight, Harold L.	Humboldt	57	Dairy Bacteriologist	Humboldt, Pocahontas	62
Knoblauch, Charles E., Sr.	Carroll	46	Exec.	Carroll	None
Koch, Edgar J.	Sioux City	43	Insurance, Realtor	Woodbury, Sub. # 4	62

REPRESENTATIVES IN GENERAL ASSEMBLY—Continued

Name	Address	Age	Occupation	County	Former Legislative Service
Kreamer, Robert M.	Des Moines	27	Lawyer	Polk, Sub. #7	None
Kruse, Walter W. P.	Sheldon	64	Farmer, Insurance	O'Brien	None
Langland, Walter V.	Spring Grove, Minn.	41	Farmer	Winneshiek	62
Lawson, Murray C.	Mason City	45	Printing Firm Owner	Cerro Gordo, Sub. #2	None
Lippold, Donald L.	Waterloo	53	Educator	Black Hawk, Sub. #5	None
Lipsky, Joan	Cedar Rapids	49	Housewife	Linn, Sub. #6	62
Logue, Rayman D.	Marengo	48	Utility Employee	Iowa	None
Mayberry, D. Vincent	Fort Dodge	52	Poultry Processor	Webster, Sub. #1	61, 62
McCartney, Ralph F.	Charles City	43	Lawyer	Floyd	62
McCormick, Harold C.	Manchester	58	Furniture Store Owner	Delaware	None
McIntyre, Scott, Jr.	Cedar Rapids	35	Insurance Executive	Linn, Sub. #3	62
Mendenhall, John C.	New Albin	64	Retired	Allamakee	None
Menefee, Maynard T.	Fayette	61	Farmer	Fayette	None
Mezvinsky, Edward M.	Iowa City	31	Lawyer	Johnson, Sub. #2	None
Middleswart, James I.	Indianola	56	Farmer	Warren	62
Millen, Floyd	Farmington	48	Pres. Gravel Company	Jefferson, Van Buren	60, 60X, 61, 62
Miller, Charles P.	Burlington	50	Chiropractor	Des Moines, Sub. #1	60, 60X, 61, 62
Miller, Elizabeth R.	Marshalltown	63	Housewife	Marshall, Sub. #2	None
Miller, Leroy S.	Shenandoah	54	Implement Dealer	Page	60, 60X, 61, 62
Miller, Roy A.	Monticello	65	Retired	Jones	60, 60X, 62
Milligan, George F.	Des Moines	34	Banking	Polk, Sub. #8	None
Mohrfeld, Fred	Toledo	56	Retired	Tama	62
Nelson, Harold V.	Aurelia	69	Farmer	Cherokee	61, 62
Newton, Robert E.	Davenport	37	College Professor	Scott, Sub. #2	None
Nielsen, Alfred	Defiance	67	Farmer	Shelby	60, 60X, 61, 62
Nolting, Fred W.	Waterloo	36	Union President	Black Hawk, Sub. #3	None
O'Hearn, Trave E.	Davenport	30	Pres. Manufacturing Co.	Scott, Sub. #3	None
Ossian, Conrad	Red Oak	68	Businessman, Farmer	Adams, Montgomery	57, 58, 59, 60, 60X, 61, 62
Pelton, Charles H.	Clinton	28	Lawyer	Clinton, Sub. #2	62
Perkins, Larry L.	Council Bluffs	31	Commercial Decorator	Pottawattamie, Sub. #3	None
Peterson, Louis A.	Lawton	59	Farmer	Woodbury, Sub. #5	59, 60, 60X, 62
Pierson, George N.	Oskaloosa	64	Farmer	Mahaska	62
Poncy, Charles N.	Ottumwa	46	School Maintenance	Wapello, Sub. #1	62
Priebe, Berl E.	Algona	50	Farmer	Kossuth	None
Radl, Richard M.	Lisbon	57	Manufacturer	Linn, Sub. #2	61, 62
Renda, Thomas A.	Des Moines	31	Lawyer	Polk, Sub. #3	61, 62
Rex, Clyde	Ellsworth	46	Farmer	Hamilton	None

REPRESENTATIVES IN GENERAL ASSEMBLY—Continued

Name	Address	Age	Occupation	County	Former Legislative Service
Rodgers, Norman G.	Adel	41	Grocer	Dallas	None
Roorda, Norman	Monroe	40	Farmer	Jasper, Sub. # 2	62
Sanders, Leo I.	Estherville	74	Circ. Mgr. Newspaper	Emmet, Palo Alto	62
Schmeiser, Lloyd F.	Burlington	47	Farmer	Des Moines, Sub. # 2	None
Schroeder, Laverne W.	McClelland	35	Farmer	Pottawattamie, Sub. # 1	62
Schwartz, James H.	Ottumwa	40	Insurance	Wapello, Sub. # 2	None
Shaw, Elizabeth O.	Davenport	45	Lawyer, Housewife	Scott, Sub. # 4	62
Shepherd, Stanley T.	Farmington	65	Retired Executive	Lee, Sub. # 2	62
Skinner, Ed	Altoona	32	Lawyer	Polk, Sub. # 1	None
Sorg, Nathan F.	Marion	58	Pharmacist	Linn, Sub. # 1	62
Stokes, A. Gordon	LeMars	70	Farmer	Plymouth	59, 60, 60X, 61, 62
Strand, Clair	Grinnell	59	Laundromat Owner	Poweshiek	62
Stroburg, Eldon L.	Blockton	41	Farmer	Taylor, Ringgold	None
Stromer, Delwyn D.	Garner	38	Farmer	Hancock	62
Strothman, Charles F.	New London	67	Farmer	Henry	60, 60X, 61, 62
Tapscott, John E.	Des Moines	38	Insurance, Realtor	Polk, Sub. # 11	62
Tieden, Dale L.	Elkader	46	Farmer	Clayton	61, 62
Van Drie, Rudy	Ames	37	Shopper Publisher	Story, Sub. # 1	62
Van Nostrand, Maurice	Avoca	43	Editor, Grain Dealer	Pottawattamie, Sub. # 2	60, 60X, 62
Van Roekel, Gerrit	Pella	69	Retired	Marion	62
Varley, Andrew	Stuart	34	Farmer	Adair, Madison	62
Voorhees, Donald E.	Waterloo	38	Insurance	Black Hawk, Sub. # 2	62
Walter, Richard H.	Council Bluffs	48	Music Store Owner, Impresario	Pottawattamie, Sub. # 4	None
Warren, Homer L.	Leon	64	Farmer	Decatur, Wayne	None
Waugh, Jewell O.	Whiting	58	Farmer	Monona	62
Weichman, David E.	Newhall	47	Lawyer	Benton	59
Welden, Richard W.	Iowa Falls	60	Contractor	Hardin	62
Wells, James D.	Cedar Rapids	40	Food Co. Employee	Linn, Sub. # 4	None
Winkelman, William P.	Lohrville	35	Farmer, Businessman	Calhoun	60, 60X, 61, 62
Wolfe, Harold E.	Clear Lake	68	Retired	Cerro Gordo, Sub. # 1	62

OFFICERS OF THE SIXTY-THIRD GENERAL ASSEMBLY, FIRST SESSION

OFFICERS OF THE HOUSE

Speaker of the House—William H. Harbor Henderson
Speaker Pro Tempore—Floyd H. Millen Farmington
Majority Floor Leader—Ralph F. McCartney . . . Charles City
Assistant Majority Floor Leader—Rudy Van Drie Ames
Assistant Majority Floor Leader—Andrew Varley Stuart
Minority Floor Leader—William J. Gannon Mingo
Assistant Minority Floor Leader—Thomas A. Renda
Des Moines
Minority Whip—A. June Franklin Des Moines
Chief Clerk—William R. Kendrick Des Moines
Assistant Chief Clerk—Burl B. Beam Martensdale
Legislative Counsel—Lillian Leffert Des Moines
Engrossing Clerk—Mary Newcomb Des Moines
Chief Journal Clerk—Sue F. Reed Des Moines
Assistant Journal Clerk—Mary Royal Des Moines
Secretary to Chief Clerk—Dolores Abels Des Moines
Secretary to Chief Clerk—Virginia Garretson . . . Des Moines
Clerk to Chief Clerk—Billie Jean Walling Des Moines
Supervisor of Clerks—Elizabeth J. O'Connor . . . Des Moines
Chief Enrolling Clerk—Pauline E. Kephart Des Moines
Secretary to Speaker—Maryjo F. Welch Des Moines
Sergeant-at-Arms—Ralph A. Lancaster Des Moines
Assistant Sergeant-at-Arms—Clarence O. Anderson
Des Moines
Bill Clerk—Phyllis J. Fraizer Des Moines
Assistant Bill Clerk—Reid W. Crawford Ames
Supply Clerk—Ann McCarty Des Moines
Chief Electrician—Elmer E. Pennington Des Moines
Assistant Electrician—Alfred Wierson Radcliffe
Control Board Operator—Dan A. Sickels Mt. Ayr
Assistant Voting Machine Operator—Norman C. Grove
Des Moines
Postmaster—Laura J. Stokes LeMars

OFFICERS OF THE SENATE

President—Roger W. Jepsen Davenport
President Pro Tempore—Seeley G. Lodwick Wever
Majority Floor Leader—David M. Stanley Muscatine
Assistant Majority Floor Leader—Elmer F. Lange . . Sac City
Assistant Majority Floor Leader—James A. Potgeter
Steamboat Rock
Minority Floor Leader—Andrew G. Frommelt Dubuque
Assistant Minority Floor Leader—Lee H. Gaudineer, Jr.
Des Moines
Secretary of the Senate—Carroll A. Lane Carroll
Assistant Secretary of the Senate—Ruth E. Fisher
Des Moines
Legislative Counsel—Howard N. Sokol Sibley
Assistant Law and Reading Clerk—Jack Wayne Linge
Douds
Journal Clerk—Dorothy Nepstad Des Moines
Assistant Journal Clerk—Irene Williams Des Moines
Engrossing Clerk—Ardith Martin Des Moines
Secretary to the Secretary—Phyllis H. Hall Des Moines
Secretary to Legislative Counsel—Lois J. Kalleen
Des Moines
Secretary to Lieutenant Governor—Joyce Johnson . . . Davenport
Supply & Secretary's Clerk—Dorothy E. Hohnbaum . . Grimes
Special Clerk—Gail E. Longanecker Davenport
Assistant Clerk—K. Marie Thayer Ankeny
Payroll Clerk—Mary Ann Abbott Des Moines
Control Board Operator—Michael B. Springer Des Moines
Bill Clerk—James R. McCabe Des Moines
Assistant Bill Clerk—Helen Goreham Des Moines
File Clerk—Thomas J. O'Grady Des Moines
Sergeant-at-Arms—Romayne E. Huffman Carroll
Assistant Sergeant-at-Arms—John Nelson Jewell
Chief Doorkeeper—Byron Marshall Indianola
Postmistress—Mary D. Balloun Toledo

GENERAL ASSEMBLY—Continued

CONDITION OF STATE TREASURY

Receipts, Disbursements and Balances in the Several Funds
For Each Year of the Biennial Period Ending June 30, 1968.

Fiscal Year Ending June 30, 1967

	Balance June 30, 1966	Total Receipts and Transfers	Total Available	Total Warrants Redeemed Treasurer's Checks Issued and Transfers	Balance June 30, 1967
General Revenue	\$ 106,381,985	\$ 332,543,522	\$ 438,925,507	\$ 227,582,752	\$ 151,611,885
Transfers				59,730,870	
Trust Funds	95,965,837	181,064,691	357,730,353	272,746,748	84,983,605
Special Funds (Comptroller's Warrants)	250,603,786	351,051,393	601,655,179	302,606,449	278,079,774
Transfers				20,968,956	
Special Funds (Treasurer's Checks)	12,137,523	17,126,685	29,264,208	17,016,240	12,247,968
TOTALS	\$ 465,089,131	\$ 962,486,116	\$ 1,427,575,247	\$ 900,652,015	\$ 526,923,232
Balance July 1, 1966			\$ 465,089,131		
Receipts and Transfers			962,486,116		
TOTAL			\$ 1,427,575,247		
Disbursements and Transfers				900,652,015	
Balance June 30, 1967				\$ 526,923,232	

Fiscal Year Ending June 30, 1968

	Balance July 1, 1967	Total Receipts and Transfers	Total Available	Total Warrants Redeemed Treasurer's Checks Issued and Transfers	Balance June 30, 1968
General Revenue	\$ 151,611,885	\$ 394,303,897	\$ 545,915,782	\$ 350,827,136	\$ 125,644,299
Transfers				69,444,347	
Trust Funds	84,983,605	190,051,838	356,180,153	272,219,218	83,960,935
Transfers		81,144,710			
Special Funds (Comptroller's Warrants)	278,079,774	416,215,719	694,295,493	353,689,401	328,905,729
Transfers				11,700,363	
Special Funds (Treasurer's Checks)	12,247,968	18,443,946	30,691,914	17,525,726	13,166,188
TOTALS	\$ 526,923,232	\$ 1,100,160,110	\$ 1,627,083,342	\$ 1,075,406,191	\$ 551,677,151
Balance July 1, 1967			\$ 526,923,232		
Receipts and Transfers			1,100,160,110		
TOTAL			\$ 1,627,083,342		
Disbursements and Transfers				1,075,406,191	
Balance June 30, 1968				\$ 551,677,151	

APPROPRIATIONS TO STATE DEPARTMENTS

The following table is inserted to facilitate reference
to the state departmental appropriations in Chapter 1.

DEPARTMENT	SECTION	DEPARTMENT	SECTION
Adjutant General	27	Judges, District	35
Aging, Commission on	1	Judges, Supreme	36
Alcoholism Commission	2	Labor Bureau	18
Arts Council	3	Library, Law	19
Attorney General	34	Library, Medical	20
Auditor of State	4	Library, Traveling	21
Buildings and Grounds	26	Lieutenant Governor	13
Civil Rights Commission	5	Liquor Control Commission	22
Code Editor	38	Pharmacy Examiners	23
Comptroller	6	Pioneer Lawmakers	24
Council of State Governments	7	Printing Board	25
Economic Opportunity	8	Public Defense	27
Employment of the Handicapped	9	Real Estate Commission	28
Employment Security Commission	10	Revenue Department	29
Executive Council	11	Secretary of State	30
Governor	12	Spanish-American Veterans	31
Historical Society	14	Supreme Court Clerk	37
History and Archives	15	Supreme Court Reporter	38
Industrial Commissioner	16	Treasurer of State	32
Insurance Department	17	Uniform Laws Commission	33

LAWS

OF THE

First Regular Session

OF THE

Sixty-third General Assembly

OF THE

STATE OF IOWA

PASSED AT DES MOINES, THE CAPITAL OF THE STATE, BEGUN ON THE THIRTEENTH DAY OF JANUARY, AND ENDED ON THE TWENTY-THIRD DAY OF MAY, A. D. 1969, IN THE ONE HUNDRED TWENTY-THIRD YEAR OF THE STATE.

APPROPRIATIONS

For additional appropriations, see chapters
77, 80, 84, 142, 145, 151, 175, 190, 249,
329, 333, 334

CHAPTER 1

DEPARTMENTAL APPROPRIATIONS

H. F. 793

AN ACT to appropriate from the general fund of the state of Iowa to various state departments and their divisions, and to amend various sections of the Code relating to departments receiving appropriations under this Act.

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

- 1 SECTION 1. For the following departments there is hereby appropriated
- 2 from the general fund of the state for each year of the biennium beginning
- 3 July 1, 1969 and ending June 30, 1971, the following amounts, or so much
- 4 thereof as may be necessary, to be used in the manner designated:

5	ADMINISTRATION AND SERVICE DEPARTMENTS	
6	1. AGING, COMMISSION ON	
7	For salaries, support, maintenance and miscellaneous pur-	
8	poses, including a salary of eleven thousand (11,000) dollars	
9	for the executive director	\$ 25,820.00
10	2. ALCOHOLISM, COMMISSION ON	
11	For salaries, support, maintenance and miscellaneous pur-	
12	poses, including a salary of twelve thousand (12,000) dollars	
13	for the director	\$ 41,150.00
14	For purposes of carrying out the provisions of chapter one	
15	hundred twenty-three A point eight (123A.8), Code 1966, and	
16	any Act of the Sixty-third General Assembly relating to the	
17	treatment of alcoholism, no part of this appropriation shall	
18	be used for salaries, support and maintenance of the commis-	
19	sion, excluding individuals employed by local alcoholism or	
20	detoxification units, subject to approval of the governor . . .	\$ 500,000.00
21	Total	\$ 541,150.00
22	3. ARTS COUNCIL, IOWA STATE	
23	For salaries, support, maintenance and miscellaneous pur-	
24	poses	\$ 30,730.00
25	4. AUDITOR OF STATE	
26	a. General office	
27	For salaries, support, maintenance and miscellaneous pur-	
28	poses, including a salary of eighteen thousand (18,000) dollars	
29	for the auditor of state	\$ 603,470.00
30	b. Savings and loan division	
31	For salaries, support, maintenance and miscellaneous pur-	
32	poses	20,000.00
33	Total	\$ 623,470.00
34	5. CIVIL RIGHTS COMMISSION, IOWA	
35	For salaries, support, maintenance and miscellaneous pur-	
36	poses	\$ 86,790.00
37	6. COMPTROLLER, OFFICE OF STATE	
38	a. General office	
39	For salaries, support, maintenance and miscellaneous pur-	
40	poses, including a salary of twenty-two thousand (22,000)	
41	dollars for the state comptroller	\$ 358,190.00
42	b. Data processing	
43	For salaries, support, maintenance and miscellaneous pur-	
44	poses	1,685,810.00
45	Total	\$ 2,044,000.00
46	7. COUNCIL OF STATE GOVERNMENTS	
47	For support of the council of state governments	\$ 18,300.00
48	8. ECONOMIC OPPORTUNITY, OFFICE OF	
49	For salaries, support, maintenance and miscellaneous pur-	
50	poses (to match federal funds to the extent required)	\$ 25,130.00
51	9. EMPLOYMENT OF THE HANDICAPPED, COMMITTEE ON	
52	For salaries, support, maintenance and miscellaneous pur-	
53	poses	\$ 37,290.00

54	10. EMPLOYMENT SECURITY COMMISSION	
55	For salaries, support, maintenance and miscellaneous pur-	
56	poses for the administration of chapters ninety-seven (97)	
57	and ninety-seven C (97C) and section two hundred ninety-	
58	four point fifteen (294.15) of the Code	\$ 96,200.00
59	The salary for each of three members of the Iowa employ-	
60	ment security commission shall be fourteen thousand (14,000)	
61	dollars for each year of the biennium beginning July 1, 1969	
62	and ending June 30, 1971, and of this amount two thousand	
63	seven hundred (2,700) dollars shall be compensation for admin-	
64	istering chapter ninety-seven B (97B) of the Iowa statutes, and	
65	such sum shall be in full compensation for all services, and	
66	provisions made in any other Act or statutes for compensation	
67	of the members of the Iowa employment security commission	
68	shall be ineffective and void.	
69	11. EXECUTIVE COUNCIL	
70	For salaries, support, maintenance and miscellaneous pur-	
71	poses, including a salary of fourteen thousand five hundred	
72	(14,500) dollars for the secretary	\$ 774,750.00
73	12. GOVERNOR	
74	a. General office	
75	For salaries, support, maintenance and miscellaneous pur-	
76	poses, including a salary of thirty thousand (30,000) dollars	
77	for the governor	\$ 214,160.00
78	For governor's expenses incurred by him in connection	
79	with the duties of governor	5,000.00
80	b. State planning	
81	For salaries, support, maintenance and miscellaneous pur-	
82	poses	70,000.00
83	Total	\$ 289,160.00
84	13. GOVERNOR, LIEUTENANT	
85	For the lieutenant governor's per diem and expenses in-	
86	currred by him while performing the duties of lieutenant gov-	
87	ernor during such times when the general assembly is not in	
88	session, including travel, postage, and secretarial or clerical	
89	assistance. The lieutenant governor shall receive eighty (80)	
90	dollars per diem	\$ 7,000.00
91	14. HISTORICAL SOCIETY, THE STATE	
92	For salaries, support, maintenance and miscellaneous pur-	
93	poses, including a salary of twelve thousand five hundred	
94	(12,500) dollars for the director and not more than twelve	
95	thousand (12,000) dollars for a field director	\$ 138,340.00
96	For the board of curators-historical markers	5,000.00
97	Total	\$ 143,340.00
98	15. HISTORY AND ARCHIVES, IOWA STATE DEPARTMENT OF	
99	For salaries, support, maintenance and miscellaneous pur-	
100	poses, including a salary of twelve thousand five hundred	
101	(12,500) dollars for the curator	\$ 183,680.00
102	16. INDUSTRIAL COMMISSIONER	
103	For salaries, support, maintenance and miscellaneous pur-	

104	poses, including a salary of sixteen thousand (16,000) dollars	
105	for the commissioner	\$ 143,710.00
106	17. INSURANCE DEPARTMENT OF IOWA	
107	For salaries, support, maintenance and miscellaneous pur-	
108	poses, including a salary of sixteen thousand (16,000) dollars	
109	for the commissioner	\$ 724,045.00
110	18. LABOR, BUREAU OF	
111	For salaries, support, maintenance and miscellaneous pur-	
112	poses, including expenses of the employment safety commis-	
113	sion under chapter eighty-eight A (88A) of the Code and a	
114	salary of thirteen thousand (13,000) dollars for the commis-	
115	sioner	\$ 362,900.00
116	19. LAW LIBRARY, IOWA STATE	
117	For salaries, support, maintenance and miscellaneous pur-	
118	poses, including a salary of eleven thousand (11,000) dollars	
119	for the law librarian	\$ 76,950.00
120	20. MEDICAL LIBRARY, IOWA STATE	
121	For salaries, support, maintenance and miscellaneous pur-	
122	poses, including a salary of eleven thousand (11,000) dollars	
123	for the medical librarian	\$ 56,910.00
124	21. TRAVELING LIBRARY, IOWA STATE	
125	For salaries, support, maintenance and miscellaneous pur-	
126	poses, including a salary of eleven thousand (11,000) dollars	
127	for the director	\$ 145,240.00
128	22. LIQUOR CONTROL COMMISSION	
129	a. General operations	
130	For salaries, support, maintenance and miscellaneous pur-	
131	poses, including salaries for the three commissioners at twelve	
132	thousand (12,000) dollars each	\$ 5,565,720.00
133	b. Liquor enforcement division	
134	For salaries, support, maintenance and miscellaneous pur-	
135	poses	252,590.00
136	Total	\$ 5,818,310.00
137	23. PHARMACY EXAMINERS	
138	For salaries, support, maintenance and miscellaneous pur-	
139	poses, including a salary of eleven thousand three hundred	
140	(11,300) dollars for the secretary and narcotics supervisor	\$ 150,960.00
141	24. PIONEER LAWMAKERS	
142	For salaries, support, and miscellaneous purposes	\$ 150.00
143	25. PRINTING BOARD, THE	
144	For salaries, support, maintenance and miscellaneous pur-	
145	poses, including a salary of thirteen thousand (13,000) dollars	
146	for the superintendent	\$ 107,970.00
147	Provided that funds appropriated by this section, in the	
148	discretion of the printing board, may be used to pay the cost	
149	of printing of the "Iowa official register," "proceedings of the	
150	Iowa academy of science," "Iowa welcomes you" booklet and	
151	other miscellaneous items.	

152	26. PUBLIC BUILDINGS AND GROUNDS, SUPERINTENDENT OF	
153	For salaries, support, maintenance and miscellaneous pur-	
154	poses	\$ 930,650.00
155	For maintenance, repairs, replacements, alterations, or	
156	equipment of public buildings and grounds of the state of	
157	Iowa, subject to approval of the executive council	165,000.00
158	Total	<u>\$ 1,095,650.00</u>
159	27. PUBLIC DEFENSE, DEPARTMENT OF	
160	a. Military division	
161	For salaries, support, maintenance and miscellaneous pur-	
162	poses	\$ 1,113,520.00
163	b. Civil defense division	
164	For salaries, support, maintenance and miscellaneous pur-	
165	poses	<u>94,220.00</u>
166	c. The salary of the director of civil defense shall be eleven	
167	thousand five hundred (11,500) dollars for each year of the	
168	biennium.	
169	Total	<u>\$ 1,207,740.00</u>
170	28. REAL ESTATE COMMISSION, IOWA	
171	For salaries, support, maintenance and miscellaneous pur-	
172	poses, including a salary of thirteen thousand (13,000) dollars	
173	for the director	<u>\$ 80,050.00</u>
174	29. REVENUE, DEPARTMENT OF	
175	For salaries, support, maintenance and miscellaneous pur-	
176	poses, including a salary of twenty-four thousand (24,000)	
177	dollars for the director	<u>\$ 4,777,740.00</u>
178	30. SECRETARY OF STATE	
179	For salaries, support, maintenance and miscellaneous pur-	
180	poses, including a salary of eighteen thousand (18,000) dollars	
181	for the secretary of state	<u>\$ 183,920.00</u>
182	31. SPANISH-AMERICAN WAR VETERANS	
183	For salaries, support, maintenance and miscellaneous pur-	
184	poses	<u>\$ 3,490.00</u>
185	32. TREASURER OF STATE	
186	For salaries, support, maintenance and miscellaneous pur-	
187	poses, including a salary of eighteen thousand (18,000) dollars	
188	for the treasurer of state	<u>\$ 154,700.00</u>
189	33. UNIFORM LAWS, COMMISSION ON	
190	For support of the conference of commissioners on uniform	
191	state laws	\$ 2,200.00
192	For traveling expenses of members of the commission on	
193	uniform laws	<u>1,500.00</u>
194	Total	<u>\$ 3,700.00</u>
195	JUDICIAL DEPARTMENTS	
196	34. ATTORNEY GENERAL	
197	For salaries, support, maintenance and miscellaneous pur-	
198	poses, including a salary of twenty-two thousand (22,000) dol-	
199	lars for the attorney general	<u>\$ 453,340.00</u>

200	35. DISTRICT COURT JUDGES	
201	For salaries of the judges of the district courts of Iowa,	
202	and a state contribution to the judicial retirement system pro-	
203	vided for in chapter six hundred five A (605A) of the Code,	
204	in the amount of three (3) percent of such salaries and an	
205	additional state contribution of one hundred four thousand	
206	two hundred eight (104,208) dollars	\$ 1,783,200.00
207	For expenses of judges in and out of districts, including	
208	those designated by order of the chief justice to attend judi-	
209	cial conferences, seminars, or training sessions	81,000.00
210	Total	<u>\$ 1,864,200.00</u>
211	36. SUPREME COURT	
212	For salaries of judges of the supreme court of Iowa and a	
213	state contribution to the judicial retirement system provided	
214	for in chapter six hundred five A (605A) of the Code, in the	
215	amount of three (3) percent of such salaries and an additional	
216	state contribution of fifty-five thousand one hundred eighty-	
217	eight (55,188) dollars; and for other salaries, support, main-	
218	tenance and miscellaneous purposes, including one thousand	
219	(1,000) dollars for the cost of judicial conferences as provided	
220	in section six hundred eighty-four point twenty (684.20) of the	
221	Code, pursuant to the provisions of section six hundred one	
222	point one hundred thirty-four (601.134) of the Code	\$ 410,220.00
223	For rules of procedure	250.00
224	Total	<u>\$ 410,470.00</u>
225	37. SUPREME COURT, CLERK OF	
226	For salaries, support, maintenance and miscellaneous pur-	
227	poses, including a salary of nine thousand (9,000) dollars for	
228	the chief clerk	\$ 30,450.00
229	38. SUPREME COURT, REPORTER OF AND CODE EDITOR	
230	For salaries, support, maintenance and miscellaneous pur-	
231	poses, including a salary of thirteen thousand (13,000) dollars	
232	for the code editor, and a salary of thirteen thousand (13,000)	
233	dollars for the deputy code editor	\$ 56,480.00
234	Grand total of all appropriations for each year of the	
235	biennium provided by section one (1) of this Act . . .	<u>\$22,835,885.00</u>

1 SEC. 2. All federal grants to and the federal receipts of these depart-
2 ments and divisions thereof are hereby appropriated for the purpose set
3 forth in such federal grants or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for capital
2 improvements, except such expenditures as may be made in connection
3 with maintenance and training facilities required by the Military Division,
4 Department of Public Defense.

1 SEC. 4. There is hereby transferred to the general fund of the state
2 the sum of twenty-one thousand six hundred (21,600) dollars from the spe-
3 cial fund created and existing under the provisions of section one hundred
4 twenty-four point five (124.5) of the Code, as amended by chapter one hun-
5 dred fifty-five (155), section seven (7), Acts of the Sixty-second General
6 Assembly.

1 SEC. 5. Section five hundred seven point four (507.4), Code 1966, is
2 amended by striking from line twenty-nine (29) the words "funds in the
3 state treasury" and inserting in lieu thereof the words "appropriations for
4 such purposes".

1 SEC. 6. Section six hundred five point one (605.1), Code 1966, as amend-
2 ed by chapter one (1), section fifty-one (51), Acts of the Sixty-second Gen-
3 eral Assembly, is amended by striking the word and figures "nineteen (19)"
4 and inserting in lieu thereof the word and figures "twenty-one (21)".

1 SEC. 7. Section six hundred eighty-four point seventeen (684.17), Code
2 1966, as amended by chapter one (1), sections fifty-two (52) and sixty-eight
3 (68), Acts of the Sixty-second General Assembly, is amended by striking
4 the word and figures "twenty-two (22)" and inserting in lieu thereof the
5 word and figures "twenty-four (24)".

1 SEC. 8. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved June 2, 1969.

CHAPTER 2

DEPARTMENTAL APPROPRIATIONS

H. F. 815

AN ACT to appropriate from the general fund of the state to various departments and various divisions thereof of the state.

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

1	SECTION 1. For the following departments there is hereby appropriated	
2	from the general fund of the state for each year of the biennium begin-	
3	ning July 1, 1969 and ending June 30, 1971, the following amounts, or so	
4	much thereof as may be necessary, to be used in the manner designated:	
5	1. ARCHEOLOGIST, STATE	
6	For salaries, support, maintenance, travel, and miscella-	
7	neous purposes	\$ 21,140.00
8	2. GEOLOGICAL SURVEY	
9	a. General office	
10	For salaries, including a salary of twenty-one thousand	
11	(21,000) dollars for the state geologist	\$ 166,920.00
12	For support, maintenance, travel, and miscellaneous pur-	
13	poses	159,160.00
14		<u>326,080.00</u>
15	b. Stream gauging	
16	For support, maintenance, and miscellaneous purposes . .	47,600.00
17	Total	\$ 373,680.00
18	3. MINES AND MINERALS, DEPARTMENT OF	
19	a. State mining board	
20	For salaries, support, maintenance, travel and miscella-	
21	neous purposes	\$ 2,500.00

22	b. Mine inspectors	
23	For salaries, including a salary of nine thousand (9,000)	
24	dollars for the state mine inspector	\$ 28,500.00
25	For support, maintenance, travel, and miscellaneous pur-	
26	poses	5,750.00
27		<u>34,250.00</u>
28	Total	\$ 36,750.00
29	4. NATURAL RESOURCES COUNCIL, IOWA	
30	For salaries, including a salary of sixteen thousand	
31	(16,000) dollars for the director	\$ 164,540.00
32	For support, maintenance, travel, and miscellaneous pur-	
33	poses	59,520.00
34	Total	\$ 224,060.00
35	5. SOIL CONSERVATION	
36	For salaries, including a salary of fourteen thousand	
37	(14,000) dollars for the director	\$ 51,890.00
38	For support, maintenance, travel, and miscellaneous pur-	
39	poses	27,200.00
40	Total	\$ 79,090.00
41	6. SOIL CONSERVATION COMMITTEE	
42	To carry on soil conservation work in soil conservation	
43	districts organized under the soil conservation districts law of	
44	the state of Iowa:	
45	For aid to soil conservation districts for district commis-	
46	sioners' expenses, stationery, postage, and other uses as they	
47	may be authorized by the state soil conservation committee,	
48	five hundred (500) dollars per district	\$ 50,000.00
49	For additional aid to soil conservation districts for district	
50	commissioners' expenses, stationery, postage, and other uses	
51	as they may be authorized and approved by the state soil	
52	conservation committee, allocated on a need basis	5,000.00
53	For personnel, technicians and clerical, and their neces-	
54	sary expenses including office rental, equipment and materials	
55	to be assigned to the soil conservation districts by the state	
56	soil conservation committee on a need basis	669,840.00
57	For participation in and conjunction with the federal gov-	
58	ernment or any of its agencies in joint operations of water-	
59	shed planning and development within the state of Iowa ...	50,000.00
60	For use and expenditure in participation and conjunction	
61	with the soil conservation service, United States department	
62	of agriculture, and state agencies in joint operations of con-	
63	ducting soil surveys on lands within the state of Iowa	100,000.00
64	Total	\$ 874,840.00
65	Grand total of all appropriations for each year of the bien-	
66	num provided by section one (1) of this Act	\$ 1,609,560.00

1 SEC. 2. All federal grants to and the federal receipts of these depart-
2 ments and divisions thereof are hereby appropriated for the purpose set
3 forth in such federal grants or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for capital
2 improvements.

1 SEC. 4. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

1 SEC. 5. The provisions of chapter eight (8) of the Code shall apply to
2 this Act.

Approved June 2, 1969.

CHAPTER 3

DEPARTMENTAL APPROPRIATIONS

S. F. 581

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1969 and ending June 30, 1971, to various departments and various divisions thereof of the state of Iowa.

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

1 SECTION 1. For the following departments there is hereby appropriat-
2 ed from the general fund of the state for each year of the biennium begin-
3 ning July 1, 1969 and ending June 30, 1971, the following amounts, or so
4 much thereof as may be necessary, to be used in the manner designated:

5	1. BLIND, IOWA COMMISSION FOR THE	
6	For salaries, support, maintenance and miscellaneous purposes (in-	
7	cluding a salary of seventeen thousand (17,000) dollars for the direc-	
8	tor)	\$ 362,460.00
9	For the training and education of multiple handicapped blind chil-	
10	dren	10,000.00
11	Total	<u>\$ 372,460.00</u>
12	2. HIGHER EDUCATION FACILITIES COMMISSION	
13	For salaries, support, maintenance and miscellaneous purposes	
14	. . . . .	<u>\$ 65,240.00</u>
15	3. SOLDIERS' BONUS BOARD, WORLD WAR ORPHANS' EDUCATION AID	
16	For the purpose of administration and aiding in the education of chil-	
17	dren of honorably discharged soldiers, sailors, marines, nurses, or other	
18	component part of the military forces of this state or nation as specified	
19	in section thirty-five point nine (35.9), Code 1966	<u>\$ 55,000.00</u>
20	Grand total of all appropriations for each year of the biennium pro-	
21	vided by section one (1) of this Act	<u><u>\$ 492,700.00</u></u>

1 SEC. 2. All federal grants to and the federal receipts of these depart-
2 ments and divisions thereof are hereby appropriated for the purpose set
3 forth in such federal grants or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for capital
2 improvements.

1 SEC. 4. The provisions of chapter eight (8) of the Code are hereby made
2 applicable to this Act.

1 SEC. 5. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved April 23, 1969.

CHAPTER 4

DEPARTMENTAL EXPENDITURES FROM FUNDS

S. F. 635

AN ACT to appropriate from moneys received by certain commissions, boards, and departments for the biennium beginning July 1, 1969 and ending June 30, 1971.

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

1 SECTION 1. For the following commissions, boards, and departments,
2 there is hereby appropriated all funds received under authority of the desig-
3 nated chapters or sections of the Code for the biennium beginning July 1,
4 1969 and ending June 30, 1971. The following amounts, or so much thereof
5 as may be necessary, are authorized to be expended from said receipts for
6 each year of the biennium to be used in the manner designated:

7	1. Accountancy, board of — chapter one hun-	
8	dred sixteen (116) of the Code:	
9	For salaries, support, maintenance, equipment	
10	and miscellaneous purposes	\$ 24,355.00
11	2. Architectural examiners, board of — chapter	
12	one hundred eighteen (118) of the Code:	
13	For salaries, support, maintenance, equipment	
14	and miscellaneous purposes	\$ 14,290.00
15	3. Engineering examiners, board of — chapter	
16	one hundred fourteen (114) of the Code:	
17	For salaries, support, maintenance, equipment	
18	and miscellaneous purposes	\$ 41,050.00
19	4. Judicial department statistician — section	
20	six hundred six point fifteen (606.15) of the Code:	
21	For salaries, support, maintenance, equipment	
22	and miscellaneous purposes	\$ 25,250.00
23	5. Liquor control commission, Iowa — beer per-	
24	mit fund — section one hundred twenty-four	
25	point five (124.5) of the Code:	
26	For salaries, support, maintenance, equipment	
27	and miscellaneous purposes	\$ 19,000.00

1 SEC. 2. The remainder of each of the various funds referred to in sec-
2 tion one (1) of this Act is hereby appropriated for contingencies arising
3 during the biennium which are legally payable from the various funds.

1 SEC. 3. A contingency shall exclude any purpose or project which was
2 presented to the general assembly by way of a bill and which failed to be-
3 come enacted into law; however, for the purpose of this Act an unforeseen
4 necessity of additional operating funds may be construed as a contingency.

1 SEC. 4. Before any of the funds appropriated by this Act shall be allo-
2 cated for contingencies it shall be determined by the executive council

3 that a contingency exists and that the proposed allocation shall be for the
4 best interest of the state.

1 SEC. 5. If the full amounts authorized in section one (1) are not ex-
2 pended during the first year, the unused portion shall carry forward and be
3 an addition to the amount authorized for the second year of the biennium.

1 SEC. 6. The provisions of chapter eight (8), Code 1966, are hereby
2 made a part of this Act.

1 SEC. 7. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved May 14, 1969.

CHAPTER 5

AGRICULTURE TRUST FUNDS

S. F. 631

AN ACT to appropriate from moneys received by certain commissions, boards, and departments.

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

1 SECTION 1. For the following commissions, boards, and departments,
2 there is hereby appropriated all funds received under authority of the desig-
3 nated chapters or sections of the Code for the biennium beginning July 1,
4 1969 and ending June 30, 1971. The following amounts, or so much thereof
5 as may be necessary, are authorized to be expended from said receipts for
6 each year of the biennium to be used in the manner designated:

7	1. Agriculture, department of — commercial feed fund —	
8	chapter one hundred ninety-eight (198) of the Code:	
9	For salaries	\$275,040.00
10	For travel	17,000.00
11	For equipment	8,000.00
12	For support, maintenance and miscellaneous purposes ..	15,000.00
13	Total	<u>\$315,040.00</u>
14	2. Agriculture, department of — restaurant inspection	
15	fund — chapter one hundred seventy (170) of the Code:	
16	For salaries	\$ 87,310.00
17	For travel	29,400.00
18	For support, maintenance and miscellaneous purposes ..	3,000.00
19	Total	<u>\$119,710.00</u>
20	3. Agriculture, department of — state board of veteri-	
21	nary examiner's fund — chapter one hundred sixty-nine	
22	(169) of the Code:	
23	For salaries, support, maintenance, equipment and	
24	miscellaneous purposes	\$ 3,500.00
25	4. Agriculture, department of — pesticide fund —	
26	chapter two hundred six (206) of the Code:	
27	For salaries	\$ 38,040.00
28	For travel	5,000.00

29	For equipment	\$ 1,000.00
30	For support, maintenance and miscellaneous purposes	5,000.00
31	Total	<u>\$ 49,040.00</u>
32	5. Agriculture, department of — fertilizer fund —	
33	chapter two hundred (200) of the Code:	
34	For salaries	\$180,080.00
35	For travel	10,000.00
36	For equipment	11,750.00
37	For support, maintenance and miscellaneous purposes	8,000.00
38	Total	<u>\$209,830.00</u>
39	6. Agriculture, department of — dairy trade practice	
40	fund — chapter one hundred ninety-two A (192A) of	
41	the Code:	
42	For salaries	\$ 41,750.00
43	For travel	5,000.00
44	For equipment	500.00
45	For support, maintenance and miscellaneous purposes	9,750.00
46	Total	<u>\$ 57,000.00</u>
47	7. Dairy industry commission, Iowa — dairy industry	
48	fund — chapter one hundred seventy-nine (179) of the Code:	
49	For salaries	\$ 25,640.00
50	For promotional expense	43,350.00
51	For payments to American dairy association	250,000.00
52	For support, maintenance and miscellaneous purposes	11,980.00
53	Total	<u>\$330,970.00</u>

1 SEC. 2. The remainder of each of the various funds referred to in
2 section one (1) of this Act is hereby appropriated for contingencies arising
3 during the biennium which are legally payable from the various funds.

1 SEC. 3. A contingency shall exclude any purpose or project which was
2 presented to the general assembly by way of a bill and which failed to
3 become enacted into law, however, for the purpose of this Act an unfore-
4 seen necessity of additional operating funds may be construed as a contin-
5 gency.

1 SEC. 4. Before any of the funds appropriated by this Act shall be
2 allocated for contingencies it shall be determined by the governor and the
3 state comptroller that a contingency exists and that the proposed alloca-
4 tion shall be for the best interest of the state.

1 SEC. 5. If the full amounts authorized in section one (1) of this Act
2 are not expended during the first year, the unused portion shall carry for-
3 ward and be an addition to the amount authorized for the second year of
4 the biennium.

1 SEC. 6. The provisions of chapter eight (8), Code 1966, are hereby
2 made applicable to this Act.

1 SEC. 7. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved May 16, 1969.

CHAPTER 6

HEALTH DEPARTMENT AND NURSES

S. F. 654

AN ACT to appropriate from moneys received by certain commissions, boards, and departments.

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

- 1 SECTION 1. For the following commissions, boards, and departments,
 2 there is hereby appropriated all funds received under authority of the
 3 designated chapters or sections of the Code for the biennium beginning
 4 July 1, 1969 and ending June 30, 1971. The following amounts, or so much
 5 thereof as may be necessary, are authorized to be expended from said re-
 6 ceipts for each year of the biennium to be used in the manner designated:
- 7 1. Health, state department of — board of bas-
 8 ic science examiners fund — chapter one hundred
 9 forty-six (146) of the Code:
- 10 For support, maintenance, equipment and
 11 miscellaneous purposes \$ 17,800.00
- 12 2. Health, state department of — board of
 13 funeral directing and embalming examiners fund
 14 — section one hundred forty-seven point one
 15 hundred one (147.101) of the Code:
- 16 For support, maintenance, equipment and
 17 miscellaneous purposes \$ 9,150.00
- 18 3. Health, state department of — board of
 19 dentistry fund — chapter one hundred sixty-six
 20 (166), Acts of the Sixty-second General Assembly:
- 21 For salaries, support, maintenance, equipment
 22 and miscellaneous purposes \$ 27,250.00
- 23 4. Health, state department of — operators'
 24 certification fund — chapter one hundred thirty-
 25 six A (136A) of the Code:
- 26 For salaries, support, maintenance, equipment
 27 and miscellaneous purposes \$ 4,700.00
- 28 5. Health, state department of — state board
 29 of optometry examiners fund — section one hun-
 30 dred forty-seven point one hundred seventeen
 31 (147.117) of the Code:
- 32 For salaries, support, maintenance, equipment
 33 and miscellaneous purposes \$ 8,000.00
- 34 6. Health, state department of — state board of
 35 physical therapy examiners fund — section one
 36 hundred forty-seven point one hundred fifteen
 37 (147.115) of the Code:
- 38 For salaries, support, maintenance, equipment
 39 and miscellaneous purposes \$ 2,200.00
- 40 7. Health, state department of — state board
 41 of medical examiners fund — section one hundred
 42 forty-seven point one hundred three (147.103) of
 43 the Code:

44 For salaries, support, maintenance, equipment
 45 and miscellaneous purposes \$ 54,260.00
 46 8. Nurse examiners, board of — nurse’s fund
 47 — section one hundred forty-seven point one
 48 hundred seven (147.107) of the Code:
 49 For salaries, support, maintenance, equipment
 50 and miscellaneous purposes \$112,525.00

1 SEC. 2. The remainder of each of the various funds referred to in sec-
 2 tion one (1) of this Act is hereby appropriated for contingencies arising
 3 during the biennium which are legally payable from the various funds.

1 SEC. 3. A contingency shall exclude any purpose or project which was
 2 presented to the general assembly by way of a bill and which failed to be-
 3 come enacted into law, however, for the purpose of this Act an unforeseen
 4 necessity of additional operating funds may be construed as a contingency.

1 SEC. 4. Before any of the funds appropriated by this Act shall be allo-
 2 cated for contingencies it shall be determined by the executive council that
 3 a contingency exists and that the proposed allocation shall be for the best
 4 interest of the state.

1 SEC. 5. If the full amounts authorized in section one (1) are not ex-
 2 pended during the first year, the unused portion shall carry forward and be
 3 an addition to the amount authorized for the second year of the biennium.

1 SEC. 6. The provisions of chapter eight (8) of the Code shall apply to
 2 this Act.

1 SEC. 7. Where any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved May 12, 1969.

CHAPTER 7

AERONAUTICS COMMISSION

H. F. 802

AN ACT to appropriate from moneys received by the Iowa aeronautics commission.

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

1 SECTION 1. For the Iowa aeronautics commission there is hereby ap-
 2 propriated all funds received in the state aviation fund for the biennium
 3 beginning July 1, 1969 and ending June 30, 1971. The following amount,
 4 or so much thereof as may be necessary, is authorized to be expended
 5 from said receipts for each year of the biennium to be used in the manner
 6 designated:

7 For salaries, support, maintenance, equipment and miscel-
 8 laneous purposes \$ 226,370.00

1 SEC. 2. The remainder of the fund is hereby appropriated for contin-
 2 gencies arising during the biennium which are legally payable from the
 3 funds and for aeronautical purposes authorized by section three hundred
 4 twenty-eight point twelve (328.12) of the Code.

1 SEC. 3. A contingency shall exclude any purpose or project which
 2 was presented to the general assembly by way of a bill and which failed
 3 to become enacted into law, however, for the purpose of this Act an un-
 4 foreseen necessity of additional operating funds may be construed as a
 5 contingency.

1 SEC. 4. Before any of the funds appropriated by this Act shall be
 2 allocated for contingencies it shall be determined by the governor and the
 3 state comptroller that a contingency exists and that the proposed allo-
 4 cation shall be for the best interest of the state.

1 SEC. 5. If the full amount authorized is not expended during the
 2 first year, the unused portion shall carry forward and be an addition to
 3 the amount authorized for the second year of the biennium.

1 SEC. 6. The provisions of chapter eight (8) of the Code shall apply to
 2 this Act.

1 SEC. 7. Where any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved June 2, 1969.

CHAPTER 8

BOVINE BRUCELLOSIS ERADICATION

S. F. 670

AN ACT relating to the eradication of bovine brucellosis and to appropriate from the general fund of the state to the department of agriculture.

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

1 SECTION 1. For the department of agriculture there is hereby appropri-
 2 ated from the general fund of the state for each year of the biennium be-
 3 ginning July 1, 1969 and ending June 30, 1971, the following amounts, or
 4 so much thereof as may be necessary, to be used in the manner designated:

5	I. AGRICULTURE, DEPARTMENT OF	
6	a. General administration	
7	Main office, plant pest control, crop pest con-	
8	trol, egg inspection, poultry association — short	
9	courses and achievement shows, vegetable grow-	
10	ers association, weather bureau, dairy specialists	
11	and bacteriologists, entomology, hatchery inspec-	
12	tion, restaurant and hotel inspection, disposal of	
13	dead animals, and motor fuel chemists:	
14	For salary of the secretary of agriculture	\$ 18,000.00
15	For other salaries	552,880.00
16	For support, maintenance, and miscellaneous	
17	purposes	200,000.00
18	For plant pest control	25,420.00
19	Total for general administration	\$ 796,300.00
20	b. Animal health and veterinary	
21	For salaries	\$ 254,390.00

22	For support, maintenance, and miscellaneous	
23	purposes; for control or eradication of contagious	
24	and infectious livestock diseases, including a bru-	
25	cellosis program; indemnities; and assistant	
26	state veterinarians' per diem and expenses	\$ 98,250.00
27	Total for animal health and veterinary	\$ 352,640.00
28	c. Agriculture marketing division	
29	For salaries	\$ 44,230.00
30	For support, maintenance, and miscellaneous	
31	purposes	79,470.00
32	Total agriculture marketing division	\$ 123,700.00
33	d. Agricultural statistics	
34	For salaries	\$ 43,420.00
35	For support, maintenance, and miscellaneous	
36	purposes	15,180.00
37	Total for agricultural statistics	\$ 58,600.00
38	e. Bee inspection	
39	For salaries	\$ 15,900.00
40	For support, maintenance, and miscellaneous	
41	purposes	4,650.00
42	Total for bee inspection	\$ 20,550.00
43	f. Market news, poultry	
44	For support, maintenance, and miscellaneous	
45	purposes	\$ 4,600.00
46	Grand total of all appropriations for each	
47	year of the biennium provided by section one (1)	
48	of this Act	<u>\$1,356,390.00</u>

1 SEC. 2. All federal grants to and the federal receipts of the department
2 of agriculture and divisions thereof are hereby appropriated for the purpose
3 set forth in such federal grants or receipts.

1 SEC. 3. Section one hundred sixty-four point three (164.3), Code 1966,
2 is hereby repealed and the following enacted in lieu thereof:

3 "All native female cattle between ages of three and eight months may
4 be officially vaccinated for brucellosis according to the method approved
5 by the United States department of agriculture. The expense of such vacci-
6 nation shall be borne in the same manner as set forth in section one
7 hundred sixty-four point six (164.6) of the Code."

1 SEC. 4. Chapter one hundred sixty-four (164), Code 1966, is hereby
2 amended by adding thereto the following new section:

3 "All bovine animals two years of age and older received for sale or ship-
4 ment to a slaughtering establishment shall be identified with a back tag
5 issued by the department. The back tag shall be affixed to the animal as
6 directed by the department. It shall be the duty of every livestock trucker
7 when delivering to out-of-state markets, and every livestock dealer, live-
8 stock market operator, stockyards operator, and slaughtering establishment
9 to identify all such bovine animals not bearing a back tag at the time of
10 taking possession or control of such animals. A livestock trucker may be
11 exempted from this requirement if the animals are identified as to the farm

12 of origin when delivered to a livestock market, stockyards, or slaughtering
 13 establishment which agrees to accept responsibility for back-tag identifica-
 14 tion. Every person required to identify animals in accordance with this
 15 section shall file reports of such identification on forms as specified by the
 16 department, including thereon the back-tag number and date of applica-
 17 tion; the name, address and county of residence of the person who owned
 18 or controlled the herd from which such animals originated; and whether
 19 the animal was of the beef or dairy type. Each such report should cover
 20 all animals identified during the preceding week. The removal of back tags
 21 shall be restricted to personnel specifically authorized by, and according
 22 to, instructions and policies issued by the department. The removal of
 23 back tags by unauthorized personnel shall be considered a violation of this
 24 section and subject to the penalties as provided in section one hundred
 25 sixty-four point thirty (164.30) of the Code.”

1 SEC. 5. Section one hundred sixty-four point fourteen (164.14), Code
 2 1966, is hereby repealed and the following enacted in lieu thereof:

3 “The following requirements apply to cattle imported into the state for
 4 feeding or grazing purposes:

5 1. Female cattle of a recognized beef type over eight months of age but
 6 under twenty-one months of age not visibly pregnant may enter the state
 7 for feeding and grazing purposes to be held under quarantine for a period
 8 not to exceed twelve months. An owner may upon written request receive
 9 an extension of quarantine not to exceed one hundred twenty days. Such
 10 cattle shall be individually identified by consecutively numbered metal
 11 ear tags. These cattle may be released from quarantine by passing a nega-
 12 tive brucellosis test at owner’s expense.

13 2. Female calves under eight months of age imported for any reason
 14 shall have free movement into the state on a health certificate made out
 15 by an accredited veterinarian.

16 3. All beef-type female cattle over twenty-one months of age not visibly
 17 pregnant may enter the state for feeding and grazing purposes. They must
 18 be individually identified, be negative to a brucellosis test conducted within
 19 thirty days prior to entry or be officially vaccinated and less than thirty
 20 months of age, unless they are consigned to a state-federal approved mar-
 21 ket. They shall be quarantined for a one hundred twenty day period. A
 22 negative test at owner’s expense conducted no sooner than thirty days after
 23 the first test would release the cattle from quarantine and qualify them
 24 as breeding cattle. Female cattle officially vaccinated and under thirty
 25 months of age have free movement. Any imported cattle under feeder
 26 quarantine after attaining the age of twenty-one months if classified as
 27 breeding cattle must meet test requirements at owner’s expense.”

1 SEC. 6. No moneys appropriated by this Act shall be used for capital
 2 improvements.

1 SEC. 7. Where any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved May 29, 1969.

CHAPTER 9

AGRICULTURAL ASSOCIATIONS AND INDUSTRIES

H. F. 820

AN ACT to appropriate from the general fund of the state of Iowa for various agricultural associations and industries.

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

1 SECTION 1. For the department of agriculture there is hereby appro-
 2 priated from the general fund of the state for each year of the biennium
 3 beginning July 1, 1969 and ending June 30, 1971, the following amounts, or
 4 so much thereof as may be necessary, to be used by the following associa-
 5 tions for the purposes and objects for which such associations exist and for
 6 the general development of marketing and other economic activities of the
 7 agricultural industry of Iowa:

8	1. Iowa beef cattle producers associations	\$	20,000.00
9	2. Iowa crop improvement association		3,500.00
10	3. Iowa state dairy association		20,000.00
11	4. Dairy calf club exposition		2,000.00
12	5. State horticultural society		16,500.00
13	6. Iowa state sheep association		14,500.00
14	7. Iowa swine producers association		20,000.00
15	Total	\$	96,500.00

1 SEC. 2. The funds distributable for the dairy calf exposition and state
 2 horticultural society shall be distributed as authorized in chapters one
 3 hundred eighty (180) and one hundred eighty-six (186) of the Code. Funds
 4 to the other associations shall be distributed in quarterly installments on
 5 warrant of the state comptroller upon the certificate of the secretary of
 6 agriculture.

1 SEC. 3. Any unencumbered balance remaining as of June 30, 1971, of
 2 the funds appropriated by this Act, shall revert to the general fund of the
 3 state as of June 30, 1971.

Approved June 5, 1969.

CHAPTER 10

BANKING DEPARTMENT

H. F. 804

AN ACT to appropriate moneys received by the state banking department.

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

1 SECTION 1. For the state banking department there is hereby appropriat-
 2 ed all funds received under authority of chapter five hundred twenty-four
 3 (524) of the Code, or any successor thereto, for the biennium beginning
 4 July 1, 1969 and ending June 30, 1971. The following amount, or so much
 5 thereof as may be necessary, is authorized to be expended from said receipts
 6 for each year of the biennium to be used in the manner designated:

7 For salaries, support, maintenance, equipment,
8 and miscellaneous purposes \$987,428.50

1 SEC. 2. The remainder of the funds referred to in section one (1) of
2 this Act is hereby appropriated for contingencies arising during the bienni-
3 um which are legally payable from said fund.

1 SEC. 3. A contingency shall exclude any purpose or project which was
2 presented to the general assembly by way of a bill and failed to become
3 enacted into law, however, for the purpose of this Act an unforeseen neces-
4 sity of additional operating funds may be construed as a contingency.

1 SEC. 4. Before any of the funds appropriated by this Act shall be allo-
2 cated for contingencies it shall be determined by the executive council that
3 a contingency exists and that the proposed allocation shall be for the best
4 interest of the state.

1 SEC. 5. If the full amount authorized in section one (1) is not expend-
2 ed during the first year, the unused portion shall carry forward and be an
3 addition to the amount authorized for the second year of the biennium.

1 SEC. 6. The provisions of chapter eight (8) of the Code, are hereby
2 made a part of this Act.

1 SEC. 7. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved May 14, 1969.

CHAPTER 11

IOWA COMMISSION OF THE BLIND

S. F. 579

AN ACT to appropriate funds from the general fund of the state of Iowa to the Iowa commission for the blind for remodeling and repairs of the Iowa commission for the blind building and to permit acceptance of federal funds for participation.

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

1 SECTION 1. There is hereby appropriated to the Iowa commission for
2 the blind from the general fund of the state of Iowa the sum of one hun-
3 dred sixty-five thousand (165,000) dollars, or so much thereof as may be
4 necessary, to be used for remodeling and repairs of the Iowa commission
5 for the blind building.

1 SEC. 2. Contracts for improvements for which funds are appropriated
2 by this Act shall be submitted by the Iowa commission for the blind to the
3 governor and the state comptroller, except that items commonly known as
4 change orders need not be submitted to the governor and the state comp-
5 troller unless such change orders actually increase the total cost of that par-
6 ticular project.

1 SEC. 3. The Iowa commission for the blind, the governor and the state
2 comptroller are hereby authorized to obtain and accept federal grants to the

3 state to be used in connection with the funds appropriated in this Act and
4 federal funds in addition thereto.

1 SEC. 4. Any unencumbered balance remaining as of June 30, 1973, of
2 the appropriation of this Act shall revert to the general fund of the state
3 as of June 30, 1973.

Approved April 14, 1969.

CHAPTER 12

CAR DISPATCHER REVOLVING FUND

S. F. 602

AN ACT to appropriate the car dispatcher revolving fund for the biennium beginning July 1, 1969 and ending June 30, 1971.

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

1 SECTION 1. The state car dispatcher is hereby authorized to expend
2 from the revolving fund established by section twenty-one point six (21.6)
3 of the Code for each year of the biennium, beginning July 1, 1969 and
4 ending June 30, 1971, not to exceed one hundred five thousand five hundred
5 fifty-five (105,555) dollars, or so much thereof as may be necessary, to be
6 used in the following manner:

7 For salaries (including a salary of
8 ten thousand (10,000) dollars for the state
9 car dispatcher), support, maintenance, equip-
10 ment and miscellaneous purposes \$105,555.00

1 SEC. 2. If the full amount authorized is not expended during the first
2 year, the unused portion shall carry forward and be an addition to the
3 amount authorized for the second year of the biennium.

1 SEC. 3. The remainder of the fund is hereby appropriated for the pur-
2 chases of gasoline, oil, tires, repairs, and all other maintenance expenses
3 incurred in the operation of state owned motor vehicles and contingencies
4 arising during the biennium which are legally payable from the car dis-
5 patcher revolving fund, providing, that for the purpose of this Act a neces-
6 sity of additional operating funds under section one (1) of this Act may be
7 construed as a contingency.

1 SEC. 4. Before any of the funds appropriated by this Act shall be allo-
2 cated for contingencies it shall be determined by the executive council
3 that a contingency exists and that the proposed allocation shall be for the
4 best interest of the state.

1 SEC. 5. The provisions of chapter eight (8), Code 1966, are hereby made
2 a part of this Act.

1 SEC. 6. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved April 23, 1969.

CHAPTER 13

COMMERCE COMMISSION

H. F. 817

AN ACT to appropriate from the general fund of the state to the Iowa state commerce commission and various divisions thereof.

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

1	SECTION 1.	For the Iowa state commerce commission there is hereby	
2	appropriated from the general fund of the state for each year of the bien-		
3	niun beginning July 1, 1969 and ending June 30, 1971, the following		
4	amounts, or so much thereof as may be necessary, to be used in the man-		
5	ner designated:		
6	1. GENERAL ADMINISTRATION		
7	For salaries of the commissioners, the salary		
8	for the commissioner whose term expires June 30,		
9	1971, fifteen thousand (15,000) dollars for each		
10	year of the biennium beginning July 1, 1969, and		
11	ending June 30, 1971; for the commissioner whose		
12	term expires June 30, 1973, fifteen thousand		
13	(15,000) dollars for each year of the biennium		
14	beginning July 1, 1969, and ending June 30, 1971;		
15	for the commissioner whose term expires June 30,		
16	1975, twelve thousand (12,000) dollars for each		
17	year of the biennium beginning July 1, 1969, and		
18	ending June 30, 1971	\$ 42,000.00	
19	For salary of secretary	13,000.00	
20	For other salaries	129,310.00	
21	For support, maintenance and miscellaneous		
22	purposes	28,810.00	
23	Total for general administration	\$213,120.00	
24	2. MOTOR TRANSPORTATION DIVISION		
25	For salaries	\$ 73,540.00	
26	For support, maintenance and miscellaneous		
27	purposes	19,670.00	
28	Total for motor transportation division	\$ 93,210.00	
29	3. WAREHOUSE DIVISION		
30	For salaries	\$ 90,470.00	
31	For support, maintenance and miscellaneous		
32	purposes	29,280.00	
33	Total for warehouse division	\$119,750.00	
34	4. UTILITY COMMISSION		
35	For salaries, support, maintenance and miscel-		
36	laneous purposes	\$550,000.00	
37	Grand total of all appropriations for all pur-		
38	poses for each year of the biennium for the divi-		
39	sions of the Iowa state commerce commission	\$976,080.00	

1 SEC. 2. All federal grants to and the federal receipts of the Iowa state
2 commerce commission and divisions thereof are hereby appropriated for
3 the purpose set forth in such federal grants or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for capital
2 improvements.

1 SEC. 4. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

1 SEC. 5. The provisions of chapter eight (8) of the Code are hereby
2 made applicable to this Act.

1 SEC. 6. Section four hundred ninety A point ten (490A.10) of the Code
2 as amended by chapter one (1), section sixty-seven (67), Acts of the Sixty-
3 second General Assembly, is hereby amended by striking all of lines fifty-
4 three (53), fifty-four (54) and through the word "year" in line fifty-five (55).

Approved May 23, 1969.

CHAPTER 14

MOTOR VEHICLE FUEL TAX REFUNDS

S. F. 604

AN ACT to appropriate from the motor vehicle fuel tax fund for the biennium beginning July 1, 1969 and ending June 30, 1971, to the state comptroller.

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

1 SECTION 1. There is hereby appropriated to the state comptroller from
2 the motor vehicle fuel tax fund for each year of the biennium beginning
3 July 1, 1969 and ending June 30, 1971, the sum of fifteen thousand
4 (15,000) dollars, or so much thereof as may be necessary, for use in employ-
5 ing help and defraying other expenses in writing motor vehicle fuel tax
6 refund warrants and keeping necessary records.

1 SEC. 2. At the end of the biennium, any unencumbered balance shall
2 revert to the motor vehicle fuel tax fund.

Approved May 1, 1969.

CHAPTER 15

CONSERVATION COMMISSION

S. F. 674

AN ACT to appropriate from the general fund of the state to the state conservation commission.

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

1 SECTION 1. There is hereby appropriated for the state conservation
2 commission from the general fund of the state of Iowa for each year of
3 the biennium beginning July 1, 1969 and ending June 30, 1971, the follow-

4 ing amounts, or so much thereof as may be necessary, to be used in the
5 manner designated:

6 1. LANDS AND WATERS OPERATIONS

7 For salaries, support, maintenance and miscellaneous purposes of the
8 office, maintenance of state parks, waters and forests, and dredging, includ-
9 ing not more than four hundred twenty-seven thousand three hundred
10 ninety (427,390) dollars which shall be available for the administration
11 fund in compliance with the provisions of section one hundred seven point
12 seventeen (107.17) of the Code \$1,500,940.00

13 From said one million five hundred thousand nine hundred forty
14 (1,500,940) dollars there shall be paid during the first year of the biennium
15 to the state conservation director appointed in June of 1968, for reimburse-
16 ment of moving expenses incurred in moving to the state of Iowa and the
17 city of Des Moines, the sum of six hundred seventy-four dollars and forty-
18 four cents (\$674.44).

19 2. PRISON LABOR PROGRAM

20 For salaries, support, maintenance and miscellaneous purposes for utiliza-
21 tion of prison and training school inmates, including a youth forest camp
22 in conjunction with the department of social services \$ 123,630.00

23 3. STATE ADVISORY BOARD FOR PRESERVES

24 For salaries, support, maintenance and miscellaneous purposes for carry-
25 ing out the duties of the board \$ 15,000.00

26 4. PLANNING AND COOPERATION WITH FEDERAL AGENCIES ON CONSER-
27 VATION

28 For salaries, support, maintenance and miscellaneous pur-
29 poses \$ 64,140.00

30 Total \$1,703,710.00

1 SEC. 2. The salary of the state conservation director shall be seventeen
2 thousand five hundred (17,500) dollars for each year of the biennium.

1 SEC. 3. Section one hundred seven point thirteen (107.13), Code 1966,
2 is amended as follows:

3 By striking from line fifteen (15) the words "fifty-four hundred" and
4 inserting in lieu thereof the words "sixty-three hundred".

5 By striking from lines twenty (20) and twenty-one (21) the words "six-
6 ty-three hundred" and inserting in lieu thereof the words "seventy-two
7 hundred".

8 The increased compensation provisions herein provided under section one
9 hundred seven point thirteen (107.13) of the Code shall be effective only
10 until such time as the pay provisions of the Merit Employment Act be-
11 come effective.

1 SEC. 4. All federal grants to and the federal receipts of the commis-
2 sion are hereby appropriated for the purpose set forth in such federal
3 grants or receipts.

1 SEC. 5. No moneys appropriated by this Act shall be used for capital
2 improvements.

1 SEC. 6. The provisions of chapter eight (8) of the Code shall apply to
2 this Act.

1 SEC. 7. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved May 29, 1969.

CHAPTER 16

CONSERVATION COMMISSION

S. F. 672

AN ACT to appropriate from the general fund of the state of Iowa to the state conservation commission for construction, replacement, development, and alterations to state parks and reserves, state forests, and state waters; for artificial lake development, erosion control, river, stream, and lake access, development of water-oriented facilities, land acquisition; for siltation control; for boundary surveys, engineering services, and authorizing the obtaining and acceptance of federal funds to the state to be used in connection with this appropriation and federal funds in addition thereto.

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

1 SECTION 1. There is hereby appropriated to the state conservation
2 commission from the general fund of the state of Iowa the sum of four hun-
3 dred fifty thousand (450,000) dollars for construction, replacement, develop-
4 ment, and alterations to state parks and reserves, state forests, and state
5 waters, including the institution of the Turkey River State Park, Lakes
6 and Watershed Area in Howard and Winneshiek counties and the Indian
7 Bluffs Wilderness Area in Jones county; for artificial lake development,
8 erosion control, river, stream, and lake access, development of water-orient-
9 ed facilities, land acquisition; for siltation control and for boundary sur-
10 veys, engineering services or to supplement any prior appropriation for such
11 items.

1 SEC. 2. Contracts for improvements for which funds are appropriated
2 by this Act shall be submitted by the state conservation commission to the
3 executive council, except that items commonly known as change orders
4 need not be submitted to the executive council unless such change orders
5 actually increase the total cost of that particular project.

1 SEC. 3. The state conservation commission, the governor, and the state
2 comptroller are hereby authorized to obtain and accept federal grants to
3 the state to be used in connection with the funds appropriated in this Act
4 and federal funds in addition thereto.

1 SEC. 4. Any unencumbered balance remaining as of June 30, 1973,
2 of the state appropriations of this Act shall revert to the general fund of
3 the state as of June 30, 1973.

Approved May 22, 1969.

CHAPTER 17

CONSERVATION COMMISSION

S. F. 673

AN ACT relating to the issuance of deer hunting licenses, and to appropriate the fish and game protection fund for use by the state conservation commission.

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

1 SECTION 1. The state fish and game protection fund is hereby appropri-
2 ated for use by the state conservation commission for the biennium begin-
3 ning July 1, 1969 and ending June 30, 1971. The following amount, or so
4 much thereof as may be necessary, is authorized to be expended from said
5 fund for each year of the biennium, to be used in the following manner:

6 For salaries, support, maintenance, equip-
7 ment, and miscellaneous purposes, including
8 transfers not to exceed six hundred forty-one
9 thousand eighty (641,080) dollars to the adminis-
10 tration fund in compliance with the provisions
11 of section one hundred seven point seventeen
12 (107.17) of the Code and including for lake sur-
13 vey and mapping purposes a sum not to exceed
14 sixteen thousand (16,000 dollars) \$3,175,980

1 SEC. 2. The remainder of the fund is hereby appropriated for capital
2 improvements and contingencies arising during the biennium which are
3 legally payable from the fish and game protection fund.

1 SEC. 3. A contingency shall exclude any purpose or project which
2 was presented to the general assembly by way of a bill and which failed
3 to become enacted into law, provided, however, that for the purpose of this
4 Act a necessity of unforeseen additional operating funds may be con-
5 strued as a contingency.

1 SEC. 4. Before any of the funds appropriated by this Act shall be
2 allocated for contingencies it shall be determined by the executive council
3 that a contingency exists and that the proposed allocation shall be for the
4 best interest of the state.

1 SEC. 5. All refunds and reimbursements, including federal moneys,
2 received during the biennium shall be credited directly to the fish and
3 game protection fund.

1 SEC. 6. If the full amount authorized in section one (1) is not expend-
2 ed during the first year of the biennium, the unused portion shall carry for-
3 ward and be an addition to the amount authorized for the second year of
4 the biennium.

1 SEC. 7. When the state conservation commission has approved a
2 capital improvement project to be financed from the fish and game protec-
3 tion fund, a description of the project and estimated cost shall be reported
4 to the governor and state comptroller for allocation of funds.

1 SEC. 8. The provisions of chapter eight (8), of the Code shall apply
2 to this Act.

1 SEC. 9. Chapter one hundred twenty-nine (129), section one (1), Acts
2 of the Sixty-second General Assembly, amending section one hundred nine
3 point thirty-eight (109.38), Code 1966, is hereby amended by striking lines
4 four (4) through nineteen (19) and inserting in lieu thereof the following:
5 "2. If following an investigation the commission finds that the number of
6 hunters licensed to take deer should be limited or further regulated, the
7 commission shall conduct a drawing to determine which applicants shall
8 receive a license. Applications for licenses shall be received and accepted
9 during a fifteen-day period established by the commission. At the end of
10 such period the drawing shall be conducted. If the quota has not been
11 filled, licenses shall then be issued in the order in which such applications
12 are received and shall continue to be issued until such quota has been met
13 or until a date fifteen days prior to the opening day of the season, which-
14 ever first occurs. If an applicant fails to receive a license by either of the
15 methods provided herein, such applicant shall receive a certificate at the
16 time his application and monetary remittance is returned to him which
17 shall entitle him to a license the following year before the drawing is con-
18 ducted by the commission."

Approved May 29, 1969.

CHAPTER 18

IOWA DEVELOPMENT COMMISSION

S. F. 681

AN ACT to appropriate from the general fund of the state of Iowa to the Iowa development commission.

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

1 SECTION 1. For the Iowa development commission there is hereby
2 appropriated from the general fund of the state for each year of the bienni-
3 um beginning July 1, 1969 and ending June 30, 1971, the following amounts,
4 or so much thereof as may be necessary, to be used in the manner desig-
5 nated:

6 For salaries, including a salary for the director	
7 of at least twenty thousand (20,000) dollars and	
8 not to exceed twenty-six thousand (26,000) dol-	
9 lars per year	\$376,400.00
10 For support, maintenance, agricultural prod-	
11 ucts promotion, and miscellaneous purposes	585,600.00
12 For municipal planning assistance	25,000.00
13 Total	\$987,000.00

14 The commission is directed to take prompt, vigorous action toward
15 assisting Iowa agriculture in market development. The commission, through
16 its expenditures, shall emphasize those projects which are best calculated
17 to provide new or broadened markets for major agricultural commodities
18 grown in Iowa.

19 The commission is encouraged to coordinate such projects with other
20 interested agencies, public and private, to minimize duplication of such
21 efforts.

22 Any balance of the appropriations for municipal planning assistance
23 and agricultural product promotion remaining at the end of the ensuing
24 biennium shall not revert to the general fund as provided by chapter eight
25 (8) of the Code, but shall be extended to June 30, 1973.

1 SEC. 2. All federal grants to and the federal receipts of such commis-
2 sion and divisions thereof are hereby appropriated for the purpose set forth
3 in such federal grants or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for capital
2 improvements.

1 SEC. 4. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved May 22, 1969.

CHAPTER 19

RADIO AND TELEVISION BOARD

S. F. 682

AN ACT to appropriate from the general fund of the state of Iowa to the educational radio and television facility board.

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

1 SECTION 1. There is hereby appropriated from the general fund of
2 the state for each year of the biennium beginning July 1, 1969 and ending
3 June 30, 1971, the following amount, or so much thereof as may be neces-
4 sary, to the educational radio and television facility board for admin-
5 istration and operation of the state's educational television net-
6 work \$ 579,000.00

1 SEC. 2. The educational radio and television facility board, or the gov-
2 ernor and state comptroller, are hereby authorized to accept federal or
3 private grants to the state to be used in connection with the operation of
4 the state's educational television network. All grants to and the receipts
5 of the educational radio and television board are hereby appropriated for
6 the purpose set forth in such grants and receipts.

1 SEC. 3. No moneys appropriated under this Act, or receipts which may
2 be used for the same purposes as said appropriations, may be used for
3 capital improvements.

1 SEC. 4. No moneys appropriated under this Act may be reimbursed
2 or transferred to any local or county school board unless agreements to
3 make such reimbursements or transfers are specifically approved in writ-
4 ing by the executive council.

1 SEC. 5. The provisions of chapter eight (8) of the Code shall apply
2 to this Act.

1 SEC. 6. The educational radio and television facility board shall, no
2 later than January 31, 1970, report to the general assembly the overall
3 effectiveness of the educational television network. Such report shall set

4 forth in detail the scope of coverage, programming, and breadth of utiliza-
5 tion, including the results from surveys of elementary and secondary school
6 teachers regarding both qualitative and quantitative elements of classroom
7 television as an instructional aid, the extent of joint use and coordination
8 with other educational communication facilities of the state, recommended
9 long-range utilization and development directions, and such other informa-
10 tion the board may deem of significant interest to the general assembly.

1 SEC. 7. Where any laws of this state are in conflict with this Act, the
2 provision of this Act shall govern for the biennium.

Approved May 29, 1969.

CHAPTER 20

EDUCATIONAL RADIO AND TELEVISION

S. F. 686

AN ACT to appropriate from the general fund of the state to the educational radio and televi-
sion facility board for capital improvements of the state educational television network.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
2 state to the educational radio and television facility board the sum of six
3 hundred twenty-five thousand (625,000) dollars, or so much thereof as
4 may be necessary, to be used in the following manner:

5 1. For necessary construction and equipment
6 to expand the present channel eleven broad-
7 casting transmitter to full power and for supple-
8 menting prior appropriations for construction
9 and equipping of the channel twelve broadcast-
10 ing transmitter \$575,000.00

11 2. For preparation of detailed design plans and
12 related architectural and engineering services
13 for future development of a central network pro-
14 duction center \$ 50,000.00

1 SEC. 2. Contracts for improvements for which funds are appropriated
2 by this Act shall be submitted by the educational radio and television
3 facility board to the executive council, except that items commonly known
4 as change orders need not be submitted to the executive council unless such
5 change orders increase the total cost of that particular project.

1 SEC. 3. The educational radio and television facility board, the gover-
2 nor, and the state comptroller are hereby authorized to accept federal or
3 private grants to the state or accept as a gift any facilities or real property
4 to be used in connection with the funds appropriated by this Act.

1 SEC. 4. Any unencumbered balance remaining as of June 30, 1973, of
2 the appropriation of this Act shall revert to the general fund of the state
3 as of June 30, 1973.

Approved May 29, 1969.

CHAPTER 21

I.P.E.R.S. ADMINISTRATION

S. F. 603

AN ACT to appropriate from the Iowa public employees' retirement system fund for the biennium beginning July 1, 1969 and ending June 30, 1971, to the employment security commission for the costs of the administration of the Iowa public employees' retirement system.

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

1 SECTION 1. There is hereby appropriated from the Iowa public em-
 2 ployees' retirement system fund to the employment security commission
 3 for each year of the biennium beginning July 1, 1969 and ending June 30,
 4 1971, the sum of four hundred ten thousand nine hundred (410,900) dollars,
 5 or so much thereof as may be necessary, to pay the costs of the administra-
 6 tion of the Iowa public employees' retirement system.

Approved April 23, 1969.

CHAPTER 22

UNEMPLOYMENT TRUST FUND

H. F. 605

AN ACT to appropriate money credited to the account of the state of Iowa in the unemployment trust fund.

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

1 SECTION 1. There is hereby appropriated out of the funds made avail-
 2 able to this state under section nine hundred three (903) of the Social
 3 Security Act, as amended, the sum of seven hundred thirty thousand one
 4 hundred eighty-two dollars and sixty cents, or so much thereof as may be
 5 necessary, to be used, under the direction of the Iowa employment security
 6 commission, subject to the approval of the executive council of the state,
 7 for the erection of a building or buildings, and for such improvements, fa-
 8 cilities, paving, landscaping, furnishings, and fixed equipment as may be
 9 required for the use of the Iowa employment security commission in the
 10 performance of its functions under chapter ninety-six (96), Code of 1966.

1 SEC. 2. No part of the money hereby appropriated may be obligated
 2 after June 30, 1971.

1 SEC. 3. The amount obligated pursuant to this Act during any twelve-
 2 month period beginning on July first and ending on the following June
 3 thirtieth shall not exceed the amount by which the aggregate of the
 4 amounts credited to the account of this state pursuant to section nine
 5 hundred three (903) of the Social Security Act during such twelve-month
 6 period and the fourteen preceding twelve-month periods exceeds the ag-
 7 gregate of the amounts obligated for administration and paid out for bene-
 8 fits and charged against the amounts credited to the account of this state
 9 during such fifteen twelve-month periods.

1 SEC. 4. Section ninety-six point nine (96.9), subsection four (4), Code
2 1966, is hereby amended as follows:

3 1. By striking from paragraph *a*, line thirty-two (32), the word "four"
4 and inserting in lieu thereof the word "fourteen".

5 2. By striking from paragraph *a*, line thirty-seven (37), the word "five"
6 and inserting in lieu thereof the word "fifteen".

7 3. By striking from paragraph *b*, line twelve (12), the word "fourth" and
8 inserting in lieu thereof the word "fourteenth".

Approved June 2, 1969.

CHAPTER 23

SUPERINTENDENT OF BUILDINGS AND GROUNDS

S. F. 605

AN ACT to appropriate from the general fund of the state of Iowa for capital improvements
for physical plant and facilities under the superintendent of public buildings and grounds.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
2 state of Iowa to the superintendent of public buildings and grounds the
3 sum of two hundred thousand (200,000) dollars, or so much thereof as may
4 be necessary, to be used for major repairs to the physical plant and facilities
5 located at the seat of government and for exterior illumination devices for
6 the state capitol and for rewiring of the state capitol building.

1 SEC. 2. Contracts for improvements for which funds are appropriated
2 by this Act shall be submitted by the superintendent of public buildings
3 and grounds to the executive council, except that items commonly known as
4 change orders need not be submitted to the executive council unless such
5 change orders actually increase the total cost of that particular project.

1 SEC. 3. Any unencumbered balance remaining as of June 30, 1971,
2 of the appropriation of this Act shall revert to the general fund of the
3 state as of June 30, 1971.

Approved May 29, 1969.

CHAPTER 24

CAPITOL PLANNING APPROPRIATION

S. F. 600

AN ACT to appropriate from the general fund of the state of Iowa to the executive council for
capitol planning commission recommendations.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
2 state of Iowa to the executive council the sum of one hundred thousand
3 (100,000) dollars, or so much thereof as may be necessary, to be used for

4 capitol planning commission's recommendations, including the demolition
5 of the Amos Hiatt and Kasson buildings.

1 SEC. 2. Contracts for improvements for which funds are appropriated
2 by this Act shall be submitted by the executive council to the governor
3 and the state comptroller, except that items commonly known as change
4 orders need not be submitted to the governor and the state comptroller
5 unless such change orders actually increase the total cost of that particular
6 project.

1 SEC. 3. Any unencumbered balance remaining as of June 30, 1971,
2 of the appropriation of this Act shall revert to the general fund of the state
3 as of June 30, 1971.

Approved April 23, 1969.

CHAPTER 25

CAPITOL PLANNING COMMISSION

S. F. 599

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1969 and ending June 30, 1971, to the capitol planning commission.

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

1 SECTION 1. For the capitol planning commission there is hereby appro-
2 priated from the general fund of the state for the biennium beginning July
3 1, 1969 and ending June 30, 1971, the sum of twelve thousand five hundred
4 (12,500) dollars, or so much thereof as may be necessary, to be used to pro-
5 vide for the expense of secretarial help, for research and materials such as
6 maps, sketches, diagrams and photographs for the purpose of planning fu-
7 ture expansion and development of the statehouse grounds, and for the
8 further purpose of preparing a report on such future expansion and devel-
9 opment to be submitted to the Sixty-fourth General Assembly.

1 SEC. 2. Section eighteen A point six (18A.6), Code 1966, is hereby re-
2 pealed.

Approved April 30, 1969.

CHAPTER 26

STATE FAIR BOARD

H. F. 778

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1969 and ending June 30, 1971, to the Iowa state fair board.

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

1 SECTION 1. For the Iowa state fair board there is hereby appropriated
2 from the general fund of the state for each year of the biennium beginning
3 July 1, 1969 and ending June 30, 1971, the following amounts, or so much
4 thereof as may be necessary, to be used in the manner designated:

FAIR BOARD

5		
6	a. Fair board, Iowa state	
7	For maintenance of buildings and grounds	\$ 60,000.00
8	For premiums	10,000.00
9	The salary of the secretary of the state fair	
10	board shall be fifteen thousand (15,000) dollars	
11	per annum to be paid out of the fund of the	
12	state fair board.	
13	b. Agricultural societies (local fairs)	
14	For state aid	<u>210,000.00</u>
15	The appropriations for state aid to agricultural	
16	societies shall be deemed conditional on full com-	
17	pliance with all other statutes which regulate	
18	and prescribe the conditions under which such aid	
19	is payable. In no case shall any county receive	
20	more than two thousand one hundred (2,100) dol-	
21	lars, except that in a county where there are two	
22	definitely separate county extension offices, each	
23	such society shall receive state aid in such amount	
24	as it would be entitled to if it were the only so-	
25	ciety in the county. In counties having more than	
26	one fair entitled to state aid, the state aid avail-	
27	able for the county shall be prorated to said fairs	
28	on the basis of cash premiums paid by said	
29	fairs.	
30	Total	<u>\$280,000.00</u>

1 SEC. 2. There is hereby appropriated from the general fund of the state
2 of Iowa to the state fair board the sum of one hundred thousand (100,000)
3 dollars, or so much thereof as may be necessary, to be used for major re-
4 pairs to the buildings.

5 Contracts for improvements for which funds are appropriated by this
6 section shall be submitted by the state fair board to the governor and the
7 state comptroller, except that items commonly known as change orders
8 need not be submitted to the governor and the state comptroller unless
9 such change orders actually increase the total cost of that particular proj-
10 ect.

11 The state fair board, the governor and the state comptroller are hereby
12 authorized to obtain federal grants to the state to be used in connection
13 with the funds appropriated by this section.

14 Any unencumbered balance remaining as of June 30, 1971, of the appro-
15 priation of this section shall revert to the general fund of the state as of
16 June 30, 1971.

1 SEC. 3. All federal grants to and the federal receipts of these depart-
2 ments and divisions thereof are hereby appropriated for the purpose set
3 forth in such federal grants or receipts.

1 SEC. 4. Where any of the laws of this state are in conflict with this Act,
2 the provisions of this Act shall govern for the biennium.

Approved May 12, 1969.

CHAPTER 27

DIVISION OF STATE PLANNING

S. F. 609

AN ACT to appropriate from the general fund of the state of Iowa to the division of state plan-
ning in the governor's office for community action local aid programs, various governor's
study committees and for community affairs.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
2 state of Iowa to the division of state planning in the governor's office for
3 each year of the biennium beginning July 1, 1969 and ending June 30, 1971,
4 the following amounts, or so much thereof as may be necessary, to be used
5 in the manner designated:

6	For support of community action local aid programs	
7	including state matching funds	\$100,000.00
8	For study committees	50,000.00
9	For community affairs	25,000.00
10	Total	<u>\$175,000.00</u>

1 SEC. 2. Any unused balance of the funds herein appropriated remaining
2 at the end of the biennium shall revert to the general fund of the state.

1 SEC. 3. The funds appropriated under section one (1) of this Act shall
2 become available upon the effective date of this Act for the first year of the
3 biennium.

1 SEC. 4. This Act, being deemed of immediate importance, shall be in
2 full force and effect from and after its passage and publication in the Mar-
3 shalltown Times-Republican, a newspaper published at Marshalltown, Iowa,
4 and The Sheffield Press, a newspaper published at Sheffield, Iowa.

Approved May 9, 1969.

I hereby certify that the foregoing Act, Senate File 609, was published in the Marshalltown
Times-Republican, Marshalltown, Iowa, May 12, 1969 and in The Sheffield Press, Sheffield, Iowa,
May 15, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 28

HEALTH DEPARTMENT

H. F. 796

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1969 and ending June 30, 1971, to the state department of health.

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

1	SECTION 1.	There is hereby appropriated for the state department of	
2	health from the general fund of the state of Iowa for each year of the bien-		
3	niium beginning July 1, 1969 and ending June 30, 1971, the following		
4	amounts, or so much thereof as may be necessary, to be used in the man-		
5	ner designated:		
6	1. Central administrative division		
7	For salaries, support, maintenance and mis-		
8	cellaneous purposes	\$ 213,550.00	
9	2. Chronic illness and aging service		
10	For salaries, support, maintenance and mis-		
11	cellaneous purposes	26,110.00	
12	3. Air pollution control commission		
13	For salaries, support, maintenance and mis-		
14	cellaneous purposes	68,430.00	
15	4. Health facilities service		
16	For salaries, support, maintenance and mis-		
17	cellaneous purposes	174,280.00	
18	5. Environmental engineering service (includ-		
19	ing water pollution commission)		
20	For salaries, support, maintenance and mis-		
21	cellaneous purposes	251,750.00	
22	6. Preventive medical service		
23	For salaries, support, maintenance and mis-		
24	cellaneous purposes	169,450.00	
25	7. Records and statistics division		
26	For salaries, support, maintenance and mis-		
27	cellaneous purposes	194,280.00	
28	8. Eugenics board		
29	For salaries, support, maintenance and mis-		
30	cellaneous purposes	9,370.00	
31	9. Licensing and certification division		
32	For salaries, support, maintenance and mis-		
33	cellaneous purposes (including barbers', chiro-		
34	practic, cosmetology, embalmers', optometry		
35	and podiatry examining boards)	142,480.00	
36	10. General health service		
37	For salaries, support, maintenance and mis-		
38	cellaneous purposes	101,230.00	
39	11. Community health service		
40	For salaries, support, maintenance and mis-		
41	cellaneous purposes	182,320.00	
42	12. Comprehensive health planning		
43	For salaries, support, maintenance and mis-		
44	cellaneous purposes	25,690.00	

45	13. Implementation of any legislation passed	
46	by the Sixty-third General Assembly for mini-	
47	mum standards regarding the health, safety, and	
48	welfare of migratory labor camps	\$ 20,000.00
49	Total	<u>\$1,578,940.00</u>

1 SEC. 2. The salary of the commissioner of the state department of
 2 health shall be twenty-three thousand (23,000) dollars for each year of the
 3 biennium.

1 SEC. 3. All federal grants to and the federal receipts of this depart-
 2 ment and divisions thereof are hereby appropriated for the purpose set
 3 forth in such federal grants or receipts.

1 SEC. 4. No moneys appropriated by this Act shall be used for capital
 2 improvements.

1 SEC. 5. Where any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved May 19, 1969.

CHAPTER 29

HIGHWAY COMMISSION CAPITAL EXPENDITURES

S. F. 695

AN ACT authorizing capital expenditures by the state highway commission from the primary road fund.

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

1 SECTION 1. The state highway commission is hereby authorized to
 2 expend from the primary road fund the sum of one million nine hundred
 3 seventy-three thousand (1,973,000) dollars, or so much thereof as may be
 4 necessary, to be used in the following manner:

5 1. For the construction of a four-story administration building to be lo-
 6 cated on the real property presently occupied by the state highway com-
 7 mission at Ames, Iowa, in an amount not exceeding one million nine hun-
 8 dred thirty-three thousand (1,933,000) dollars. The initial construction of
 9 such administration building shall provide for two completed floors and
 10 two unfinished floors.

11 2. For the remodeling or renovation, including drive grading work, of
 12 four buildings presently located on real property occupied by the state
 13 highway commission at Ames, Iowa, in an amount not exceeding forty
 14 thousand (40,000) dollars. Three of such buildings shall be used for office
 15 purposes and one building for the motor pool. One of such office buildings
 16 shall be used as the headquarters office of the first highway district.

17 Grand total of all appropriations for all purposes of this
 18 Act for the state highway commission \$1,973,000.00

1 SEC. 2. The state highway commission is hereby authorized to obtain
 2 and accept any federal grants and funds to the state to be used in connec-

3 tion with the funds authorized in this Act, and federal funds in addition
4 thereto.

1 SEC. 3. Any unencumbered balance remaining as of June 30, 1973 of
2 the authorization for funds in this Act shall revert to the primary road
3 fund as of June 30, 1973.

1 SEC. 4. When the state highway commission has approved a project
2 to be financed with funds authorized in this Act, a description of said proj-
3 ect and estimated cost shall be reported to the governor and state comp-
4 troller for allocation of funds.

Approved June 19, 1969.

CHAPTER 30

HIGHWAY COMMISSION ADMINISTRATION AND SERVICES

H. F. 823

AN ACT to appropriate from the primary road fund to the state highway commission.

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

1 SECTION 1. There is hereby appropriated from the primary road fund
2 to the state highway commission for each year of the biennium beginning
3 July 1, 1969 and ending June 30, 1971, the following amounts, or so much
4 thereof as may be necessary, to be used in the following manner:

5	1. ADMINISTRATION:	
6	For salaries	\$ 433,757.00
7	For longevity	27,588.00
8	For support, maintenance and miscellaneous purposes	<u>402,680.00</u>
9	Total for administration	\$ <u>864,025.00</u>

10 From the funds provided above for administration, the five state highway
11 commissioners shall each be paid an annual salary of eight thousand five
12 hundred (8,500) dollars; the commissioners may incur actual local office
13 expense of not to exceed five hundred (500) dollars each, except the chair-
14 man whose expense may total not to exceed seven hundred fifty (750)
15 dollars. The director of highways shall be paid an annual salary of twenty-
16 eight thousand five hundred (28,500) dollars.

17	2. SUPPORT SERVICES:	
18	For salaries	\$ 1,983,200.00
19	For longevity	61,780.00
20	For support, maintenance and miscellaneous purposes	<u>1,549,900.00</u>
21	Total for support services	\$ <u>3,594,880.00</u>

22	3. PLANNING:	
23	For salaries	\$ 1,400,740.00
24	For longevity	36,420.00
25	For support, maintenance and miscellaneous purposes	<u>222,000.00</u>
26	Total for planning	\$ <u>1,659,160.00</u>

27	4. DEVELOPMENT:	
28	For salaries	\$ 4,477,258.00
29	For longevity	144,042.00
30	For support, maintenance and miscellaneous purposes .	3,231,390.00
31	Total for development	\$ 7,852,690.00
32	5. HEADQUARTERS OPERATIONS:	
33	For salaries	\$ 1,791,260.00
34	For longevity	91,440.00
35	For support, maintenance and miscellaneous purposes .	420,138.00
36	Total for headquarters operations	\$ 2,302,838.00
37	6. FIELD OPERATIONS:	
38	For salaries	\$ 21,613,094.00
39	For longevity	1,068,146.00
40	For support, maintenance and miscellaneous purposes .	9,663,850.00
41	Total for field operations	\$ 32,345,090.00
42	7. Contingency fund for increases in merit system pay	
43	steps and other salary adjustments	\$ 367,927.00
44	8. ADDITIONAL EQUIPMENT	\$ 375,000.00
45	Such additional equipment is to be purchased to supplement	
46	present inventory. All acquisitions, when acquired, will be	
47	come a part of the state highway commission materials and	
48	equipment revolving fund.	
49	9. REPLACEMENT EQUIPMENT	\$ 1,000,000.00
50	To be deposited in the materials and equipment revolving	
51	fund, established by chapter two hundred fifty-one (251), Acts	
52	of the Sixty-second General Assembly, for replacement of	
53	equipment which had been depreciated prior to the establish-	
54	ment of the fund.	
55	Grand total	\$ 50,361,610.00

1 SEC. 2. Unless otherwise provided, the primary road fund is hereby
2 appropriated for highway construction.

1 SEC. 3. All refunds and reimbursements, including federal funds, re-
2 ceived during the biennium shall be credited directly to the primary road
3 fund, except the refunds and reimbursements relating to the materials and
4 equipment revolving fund and the aircraft revolving fund which shall be
5 credited in accordance with the provisions of section eight point thirty-two
6 (8.32) of the Code.

1 SEC. 4. No moneys appropriated by this Act shall be used for capital
2 improvements, but may be used for overtime pay of employees involved in
3 technical trades.

1 SEC. 5.* The permanent resident engineers' offices presently estab-
2 lished by the state highway commission shall not be moved from their
3 locations, however, the commission may establish not more than two tem-
4 porary resident engineers' offices within the state as needed.

*This Act is printed as signed by the Governor and as filed in the office of the Secretary of State.
However, a letter from the Governor was also filed therewith wherein he expressed his dis-
approval of this section "5" under a recitation of his constitutional power so to do.

1 SEC. 6. Section three hundred thirteen point five (313.5) of the Code
2 is hereby amended as follows:

3 1. By striking lines twenty-two (22) and twenty-three (23).

4 2. By striking from line twenty-four (24) the words "shall revert to the
5 primary road fund".

1 SEC. 7. The provisions of chapter eight (8) of the Code shall apply to
2 this Act.

1 SEC. 8. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved June 20, 1969.

CHAPTER 31

HIGHWAY COMMISSION CLAIMS

S. F. 685

AN ACT to appropriate funds from the primary road fund to the industrial commissioner for
payment of workmen's compensation claims of employees of the state highway commission.

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

1 SECTION 1. There is hereby appropriated to the industrial commission-
2 er from the primary road fund for each year of the biennium beginning
3 July 1, 1969 and ending June 30, 1971, the sum of one hundred thousand
4 (100,000) dollars, or so much thereof as may be necessary, for the purpose of
5 paying properly established claims of or on behalf of employees or depend-
6 ents of employees of the state highway commission who are injured or killed
7 while on duty as provided by chapter eighty-five (85) of the Code.

Approved May 29, 1969.

CHAPTER 32

HOOVER BIRTHPLACE APPROPRIATION

S. F. 532

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning
July 1, 1969 and ending June 30, 1971 to the Herbert Hoover Birthplace Foundation, Inc.

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

1 ITEM 1. There is hereby appropriated for the Herbert Hoover Birth-
2 place Foundation, Inc. from the general fund of the state of Iowa for each
3 year of the biennium beginning July 1, 1969 and ending June 30, 1971,
4 the following amount, or so much thereof as may be necessary to be used
5 in the manner designated:

6 HERBERT HOOVER BIRTHPLACE FOUNDATION, INC.

7 For salaries, support, maintenance, and

8 miscellaneous purposes \$ 3,000.00

1 ITEM 2. The provisions of chapter eight (8) of the Code of Iowa are
2 hereby made a part of this Act.

Approved April 14, 1969.

CHAPTER 33

LIQUOR CONTROL COMMISSION

S. F. 633

AN ACT to appropriate from the general fund of the state to the liquor control commission for study and implementation of an inventory and accounting system.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
2 state to the liquor control commission for the biennium beginning July 1,
3 1969, and ending June 30, 1971, the sum of one hundred thousand (100,000)
4 dollars, or so much thereof as may be necessary, to be used in making a
5 study and designing an inventory and accounting system and the imple-
6 mentation thereof, in cooperation with the state auditor.

1 SEC. 2. Prior to any of the funds appropriated by this Act being en-
2 cumbered, the liquor control commission with the approval of the execu-
3 tive council shall determine that the expenditure shall be in the best inter-
4 ests of the state.

Approved May 8, 1969.

CHAPTER 34

MISSISSIPPI RIVER PARKWAY COMMISSION

S. F. 580

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1969 and ending June 30, 1971, to the Mississippi river parkway commission of the state of Iowa.

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

1 SECTION 1. For the Mississippi River Parkway Commission there is
2 hereby appropriated from the general fund of the state for each year of
3 the biennium beginning July 1, 1969 and ending June 30, 1971, the fol-
4 lowing amount, or so much thereof as may be necessary, to be used in the
5 manner designated:

6 For salaries, support, maintenance and
7 miscellaneous purposes \$5,150.00

1 SEC. 2. All federal grants to and the federal receipts of such commis-
2 sion and divisions thereof are hereby appropriated for the purpose set forth
3 in such federal grants or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for capital
2 improvements.

1 SEC. 4. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved April 14, 1969.

CHAPTER 35

PUBLIC DEFENSE APPROPRIATIONS

S. F. 598

AN ACT to appropriate from the general fund of the state of Iowa to the department of public defense for various capital improvements and repairs, replacements, alterations, equipment and rehabilitation purposes.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
2 state of Iowa to the department of public defense the sum of two hundred
3 ten thousand (210,000) dollars, or so much thereof as may be necessary,
4 to be used in the following manner:

5 1. For the state's share of the ar-
6 mory construction program made
7 available to the state by the federal
8 government for the acquisition, con-
9 struction, expansion, rehabilitation,
10 and converting facilities of the ad-
11 ministration and training units of
12 the national guard and state guard,
13 and for repairs, replacements, alter-
14 ations, equipment and rehabilita-
15 tion of armories in connection with
16 which federal funds may be accepted \$160,000.00

17 2. For repairs, replacements, al-
18 terations, equipment and rehabili-
19 tation of grounds, buildings and
20 roads at Camp Dodge, Iowa 50,000.00

21 Total \$210,000.00

1 SEC. 2. Contracts for improvements for which funds are appropriated
2 by this Act shall be submitted by the department of public defense to the
3 executive council, except that items commonly known as change orders
4 need not be submitted to the executive council unless such change orders
5 actually increase the total cost of that particular project.

1 SEC. 3. The department of public defense, the governor and the state
2 comptroller are hereby authorized to obtain federal grants to the state to
3 be used in connection with the funds appropriated by this Act.

1 SEC. 4. Any unencumbered balance remaining as of June 30, 1971,
2 shall revert to the general fund of the state as of June 30, 1971.

Approved April 23, 1969.

CHAPTER 36

PRINTING BOARD APPROPRIATION

S. F. 145

AN ACT relating to the printing board appropriation.

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

1 SECTION 1. Chapter seventy-one (71), Acts of the Sixty-second Gen-
2 eral Assembly, is hereby amended by adding the following:

3 "Sec. 3. Funds appropriated by this Act may, in the discretion of the
4 printing board, be used for the purchase or lease of printing machines and
5 equipment for use by the printing board and the superintendent of print-
6 ing."

1 SEC. 2. This Act being deemed of immediate importance shall be in
2 full force and effect after publication in The Washington Evening Journal,
3 a newspaper published in Washington, Iowa, and in The Record, a news-
4 paper published in Cedar Falls, Iowa.

Approved February 11, 1969.

I hereby certify that the foregoing Act, Senate File 145, was published in The Washington Evening Journal, Washington, Iowa, February 13, 1969 and in The Record, Cedar Falls, Iowa, February 14, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 37

MEMORIAL HALL

S. F. 230

AN ACT relating to a memorial hall at Camp Dodge.

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

1 SECTION 1. Chapter seventy-four (74), Acts of the Sixty-second Gen-
2 eral Assembly, is hereby amended as follows:

3 1. By striking in line four (4) of section one (1), the word "chapel"
4 and inserting in lieu thereof the words "memorial hall".

5 2. By striking in line two (2) of section two (2), the figures "1969" and
6 inserting in lieu thereof the figures "1971".

7 3. By striking from the title the word "chapel" and inserting in lieu
8 thereof the words "memorial hall".

1 SEC. 2. This Act, being deemed of immediate importance, shall be in
2 full force and effect from and after its passage and publication in The Earl-
3 ham Echo, a newspaper published at Earlham, Iowa, and in The Cedar
4 Rapids Gazette, a newspaper published at Cedar Rapids, Iowa.

Approved May 9, 1969.

I hereby certify that the forgoing Act, Senate File 230, was published in The Earlham Echo, Earlham, Iowa, May 15, 1969 and in The Cedar Rapids Gazette, Cedar Rapids, Iowa, May 15, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 38

PUBLIC INSTRUCTION DEPARTMENT

S. F. 679

AN ACT to appropriate general and vocational education administration funds from the general fund of the state to the department of public instruction.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
2 state to the department of public instruction for each year of the biennium
3 beginning July 1, 1969 and ending June 30, 1971, the following amounts, or
4 so much thereof as may be necessary, to be used for the purposes desig-
5 nated:

- 6 1. GENERAL OFFICE ADMINISTRATION
- 7 For salaries, support, maintenance, and miscel-
8 laneous purposes \$1,118,840.00
- 9 2. VOCATIONAL EDUCATION ADMINISTRATION
- 10 For salaries, support, maintenance, and miscel-
11 laneous purposes \$ 233,380.00
- 12 3. VOCATIONAL REHABILITATION
- 13 For salaries, support, maintenance, and miscel-
14 laneous purposes \$1,000,000.00

1 SEC. 2. No moneys appropriated by the Act shall be used for capital
2 improvements.

1 SEC. 3. The provisions of chapter eight (8) of the Code shall apply to
2 this Act.

1 SEC. 4. Where any of the laws of this state are in conflict with this
2 appropriation Act, the provisions of this Act shall govern for the biennium.

1 SEC. 5. The salary of the superintendent of public instruction shall
2 be twenty-three thousand (23,000) dollars annually.

1 SEC. 6. Section two hundred fifty-seven point twenty-four (257.24),
2 Code 1966, is hereby amended by striking from lines five (5) and six (6)
3 the words "exceed eighty" and inserting in lieu thereof the words "exceed
4 eighty-five".

Approved May 29, 1969.

CHAPTER 39

PUBLIC INSTRUCTION DEPARTMENT

S. F. 622

AN ACT to appropriate administration and educational training aid funds from the general fund of the state to the department of public instruction.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
2 state to the department of public instruction for each year of the biennium

3 beginning July 1, 1969 and ending June 30, 1971, the following amounts,
 4 or so much thereof as may be necessary, to be used for the purposes desig-
 5 nated:

6 1. MANPOWER DEVELOPMENT AND TRAINING
 7 For participation in the manpower
 8 development and training Act.
 9 Funds are to be used for the con-
 10 duct of local programs and state
 11 administration, to the extent re-
 12 quired, to match federal funds to
 13 be expended by the United States
 14 treasury for this purpose \$ 200,000.00

15 2. VOCATIONAL EDUCATION
 16 For vocational education aid to
 17 secondary schools and area schools.
 18 Funds appropriated under this Act
 19 are to be used for aid to school dis-
 20 tricts and area schools for develop-
 21 ment and the conduct of programs
 22 of vocational education in accord-
 23 ance with the provisions of chapter
 24 two hundred fifty-eight (258) and
 25 chapter two hundred eighty A
 26 (280A) of the Code, and further to
 27 purchase instructional equipment
 28 for vocational and technical courses
 29 of instruction in such schools \$6,600,000.00

1 SEC. 2. Section two hundred fifty-eight point eight (258.8), Code 1966,
 2 is hereby repealed.

1 SEC. 3. No moneys appropriated by this Act shall be used for capital
 2 improvements.

1 SEC. 4. The provisions of chapter eight (8) of the Code shall be appli-
 2 cable to this Act.

1 SEC. 5. Where any of the laws of this state are in conflict with this
 2 appropriation Act, the provisions of this Act shall govern for the biennium.

Approved May 1, 1969.

CHAPTER 40

EDUCATIONAL AND TRAINING AID APPROPRIATION

H. F. 368

AN ACT to appropriate administration and educational and training aid funds from the general fund of the state to the department of public instruction for the biennium beginning July 1, 1969 and ending June 30, 1971.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
 2 state to the department of public instruction for each year of the biennium

3 beginning July 1, 1969 and ending June 30, 1971, the following amounts,
4 or so much thereof as may be necessary, to be used for the purposes desig-
5 nated:

6 1. NATIONAL DEFENSE EDUCATION

7 For the purpose of accepting federal funds currently referred to as the
8 national defense education act of 1958, as amended, for (a) administration
9 and extension of supervisory and related services by the department for
10 financial assistance for strengthening sciences, mathematics, modern for-
11 eign language instruction and other critical subjects; (b) administration by
12 the department and the several school districts of the state for guidance,
13 counseling, and testing; and (c) improvement and expansion of the statisti-
14 cal services of the state department \$181,000.00

15 2. SPECIAL EDUCATION

16 For education aid to physically and mentally handicapped children, and
17 to migratory workers and children of migratory workers. To be used for
18 reimbursement to school districts or county boards in accordance with the
19 provisions of chapter two hundred eighty-one (281) of the Code, and
20 school districts or county boards operating education programs for migra-
21 tory workers and children of migratory workers. Not more than thirty-five
22 thousand (35,000.00) dollars of this appropriation may be used in each
23 year of the biennium for reimbursement to school districts or county
24 boards for education programs for migratory workers and children of mi-
25 gratory workers \$3,500,000.00

1 SEC. 2. There is hereby appropriated from the general fund of the
2 state to the department of public instruction for the biennium beginning
3 July 1, 1969 and ending June 30, 1971, the following amount, or so much
4 thereof as may be necessary, to be used for the purpose designated:

5 1. EQUALIZATION AID TO SCHOOL DISTRICTS

6 For the state's equalization aid payment to high school districts as
7 provided in chapter three hundred fifty-six (356) of the Acts of the Sixty-
8 second General Assembly.

9 For the first year of the biennium \$112,000,000.00
10 For the second year of the biennium 115,000,000.00

11 Total for the biennium \$227,000,000.00

1 SEC. 3. No moneys appropriated by this Act shall be used for capital
2 improvements.

1 SEC. 4. The provisions of chapter eight (8) of the Code are hereby
2 made a part of this Act.

1 SEC. 5. Where any of the laws of this state are in conflict with this
2 appropriation Act, the provisions of this Act shall govern for the biennium.

Approved March 19, 1969.

CHAPTER 41

HIGHWAY PATROL HEADQUARTERS

H. F. 816

AN ACT to appropriate from the general fund of the state of Iowa to the department of public safety for construction of two highway patrol district headquarters buildings.

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

1 SECTION 1. There is hereby appropriated to the division of highway
2 patrol, department of public safety, from the general fund of the state of
3 Iowa, the sum of forty-four thousand (44,000) dollars, or so much thereof
4 as may be necessary, to be used for the construction of new district head-
5 quarters buildings at Oelwein and in the district of De Witt.

1 SEC. 2. Before any of the funds appropriated by this Act shall be
2 expended it shall be determined by the department of public safety, with
3 the approval of the executive council, that the expenditures shall be for the
4 best interests of the state.

1 SEC. 3. Any unencumbered balance remaining as of June 30, 1971 of
2 the fund appropriated by this Act shall revert to the general fund of the
3 state as of June 30, 1971.

1 SEC. 4. This Act being deemed of immediate importance shall be in
2 full force and effect from and after the passage and publication in the
3 Oelwein Daily Register, a newspaper published at Oelwein, Iowa, and The
4 Times-Democrat, published at Davenport, Iowa.

Approved June 2, 1969.

I hereby certify that the foregoing Act, House File 816, was published in the Oelwein Daily Register, Oelwein, Iowa, June 5, 1969, and in The Times-Democrat, Davenport, Iowa, June 9, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 42

COMPUTERIZING CRIMINAL INFORMATION

S. F. 661

AN ACT to appropriate from the general fund of the state of Iowa to the department of public safety for computerizing state criminal information files.

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

1 SECTION 1. There is hereby appropriated to the division of criminal
2 investigation of the department of public safety, for the biennium beginning
3 July 1, 1969 and ending June 30, 1971, the sum of one hundred seventy
4 thousand (170,000) dollars, or so much thereof as may be necessary, to
5 purchase systems and programming on crime information system for war-
6 rants, stolen vehicles and stolen plates, and for system design and study
7 on motor vehicle registration.

1 SEC. 2. Before any of the funds appropriated by this Act shall be en-
2 cumbered, the commissioner of public safety with the approval of the execu-
3 tive council shall determine that the expenditure shall be in the best inter-
4 ests of the state.

Approved May 14, 1969.

CHAPTER 43

LAW ENFORCEMENT ACADEMY

S. F. 652

AN ACT to appropriate from the general fund of the state to the department of public safety for capital improvements for the Iowa law enforcement academy.

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

1 SECTION 1. There is hereby appropriated to the department of public
2 safety, from the general fund of the state the sum of twenty-five thousand
3 (25,000) dollars, or so much thereof as may be necessary, for capital im-
4 provements for the Iowa law enforcement academy for an access road, grad-
5 ing and ditching, and fencing.

1 SEC. 2. Contracts for improvements for which funds are appropriated
2 by this Act shall be submitted by the department of public safety to the
3 executive council, except that items commonly known as change orders
4 need not be submitted to the executive council unless such change orders
5 actually increase the total cost of that particular project.

1 SEC. 3. The department of public safety, the governor, and the state
2 comptroller are hereby authorized to obtain federal grants to the state to
3 be used in connection with the funds appropriated by this Act.

1 SEC. 4. Any unencumbered balance remaining as of June 30, 1971, of
2 the appropriation provided for in this Act, shall revert to the general fund
3 of the state as of June 30, 1971.

Approved May 14, 1969.

CHAPTER 44

MOTOR VEHICLE DEALERS LICENSES

S. F. 663

AN ACT to appropriate from moneys received by the department of public safety motor vehicle dealers license fee fund.

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

1 SECTION 1. For the department of public safety motor vehicle dealers
2 license fee fund, there is hereby appropriated all funds received under au-
3 thority of chapter three hundred twenty-two (322) of the Code, for the bien-
4 nium beginning July 1, 1969 and ending June 30, 1971. The following
5 amount, or so much thereof as may be necessary, is authorized to be ex-
6 pended from said receipts for each year of the biennium to be used in the
7 manner designated:

8 For salaries, support, maintenance, equipment
9 and miscellaneous purposes \$91,110.00

1 SEC. 2. The remainder of the fund referred to in section one (1) of this
2 Act is hereby appropriated for contingencies arising during the biennium
3 which are legally payable from the fund.

1 SEC. 3. A contingency shall exclude any purpose or project which
2 was presented to the general assembly by way of a bill and which failed to
3 become enacted into law, however, for the purpose of this Act a necessity
4 of additional operating funds may be construed as a contingency.

1 SEC. 4. Before any of the funds appropriated by this Act shall be allo-
2 cated for contingencies it shall be determined by the executive council
3 that a contingency exists and that the proposed allocation shall be for the
4 best interest of the state.

1 SEC. 5. If the full amount authorized in section one (1) is not expend-
2 ed during the first year, the unused portion shall carry forward and be an
3 addition to the amount authorized for the second year of the biennium.

1 SEC. 6. The provisions of chapter eight (8) of the Code shall apply to
2 this Act.

1 SEC. 7. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved May 14, 1969.

CHAPTER 45

MOTOR VEHICLE PLATES

S. F. 669

AN ACT to make transfer of certain fees, taxes, interest and penalties to the division of motor vehicle registration of the department of public safety for the purpose of purchasing supplies and materials, and for the cost of manufacturing motor vehicle registration plates at the prison industries.

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

1 SECTION 1. On July 1, 1969, the treasurer of state shall, in addition to
2 the amounts provided for in section four hundred twenty-two point sixty-
3 two (422.62) of the Code, transfer from the net receipts collected under di-
4 vision four (IV) of chapter four hundred twenty-two (422) of the Code,
5 seven hundred eighty thousand (780,000) dollars to the division of motor
6 vehicle registration of the department of public safety for the purpose of
7 purchasing supplies and materials and for the cost of manufacturing motor
8 vehicle registration plates at the prison industries. Any amount unexpended
9 for this purpose on October 31, 1969, shall be credited to the road use tax
10 fund.

Approved May 14, 1969.

CHAPTER 46

PUBLIC SAFETY DEPARTMENT

S. F. 650

AN ACT to appropriate from the general fund of the state to the department of public safety and various divisions thereof.

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

1 SECTION 1. For the department of public safety there is hereby appropri-
2 ated from the general fund of the state for each year of the biennium be-
3 ginning July 1, 1969 and ending June 30, 1971, the following amounts, or
4 so much thereof as may be necessary, to be used in the manner designated:

5 1. DIVISION OF ADMINISTRATION

6 For salary of commissioner	\$ 16,500.00
7 For other salaries	168,610.00
8 For support, maintenance, and miscellane-	
9 ous purposes	21,850.00
10 For matching federal funds with approval of	
11 the governor	200,000.00
12 Total for division of administration	\$ 406,960.00

13 2. DIVISION OF CRIMINAL INVESTIGATION
14 For salaries and for the state's contribution
15 to the peace officers' retirement, accident, and
16 disability system provided in chapter ninety-
17 seven A (97A) of the Code, in the amount of
18 sixteen percent of the salaries of personnel in-
19 cluded in the system.

20	The salary of the director shall be thirteen	
21	thousand two hundred fifty dollars for the first	
22	year of the biennium, and fourteen thousand	
23	forty-five dollars for the second year of the bi-	
24	ennium, plus longevity. The current salary ranges	
25	of the other peace-officer classifications of the	
26	division, as defined in section ninety-seven A	
27	point one (97A.1) of the Code, shall be increased	
28	by six percent (6%) each year of the biennium,	
29	plus longevity.	
30	Longevity shall be the same as provided in	
31	section eighty point eight (80.8) of the Code for	
32	members of the highway patrol.	
33	Other salaries of the division shall be as pro-	
34	vided in the pay plan as approved by the execu-	
35	tive council	\$ 352,720.00
36	For support, maintenance, and miscellaneous	
37	purposes	<u>121,650.00</u>
38	Total for division of criminal investigation	\$ <u>474,370.00</u>
39	3. DIVISION OF FIRE MARSHAL	
40	For salaries	\$ 100,060.00
41	For support, maintenance, and miscellaneous	
42	purposes	<u>34,650.00</u>
43	Total for division of fire marshal	\$ <u>134,710.00</u>
44	4. DIVISION OF HIGHWAY PATROL, including	
45	motor vehicle financial and safety responsibility	
46	and operators' and chauffeurs' licenses.	
47	For salaries and for the state's contribution	
48	to the peace officers' retirement, accident, and	
49	disability system provided in chapter ninety-	
50	seven A (97A) of the Code, in the amount of six-	
51	teen percent of the salaries of personnel included	
52	in the system. The salary for the chief shall be	
53	fourteen thousand eight hundred forty dollars	
54	for the first year of the biennium and fifteen	
55	thousand seven hundred thirty dollars for the	
56	second year of the biennium, plus longevity. The	
57	current salary ranges of the other classifications	
58	in the highway patrol shall be increased by six	
59	percent (6%) each year of the biennium, plus	
60	longevity.	
61	Longevity shall be as provided in section	
62	eighty point eight (80.8) of the Code.	
63	Other salaries of the division shall be as pro-	
64	vided in the pay plan as approved by the execu-	
65	tive council	\$4,714,160.00
66	For support, maintenance, and miscellaneous	
67	purposes	<u>1,905,000.00</u>
68	Total for division of highway patrol, including	
69	motor vehicle financial and safety responsibility	
70	and operators' and chauffeurs' licenses	\$ <u>\$6,619,160.00</u>

71	5. DIVISION OF MOTOR REGISTRATION	
72	For salaries	\$ 434,510.00
73	For support, maintenance, and miscellaneous	
74	purposes	<u>141,420.00</u>
75	Total for the division of motor registration	\$ <u>575,930.00</u>
76	6. DIVISION OF RADIO COMMUNICATION	
77	For salaries	\$ 594,550.00
78	For support, maintenance, and miscellaneous	
79	purposes	<u>106,050.00</u>
80	Total for the division of radio communication	\$ <u>700,600.00</u>
81	7. DIVISION OF SAFETY EDUCATION	
82	For salaries	\$ 57,860.00
83	For support, maintenance, and miscellaneous	
84	purposes	<u>19,300.00</u>
85	Total for the division of safety education	\$ <u>77,160.00</u>
86	8. IOWA LAW ENFORCEMENT ACADEMY	
87	For salaries	\$ 87,630.00
88	For support, maintenance, and miscellaneous	
89	purposes	<u>96,880.00</u>
90	Total for Iowa law enforcement academy	\$ <u>184,510.00</u>
91	Grand total of all appropriations for each year	
92	of the biennium provided by section one (1) of	
93	this Act	<u>\$9,173,400.00</u>

1 SEC. 2. All federal grants to and the federal receipts of this department
2 and divisions thereof are hereby appropriated for the purpose set forth in
3 such federal grants or receipts.

1 SEC. 3. No moneys appropriated by this Act shall be used for capital
2 improvements.

1 SEC. 4. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved May 29, 1969.

CHAPTER 47

RECIPROCITY BOARD

S. F. 651

AN ACT to appropriate from the general fund of the state to the Iowa reciprocity board.

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

1 SECTION 1. For the Iowa reciprocity board there is hereby appropriated
2 from the general fund of the state for each year of the biennium beginning
3 July 1, 1969 and ending June 30, 1971 the sum of one hundred thirty thou-
4 sand forty-four (130,044) dollars, or so much thereof as may be necessary,
5 to be used in the following manner:

6	For salary of executive secretary	\$ 14,000.00
7	For other salaries	82,068.00
8	For support, maintenance, and miscellaneous purposes . . .	<u>33,976.00</u>
9	Grand total of all appropriations for all pur-	
10	poses for each year of the biennium for the	
11	reciprocity board	<u>\$130,044.00</u>

1 SEC. 2. The provisions of chapter eight (8) of the Code shall apply to
2 this Act.

Approved May 14, 1969.

CHAPTER 48

BOARD OF REGENTS INSTITUTIONS

S. F. 655

AN ACT to appropriate funds from the general fund of the state to the board of regents and institutions under the control of said board.

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

1 SECTION 1. For the board of regents and institutions under said board
2 there is hereby appropriated from the general fund of the state for each
3 year of the biennium beginning July 1, 1969 and ending June 30, 1971, the
4 following amounts, or so much thereof as may be necessary, to be used for
5 the purposes and in the manner designated:

6 1. OFFICE OF BOARD OF REGENTS
7 For salaries, support, maintenance, equipment and miscel-
8 laneous purposes, including board members receiving a per
9 diem of thirty dollars per day \$ 110,500.00

10 2. BOARD OF REGENTS INSTITUTIONS
11 **State University of Iowa**

12 GENERAL UNIVERSITY, including lakeside laboratory.
13 For salaries, support, maintenance, equipment and miscel-
14 laneous purposes; and repairs, replacements and altera-
15 tions \$ 32,537,000.00

16 A portion of this appropriation shall be used for the training of general
17 practitioners in medicine and necessary staff for training additional medi-
18 cal practitioners shall be provided. Existing medical facilities in Polk Coun-
19 ty or elsewhere in the state may be used for such training. Students at-
20 tending the University of Iowa, Iowa City may be assigned to these facil-
21 ities for these purposes and in such manner as shall be specified by the
22 vice president for health affairs, the University of Iowa, Iowa City, or his
23 designee. The Board of Regents and the vice president for health affairs,
24 the University of Iowa, Iowa City, shall study the use of existing medical
25 facilities in Polk County and elsewhere in the state for the training of stu-
26 dents as general medical practitioners and shall report their comprehensive
27 findings to the higher education committees of the House and Senate of
28 the Sixty-third General Assembly not later than January 15, 1970.

29	UNIVERSITY HOSPITALS	
30	For salaries, support, maintenance, equipment and miscel-	
31	laneous purposes; for medical and surgical treatment of in-	
32	digent patients as provided in chapter two hundred fifty-five	
33	(255) of the Code; and for repairs, replacements and altera-	
34	tions	\$ 8,700,000.00
35	PSYCHOPATHIC HOSPITAL	
36	For salaries, support, maintenance, equipment and miscel-	
37	laneous purposes; for the care, treatment and maintenance of	
38	committed and voluntary public patients therein; and for re-	
39	pairs, replacements and alterations	\$ 2,043,000.00
40	BACTERIOLOGICAL LABORATORY	
41	For salaries, support, maintenance, equipment and miscel-	
42	laneous purposes	\$ 727,000.00
43	HOSPITAL SCHOOL	
44	For salaries, support, maintenance, equipment and miscel-	
45	laneous purposes; and for repairs, replacements and altera-	
46	tions	\$ 1,350,000.00
47	STATE SANATORIUM—Oakdale	
48	For salaries, support, maintenance, equipment and miscel-	
49	laneous purposes; and for repairs, replacements and altera-	
50	tions	\$ 1,549,000.00
51	Total State University of Iowa	<u>\$46,906,000.00</u>
52	Iowa State University of Science and Technology	
53	GENERAL UNIVERSITY	
54	For salaries, support, maintenance, equipment and miscel-	
55	laneous purposes; and for repairs, replacements and altera-	
56	tions	\$25,634,000.00
57	AGRICULTURAL EXPERIMENT STATION	
58	For salaries, support, maintenance, equipment and miscel-	
59	laneous purposes	\$ 3,825,500.00
60	COOPERATIVE EXTENSION SERVICE IN AGRICULTURE AND HOME	
61	ECONOMICS	
62	For salaries, support, maintenance, equipment and miscel-	
63	laneous purposes	\$ 3,000,000.00
64	Total Iowa State University of Science and Technology	<u>\$32,459,500.00</u>
65	University of Northern Iowa	
66	For salaries, support, maintenance, equipment and miscel-	
67	laneous purposes; and for repairs, replacements and altera-	
68	tions	<u>\$ 9,759,000.00</u>
69	Iowa Braille and Sight Saving School	
70	For salaries, support, maintenance, equipment and miscel-	
71	laneous purposes; and repairs, replacements and altera-	
72	tions	\$ 810,000.00
73	Iowa School for the Deaf	
74	For salaries, support, maintenance, equipment and miscel-	
75	laneous purposes; and for repairs, replacements and altera-	
76	tions	\$ 1,445,500.00
77	Total appropriations of this Act for operating board of re-	
78	gents institutions for each year of the biennium	<u>\$ 91,380,000.00</u>

1 SEC. 2. The board of regents or any institution under its control, or
 2 the governor and state comptroller, are authorized to obtain federal grants
 3 to be expended in connection with the operation of board of regents insti-
 4 tutions. All federal grants to and the federal receipts of the board of re-
 5 gents are hereby appropriated for the purpose set forth in such federal
 6 grants and receipts.

1 SEC. 3. No moneys appropriated under this Act or receipts, which may
 2 be used for the same purposes as said appropriations, may be used for cap-
 3 ital improvements.

1 SEC. 4. The provisions of chapter eight (8) of the Code shall apply to
 2 this Act.

1 SEC. 5. There shall be budget analysts attached to each of the three
 2 universities by the state comptroller. The purpose of the budget analysts
 3 shall be to provide liaison between the regent's institutions and the comp-
 4 troller's office in preparation and execution of the budgets and to research
 5 and accumulate financial and statistical data relative to the budgets. The
 6 budget analysts shall work closely with the financial and administrative
 7 officers of the institutions and the central office of the board of regents.

8 All financial and statistical data and information prepared or accumulat-
 9 ed by the budget analysts shall be made available to the governor and the
 10 general assembly for their needs in budgeting and appropriation legislation.

11 The budget analysts shall be provided with adequate office space, equip-
 12 ment and supplies by the institutions. Salary and travel expenses shall be
 13 paid by the state comptroller's office.

1 SEC. 6. Total expenditures of each institution under the state board
 2 of regents, including expenditures from state appropriations and from such
 3 other receipts as may be available for the same purposes as the state appro-
 4 priations during the biennium, shall not exceed the limitation as hereinaf-
 5 ter set forth, except as provided. The state board of regents may, in the
 6 event of an emergency or necessity arising at any particular institution
 7 under its control, expend more than the amount budgeted for such institu-
 8 tion providing that the expenditure shall be made out of increased re-
 9 cepts, such increased receipts meaning receipts in excess of the estimation
 10 of receipts of the respective institutions set forth in the appropriation pro-
 11 posals submitted to the governor and general assembly; and provided that
 12 thirty days prior to such proposed expenditure the board shall report in
 13 writing to the state comptroller and governor the specific purpose and
 14 need for such additional expenditure, and the source and amount of funds
 15 available therefor. The board shall set out in its biennial report to the gov-
 16 ernor and the general assembly all such increased expenditures, the pur-
 17 pose and need thereof, and the source and amount of funds used therefor.

18 This section is not intended to abridge the authority of the governor
 19 and state comptroller to make transfers under authority of section eight
 20 point thirty-nine (8.39) of the Code.

21	State University, including lakeside laboratory	\$ 86,738,000.00
22	University Hospitals	42,242,000.00
23	Psychopathic Hospital	4,676,000.00
24	Bacteriological Laboratory	1,644,000.00
25	Hospital School	2,834,000.00
26	State Sanatorium	3,770,000.00

27	Iowa State University of Science and Technology	\$ 73,068,000.00
28	Iowa Agricultural Experiment Station	9,944,000.00
29	Cooperative Extension Service in Agriculture and Home	
30	Economics	10,366,000.00
31	University of Northern Iowa	27,122,200.00
32	Iowa Braille and Sight Saving School	1,644,480.00
33	Iowa School for the Deaf	<u>2,913,000.00</u>
34	Total expenditure budget for all institutions under the	
35	state board of regents for the biennium beginning July 1,	
36	1969 and ending June 30, 1971	<u>\$266,961,680.00</u>

1 SEC. 7. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

1 SEC. 8. No part of the funds appropriated under this Act shall be used
2 to provide payments, assistance, or education, in any form, with respect to
3 any individual who is, while enrolled as a student or while teaching at a
4 university, convicted in any federal, state, or local court of competent
5 jurisdiction of inciting, promoting, or carrying on a riot, resulting in materi-
6 al damage to public property or injury to persons, unless such individual,
7 if a student, shall be reexamined by an admissions officer and be found by
8 him to be of proper character for readmission as a student.

Approved June 21, 1969.

CHAPTER 49

BOARD OF REGENTS CAPITAL IMPROVEMENTS

S. F. 689

AN ACT to appropriate from the general fund of the state for capital improvements and purchases of land for institutions under the board of regents including construction of new buildings, repairs, improvements, land purchases, replacements, or alterations, and providing for joint control for the expenditure thereof by the board of regents, the governor, and the state comptroller.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
2 state for the biennium beginning July 1, 1969 and ending June 30, 1971,
3 to the board of regents the sum of seven million one hundred thousand
4 (7,100,000) dollars, or so much thereof as may be necessary, to be used
5 to supplement any prior appropriations for capital improvement items for
6 construction of new buildings, repairs, improvements, purchases of land,
7 replacements, or alterations, or for any other capital expenditures the board
8 of regents may deem necessary for the proper and necessary function of
9 any institution under its jurisdiction and for the purchase of land for a
10 western Iowa regents institution.

1 SEC. 2. Contracts for improvements for which funds are appropriated
2 by this Act shall be submitted by the board of regents to the governor and
3 the state comptroller, except that items commonly known as change orders
4 need not be submitted to the governor and the state comptroller unless
5 such change orders actually increase the total cost of that particular
6 project.

1 SEC. 3. The board of regents, the governor, and the state comptroller
2 may obtain federal grants for the state to be used in connection with the
3 funds appropriated by this Act.

1 SEC. 4. Any unencumbered balance of the funds appropriated by this
2 Act remaining on June 30, 1973 shall revert to the general fund on June
3 30, 1973.

Approved June 20, 1969.

CHAPTER 50

REGENTS REIMBURSEMENT

S. F. 696

AN ACT to provide for an appropriation from the general fund of the state to the state board of regents to reimburse state educational institutions for deficiencies in operating revenues resulting from funds pledged to finance academic and administrative buildings and facilities and utilities services.

WHEREAS, the general assembly has authorized the state board of regents to enlarge and expand the academic and administrative facilities at the institutions of higher learning under its jurisdiction by constructing or otherwise acquiring various buildings and facilities and utilities services and to finance the cost thereof by pledging tuitions, student fees and charges and other income of such institutions; and

WHEREAS, it is the desire of the general assembly that legislative appropriations take into account the student fees and charges and institutional income pledged to finance such additional buildings, facilities and services so that the obligation of paying the cost thereof shall not fall primarily on the students enrolled in the institutions of higher learning under the jurisdiction of the state board of regents, NOW THEREFORE:

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

1 SECTION 1. There is hereby appropriated from the general fund of the
2 state to the state board of regents for the biennium beginning July 1, 1969
3 and ending June 30, 1971 the sum of one hundred fifty thousand (150,000)
4 dollars, or so much thereof as may be necessary, to be allocated by said
5 board to the state university of Iowa, the Iowa state university of science
6 and technology, and the university of northern Iowa in such amounts as
7 may be necessary to reimburse such institutions for deficiencies in their
8 operating funds resulting from the pledging of tuitions, student fees and
9 charges and institutional income to finance the cost of providing academic
10 and administrative buildings and facilities and utilities services at said
11 institutions of higher learning.

Approved June 20, 1969.

CHAPTER 51

HIGHER EDUCATION FACILITIES COMMISSION

S. F. 636

AN ACT to appropriate funds from the general fund of the state to the higher education facilities commission for the state supported scholarship and medical student tuition loan programs.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
 2 state to the higher education facilities commission for the biennium begin-
 3 ning July 1, 1969 and ending June 30, 1971, the following amounts, or so
 4 much thereof as may be necessary, to be used for the purposes designated:
 5 1. Scholarship program
 6 To finance scholarships awarded by the com-
 7 mission under section two hundred sixty-one
 8 point two (261.2) of the Code \$525,000.00
 9 2. Medical student tuition loan program
 10 To finance loans to Iowa resident medical
 11 students under the provisions of section two
 12 hundred sixty-one point two (261.2) of the Code \$300,000.00

1 SEC. 2. The provisions of chapter eight (8) of the Code are hereby made
 2 a part of this Act.

1 SEC. 3. When any laws of this state are in conflict with this Act, the
 2 provisions of this Act shall govern for the biennium.

Approved May 14, 1969.

CHAPTER 52

HIGHER EDUCATION FACILITIES COMMISSION

S. F. 688

AN ACT to appropriate from the general fund of the state to the higher education facilities commission for the tuition grant program.

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

1 SECTION 1. For the higher education facilities commission there is here-
 2 by appropriated from the general fund of the state for the biennium be-
 3 ginning July 1, 1969 and ending June 30, 1971, the sum of four million
 4 five hundred thousand (4,500,000) dollars or so much thereof as may be
 5 necessary to finance tuition grants to full-time resident students attend-
 6 ing accredited private institutions of higher education in Iowa.

1 SEC. 2. One million five hundred thousand (1,500,000) dollars of the
 2 funds appropriated by section one (1) of this Act are appropriated for the
 3 first year of the biennium; and any unencumbered balance of said amount
 4 remaining as of June 30, 1970, shall revert to the general fund of the state
 5 on that date. Three million (3,000,000) dollars of the funds appropriated
 6 by section one (1) of this Act are appropriated for the second year of the

7 biennium; and any unencumbered balance of said amount remaining as of
8 June 30, 1971, shall revert to the general fund of the state on that date.

1 SEC. 3. The higher education facilities commission, the governor, and
2 state comptroller may obtain and accept federal or private grants to the
3 state to be used in connection with the funds appropriated by this Act.

1 SEC. 4. The provisions of chapter eight (8) of the Code shall apply to
2 this Act.

1 SEC. 5. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved June 3, 1969.

CHAPTER 53

FUEL TAX ADMINISTRATION

H. F. 795

AN ACT to appropriate from the motor vehicle fuel tax fund to the department of revenue.

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

1 SECTION 1. There is hereby appropriated for the department of reve-
2 nue from the motor vehicle fuel tax fund for each year of the biennium
3 beginning July 1, 1969 and ending June 30, 1971, the sum of eight hundred
4 eighteen thousand five hundred (818,500) dollars, or so much thereof as
5 may be necessary, for the cost of administration and enforcement of the
6 provisions of chapter three hundred twenty-four (324) of the Code, to be
7 used in the following manner:

8 For salaries, support, maintenance
9 and miscellaneous purposes \$818,500.00

1 SEC. 2. The provisions of chapter eight (8) of the Code are hereby
2 made applicable to this Act.

Approved April 30, 1969.

CHAPTER 54

DIRECTOR OF REVENUE AND COMMISSIONER OF SOCIAL SERVICES

S. F. 699

AN ACT to ratify and legalize the granting of commissions to the director of revenue and commissioner of the department of social services, to the acts and service of those officers upon such commissions, compensation paid such officers, and to appropriate funds for such compensation.

WHEREAS, the Sixty-second General Assembly provided no compensation for the director of revenue and the commissioner of the department of social services, and the governor undertook to grant commissions for those offices and to fix the compensation thereof, and such services have been performed and compensation paid, NOW THEREFORE,

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

1 SECTION 1. The acts of the governor in granting commissions to fill
2 the offices of director of revenue and commissioner of the department of
3 social services, in fixing the compensation for officers serving upon such
4 commissions, and the acts of such commissioner-officers, and the payment
5 of such compensation to them, hereby are ratified and legalized.

1 SEC. 2. The persons appointed by the governor to fill the offices of
2 director of revenue and commissioner of the department of social services
3 upon these offices becoming vacant, shall be paid for the period between
4 the adjournment of this session of the general assembly and the first day
5 of July, 1969, at the rate established by the governor in January, 1968.
6 There is hereby appropriated from the general fund of the state the sum of
7 six thousand (6,000) dollars or so much thereof as may be required for such
8 purpose.

1 SEC. 4.* This Act, being deemed of immediate importance, shall take
2 effect and be in force from and after its publication in The Record, a news-
3 paper published in Cedar Falls, Iowa, and in the Waterloo Daily Courier,
4 a newspaper published in Waterloo, Iowa.

Approved May 29, 1969.

I hereby certify that the foregoing Act, Senate File 699, was published in The Record, Cedar Falls, Iowa, June 5, 1969 and in the Waterloo Daily Courier, Waterloo, Iowa, June 5, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

*According to enrolled Act.

CHAPTER 55

SOCIAL SERVICES DEPARTMENT

S. F. 621

AN ACT to appropriate from the general fund of the state of Iowa for capital improvements for institutions under the department of social services, including construction of new buildings, repairs, improvements, replacements or alterations.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
2 state of Iowa to the department of social services the sum of two million
3 two hundred thousand (2,200,000) dollars to be used in the following man-
4 ner, to wit:

5	1. Youth forest camp	\$ 460,000.00
6	The department of social services may enter into agreements to lease or	
7	use state owned lands under the jurisdiction of the state conservation com-	
8	mission and is hereby authorized to construct, operate and maintain a	
9	youth camp under arrangements between the two departments.	
10	2. To supplement any prior appropriations for capital improvement	
11	items for construction of new buildings, repairs, improvements, replace-	
12	ments or alterations, or for any capital expenditures the department of	
13	social services may deem necessary for the proper and necessary function	
14	of any institution under its jurisdiction	<u>1,740,000.00</u>
15	Total	<u>\$2,200,000.00</u>

1 SEC. 2. Contracts for improvements for which funds are appropriated
2 by this Act shall be submitted by the department of social services to the
3 executive council, except that items commonly known as change orders
4 need not be submitted to the executive council unless such change orders
5 actually increase the total cost of that particular project.

1 SEC. 3. Upon completion of the contract documents and the determi-
2 nation of the total cost of any project as set forth in this Act, any unobli-
3 gated balance remaining may be used to supplement any current or prior
4 appropriation for capital improvement items for construction of new build-
5 ings, repairs, improvements, replacements or alterations, or for any other
6 capital expenditures the department of social services may deem necessary
7 for proper and necessary function of any institution under its jurisdiction.

1 SEC. 4. The department of social services, the governor and the state
2 comptroller are hereby authorized to obtain federal grants to the state to
3 be used in connection with the funds appropriated by this Act.

1 SEC. 5. Any unencumbered balance remaining as of June 30, 1973,
2 of the appropriation of this Act shall revert to the general fund of the state
3 as of June 30, 1973.

Approved May 1, 1969.

CHAPTER 56

MEDICAL ASSISTANCE PROGRAM

S. F. 676

AN ACT making an appropriation to the department of social services for deficiencies for the medical assistance program.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
2 state for the biennium ending June 30, 1969 to the department of social
3 services, bureau of income maintenance, the sum of two million (2,000,000)
4 dollars, or so much thereof as may be necessary, for the purpose of meeting
5 the deficiency in providing state funds for matching federal funds for the
6 medical assistance program.

1 SEC. 2. This Act, being deemed of immediate importance, shall be in
2 full force and effect from and after its passage and publication in The
3 Sutherland Courier, a newspaper published at Sutherland, Iowa, and in
4 The Progress-Review, a newspaper published at LaPorte City, Iowa.

Approved May 5, 1969.

I hereby certify that the foregoing Act, Senate File 676, was published in The Sutherland Courier, Sutherland, Iowa, May 8, 1969, and in The Progress-Review, LaPorte City, Iowa, May 7, 1969.

MELVIN D. SYNHORST, Secretary of State.

CHAPTER 57

SOCIAL SERVICES AND PAROLE BOARD

H. F. 819

AN ACT to appropriate from the general fund of the state to the department of social services and the board of parole and relating to the administration of programs of such department.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
2 state for each year of the biennium beginning July 1, 1969 and ending June
3 30, 1971, for the department of social services, including board of parole,
4 for all purposes including public assistance, salaries, support, maintenance,
5 repairs, replacements, alterations, equipment, and miscellaneous purposes for
6 the department's general administration, bureau offices, institutions, wel-
7 fare services, and parole services, the following amounts, or so much thereof
8 as may be necessary, to be used for the following purposes, to wit:

GENERAL ADMINISTRATION

10 1. For the administration of the office of the commissioner of social serv-
11 ices, including the council of social services, the office of the deputy commis-
12 sioner, the office of planning and budgeting, the office of administrative
13 services, the office of personnel and staff development, the office of public
14 information, and the office of architectural and engineering services and di-
15 visions thereof:

16 For salaries, support, maintenance and miscellaneous pur-
17 poses\$ 981,450.00

18 FAMILY AND CHILDREN'S SERVICES

19 2. For the administration of the bureau of family and children's services,

20 community services, foster care, other direct program services, the opera-

21 tion of the Iowa Annie Wittenmyer home at Davenport, the state juvenile

22 home at Toledo, the training school for boys at Eldora, the training school

23 for girls at Mitchellville, the Iowa soldiers' home at Marshalltown, and a

24 youth forest camp:

25	Office of the bureau	\$ 171,580.00
26	Direct services	314,060.00
27	Community services (county administration and services)	3,394,660.00
28	Purchase of foster home care, day care or other child	
29	care	810,000.00
30	Iowa Annie Wittenmyer home, Davenport	1,378,770.00
31	State juvenile home, Toledo	1,150,470.00
32	Boys' training school, Eldora	1,998,870.00
33	Girls' training school, Mitchellville	698,820.00
34	Iowa soldiers' home, Marshalltown	2,504,170.00
35	Youth forest camp	<u>33,750.00</u>
36	Total	<u>\$12,455,150.00</u>

37 The commissioner of the department of social services is hereby author-

38 ized to establish a detention care program at the Annie Wittenmyer home

39 in the city of Davenport. Such detention care may be offered to any city

40 or county served by the Annie Wittenmyer home at the discretion of the

41 commissioner of the department of social services. The commissioner shall

42 establish operating rules and regulations to provide fair and equitable

43 charges for such services by separating the costs of detention care from the

44 normal costs of providing services for children committed to the Annie

45 Wittenmyer home. The total cost of detention care shall be charged on a

46 per patient per diem to the city or county responsible for the admission of

47 such patient. Such funds received from detention care shall be deposited

48 in the general fund of the state and such funds are hereby appropriated

49 back to the Annie Wittenmyer home in the city of Davenport. In determin-

50 ing the charges for other children placed in the Annie Wittenmyer home at

51 Davenport, the amount received for detention care shall be deducted from

52 the total operating costs before per diem for the other children is deter-

53 mined as provided in chapter two hundred thirty-two (232) of the Code.

54 ADULT CORRECTIONS SERVICES

55 3. For the administration of the bureau of adult corrections, the jail

56 inspection program, the adult parole services, the operation of the Iowa

57 state penitentiary at Fort Madison, the men's reformatory at Anamosa,

58 the women's reformatory at Rockwell City, the Iowa security medical fa-

59 cility at Oakdale, the correctional release center at Newton, and the luster

60 heights camp at McGregor:

61	Office of the bureau, including jail inspection	\$ 129,460.00
62	Adult probation and parole services	502,250.00
63	Iowa state penitentiary, Fort Madison	3,283,560.00
64	Men's reformatory, Anamosa	2,701,740.00
65	Women's reformatory, Rockwell City	405,820.00
66	Iowa security medical facility, Oakdale	1,323,180.00
67	Riverview release center, Newton	458,500.00
68	Luster heights camp, McGregor	<u>75,730.00</u>
69	Total	<u>\$8,880,240.00</u>

INCOME MAINTENANCE SERVICES	
70	
71	4. For the administration of the bureau of income maintenance, for aid
72	to the blind, for aid to dependent children, for old age assistance, for aid
73	to the disabled, for medical assistance, for aid to Indians residing on a
74	settlement, and for contractual services:
75	Office of the bureau \$ 441,910.00
76	Old age assistance 11,800,000.00
77	Aid to the blind 320,000.00
78	Aid to dependent children 9,075,000.00
79	Aid to the disabled 1,220,000.00
80	Aid to Indians residing on a settlement 25,000.00
81	Medical assistance 12,030,000.00
82	Contractual services 562,500.00
83	Total \$ 35,474,410.00

MENTAL HEALTH SERVICES	
84	
85	5. For the administration of the bureau of mental health services, and
86	for the operation of the mental health institute at Cherokee, the mental
87	health institute at Clarinda, the mental health institute at Independence,
88	and the mental health institute at Mt. Pleasant:
89	Office of the bureau \$ 82,420.00
90	Mental health institute, Cherokee 3,197,750.00
91	Mental health institute, Clarinda 3,022,650.00
92	Mental health institute, Independence 3,569,360.00
93	Mental health institute, Mt. Pleasant 2,900,540.00
94	Total \$ 12,772,720.00

MENTAL RETARDATION SERVICES	
95	
96	6. For the administration of the bureau of mental retardation services,
97	and for the operation of the Glenwood state hospital-school at Glenwood
98	and the Woodward state hospital-school, including the central warehouse
99	and the departmental dietary training school, at Woodward:
100	Office of the bureau \$ 28,310.00
101	Glenwood state hospital-school 4,780,590.00
102	Woodward state hospital-school 4,954,920.00
103	Total \$ 9,763,820.00

SPECIFIED FEDERAL MATCHING FUNDS	
104	
105	7. For the administration of specified federal matching funds for the
106	mental health institute at Cherokee, the mental health institute at Inde-
107	pendence, the state institutional librarian, and the interagency case infor-
108	mation service:
109	Cherokee mental health institute:
110	For matching psychiatry — general psychiatry residency
111	training, resident children's neural-psychiatry unit, federal
112	in-service training for nurses, and psychiatry — basic resi-
113	dency federal funds \$ 70,910.00
114	Independence mental health institute:
115	For matching psychiatry — general psychiatry residency
116	training, and psychiatry — basic residency federal funds 29,120.00
117	State institutional librarian:
118	For matching traveling library federal funds for the state
119	institutional librarian 6,280.00

120	Interagency case information service:	
121	For matching federal interagency case information service	
122	funds for the state interagency case information service	\$ 36,500.00
123	Total	\$ 142,810.00
124	BOARD OF PAROLE	
125	8. For the administration of the board of parole	\$ 35,870.00

1 SEC. 2. The salary of the commissioner of social services shall be twen-
2 ty-four thousand (24,000) dollars for each year of the biennium.

1 SEC. 3. The budget of total expenditures for each institution under
2 the department of social services during the biennium shall not exceed
3 the state appropriation and transfers under section eight point thirty-nine
4 (8.39) of the Code for each institution set forth in this Act, except that the
5 gross salary expenditure shall be adjusted by the maintenance recovery in
6 arriving at the total expenditure.

7 The maintenance recovery is the rental charge to employees or others
8 for room, apartment, or house and meals.

9 All other institutional receipts shall be deposited to the state general
10 fund.

1 SEC. 4. The department may use appropriated funds for the granting of
2 educational leave upon approval of the commissioner.

1 SEC. 5. The mental health institutes' daily per diem as determined by
2 section two hundred thirty point twenty (230.20) of the Code, shall be
3 billed at eighty percent for the biennium.

1 SEC. 6. The state hospital schools' daily per diem as determined by
2 section two hundred twenty-two point seventy-three (222.73) of the Code,
3 shall be billed at eighty percent for the biennium.

1 SEC. 7. No funds appropriated by this Act shall be used for capital
2 improvements.

1 SEC. 8. Where any provisions of the law of this state are in conflict
2 with this Act, examples of which are, but not limited to, sections two hun-
3 dred thirty-nine point twelve (239.12) and two hundred forty-one point
4 twenty-one (241.21) of the Code, the provisions of this Act shall govern
5 for the biennium.

1 SEC. 9. The provisions of chapter eight (8) of the Code shall apply to
2 this Act.

1 SEC. 10. Any balance remaining in the funds to which appropriations
2 are made by this Act at the end of the ensuing biennium shall revert to
3 the general fund of the state, except that balances not to exceed the fol-
4 lowing specified amounts may be retained in each fund:

5	Aid to the blind fund	\$ 60,000.00
6	Aid to dependent children fund	775,000.00
7	Aid to the disabled fund	105,000.00

1 SEC. 11. The director of the bureau of mental health of the depart-
2 ment of social services shall receive an annual salary of thirty-one thousand
3 six hundred sixty (31,660) dollars.

1 SEC. 12. Section two hundred twenty-six point two (226.2), Code 1966,
2 is hereby amended as follows:

3 1. By inserting in line two (2) after the word "be" the words "either a
4 qualified hospital administrator or".

5 2. By striking all after the period in line five (5) and inserting in lieu
6 thereof the following:

7 "No physician may serve as both superintendent and business manager.
8 When a hospital administrator is appointed superintendent he may also
9 be designated to perform the duties of business manager, without addi-
10 tional compensation therefor, and a physician having the requisite qualifi-
11 cations for appointment as superintendent shall be designated clinical di-
12 rector and shall perform the duties imposed on the superintendent by sec-
13 tion two hundred twenty-six point six (226.6), subsection one (1), and such
14 other duties of the superintendent as must by their nature be performed
15 by a physician."

Approved June 5, 1969.

CHAPTER 58

WATCHMAKING EXAMINERS

S. F. 632

AN ACT to appropriate moneys received by the board of examiners in watchmaking, and re-
quirements for taking examinations.

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

1 SECTION 1. For the board of examiners in watchmaking there is hereby
2 appropriated all funds received under the authority of chapter one hundred
3 twenty (120) of the Code, for the biennium beginning July 1, 1969 and end-
4 ing June 30, 1971. The following amount, or so much thereof as may be
5 necessary, is authorized to be expended from said receipts for each year of
6 the biennium to be used in the manner designated:

7 For salaries, support, maintenance, equipment and
8 miscellaneous purposes \$3,800.00

1 SEC. 2. Section one hundred twenty point six (120.6), Code 1966, is
2 amended by adding at the end thereof the words: "However, any person who
3 has served as a watchmaker in another state for three years or more,
4 whether or not said state requires a watchmaker's certificate or license,
5 shall be permitted to take the examination required by this chapter to
6 obtain a certificate in this state. Such showing of service in another state
7 shall be supported by proper affidavits from responsible persons in said other
8 state."

1 SEC. 3. The remainder of the funds referred to in section one (1) of
2 this Act is hereby appropriated for contingencies arising during the bienni-
3 um which are legally payable from said fund.

1 SEC. 4. A contingency shall exclude any purpose or project which was
2 presented to the general assembly by way of a bill and failed to become
3 enacted into law, however, for the purpose of this Act a necessity of addi-
4 tional operating funds may be construed as an unforeseen contingency.

1 SEC. 5. Before any of the funds appropriated by this Act shall be allo-
2 cated for contingencies it shall be determined by the executive council that
3 a contingency exists and that the proposed allocation shall be for the best
4 interest of the state.

1 SEC. 6. If the full amount authorized in section one (1) is not expend-
2 ed during the first year, the unused portion shall carry forward and be an
3 addition to the amount authorized for the second year of the biennium.

1 SEC. 7. The provisions of chapter eight (8) of the Code are hereby made
2 a part of this Act.

1 SEC. 8. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved May 9, 1969.

CHAPTER 59

CLAIMS APPROPRIATIONS

H. F. 824

AN ACT to make appropriations to certain counties and named persons in settlement of claims made against the state of Iowa.

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

1 SECTION 1. There is hereby appropriated out of the general fund of the
2 state of Iowa to the following named persons and counties the amount
3 set opposite their respective names in full settlement of all claims which
4 they may have against the state of Iowa, to wit:

5 Claimant	6 Claim No.	7 Nature of Claim	8 Amount
9 Ringgold County		Personal property	
10 Mt. Ayr, Iowa	856-63-25	tax credit	\$ 251.53
11 Sac County		Personal property	
12 Sac City, Iowa	785-63-25	tax credit	112.41
13 Scott County		Personal property	
14 Davenport, Iowa	782-63-25	tax credit	2,125.11
15 Shelby County		Personal property	
16 Harlan, Iowa	877-63-25	tax credit	42.88
17 Story County		Personal property	
18 Nevada, Iowa	1045-63-25	tax credit	448.23
19 Wright County		Personal property	
20 Clarion, Iowa	780-63-25	tax credit	121.21
21 Hardin County		Personal property	
22 Eldora, Iowa	860-63-25	tax credit	24.64
23 Hardin County		Personal property	
24 Eldora, Iowa	878-63-25	tax credit	82.05
25 Polk County		Personal property	
26 Des Moines, Iowa	825-63-25	tax credit	674.38
27 Calhoun County		Personal property	
Rockwell City, Iowa	710-63-25	tax credit	64.01
Dallas County		Personal property	
Adel, Iowa	811-63-25	tax credit	763.08

	Claimant	Claim No.	Nature of Claim	Amount
28	Delaware County		Personal property	
29	Manchester, Iowa	771-63-25	tax credit	174.49
30	Grundy County		Personal property	
31	Grundy Center, Iowa	803-63-25	tax credit	2.90
32	Grundy County		Personal property	
33	Grundy Center, Iowa	761-63-25	tax credit	31.75
34	Grundy County		Personal property	
35	Grundy Center, Iowa	1007-63-25	tax credit	31.79
36	Jones County		Personal property	
37	Anamosa, Iowa	80-64-25	tax credit	582.93
38	Mahaska County		Personal property	
39	Oskaloosa, Iowa	892-63-25	tax credit	65.92
40	Mahaska County		Personal property	
41	Oskaloosa, Iowa	879-63-25	tax credit	9.33
42	Marshall County		Personal property	
43	Marshalltown, Iowa	685-63-25	tax credit	232.85
44	Marshall County		Personal property	
45	Marshalltown, Iowa	895-63-25	tax credit	162.69
46	O'Brien County		Personal property	
47	Primghar, Iowa	746-63-25	tax credit	220.27
48	Osceola County		Personal property	
49	Sibley, Iowa	665-63-25	tax credit	293.12
50	Page County		Personal property	
51	Clarinda, Iowa	857-63-25	tax credit	219.90
52	Plymouth County		Personal property	
53	LeMars, Iowa	840-63-25	tax credit	25.25
54	Poweshiek County		Personal property	
55	Montezuma, Iowa	827-63-25	tax credit	195.59
56	Lee County		Personal property	
57	Fort Madison, Iowa	893-63-25	tax credit	59.93
58	Marshall County		Personal property	
59	Marshalltown, Iowa	781-63-25	tax credit	143.57
60	Lee County		Personal property	
61	Ft. Madison, Iowa	868-63-25	tax credit	199.76
62	Calhoun County		Personal property	
63	Rockwell City, Iowa	954-63-25	tax credit	61.29
64	Franklin County		Personal property	
65	Hampton, Iowa	1173-63-25	tax credit	40.65
66	Scott County		Personal property	
67	Davenport, Iowa	998-63-25	tax credit	1,295.54
68	Linn County		Personal property	
69	Cedar Rapids, Iowa	864-63-25	tax credit	26,429.46
70	Polk County		Personal property	
71	Des Moines, Iowa	826-63-25	tax credit	7,527.34
72	Iowa County		Personal property	
73	Marengo, Iowa	766-63-25	tax credit	223.54
74	Calhoun County		Personal property	
75	Rockwell City, Iowa	754-63-25	tax credit	71.99
76	Linn County		Personal property	
77	Cedar Rapids, Iowa	1109-63-25	tax credit	1,036.66
78	Sac County		Personal property	
79	Sac City, Iowa	722-63-25	tax credit	631.21

Claimant	Claim No.	Nature of Claim	Amount
80 Harrison County		Personal property	
81 Logan, Iowa	911-63-25	tax credit	184.33
82 Mrs. Hazel Chuck		Travel expenses	
83 Mason City, Iowa	99-64-25	and per diem pay	309.05
84 Carmen M. Giocello		Travel expenses	
85 Council Bluffs, Iowa	70-64-25	and per diem pay	294.30
86 Edwin L. Barbour		Travel expenses	
87 Fort Dodge, Iowa	69-64-25	and per diem pay	246.13
88 William Hoskins		Travel expenses	
89 Ft. Madison, Iowa	70-64-25	and per diem pay	268.11
90 Raymond Pugh		Travel expenses	
91 Des Moines, Iowa	142-64-25	and per diem pay	157.37
92 H. Johann Eschbach		Travel expenses	
93 Cedar Rapids, Iowa	223-64-25	and per diem pay	284.25
94 Darryl Irish		Travel expenses	
95 Emmetsburg, Iowa	222-64-25	and per diem pay	338.33
96 Corliss J. Williams		Travel expenses	
97 Des Moines, Iowa	167-64-25	and per diem pay	160.00
98 Nicholas V. Critelli, Jr.			
99 Des Moines, Iowa	230-64-25	Attorney's fees	400.00

1 SEC. 2. The state comptroller is hereby authorized and directed to
 2 issue his warrant to the above named counties and persons in the amount
 3 set opposite their names, and the treasurer of the state is hereby authorized
 4 and directed to pay the same from the general fund of the state of Iowa.

1 SEC. 3. Receipt of said sums by said counties and persons shall be in
 2 full settlement of all claims they may hold against the state of Iowa, as
 3 above indicated, claims for which were presented to the joint claims commit-
 4 tee of the Sixty-third General Assembly.

Approved June 5, 1969.

CHAPTER 60

IOWA COMMISSION ON INTERSTATE CO-OPERATION APPROPRIATION

H. F. 323

AN ACT to make appropriations to members of the Iowa commission on interstate cooperation.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
 2 state of Iowa to the following named persons the amounts set opposite
 3 their respective names in full settlement of all claims which they may have
 4 against the state of Iowa for services rendered as a member of the Iowa
 5 commission on interstate cooperation established under chapter twenty-
 6 eight B (28B) of the Code:

7	Maurice E. Baringer	.....\$	240.00
8	Merle W. Hagedorn	.....	640.00
9	Vernon H. Kyhl	.....	1,000.00
10	Donald W. Murray	.....	480.00
11	Max E. Reno	.....	760.00

12	Howard C. Reppert, Jr.	\$ 840.00
13	Henry W. Busch	520.00
14	James T. Caffrey	920.00
15	John Camp	800.00
16	Harold O. Fischer	480.00
17	Dale L. Tieden	720.00

1 SEC. 2. The state comptroller is hereby authorized to issue his war-
 2 rants to the persons named in this Act in the amounts stated, and the
 3 treasurer is hereby directed to pay the same from the general fund of the
 4 state of Iowa.

1 SEC. 3. The acceptance of said sums by the persons named in this
 2 Act shall be in full acceptance of the claims described.

1 SEC. 4. This Act being deemed of immediate importance shall take
 2 effect and be in full force from and after its publication in the Creston
 3 News-Advertiser, a newspaper published in Creston, Iowa, and in The Man-
 4 chester Democrat-Radio, a newspaper published in Manchester, Iowa.

Approved March 19, 1969.

I hereby certify that the foregoing Act, House File 323, was published in the Creston News-Advertiser, Creston, Iowa, March 24, 1969 and in The Manchester Democrat-Radio, Manchester, Iowa, March 24, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 61

RETIREMENT SYSTEM ADVISORY BOARD APPROPRIATION

H. F. 324

AN ACT to make appropriations to members of the advisory investment board of the Iowa public employees' retirement system.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
 2 state of Iowa to the following named persons the amounts set opposite
 3 their respective names in full settlement of all claims they have against the
 4 state of Iowa for services rendered as members of the advisory investment
 5 board of the Iowa public employees' retirement system appointed in accord-
 6 ance with section ninety-seven B point eight (97B.8) of the Code:

7	A. L. Mensing	\$400.00
8	Howard C. Reppert, Jr.	320.00

1 SEC. 2. The state comptroller is hereby authorized to issue his war-
 2 rants to the persons named in this Act in the amounts stated, and the
 3 treasurer is hereby directed to pay the same from the general fund of the
 4 state of Iowa.

1 SEC. 3. The acceptance of said sums by the persons named in this Act
 2 shall be in full settlement of all claims against the state of Iowa growing
 3 out of the claims described.

Approved March 19, 1969.

CHAPTER 62

ETHICS COMMITTEE

H. F. 777

AN ACT to make appropriations to members who served on the ethics committee.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
 2 state of Iowa to the following named persons the amounts set opposite
 3 their respective names in full settlement of all claims they have against the
 4 state of Iowa for services rendered as members of the ethics committee:
 5 Don W. Burington \$198.06
 6 Francis L. Cudahy 166.50
 7 David M. Elderkin 226.70
 8 John H. Neiman 120.00

1 SEC. 2. The state comptroller is hereby authorized to issue his war-
 2 rants to the persons named in this Act in the amounts stated, and the treas-
 3 urer is hereby directed to pay the same from the general fund of the state
 4 of Iowa.

1 SEC. 3. The acceptance of said sums by the persons named in this
 2 Act shall be in full settlement of all claims against the state of Iowa grow-
 3 ing out of the claims described.

Approved May 14, 1969.

CHAPTER 63

LEGISLATIVE APPORTIONMENT COMMISSION

H. F. 809

AN ACT to make appropriations to members of the apportionment commission established by Senate Joint Resolution five (5) of the first session of the Sixty-third General Assembly.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
 2 state of Iowa to the following named persons the amounts set opposite
 3 their respective names in full settlement of all claims which they have
 4 against the state of Iowa for services rendered as members of the appor-
 5 tionment commission established by joint resolution of the first session of
 6 the Sixty-third General Assembly:
 7 Lee Schneider \$ 800.00
 8 Alan Lee 960.00
 9 L. D. Carstensen 720.00
 10 Mrs. James Green 720.00
 11 T. Cooper Evans 640.00
 12 Robert D. Fulton 680.00
 13 Harlan Lowe 800.00
 14 James Rielly 760.00
 15 Bennett Webster 840.00

16	Charles Hanson	\$ 1,040.00
17	Fred W. Benson	760.00
18	John Kibbie	840.00
19	R. John Swanson	840.00
20	Marvin Shirley	720.00

1 SEC. 2. The state comptroller is hereby authorized to issue his war-
 2 rants to the persons named in this Act in the amounts stated, and the
 3 treasurer is hereby directed to pay the same from the general fund of the
 4 state of Iowa.

1 SEC. 3. The acceptance of said sums by the persons named in this Act
 2 shall be in full acceptance of the claims described.

Approved May 8, 1969.

CHAPTER 64

LEGISLATIVE RESEARCH BUREAU

S. F. 607

AN ACT to make an appropriation to the Iowa legislative research bureau for updating the Code of Iowa on magnetic tape and to revise the related vocabulary concordance.

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

1 SECTION 1. There is hereby appropriated from the general fund of
 2 the state to the Iowa legislative research bureau the sum of thirteen thou-
 3 sand (13,000) dollars, or so much thereof as shall be necessary, for the pur-
 4 pose of incorporating the Acts of the Sixty-third General Assembly into
 5 the Code of Iowa on magnetic tape and to update and revise the related
 6 vocabulary concordance. The incorporation of the Acts on tape and the
 7 updating and revision of the vocabulary concordance shall be accom-
 8 plished in such manner as approved by the Iowa legislative research com-
 9 mittee. Any unused balance of the funds herein appropriated remaining
 10 upon completion of the project authorized by this Act shall revert to the
 11 general fund of the state.

Approved April 23, 1969.

CHAPTER 65

LEGISLATIVE DEPARTMENTAL EXPENSE

S. F. 608

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1969 and ending June 30, 1971, for various legislative departmental expenses.

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

1 SECTION 1. For the following legislative departments there is hereby
 2 appropriated from the general fund of the state for each year of the bienni-

3 um beginning July 1, 1969 and ending June 30, 1971, the following amounts,
4 or so much thereof as may be necessary, to be used in the manner designat-
5 ed:

6 1. LEGISLATIVE RESEARCH BUREAU
7 For salaries, support, maintenance, and
8 miscellaneous purposes \$219,240.00

9 2. INTERSTATE COOPERATION, COMMISSION ON
10 For expenses of commission members in carrying
11 out their obligations under chapter twenty-eight B
12 (28B), Code 1966 \$ 7,000.00

13 3. NATIONAL CONFERENCE OF STATE LEGISLATIVE
14 LEADERS
15 For annual dues for membership to the national
16 conference of state legislative leaders \$ 1,000.00

1 SEC. 2. Any unused balance of the funds herein appropriated remaining
2 at the end of the biennium shall revert to the general fund of the state.

Approved April 23, 1969.

CHAPTER 66

INAUGURAL APPROPRIATION

S. F. 531

AN ACT to appropriate funds to defray expenses of the inaugural ceremonies.

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

1 SECTION 1. There is hereby appropriated from the general fund of the
2 state the sum of ten thousand, three hundred fifty-nine dollars and twenty-
3 five cents (\$10,359.25) or so much thereof as may be necessary, to pay the
4 expenses incurred on account of the inaugural ceremonies and reception.
5 Warrants for payment of expenses authorized under this Act shall be
6 drawn in favor of the adjutant general upon the filing of vouchers therefor
7 with the state comptroller.

1 SECTION 2. This Act, being deemed of immediate importance, shall take
2 effect and be in full force from and after its passage and publication in The
3 Earlham Echo, a newspaper published at Earlham, Iowa, and in The Times-
4 Democrat, a newspaper published at Davenport, Iowa.

Approved April 14, 1969.

I hereby certify that the foregoing Act, Senate File 531, was published in The Earlham
Echo, Earlham, Iowa, April 17, 1969 and in The Times-Democrat, Davenport, Iowa, April 19, 1969.
MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 67

B. AND F.C. COMMITTEE FUND

S. F. 606

AN ACT to appropriate from the general fund of the state to the budget and financial control committee for its contingent fund.

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

1 SECTION 1. There is appropriated from the general fund of the state for
 2 the biennium beginning July 1, 1969 and ending June 30, 1971, the sum of
 3 one hundred fifty thousand (150,000) dollars, or so much thereof as may be
 4 necessary, to carry out the provisions of sections two point forty-four (2.44)
 5 through two point forty-eight (2.48), Code 1966. Any balance in the contin-
 6 gent fund as of June 30, 1971, shall revert to the general fund.

Approved April 23, 1969.

CHAPTER 68

GENERAL CONTINGENT FUND

S. F. 610

AN ACT to create the general contingent fund of the state and specifying the purposes for which the appropriation may be used.

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

1 SECTION 1. The general contingent fund of the state for the biennium
 2 beginning July 1, 1969 and ending June 30, 1971, is hereby created and
 3 said fund shall consist of the sum of five hundred thousand (500,000) dol-
 4 lars, hereby appropriated thereto from the general fund of the state. The
 5 contingent fund shall be administered by the executive council and allo-
 6 cations therefrom may be made only for contingencies arising during the
 7 biennium which are legally payable from the funds of the state. The execu-
 8 tive council shall not approve allocation of any funds for any purpose or
 9 project which was presented to the general assembly by way of a bill and
 10 which failed to become enacted into law.

11 Before any of the funds appropriated by this Act shall be allocated, a
 12 written recommendation shall first be obtained from the state comptroller
 13 and thereupon the executive council shall determine that the proposed
 14 allocation shall be for the best interest of the state. Any allocation in ex-
 15 cess of thirty-five thousand (35,000) dollars must be approved by the budget
 16 and financial control committee.

17 Any balance in the contingent fund as of June 30, 1971, shall revert to
 18 the general fund.

Approved May 29, 1969.

GENERAL LAWS

GENERAL LAWS

CHAPTER 69

ORGANIZATION OF GENERAL ASSEMBLY

H. F. 390

AN ACT relating to the implementation and organization for annual sessions of the general assembly; powers and duties of committees, members, employees, and agencies of the general assembly; methods of financing the cost of the general assembly; compensation and expenses of members and agencies of the general assembly; and procedures of the general assembly and its committees, members, and agencies.

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

1 SECTION 1. Sections two point one (2.1) through two point forty (2.40),
2 and sections two point forty-nine (2.49) through two point sixty-two (2.62),
3 Code 1966, are hereby repealed and sections two (2) through forty-seven
4 (47), as renumbered, inserted in lieu thereof.

1 SEC. 2. **Sessions — place.** The sessions of the general assembly
2 shall be held annually at the seat of government, unless the governor
3 shall convene them at some other place in times of pestilence or public
4 danger. Each annual session of the general assembly shall commence on
5 the second Monday in January of each year. The general assembly may
6 recess from time to time during each year in such manner as it may pro-
7 vide, subject to Article three (III), section fourteen (14) of the Constitu-
8 tion of the State of Iowa.

1 SEC. 3. **Designation of general assembly.** Each general assembly
2 shall be designated by numbers with a new consecutive number designated
3 every two calendar years. The general assembly meeting in the years one
4 thousand nine hundred sixty-nine and one thousand nine hundred seventy
5 shall be designated as the Sixty-third General Assembly.

6 The session of the general assembly commencing on the second Monday
7 of January, one thousand nine hundred sixty-nine, shall be designated as
8 the 1969 regular session of the Sixty-third General Assembly. The session
9 of the general assembly commencing on the second Monday of January,
10 one thousand nine hundred seventy shall be designated as the 1970 regu-
11 lar session of the Sixty-third General Assembly. Subsequent regular ses-
12 sions of the general assembly shall be designated by the year in which
13 they convene.

14 In addition, a regular session commencing in an odd-numbered year may
15 be designated as the first regular session of a numbered general assembly,
16 and a regular session commencing in an even-numbered year may be desig-
17 nated as the second regular session of a numbered general assembly.

18 A special session of the general assembly shall be designated as a special
19 session in the particular year of a numbered general assembly.

20 One of these methods of designation shall be used in all official refer-
21 ences to the general assembly and its sessions.

1 **SEC. 4. Temporary organization.** At ten o'clock a.m. on the sec-
2 ond Monday in January of each odd-numbered year, the general assembly
3 shall convene. The president of the senate, or in his absence some person
4 claiming to be a member, shall call the senate to order. If necessary, a tem-
5 porary president shall be chosen from the persons claiming to be elected
6 senators. Some person claiming to be elected a member of the house of rep-
7 resentatives shall call the house to order. The persons present claiming to
8 be elected to the senate shall choose a secretary, and those of the house of
9 representatives, a clerk on a temporary basis.

1 **SEC. 5. Certificates of election.** The selected secretary and clerk
2 shall receive and file the certificates of election presented, each for his own
3 house, and make a list therefrom of the persons who appear to have been
4 elected members of the respective houses.

1 **SEC. 6. Temporary officers — committee on credentials.** The
2 persons appearing to be members shall proceed to elect such other officers
3 as may be requisite and when so temporarily organized shall choose a
4 committee of five, who shall examine and report upon the credentials of the
5 persons claiming to be members.

1 **SEC. 7. Permanent organization.** The members reported by the
2 committee as holding certificates of election from the proper authority shall
3 proceed to the permanent organization of their respective houses by the
4 election of officers and shall not be challenged as to their qualifications
5 during the remainder of the term for which they were elected.

1 **SEC. 8. Officers — tenure.** The president pro tempore of the senate
2 and the speaker of the house of representatives shall hold their offices
3 until the first day of the meeting of the next general assembly. All other
4 officers elected by either house shall hold their offices for the same terms,
5 unless sooner removed, except as may be otherwise provided by resolution
6 or rules of the general assembly.

1 **SEC. 9. Oaths.** Any member may administer oaths necessary in the
2 course of business of the house of which he is a member, and, while act-
3 ing on a committee, in the course of business of such committee.

1 **SEC. 10. Journals.** The secretary of the senate and the clerk of the
2 house of representatives shall preserve copies of the printed daily journals
3 of their respective bodies, as corrected, certify to their correctness, and
4 file them with the secretary of state at the adjournment of each session of
5 the general assembly. The secretary of state shall cause the same to be
6 bound and preserved as the original journals of the senate and the house
7 in the manner as shall be specified by the president of the senate and speak-
8 er of the house.

1 **SEC. 11. Compensation of members of general assembly and lieu-
2 tenant governor — Sixty-third General Assembly.** The compensation
3 of each of the members of the Sixty-third General Assembly shall be as
4 herein provided.

5 1. Every member except the speaker of the house shall receive forty
6 dollars per day for each day of each regular and each special session. Mile-
7 age expenses shall be paid at the rate of ten cents per mile in going to and
8 returning from the place where the general assembly is held, by the nearest

9 traveled route, for each regular and each special session. The mileage of
10 the lieutenant governor while acting as president of the senate and the
11 mileage of the speaker of the house shall be the same as that of a member
12 of the general assembly.

13 2. The compensation of the lieutenant governor while acting as presi-
14 dent of the senate during the Sixty-third General Assembly shall be double
15 the compensation of a member of the senate.

16 3. The speaker of the house of representatives shall receive as compensa-
17 tion for his services as speaker and as a member of the general assembly
18 eighty dollars per day while the general assembly is in session.

19 4. When a vacancy occurs during a session of the Sixty-third General
20 Assembly, and the term of office of any member does not cover the entire
21 session, forty dollars per day for each day actually served shall be paid
22 to the member who vacated his position and to a member who may assume
23 such vacated membership.

24 5. At the sessions of the Sixty-third General Assembly the compensation
25 of the lieutenant governor, speaker of the house of representatives, and
26 members shall be paid semimonthly during such sessions upon certificate
27 of the presiding officer of each house showing the number of days of allow-
28 ance and compensation as herein provided.

29 6. Within thirty days after the convening of each session of the Sixty-
30 third General Assembly, the presiding officers of the two houses shall joint-
31 ly certify to the state comptroller the names of the members, officers, and
32 employees of their respective houses, and the amount of mileage due each
33 member, respectively, who shall thereupon draw a warrant upon the treasur-
34 er of state for the amount due each member for mileage, as certified.

35 7. In addition to the compensation herein authorized, members of the
36 general assembly shall be paid forty dollars per day and necessary travel
37 and actual expenses incurred in attending standing or interim committee
38 meetings subject to the provisions of section sixteen (16) of this Act, or
39 when on official state business, when the general assembly is not in ses-
40 sion. Such salaries or expenses shall be paid promptly from funds appro-
41 priated pursuant to section fourteen (14) of this Act, unless otherwise
42 provided by law.

1 SEC. 12. **Salaries and expenses — members of general assembly
2 and lieutenant governor — Sixty-fourth and subsequent general
3 assemblies.** Commencing with the Sixty-fourth General Assembly,
4 members of the general assembly and the lieutenant governor shall receive
5 salaries and expenses as provided by this section.

6 1. Every member of the general assembly except the speaker of the
7 house and majority and minority floor leaders of the senate and house
8 shall receive an annual salary of five thousand five hundred dollars for
9 each year while serving as a member of the general assembly. The major-
10 ity and minority floor leaders of the senate and house shall receive an
11 annual salary of six thousand five hundred dollars for each year while
12 serving in such capacity. In addition, each such member shall receive the
13 sum of fifteen dollars per day for expenses of office, except travel, for each
14 day the general assembly is actually in session. However, members from
15 Polk county shall receive seven and one-half dollars per day. Expenses
16 shall not be paid for more than five days per week. Weekly travel expenses
17 shall be paid at the rate of ten cents per mile for actual travel in going to
18 and returning from the seat of government by the nearest traveled route.

19 2. The lieutenant governor while presiding in the senate shall receive
20 compensation of twice the per diem rate a senator receives determined by
21 dividing the total number of days of each regular session into the total
22 annual salary of a senator. Personal expense and travel allowances shall
23 be the same for the lieutenant governor as for a senator.

24 The lieutenant governor while performing administrative duties of the
25 office of lieutenant governor or serving as the president of the senate dur-
26 ing special sessions of the general assembly shall receive eighty dollars per
27 diem and reimbursement for expenses incurred in performing such duties
28 pursuant to an appropriation made by the general assembly.

29 3. The speaker of the house shall receive an annual salary of eleven
30 thousand dollars for each year while serving as the speaker of the house.
31 Expense and travel allowances shall be the same for the speaker of the
32 house as provided for other members of the general assembly.

33 4. When a vacancy occurs and the term of any member of the general
34 assembly or the lieutenant governor is not completed, the member or the
35 lieutenant governor shall receive a salary or compensation proportional to
36 the length of his service computed to the nearest whole month. A suc-
37 cessor elected to fill such vacancy shall receive a salary or compensation
38 proportional to his length of service computed to the nearest whole month
39 commencing with such time as the successor is officially determined to
40 have succeeded to such office.

41 5. The state comptroller shall pay the travel and expenses of the
42 members of the general assembly and the lieutenant governor semimonthly
43 commencing with the first pay period after the names of such persons
44 are officially certified. The salaries of the members of the general assembly
45 and lieutenant governor shall be paid in twelve equal installments after
46 each pay period of the first six months of each calendar year. The presid-
47 ing officers of the two houses of the general assembly shall jointly certify
48 to the state comptroller the names of the members, officers, and employees
49 of their respective houses and the salaries and mileage to which each is en-
50 titled. Travel and expense allowances shall be paid upon the submission
51 of vouchers to the state comptroller indicating a claim for the same. Such
52 vouchers shall be submitted no more frequently than once each month.

53 6. In addition to the salaries and expenses herein authorized, members of
54 the general assembly shall be paid forty dollars per day and necessary
55 travel and actual expenses incurred in attending standing or interim com-
56 mittee meetings subject to the provisions of section sixteen (16) of this
57 Act, or when on official state business, when the general assembly is not in
58 session. Such salaries or expenses shall be paid promptly from funds appro-
59 priated pursuant to section fourteen (14) of this Act, unless otherwise
60 provided by law.

61 7. If a special session of the general assembly is convened, members of
62 the general assembly shall receive, in addition to their annual salaries,
63 the sum of forty dollars per day for each day the general assembly is
64 actually in special session, and the same travel allowances and expenses
65 as authorized by this section.

1 **SEC. 13. Officers and employees — compensation.** Each house of
2 the general assembly may employ such officers and employees as it shall
3 deem necessary for the conduct of its business. The compensation of the
4 chaplains, officers, and employees of the general assembly shall be fixed
5 by joint action of the house and senate by resolution at the opening of

6 each session, or as soon thereafter as conveniently can be done. Such per-
7 sons shall be furnished by the state such supplies as may be necessary
8 for the proper discharge of their duties.

1 **SEC. 14. Expenses of general assembly.** There is hereby appro-
2 priated out of any funds in the state treasury not otherwise appropriated
3 a sum sufficient to pay for legislative printing and all current and miscel-
4 laneous expenses of the general assembly, authorized by either the senate
5 or the house, and the state comptroller is hereby authorized and directed
6 to issue warrants for such items of expense upon requisition of the presi-
7 dent and secretary of the senate or the speaker and chief clerk of the
8 house.

9 There is hereby appropriated out of any funds in the state treasury not
10 otherwise appropriated, such sums as may be necessary, for each house of
11 the general assembly for the payment of any unpaid expense filed after
12 adjournment of each annual session of the general assembly or incurred
13 in the interim between sessions of the general assembly, including but not
14 limited to salaries of members and expenses of standing and interim com-
15 mittees. The state comptroller is hereby authorized and directed to issue
16 warrants for such items of expense upon requisition of the president and
17 secretary of the senate for senate expense or the speaker and chief clerk of
18 the house for house expense.

19 There is hereby appropriated out of any funds in the state treasury
20 not otherwise appropriated, such sums as may be necessary for the reno-
21 vation, remodeling, or preparations of the legislative chambers, legislative
22 offices, or other areas or facilities used or to be used by the legislative
23 branch of government, and for the purchase of such legislative equipment
24 and supplies deemed necessary to properly carry out the functions of the
25 general assembly. The state comptroller is hereby authorized and directed
26 to issue warrants for such items of expense, whether incurred during or
27 between sessions of the general assembly, upon requisition of the president
28 and secretary of the senate for senate expense or the speaker and chief
29 clerk of the house for house expense.

1 **SEC. 15. Issuance of warrants.** The state comptroller shall also
2 issue to each officer and employee of the general assembly, during legisla-
3 tive sessions or interim periods, upon vouchers signed by the president
4 and secretary of the senate or the speaker and chief clerk of the house,
5 warrants for the amount due for services rendered. Such warrants shall be
6 paid out of any moneys in the treasury not otherwise appropriated.

1 **SEC. 16. Meetings of standing committees.**

2 1. A standing committee of either house or a subcommittee when au-
3 thorized by the chairman of the standing committee, may meet when
4 the general assembly is not in session in the manner provided in this sec-
5 tion and upon call pursuant to the rules of the house or senate. In case
6 of vacancy in the chairmanship or in his absence, the ranking member
7 shall act as chairman. A standing committee or subcommittee may act on
8 bills and resolutions in the interim between the first and second regular
9 sessions of a general assembly. The date, time and place of any meeting
10 of a standing committee shall, by the person or persons calling the
11 meeting, be reported to and be available to the public in the office of
12 the director of the legislative service bureau at least five days prior to
13 the meeting.

14 2. The legislative service bureau shall provide staff assistance for stand-
15 ing committees when authorized by the legislative council. The chairman of
16 the committee or subcommittee shall notify the legislative service bureau
17 in advance of each meeting.

18 3. Interim studies utilizing the services of the legislative service bureau
19 must be authorized by the general assembly or the legislative council. A
20 standing committee may also study and draft proposed committee bills.
21 However, unless the subject matter of a study or proposed committee
22 bill has been assigned to a standing committee for study by the general
23 assembly or legislative council, the services of the legislative service bureau
24 cannot be utilized. Nonlegislative members shall not serve upon any study
25 committee, unless approved by the legislative council. A standing com-
26 mittee may hold public hearings and receive testimony upon any subject
27 matter within its jurisdiction.

28 Nonlegislative members of study committees shall be paid their neces-
29 sary travel and actual expenses incurred in attending committee or sub-
30 committee meetings for the purposes of the study.

31 4. Standing committees and subcommittees of standing committees may
32 meet when the general assembly is not in session under the following con-
33 ditions:

34 a. A standing committee may meet one time at the discretion of the
35 chairman.

36 b. Additional meetings of standing committees or their subcommittees
37 shall be authorized by the legislative council; however, such authorization
38 may be given at any one time for as many meetings as deemed necessary
39 by the legislative council.

40 c. Any study committee, other than an interim committee provided
41 for in subsection three (3) of this section, which utilizes staff of the legis-
42 lative service bureau may meet at such times as authorized by the legis-
43 lative council.

44 5. When the general assembly is not in session, a member of the general
45 assembly shall be paid forty dollars per day and his necessary travel and
46 actual expenses incurred in attending meetings of a standing committee or
47 subcommittee of which he is a member in addition to his regular compensa-
48 tion. Such compensation and expenses shall be allowed only if the member
49 attends a meeting of the committee or subcommittee for at least four hours.

1 SEC. 17. **Duties of standing committees.** The powers and duties
2 of standing committees shall include, but shall not be limited to, the fol-
3 lowing:

4 1. Introducing legislative bills and resolutions.

5 2. Conducting investigations with the approval of either or both houses
6 during the session, or the legislative council during the interim, with author-
7 ity to call witnesses, administer oaths, issue subpoenas, and cite for con-
8 tempt.

9 3. Requiring reports and information from state agencies as well as the
10 full cooperation of their personnel.

11 4. Selecting nonlegislative members when conducting studies as provided
12 in section sixteen (16) of this Act.

13 5. Undertaking in-depth studies of governmental matters within their
14 assigned jurisdiction, not only for the purpose of evaluating proposed legis-

15 lation, but also for studying existing laws and governmental operations
 16 and functions to determine their usefulness and effectiveness, as provided
 17 in section sixteen (16) of this Act.

18 6. Reviewing the operations of state agencies and departments.

19 7. Giving thorough consideration to, establishing priorities for, and mak-
 20 ing recommendations on all bills assigned to committees.

21 8. Preparing reports to be made available to members of the general
 22 assembly containing the committee's findings, recommendations, and pro-
 23 posed legislation.

1 SEC. 18. **Prefiling legislative bills.** Any member of the general as-
 2 sembly or any person elected to serve in the general assembly, or any
 3 standing committee, may sponsor and submit legislative bills and joint
 4 resolutions for consideration by the general assembly, before the convening
 5 of any session of the general assembly. Each house may approve rules for
 6 placing prefiled standing committee bills or joint resolutions on its calen-
 7 dar. Such bills and resolutions shall be numbered, printed, and distributed
 8 in a manner to be determined by joint rule of the general assembly or, in
 9 the absence of such rule, by the legislative council. All such bills and reso-
 10 lutions, except those sponsored by standing committees, shall be assigned
 11 to regular standing committees by the presiding officers of the houses when
 12 the general assembly convenes.

13 Departments and agencies of state government shall, at least ten days
 14 prior to the convening of each session of the general assembly, submit
 15 copies to the legislative service bureau of proposed legislative bills and
 16 joint resolutions which such departments desire to be considered by the
 17 general assembly. The legislative service bureau shall review such propos-
 18 als and submit them in proper form to the presiding officer in each house
 19 of the general assembly for referral to the proper standing committee.

20 The costs of carrying out the provisions of this section shall be paid
 21 pursuant to section fourteen (14) of this Act.

1 SEC. 19. **Freedom of speech.** A member of the general assembly
 2 shall not be held for slander or libel in any court for words used in any
 3 speech or debate in either house or at any session of a standing committee.

1 SEC. 20. **Contempt.** Each house has authority to punish for con-
 2 tempt, by fine or imprisonment or both, any person who commits any of
 3 the following offenses against its authority:

4 1. Arresting a member, knowing him to be such, in violation of his priv-
 5 ilege, or assaulting, or threatening to assault, or threatening any harm
 6 to the person or property of, a member, knowing him to be such, for any-
 7 thing said or done by him in such house as a member thereof.

8 2. Attempting by menace, or by force, or by any corrupt means, to con-
 9 trol or influence a member in giving his vote, or to prevent his giving it.

10 3. Disorderly or contemptuous conduct, tending to disturb its proceed-
 11 ings.

12 4. Refusal to attend, or to be sworn, or to affirm, or to be examined, as
 13 a witness before it, or before a committee thereof, when duly subpoenaed.

14 5. Assaulting or preventing any person going before it, or before any of
 15 its committees, by its order, the offender knowing such fact.

16 6. Rescuing or attempting to rescue any person arrested by its order,
 17 the offender knowing of such arrest.

18 7. Impeding any officer of such house in the discharge of his duties as
 19 such, the offender knowing his official character.

1 **SEC. 21. Punishment for contempt.** Fines and imprisonment for
2 contempt shall be only by virtue of an order of the proper house, entered
3 on its journals, stating the grounds thereof.

1 **SEC. 22. Warrant — execution.** Imprisonment for contempt shall
2 be effected by a warrant, under the hand of the presiding officer, for the
3 time being, of the house ordering it, countersigned by the acting secretary
4 or clerk, in the name of the state, and directed to the sheriff or jailer of
5 the proper county. Under such warrant, the proper officer will be authorized
6 to commit and detain the person.

1 **SEC. 23. Fines — collection.** Fines for contempt shall be collected by
2 a warrant, directed to any proper officer of any county in which the offend-
3 er has property, and executed in the same manner as executions for fines
4 issued from courts of record, and the proceeds paid into the state treasury.

1 **SEC. 24. Punishment — effect.** Imprisonment for contempt shall
2 not extend beyond the session at which it is ordered, and shall be in a
3 facility designated by the presiding officer.

4 Punishment for contempt shall not constitute a bar to any other pro-
5 ceeding, civil or criminal, for the same act.

1 **SEC. 25. Witness — attendance compulsory.** Whenever a commit-
2 tee of either house, or a joint committee of both, is conducting an investi-
3 gation requiring the personal attendance of witnesses, any person may be
4 compelled to appear before such committee as a witness by serving an
5 order upon him, which service shall be made in the manner required in case
6 of a subpoena in a civil action in the district court. Such order shall state
7 the time and place a person is required to appear, be signed by the pre-
8 siding officer of the body by which the committee was appointed, and
9 attested by its acting secretary or clerk; or, in case of a joint committee,
10 signed and attested by such officers of that body.

1 **SEC. 26. Witnesses — compensation.** Witnesses called by a stand-
2 ing or joint committee shall be entitled to the same compensation for at-
3 tendance under section twenty-five (25) of this Act as before the district
4 court but shall not have the right to demand payment of their fees in ad-
5 vance.

1 **SEC. 27. Joint conventions.** Joint conventions of the general as-
2 sembly shall meet in the house of representatives for such purposes as are
3 provided by law. The president of the senate, or, in his absence, the presi-
4 dent pro tempore of the senate shall preside at such joint conventions.

5 The speaker of the house of representatives may, for purposes of canvass
6 of votes for governor and lieutenant governor and for the inauguration of
7 such officers, designate any suitable hall at the seat of government as the
8 hall of the house of representatives.

1 **SEC. 28. Secretary — record.** The clerk of the house of representa-
2 tives shall act as secretary of the convention, and he and the secretary of
3 the senate shall keep a fair and correct record of the proceedings of the
4 convention, which shall be entered on the journal of each house.

1 **SEC. 29. Canvass of votes for governor.** The general assembly
2 shall meet in joint session on the same day the assembly first convenes in
3 January in each odd-numbered year, or as soon thereafter as both houses

4 have been organized, and canvass the votes cast for governor and lieutenant
5 governor and determine the election; and when the canvass is completed,
6 the oath of office shall be administered to the persons so declared elected
7 and the governor shall deliver to the joint assembly any message he
8 may deem expedient.

1 **SEC. 30. Tellers.** After the time for the meeting of the joint convention
2 has been designated each house shall appoint three tellers, and the six
3 shall act as judges of the election.

4 Canvassing the votes for governor and lieutenant governor shall be conducted
5 substantially according to the provisions of sections twenty-seven
6 (27) through thirty (30) of this Act.

1 **SEC. 31. Election — vote — how taken.** When any officer is to be
2 elected by joint convention, the names of the members shall be arranged
3 in alphabetical order by the secretaries, and each member shall vote in the
4 order in which his name stands when so arranged. The name of the person
5 voted for, and the names of the members voting, shall be entered in writing
6 by the tellers, who, after the secretary shall have called the names of the
7 members a second time, and the name of the person for whom each member
8 has voted, shall report to the president of the convention the number
9 of votes given for each candidate.

10 If no person shall receive the votes of a majority of the members present,
11 a second poll may be taken, or as many polls as may be required until
12 some person receives a majority.

1 **SEC. 32. Certificates of election.** When any person shall have received
2 a majority of the votes, the president shall declare him to be elected,
3 and shall, in the presence of the convention, sign two certificates of such
4 election, attested by the tellers, one of which he shall transmit to the governor,
5 and the other shall be preserved among the records of the convention
6 and entered at length on the journal of each house. The governor shall
7 issue a commission to the person so elected.

1 **SEC. 33. Adjournment.** If the purpose for which the joint convention
2 is assembled is not concluded, the president shall adjourn or recess
3 the same from time to time as the members present may determine.

1 **SEC. 34. Confirmation of appointments — rejected nominees not**
2 **eligible.** When the nomination of a public officer is required to be confirmed
3 by the senate, the nomination shall not be considered by the senate
4 until it shall have been referred to a committee of five senators who
5 shall, if possible, represent different political parties. The committee shall
6 be appointed by the president of the senate, without motion, and shall
7 report to the senate. The consideration of the nomination by the senate
8 shall not be made on the same legislative day on which the nomination is
9 so referred, unless it be the last day of the session. When a nomination
10 has been so considered by the senate and approval has been refused, the
11 nominee shall not be eligible for an interim appointment to any position
12 requiring confirmation by the senate, prior to the convening of the next
13 regular session of the general assembly.

LEGISLATIVE COUNCIL

1 **SEC. 35. Legislative council created.** There is hereby created a continuing
2 legislative council of sixteen members which shall be entitled the

3 legislative council. The council shall be composed of the president pro tem-
4 pore of the senate, the speaker of the house of representatives, the majority
5 and minority floor leaders of the senate, five members of the senate appoint-
6 ed by the president of the senate, the majority and minority floor leaders
7 of the house of representatives, and five members of the house of representa-
8 tives appointed by the speaker of the house of representatives. The lieu-
9 tenant governor shall be an ex officio nonvoting member of the council. Of the
10 five members appointed by the president of the senate and speaker of the
11 house, three from each house shall be appointed from the majority party
12 and two from each house shall be appointed from the minority party.
13 Members shall be appointed prior to the adjournment of the first regular
14 session of each general assembly and shall serve for two-year terms ending
15 upon the convening of the following general assembly or when their suc-
16 cessors are appointed. Vacancies on the council, including vacancies which
17 occur when a member of the council ceases to be a member of the general
18 assembly, shall be filled by the president of the senate and the speaker of
19 the house respectively. Insofar as possible, upon appointment of members
20 of the council during each regular session of the general assembly, at least
21 two members of the council from each house shall be reappointed. The
22 council shall hold regular meetings at a time and place fixed by the council
23 and shall meet at any other time and place as the council may deem neces-
24 sary.

1 **SEC. 36. Powers and duties of council.** The legislative council
2 shall select its officers and prescribe its rules and procedure. The powers
3 and duties of the council shall include, but not be limited to, the following:
4 1. To establish policies for the operation of the legislative service bu-
5 reau, including the priority to be given to research requests and the dis-
6 tribution of research reports.
7 2. To appoint the director of the legislative service bureau for such term
8 of office as may be set by the council.
9 3. To prepare reports to be submitted to the general assembly at its
10 regular sessions.
11 4. To appoint interim study committees consisting of members of the
12 legislative council and members of the general assembly of such number
13 as the council shall determine. Nonlegislative members may be included
14 on such committees when the council deems the participation of such
15 members advantageous to the conduct of the study.
16 5. To conduct studies and evaluate reports of studies assigned to study
17 committees and make recommendations for legislative or administrative
18 action thereon. Recommendations shall include such bills as the legislative
19 council may deem advisable.
20 6. To cooperate with other states to discuss mutual legislative and gov-
21 ernmental problems.
22 7. To recommend staff for the legislative council and the standing com-
23 mittees in cooperation with the chairman of such standing committees.
24 8. To recommend changes or revisions in the senate and house rules
25 and the joint rules for more efficient operation of the general assembly and
26 draft proposed rule amendments, resolutions, and bills as may be required
27 to carry out such recommendations, for consideration by the general
28 assembly.
29 9. To recommend to the general assembly the names and numbers of
30 standing committees of both houses.

31 10. To establish rules for the style and format for drafting and prepar-
32 ing of legislative bills and resolutions.

33 11. To consult with the code editor with regard to the printing and pub-
34 lishing of the Code of Iowa and session laws, including but not limited to:
35 the style and format to be used in publishing such documents, the fre-
36 quency of publications, the contents of such publications, the numbering
37 system to be used in the Code and session laws, the preparation of editorial
38 comments or notations, the correction of errors, the type of print to be
39 used, the number of volumes to be published, recommended revisions of
40 the Code and session laws, the letting of contracts for the publication of the
41 Code and session laws, and any other matters deemed necessary to the pub-
42 lication of a uniform and understandable code of laws.

1 **SEC. 37. General supervision over legislative facilities, equipment,**
2 **and arrangements.** The legislative council in cooperation with the
3 officers of the senate and house shall have the duty and responsibility for
4 preparing for each session of the general assembly. Pursuant to such duty
5 and responsibility, the legislative council may assign areas in the state
6 capitol or other state buildings, in consultation with the executive council
7 and the capitol planning commission, for use of the general assembly or
8 legislative agencies. The legislative council may authorize the renovation,
9 remodeling and preparation of the physical facilities used or to be used
10 by the general assembly and award contracts pursuant to such authority to
11 carry out such preparation. The legislative council may purchase supplies
12 and equipment deemed necessary for the proper functioning of the legisla-
13 tive branch of government.

14 In carrying out its duties under this section, the legislative council
15 shall consult with the executive council and the capitol planning commis-
16 sion, but shall not be bound by any decision of the executive council in
17 respect to the responsibilities and duties provided for in this section. The
18 legislative council may direct the superintendent of buildings and grounds
19 or other state employees to carry out its directives in regard to the physi-
20 cal facilities of the general assembly, or may employ other personnel to
21 carry out such functions.

22 The costs of carrying out the provisions of this section shall be paid
23 pursuant to section fourteen (14) of this Act.

1 **SEC. 38. Expenses of council and special interim committees.**
2 Members of the legislative council shall be reimbursed for actual and neces-
3 sary expenses incurred in the performance of their duties, and shall receive
4 a per diem of forty dollars for each day in which engaged in the perform-
5 ance of such duties. However, such per diem compensation and expenses
6 shall not be paid when the general assembly is actually in session at the
7 seat of government. Such expenses and per diem shall be paid in the man-
8 ner provided for in section forty-seven (47) of this Act.

9 Members of special interim study committees which may from time to
10 time be created shall be entitled to receive the same expenses and compen-
11 sation provided for the members of the legislative council. Such expenses
12 shall be paid in the manner provided for in section forty-seven (47) of this
13 Act within the limit of available funds. Upon motion approved by the legis-
14 lative council, members of such special interim study committees may be
15 paid for their expenses and per diem pursuant to the provisions of section
16 fourteen (14) of this Act.

LEGISLATIVE SERVICE BUREAU

1 **SEC. 39. Service bureau.** There is hereby created a legislative service
2 bureau which shall operate under the direction and control of the legisla-
3 tive council. The administrative head of the legislative service bureau shall
4 be the director of the bureau. The bureau shall cooperate with and serve all
5 members of the general assembly, the legislative council, and committees
6 of the general assembly. It shall upon proper request of members and com-
7 mittees of the general assembly prepare research reports upon any gov-
8 ernmental matter. Such research reports and the findings therein shall not
9 contain any recommendations. The bureau shall assist and serve any stand-
10 ing or interim committee of the general assembly upon request, approved
11 by the legislative council. The bureau shall draft and prepare bills for com-
12 mittees and individual members of the general assembly. Research and
13 bill-drafting requests made between sessions shall be in the manner pro-
14 vided for by the legislative council. The legislative council shall have the
15 sole power and duty to allocate the work load of the bureau but may dele-
16 gate such duty to the legislative service bureau director.

1 **SEC. 40. Director.** The director of the service bureau shall serve
2 on a full-time basis and shall have the following powers and duties:

3 1. He shall be in charge of the research and bill-drafting functions of
4 the bureau.

5 2. He shall employ and supervise all employees of the legislative service
6 bureau in such positions and at such salaries as shall be authorized by
7 the legislative council.

8 3. He shall employ, with the approval of the legislative council or its
9 chairman, such temporary employees as may be required to provide research
10 and bill-drafting services prior to and during sessions of the general as-
11 sembly. Such employees shall be under the supervision of the director and
12 shall be paid from the appropriation made for the general assembly pur-
13 suant to section fourteen (14) of this Act.

14 4. With the approval of the legislative council or its chairman, he may
15 employ such technical consultants as may be necessary to provide research
16 and bill-drafting services on a salary or fee basis.

1 **SEC. 41. Salary of director.** The salary of the director of the legis-
2 lative service bureau shall be set by the legislative council.

1 **SEC. 42. Requests for research.** Requests for research on govern-
2 mental matters may be made to the legislative service bureau by either
3 house of the general assembly, committees of either house of the general
4 assembly, special interim committees of the general assembly, the legisla-
5 tive council, or upon petition by twenty or more members of the general
6 assembly. Any legislative committee may request the service bureau to do
7 research on any matter under consideration by such committee. For each
8 such request the legislative council may, if deemed advisable, authorize
9 a special interim study committee to conduct the research study or may
10 request a standing committee to conduct such study. Members on a study
11 committee shall be appointed by the council and shall consist of at least
12 one member of the council and such other members of the majority and
13 minority parties of the senate and the house of representatives as the coun-
14 cil may designate. As far as practicable, a study committee shall include
15 members of standing committees concerned with the subject matter of the

16 study. No legislator shall serve on more than two study committees.
 17 Nonlegislative members having special knowledge of the subject under
 18 study may be appointed by the council to a study committee but such
 19 members shall be nonvoting members of such committee. The legislative
 20 service bureau shall assist study committees on research studies when au-
 21 thorized by the legislative council.

1 **SEC. 43. Powers.** Special interim study committees shall have the
 2 following powers and duties:

- 3 1. To elect officers and adopt necessary rules for the conduct of business.
- 4 2. To conduct research on any matter connected with the study assigned
 5 by the legislative council.
- 6 3. To hold hearings.
- 7 4. To make regular progress reports to the legislative council.
- 8 5. To make a report, which may include recommendations, to the legis-
 9 lative council. Copies of study committee reports shall be made available
 10 to members of the general assembly and may be made available to other
 11 interested individuals upon request. The reports shall not be final until
 12 approved by the legislative council.

1 **SEC. 44. Meetings.** Special interim study committees shall first
 2 meet at the call of the ranking legislative council member assigned to the
 3 study committee, and shall thereafter meet at such time as study com-
 4 mittee members shall so designate. Any legislator may attend any study
 5 committee meeting or any hearing held by a study committee. All
 6 study committee meetings shall be open to the public.

1 **SEC. 45. Assistance by bureau.** The legislative service bureau may
 2 provide the following assistance to standing and special interim study
 3 committees, as authorized by the legislative council:

- 4 1. Handle administrative affairs, including correspondence, record keep-
 5 ing, and scheduling of meetings.
- 6 2. Perform the research required for any study. Priority for studies shall
 7 be determined by the legislative council.
- 8 3. Arrange for the help of state employees and technical consultants
 9 whose assistance is needed.
- 10 4. Prepare research reports, and, upon the request of a committee, pre-
 11 pare that committee's report.

1 **SEC. 46. Information and assistance.** The legislative service bu-
 2 reau may call upon any department, agency or office in the state, or any
 3 political subdivision of the state, for such information and assistance as
 4 may be needed in the performance of the duties of the service bureau and
 5 such information and assistance shall be furnished insofar as the same
 6 shall be within the resources and authority of such departments, agencies,
 7 offices, and political subdivisions. Nothing herein shall be construed to re-
 8 quire the production or opening of any public records which are required
 9 by law to be kept private or confidential.

10 The service bureau may cooperate with other states and the federal
 11 government in the exchange of research reports, information, and mater-
 12 ials.

1 **SEC. 47. Office and supplies — expenses.** The office of the service
 2 bureau shall be located in the statehouse. Supplies, postage, and equip-

3 ment may be requisitioned from the executive council. Per diem and ex-
4 penses of the legislative council, special interim study committees, and
5 service bureau shall be paid upon the approval of the director of the bu-
6 reau and, if an extraordinary expense, upon the approval of the legislative
7 council or its chairman.

1 SEC. 48. Section three point one (3.1), Code 1966, is hereby amended
2 as follows:

3 1. By inserting in line one (1) of subsection two (2) after the word
4 "number" the words "and session".

5 2. By inserting in line five (5) of subsection two (2) after the word
6 "Code" the words "or codified in a supplement to the Code".

7 3. By inserting in line three (3) of subsection three (3) after the word
8 "parenthesis" the words "when specified in the bill-drafting instructions
9 promulgated by the legislative council".

1 SEC. 49. Section three point two (3.2), Code 1966, is hereby repealed
2 and the following enacted in lieu thereof:

3 "The legislative council shall, in consultation with the director of the
4 legislative service bureau and the code editor, promulgate rules and in-
5 structions for the drafting of legislative bills and resolutions not otherwise
6 in conflict with the provisions of law and the rules of the senate and the
7 house."

1 SEC. 50. Section fourteen point three (14.3), Code 1966, is hereby
2 amended as follows:

3 1. By striking from lines one (1) and two (2) of subsection two (2) the
4 words "after each odd-numbered session".

5 2. By striking lines one (1) through four (4), inclusive, of subsection
6 three (3) and inserting in lieu thereof the words "Prepare and cause to be
7 published annotations, which may be published as a separate volume, or if
8 approved by the legislative council, as part of the Code or supplements
9 thereto. The annotations shall show the".

10 3. By striking from line ten (10) of subsection three (3) the word "shall"
11 and inserting in lieu thereof the word "may".

1 SEC. 51. Section fourteen point ten (14.10), Code 1966, is hereby amend-
2 ed as follows:

3 1. By striking from line two (2) of subsection one (1) the words "pub-
4 lished acts of".

5 2. By striking lines three (3), four (4), and five (5) of subsection one (1)
6 and inserting in lieu thereof the words "session laws shall be printed and
7 published in such manner as specified by the code editor in consultation
8 with the legislative council."

9 3. By striking from lines two (2) and three (3) of subsection two (2) the
10 words "in said published volume".

11 4. By striking from lines two (2) and three (3) of subsection three (3) the
12 words "each published volume of" and inserting in lieu thereof the word
13 "the".

14 5. By striking from lines one (1) and two (2) of subsection four (4) the
15 words "each volume of".

1 SEC. 52. Section fourteen point twelve (14.12), Code 1966, is hereby
2 amended as follows:

3 1. By striking all of subsection one (1) and inserting in lieu thereof the
4 words "The printing of the text shall be in a manner specified by the code
5 editor in consultation with the legislative council."

6 2. By striking all of subsection two (2) and inserting in lieu thereof the
7 words "The Code shall be numbered in a manner specified by the code
8 editor in consultation with the legislative council."

9 3. By inserting in line two (2) of subsection four (4) after the word
10 "words" the words "or headnote".

11 4. By striking from line four (4) of subsection four (4) the words "first
12 word" and inserting in lieu thereof the word "text".

13 5. By inserting in line one (1) of subsection five (5) after the word
14 "references" the words "or source notes".

15 6. By striking line three (3) of subsection seven (7) and inserting in lieu
16 thereof the words ", subject matter, or editorial comment or annotation
17 deemed useful to a proper understanding of the Code."

18 7. By striking from lines two (2) and three (3) of subsection nine (9)
19 the words "and bound in good grade of buckram to specifications prepared"
20 and inserting in lieu thereof the words "in a manner specified by the code
21 editor in consultation with the legislative council according to the recom-
22 mendations prepared".

1 SEC. 53. Section fourteen point thirteen (14.13), Code 1966, is hereby
2 amended by adding the following new subsection thereto:

3 "Prepare comments deemed necessary for a proper explanation of the
4 manner of printing the section or chapter of the Code."

1 SEC. 54. Section fourteen point fifteen (14.15), Code 1966, is hereby
2 amended as follows:

3 1. By inserting in line one (1) after the word "Code" the words "or
4 supplements thereto".

5 2. By striking from line three (3) the words "each odd-numbered" and in-
6 serting in lieu thereof the words "the second".

7 3. By inserting after the period in line four (4) the following new
8 sentence:

9 "Supplements to the Code may be issued in such manner as shall be
10 determined by the code editor in consultation with the legislative coun-
11 cil."

12 4. By inserting in line six (6) after the second word "Code" the words
13 "or supplement thereto".

14 5. By inserting in line nine (9) after the word "Code" the words "or
15 supplement thereto".

16 6. By striking from lines nine (9) and ten (10) the words "and bound
17 at the time required by law but" and inserting in lieu thereof the words
18 "in the manner specified by the code editor in consultation with the legis-
19 lative council and".

1 SEC. 55. Section fourteen point sixteen (14.16), Code 1966, is hereby
2 amended as follows:

3 1. By inserting in line two (2) after the word "Code" the words "or
4 supplements thereto".

5 2. By inserting in line ten (10) after the word "Code" the words "or
6 supplements thereto".

1 SEC. 56. Section fourteen point seventeen (14.17), Code 1966, is hereby
2 amended as follows:

3 1. By inserting in line two (2) after the word "Codes" the words "or
4 supplements thereto".

5 2. By inserting in line five (5) after the comma the words "or 'supple-
6 ments to the Code _____'".

7 3. By inserting in line six (6) after the word "Code" the words "or sup-
8 plements thereto".

1 SEC. 57. Section fourteen point eighteen (14.18), Code 1966, is hereby
2 amended by inserting in line three (3) after the quotation mark the words
3 "... session".

1 SEC. 58. Section sixteen point three (16.3), Code 1966, is hereby amend-
2 ed by striking from line fifteen (15) the word "The" and inserting in lieu
3 thereof the words "Except in reference to the publication or printing of
4 legislative publications the".

1 SEC. 59. Section sixteen point thirty-one (16.31), Code 1966, is hereby
2 amended by inserting in line twelve (12) after the word "recess" the words
3 "except as may otherwise be provided by the joint rules of the general
4 assembly".

1 SEC. 60. Section seventeen point three (17.3), Code 1966, as amended
2 by section twenty-five (25) of chapter two hundred nine (209), Acts of the
3 Sixty-second General Assembly, is hereby further amended by adding
4 thereto the following paragraph:

5 "The officials and departments required by this section to file biennial
6 reports shall, in addition thereto, in each odd-numbered year, file summary
7 reports relating to their operations for the preceding fiscal year. Such reports
8 shall be filed as soon as practicable after June thirtieth of each odd-num-
9 bered year and shall be as detailed as may be required by the governor, or
10 in case the reports are to be filed with the general assembly, the presiding
11 officers of the two houses of the general assembly."

1 SEC. 61. Section seventeen point fifteen (17.15), Code 1966, is hereby
2 amended as follows:

3 1. By striking from line eight (8) the words "not less than one thousand"
4 and inserting in lieu thereof the words "such number as shall jointly be
5 specified by the presiding officers of the two houses of the general assembly".

6 2. By striking from line nine (9) the words "not less than one thousand"
7 and inserting in lieu thereof the words "such number as shall jointly be
8 specified by the presiding officers of the two houses of the general as-
9 sembly".

1 SEC. 62. Chapter ninety-one (91), section one (1), Acts of the Sixty-
2 second General Assembly, is hereby amended by striking lines five (5) and
3 six (6) and inserting in lieu thereof the following: "good paper. The style
4 and format of such bills shall be specified by the rules but in the absence
5 of such rules by the legislative council."

1 SEC. 63. Section seventeen point twenty-one (17.21), Code 1966, is
2 hereby amended as follows:

3 1. By inserting in line one (1) after the word "Code" the words "or
4 supplements thereto".

5 2. By inserting in line five (5) after the word "court" the words ", unless
6 otherwise specifically provided by law,".

1 SEC. 64. Section seventeen point twenty-two (17.22), Code 1966, is
2 hereby amended by inserting in line six (6) after the word "Code" the words
3 "or supplements thereto".

4 Further amend the section by inserting at the end a new sentence as
5 follows: "When the Code is published in more than one volume the super-
6 intendent of printing may distribute each volume on order, after payment
7 of the estimated purchase price for the set, when said volume becomes
8 available."

1 SEC. 65. Section seventeen point twenty-four (17.24), Code 1966, is
2 hereby amended by inserting in line four (4) after the word "Code" the
3 words "or supplements thereto".

1 SEC. 66. Section seventeen point twenty-five (17.25), Code 1966, is
2 hereby amended by inserting in line two (2) after the word "Code" the
3 words "or supplements thereto".

1 SEC. 67. Section seventeen point twenty-six (17.26), Code 1966, is
2 hereby amended as follows:

3 1. By inserting in line two (2) after the word "Code" the words "or
4 supplements thereto".

5 2. By inserting in line five (5) after the word "board" the words "unless
6 expressly determined by presiding officers of the general assembly".

1 SEC. 68. Section twenty-eight B point one (28B.1), Code 1966, is here-
2 by amended as follows:

3 1. By inserting in line thirteen (13) before the word "regular" the word
4 "first".

5 2. By striking from line thirteen (13) the word "biennial".

1 SEC. 69. Chapter eighty-two (82), Acts of the Sixty-second General
2 Assembly, is hereby repealed.

1 SEC. 70. Any appropriations made to the legislative research bureau
2 shall be deemed an appropriation to the legislative service bureau. All
3 references to the legislative research bureau shall mean the legislative
4 service bureau.

1 SEC. 71. Section two point forty-two (2.42), Code 1966, is hereby
2 amended by inserting in line four (4) after the word "in" the words "the
3 first".

1 SEC. 72. Section two point forty-seven (2.47), Code 1966, is hereby
2 amended as follows:

3 1. By striking from line one (1) of subsection two (2) the word "bi-
4 ennial" and inserting in lieu thereof the word "a".

5 2. By striking from line two (2) of subsection three (3) the word "bi-
6 ennial".

7 3. By adding the following new subsections:

8 "4. Assist standing committees in attaching fiscal notes to legislative
9 bills and resolutions as provided by the rules of each house of the general
10 assembly.

11 5. Employ and supervise all employees of the legislative fiscal director's
12 office in such positions and at such salaries as shall be authorized by the
13 budget and financial control committee."

1 SEC. 73. This Act, being deemed of immediate importance, shall take
 2 effect after its passage, approval, and publication in the Davis County
 3 Republican, a newspaper published at Bloomfield, Iowa, and in The Glid-
 4 den Graphic, a newspaper published at Glidden, Iowa.

Approved June 5, 1969.

I hereby certify that the foregoing Act, House File 390, was published in the Davis County Republican, Bloomfield, Iowa, June 17, 1969, and in The Glidden Graphic, Glidden, Iowa, June 12, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 70

PLANNING AND PROGRAMMING OFFICE

S. F. 649

AN ACT relating to the establishment of an office for planning and programming to coordinate efforts of state agencies and local governments under the office of the governor.

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

1 SECTION 1. There is hereby created the office for planning and pro-
 2 gramming which will be directly attached to and a part of the office of the
 3 governor. The governor may appoint a director of planning and program-
 4 ming and other necessary personnel. Employees of the office shall serve at
 5 the pleasure of the governor. Where required by federal statutes, employ-
 6 ees shall be covered under the provisions of chapter ninety-five (95), Acts
 7 of the Sixty-second General Assembly.

1 SEC. 2. For purposes of this Act, unless the context otherwise requires:
 2 1. "Federal aid" means any federal grants, loans, or other federal assist-
 3 ance whether or not state or local funds are required to match or con-
 4 tribute toward the costs of the program for which the aid is available.

5 2. "Private aid" means any grants, loans, or other assistance available
 6 from nonprofit corporations, foundations, and all private or nongovern-
 7 mental sources, whether or not state or local funds are required to match
 8 or contribute toward the costs of the program for which the aid is avail-
 9 able.

10 3. "State agency" means any departments, boards, commissions, or
 11 agencies of state government, or any subunit thereof, except the legislative
 12 and judicial departments and agencies thereof.

13 4. "Local governments" means any counties, municipal corporations, or
 14 other political subdivisions of this state.

1 SEC. 3. The primary responsibility of the office for planning and pro-
 2 gramming shall be to coordinate the development of physical, economic,
 3 and human resource programs and to promote efficient and economic
 4 utilization of federal, state, local, and private resources. To this end, the
 5 office shall:

6 1. Prepare comprehensive state-wide recommendations and plans, as di-
 7 rected by the governor.

8 2. Prepare and submit economic reports appraising the economic situa-
 9 tion of the state, economic growth and development of the state as it per-

10 tains to employment and income, and any other economic factors, as di-
11 rected by the governor.

12 3. Coordinate its activities with the state comptroller so that any com-
13 prehensive state-wide planning program is consistent with the anticipated
14 future income of the state, and so that comprehensive state-wide programs
15 are consistent and are included within the governor's budget submitted
16 to the general assembly.

17 4. Provide technical assistance as requested by state agencies.

18 5. Enter into interagency agreements with state agencies in developing
19 plans and programs.

20 6. Contract with universities, consultants, and other public and private
21 agencies, in developing plans and programs.

22 7. Design, establish, and maintain a state resource center for compiling
23 information, data, and other materials, which will be available at the re-
24 quest of the governor, the general assembly, state agencies, and local govern-
25 ments to aid in formulating, developing, adopting, and implementing plans
26 and programs.

27 8. Analyze the quality and quantity of services required for the orderly
28 growth of the state, taking into consideration the relationship of activities,
29 capabilities, and future plans of local governments, private enterprise, the
30 state and federal government, and regional units established under any
31 state or federal legislation, and make recommendations to the governor
32 and the general assembly for the establishment and improvement of such
33 services.

34 9. Work to harmonize the planning activities of all state agencies.

35 10. Consult with and advise state agencies concerning plans and pro-
36 grams filed with the federal government relative to any federal aid pro-
37 gram.

38 11. Provide assistance to the general assembly or any of its committees,
39 when requested.

40 12. Apply for, receive, administer, and utilize federal or other funds
41 available for achieving the purposes of this Act.

42 13. Inquire into methods of planning and program development, and the
43 conduct of affairs of state government; prescribe adequate systems of rec-
44 ords for planning and programming purposes; prescribe the establishment
45 and implementation of standards for effective planning and programming;
46 and exercise all other powers necessary in discharging the powers and
47 duties prescribed by this Act.

48 14. Develop and submit other plans, programs, and reports, as directed
49 by the governor.

50 15. Compile and maintain current information on available and pending
51 federal and private aid programs, and make such information available to
52 state agencies and local governments.

53 16. Provide assistance, as requested, to state agencies and local govern-
54 ments in preparing applications for federal or private aid.

55 17. Compile and maintain current information relating to the amount
56 of federal and private aid being received and disbursed by state agencies
57 and local governments; report annually to the governor and the general
58 assembly on such receipts and disbursements during the preceding fiscal
59 year, and on the adequacy of programs financed by federal and private aid
60 in this state.

61 18. Analyze the relations of federal and private aid programs with state
62 and locally financed programs and make recommendations to state agen-

63 cies, local governments, the governor, and the general assembly on means
64 of avoiding duplication of activity and of increasing efficiency in programs
65 financed by federal or private aid.

1 SEC. 4. All state agencies and officers shall provide the office of plan-
2 ning and programming with any information it requests pertaining to its
3 duties under this Act, shall assist the office in carrying out its duties, and
4 shall provide the office with a copy of all official grant-in-aid applications,
5 together with a copy of any program plan developed to meet federal re-
6 quirements, prior to submission of such application to the federal govern-
7 ment.

1 SEC. 5. The governor shall review, examine, and evaluate all plans
2 and programs filed with the office for planning and programming. If it is
3 determined that any two or more plans or programs are contradictory or
4 duplicate one another, the governor shall determine which plan or program
5 shall prevail and which contradictory items or duplications shall be deleted
6 from the other plans or programs. The governor's decision on such matters
7 shall be final and binding. With respect to institutions governed by the
8 board of regents, this authority shall be limited to those plans or programs
9 which are partially or wholly supported by federal grants-in-aid. It is fur-
10 ther understood that the governor's authority to delete contradictory or
11 duplicating plans or programs shall be limited with regard to such institu-
12 tions to conflicts of plans or programs of regents institutions with plans or
13 programs of other state agencies or institutions. The governor may study
14 the feasibility and desirability of establishing and maintaining various
15 central locations throughout the state where services and aid may be
16 rendered to the political subdivisions and residents of the state. He shall
17 report to the general assembly the results of such study and make recom-
18 mendations in regard thereto.

1 SEC. 6. Board of regents institutions shall be exempt from the provi-
2 sions of sections four (4) and five (5) insofar as grant-in-aid applications are
3 concerned, and shall be required to submit only a copy of their grant ap-
4 plication cover page and budget forms at the time of submissions to the
5 federal agency.

1 SEC. 7. A division of municipal affairs shall be established within the
2 office for planning and programming. The division shall:

3 1. Utilize grants or other financial assistance made available by the
4 state, federal government, or any other public or private sources for per-
5 forming the functions of the division. Nothing in this subsection shall pre-
6 vent or impair the powers of other state agencies or local governments to
7 contract for, receive, or utilize grants directly from the federal or local
8 governments or from any other public or private source.

9 2. Provide planning assistance and coordination, upon request, to local
10 and area planning units. All present governmental units who engage in
11 planning activities which are supported by local, state, or federal funds
12 shall in no way be prevented or impaired in such planning activities.

13 3. Perform such other functions and activities as are not inconsistent
14 with the general purposes of this Act.

Approved June 17, 1969.

CHAPTER 71

DEPARTMENTAL FUNDS REPORTED TO COMPTROLLER

S. F. 350

AN ACT relating to the reporting of funds received by state departments, agencies, boards, and institutions to the state comptroller.

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

1 SECTION 1. Chapter eight (8), Code 1966, is hereby amended by adding
 2 thereto the following new section:
 3 "Upon receiving federal funds or any other funds from any public or
 4 private sources except gifts or donations made to institutions for the per-
 5 sonal use or for the benefit of members, patients or inmates and receipts
 6 from the gift shop of merchandise manufactured by members, patients,
 7 or inmates, the state departments, agencies, boards, and institutions receiv-
 8 ing such funds shall submit a written report within thirty days after re-
 9 ceipt of such funds to the state comptroller. The report shall state the
 10 source of the funds that supplement or replace state appropriations for in-
 11 stitutional operations, the amount received, and the terms under which
 12 such funds are received."

Approved June 6, 1969.

CHAPTER 72

STANDARDIZATION OF REPORTS

S. F. 395

AN ACT relating to the duties of the state comptroller in the standardization of report forms.

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

1 SECTION 1. Section eight point six (8.6), subsection four (4), Code
 2 1966, is hereby amended by inserting in line five (5) after the word "branch"
 3 the following:
 4 " , and to consult with all state officers and agencies which receive reports
 5 and forms from county officers, in order to devise standardized reports and
 6 forms which will permit computer processing of the information submitted
 7 by county officers, and to prescribe forms on which each municipality, at
 8 the time of preparing estimates required under section twenty-four point
 9 three (24.3) of the Code, shall be required to compile in parallel columns
 10 the following data and estimates for immediate availability to any tax-
 11 payer upon request:
 12 a. For the immediate prior fiscal year, revenue from all sources, other
 13 than revenue received from property taxation, allocated to each of the
 14 several funds and separately stated as to each such source, and for each
 15 fund the unencumbered cash balance thereof at the beginning and end of
 16 the year, the amount received by property taxation allocated to each fund,
 17 and the amount of actual expenditure for each fund.
 18 b. For the current fiscal year, actual and estimated revenue, from all
 19 sources, other than revenue received from property taxation, and sepa-

20 rately stated as to each such source, allocated to each of the several funds,
 21 and for each fund the actual unencumbered cash balance available at the
 22 beginning of the year, the amount to be received from property taxation
 23 allocated to each fund, and the amount of actual and estimated expendi-
 24 tures, whichever is applicable.

25 c. For the proposed budget year, an estimate of revenue from all sources,
 26 other than revenue to be received from property taxation, separately stated
 27 as to each such source, to be allocated to each of the several funds, and
 28 for each fund the actual or estimated unencumbered cash balance, which-
 29 ever is applicable, to be available at the beginning of the year, the amount
 30 proposed to be received from property taxation allocated to each fund,
 31 and the amount proposed to be expended during the year plus the amount
 32 of cash reserve, based on actual experience of prior years, which shall be
 33 the necessary cash reserve of the budget adopted exclusive of capital out-
 34 lay items. The estimated expenditures plus the required cash reserve for
 35 the ensuing fiscal year less all estimated or actual unencumbered balances
 36 at the beginning of the year and less the estimated income from all sources
 37 other than property taxation shall equal the amount to be received from
 38 property taxes, and such amount shall be shown on the proposed budget
 39 estimate”.

1 SEC. 2. Chapter three hundred forty-three (343), Code 1966, is hereby
 2 amended by adding the following section:

3 “All reports and forms required to be submitted by county officers to
 4 state officers and agencies shall be submitted on standardized forms fur-
 5 nished by the state officer or agency. All state officers and agencies which
 6 receive reports and forms from county officers shall consult with the state
 7 comptroller, and the office for planning and programming, and shall devise
 8 standardized reports and forms which will permit computer processing of
 9 the information submitted by county officers, and shall distribute the stand-
 10 ardized reports and forms to the county officers.”

Approved June 5, 1969.

CHAPTER 73

PRINTING MACHINERY FOR STATE AUDITOR

S. F. 398

AN ACT relating to printing machinery for the state auditor.

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

1 SECTION 1. Section eleven point four (11.4), Code 1966, is hereby amend-
 2 ed by adding thereto the following new paragraph:

3 “The state auditor is hereby authorized to obtain, maintain, and oper-
 4 ate, under his exclusive control such offset printing machinery as may be
 5 necessary to print confidential reports and documents originating in the
 6 auditor’s office.”

Approved May 14, 1969.

CHAPTER 74

ADMINISTRATIVE RULES

H. F. 249

AN ACT relating to the style for rules of administrative departments.

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

- 1 SECTION 1. Section fourteen point three (14.3), Code 1966, subsection
- 2 eight (8), lines six (6) and seven (7), is amended by striking the words "for
- 3 each rule proposed by it to the line, sentence, section or paragraph of the
- 4 statute" and inserting in lieu thereof the words "to the section of law".

Approved April 23, 1969.

CHAPTER 75

TABLES OF CORRESPONDING SECTIONS

S. F. 236

AN ACT relating to the publishing of tables of corresponding sections of statutes in the Code.

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

- 1 SECTION 1. Section fourteen point nine (14.9), Code 1966, is repealed
- 2 and the following enacted in lieu thereof:
- 3 "The Code editor may from time to time, publish tables showing the
- 4 placement of various statutes and Acts of the General Assembly and their
- 5 corresponding sections in succeeding Codes."

Approved April 23, 1969.

CHAPTER 76

CODE OF IOWA

H. F. 127

AN ACT relating to publication of the Code of Iowa.

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

- 1 SECTION 1. Section fourteen point sixteen (14.16), Code 1966, line
- 2 eleven (11), is amended by striking the word "two" and inserting in lieu
- 3 thereof the word "more".
- 1 SEC. 2. Section fourteen point twelve (14.12), Code 1966, subsection
- 2 six (6), paragraph "e", is amended by striking the words "citizenship, nat-
- 3 uralization, and".

Approved June 5, 1969.

CHAPTER 77

PRINTING DEPARTMENT REVOLVING FUND

H. F. 695

AN ACT to establish a permanent revolving fund for the state printing board to pay the costs of the centralized printing department and to make an appropriation therefor.

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

1 SECTION 1. Section fifteen point thirty-six (15.36), Code 1966, is hereby
 2 amended by adding thereto the following new paragraphs:
 3 "There is hereby appropriated from the general fund of the state to the
 4 state printing board the sum of seventy-five thousand (75,000) dollars to
 5 establish a permanent revolving fund. This fund may be used in supplying
 6 paper stock, offset printing, copy preparation, binding, and original pay-
 7 ment of printing and binding claims for any of the state departments, bu-
 8 reaus, commissions or institutions. All salaries and expenses properly
 9 chargeable thereto shall be paid from said fund. The state superintendent
 10 of printing may, with the approval of the printing board and the executive
 11 council, also use said fund for the purchase of replacement or additional
 12 equipment, if a sufficient balance will remain in said fund which will en-
 13 able the continued operation of the centralized printing department.
 14 The state superintendent of printing shall periodically render a state-
 15 ment to each state department, bureau, commission or institution for the
 16 cost of paper stock, offset printing, copy preparation or binding supplied
 17 thereto. Such expense shall be paid by the state departments, bureaus,
 18 commissions or institutions in the same manner as other expenses of such
 19 departments are paid, and such sum shall be credited to the centralized
 20 printing revolving fund. If a surplus accrues to said revolving fund for
 21 which there is no anticipated need or use, the governor shall order such
 22 surplus turned over to the general fund of the state.

Approved April 23, 1969.

CHAPTER 78

ASSIGNMENT OF ROOMS IN CAPITOL

H. F. 248

AN ACT relating to assignment of rooms in the capitol building.

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

1 SECTION 1. Section nineteen point fifteen (19.15), Code 1966, lines
 2 three (3) to six (6), inclusive, is amended by striking the words " , provided
 3 that room four in the basement story shall be the permanent quarters of
 4 the Grand Army of the Republic, department of Iowa".

Approved April 10, 1969.

CHAPTER 79

MERIT SYSTEM PERSONNEL

S. F. 612

AN ACT relating to the merit system of personnel administration.

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

1 SECTION 1. Chapter ninety-five (95), section four (4), Acts of the Sixty-
2 second General Assembly, is hereby amended by striking from line five (5)
3 the word and figure "three (3)" and inserting in lieu thereof the word
4 "five".

1 SEC. 2. Chapter ninety-five (95), section five (5), Acts of the Sixty-
2 second General Assembly, is hereby amended as follows:

3 1. By inserting after the period in line eight (8) the following new sen-
4 tence:

5 "The director of merit employment shall serve at the pleasure of the
6 commission."

7 2. By striking lines nine (9) through fifteen (15), inclusive.

1 SEC. 3. Chapter ninety-five (95), section six (6), Acts of the Sixty-
2 second General Assembly, is hereby amended as follows:

3 1. By striking from line nine (9) the word and figure "two (2)" and in-
4 serting in lieu thereof the word "three".

5 2. By striking from line forty (40) the word and figure "Two (2)" and
6 inserting in lieu thereof the word "Three".

7 3. By adding thereto the following new subsection:

8 "Within thirty days after the effective date of this Act, the governor
9 shall appoint the two additional members of the commission. Members ap-
10 pointed to the commission shall be subject to approval of two-thirds of
11 the members of the senate. The governor shall appoint one member to
12 serve until July 1, 1973, and one member to serve until July 1, 1975. There-
13 after, each member of the commission shall be appointed as provided by
14 subsection two (2) of this section."

1 SEC. 4. Chapter ninety-five (95), section nine (9), Acts of the Sixty-
2 second General Assembly, is hereby amended as follows:

3 1. By inserting after the period in line twenty-two (22) the following
4 new sentence:

5 "No allocation or reallocation of a position by the director to a different
6 classification shall become effective if such allocation or reallocation may
7 result in the expenditure of funds in excess of the total amount budgeted
8 for the department of the appointing authority until approval has been ob-
9 tained from the state comptroller."

10 2. By inserting after the period in line forty-four (44), the following new
11 paragraph:

12 "Unless otherwise established by law, the governor, with the approval
13 of the executive council, shall establish a pay plan for all exempt positions
14 in the executive branch of government except for employees of the gover-
15 nor, board of regents, the state educational radio and television facility
16 board, the superintendent of public instruction and members of the profes-
17 sional staff of the department of public instruction, appointed under the
18 provisions of section two hundred fifty-seven point twenty-four (257.24) of

19 the Code, who possess a current, valid teacher's certificate or who are as-
 20 signed to vocational activities or programs, the commission for the blind,
 21 members of the Iowa highway safety patrol and other peace officers, as de-
 22 fined in section ninety-seven A point one (97A.1) of the Code, employed by
 23 the department of public safety, and officers and enlisted men of the armed
 24 services under state jurisdiction."

1 SEC. 5. Chapter ninety-five (95), section three (3), Acts of the Sixty-
 2 second General Assembly is hereby amended as follows:

3 1. By inserting after the word "regents" in line sixty (60) the words
 4 "and the educational radio and television facility board".

5 2. By striking from line sixty (60) the word "its" and inserting in lieu
 6 thereof the word "their".

7 3. By inserting after the word "system" in line sixty-four (64) the words
 8 "or the educational radio and television facility boards merit system".

1 SEC. 6. Chapter ninety-five (95), section three (3), Acts of the Sixty-
 2 second General Assembly, is hereby amended by striking line forty-one (41).

1 SEC. 7. Chapter ninety-five (95), section three (3), Acts of the Sixty-
 2 second General Assembly, is hereby amended as follows:

3 1. By adding as subsection fifteen (15) the following:

4 "Members of the Iowa highway safety patrol and other peace officers
 5 employed by the department of public safety."

6 2. By adding as subsection sixteen (16) the following:

7 "Employees of the educational radio and television facility board."

1 SEC. 8. Chapter ninety-five (95), Acts of the Sixty-second General As-
 2 sembly, is hereby amended by adding the following new section:

3 "The provisions of this Act, including but not limited to its provisions
 4 on employees and positions to which the merit system apply, shall prevail
 5 over any inconsistent provisions of the Code, including the Acts of the Sixty-
 6 second General Assembly, and all subsequent Acts unless such subsequent
 7 Acts provide a specific exemption from the merit system."

Approved June 16, 1969.

CHAPTER 80

MERIT EMPLOYMENT DEPARTMENT

S. F. 634

AN ACT relating to the Iowa merit employment department and to make an appropriation
 thereto.

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

1 SECTION 1. Chapter ninety-five (95), section eight (8), Acts of the
 2 Sixty-second General Assembly, is hereby amended by adding the following
 3 thereto:

4 "The director shall quarterly render a statement to those covered de-
 5 partments which operate in whole or in part from other than general fund
 6 appropriations for a prorata share of the cost of administration of the

7 merit employment department. Such expense shall be paid by the state
8 departments or agencies in the same manner as other expenses of such de-
9 partment are paid and shall constitute a 'repayment receipt' to the merit
10 employment department."

1 SEC. 2. There is hereby appropriated from the general fund of the
2 state for each year of the biennium beginning July 1, 1969 and ending June
3 30, 1971, to the Iowa merit employment department the sum of two hun-
4 dred twenty-four thousand (224,000) dollars, or so much thereof as may be
5 necessary, for salaries, support, maintenance and miscellaneous purposes, in-
6 cluding a salary of eighteen thousand (18,000) dollars for the director.

1 SEC. 3. All federal grants to and the federal receipts of this department
2 are hereby appropriated for the purpose set forth in such federal grants or
3 receipts.

1 SEC. 4. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved May 29, 1969.

CHAPTER 81

TORT CLAIMS

S. F. 376

AN ACT relating to claims and actions under the Iowa tort claims act.

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

1 SECTION 1. Section twenty-five A point two (25A.2), subsection three
2 (3), Code 1966, is hereby amended by adding thereto the following:

3 "Professional personnel, including medical doctors, osteopathic physicians
4 and surgeons, osteopathic physicians, optometrists and dentists, who render
5 services to patients and inmates of state institutions under the jurisdic-
6 tion of the department of social services are to be considered employees of
7 the state, whether such personnel are employed on a full-time basis or ren-
8 der such services on a part-time basis on a fee schedule or arrangement."

1 SEC. 2. Section twenty-five A point two (25A.2), subsection five (5),
2 Code 1966, is hereby amended by striking the remainder of such subsection
3 after the word "death" in line ten (10) and inserting in lieu thereof a
4 period.

1 SEC. 3. Section twenty-five A point four (25A.4), Code 1966, is hereby
2 amended as follows:

3 1. By inserting in line five (5) before the word "sitting" the following:
4 "or where the act or omission occurred outside of Iowa and the plaintiff
5 is a nonresident, the Polk county district court,".

6 2. By adding thereto the following paragraph:
7 "A suit is commenced under this chapter by serving the attorney gener-
8 al or his duly authorized delegate in charge of the tort claims division by
9 service of an original notice. The state shall have thirty days within which
10 to enter its general or special appearance."

- 1 SEC. 4. Section twenty-five A point thirteen (25A.13), Code 1966, is
 2 hereby amended as follows:
- 3 1. By inserting in line one (1) after the word "claim" the words "and
 4 suit".
- 5 2. By striking from lines four (4) and five (5) the words "or prior to July
 6 1, 1967, whichever is later,".
- 7 3. By striking from lines seven (7) and eight (8) the words "and a suit
 8 is begun under this chapter".

Approved June 5, 1969.

CHAPTER 82

IOWA DEVELOPMENT COMMISSION

H. F. 49

AN ACT relating to the Iowa development commission membership.

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

- 1 SECTION 1. Section twenty-eight point one (28.1), Code 1966, is hereby
 2 amended by striking lines seven (7) through twelve (12), inclusive, and in-
 3 serting in lieu thereof the word* "nor."

Approved March 28, 1969.

*According to enrolled Act.

CHAPTER 83

IOWA DEVELOPMENT COMMISSION

H.F. 348

AN ACT relating to the director of the Iowa development commission.

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

- 1 SECTION 1. Chapter one (1), section eleven (11), Acts of the Sixty-sec-
 2 ond General Assembly, is hereby amended by striking lines seven (7) and
 3 eight (8) and inserting in lieu thereof the following sentence: "The governor
 4 shall appoint a director at a salary of at least twenty thousand dollars and
 5 not to exceed twenty-six thousand dollars per year."

- 1 SEC. 2. Section twenty-eight point three (28.3), Code 1966, is hereby
 2 amended as follows:

- 3 1. By striking lines one (1) through five (5), inclusive.

- 4 2. By striking from line six (6) the words "hereinafter appropriated",
 5 and inserting in lieu thereof the following:

- 6 "The director shall be appointed by the governor, subject to the approv-
 7 al of two-thirds of the members of the senate, and shall serve at the pleas-
 8 ure of the governor.

9 The governor shall fix his compensation which shall be payable out of the
10 funds of the commission. The director shall not be a member of the com-
11 mission.

12 A director appointed when the general assembly is not in session shall
13 serve at the pleasure of the governor, but his term shall expire thirty days
14 after the general assembly next convenes, unless during such thirty days he
15 be approved by two-thirds of the members of the senate."

16 3. By striking from line eleven (11) the word "commission" and inserting
17 in lieu thereof the word "governor".

1 SEC. 3. Section twenty-eight point four (28.4), Code 1966, is hereby
2 amended by adding the following:

3 "The director, subject to approval by the governor, may employ
4 administrative assistants or deputies."

1 SEC. 4. Chapter ninety-five (95), section three (3), Acts of the Sixty-
2 second General Assembly, is hereby amended as follows:

3 1. By striking from line thirty-nine (39) the word "and".

4 2. By inserting in line forty (40) after the word "each" the words
5 "; and all administrative assistants or deputies employed by the director
6 of the Iowa development commission."

1 SEC. 5. This Act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Manson Jour-
3 nal, a newspaper published in Manson, Iowa, and in the Waterloo Daily
4 Courier, a newspaper published in Waterloo, Iowa.

Approved May 14, 1969.

I hereby certify that the foregoing Act, House File 348, was published in the Manson
Journal, Manson, Iowa, May 22, 1969 and in the Waterloo Daily Courier, Waterloo, Iowa, May
20, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 84

ADMINISTRATIVE STATE AIRCRAFT

S. F. 668

AN ACT to establish a permanent revolving fund in the department of public defense for the
payment of the maintenance and operational costs of administrative state aircraft and to
make an appropriation therefor.

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

1 SECTION 1. Chapter twenty-nine A (29A), Code 1966, is hereby amend-
2 ed by adding the following new section thereto:

3 "There is hereby appropriated from the general fund of the state to the
4 department of public defense the sum of twenty thousand (20,000) dollars
5 to be used as a permanent revolving fund to pay maintenance and opera-
6 tional costs, including motor overhaul costs, of the administrative state
7 aircraft maintained by the department of public defense for administrative
8 flights of the governor and other state officials. Any of the funds so expend-
9 ed shall be prorated on a usage basis by the department of public defense

10 and this fund shall be reimbursed by the department, agency, bureau,
11 association or institution making use of the aircraft.

12 If any surplus accrues to said revolving fund in excess of the original
13 appropriation for which there is no anticipated need or use, the governor
14 shall order such surplus to be reverted to the general fund.”

Approved May 14, 1969.

CHAPTER 85

HERBERT HOOVER DAY

H. F. 95

AN ACT to designate Herbert Hoover Day as a recognition day.

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

1 SECTION 1. The Sunday which falls on or nearest the tenth day of
2 August of each year is hereby designated as Herbert Hoover Day, which
3 shall be a recognition day in honor of the late President Herbert Hoover.
4 The governor is hereby authorized and requested to issue annually a proc-
5 lamation designating such Sunday as Herbert Hoover Day and calling
6 on the people and officials of the state of Iowa to commemorate the life
7 and principles of Herbert Hoover, to display the American flag, and to hold
8 appropriate services and ceremonies.

Approved February 21, 1969.

CHAPTER 86

LEGAL PUBLIC HOLIDAYS

H. F. 258

AN ACT to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes.

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

1 SECTION 1. The following are legal public holidays:
2 1. New Year Day, January first.
3 2. Lincoln's Birthday, February twelfth.
4 3. Washington's Birthday, the third Monday in February.
5 4. Memorial Day, the last Monday in May.
6 5. Independence Day, July fourth.
7 6. Labor Day, the first Monday in September.
8 7. Veterans Day, the fourth Monday in October.
9 8. Thanksgiving Day, the fourth Thursday in November.
10 9. Christmas Day, December twenty-fifth.

1 SEC. 2. Subsection twenty-three (23) of section four point one (4.1),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line sixteen (16) the following: "the twenty-second
4 day of Febru-".

5 2. By striking from line seventeen (17) the words "ary, the thirtieth day
6 of May" and inserting in lieu thereof the words "the third Monday in Feb-
7 ruary, the last Monday in May".

8 3. By striking from line eighteen (18) the final word "the".

9 4. By striking from line nineteen (19) the words "eleventh day of No-
10 vember" and inserting in lieu thereof the words "the fourth Monday in
11 October, the fourth Thursday in November".

1 SEC. 3. Section thirty-one point seven (31.7), Code 1966, is hereby
2 amended as follows:

3 1. By striking from line three (3) the words "eleventh day of".

4 2. By striking from line four (4) the word "November" and inserting in
5 lieu thereof the words "fourth Monday in October".

1 SEC. 4. This Act shall take effect on January 1, 1971.

Approved April 9, 1969.

CHAPTER 87

INTEREST RATES

S. F. 549

AN ACT relating to interest rates for bonds and other obligations issued by public corporations and for certain special assessments for local public improvements.

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

1 SECTION 1. Section thirty-seven point six (37.6), Code 1966, is hereby
2 amended by adding at the end thereof the following new sentence:

3 "Such bonds shall bear interest at a rate not exceeding six percent per
4 annum."

1 SEC. 2. Section one hundred eleven A point six (111A.6), Code 1966, is
2 hereby amended by striking from line ninety (90) the word "five" and in-
3 serting in lieu thereof the word "six".

1 SEC. 3. Section two hundred eighty A point twenty (280A.20), Code
2 1966, is hereby amended by striking from line seven (7) the word "five"
3 and inserting in lieu thereof the word "six".

1 SEC. 4. Section three hundred thirty point seven (330.7), Code 1966,
2 is hereby amended by striking from line eighteen (18) the word "five"
3 and inserting in lieu thereof the word "six".

1 SEC. 5. Section three hundred thirty point fourteen (330.14), Code
2 1966, is hereby amended by inserting in line forty-eight (48) after the period
3 the following new sentence:

4 "Bonds issued pursuant to the provisions of this section shall bear inter-
5 est at a rate not exceeding seven percent per annum."

1 SEC. 6. Section three hundred thirty point sixteen (330.16), Code 1966,
2 is hereby amended by striking from line twenty-eight (28) the word "five"
3 and inserting in lieu thereof the word "six".

1 SEC. 7. Chapter three hundred forty-five (345), Code 1966, is hereby
2 amended by adding thereto the following new section:

3 "Bonds issued pursuant to the provisions of this chapter shall bear
4 interest at a rate not exceeding six percent per annum."

1 SEC. 8. Section three hundred forty-six point three (346.3), Code 1966,
2 is hereby amended by striking from line two (2) the word "five" and insert-
3 ing in lieu thereof the word "six".

1 SEC. 9. Section three hundred forty-seven point five (347.5), Code 1966,
2 is hereby amended by striking from line nine (9) the word "five" and in-
3 serting in lieu thereof the word "six".

1 SEC. 10. Section three hundred forty-seven A point seven (347A.7),
2 Code 1966, is hereby amended by striking from line twenty-one (21) the word
3 "five" and inserting in lieu thereof the word "six".

1 SEC. 11. Section three hundred sixty-eight point sixteen (368.16), Code
2 1966, is hereby amended by striking from line ten (10) the word "five"
3 and inserting in lieu thereof the word "six".

1 SEC. 12. Section three hundred sixty-eight point twenty-one (368.21),
2 Code 1966, is hereby amended by striking from line four (4) the word
3 "four" and inserting in lieu thereof the word "six".

1 SEC. 13. Section three hundred sixty-eight point twenty-nine (368.29),
2 Code 1966, is hereby amended by striking from line fourteen (14) the word
3 "five" and inserting in lieu thereof the word "six".

1 SEC. 14. Section three hundred sixty-eight point sixty-six (368.66),
2 Code 1966, is hereby amended by striking from line fifty-seven (57) the
3 word "five" and inserting in lieu thereof the word "seven".

1 SEC. 15. Section three hundred seventy point seven (370.7), Code
2 1966, as amended by chapter three hundred twenty-two (322), section one
3 (1), Acts of the Sixty-second General Assembly, is hereby further amended
4 by striking from line sixteen (16) the word "five" and inserting in lieu there-
5 of the word "six".

1 SEC. 16. Section three hundred seventy-two point eleven (372.11),
2 Code 1966, is hereby amended by striking from line twenty-eight (28) the
3 word "five" and inserting in lieu thereof the word "six".

1 SEC. 17. Section three hundred seventy-two point eighteen (372.18),
2 Code 1966, is hereby amended by striking from line thirty-two (32) the word
3 "five" and inserting in lieu thereof the word "six".

1 SEC. 18. Section three hundred eighty-one point seven (381.7), Code
2 1966, is hereby amended by striking from line eighteen (18) the word "five"
3 and inserting in lieu thereof the word "six".

1 SEC. 19. Section three hundred eighty-one point nineteen (381.19),
2 Code 1966, is hereby amended by striking from line four (4) the word "five"
3 and inserting in lieu thereof the word "six".

1 SEC. 20. Section three hundred eighty-four point three (384.3), sub-
2 section eleven (11), Code 1966, is hereby amended by striking from line
3 thirty-two (32) the word "five" and inserting in lieu thereof the word "six".

1 SEC. 21. Section three hundred eighty-six B point ten (386B.10),
2 Code 1966, is hereby amended by striking from line twenty-one (21) the word
3 "five" and inserting in lieu thereof the word "seven".

1 SEC. 22. Section three hundred eighty-six B point eleven (386B.11),
2 Code 1966, is hereby amended by striking from line thirty-eight (38) the
3 word "five" and inserting in lieu thereof the word "seven".

1 SEC. 23. Section three hundred ninety point nine (390.9), Code 1966,
2 is hereby amended by inserting in line thirteen (13) after the word "there-
3 on" the words "at a rate not exceeding seven percent per annum,".

1 SEC. 24. Section three hundred ninety point thirteen (390.13), Code
2 1966, is hereby amended by striking from line fifteen (15) the word "five"
3 and inserting in lieu thereof the word "six".

1 SEC. 25. Section three hundred ninety-two point eleven (392.11),
2 Code 1966, is hereby amended by striking from line ten (10) the word
3 "five" and inserting in lieu thereof the word "six".*

1 SEC. 26. Chapter three hundred ninety-four (394), Code 1966, is hereby
2 amended by adding thereto the following new section:
3 "Bonds issued pursuant to the provisions of this chapter shall bear inter-
4 est at a rate not exceeding seven percent per annum."

1 SEC. 27. Section three hundred ninety-five point twenty-five (395.25),
2 Code 1966, is hereby amended by striking from line twenty-nine (29) the
3 word "five" and inserting in lieu thereof the word "six".

1 SEC. 28. Section three hundred ninety-six point twenty-two (396.22),
2 Code 1966, is hereby amended by striking from line eighteen (18) the word
3 "five" and inserting in lieu thereof the word "six".

1 SEC. 29. Section three hundred ninety-eight point six (398.6), Code
2 1966, is hereby amended as follows:

3 1. By striking from line thirty-three (33) the word "five" and inserting
4 in lieu thereof the word "seven".

5 2. By striking from line eighty-one (81) the word "five" and inserting in
6 lieu thereof the word "seven".

7 3. By striking from line twenty-three (23) the word "six" and inserting in
8 lieu thereof the word "seven".

1 SEC. 30. Section three hundred ninety-nine point eight (399.8), Code
2 1966, is hereby amended by striking from line eleven (11) the word "five"
3 and inserting in lieu thereof the word "six".

1 SEC. 31. Section three hundred ninety-nine point twenty-five (399.25),
2 Code 1966, is hereby amended by striking from line sixteen (16) the word
3 "five" and inserting in lieu thereof the word "six".

1 SEC. 32. Section four hundred seven point thirteen (407.13), Code
2 1966, is hereby amended by striking from line four (4) the word "five" and
3 inserting in lieu thereof the word "six".

1 SEC. 33. Section four hundred eight point two (408.2), Code 1966, is
2 hereby amended by striking from line five (5) the word "five" and inserting
3 in lieu thereof the word "six".

*See also sec. 49 hereof.

1 SEC. 34. Section four hundred eight point seventeen (408.17), Code
2 1966, as amended by chapter three hundred thirty-seven (337), section one
3 (1), Acts of the Sixty-second General Assembly, is hereby further amended
4 by striking from line fifteen (15) the word "five" and inserting in lieu thereof
5 the word "six".

1 SEC. 35. Chapter one hundred sixty-four (164), section seventeen (17),
2 Acts of the Sixty-second General Assembly, is hereby amended by inserting
3 in line three (3) after the word "bonds" the words "bearing interest at a
4 rate not exceeding six percent per annum".

1 SEC. 36. Chapter two hundred ninety-nine (299), section three (3), Acts
2 of the Sixty-second General Assembly, is hereby amended by striking from
3 line thirty-three (33) the word and figure "five (5)" and inserting in lieu
4 thereof the word "six".

1 SEC. 37. Chapter three hundred thirty-three (333), section one (1), Acts
2 of the Sixty-second General Assembly, is hereby amended by striking from
3 line thirteen (13) the word and figure "five (5)" and inserting in lieu thereof
4 the word "six".

1 SEC. 38. Section three hundred forty-seven A point two (347A.2), Code
2 1966, as amended by Senate File eighty-eight (88), Acts of the Sixty-third
3 General Assembly, is hereby amended as follows:

4 1. By striking from line fourteen (14) the word "six" and inserting in
5 lieu thereof the word "seven".

6 2. By striking from line seventy-one (71) the word "six" and inserting in
7 lieu thereof the word "seven".

1 SEC. 39. Section three hundred ninety-seven point thirteen (397.13),
2 Code 1966, is hereby amended by striking from line four (4) the word "six"
3 and inserting in lieu thereof the word "seven".

1 SEC. 40. Section three hundred eighty-three point ten (383.10), Code
2 1966, is hereby amended by striking from line twelve (12) the word "six"
3 and inserting in lieu thereof the word "seven".

1 SEC. 41. Section three hundred fifty-eight point twenty-one (358.21),
2 Code 1966, is hereby amended by striking from line fifty-eight (58) the word
3 "five" and inserting in lieu thereof the word "six".

1 SEC. 42. Section three hundred ninety-one point fifty-eight (391.58),
2 Code 1966, is hereby amended by striking from line five (5) the word "six"
3 and inserting in lieu thereof the word "seven".

1 SEC. 43. Section three hundred ninety-one point fifty-nine (391.59),
2 Code 1966, is hereby amended by striking from line twelve (12) the word
3 "six" and inserting in lieu thereof the word "seven".

1 SEC. 44. Section three hundred ninety-one A point twenty-five
2 (391A.25), subsection three (3), Code 1966, is hereby amended by striking
3 from line two (2) the word "five" and inserting in lieu thereof the word
4 "seven".

1 SEC. 45. Section three hundred ninety-one A point thirty-three
2 (391A.33), subsection two (2), Code 1966, is hereby amended by striking
3 from line eight (8) the word "five" and inserting in lieu thereof the word
4 "seven".

1 SEC. 46. Section three hundred ninety-one A point thirty-three
2 (391A.33), subsection four (4), Code 1966, is hereby amended by striking
3 from line nine (9) the word "five" and inserting in lieu thereof the word
4 "seven".

1 SEC. 47. Section three hundred eighty-nine point thirty-three (389.33),
2 Code 1966, is hereby amended by striking from line eleven (11) the word
3 "six" and inserting in lieu thereof the word "seven".

1 SEC. 48. Section three hundred eighty-nine point thirty-eight (389.38),
2 Code 1966, is hereby amended by striking from line ten (10) the word "six"
3 and inserting in lieu thereof the word "seven".

1 SEC. 49. Section three hundred ninety-two point eleven (392.11), Code
2 1966, is hereby amended by striking from line ten (10) the word "five"
3 and inserting in lieu thereof the word "seven".*

1 SEC. 50. Section three hundred ninety-six point two (396.2), Code
2 1966, is hereby amended by striking from line eight (8) the word "six"
3 and inserting in lieu thereof the word "seven".

1 SEC. 51. Section three hundred ninety-six point ten (396.10), Code
2 1966, is hereby amended by striking from line nine (9) the word "five"
3 and inserting in lieu thereof the word "seven".

1 SEC. 52. Section three hundred ninety-six point eleven (396.11), Code
2 1966, is hereby amended by striking from line thirty-six (36) the word
3 "five" and inserting in lieu thereof a blank space, to wit: "_____".

1 SEC. 53. Section four hundred seventeen point sixty-eight (417.68),
2 Code 1966, is hereby amended by striking from line nine (9) the word "six"
3 and inserting in lieu thereof the word "seven".

1 SEC. 54. Section four hundred twenty point two hundred fifty-five
2 (420.255), Code 1966, is hereby amended by striking from line sixteen (16),
3 the word "six" and inserting in lieu thereof the word "seven".

1 SEC. 55. Section four hundred twenty point two hundred fifty-eight
2 (420.258), Code 1966, is hereby amended by striking from line three (3) the
3 word "six" and inserting in lieu thereof the word "seven".

1 SEC. 56. Section four hundred twenty point two hundred seventy-six
2 (420.276), Code 1966, is hereby amended by striking from line two (2) the
3 word "six" and inserting in lieu thereof the word "seven".

1 SEC. 57. Section four hundred twenty point two hundred eighty
2 (420.280), Code 1966, is hereby amended by striking from line thirteen (13)
3 the word "five" and inserting in lieu thereof the word "seven".

1 SEC. 58. Section four hundred twenty point two hundred eighty-one
2 (420.281), Code 1966, is hereby amended by striking from line thirty-one
3 (31) the word "five" and inserting in lieu thereof a blank space, to wit:
4 "_____".

1 SEC. 59. Section three hundred ninety-seven point thirty-five (397.35),
2 Code 1966, is hereby amended by striking from line twelve (12) the word
3 "five" and inserting in lieu thereof the word "six".

*See also sec. 25 hereof.

1 SEC. 60. The provisions of this Act shall apply with respect to assess-
 2 ments where the resolution making the levy of such assessments is adopted
 3 by the city or town council after the effective date of this Act. The provi-
 4 sions of this Act with respect to bonds shall apply to all bonds sold after
 5 the effective date of this Act; provided, however, that no bonds payable
 6 from special assessments shall be sold bearing a higher rate of interest
 7 than is payable on the assessments from which such bonds are made
 8 payable.

1 SEC. 61. This Act, being deemed of immediate importance, shall be in
 2 full force and effect from and after its passage and publication in The New
 3 Hampton Tribune, a newspaper published at New Hampton, Iowa, and in
 4 The Clinton Herald, a newspaper published at Clinton, Iowa.

Approved May 12, 1969.

I hereby certify that the foregoing Act, Senate File 549, was published in The New Hamp-
 ton Tribune, New Hampton, Iowa, May 22, 1969 and in The Clinton Herald, Clinton, Iowa, May
 17, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 88

COUNTY AND MEMORIAL HOSPITAL FUNDS

H. F. 462

AN ACT relating to county and memorial hospital funds, the control and investment thereof.

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

1 SECTION 1. Section thirty-seven point nine (37.9), Code 1966, is hereby
 2 amended by adding the following:

3 "The commissioners having the management and control of a memorial
 4 hospital shall, within ten days after their appointment, qualify by taking
 5 the usual oath of office, but no bonds shall be required of them except as
 6 hereinafter provided. The commissioners shall organize by electing a chair-
 7 man, secretary, and treasurer. The secretary and treasurer shall each file
 8 with the chairman of the commission a surety bond in such sum as the
 9 commission may require, with sureties approved by the commission, for the
 10 use and benefit of the memorial hospital. The reasonable costs of such bonds
 11 shall be paid from operating funds of the hospital. The secretary shall im-
 12 mediately report to the county auditor and county treasurer the names of
 13 the chairman, secretary, and treasurer of the commission. The commission
 14 shall meet at least once each month. Three members of the commission shall
 15 constitute a quorum for the transaction of business. The secretary shall
 16 keep a complete record of its proceedings.

17 Memorial hospital funds shall be received, disbursed, and accounted
 18 for in the same manner and by the same procedure as provided by section
 19 three hundred forty-seven point twelve (347.12) of the Code."

1 SEC. 2. Section four hundred fifty-three point one (453.1), Code 1966,
 2 as amended by chapter three hundred one (301), section three (3), and
 3 chapter three hundred fifty-nine (359), section two (2), Acts of the Sixty-
 4 second General Assembly, is hereby further amended as follows:

5 1. By inserting before the words "and school" in line two (2) the words
6 "memorial hospital".

7 2. By inserting after the word "council," in line ten (10) the words "me-
8 morial hospital commission,".

1 SEC. 3. Section four hundred fifty-three point four (453.4), Code 1966,
2 as amended by chapter three hundred one (301), section four (4), Acts of the
3 Sixty-second General Assembly, is hereby further amended by inserting in
4 line five (5) after the semicolon the following: "by a memorial hospital
5 treasurer, in a bank located within this state which shall be selected by
6 such memorial hospital treasurer and approved by the memorial hospital
7 commission;".

1 SEC. 4. Section four hundred fifty-three point eleven (453.11), Code
2 1966, as amended by chapter three hundred one (301), section five (5), Acts
3 of the Sixty-second General Assembly, is hereby further amended by insert-
4 ing in line two (2) before the word "or" the words ", memorial hospital".

Approved May 12, 1969.

CHAPTER 89

COMPOSITION OF GENERAL ASSEMBLY

H. F. 781

AN ACT to establish the composition of the general assembly and provide for election of the members thereof.

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

1 SECTION 1. The membership of the General Assembly is hereby fixed
2 at fifty senators and one hundred representatives. The General Assembly
3 hereby declares that in establishing districts to be represented by senators
4 and representatives serving in the Sixty-fourth General Assembly, to hold
5 office from January 1, 1971 until January 1, 1973, it adheres to the follow-
6 ing principles:

7 1. Each senator and each representative shall represent a single-member
8 district.

9 2. Each house shall be apportioned on the basis of population as shown
10 by the 1960 United States decennial census. Districts shall be of substan-
11 tially equal population and shall be of compact and contiguous territory,
12 as required by the Constitution of the state of Iowa and the Constitution
13 of the United States.

14 3. Each senatorial district shall consist of two entire representative dis-
15 tricts.

16 4. No voting precinct shall be divided in forming a district.

17 5. District boundaries shall follow county boundaries wherever possible,
18 subject to constitutional requirements and the other principles stated in
19 this section.

20 6. Wherever possible, senators shall be permitted to complete the terms
21 for which they were elected. Any senator who was elected in 1968 for a
22 four-year term or was subsequently elected to complete the unexpired
23 portion of a term which began in January, 1969, and who is the only sena-

24 tor residing in any senatorial district established by this Act, shall be per-
25 mitted to complete his term. If two or more senators reside in any one
26 senatorial district established by this Act, that district shall elect a senator
27 in the 1970 elections and the terms of any such senators shall be shortened
28 if necessary to permit such election, except as otherwise provided in this
29 Act.

1 SEC. 2. As used in this Act, unless otherwise specifically stated:

2 1. Any reference to a specific township means the civil township so iden-
3 tified as the boundaries of such township existed on January 1, 1969.

4 2. Any reference to a specific city or town means the city or town so
5 identified as the corporate limits of such city or town existed on January 1,
6 1969.

7 3. Any reference to a specific ward or precinct means:

8 *a.* With respect to the city of Ames, the ward or precinct so identified
9 as such ward or precinct is established by ordinance two thousand one hun-
10 dred seventy-three (2173), adopted February 7, 1967.

11 *b.* With respect to the city of Burlington, the ward or precinct so identi-
12 fied as such ward or precinct is established by chapter seven (7) of the
13 Burlington city code as amended to February 17, 1969.

14 *c.* With respect to the city of Cedar Rapids, the ward or precinct so
15 identified as such ward or precinct is established by section two point zero
16 two (2.02) of the Cedar Rapids city code, as amended to January 1, 1969.

17 *d.* With respect to the city of Clinton, the ward or precinct so identified
18 as such ward or precinct is established by chapter one thousand two hun-
19 dred eighty-four (1284), Clinton city ordinances, adopted October 9, 1967.

20 *e.* With respect to the city of Council Bluffs, the precinct so identified
21 as such precinct is established by ordinance three thousand six hundred
22 ninety-three (3693), adopted August 24, 1964, as amended by ordinance three
23 thousand eight hundred one (3801), adopted July 17, 1967.

24 *f.* With respect to the city of Davenport:

25 (1) The ward so identified as such ward is established by ordinance two
26 (2), municipal code of the city of Davenport (1957), as amended to March
27 19, 1969.

28 (2) The precinct so identified as such precinct is established by ordi-
29 nance three (3), municipal code of the city of Davenport, as amended to
30 March 19, 1969.

31 *g.* With respect to the city of Des Moines, the ward or precinct so iden-
32 tified as such ward or precinct is established by sections seventeen dash
33 ten (17-10) through seventeen dash eighty-seven (17-87), inclusive, municipal
34 code of the city of Des Moines (1962), as amended to July 1, 1968.

35 *h.* With respect to the city of Dubuque, the precinct so identified as
36 such precinct is established by ordinance seven dash sixty-nine (7-69), adopt-
37 ed February 17, 1969.

38 *i.* With respect to the city of Fort Dodge, the precinct so identified as
39 such precinct is established by ordinance one thousand two hundred fifty-
40 one (1251), adopted April 11, 1967.

41 *j.* With respect to the city of Iowa City, the ward or precinct so identi-
42 fied as such ward or precinct is established by ordinance two thousand
43 three hundred eighty-one (2381), adopted March 15, 1966, as amended by
44 ordinance two thousand four hundred twenty-seven (2427), adopted March
45 27, 1967.

46 *k.* With respect to the city of Mason City, the ward or precinct so identi-
47 fied as such ward or precinct is established by title one (1), chapter six (6),
48 1966 city code of the city of Mason City, as amended by ordinance one
49 thousand seventy-five (1075), adopted February 17, 1969.

50 *l.* With respect to the city of Ottumwa, the precinct so identified as such
51 precinct is established by ordinance two thousand twelve (2012), adopted
52 August 9, 1965.

53 *m.* With respect to the city of Sioux City, the precinct so identified as
54 such precinct is established by ordinance S dash three hundred eighty
55 (S-380), adopted April 1, 1963, as amended by ordinance S dash four thou-
56 sand four hundred twenty (S-4420), adopted March 29, 1965 and by
57 ordinance S dash eight thousand three hundred twenty-eight (S-8328),
58 adopted December 12, 1966.

59 *n.* With respect to the city of Waterloo, the ward or precinct so identi-
60 fied as such ward or precinct is established by ordinance one thousand eight
61 hundred (1800), ordinances of the city of Waterloo, as amended to January
62 1, 1969; however, any area annexed to the city of Waterloo on or after De-
63 cember 23, 1966, and not specifically included within the boundaries of any
64 ward or precinct established by said ordinance as amended to January 1,
65 1969, shall for the purposes of this Act be deemed to be a part of the ward
66 and precinct to which the area was assigned for the 1968 general election.

1 SEC. 3. The membership of the senate and house of representatives in
2 the Sixty-fourth General Assembly, to hold office from January 1, 1971
3 until January 1, 1973, shall be determined as follows:

4 1. Each representative district established by section four (4) of this Act
5 shall elect one representative in 1970.

6 2. Each senatorial district established by section five (5) of this Act in
7 which no incumbent senator resided as of April 1, 1969, or in which no
8 senator elected to a four-year term in 1968 or subsequently elected to com-
9 plete the unexpired portion of a term which began in January, 1969, resid-
10 ed as of April 1, 1969, shall elect one senator in 1970.

11 3. Each senatorial district established by section five (5) of this Act in
12 which only one incumbent senator resided as of April 1, 1969, shall be rep-
13 resented in the Sixty-fourth General Assembly by that senator, if he was
14 elected in 1968 to a four-year term or was subsequently elected to complete
15 the unexpired portion of a four-year term which began in January, 1969.

16 4. Each senatorial district established by section five (5) of this Act in
17 which only one incumbent senator resides on March 15, 1970, shall be rep-
18 resented in the Sixty-fourth General Assembly by that senator, if he was
19 elected in 1968 to a four-year term or was subsequently elected to complete
20 the unexpired portion of a four-year term which began in January, 1969.
21 However, this subsection shall apply only if the senator also resided in the
22 district as of April 1, 1969, or resided in the district on the date of his elec-
23 tion if he was elected after April 1, 1969, to complete the unexpired portion
24 of a four-year term which began in January, 1969.

25 5. Each senatorial district established by section five (5) of this Act in
26 which two or more incumbent senators resided as of April 1, 1969, shall
27 elect one senator in 1970. The term of any senator residing in a district in
28 which an election is required by this subsection, who was elected in 1968
29 to a four-year term or was subsequently elected to complete the unexpired
30 portion of a four-year term which began in January, 1969, shall be terminat-
31 ed effective January 1, 1971. However, this subsection shall not apply to a

32 district if (a) subsection four (4) of this section is applicable, due to the
 33 death, resignation, or change of residence of one or more senators, or (b)
 34 subsection six (6) of this section is applicable.

35 6. In any senatorial district established by section five (5) of this Act in
 36 which a senatorial election in 1970 would otherwise be required by subsec-
 37 tion five (5) of this section no senatorial election shall be held in 1970 if
 38 all the incumbent senators residing in the district on March 15, 1970, file
 39 with the secretary of state, on or before March 15, 1970, a statement signed
 40 by each of them to the effect that:

41 a. The district is to be represented in the senate for the Sixty-fourth
 42 General Assembly by one of the signatory resident incumbent senators, who
 43 must be identified in the statement and must have been elected to a four-
 44 year term in 1968 or subsequently elected to complete the unexpired por-
 45 tion of a term which began in January, 1969.

46 b. Each of the other incumbent senators residing in the district who
 47 were elected to a four-year term in 1968 or were subsequently elected to
 48 complete the unexpired portion of a four-year term which began in Janu-
 49 ary, 1969, have filed with the governor their resignations from the senate,
 50 to take effect not later than January 1, 1971.

51 c. No incumbent senator residing in the district whose term will expire
 52 on or about January 1, 1971, will be a candidate for election as senator
 53 from that district in the 1970 primary and general elections.

54 The district shall be represented in the Sixty-fourth General Assembly
 55 by the resident incumbent senator designated in the signed statement.

56 7. Each senator elected in 1970 shall serve for a term of four years,
 57 except that the Sixty-fourth General Assembly or other reapportioning
 58 authority shall shorten the term of any such senator when necessary to
 59 comply with the Constitution of the state of Iowa and to carry out the ap-
 60 portionment required in 1971.

1 SEC. 4. The state is hereby divided into one hundred representative
 2 districts, as follows:

3 1. The first representative district shall consist of:

4 a. In Lyon county, Sioux, Larchwood, Allison, Centennial, Logan, Cleve-
 5 land, Lyon, Richland, Doon, Garfield, and Wheeler townships.

6 b. In Sioux county, Settlers, Sioux, Rock, Lincoln, Sheridan, Grant, Gar-
 7 field, Plato, Welcome, Capel, Lynn, Buncombe, Eagle, Center, West Branch,
 8 Holland, Floyd, and Logan townships, and that portion of the city of Or-
 9 ange City lying within Nassau township.

10 2. The second representative district shall consist of:

11 a. All of Plymouth county.

12 b. In Sioux county, Washington, Reading, Sherman, and East Orange
 13 townships and that portion of Nassau township lying outside the corporate
 14 limits of the city of Orange City.

15 3. The third representative district shall consist of:

16 a. All of Dickinson county.

17 b. In Lyon county, Riverside, Midland, Elgin, Rock, Liberal, Grant, and
 18 Dale townships.

19 c. All of Osceola county.

20 4. The fourth representative district shall consist of:

21 a. In Clay county, Waterford, Summit, Meadow, Lone Tree, Riverton,
 22 Spencer, and Sioux townships.

- 23 *b.* In O'Brien county, Floyd, Franklin, Lincoln, Hartley, Carroll, Summit,
24 Center, Omega, Baker, Dale, Highland, Caledonia, Union, and Liberty town-
25 ships.
- 26 5. The fifth representative district shall consist of:
27 *a.* All of Emmet county.
- 28 *b.* In Kossuth county, Eagle, Grant, Springfield, Hebron, Swea, Harri-
29 son, Ledyard, Lincoln, Seneca, Greenwood, Ramsey, German, Fenton,
30 Burt, Portland, and Buffalo townships.
- 31 6. The sixth representative district shall consist of:
32 *a.* In Kossuth county, Lotts Creek, Union, Plum Creek, Wesley, Whitte-
33 more, Algona, Cresco, Irvington, Prairie, Garfield, Riverdale, Sherman, and
34 Luverne townships.
- 35 *b.* All of Humboldt county.
- 36 7. The seventh representative district shall consist of:
37 *a.* In Cerro Gordo county, Grant, Lincoln, Lime Creek, and Falls town-
38 ships.
- 39 *b.* All of Winnebago county.
40 *c.* All of Worth county.
- 41 8. The eighth representative district shall consist of:
42 *a.* All of Hancock county.
- 43 *b.* In Wright county, Boone, Norway, Belmond, Pleasant, Liberty, Lake,
44 Grant, Iowa, Dayton, Lincoln, and Blaine townships.
- 45 9. The ninth representative district shall consist of:
46 *a.* In Floyd county, Cedar, Niles, St. Charles, and Charles City townships.
47 *b.* All of Mitchell county.
- 48 10. The tenth representative district shall consist of:
49 *a.* All of Butler county.
- 50 *b.* In Floyd county, Rock Grove, Rudd, Floyd, Rockford, Ulster, Scott,
51 Union, Pleasant Grove, and Riverton townships.
- 52 11. The eleventh representative district shall consist of:
53 *a.* In Chickasaw county, Deerfield, Washington, Jacksonville, Utica,
54 Dayton, New Hampton, and Stapleton townships.
- 55 *b.* All of Howard county.
56 *c.* In Winneshiek county, Fremont, Orleans, Lincoln, Sumner, Calmar,
57 Jackson, and Washington townships.
- 58 12. The twelfth representative district shall consist of:
59 *a.* All of Bremer county.
- 60 *b.* In Chickasaw county, Chickasaw, Bradford, Richland, Dresden, and
61 Fredericksburg townships.
- 62 13. The thirteenth representative district shall consist of:
63 *a.* In Allamakee county, Waterloo, Union City, Iowa, Hanover, French
64 Creek, Lansing, Union Prairie, Makee, Center, Lafayette, Ludlow, and Jeffer-
65 son townships.
- 66 *b.* In Winneshiek county, Burr Oak, Hesper, Highland, Bluffton, Canoe,
67 Pleasant, Madison, Decorah, Glenwood, Springfield, Frankville, Military,
68 and Bloomfield townships.
- 69 14. The fourteenth representative district shall consist of:
70 *a.* In Allamakee county, Paint Creek, Taylor, Post, Franklin, Linton,
71 and Fairview townships.
- 72 *b.* All of Clayton county.
- 73 15. The fifteenth representative district shall consist of:
74 *a.* All of Buena Vista county.

- 75 *b.* In Clay county, Lake, Freeman, Clay, Lincoln, Gillett Grove, Logan,
76 Peterson, Douglas, Herdland, and Garfield townships.
- 77 *c.* In O'Brien county, Grant and Waterman townships.
- 78 16. The sixteenth representative district shall consist of:
- 79 *a.* All of Palo Alto county.
- 80 *b.* All of Pocahontas county.
- 81 17. The seventeenth representative district shall consist of that portion
82 of the city of Mason City composed of wards one (1), two (2), and three
83 (3), and precinct one (1) of ward four (4).
- 84 18. The eighteenth representative district shall consist of:
- 85 *a.* The following portions of Cerro Gordo county: Lake, Mason, Portland,
86 Union, Clear Lake City, Geneseo, Clear Lake, Mount Vernon, Bath, Owen,
87 Grimes, Pleasant Valley, and Dougherty townships, and that portion of the
88 city of Mason City composed of precinct two (2) of ward four (4).
- 89 *b.* In Franklin county, Wisner, Richland, Ross, West Fork, Marion,
90 Mott, Clinton, and Washington townships.
- 91 19. The nineteenth representative district shall consist of all of Fayette
92 county.
- 93 20. The twentieth representative district shall consist of:
- 94 *a.* All of Buchanan county.
- 95 *b.* In Delaware county, Richland, Honey Creek, Coffins Grove, Prairie,
96 Milo, Adams, and Hazel Green townships.
- 97 21. The twenty-first representative district shall consist of that portion
98 of the city of Sioux City composed of precincts one (1), two (2), three (3),
99 four (4), five (5), six (6), seven (7), eight (8), and thirty-one (31).
- 100 22. The twenty-second representative district shall consist of that por-
101 tion of the city of Sioux City composed of precincts nine (9), eleven (11),
102 thirteen (13), fourteen (14), sixteen (16), seventeen (17), eighteen (18),
103 nineteen (19), thirty (30), thirty-two (32), and thirty-three (33).
- 104 23. The twenty-third representative district shall consist of that portion
105 of the city of Sioux City composed of precincts ten (10), twelve (12),
106 twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twen-
107 ty-six (26), twenty-seven (27), twenty-eight (28), and twenty-nine (29).
- 108 24. The twenty-fourth representative district shall consist of:
- 109 *a.* That portion of the city of Sioux City composed of precincts fifteen
110 (15), twenty (20), twenty-one (21), and thirty-four (34).
- 111 *b.* All of Woodbury county outside the city of Sioux City.
- 112 25. The twenty-fifth representative district shall consist of:
- 113 *a.* All of Cherokee county.
- 114 *b.* All of Ida county.
- 115 26. The twenty-sixth representative district shall consist of:
- 116 *a.* In Calhoun county, Williams, Butler, Sherman, Garfield, Twin Lakes,
117 Center, Elm Grove, Lake Creek, Logan, Jackson, Lake City, Calhoun, and
118 Union townships.
- 119 *b.* All of Sac county.
- 120 27. The twenty-seventh representative district shall consist of:
- 121 *a.* In Crawford county, Soldier, Morgan, Otter Creek, Charter Oak,
122 Hanover, Goodrich, Willow, Paradise, Denison, East Boyer, Boyer, Union,
123 Washington, and Nishnabotny townships.
- 124 *b.* All of Monona county.
- 125 28. The twenty-eighth representative district shall consist of:
- 126 *a.* All of Carroll county.

- 127 *b.* In Crawford county, Stockholm, Jackson, Milford, West Side, Hayes,
128 and Iowa townships.
- 129 29. The twenty-ninth representative district shall consist of:
- 130 *a.* In Calhoun county, Lincoln, Greenfield, Cedar, and Reading town-
131 ships.
- 132 *b.* In Webster county outside the city of Fort Dodge, Jackson, Deer
133 Creek, Badger, Newark, Johnson, Douglas, Cooper, Colfax, Fulton, Elk-
134 horn, Pleasant Valley, Otho, Washington, Roland, Clay, Burnside, Sum-
135 ner, Webster, Gowrie, Lost Grove, Dayton, Yell, and Hardin townships.
- 136 *c.* That portion of the city of Fort Dodge composed of precinct three (3).
- 137 30. The thirtieth representative district shall consist of that portion of
138 the city of Fort Dodge composed of precincts one (1), two (2), four (4),
139 five (5), six (6), seven (7), eight (8), and nine (9).
- 140 31. The thirty-first representative district shall consist of:
- 141 *a.* All of Hamilton county.
- 142 *b.* In Wright county, Eagle Grove, Troy, Woolstock, Wall Lake, and
143 Vernon townships.
- 144 32. The thirty-second representative district shall consist of:
- 145 *a.* In Franklin county, Scott, Ingham, Morgan, Hamilton, Reeve, Geneva,
146 Oakland, Lee, Grant, and Osceola townships.
- 147 *b.* All of Hardin county.
- 148 33. The thirty-third representative district shall consist of:
- 149 *a.* In Story county outside the city of Ames, LaFayette, Howard, War-
150 ren, Lincoln, Franklin, Milford, Richland, Sherman, and New Albany town-
151 ships, and that portion of Nevada township lying within the city of Nevada.
- 152 *b.* That portion of the city of Ames composed of wards one (1) and two
153 (2) and precinct one (1) of ward three (3).
- 154 34. The thirty-fourth representative district shall consist of:
- 155 *a.* In Jasper county, Clear Creek, Independence, Malaka, Mariposa, and
156 Sherman townships.
- 157 *b.* In Story county outside the city of Ames, Collins, Washington, Grant,
158 Palestine, Union, and Indian Creek townships, and that portion of Nevada
159 township lying outside the city of Nevada.
- 160 *c.* That portion of the city of Ames composed of precincts two (2) and
161 three (3) of ward three (3) and all of ward four (4).
- 162 35. The thirty-fifth representative district shall consist of:
- 163 *a.* All of Grundy county.
- 164 *b.* In Marshall county outside the city of Marshalltown, Liberty, Ban-
165 gor, Liscomb, Vienna, Minerva, Marietta, Iowa, Taylor, State Center,
166 Washington, Eden, Logan, Jefferson, and Greencastle townships.
- 167 36. The thirty-sixth representative district shall consist of:
- 168 *a.* In Marshall county outside the city of Marshalltown, Marion, Timber
169 Creek, and Le Grand townships.
- 170 *b.* All of the city of Marshalltown.
- 171 37. The thirty-seventh representative district shall consist of:
- 172 *a.* In Black Hawk county outside the cities of Cedar Falls and Water-
173 loo, Union, Washington, Mt. Vernon, Cedar Falls, and Black Hawk town-
174 ships.
- 175 *b.* All of the city of Cedar Falls.
- 176 38. The thirty-eighth representative district shall consist of that portion
177 of the city of Waterloo composed of ward one (1) exclusive of precinct five
178 (5) thereof, and ward three (3) exclusive of precinct seven (7) thereof.

- 179 39. The thirty-ninth representative district shall consist of:
180 *a.* In Black Hawk county outside the city of Waterloo, Bennington, Les-
181 ter, East Waterloo, and Barclay townships.
182 *b.* That portion of the city of Waterloo composed of precinct seven (7)
183 of ward three (3) and ward four (4) exclusive of precinct one (1) thereof.
184 40. The fortieth representative district shall consist of that portion of
185 the city of Waterloo composed of precinct five (5) of ward one (1), all of ward
186 two (2), and precinct one (1) of ward four (4).
187 41. The forty-first representative district shall consist of:
188 *a.* In Black Hawk county outside the city of Waterloo, Orange, Cedar,
189 Poyner, Lincoln, and Eagle townships.
190 *b.* All of Tama county.
191 42. The forty-second representative district shall consist of:
192 *a.* All of Benton county.
193 *b.* In Black Hawk county, Fox, Big Creek, and Spring Creek townships.
194 43. The forty-third representative district shall consist of:
195 *a.* In Linn county outside the city of Cedar Rapids, Clinton, Fairfax,
196 College, Putnam, Franklin, Linn, and Brown townships.
197 *b.* That portion of the city of Cedar Rapids composed of precincts
198 fourteen (14), fifteen (15), twenty (20), twenty-six (26), twenty-seven (27),
199 thirty-two (32), thirty-three (33), and thirty-six (36).
200 44. The forty-fourth representative district shall consist of that portion
201 of the city of Cedar Rapids composed of precincts sixteen (16), seventeen
202 (17), eighteen (18), nineteen (19), twenty-one (21), twenty-two (22), twenty-
203 three (23), twenty-five (25), thirty-four (34), and thirty-five (35).
204 45. The forty-fifth representative district shall consist of:
205 *a.* In Linn county outside the city of Cedar Rapids, Bertram township.
206 *b.* That portion of the city of Cedar Rapids composed of precincts one
207 (1), two (2), seven (7), nine (9), ten (10), eleven (11), twelve (12), thirteen
208 (13), and thirty-one (31).
209 46. The forty-sixth representative district shall consist of that portion
210 of the city of Cedar Rapids composed of precincts three (3), four (4), five
211 (5), six (6), eight (8), twenty-four (24), twenty-eight (28), twenty-nine (29),
212 and thirty (30).
213 47. The forty-seventh representative district shall consist of the follow-
214 ing portions of Linn county outside the city of Cedar Rapids: Grant, Spring
215 Grove, Jackson, Boulder, Washington, Otter Creek, Maine, Buffalo, Fay-
216 ette, Monroe, and Marion townships.
217 48. The forty-eighth representative district shall consist of:
218 *a.* In Delaware county, Elk, Colony, Delaware, Oneida, Bremen, Delhi,
219 North Fork, Union, and South Fork townships.
220 *b.* In Jones county, Castle Grove, Lovell, Monticello City, Cass, Wayne,
221 Fairview, Jackson, Greenfield, and Rome townships.
222 49. The forty-ninth representative district shall consist of that portion
223 of the city of Dubuque composed of precincts one (1), three (3), four (4),
224 five (5), seven (7), nine (9), fourteen (14), and fifteen (15).
225 50. The fiftieth representative district shall consist of that portion of
226 the city of Dubuque composed of precincts two (2), six (6), eight (8), ten (10),
227 eleven (11), twelve (12), sixteen (16), and seventeen (17).
228 51. The fifty-first representative district shall consist of:
229 *a.* All of Dubuque county outside the city of Dubuque.
230 *b.* That portion of the city of Dubuque composed of precinct thirteen
231 (13).

- 232 52. The fifty-second representative district shall consist of:
 233 *a.* All of Jackson county.
 234 *b.* In Jones county, Richland, Washington, Scotch Grove, Clay, Madi-
 235 son, Wyoming, Hale, and Oxford townships.
- 236 53. The fifty-third representative district shall consist of:
 237 *a.* In Harrison county, Little Sioux, Jackson, Allen, Lincoln, Harrison,
 238 Morgan, Raglan, Magnolia, Boyer, Douglas, Clay, Taylor, Calhoun, Jeffer-
 239 son, Cass, La Grange, Union, and Washington townships.
 240 *b.* All of Shelby county.
- 241 54. The fifty-fourth representative district shall consist of:
 242 *a.* In Harrison county, Cincinnati and St. John's townships.
 243 *b.* In Pottawattamie county outside the city of Council Bluffs, Rockford,
 244 Boomer, Neola, Minden, Pleasant, Knox, Layton, Hazel Dell, Norwalk,
 245 York, James, Valley, Lincoln, Garner, Kane, Hardin, Washington, Belknap,
 246 Center, Wright, Silver Creek, Carson, Macedonia, Grove, and Waveland
 247 townships.
 248 *c.* That portion of the city of Council Bluffs composed of precincts
 249 eleven (11), twelve (12), thirteen (13), and twenty-five (25).
- 250 55. The fifty-fifth representative district shall consist of all of Boone
 251 county.
- 252 56. The fifty-sixth representative district shall consist of:
 253 *a.* All of Greene county.
 254 *b.* All of Guthrie county.
- 255 57. The fifty-seventh representative district shall consist of:
 256 *a.* In Polk county outside the city of Des Moines, Crocker, Elkhart,
 257 Jefferson, Lincoln, Madison, Union, and Webster townships. For the pur-
 258 poses of this Act, Webster township shall be deemed to include those por-
 259 tions of sections twenty-five (25), twenty-six (26), twenty-seven (27),
 260 twenty-eight (28), twenty-nine (29), and thirty (30), township seventy-
 261 nine (79) north, range twenty-five (25) west, which constituted the voting
 262 precinct designated as "Walnut four (4)" of Polk county for the 1968 pri-
 263 mary and general elections.
 264 *b.* That portion of the city of Des Moines composed of precincts one (1),
 265 two (2), seventy-four (74), seventy-five (75), seventy-six (76), and seventy-
 266 seven (77).
- 267 58. The fifty-eighth representative district shall consist of that portion
 268 of the city of Des Moines composed of precincts twenty-one (21), twenty-
 269 six (26), twenty-nine (29), thirty (30), thirty-one (31), thirty-seven (37),
 270 forty-four (44), forty-five (45), seventy-eight (78), and seventy-nine (79).
- 271 59. The fifty-ninth representative district shall consist of:
 272 *a.* In Polk county outside the city of Des Moines, Saylor township.
 273 *b.* That portion of the city of Des Moines composed of precincts forty-
 274 six (46), fifty-one (51), fifty-two (52), fifty-eight (58), fifty-nine (59), sixty-
 275 two (62), and eighty-three (83).
- 276 60. The sixtieth representative district shall consist of:
 277 *a.* In Polk county outside the city of Des Moines, Washington, Franklin,
 278 Douglas, Delaware, Clay, Beaver, Camp, and Four Mile townships.
 279 *b.* That portion of the city of Des Moines composed of precincts forty
 280 (40), sixty (60), sixty-five (65), eighty-four (84), and eighty-five (85).
- 281 61. The sixty-first representative district shall consist of:
 282 *a.* In Polk county outside the city of Des Moines, precinct three (3)
 283 of Bloomfield township, and Valley and Walnut townships. For the purposes
 284 of this Act, the northern boundary of Walnut township outside the city

285 of Des Moines shall be deemed to be the south line of sections twenty-five
286 (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine
287 (29), and thirty (30), township seventy-nine (79) north, range twenty-five
288 (25) west.

289 *b.* That portion of the city of Des Moines composed of precincts thirty-
290 three (33), sixty-seven (67), and sixty-eight (68).

291 62. The sixty-second representative district shall consist of that portion
292 of the city of Des Moines composed of precincts six (6), eight (8), nine (9),
293 ten (10), eleven (11), twelve (12), seventeen (17), nineteen (19), twenty (20),
294 twenty-four (24), twenty-eight (28), thirty-six (36), eighty (80), eighty-one
295 (81), and eighty-two (82).

296 63. The sixty-third representative district shall consist of that portion of
297 the city of Des Moines composed of precincts three (3), four (4), five (5),
298 seven (7), thirteen (13), fourteen (14), fifteen (15), sixteen (16), eighteen
299 (18), twenty-two (22), and thirty-nine (39).

300 64. The sixty-fourth representative district shall consist of that portion
301 of the city of Des Moines composed of precincts twenty-three (23), twenty-
302 five (25), twenty-seven (27), thirty-two (32), thirty-four (34), thirty-eight
303 (38), forty-seven (47), forty-eight (48), forty-nine (49), and fifty-four (54).

304 65. The sixty-fifth representative district shall consist of that portion of
305 the city of Des Moines composed of precincts thirty-five (35), forty-one (41),
306 forty-two (42), forty-three (43), fifty (50), fifty-three (53), fifty-five (55),
307 fifty-six (56), sixty-one (61), sixty-three (63), sixty-four (64), eighty-six (86),
308 and eighty-seven (87).

309 66. The sixty-sixth representative district shall consist of:

310 *a.* In Polk county outside the city of Des Moines, Allen township and
311 precincts one (1) and two (2) of Bloomfield township.

312 *b.* That portion of the city of Des Moines composed of precincts fifty-
313 seven (57), sixty-six (66), sixty-nine (69), seventy (70), seventy-one (71),
314 seventy-two (72), and seventy-three (73).

315 67. The sixty-seventh representative district shall consist of the follow-
316 ing portions of Jasper county: Poweshiek, Newton, Washington, Mound
317 Prairie, Palo Alto, Buena Vista, Des Moines, Fairview, and Elk Creek town-
318 ships.

319 68. The sixty-eighth representative district shall consist of:

320 *a.* In Iowa county, Honey Creek, Hartford, Lincoln, and Dayton town-
321 ships.

322 *b.* In Jasper county, Hickory Grove, Kellogg, Rock Creek, Richland, and
323 Lynn Grove townships.

324 *c.* All of Poweshiek county.

325 69. The sixty-ninth representative district shall consist of:

326 *a.* In Johnson county outside the city of Iowa City, Monroe, Jefferson,
327 Oxford, Madison, Penn, West Lucas, Clear Creek, Hardin, Union, Washing-
328 ton, Sharon, and Liberty townships.

329 *b.* That portion of the city of Iowa City composed of precincts two (2),
330 three (3), and four (4) of ward one (1), and all of ward two (2).

331 70. The seventieth representative district shall consist of:

332 *a.* In Johnson county outside the city of Iowa City, Big Grove, Cedar,
333 Newport, Graham, East Lucas, Scott, Pleasant Valley, Lincoln, and Fre-
334 mont townships.

335 *b.* That portion of the city of Iowa City composed of precinct one (1)
336 of ward one (1), and wards three (3), four (4), and five (5).

- 337 71. The seventy-first representative district shall consist of the follow-
338 ing portions of Muscatine county: Wapsinonoc, Goshen, Pike, Lake, Bloom-
339 ington, Muscatine, Orono, Cedar, Seventy-Six, and Fruitland townships.
- 340 72. The seventy-second representative district shall consist of:
341 *a.* All of Cedar county.
342 *b.* In Muscatine county, Moscow, Wilton, Sweetland, Fulton, and Mont-
343 pelier townships.
344 *c.* In Scott county, Blue Grass and Buffalo townships.
- 345 73. The seventy-third representative district shall consist of:
346 *a.* In Clinton county outside the city of Clinton, Sharon, Brookfield,
347 Bloomfield, Waterford, Deep Creek, Elk River, Liberty, Grant, Welton,
348 Washington, Center, Hampshire, Spring Valley, Spring Rock, Olive, Orange,
349 De Witt, Eden, Camanche, and Lincoln townships.
350 *b.* That portion of the city of Clinton composed of ward one (1) and pre-
351 cinct two (2) of ward two (2).
- 352 74. The seventy-fourth representative district shall consist of that por-
353 tion of the city of Clinton composed of precinct one (1) of ward two (2)
354 and wards three (3), four (4), five (5), six (6), and seven (7).
- 355 75. The seventy-fifth representative district shall consist of:
356 *a.* In Scott county outside the city of Davenport, Liberty, Allens Grove,
357 Winfield, Butler, Princeton, Cleona, Hickory Grove, Sheridan, Lincoln,
358 Le Claire, Pleasant Valley, and Bettendorf townships.
359 *b.* That portion of the city of Davenport composed of precinct four (4)
360 of ward six (6) and precinct three (3) of ward seven (7).
- 361 76. The seventy-sixth representative district shall consist of that portion
362 of the city of Davenport composed of wards one (1) and two (2), precinct
363 four (4) of ward seven (7), and precincts one (1) and three (3) of ward
364 eight (8).
- 365 77. The seventy-seventh representative district shall consist of that por-
366 tion of the city of Davenport composed of ward three (3), precincts one
367 (1) and three (3) of ward four (4), precincts one (1) and two (2) of ward
368 seven (7), and precinct two (2) of ward eight (8).
- 369 78. The seventy-eighth representative district shall consist of that por-
370 tion of the city of Davenport composed of precincts two (2) and four (4)
371 of ward four (4), ward five (5), and precincts one (1), two (2), and three (3)
372 of ward six (6).
- 373 79. The seventy-ninth representative district shall consist of:
374 *a.* In Pottawattamie county outside the city of Council Bluffs, Lake and
375 Crescent townships.
376 *b.* The city of Carter Lake, and that portion of the city of Council Bluffs
377 composed of precincts one (1), two (2), three (3), four (4), five (5), six (6),
378 seven (7), eight (8), nine (9), and ten (10).
- 379 80. The eightieth representative district shall consist of:
380 *a.* In Pottawattamie county outside the city of Council Bluffs, Lewis
381 and Keg Creek townships.
382 *b.* That portion of the city of Council Bluffs composed of precincts
383 fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nine-
384 teen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23),
385 and twenty-four (24).
- 386 81. The eighty-first representative district shall consist of:
387 *a.* All of Mills county.
388 *b.* All of Montgomery county.

- 389 c. In Page county, Pierce, Fremont, and Douglas townships.
 390 82. The eighty-second representative district shall consist of:
 391 a. All of Fremont county.
 392 b. In Page county, Valley, Grant, Tarkio, Nodaway, Nebraska, Morton,
 393 Lincoln, Harlan, East River, Washington, Colfax, Amity, and Buchanan
 394 townships.
 395 83. The eighty-third representative district shall consist of:
 396 a. All of Audubon county.
 397 b. All of Cass county.
 398 84. The eighty-fourth representative district shall consist of:
 399 a. All of Adair county.
 400 b. All of Adams county.
 401 c. All of Taylor county.
 402 85. The eighty-fifth representative district shall consist of:
 403 a. All of Dallas county.
 404 b. In Madison county, Penn, Madison, Jefferson, Lee, Jackson, and Doug-
 405 las townships.
 406 86. The eighty-sixth representative district shall consist of:
 407 a. All of Clarke county.
 408 b. All of Lucas county.
 409 c. In Madison county, Union, Crawford, Webster, Lincoln, Center, Scott,
 410 South, Grand River, Monroe, Walnut, and Ohio townships.
 411 87. The eighty-seventh representative district shall consist of:
 412 a. In Keokuk county, Warren and Benton townships.
 413 b. All of Mahaska county.
 414 c. In Monroe county, Bluff Creek and Pleasant townships.
 415 88. The eighty-eighth representative district shall consist of:
 416 a. In Iowa county, Marengo, Washington, Lenox, Sumner, Hilton, Iowa,
 417 Pilot, Troy, York, English, Fillmore, and Greene townships.
 418 b. In Keokuk county, Prairie, Adams, English River, Liberty, Washing-
 419 ton, Van Buren, Plank, Lafayette, Sigourney, West Lancaster, East Lan-
 420 caster, Clear Creek, Steady Run, Jackson, and Richland townships.
 421 89. The eighty-ninth representative district shall consist of:
 422 a. In Henry county, Jefferson, Wayne, Scott, Trenton, Marion, and
 423 Canaan townships.
 424 b. In Jefferson county, Polk, Black Hawk, Penn, and Walnut townships.
 425 c. All of Washington county.
 426 90. The ninetieth representative district shall consist of:
 427 a. In Henry county, Tippecanoe, Mount Pleasant, Center, New London,
 428 Salem, Jackson, and Baltimore townships.
 429 b. In Jefferson county, Locust Grove, Center, Fairfield, Buchanan, Lock-
 430 ridge, Des Moines, Liberty, Cedar, and Round Prairie townships.
 431 91. The ninety-first representative district shall consist of:
 432 a. All of Des Moines county outside the city of Burlington.
 433 b. That portion of the city of Burlington composed of ward one (1).
 434 c. All of Louisa county.
 435 92. The ninety-second representative district shall consist of that por-
 436 tion of the city of Burlington composed of wards two (2), three (3), four
 437 (4), five (5), six (6), seven (7), and eight (8).
 438 93. The ninety-third representative district shall consist of:
 439 a. In Marion county, Red Rock, Summit, Pleasant Grove, Union, Frank-
 440 lin, Dallas, and Washington townships.
 441 b. All of Warren county.

- 442 94. The ninety-fourth representative district shall consist of:
 443 *a.* In Marion county, Lake Prairie, Knoxville, Clay, Indiana, and Liberty
 444 townships.
 445 *b.* In Monroe county, Cedar, Union, Wayne, Guilford, Troy, Mantua,
 446 Jackson, Franklin, Monroe, and Urbana townships.
 447 95. The ninety-fifth representative district shall consist of:
 448 *a.* In Decatur county, Richland, Long Creek, Franklin, Garden Grove,
 449 Grand River, Decatur, Bloomington, Burrell, Fayette, Lamoni, New Buda,
 450 Hamilton, and Morgan townships.
 451 *b.* All of Ringgold county.
 452 *c.* All of Union county.
 453 96. The ninety-sixth representative district shall consist of:
 454 *a.* All of Appanoose county.
 455 *b.* In Decatur county, Center, Leon, High Point, Eden, and Woodland
 456 townships.
 457 *c.* All of Wayne county.
 458 97. The ninety-seventh representative district shall consist of that portion
 459 of the city of Ottumwa composed of precincts one (1), two (2), three (3),
 460 four (4), five (5), six (6), seven (7), ten (10), eleven (11), twelve (12), thir-
 461 teen (13), fourteen (14), and fifteen (15).
 462 98. The ninety-eighth representative district shall consist of:
 463 *a.* All of Davis county.
 464 *b.* All of Wapello county outside the city of Ottumwa.
 465 *c.* That portion of the city of Ottumwa consisting of precincts eight
 466 (8), nine (9), sixteen (16), and seventeen (17).
 467 99. The ninety-ninth representative district shall consist of:
 468 *a.* In Lee county outside the city of Fort Madison, Cedar, Marion, Pleas-
 469 ant Ridge, Denmark, Harrison, Franklin, West Point, Washington, Green
 470 Bay, and Charleston townships.
 471 *b.* That portion of the city of Fort Madison composed of wards one (1),
 472 two (2), and three (3).
 473 *c.* All of Van Buren county.
 474 100. The one hundredth representative district shall consist of:
 475 *a.* In Lee county outside the city of Fort Madison, Van Buren, Jefferson,
 476 Des Moines, Montrose, Jackson, and Keokuk townships.
 477 *b.* That portion of the city of Fort Madison composed of wards four (4)
 478 and five (5).

- 1 SEC. 5. The state is hereby divided into fifty senatorial districts each
 2 composed of two of the representative districts established by section four
 3 (4) of this Act, as follows:
 4 1. The first senatorial district shall consist of the first and second
 5 representative districts.
 6 2. The second senatorial district shall consist of the third and fourth
 7 representative districts.
 8 3. The third senatorial district shall consist of the fifth and sixth rep-
 9 resentative districts.
 10 4. The fourth senatorial district shall consist of the seventh and eighth
 11 representative districts.
 12 5. The fifth senatorial district shall consist of the ninth and tenth
 13 representative districts.
 14 6. The sixth senatorial district shall consist of the eleventh and twelfth
 15 representative districts.

- 16 7. The seventh senatorial district shall consist of the thirteenth and
17 nineteenth representative districts.
- 18 8. The eighth senatorial district shall consist of the fifteenth and six-
19 teenth representative districts.
- 20 9. The ninth senatorial district shall consist of the seventeenth and
21 eighteenth representative districts.
- 22 10. The tenth senatorial district shall consist of the twentieth and forty-
23 seventh representative districts.
- 24 11. The eleventh senatorial district shall consist of the twenty-first and
25 twenty-second representative districts.
- 26 12. The twelfth senatorial district shall consist of the twenty-third and
27 twenty-fourth representative districts.
- 28 13. The thirteenth senatorial district shall consist of the twenty-fifth
29 and twenty-sixth representative districts.
- 30 14. The fourteenth senatorial district shall consist of the twenty-
31 seventh and twenty-eighth representative districts.
- 32 15. The fifteenth senatorial district shall consist of the twenty-ninth and
33 thirtieth representative districts.
- 34 16. The sixteenth senatorial district shall consist of the thirty-first and
35 thirty-second representative districts.
- 36 17. The seventeenth senatorial district shall consist of the thirty-third
37 and thirty-fourth representative districts.
- 38 18. The eighteenth senatorial district shall consist of the thirty-fifth
39 and thirty-sixth representative districts.
- 40 19. The nineteenth senatorial district shall consist of the thirty-seventh
41 and thirty-eighth representative districts.
- 42 20. The twentieth senatorial district shall consist of the thirty-ninth
43 and fortieth representative districts.
- 44 21. The twenty-first senatorial district shall consist of the forty-first
45 and forty-second representative districts.
- 46 22. The twenty-second senatorial district shall consist of the forty-third
47 and forty-fourth representative districts.
- 48 23. The twenty-third senatorial district shall consist of the forty-fifth
49 and forty-sixth representative districts.
- 50 24. The twenty-fourth senatorial district shall consist of the forty-eighth
51 and fifty-second representative districts.
- 52 25. The twenty-fifth senatorial district shall consist of the forty-ninth
53 and fiftieth representative districts.
- 54 26. The twenty-sixth senatorial district shall consist of the fourteenth
55 and fifty-first representative districts.
- 56 27. The twenty-seventh senatorial district shall consist of the fifty-third
57 and fifty-fourth representative districts.
- 58 28. The twenty-eighth senatorial district shall consist of the fifty-fifth
59 and fifty-sixth representative districts.
- 60 29. The twenty-ninth senatorial district shall consist of the fifty-seventh
61 and fifty-eighth representative districts.
- 62 30. The thirtieth senatorial district shall consist of the fifty-ninth and
63 sixtieth representative districts.
- 64 31. The thirty-first senatorial district shall consist of the sixty-first and
65 sixty-second representative districts.
- 66 32. The thirty-second senatorial district shall consist of the sixty-third
67 and sixty-fourth representative districts.

- 68 33. The thirty-third senatorial district shall consist of the sixty-fifth and
69 sixty-sixth representative districts.
- 70 34. The thirty-fourth senatorial district shall consist of the sixty-seventh
71 and sixty-eighth representative districts.
- 72 35. The thirty-fifth senatorial district shall consist of the sixty-ninth
73 and seventieth representative districts.
- 74 36. The thirty-sixth senatorial district shall consist of the seventy-first
75 and seventy-second representative districts.
- 76 37. The thirty-seventh senatorial district shall consist of the seventy-
77 third and seventy-fourth representative districts.
- 78 38. The thirty-eighth senatorial district shall consist of the seventy-
79 fifth and seventy-eighth representative districts.
- 80 39. The thirty-ninth senatorial district shall consist of the seventy-sixth
81 and seventy-seventh representative districts.
- 82 40. The fortieth senatorial district shall consist of the seventy-ninth
83 and eightieth representative districts.
- 84 41. The forty-first senatorial district shall consist of the eighty-first and
85 eighty-second representative districts.
- 86 42. The forty-second senatorial district shall consist of the eighty-third
87 and eighty-fourth representative districts.
- 88 43. The forty-third senatorial district shall consist of the eighty-fifth
89 and eighty-sixth representative districts.
- 90 44. The forty-fourth senatorial district shall consist of the eighty-seventh
91 and eighty-eighth representative districts.
- 92 45. The forty-fifth senatorial district shall consist of the eighty-ninth
93 and ninetieth representative districts.
- 94 46. The forty-sixth senatorial district shall consist of the ninety-first
95 and ninety-second representative districts.
- 96 47. The forty-seventh senatorial district shall consist of the ninety-third
97 and ninety-fourth representative districts.
- 98 48. The forty-eighth senatorial district shall consist of the ninety-fifth
99 and ninety-sixth representative districts.
- 100 49. The forty-ninth senatorial district shall consist of the ninety-seventh
101 and ninety-eighth representative districts.
- 102 50. The fiftieth senatorial district shall consist of the ninety-ninth and
103 one hundredth representative districts.

1 SEC. 6. If this Act fails to place any part of any county, township,
2 city, or town within any senatorial district or representative district estab-
3 lished by this Act, the supreme court of the state of Iowa shall assign the
4 omitted area of the county, township, city, or town to a contiguous senatorial
5 or representative district, whichever is applicable, in such manner as the
6 supreme court shall determine to guarantee the electorate within the omit-
7 ted area fair and equal representation. The supreme court may also cor-
8 rect obvious clerical errors in this Act in such manner as is necessary to
9 carry out clear legislative intent, if any such errors are brought to the
10 court's attention at a time when the General Assembly will not have the
11 opportunity to correct such errors before the 1970 primary or general elec-
12 tions.

1 SEC. 7. If it becomes necessary to elect a successor to complete the un-
2 expired term of any senator or representative serving in the Sixty-third
3 General Assembly, the successor shall be elected from the district or sub-

4 district represented by such senator or representative under chapter one
 5 hundred five (105), Acts of the Sixty-second General Assembly, but that
 6 chapter shall not apply to the regular 1970 primary and general elections
 7 for members of the General Assembly. Said chapter one hundred five (105)
 8 is hereby repealed effective December 31, 1970.

Approved June 6, 1969.

CHAPTER 90

PRIMARY ELECTION

H. F. 123

AN ACT relating to the time of holding the primary election.

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

1 SECTION 1. Section forty-three point four (43.4), Code 1966, is hereby
 2 amended by inserting in line four (4) after the word "caucuses" the words
 3 "held not later than the second Monday in May of each election year".

1 SEC. 2. Section forty-three point seven (43.7), Code 1966, is hereby
 2 amended by striking from line five (5) the word "September" and inserting
 3 in lieu thereof the word "June".

1 SEC. 3. Section forty-three point fourteen (43.14), Code 1966, is hereby
 2 amended by striking from lines twelve (12) and thirteen (13) the word "Sep-
 3 tember" and inserting in lieu thereof the word "June".

1 SEC. 4. Section forty-three point eighteen (43.18), Code 1966, is hereby
 2 amended by striking from line thirteen (13) the word "September" and in-
 3 serting in lieu thereof the word "June".

1 SEC. 5. Section forty-three point twenty-six (43.26), Code 1966, is hereby
 2 amended by striking from line eleven (11), the word "September" and insert-
 3 ing in lieu thereof the word "June".

1 SEC. 6. Section forty-three point sixty-three (43.63), Code 1966, is
 2 hereby amended by striking from line two (2) the word "September" and
 3 inserting in lieu thereof the word "June".

1 SEC. 7. Section forty-three point one hundred seven (43.107), Code
 2 1966, is hereby amended as follows:

- 3 1. By striking from line three (3) the word "but".
- 4 2. By striking lines four (4) and five (5).

1 SEC. 8. Section fifty-three point forty-five (53.45), Code 1966, is hereby
 2 amended by striking from line nine (9) the word "March" and inserting in
 3 lieu thereof the word "January".

Approved February 19, 1969.

CHAPTER 91

JUDICIAL NOMINATING COMMISSIONS

H. F. 125

AN ACT relating to judicial nominating commissions.

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

1 SECTION 1. Section forty-six point one (46.1), Code 1966, is repealed
2 and the following enacted in lieu thereof:

3 "The governor shall appoint, subject to confirmation by the senate, one
4 elector of each congressional district to the state judicial nominating com-
5 mission for a six-year term beginning July 1. The terms of no more than
6 three nor less than two of such members shall expire within the same two-
7 year period. The governor shall within thirty days following the organiza-
8 tion of each regular session of the general assembly, appoint for a like term,
9 with approval of the senate, a successor to the member of the commission
10 from a congressional district whose term of office will expire June 30 fol-
11 lowing."

1 SEC. 2. Section forty-six point two (46.2), Code 1966, is repealed and
2 the following enacted in lieu thereof:

3 "The resident members of the bar of each congressional district shall elect
4 one elector of such district to the state judicial nominating commission for
5 a six-year term beginning July 1. The terms of no more than three nor less
6 than two of such members shall expire within the same two-year period, the
7 expiration dates being governed by the expiration dates of the terms of the
8 original appointive members. The members of the bar of the respective
9 congressional districts shall in January, immediately preceding the expira-
10 tion of the term of a member of the commission, elect a successor for a
11 like term."

1 SEC. 3. Section forty-six point three (46.3), Code 1966, is repealed and
2 the following enacted in lieu thereof:

3 "The governor shall appoint five electors of each judicial district to the
4 district judicial nominating commission for six-year terms. The terms of no
5 more than two of such members shall expire within the same two-year
6 period. Prior to expiration of each of said terms, the governor shall so
7 appoint a successor for a like term."

1 SEC. 4. Section forty-six point four (46.4), Code 1966, is repealed and
2 the following enacted in lieu thereof:

3 "The resident members of the bar of each judicial district shall elect
4 five electors of the district to the district judicial nominating commission
5 for six-year terms. The terms of no more than two of such members shall
6 expire within the same two-year period, the expiration dates being governed
7 by the expiration date of the terms of the original appointive members.
8 The members of the bar of the respective judicial districts shall, in January
9 immediately preceding the expiration of the term of a member of the com-
10 mission, elect a successor for a like term."

1 SEC. 5. The terms of members serving on state and district nominat-
2 ing commissions on the effective date of this Act shall not be affected by
3 the passage of this Act.

Approved April 23, 1969.

CHAPTER 92

VOTER REGISTRATION LISTS

H. F. 136

AN ACT relating to voter registration lists.

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

1 SECTION 1. Section forty-eight point five (48.5), Code 1966, is hereby
2 amended by inserting in line seventeen (17) after the word "times" the fol-
3 lowing:
4 " , and duplicate lists shall be prepared upon request for the county
5 chairman of any political party polling in excess of two percent of the pop-
6 ular vote in the jurisdiction in the last preceding general election. Such
7 duplicate lists shall include name, address, precinct number and party
8 affiliation of such voters".

Approved April 30, 1969. .

CHAPTER 93

VOTER REGISTRATION IN SCHOOL DISTRICTS

H. F. 151

AN ACT relating to permanent registration of voters for elections conducted by certain community school districts.

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

1 SECTION 1. Chapter forty-eight (48), Code 1966, is hereby amended
2 by adding thereto the following new section:
3 "The provisions of this chapter shall not apply to any election conduct-
4 ed by community school districts which have been divided into director
5 districts and in which each member of the board of directors is elected
6 by the voters of the director district of which he is a resident, unless the
7 board of directors of any such community school district shall by resolution
8 make the provisions of this chapter applicable to elections within the said
9 district."

Approved April 30, 1969.

CHAPTER 94

ARMED FORCES VOTING

H. F. 180

AN ACT relating to absentee voting by members of the armed forces.

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

1 SECTION 1. Section fifty-three point forty (53.40), Code 1966, is hereby
2 amended by inserting in line thirteen (13) after the word "parent," the
3 words "parent-in-law,".

Approved April 23, 1969.

CHAPTER 95

SUPERVISORS AND TOWNSHIP TRUSTEES

S. F. 86

AN ACT empowering county boards of supervisors to act in lieu of township trustees in cases where all trustee offices in a township are vacant.

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

1 SECTION 1. Section sixty-nine point eight (69.8), Code 1966, is hereby
2 amended by striking in line thirty-five (35) all of such section after the word
3 "county", and inserting in lieu thereof the words "board of supervisors
4 shall have the power to either instruct the county auditor to fill the vacan-
5 cies or adopt a resolution stating that the board will exercise all powers and
6 duties assigned by law to the trustees of the township in which such vacan-
7 cies exist, until such time as the vacancies may be filled by election."

Approved May 16, 1969.

CHAPTER 96

MUNICIPAL ANTICIPATORY WARRANTS

H. F. 436

AN ACT relating to the issuance of public warrants to cover anticipated deficiencies in a fund and raising the permissible rate of interest which unpaid public warrants draw.

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

1 SECTION 1. Section seventy-four point one (74.1), Code 1966, is hereby
2 amended by adding the following:
3 "This chapter and its procedures shall also apply whenever a municipal-
4 ity, as defined in section twenty-four point two (24.2) of the Code, shall
5 determine that there are not or will not be sufficient funds on hand to pay
6 the legal obligations of a fund. Said municipality is authorized to provide
7 for the payment of such present and future obligations by drawing one or

8 more anticipatory warrants payable to a bank or banks in an amount or
9 amounts legally available and believed to be sufficient to cover the antici-
10 pated deficiencies.”

1 SEC. 2. Section seventy-four point two (74.2), Code 1966, is hereby
2 amended as follows:

3 1. By striking the word “four” in line eight (8) and inserting in lieu
4 thereof the word “five”.

5 2. By striking the word “four” in line nine (9) and inserting in lieu
6 thereof the word “five”.

1 SEC. 3. Section three hundred ninety-one A point twenty-two (391A.22),
2 Code 1966, is hereby amended by striking from line twelve (12), the words
3 “the rate of four” and inserting in lieu thereof the words “a rate set not to
4 exceed six”.

1 SEC. 4. This Act, being deemed of immediate importance, shall take
2 effect and be in force from and after its publication in The New Hampton
3 Tribune, a newspaper published in New Hampton, Iowa, and in The Cedar
4 Rapids Gazette, a newspaper published in Cedar Rapids, Iowa.

Approved May 6, 1969.

I hereby certify that the foregoing Act, House File 436, was published in The New Hamp-
ton Tribune, New Hampton, Iowa, May 15, 1969 and in The Cedar Rapids Gazette, Cedar Rap-
ids, Iowa, May 9, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 97

NOTARIES PUBLIC

S. F. 172

AN ACT extending the powers of notaries public beyond the boundaries of their county of
residency to the entire state.

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

1 SECTION 1. Section seventy-seven point seven (77.7), Code 1966, is
2 hereby amended by striking in lines one (1) and two (2) the words “county
3 of his appointment” and inserting in lieu thereof the words “state of Iowa”.

1 SEC. 2. Section seventy-seven point eight (77.8), Code 1966, is hereby
2 repealed.

1 SEC. 3. Section seventy-seven point seventeen (77.17), Code 1966, is
2 hereby amended by striking in lines two (2) and three (3) the words “county
3 for which he was appointed” and inserting in lieu thereof the words “state
4 of Iowa”.

Approved May 1, 1969.

CHAPTER 98

DEPARTMENT OF PUBLIC SAFETY

H. F. 266

AN ACT relating to the duties of members of the highway safety patrol and the clerical staff of the department of public safety.

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

1 SECTION 1. Section eighty point four (80.4), Code 1966, as amended
2 by chapter one hundred nine (109), section one (1), Acts of the Sixty-second
3 General Assembly is hereby further amended as follows: By striking from
4 lines eight (8) and nine (9) the words "inclusive of operators and chauffeurs
5 license examiners".

1 SEC. 2. Section eighty point nine (80.9), Code 1966, is hereby amended
2 by inserting in line seven (7) after the word "therein," the following: "when
3 authorized by the commissioner of public safety".

1 SEC. 3. Section three hundred twenty-one point one hundred eighty-
2 seven (321.187), Code 1966, is hereby amended as follows:

3 1. By striking from line three (3) the words "highway patrol" and insert-
4 ing in lieu thereof the words "members of the department".

5 2. By striking from line thirteen (13) the words "shall have the author-
6 ity of", by striking lines fourteen (14) and fifteen (15) and by striking from
7 line sixteen (16) the following "tion thereof, and".

Approved June 2, 1969.

CHAPTER 99

BONDS FOR SAFETY DEPARTMENT AGENTS

H. F. 363

AN ACT relating to the bonding of employees of the department of public safety and special agents.

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

1 SECTION 1. Section eighty point sixteen (80.16), Code 1966, is hereby
2 repealed and the following is enacted in lieu thereof:

3 "All special agents appointed by the commissioner of public safety pur-
4 suant to section eighty point seven (80.7) shall furnish bond as required
5 by the commissioner in the amount of five thousand dollars. All members
6 of the state department of public safety excepting the members of the
7 clerical force shall be bonded for the faithful performance of their duties,
8 in such an amount as the commissioner of public safety may deem neces-
9 sary, but not less than five thousand dollars (\$5,000.00) for any one posi-
10 tion, and clerical employees may be so bonded. The commissioner is author-
11 ized to purchase bond coverage with departmental funds, either in blanket
12 bond form or in individual bond form or in any combination thereof."

Approved May 19, 1969.

CHAPTER 100

CRIME COMMISSION

H. F. 455

AN ACT relating to the authority to receive and expend federal funds for highway safety, law enforcement, and related purposes, and relating to the establishment of the Iowa crime commission.

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

1 SECTION 1. Section eighty point nineteen (80.19), Code 1966, is hereby
2 amended as follows:

3 1. By striking from line four (4) the words "and no money shall be ex-
4 pended".

5 2. By striking all of lines five (5) and six (6).

1 SEC. 2. Chapter eighty-six (86), section one (1), Acts of the Sixty-second
2 General Assembly, amending chapter seven (7), Code 1966, is hereby
3 amended as follows:

4 1. By striking lines six (6), seven (7), and eight (8) and inserting in lieu
5 thereof the words "any act of congress for highway safety, law enforce-
6 ment, or other related programs, and in so doing, to cooperate with feder-
7 al and state".

8 2. By striking from line ten (10) the words "purpose of that enactment"
9 and inserting in lieu thereof the words "purposes of these enactments".

10 3. By striking from lines eleven (11) and twelve (12) the words "through
11 the department of public safety or through the highway commission or
12 both" and inserting in lieu thereof the words ", either through his office or
13 through one or more state departments, commissions, councils, boards, or
14 agencies designated by him or any combination of the foregoing".

15 4. By inserting in line thirteen (13) after the word "safety" the words
16 ", law enforcement, and related".

17 5. By striking from line fourteen (14) the word "act" and inserting in
18 lieu thereof the word "acts".

1 SEC. 3. Chapter eighty (80), Code 1966, is amended by adding the
2 following section:

3 "The commissioner of public safety, when authorized by the governor
4 pursuant to chapter eighty-six (86), Acts of the Sixty-second General As-
5 sembly, may accept, administer and expend funds provided by any act of
6 congress for highway safety, law enforcement or any activities generally
7 related to the duties of the department of public safety as provided in this
8 chapter."

1 SEC. 4. **Declaration of policy and purpose.** The general assembly
2 finds that the increasing incidence of crime threatens the peace, security
3 and general welfare of the state and its citizens. To prevent crime, to in-
4 sure the maintenance of peace and good order, and to assure the greater
5 safety of the people, law enforcement, judicial administration, and correc-
6 tions must be better coordinated, intensified and made more effective at
7 all levels of government.

1 SEC. 5. **Commission established.** There is hereby established the
2 Iowa crime commission, hereinafter called the commission. The commis-

3 sion shall be within the office of the governor, however the governor may
4 assign the administration of the commission to the office for planning and
5 programming.

1 **SEC. 6. Commission functions.** The commission shall conduct in-
2 quiries, investigations, analysis and studies into the incidence and causes
3 of crime in Iowa, in cooperation with state, area, city and county agencies;
4 and develop a statewide program of interagency cooperation, in associa-
5 tion with federal agencies and officials, and those of other states con-
6 cerned with the problems of crime. The commission in cooperation with
7 town, city, county and area agencies, and in conformity with such guide-
8 lines as may be promulgated by federal agencies, shall direct research,
9 planning and action programs in furtherance of the policy and purpose of
10 this Act.

1 **SEC. 7. Duty to file report.** The commission during the continu-
2 ance of its operations shall file periodic reports of its progress with the gov-
3 ernor, and shall present a report to each annual session of the general as-
4 sembly.

1 **SEC. 8. Acceptance of grants.** The commission with approval of the
2 governor may accept funds, grants, services, facilities and property from
3 any source, and all such receipts of the commission, including gifts, grants
4 in aid and other revenue, are hereby appropriated for carrying out the
5 purposes of this Act. The expenditure of any funds available to the com-
6 mission shall be by warrant to the treasurer of the state, drawn by the
7 state comptroller upon vouchers authorized by the executive director of
8 the commission.

9 The commission may:

10 1. Expend such moneys as may be appropriated by the general assem-
11 bly, or otherwise shall be available, for study, research, investigation,
12 planning and implementation.

13 2. Make grants to towns, cities, counties and areas pursuant to law and
14 such regulations as may be applicable.

15 3. Provide supplies, facilities, personnel and staff for the function and
16 operations of the commission, and for such other purposes as may be
17 necessary and proper to accomplish the policy of this Act.

1 **SEC. 9. Commission membership.** The commission shall consist of
2 thirty-one members as follows:

3 1. Ten members shall be officials of town, cities or counties, appointed
4 by the governor.

5 2. Ten members concerned with and knowledgeable about the problems
6 of criminal justice, appointed by the governor.

7 3. Ten officials of the state, as follows:

8 a. The attorney general.

9 b. The commissioner of public safety.

10 c. The director of the division of criminal investigation and bureau of
11 identification.

12 d. The director of the Iowa law-enforcement academy.

13 e. The director of the adult corrections services of the department of
14 social services.

15 The governor shall also appoint one state senator, one state representa-
16 tive, a member of the board of parole, a supreme court justice, and an offi-
17 cial of the state juvenile home.

18 4. The governor shall appoint an executive director of the commission
 19 who shall be his official representative, and who shall be the principal
 20 executive administrator of the commission and shall also be a member of
 21 the commission.

22 All commissioners designated by the governor shall serve at the gov-
 23 ernor's pleasure.

1 SEC. 10. **Preliminary steps ratified.** The acts of the governor
 2 preparatory for and preliminary to the establishment of the commission,
 3 and the committees and commissions established for such purposes, which
 4 otherwise were lawful and proper, hereby are ratified, approved and
 5 adopted by the general assembly.

1 SEC. 11. This Act, being deemed of immediate importance, shall take
 2 effect and be enforced from and after its publication in The Jefferson Bee,
 3 a newspaper published in Jefferson, Iowa and in The Sioux City Journal,
 4 a newspaper published in Sioux City, Iowa.

Approved June 6, 1969.

I hereby certify that the foregoing Act, House File 455, was published in The Jefferson Bee,
 Jefferson, Iowa, June 16, 1969, and in The Sioux City Journal, Sioux City, Iowa, June 12, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 101

LAW ENFORCEMENT ACADEMY

H. F. 160

AN ACT to correct the title to chapter one hundred twelve (112), Acts of the Sixty-second
 General Assembly.

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

1 SECTION 1. The title to chapter one hundred twelve (112), Acts of the
 2 Sixty-second General Assembly, is amended by striking from line three (3)
 3 the word "defense" and inserting in lieu thereof the word "safety".

1 SEC. 2. This Act, being deemed of immediate importance, shall be in
 2 full force and effect from and after its publication in the Harlan Tribune,
 3 a newspaper published at Harlan, Iowa, and in The Globe-Free Press, a
 4 newspaper published at Grand Junction, Iowa.

Approved April 10, 1969.

I hereby certify that the foregoing Act, House File 160, was published in the Harlan Tribune,
 Harlan, Iowa, April 17, 1969 and in The Globe-Free Press, Grand Junction, Iowa, April 17, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 102

LAW ENFORCEMENT OFFICERS TRAINING ACADEMY

H. F. 57

AN ACT relating to the appropriation made by the Sixty-second General Assembly for the law enforcement officers' training academy.

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

- 1 SECTION 1. Section fourteen (14) of chapter one hundred twelve (112),
 2 Acts of the Sixty-second General Assembly, is hereby amended as follows:
 3 1. By striking from line twelve (12) the words and figures "January 31,
 4 1969" and inserting in lieu thereof the words and figures "June 30, 1969".
- 1 SEC. 2. This Act, being deemed of immediate importance shall be in
 2 full force and effect from and after its passage and publication as provided
 3 by law, in The Clinton Herald, a newspaper published at Clinton, Iowa, and
 4 in Iowa Falls Citizen, a newspaper published at Iowa Falls, Iowa.

Approved January 31, 1969.

I hereby certify that the foregoing Act, House File 57, was published in The Clinton Herald, Clinton, Iowa, February 4, 1969 and in the Iowa Falls Citizen, Iowa Falls, Iowa, February 6, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 103

OFFICERS' TRAINING ACADEMY

S. F. 642

AN ACT relating to the law-enforcement officers' training academy.

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

- 1 SECTION 1. Chapter one hundred twelve (112), Acts of the Sixty-second
 2 General Assembly, is hereby amended as follows:
 3 1. By striking from section four (4), line two (2), the word "police" and
 4 inserting in lieu thereof the word "law-enforcement".
 5 2. By striking from section eleven (11), line eight (8), the word "police"
 6 and inserting in lieu thereof the word "law-enforcement".
 7 3. By striking from section eleven (11), line eighteen (18), the word "po-
 8 lice" and inserting in lieu thereof the word "law-enforcement".
 9 4. By striking from section eleven (11), line twenty-one (21), the word
 10 "police" and inserting in lieu thereof the word "law-enforcement".
 11 5. By striking from section eleven (11), line twenty-four (24), the word
 12 "police" and inserting in lieu thereof the word "law-enforcement".
 13 6. By striking from section thirteen (13), line two (2), the word "police"
 14 and inserting in lieu thereof the word "law-enforcement".
 15 7. By striking from section thirteen (13), line five (5), the word "police"
 16 and inserting in lieu thereof the word "law-enforcement".
 17 8. By striking from section thirteen (13), line eight (8), the word "police"
 18 in two places and in each case inserting in lieu thereof the word "law-
 19 enforcement".

Approved June 6, 1969.

CHAPTER 104

WORKMEN'S COMPENSATION

H. F. 528

AN ACT defining "workman" or "employee" in the workmen's compensation law.

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

1 SECTION 1. Section eighty-five point sixty-one (85.61), Code 1966, as
2 amended by chapter one hundred fifteen (115), Acts of the Sixty-second
3 General Assembly, is further amended by adding to subsection three (3) the
4 following new subparagraph:

5 "Partners; directors of any corporation who are not at the same time
6 employees of such corporation; or directors, trustees, officers or other manag-
7 ing officials of any nonprofit corporation or association who are not at the
8 same time full-time employees of such nonprofit corporation or association."

Approved June 5, 1969.

CHAPTER 105

BLIND FOOD SERVICE

H. F. 532

AN ACT relating to the operation of food service in public buildings by the commission for the blind.

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

1 SECTION 1. It is the policy of this state to provide maximum oppor-
2 tunities for training blind persons, helping them to become self-supporting
3 and demonstrating their capabilities. This Act shall be construed to carry
4 out this policy.

1 SEC. 2. For the purposes of this Act:

2 1. "Public office building" means the state capitol, all county court-
3 houses, all city or town halls, and all buildings used primarily for govern-
4 mental offices of the state or any county, city, or town. It does not include
5 public schools or buildings at institutions of the state board of regents or
6 the state department of social services.

7 2. "Food service" includes restaurant, cafeteria, snack bar, vending ma-
8 chines for food and beverages, and goods and services customarily offered
9 in connection with any of the foregoing. It does not include goods and
10 services offered by a veteran's newsstand under section nineteen point six-
11 teen (19.16) or section three hundred thirty-two point five (332.5) of the
12 Code.

1 SEC. 3. A governmental agency which proposes to operate or continue
2 a food service in a public office building shall first attempt in good faith
3 to make an agreement for the commission for the blind to operate the food
4 service without payment of rent. The governmental agency shall not offer
5 or grant to any other party a contract or concession to operate such food

6 service unless the governmental agency determines in good faith that the
7 commission for the blind is not willing to or cannot satisfactorily provide
8 such food service. This Act shall not impair any valid contract existing
9 on the effective date of this Act, and shall not preclude renegotiation of
10 such contract on the same terms and with the same parties.

1 SEC. 4. With respect to all state, county, municipal, and school build-
2 ings which are not subject to section three (3) of this Act, the government-
3 al agency in charge of the building shall consider allowing the commission
4 for the blind to operate any existing or proposed food service in the build-
5 ing, and shall discuss such operation with the commission for the blind
6 upon its request.

Approved May 19, 1969.

CHAPTER 106

DRAINAGE DISTRICT EMPLOYEES EXEMPTION

S. F. 76

AN ACT to exempt employees of drainage districts from coverage under the Iowa public employ-
ees' retirement system, except those employees already vested.

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

1 SECTION 1. Section ninety-seven B point forty-one (97B.41), Code 1966,
2 as amended by chapter one hundred twenty-one (121), section nine (9),
3 Acts of the Sixty-second General Assembly, is hereby further amended by
4 adding to subsection three (3), paragraph *b*, the following new subpara-
5 graph:
6 "Employees of drainage and levee districts not vested, unless such drain-
7 age and levy districts shall make an application to the commission to be
8 covered under the provisions of this chapter. However, any drainage or lev-
9 ee district which has made contributions against which no application
10 for benefits has been made shall be entitled to withdraw all such contribu-
11 tions by making application to the commission prior to December 31,
12 1969. Each drainage or levee district which withdraws its contributions
13 shall refund to its employees contributions deducted from their wages."

Approved May 19, 1969.

CHAPTER 107

PUBLIC EMPLOYEES RETIREMENT

H. F. 13

AN ACT to provide an additional retirement allowance option for members of the Iowa public employees' retirement system.

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

1 SECTION 1. Section ninety-seven B point fifty-one (97B.51), Code 1966,
2 as amended by section seventeen (17) of chapter one hundred twenty-one
3 (121), Acts of the Sixty-second General Assembly, is hereby further amend-
4 ed by adding thereto the following new subsection:

5 "A member may elect to receive a decreased retirement allowance during
6 his lifetime with provision that in event of his death during the first one
7 hundred twenty months of his retirement, monthly payments of his de-
8 creased retirement allowance shall be made to his beneficiary until a com-
9 bined total of one hundred twenty monthly payments have been made to
10 him and his beneficiary."

1 SEC. 2. Section ninety-seven B point fifty-two (97B.52), subsection
2 two (2), Code 1966, as amended by section eighteen (18) of chapter one
3 hundred twenty-one (121), Acts of the Sixty-second General Assembly, is
4 hereby further amended by striking from line ten (10) the word and figure
5 "or 5" and inserting in lieu thereof the words ", five or six".

Approved April 23, 1969.

CHAPTER 108

IPERS ACCUMULATED CONTRIBUTIONS

H. F. 14

AN ACT relating to optional payment of accumulated contributions upon death of an active member of the Iowa Public Employees' Retirement System.

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

1 SECTION 1. Section ninety-seven B point fifty-two (97B.52), subsection
2 one (1), Code 1966, as amended by section eighteen (18) of chapter one hun-
3 dred twenty-one (121), Acts of the Sixty-second General Assembly, is here-
4 by repealed and the following enacted in lieu thereof:

5 "1. If a member dies prior to the date his first retirement allowance
6 is payable under the retirement system, the accumulated contributions by
7 the member and employer at date of death shall be payable to his benefi-
8 ciary in one of the following forms:

9 a. A lump sum.

10 b. A monthly life annuity, commencing on the first day of the month
11 following the member's date of death and continuing for the beneficiary's
12 lifetime thereafter, equal to the actuarial equivalent of the lump sum
13 amount otherwise payable in accordance with paragraph a of this subsec-
14 tion.

15 c. A monthly life annuity, commencing on the first day of the month
 16 following the member's date of death and continuing for the beneficiary's
 17 lifetime thereafter, with provision that in event of the beneficiary's death
 18 before receiving one hundred twenty monthly payments, the monthly pay-
 19 ment shall be continued until a total of one hundred twenty monthly
 20 annuity payments have been made to the person or persons designated by
 21 the beneficiary or to his estate if no person was designated or no designated
 22 person survives until a total of one hundred twenty monthly annuity pay-
 23 ments have been made. The monthly annuity payable under this para-
 24 graph shall be the actuarial equivalent of the lump sum amount otherwise
 25 payable in accordance with paragraph *a* of this subsection.

26 The member may, by election in writing to the commission prior to his
 27 death, specify which of the three forms of payment authorized under this
 28 subsection is to be made to his designated beneficiary upon his death prior
 29 to retirement. Such election shall become irrevocable upon death of the
 30 member. If the member does not make such election, his beneficiary may
 31 elect any one of the three payment forms authorized under this subsection.
 32 If the beneficiary does not make such election within one hundred eighty
 33 days of the member's date of death, the payment form prescribed in para-
 34 graph *a* shall apply.

35 If either of the payment forms prescribed in paragraphs *b* and *c* is
 36 elected by the member or his beneficiary and the monthly annuity pay-
 37 ment thereunder would be less than ten dollars, the commission may re-
 38 quire application of the payment form prescribed in paragraph *a* in lieu
 39 of either of the elected payment forms."

Approved April 10, 1969.

CHAPTER 109

EMPLOYMENT SECURITY COMMISSION

H. F. 108

AN ACT relating to the Iowa employment security commission.

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

1 SECTION 1. Section ninety-seven B point sixty-seven (97B.67), Code
 2 1966, is repealed.

Approved February 21, 1969.

CHAPTER 110
CO-ORDINATING REVENUE STATUTES
S. F. 177

AN ACT to co-ordinate various statutes with the act creating the department of revenue.

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

1 SECTION 1. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section twenty-four (24), line thirty-five (35), is
3 amended by inserting after the figures "(17)" the words "of subsection six
4 (6)".

1 SEC. 2. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section forty-three (43), is amended by striking
3 all of subsection one (1).

1 SEC. 3. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section forty-four (44), is repealed.

1 SEC. 4. Chapter three hundred forty-two (342), Acts of the Sixty-sec-
2 ond General Assembly, section forty-five (45), is amended by striking all
3 of subsection two (2).

1 SEC. 5. Chapter three hundred forty-two (342), Acts of the Sixty-sec-
2 ond General Assembly, is amended by striking section forty-seven (47).

1 SEC. 6. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, is amended by striking section forty-eight (48).

1 SEC. 7. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, is amended by striking section fifty (50).

1 SEC. 8. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, is amended by striking section fifty-one (51).

1 SEC. 9. Chapter three hundred forty-two (342), Acts of the Sixty-sec-
2 ond General Assembly, section fifty-three (53), is amended by striking all
3 of subsection two (2).

1 SEC. 10. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section sixty (60), line three (3), is amended by
3 striking the word "from" and inserting the words "all of".

1 SEC. 11. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section sixty-six (66), line seven (7), is amended
3 by striking the words and figure "line six (6)" and inserting the words and
4 figures "lines six (6) and seven (7)".

1 SEC. 12. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section ninety-five (95), lines nine (9) and ten
3 (10), is amended by striking the words and figures "line twenty-three (23),
4 of subsection thirteen (13)" and inserting in lieu thereof the words "the
5 seventh line from the end of said section".

6 Further amend said section by striking from line twelve (12) the words
7 and figures "lines twenty-four (24) and twenty-five (25)" and inserting in
8 lieu thereof the words "the fifth and sixth line from the end of said sec-
9 tion".

1 SEC. 13. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section one hundred (100), is amended by strik-
3 ing lines three (3) to ten (10), inclusive.

1 SEC. 14. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section one hundred one (101), lines one (1)
3 and two (2), is amended by striking the words and figures "four hundred
4 twenty-two point fifty-three (422.53)" and inserting in lieu thereof the words
5 and figures "four hundred twenty-two point fifty-two (422.52)".

1 SEC. 15. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section one hundred two (102), line twenty-one
3 (21), is amended by striking the word and figure "two (2)" and inserting in
4 lieu thereof the word and figure "one (1)".

1 SEC. 16. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section one hundred nine (109), line twenty-nine
3 (29), is amended by striking the words and figure "line seven (7)" and
4 inserting in lieu thereof the words and figures "lines seven (7) and eight
5 (8) of subsection four (4)".

1 SEC. 17. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section one hundred twelve (112), line seven (7),
3 is amended by inserting after the figure "(5)" the words and figure "of
4 subsection one (1)".

5 Further amend said section, line eight (8), by striking the second word
6 "the".

1 SEC. 18. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section one hundred thirty-six (136), line six-
3 teen (16), is amended by striking the word "it" and inserting in lieu thereof
4 the word "its".

1 SEC. 19. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section one hundred forty (140), line six (6), is
3 amended by striking the words and figure "line nine (9)" and inserting in
4 lieu thereof the words and figures "lines nine (9) and ten (10)".

1 SEC. 20. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section one hundred fifty-six (156), line six (6),
3 is amended by striking the words and figure "lines five (5) and" and insert-
4 ing in lieu thereof the word "line".

1 SEC. 21. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section one hundred ninety-eight (198), is amend-
3 ed by striking all of subsection ten (10).

1 SEC. 22. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section two hundred fifty-nine (259), line twelve
3 (12), is amended by inserting after the figure "(10)" the words and figure
4 "of subsection two (2)".

1 SEC. 23. Chapter three hundred forty-two (342), Acts of the Sixty-
2 second General Assembly, section three hundred twenty (320), line two (2),
3 is amended by striking the words "line three" and inserting in lieu thereof
4 the words and figure "lines two (2) and three".

1 SEC. 24. Chapter one hundred seven (107), Acts of the Sixty-second
2 General Assembly, section two (2), lines fifteen (15) and sixteen (16), is
3 amended by striking the words "state tax commission" and inserting in
4 lieu thereof the words "state department of revenue".

1 SEC. 25. Chapter one hundred twenty-four (124), Acts of the Sixty-
2 second General Assembly, section six (6), lines one hundred thirty-five
3 (135) and one hundred thirty-six (136), is amended by striking the words
4 "tax commission" and inserting in lieu thereof the words "department of
5 revenue".

6 Further amend said section, line one hundred thirty-eight (138), by strik-
7 ing the words "tax commission" and inserting in lieu thereof the words
8 "department of revenue".

9 Further amend said section, line one hundred forty (140), by striking the
10 words "tax commission" and inserting in lieu thereof the words "depart-
11 ment of revenue".

1 SEC. 26. Chapter one hundred fifty-five (155), Acts of the Sixty-second
2 General Assembly, section eight (8), line three (3), is amended by striking
3 the words "tax commission" and inserting in lieu thereof the words "de-
4 partment of revenue".

1 SEC. 27. Chapter one hundred fifty-five (155), Acts of the Sixty-
2 second General Assembly, is amended by striking section thirteen (13).

1 SEC. 28. Chapter one hundred fifty-nine (159), Acts of the Sixty-second
2 General Assembly, section two (2), line thirty-two (32), is amended by strik-
3 ing the words "tax commission" and inserting in lieu thereof the words
4 "department of revenue".

1 SEC. 29. Chapter one hundred fifty-nine (159), Acts of the Sixty-second
2 General Assembly, section four (4), line three (3), is amended by striking
3 the words "tax commission" and inserting in lieu thereof the words "de-
4 partment of revenue".

1 SEC. 30. Chapter one hundred fifty-nine (159), Acts of the Sixty-second
2 General Assembly, section five (5), line two (2), is amended by striking
3 the words "tax commission" and inserting in lieu thereof the words "de-
4 partment of revenue".

1 SEC. 31. Chapter one hundred fifty-nine (159), Acts of the Sixty-second
2 General Assembly, section seven (7), line two (2), is amended by striking
3 the words "state tax commission" and inserting in lieu thereof the words
4 "department of revenue".

1 SEC. 32. Chapter one hundred fifty-nine (159), Acts of the Sixty-second
2 General Assembly, section eight (8), line twenty-five (25), is amended by
3 striking the words "tax commission" and inserting in lieu thereof the words
4 "department of revenue".

1 SEC. 33. Chapter two hundred eighty-seven (287), Acts of the Sixty-
2 second General Assembly, section seven (7), is amended by striking all of
3 subsection nine (9).

1 SEC. 34. Chapter two hundred eighty-seven (287), Acts of the Sixty-
2 second General Assembly, section eleven (11), is amended by striking all of
3 subsection two (2).

1 SEC. 35. Chapter two hundred eighty-seven (287), Acts of the Sixty-
2 second General Assembly, section twenty (20), is amended by striking from
3 line twelve (12) the first word and figure "four (4)" and inserting in lieu
4 thereof the word and figure "three (3)".

5 Further amend said section, line fifteen (15), by striking the words and
6 figures "five (5) and six (6)" and inserting in lieu thereof the words and
7 figures "four (4) and five (5)".

8 Further amend said section, line eighteen (18), by striking the word and
9 figures "fifteen (15)" and inserting in lieu thereof the word and figures
10 "fourteen (14)".

1 SEC. 36. Chapter two hundred eighty-eight (288), Acts of the Sixty-
2 second General Assembly, section eleven (11), line four (4), is amended by
3 striking the word "treasurer" and inserting in lieu thereof the words
4 "director of revenue".

1 SEC. 37. Chapter two hundred eighty-eight (288), Acts of the Sixty-
2 second General Assembly, section thirteen (13), line six (6), is amended by
3 striking the word "treasurer" and inserting in lieu thereof the words "de-
4 partment of revenue".

5 Further amend said section, line eight (8), by striking the word "treas-
6 urer" and inserting in lieu thereof the word "department".

7 Further amend said section, line eighteen (18), by striking the word
8 "treasurer" and inserting in lieu thereof the words "director of revenue".

1 SEC. 38. Chapter two hundred eighty-eight (288), Acts of the Sixty-
2 second General Assembly, section fifteen (15), line seven (7), is amended
3 by striking the word "treasurer" and inserting in lieu thereof the words
4 "department of revenue".

5 Further amend said section, lines nine (9) and ten (10), by striking the
6 word "treasurer" and inserting in lieu thereof the word "department".

1 SEC. 39. Chapter two hundred eighty-eight (288), Acts of the Sixty-
2 second General Assembly, section twenty-one (21), line six (6), is amended
3 by striking the words "treasurer or his deputies" and inserting in lieu there-
4 of the words "department of revenue".

5 Further amend said section, line seven (7), by striking the words "treas-
6 urer or his deputies" and inserting in lieu thereof the word "department".

7 Further amend said section, line nine (9), by striking the word "treas-
8 urer" and inserting in lieu thereof the word "department".

1 SEC. 40. Chapter two hundred eighty-eight (288), Acts of the Sixty-
2 second General Assembly, section twenty-three (23), line eleven (11), is
3 amended by striking the word "treasurer" and inserting in lieu thereof the
4 words "department of revenue".

1 SEC. 41. Chapter three hundred fifty-four (354), Acts of the Sixty-
2 second General Assembly, section eleven (11), lines one (1) and two (2), is
3 amended by striking the words "state tax commission or succeeding author-
4 ity" and inserting in lieu thereof the words "department of revenue having
5 authority".

1 SEC. 42. Chapter three hundred fifty-four (354), Acts of the Sixty-
2 second General Assembly, section twelve (12), lines one (1) and two (2),
3 is amended by striking the words "tax commission or succeeding authority"

4 and inserting in lieu thereof the words "department of revenue having au-
5 thority".

6 Further amend said section, line four (4), by striking the words "tax
7 commission or succeeding authority" and inserting in lieu thereof the words
8 "department of revenue having authority".

1 SEC. 43. Section ninety-eight point one (98.1), Code 1966, subsection
2 ten (10), line two (2), is amended by striking the words "of Iowa".

1 SEC. 44. Section four hundred twenty-two point twenty-one (422.21),
2 Code 1966, line twenty-six (26), is amended by striking the first word "to".

1 SEC. 45. Section four hundred thirty-six point six (436.6), Code 1966,
2 line fourteen (14), is amended by striking the words ", may require".

1 SEC. 46. Section four hundred fifty point ninety-seven (450.97), Code
2 1966, line twenty (20), is amended by striking the words "tax commission"
3 and inserting in lieu thereof the words "department of revenue".

Approved April 10, 1969.

CHAPTER 111

CODIFICATION OF REVENUE LAWS

S. F. 176

AN ACT relating to the codification of the revenue laws.

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

1 SECTION 1. Chapter three hundred forty-eight (348), Acts of the Sixty-
2 second General Assembly, section twenty-two (22), line sixteen (16), is
3 amended by inserting before the word "from" the word "or".

4 Further amend said section, line twenty-three (23), by striking the word
5 "and".

6 Further amend said section, line twenty-six (26), by striking the word
7 "from".

8 Further amend said section, line twenty-eight (28), by striking the word
9 "from".

10 Further amend said section, line thirty-one (31), by striking the word
11 "from".

1 SEC. 2. Chapter three hundred forty-eight (348), Acts of the Sixty-
2 second General Assembly, section twenty-six (26), line six (6), is amended
3 by inserting after the figures "(10)" the words and figures "of subsection
4 two (2)".

1 SEC. 3. Chapter three hundred forty-eight (348), Acts of the Sixty-
2 second General Assembly, section forty-four (44), line three (3), is amend-
3 ed by adding before the word "services" the word "or".

1 SEC. 4. Chapter three hundred forty-eight (348), Acts of the Sixty-
2 second General Assembly, section twenty-eight (28), line three (3), is amend-
3 ed by striking the word "retailers" and inserting in lieu thereof the word
4 "retailer".

5 Further amend said section, line four (4), by striking the word "holders"
6 and inserting in lieu thereof the word "holder".

1 SEC. 5. Section four hundred twenty-two point five (422.5), Code 1966,
2 lines one (1) and two (2), is amended by striking the words and figures
3 ", beginning on the first day of January, 1934,".

4 Further amend said section, lines three (3) and four (4), by striking the
5 words "beginning on the first day of January, 1937,".

6 Further amend said section by striking from the end thereof the words
7 "from and after, January 1, 1939".

1 SEC. 6. Section four hundred twenty-two point sixteen (422.16), Code
2 1966, subsection two (2), lines three (3), four (4) and five (5), is amended
3 by striking the words and figures "the quarterly period beginning January
4 1, 1966, and for each calendar quarterly period thereafter" and inserting in
5 lieu thereof the words "each quarterly period".

6 Further amend said subsection, lines fifteen (15) to nineteen (19), in-
7 clusive, by striking the words "commencing with the period beginning Jan-
8 uary 1, 1966, every withholding agent who withholds more than fifty dollars
9 in any one month commencing with January 1, 1966" and inserting the
10 words "every withholding agent who withholds more than fifty dollars in
11 any one month".

1 SEC. 7. Section four hundred twenty-two point seventeen (422.17),
2 Code 1966, lines nine (9) and ten (10), is amended by striking the words
3 and figures "beginning after December 31, 1965".

1 SEC. 8. Section four hundred twenty-two point nineteen (422.19),
2 Code 1966, lines four (4) and five (5), is amended by striking the words and
3 figures "on or after January 1, 1937,".

4 Further amend said section, line ten (10), by striking the words and figures
5 "on or after January 1, 1937".

1 SEC. 9. Section four hundred twenty-two point twenty-one (422.21),
2 Code 1966, line twenty-six (26), is amended by striking the first word "to".

1 SEC. 10. Section four hundred twenty-two point twenty-four (422.24),
2 Code 1966, subsection one (1), lines one (1) and two (2), is amended by
3 striking the words and figures "with tax years beginning on or after Jan-
4 uary 1, 1966".

1 SEC. 11. Section four hundred twenty-two point forty-three (422.43),
2 Code 1966, lines two (2) and three (3), is amended by striking the words and
3 figures ", beginning the first day of April, 1937, a tax of two" and inserting
4 in lieu thereof the words "a tax of three".

5 Further amend said section, lines twenty-two (22) and twenty-three
6 (23), by striking the words and figures "beginning with the first day of
7 July, 1947, a tax of two" and inserting in lieu thereof the words "a tax of
8 three".

1 SEC. 12. Section four hundred twenty-two point forty-four (422.44),
2 Code 1966, line four (4), is amended by striking the word "consumers" and
3 inserting the word "consumer-".

1 SEC. 13. Section four hundred twenty-two point fifty-three (422.53),
2 Code 1966, subsection one (1), line one (1), is amended by striking the words
3 and figures "Sixty days after April 1, 1937,".

1 SEC. 14. Section four hundred twenty-three point two (423.2), Code
2 1966, lines three (3) and four (4), is amended by striking the words and
3 figures "on or after April 16, 1937,".

1 SEC. 15. Section four hundred twenty-three point four (423.4), Code
2 1966, subsection two (2), lines three (3), four (4) and five (5), is amended
3 by striking the words and figures ", or (b) for the performance of a build-
4 ing or construction contract executed prior to April 16, 1937".

1 SEC. 16. Section four hundred twenty-three point thirteen (423.13),
2 Code 1966, lines seven (7) to ten (10), inclusive, is amended by striking
3 the words and figures ", the first such quarterly period being the period
4 commencing on the first day of April, 1937, and ending on the thirtieth
5 day of June, 1937".

1 SEC. 17. Section four hundred twenty-three point twenty-one (423.21),
2 Code 1966, lines four (4) and five (5), is amended by striking the words and
3 figures "purchased on or after April 1, 1937,".

1 SEC. 18. Section four hundred twenty-four point four (424.4), Code
2 1966, is amended by striking from the sixth and seventh line from the end
3 of said section the words and figures "July 1, 1935 and on July 1 of each
4 succeeding year thereafter" and inserting in lieu thereof the words and
5 figures "July 1 of each year".

1 SEC. 19. Section four hundred twenty-five point one (425.1), Code
2 1966, subsection three (3), lines eleven (11) to thirteen (13), inclusive, is
3 amended by striking the words and figures "On March 25, 1938, and every
4 six months thereafter" and inserting in lieu thereof the words "every six
5 months".

6 Further amend said section, subsection four (4), lines one (1) and two
7 (2), by striking the words and figures "On October 1, 1937, and annually
8 thereafter," and inserting in lieu thereof the word "Annually".

1 SEC. 20. Section four hundred twenty-six point one (426.1), Code
2 1966, lines six (6) and seven (7), is amended by striking the words and
3 figures "beginning July 1, 1946,".

1 SEC. 21. Section four hundred twenty-six A point four (426A.4), Code
2 1966, lines four (4) and five (5), is amended by striking the words and
3 figures "On March 25, 1955, September 25, 1955, and every six months
4 thereafter," and inserting in lieu thereof the words and figures "On March
5 25 and September 25 annually".

6 Further amend said section, lines seven (7) and eight (8), by striking
7 the words and figures "On or before March 25, 1955, and every six months
8 thereafter".

Approved April 10, 1969.

CHAPTER 112

SALES OF TOBACCO

S. F. 183

AN ACT relating to the sales of tobacco.

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

- 1 SECTION 1. Chapter three hundred forty-eight (348), Acts of the Sixty-
 2 second General Assembly, section two (2), line thirty-one (31), is amended
 3 by striking the words "village, borough or township" and inserting in lieu
 4 thereof the words "town or county".

Approved March 26, 1969.

CHAPTER 113

FAIR HOUSING LAW BOND

H. F. 67

AN ACT relating to the bond provision in the fair housing law.

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

- 1 SECTION 1. Chapter one hundred twenty-two (122), section three (3),
 2 Acts of the Sixty-second General Assembly, amending section one hundred
 3 five A point nine (105A.9), subsection one (1), Code 1966, is hereby amended
 4 as follows:
 5 1. By striking lines four (4) through eleven (11) thereof.
 6 2. By striking from line twelve (12) the words "on such bond herein".

Approved February 13, 1969.

CHAPTER 114

WATER NAVIGATION

H. F. 228

AN ACT relating to water navigation regulations.

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

- 1 SECTION 1. Section one hundred six point seven (106.7), Code 1966, as
 2 amended by chapter one hundred twenty-four (124), section three (3), Acts
 3 of the Sixty-second General Assembly, is hereby further amended by adding
 4 thereto the following new subsection:
 5 "Failure of the operator of any vessel involved in a collision, reportable
 6 accident, or other casualty, to offer assistance and aid to other persons
 7 affected by such collision, accident, or casualty, as set forth in this chapter,
 8 shall be punishable by a fine of not more than one thousand dollars, or
 9 imprisonment in the county jail for not more than one year, or both."

Approved May 19, 1969.

CHAPTER 115

OPERATION OF POWER BOATS

H. F. 329

AN ACT relating to the operation of power boats.

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

1 SECTION 1. Section one hundred six point thirteen (106.13), Code 1966,
2 is hereby amended by adding to the end thereof the following:
3 "Chapter two hundred thirty-two (232) of the Code shall have no appli-
4 cation in the prosecution of offenses committed in violation of this chapter
5 or rules and regulations which are adopted under the authority of this
6 chapter which are punishable by a fine of not more than one hundred dol-
7 lars or by imprisonment for not more than thirty days."

Approved May 22, 1969.

CHAPTER 116

CONSERVATION COMMISSION INFORMATION

H. F. 349

AN ACT relating to the dissemination of information by the conservation commission.

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

1 SECTION 1. Section one hundred seven point twenty-three (107.23),
2 Code 1966, is hereby amended by inserting in line twelve (12) after the word
3 "residents" the words "and nonresidents".

Approved May 19, 1969.

CHAPTER 117

TROUT POSSESSION

H. F. 263

AN ACT relating to trout possession limits by persons not required to obtain fishing licenses.

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

1 SECTION 1. Section one hundred nine point sixty-seven (109.67), Code
2 1966, is hereby amended by adding to the end thereof the following para-
3 graph:
4 "Any person who, by reason of his age, is not required to have a license
5 to fish in the waters of the state as provided in section one hundred ten
6 point seventeen (110.17) of the Code shall be limited to a daily catch limit
7 of two trout and to a possession limit of four trout."

Approved May 19, 1969.

CHAPTER 118

MUSKELLUNGE FISHING RESTRICTIONS

S. F. 454

AN ACT relating to angling laws.

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

- 1 SECTION 1. Section one hundred nine point sixty-seven (109.67), Code
 2 1966, is hereby amended by adding to table A the following:
 3 1. In column one add the word "Muskellunge".
 4 2. In column two add the dates "May 15 to November 30".
 5 3. In column three add the number "1".
 6 4. In column four add the number "1".
 7 5. In column five add the number and word "30 inches".

Approved May 12, 1969.

CHAPTER 119

TROT LINES

H. F. 286

AN ACT relating to trot lines.

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

- 1 SECTION 1. Section one hundred nine point seventy-five (109.75), Code
 2 1966, is hereby amended by adding to the end thereof the following:
 3 "Each trot line shall have one name tag attached at each end of such
 4 line. Such name tag shall have the name and address of the owner legibly
 5 printed thereon."

Approved May 19, 1969.

CHAPTER 120

SNOWMOBILES

H. F. 250

AN ACT relating to snowmobiles.

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

- 1 SECTION 1. Section one hundred nine point one hundred twenty
 2 (109.120), Code 1966, is hereby amended by inserting in line five (5) after
 3 the word "flight" the words "or from or with any self-propelled vehicles de-
 4 signed for travel on snow or ice which utilize sled type runners, or skis,
 5 or an endless belt tread or any combination thereof and which are com-
 6 monly known as snowmobiles".

Approved May 22, 1969.

CHAPTER 121

HUNTING AND FISHING LICENSES

H. F. 287

AN ACT relating to the issuance of courtesy hunting and fishing licenses.

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

1 SECTION 1. Chapter one hundred ten (110), Code 1966, is hereby amend-
2 ed by adding thereto the following new section:

3 "The commission is hereby authorized to issue a courtesy nonresident
4 license for the taking of any fish or game, except deer. Such licenses may
5 be issued by the director of the commission, without charge, to dignitaries
6 and officials of other states, countries, or the United States who are in the
7 state as guests of the governor or the commission. Such licenses shall be
8 issued for a specific number of days. The number of licenses to be issued
9 for any one season or species of fish or game shall not exceed one hundred."

Approved May 19, 1969.

CHAPTER 122

FISHING NET LICENSES

S. F. 422

AN ACT relating to fees of licenses issued by the conservation commission.

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

1 SECTION 1. Chapter one hundred forty-one (141), section one (1), Acts
2 of the Sixty-second General Assembly, amending section one hundred ten
3 point one (110.1), Code 1966, is hereby further* amended by striking line
4 twenty-four (24) and inserting in lieu thereof the following:

5 "All nets not otherwise provided for, each net
6 Legal residents 1.00
7 Nonresidents or aliens 3.00"

Approved May 12, 1969.

*According to enrolled Act.

CHAPTER 123

COUNTY CONSERVATION BOARDS

H. F. 21

AN ACT to authorize county conservation boards to furnish uniforms and operate or lease concessions in or upon property under its control.

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

1 SECTION 1. Section one hundred eleven A point four (111A.4), Code
2 1966, is hereby amended as follows:

3 By inserting in line one (1) of subsection eight (8), after the word "To",
4 the words "operate concessions or to lease concessions and to".

1 SEC. 2. Section one hundred eleven A point four (111A.4), Code 1966,
2 is amended by adding the following new subsection:

3 "To furnish suitable uniforms for the executive officer and such employ-
4 ees as he may designate to wear, when on official duty. The cost of said
5 uniforms not to exceed three hundred (300) dollars in any given year. The
6 uniforms shall at all times remain the property of the county."

Approved June 5, 1969.

CHAPTER 124

REAL ESTATE BROKERS AND SALESMEN

S. F. 299

AN ACT to increase the license fees of real estate brokers and salesmen.

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

1 SECTION 1. Section one hundred seventeen point twenty-seven (117.27),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the word "ten" and by inserting in lieu
4 thereof the word "twenty".

5 2. By striking from line four (4) the word "five" and inserting in lieu
6 thereof the word "ten".

1 SEC. 2. Section one hundred seventeen point twenty-nine (117.29),
2 Code 1966, is hereby amended by striking from line nine (9) the word "one"
3 and inserting in lieu thereof the word "three".

1 SEC. 3. Section one hundred seventeen point thirty-three (117.33),
2 Code 1966, is hereby amended by striking from line thirty-three (33) the
3 word "one" and inserting in lieu thereof the word "three".

Approved May 16, 1969.

CHAPTER 125

REAL ESTATE BROKERS

H. F. 166

AN ACT to correct overlapping penalties in the law on real estate brokers as amended.

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

1 SECTION 1. Section one hundred seventeen point forty-three (117.43),
 2 Code 1966, line two (2), is amended by striking the words "this chapter"
 3 and inserting in lieu thereof the words and figures "sections one hundred
 4 seventeen point one (117.1) to one hundred seventeen point forty-two
 5 (117.42), inclusive,".

Approved March 19, 1969.

CHAPTER 126

DECEASED LIQUOR LICENSEES

H. F. 559

AN ACT granting the Iowa liquor control commission the discretion to allow the executor or administrator of a liquor control licensee to continue the operation of the business for a limited time.

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

1 SECTION 1. Section one hundred twenty-three point twenty-nine
 2 (123.29), Code 1966, is hereby amended by inserting in line ten (10) after
 3 the period the following:
 4 "However, the commission may in its discretion allow the executor or
 5 administrator of a licensee to operate the business of the decedent licensee
 6 for a reasonable time not to exceed the expiration date of the license."

Approved June 5, 1969.

CHAPTER 127

NATIVE WINES

H. F. 276

AN ACT relating to grapes and other fruit used in making native wines.

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

1 SECTION 1. Section one hundred twenty-three point fifty-six (123.56),
 2 Code 1966, is hereby amended by striking from line six (6) the words
 3 "grown and produced in Iowa".
 4 Further amend said section by adding the following new paragraph:
 5 "For the purposes of this section 'manufacturer' includes only those per-
 6 sons who process the fruit or honey, ferment, and bottle native wines in
 7 Iowa."

Approved April 30, 1969.

CHAPTER 128

TREATMENT OF ALCOHOLISM

S. F. 525

AN ACT relating to the treatment of alcoholism.

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

1 SECTION 1. For the purposes of this Act:

2 1. "Commission" means the Iowa commission on alcoholism.

3 2. "Facility" means a contracting hospital, institution, detoxification
4 center, or installation providing care, maintenance, and treatment for al-
5 coholics; however, a facility shall not include a mental health institute
6 under the control of the department of social services.

1 SEC. 2. The commission shall provide for treatment, rehabilitation,
2 family therapy, and any and all other ancillary services deemed necessary
3 to return a resident of this state who is an alcoholic to a full, productive
4 life. In the event any such services duplicate any provided by the depart-
5 ment of social services or the department of public instruction, the commis-
6 sion and such departments shall execute an interagency agreement provid-
7 ing for the needed service by one department. The commission may re-
8 ceive and expend any federal funds that may be made available for such
9 purposes, except those funds made available for vocational rehabilitation
10 purposes through the department of public instruction.

1 SEC. 3. No later than July first of each year the commission shall
2 allocate any moneys appropriated by the general assembly or otherwise
3 available for such purposes, and any federal funds so available, among treat-
4 ment services to be provided an alcoholic while confined as a voluntary
5 patient in a qualified facility with which the commission has contracted
6 to provide such treatment and other rehabilitative services.

1 SEC. 4. The commission may enter into written agreements with any
2 qualified facility to pay for one-half of the cost of the care, maintenance,
3 and treatment of an alcoholic confined as a voluntary patient within that
4 county. The commission shall formulate, adopt, and promulgate pursuant
5 to chapter seventeen A (17A) of the Code, such rules and regulations per-
6 taining to the minimum qualifications necessary to qualify as such, which
7 shall include at least a minimum period of six months in which it shall
8 be demonstrated that a facility can successfully treat alcoholism. Such
9 contracts shall be for a period of no more than one year. The commission
10 shall review and evaluate at least once each year all such agreements
11 and determine whether or not they shall be continued.

12 The contract may be in such form and contain provisions as agreed
13 upon by the parties. Such contract shall provide that the facility shall
14 admit and treat alcoholics whose legal settlement is in counties other
15 than the contracting county. If one payment for care, maintenance, and
16 treatment is not made by the patient or those legally liable therefor within
17 thirty days after discharge the payment shall be made by the commission
18 directly to the facility. Payments shall be made each month and shall be
19 based upon the facility's average daily per patient charge.

1 SEC. 5. Counties shall pay for the remaining one-half of the cost of
2 the care, maintenance, and treatment of an alcoholic from its state institu-
3 tions fund as provided in section four hundred forty-four point twelve
4 (444.12) of the Code. The facility shall certify to the county of the alcohol-
5 ic's legal settlement once each month one-half of the unpaid cost of the
6 care, maintenance, and treatment of an alcoholic who has been confined
7 as a voluntary patient. Such county shall pay the cost so certified to the
8 facility from its state institutions fund. A facility may, upon approval of
9 the board of supervisors, submit to a county a billing for the aggregate
10 amount of all care, maintenance, and treatment of alcoholics for each
11 month. The board of supervisors may demand an itemization of such bill-
12 ings at any time or may audit the same.

1 SEC. 6. The facility shall, when an alcoholic is admitted, or as soon
2 thereafter as it receives the proper information, determine and enter upon
3 its records whether the legal settlement of such alcoholic is in the county
4 where the facility is located, or in some other county, state, or country,
5 or is unknown.

1 SEC. 7. In the event any county to which certification of the cost of
2 care, maintenance, and treatment of an alcoholic is made, disputes that
3 such alcoholic has his legal settlement in that county, it shall immediately
4 notify the facility that such dispute exists. The commission shall immediate-
5 ly investigate the facts and determine in which county the patient has
6 legal settlement. The commission shall certify its determination to the
7 county wherein it is found the patient has legal settlement and to the
8 facility. The county of legal settlement shall reimburse the facility as pro-
9 vided in this Act. If the commission finds that the legal settlement of an
10 alcoholic at the time of admission was in another state or country or was
11 unknown, then the commission shall pay for that portion of his care,
12 maintenance, and treatment that his county of legal settlement would
13 have been liable to pay.

1 SEC. 8. The alcoholic, his or her spouse, and any person, firm, corpora-
2 tion, or insurance company bound by contract to provide support, hospital-
3 ization, or medical services for the alcoholic shall be legally liable for the
4 total amount of the cost of providing care, maintenance, and treatment for
5 the alcoholic while a voluntary patient in a facility when the commission
6 has contracted with such facility to provide treatment even though one-
7 half of the cost was paid by the commission. Such liability shall be to the
8 county of the alcoholic's legal settlement after such county has made its
9 payment for one-half of such treatment services.

1 SEC. 9. The county auditor upon receipt of such certification by the
2 facility shall enter the same to the credit of the facility and issue a notice
3 to the county treasurer, authorizing him to transfer the amount from the
4 state institutional fund to the state general fund, which notice shall be
5 filed by the treasurer as his authority for making such transfer, and shall
6 include the amount transferred in his next remittance to the facility.

1 SEC. 10. The total cost of providing the care, maintenance, and treat-
2 ment for an alcoholic pursuant to this Act shall be a lien on any real estate
3 owned by the alcoholic or owned by his spouse. Such lien shall be effective
4 against the real estate owned by the spouse only if the name of the spouse
5 is indexed by the auditor. No lien imposed by this statute against any real

6 estate of a spouse prior to July 1, 1969 shall be effective against the proper-
7 ty of such spouse unless the name of the spouse was indexed prior to July
8 1, 1969.

1 SEC. 11. The auditor of each county shall keep an accurate account
2 of the total cost of the care, maintenance, and treatment of any alcoholic
3 and keep an index of the names of the alcoholics admitted from such
4 county. The indexing and the record of the account of such alcoholic in
5 the office of the county auditor shall constitute notice of such lien. The
6 name of the spouse of such alcoholic shall also be indexed in the same man-
7 ner as the names of alcoholics are indexed.

1 SEC. 12. The board of supervisors shall collect the total amount of all
2 such claims and direct the county attorney to proceed with the collection
3 of such claims as a part of the duties of his office. The county shall be
4 entitled to keep the total amount of all such claims collected. The county
5 attorney, with the consent of the board of supervisors, may execute an
6 agreement providing for the acceptance of a lesser amount owed by an al-
7 coholic, his spouse, or estate to the county. The execution of such agreement
8 may provide that the same is in satisfaction of all moneys owed the county.
9 In such case any lien against the property of the alcoholic, his spouse, or
10 estate shall be released.

1 SEC. 13. In any action to enforce the liability imposed by this Act,
2 the certificate from the facility to the county auditor stating the sums
3 charged in such cases shall be presumed correct.

1 SEC. 14. In the case of the death of either spouse the estate of the
2 deceased shall not be settled or the homestead sold until the surviving
3 spouse shall die or cease to occupy the homestead or while it is occupied
4 by the minor children of an alcoholic. However, no lien shall be enforced
5 against any homestead so long as it be occupied by an alcoholic, his spouse
6 or minor children.

1 SEC. 15. The board of supervisors of the county shall release liens
2 accruing under the provisions of this Act when costs of the facility are
3 fully paid or when compromised and settled by such board or when an
4 estate affected by this Act has been probated and the proceeds allowed have
5 been applied on such liens.

1 SEC. 16. On the death of the person who receives assistance under the
2 provisions of this Act, the total amount paid for his care, maintenance,
3 and treatment shall be allowed as a claim of the second class against the
4 estate of such person.

1 SEC. 17. The commission may, from its appropriation allocated to pro-
2 viding other rehabilitative services to alcoholics and any federal funds avail-
3 able, do any of the following:

4 1. Carry on a statewide program of education, prevention, treatment,
5 and rehabilitation to combat alcoholism and alcohol.

6 2. Provide a system of coordination and interagency cooperation at all
7 levels of government to achieve the goals and duties of the commission.

8 3. Stimulate the development and refinement of services for alcoholics
9 and create a system for providing and expanding services to alcoholics.

10 4. Provide, insofar as feasible, for a community based staff in local service
11 centers to act as catalysts for local planning, programming, and coordina-

12 tion. The service centers shall provide direct services to alcoholics through
 13 assessment, referral, intensive follow-through, personal or social support,
 14 guidance, and other actions as necessary within budgetary limitations.

15 5. Operate or cooperate, insofar as feasible, with local agencies to develop
 16 transitional residential or day protective environmental settings which pro-
 17 vide for an orderly transition of alcoholics from the various phases of treat-
 18 ment and rehabilitation to the time of reentry into productive community
 19 life. The residential or day treatment for individuals may consist of, but
 20 shall not be limited to, counseling, psychological and social assistance, pre-
 21 vocational training, sheltered social situations, or semicustodial services
 22 operated and conducted in cooperation with other agencies. The treatment
 23 shall not duplicate services of existing facilities which have been determined
 24 adequate by the commission.

25 6. Cause to be established local commissions on alcohol, when practical
 26 and desirable, to perform duties similar to those of the commission.

27 7. Assist and cooperate in programs of funding assistance for local
 28 commissions and establish program priorities, and promulgate rules and
 29 regulations, to assure orderly coordination and conduct of the duties of the
 30 local commissions and their personnel.

31 8. Develop, finance, and conduct programs of public education through
 32 all media or by any methods to promote public understanding and aid in
 33 the prevention of problems associated with the use of alcohol.

34 9. Provide specialized training experiences designed to create a corps of
 35 alcoholism specialists and provide in-service, short term or refresher courses
 36 about alcohol for commission personnel, educators, social service person-
 37 nel, law enforcement personnel, lawyers, judges, clergymen, and others.

38 10. Encourage and coordinate uniform record keeping among public
 39 and private agencies in order to improve collaboration and referral, aid
 40 program continuity, and make information available for planning and eval-
 41 uation.

42 11. Conduct research projects designed to assist in the orderly develop-
 43 ment of the work of the commission and enhance the knowledge of alco-
 44 holism and alcohol abuse.

1 SEC. 18. Section four hundred forty-four point twelve (444.12), Code
 2 1966, as amended by chapter two hundred two (202), section two (2), Acts
 3 of the Sixty-second General Assembly, is hereby further amended by insert-
 4 ing in line twenty-one (21) after the comma the words "care, maintenance,
 5 and treatment for alcoholism while a voluntary patient in a facility as
 6 defined in section one (1) of this Act,".

1 SEC. 19. Section one hundred twenty-three A point three (123A.3),
 2 Code 1966, as amended by chapter two hundred nine (209), section thirty-
 3 five (35), Acts of the Sixty-second General Assembly, is amended by strik-
 4 ing lines thirteen (13) through twenty-six (26), inclusive.

1 SEC. 20. Section one hundred twenty-three A point five (123A.5), Code
 2 1966, as amended by chapter two hundred nine (209), section thirty-six
 3 (36), Acts of the Sixty-second General Assembly is hereby repealed.

1 SEC. 21. Section one hundred twenty-three A point eight (123A.8),
 2 Code 1966, is hereby amended by striking from line three (3) the words
 3 "and institutions" and inserting in lieu thereof the words ", institutions,
 4 hospitals and local alcoholism units".

1 SEC. 22. It is hereby deemed a lawful municipal purpose for cities
2 and towns to allocate a portion of the liquor-control tax funds for the
3 purpose of financing or aiding in the financing of an alcoholic facility or
4 detoxification center. The facility or center may use any funds so allocated
5 for the treatment, rehabilitation and education of alcoholics in this state.

Approved May 9, 1969.

CHAPTER 129
BEER TAX REPORTS
S. F. 45

AN ACT relating to information required on beer tax reports.

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

1 SECTION 1. Section one hundred twenty-four point twenty-six (124.26),
2 Code 1966, is hereby amended by striking from lines eleven (11), twelve
3 (12), and thirteen (13) the words "the name and address of the several
4 purchasers of such beer and such other" and by inserting in lieu thereof
5 the word "such".

Approved February 20, 1969.

CHAPTER 130
BEER PERMITS
H. F. 128

AN ACT relating to mandatory revocation of beer permits.

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

1 SECTION 1. Section one hundred twenty-four point thirty (124.30),
2 Code 1966, line eighteen (18), is amended by striking the words and figures
3 "after July 4, 1965".

Approved February 21, 1969.

CHAPTER 131
LIQUOR SHIPMENTS

H. F. 182

AN ACT relating to documents accompanying liquor shipments.

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

- 1 SECTION 1. Section one hundred twenty-five point sixteen (125.16),
2 Code 1966, is hereby amended as follows:
3 1. By striking from lines seven (7) and eight (8) the words "labeled or
4 marked" and inserting in lieu thereof the word "identified".
5 2. By inserting after the word "shipper" in line eleven (11) the following:
6 " , or unless such information is shown on a bill of lading or other docu-
7 ment accompanying the shipment".

Approved May 19, 1969.

CHAPTER 132
AIR POLLUTION CONTROL COMMISSION

S. F. 211

AN ACT relating to the time of election of the officers of the air pollution control commission.

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

- 1 SECTION 1. Chapter one hundred sixty-two (162), section three (3),
2 Acts of the Sixty-second General Assembly, is hereby amended by striking
3 from line fifty-one (51) the words "in each calendar" and inserting in lieu
4 thereof the words "following June 30 of each".

Approved March 19, 1969.

CHAPTER 133
CITY BOARD OF HEALTH

S. F. 199

AN ACT relating to city boards of health in certain cities.

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

- 1 SECTION 1. Chapter one hundred sixty-three (163), Acts of the Sixty-
2 second General Assembly, section seven (7), is repealed and the following
3 enacted in lieu thereof:
4 "The council of any city having a population of twenty-five thousand
5 or more, according to the latest federal census, may appoint a city board of
6 health in the manner specified in sections four (4) and five (5) of this chap-
7 ter or the council may appoint itself to act as the city board of health.
8 The city board shall have jurisdiction within the municipal limits."

Approved April 7, 1969.

CHAPTER 134

MIGRATORY LABOR CAMPS

S. F. 626

AN ACT relating to minimum standards to protect the health, safety, and welfare of individuals living in migratory labor camps.

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

1 SECTION 1. When used in this Act unless the context otherwise re-
2 quires:

3 1. "Migrant labor camp" means one or more buildings, structures,
4 shelters, tents, trailers, or vehicles or any other structure or a combination
5 thereof together with the land appertaining thereto, established, operated,
6 or maintained as living quarters for seven or more migrants or two or more
7 shelters. A camp shall include such land or quarters separate from one
8 another if the migrants housed therein work at any time for the same per-
9 son and the total number of migrants in all such camps is seven or more.
10 Such separate camps shall constitute a portion of a migrant labor camp.

11 2. "Camp operator" means the person who has been granted a permit,
12 in accordance with the provisions of this Act, to operate a migrant labor
13 camp, or portion thereof.

14 3. "Chemical toilet" means a nonwater carriage toilet facility where
15 human waste is collected in a container charged with a chemical solu-
16 tion for the purpose of disinfecting and deodorizing such waste.

17 4. "Communicable disease" means any of those diseases regulated by
18 state or local communicable disease laws, ordinances, or regulations.

19 5. "Garbage" means all putrescible animal or vegetable wastes resulting
20 from the handling, preparation, cooking, or consumption of food at a mi-
21 grant labor camp.

22 6. "Person" means an individual, group of individuals, firm, association,
23 partnership, or corporation.

24 7. "Privy" means a portable or fixed sanitary facility used for excretion
25 in a shelter separate and apart from any building and without water-borne
26 disposal.

27 8. "Refuse" means all putrescible and nonputrescible solid waste except
28 human body wastes, including garbage, rubbish, and ashes.

29 9. "Service building" means any building provided for the common use,
30 welfare, and comfort of persons occupying or using the migrant labor camp.

31 10. "Shelter" means any conventional or unconventional building of one
32 or more rooms, or any tent, trailer, railroad car, or any other enclosure
33 or structure used for sleeping or living purposes.

34 11. "Toilet room" means an enclosure containing one or more toilet
35 facilities or water closet facilities.

36 12. "Urinal" means a sanitary fixture or structure installed for the pur-
37 pose of urination.

38 13. "Water closet" means a sanitary fixture, within a toilet room, used
39 for excretion and equipped with a bowl and device for flushing the bowl
40 contents into a disposal system.

41 14. "Department" means the state department of health.

42 15. "Commissioner" means the commissioner of public health or his des-
43 ignee.

44 16. "Migrant" means any individual who customarily and repeatedly
45 travels from state to state for the purpose of obtaining seasonal employ-
46 ment in agriculture, including the spouse and children of such individuals,
47 whether or not authorized by law to engage in such employment.

1 SEC. 2. No person shall establish, maintain, or operate a migrant
2 labor camp, or portion thereof, directly or indirectly, until he has obtained
3 a permit to operate such camp from the department and unless the permit
4 is in full force and effect and is posted and remains posted in the camp,
5 or portion thereof, to which it applies at all times during the maintenance
6 and operation of such camp.

1 SEC. 3. Written application to operate a migrant labor camp, or por-
2 tion thereof, shall be made to the department upon forms approved by
3 the department at least sixty days prior to the first day of the intended
4 operation of such camp. However, during the year 1969, application shall
5 be made as soon as practicable after the effective date of this Act. The
6 application shall state the name and address of the person requesting a
7 permit; and name and address of the owner of the camp, or portion there-
8 of; approximate number of persons to be lodged in such camp; approximate
9 period during which the migrant labor camp, or portion thereof, is to be
10 operated; the location of such camp, or portion thereof; and any other infor-
11 mation required by the department. A separate application shall be sub-
12 mitted for each camp, or portion thereof, and a separate permit shall be
13 issued annually for each such camp, or portion thereof.

1 SEC. 4. If the department finds, after investigation, that the migrant
2 labor camp, or portion thereof, conforms to the minimum standards re-
3 quired by this Act, it shall issue a permit for operation of such camp, or
4 portion thereof. A permit shall not be assignable or transferable. It shall
5 expire one year after the date of issuance, or upon a change of operator of
6 the camp or upon revocation.

1 SEC. 5. If the holder of any permit under the provisions of this Act
2 fails to maintain and operate a migrant labor camp in accordance with the
3 provisions of this Act and the rules and regulations of the department relat-
4 ing thereto, the commissioner shall revoke or suspend the permit for the
5 operation and maintenance of such camp.

1 SEC. 6. The commissioner shall serve written notice upon the holder
2 of the permit, by restricted certified mail, return receipt requested, specifi-
3 ing the manner in which the holder of the permit has failed to comply with
4 the provisions of this Act or any rules and regulations of the department
5 and shall fix a reasonable time within which the objectionable condition or
6 conditions must be removed or corrected. If the holder of the permit fails
7 to remove or correct such objectionable condition or conditions within the
8 time fixed by the commissioner, the commissioner shall revoke or suspend
9 such permit. However, if the objectionable condition or conditions endanger
10 the health, safety, or welfare of any inhabitants of a migrant labor camp,
11 the commissioner shall immediately suspend or revoke such permit.

1 SEC. 7. When any person applying for a permit to operate a migrant
2 labor camp is denied a permit, or when a permit is suspended or revoked,
3 such person may appeal such denial, suspension, or revocation to the com-

4 commissioner. The commissioner, after reasonable notice to all interested par-
5 ties, shall hold a hearing upon such denial, suspension, or revocation. At
6 the hearing all parties involved shall be entitled to be present and repre-
7 sented by counsel and to present such evidence as they desire as to why a
8 permit should, or should not, be issued, suspended, or revoked. The commis-
9 sioner shall render a decision within thirty days after the termination of
10 the hearing, and a copy of the decision shall be sent by restricted certified
11 mail, return receipt requested, to all parties given notice of the appeal and
12 hearing. Notice of appeal shall be sent in writing to the department by re-
13 stricted certified mail, return receipt requested, by the aggrieved party. In
14 the event such appeal is taken from a notice of suspension or revocation,
15 such appeal shall be made prior to the date set for such suspension or
16 revocation.

1 SEC. 8. The hearing shall be conducted at the office of the depart-
2 ment or at such other place convenient for the aggrieved party or for the
3 attendance of witnesses and receipt of evidence. The commissioner, when
4 requested in writing by any party to the appeal, shall compel by subpoena
5 the attendance and testimony of witnesses and the production of books,
6 papers, and documents. All testimony and evidence shall be received under
7 oath administered by the commissioner. In the event any party fails to
8 attend who has been properly served with a subpoena, application shall be
9 made to the district court in the county where such hearing is to be held,
10 to enforce the subpoena issued by the commissioner. The commissioner shall
11 cause a record of the proceedings at the hearing to be kept and shall pro-
12 vide any interested party to the hearing a transcript of the evidence pre-
13 sented, upon payment of the cost thereof. The hearing may be continued
14 from time to time at the discretion of the commissioner.

1 SEC. 9. Technical errors in the proceeding or failure to observe the
2 technical rules of evidence shall not constitute grounds for reversal of any
3 decision unless it shall appear to the reviewing court that such error or
4 failure materially affects the rights of any party and results in substantial
5 injustice to any interested party.

1 SEC. 10. Any person aggrieved by a final order or determination of
2 the commissioner may appeal such final order or determination, for trial
3 de novo in equity, to the district court of the county wherein the license
4 was to be issued or wherein such license is to be revoked or suspended.
5 Any such appeal shall be filed within twenty days of the date of the final
6 order or determination by the commissioner. Notice of appeal shall be
7 served upon all parties to the appeal and hearing before the commissioner
8 in the same manner as are original notices in civil actions. However, such
9 appeal shall not operate to stay any order or final determination of the
10 commissioner unless the district court finds upon hearing after reasonable
11 notice to all interested parties, that substantial damage would result to the
12 appealing party unless such order or final determination was stayed and
13 such a stay would not endanger the health, safety, or welfare of any in-
14 habitants of a migrant labor camp. Any aggrieved party may appeal to the
15 supreme court from the final determination of the district court as provided
16 by law.

1 SEC. 11. The commissioner may enter and inspect migrant labor camps
2 at any reasonable time and may question persons, and investigate facts,
3 conditions, practices, or any other matters as are necessary or appropriate

4 to determine compliance with the provisions of this Act and any rules and
5 regulations made pursuant to this Act, or in the formulation of any addi-
6 tional rules or regulations. The commissioner may, to the extent appropri-
7 ate, utilize the services of any other state department or agency or any
8 local agency for assistance in inspections and investigations.

1 SEC. 12. The commissioner may grant written permission to individual
2 camp operators to vary from the provisions of this Act or the rules and
3 regulations of the department when the extent of the variation is clearly
4 specified and it is demonstrated to the commissioner's satisfaction that:

5 1. Such variation is necessary to obtain a beneficial use of an existing
6 facility.

7 2. The variation is necessary to prevent a substantial difficulty or un-
8 necessary hardship.

9 3. Appropriate alternative measures have been taken to protect the
10 health, safety, and welfare of any inhabitants of a migrant labor camp
11 and assure that the purpose of the provisions for which variation is sought
12 will be observed.

13 Written application for such variations shall be filed with the commis-
14 sioner and local board of health serving the area in which the migrant la-
15 bor camp is situated. No such variation shall be effective until granted in
16 writing by the commissioner.

1 SEC. 13. To be eligible for a permit, a migrant labor camp, or portion
2 thereof, shall meet each and all of the following requirements:

3 1. *Site.*

4 a. Sites for migrant labor camps shall be adequately drained. Such sites
5 shall not be subject to periodic flooding, nor located within two hundred
6 feet of swamps, pools, sink holes, or other quiescent surface collections of
7 water unless the water surfaces can be subjected to mosquito and pest
8 control measures. Sites shall be located so that drainage from and through
9 the camp will not endanger any domestic or public water supply. Sites shall
10 be graded, ditched, and rendered free from depressions in which water may
11 collect and become a nuisance.

12 b. Sites shall be adequate in size to prevent overcrowding of necessary
13 structures and to minimize the hazards of fire. Housing shall not be subject
14 to, or in proximity to, conditions that create or are likely to create offensive
15 odors, flies, noise, traffic, or attract rats or other rodents, or any other
16 similar conditions.

17 c. The grounds and open areas surrounding the shelters, buildings, or
18 structures, shall be maintained in a clean and sanitary condition free from
19 rubbish, debris, waste paper, garbage, and other refuse.

20 d. All camps shall provide space for recreation, commensurate with size
21 of the camp and type of occupancy.

22 e. Whenever a camp is permanently closed or closed for the season, all
23 garbage, manure, and other refuse shall be collected and disposed of to
24 prevent a nuisance. All abandoned privy pits shall be filled with earth
25 and the grounds and buildings left in a clean and sanitary condition. If
26 privy buildings remain, then such buildings shall be locked or otherwise
27 secured to prevent entrance.

28 2. *Shelter.*

29 a. Shelters shall be structurally sound and shall provide protection to
30 the occupants.

- 31 *b.* At least one-half of the floor area in each living unit shall have a
32 minimum ceiling height of seven feet. No floor space shall be counted to-
33 ward minimum requirements where the ceiling height is less than five feet.
- 34 *c.* Sleeping facilities shall be provided for each person. Such facilities
35 shall consist of comfortable beds, cots, or bunks, provided with clean mat-
36 tresses.
- 37 *d.* Any bedding provided by the camp operator shall be clean and sani-
38 tary.
- 39 *e.* Triple deck bunks shall not be allowed.
- 40 *f.* The clear space above the top of the lower mattress of a double deck
41 bunk and the bottom of the upper bunk shall be a minimum of twenty-
42 seven inches. The distance from the top of the upper mattress to the ceil-
43 ing shall be a minimum of thirty-six inches.
- 44 *g.* Beds used for double occupancy may be provided only in family
45 accommodations.
- 46 *h.* Floors of buildings used as living quarters or shelters shall be con-
47 structed of wood, asphalt, concrete, or other comparable material. Wood-
48 en floors shall be of smooth and tight construction and shall be elevated
49 not less than one foot above the ground level at all points to prevent damp-
50 ness and to permit free circulation of air beneath. Floors shall be kept in
51 good repair.
- 52 *i.* Nothing in this Act shall prohibit banking with earth or other suitable
53 material around the outside walls of shelters and other structures in areas
54 subject to extremely low temperatures.
- 55 *j.* Living quarters of shelters shall be provided with windows and doors
56 which shall be in total area not less than one-tenth of the floor area. At
57 least one-half of each window shall be constructed so that it can be opened
58 for purposes of ventilation.
- 59 *k.* Exterior openings shall be effectively screened with sixteen mesh
60 material. Screen doors shall be equipped with self-closing devices.
- 61 *l.* In a room where people cook, live, and sleep, a minimum of sixty
62 square feet per occupant shall be provided. Sanitary facilities shall be pro-
63 vided for storing and preparing food.
- 64 *m.* When a camp is operated during a season requiring artificial heating,
65 living quarters with a minimum of one hundred square feet per occupant
66 shall be provided and such living quarters or shelters shall, also, be pro-
67 vided with properly installed heating equipment of adequate capacity to
68 maintain a room temperature of at least seventy degrees Fahrenheit. A
69 stove or other source of heat shall be installed and vented in a manner to
70 avoid both a fire hazard and a concentration of fumes or gas within such
71 living quarters and shelters. In a room with wooden or combustible floor-
72 ing, there shall be a concrete slab, metal sheet, or other fire-resistant
73 material, on the floor under each stove, extending at least eighteen inches
74 beyond the perimeter of the base of the stove. Any wall or ceiling not hav-
75 ing a fire-resistant surface, within twenty-four inches of a stove or stove-
76 pipe, shall be protected by a metal sheet or other fire-resistant material.
77 Heating appliances, other than electrical, shall be provided with a stove-
78 pipe or vent connected to the appliance and discharging to the outside air
79 or chimney. The vent or chimney shall extend above the peak of the roof.
80 Stovepipes shall be insulated with fire-resistant material where they pass
81 through walls, ceilings, or floors.

82 3. *Water supply.*

83 a. An adequate and convenient water supply, approved by the depart-
84 ment, shall be provided in each camp for drinking, cooking, bathing, and
85 laundry purposes.

86 b. Each water supply shall be inspected at the time of occupancy of the
87 camp and as frequently thereafter as is necessary to insure its continued
88 suitability.

89 c. Distribution lines shall be capable of supplying water at normal oper-
90 ating pressures to all fixtures for simultaneous operation. Water outlets
91 shall be distributed throughout the camp in such a manner that no shel-
92 ter or living quarter is more than one hundred feet from a yard hydrant if
93 water is not piped to the shelters.

94 d. A cold water tap shall be available within one hundred feet of each
95 individual living unit when water is not provided in the unit. Adequate
96 drainage facilities shall be provided for overflow and spillage.

97 e. Common drinking cups shall not be allowed or permitted.

98 f. Wells or springs used as sources of water supply shall have tight covers
99 and be constructed and located to preclude pollution by seepage from cess-
100 pools, privies, sewers, sewage treatment works, stables or manure piles, or
101 surface drainage. The water from such sources shall be obtained by free
102 gravity flow or by an approved metal pump securely mounted on a con-
103 crete slab covering the well or spring. If the pump is adjacent to the well
104 or spring, it shall be located and connected to prevent any pollution of such
105 water supply.

106 4. *Toilet facilities.*

107 a. Approved toilet facilities adequate for the capacity of the camp shall
108 be provided.

109 b. Each toilet facility shall be located so as to be accessible to the inhabi-
110 tants of the camp without any individual passing through any sleeping
111 room. Toilet rooms shall have a window not less than six square feet in
112 area opening directly to the outside or shall otherwise be satisfactorily
113 ventilated. All outside openings shall be screened with sixteen mesh ma-
114 terial. No water closet, chemical toilet, or urinal shall be located in a room
115 used for other than toilet purposes.

116 c. A toilet room shall be located within two hundred feet of each sleep-
117 ing room. No privy existing on the effective date of this Act shall be nearer
118 than fifty feet from any sleeping room, dining room, lunch area, or kitchen.
119 No privy constructed after the effective date of this Act shall be nearer
120 than one hundred feet from any sleeping room, dining room, lunch area,
121 or kitchen.

122 d. Separate facilities shall be provided for men and women and such
123 facilities shall be clearly marked by signs printed in English and in the
124 native language of the persons occupying the camp, or marked with easily
125 understood pictures or symbols, when men and women, not members of
126 the same immediate family, are housed in the same camp.

127 e. Where toilet facilities are shared, the number of water closets or
128 privy seats provided for each sex shall be based on the maximum number
129 of persons of that sex which the camp is designed to house at any one
130 time, in the ratio of one unit for each fifteen persons, with a minimum of
131 two units for any shared facility.

132 f. Urinals, constructed of nonabsorbent materials, may be substituted
133 for men's toilet seats on the basis of one urinal or twenty-four inches of
134 trough-type urinal for one toilet seat up to a maximum of one-third of the
135 required toilet seats.

- 136 g. Each toilet room or facility shall be lighted naturally, or artificially,
137 by a safe type of lighting at all hours of the day and night.
- 138 h. An adequate supply of toilet paper shall be provided in each privy,
139 water closet, or chemical toilet compartment.
- 140 i. Toilet seats, privies, and toilet rooms or facilities shall be kept in a
141 sanitary condition and cleaned daily.
- 142 j. Each privy shall have a pit initially, at least five feet deep.
- 143 k. Privy pits shall be constructed and maintained so that flies cannot gain
144 access to the human waste.
- 145 l. A privy pit shall not be filled with human waste to a point nearer
146 than one foot from the surface of the ground; the human waste in the pit
147 shall then be covered with earth, ashes, lime, or other similar material.
- 148 m. Seat openings in privies shall be covered with tight-fitting, hinged lids.
- 149 5. *Sewage disposal facilities.*
- 150 a. In camps where public sewers are available, all sewer lines and floor
151 drains from buildings and shelters shall be connected to the sewers.
- 152 b. All human waste, sewage, or liquid waste from camps not discharged
153 into public sewers shall be disposed of in accordance with the provisions of
154 this Act or the rules and regulations of the department.
- 155 6. *Laundry, handwashing, and bathing facilities.*
- 156 a. Laundry, handwashing, and bathing facilities shall be provided as fol-
157 lows:
- 158 (1) One handwash basin for each immediate family shelter or dwelling
159 for every fifteen individuals or fraction thereof in shared facilities.
- 160 (2) One shower head for every fifteen or fraction thereof individuals.
161 Separate facilities for men and women shall be provided in shared facilities.
- 162 (3) One laundry tray or tub for every twenty-five persons or fraction
163 thereof.
- 164 (4) One slop sink in each building used for laundry, handwashing, or
165 bathing.
- 166 b. Floors shall be of smooth finish but not of slippery materials and they
167 shall be impervious to moisture. Floor drains shall be provided in all shower
168 baths, shower rooms, or laundry rooms to remove waste water and facilitate
169 cleaning. Junctions of the curbing and the floor shall be covered. Walls
170 and partitions of shower rooms shall be smooth and impervious to moisture
171 to the height of splash.
- 172 c. A supply of hot and cold running water conforming to the provisions
173 of this Act or the rules and regulations of the department shall be provided
174 for bathing and laundry purposes.
- 175 d. Every service building used during periods requiring artificial heating
176 shall be provided with equipment capable of maintaining a room tempera-
177 ture of at least seventy degrees Fahrenheit.
- 178 e. Facilities for drying clothes shall be provided.
- 179 f. Service buildings shall be kept clean.
- 180 g. Waste water shall be disposed of so as not to form pools on the ground
181 nor create a nuisance, nor pollute any drinking water supply. Toilet drain-
182 age shall be carried through a covered drain into a covered septic tank
183 that conforms to standards established by the department.
- 184 7. *Lighting.*
- 185 a. All housing sites, quarters, and shelters shall be provided with elec-
186 tric service.

187 *b.* Each habitable room and common use rooms, and areas including, but
188 not limited to, laundry rooms, toilets, privies, hallways, and stairways shall
189 contain adequate ceiling or wall-type light fixtures. At least one wall-type
190 electrical convenience outlet shall be provided in each individual living
191 room.

192 *c.* Adequate lighting shall be provided for the yard area and pathways
193 to common use facilities.

194 *d.* All wiring and lighting fixtures shall be installed and maintained in
195 a safe condition.

196 *e.* Where electric service is not available, gas lighting will be acceptable.
197 Hallways and stairways to upper floors shall be lighted at night. Electric
198 lighting shall be provided in all camps or additions to camps constructed
199 after the effective date of this Act.

200 8. *Refuse disposal.*

201 *a.* Durable, fly-tight, clean containers in good condition of a minimum
202 capacity of twenty gallons, shall be provided adjacent to each housing unit
203 or shelter for the storage of garbage and other refuse. Such containers
204 shall be provided in a minimum ratio of one per fifteen persons or fraction
205 thereof.

206 *b.* Provisions shall be made for collection of refuse at least twice a
207 week, or more often if necessary.

208 *c.* The disposal of refuse shall be in accordance with state and local laws.

209 9. *Construction and operation of kitchens, dining halls, and feeding*
210 *facilities.*

211 *a.* Every camp shall be provided with adequate gas stoves or electrical
212 stoves for cooking.

213 *b.* Utensils in which food is prepared or kept, or from which food is to
214 be eaten, and implements used in the preparation and eating of food shall
215 be kept in a clean, unbroken, and sanitary condition.

216 *c.* Adequate refrigeration for perishable foods, cooked or raw, shall be
217 provided in every kitchen or wherever food is prepared. Tables, benches, or
218 chairs shall be provided.

219 *d.* Cooking of meals by an immediate family unit within its assigned liv-
220 ing quarters may be permitted, provided that safe and adequate areas are
221 available, but a separate kitchen in each shelter is desirable.

222 *e.* In camps where cooking facilities are used in common, stoves, in ratio
223 of one stove to ten persons or one stove to two immediate families or frac-
224 tion thereof, shall be provided in a central kitchen room or building sepa-
225 rate and distinct from sleeping quarters and toilet facilities. Floors, walls,
226 ceilings, tables and shelves of kitchens, dining rooms, refrigerators and
227 food storage rooms shall be constructed so that they can always be main-
228 tained in a clean and sanitary condition. Exterior wall openings of all
229 rooms shall be screened and rendered fly-tight at all times during the period
230 that the camp is in operation. Screen doors shall be self-closing and in-
231 stalled to open outward from the area to be protected.

232 *f.* In camps where meals are furnished by the operator, manager, or con-
233 cessionaire, the requirements of the department shall be met.

234 *g.* No person with any communicable or venereal disease shall be em-
235 ployed or permitted to work at preparation, cooking, serving, or other
236 handling of food, foodstuffs, or other materials, in any kitchen or dining
237 room operated in connection with a camp or regularly used by persons liv-
238 ing in a camp.

239 10. *Insect and rodent control.*

240 a. Effective measures shall be taken to control rats, mice, flies, mosqui-
241 toes; bedbugs, and all other insects, rodents, and parasites within the camp
242 premises.

243 b. Pesticides and pest control equipment shall be stored and used in a
244 safe manner.

245 11. *Safety and fire prevention.*

246 a. No flammable or volatile liquids or materials shall be stored in or
247 adjacent to rooms used for living purposes, except for those needed for
248 current household use.

249 b. First aid facilities shall be provided and readily accessible for use at
250 all times. Such facilities shall be equivalent to the sixteen unit first aid kit
251 recommended by the American Red Cross, and provided in a ratio of one
252 per fifty persons or fraction thereof.

253 c. Buildings and structures of a camp shall be maintained and used in
254 accordance with state and local law relative to fire prevention.

255 d. Units of approved fire-extinguisher equipment shall be located so
256 that a person will not have to travel more than one hundred feet from any
257 point to reach the nearest unit, and at least one unit shall be provided for
258 each one thousand square feet of floor space or fraction thereof.

259 e. Appliances of the type, number, and size indicated below shall con-
260 stitute one unit of fire-extinguisher equipment:

261 (1) *Soda and acid.* One appliance of two and one-half gallon capacity,
262 or two appliances of one and one-half gallon capacity in each appliance.

263 (2) *Foam.* One appliance of two and one-half gallon capacity, or two
264 appliances of one and one-half gallon capacity in each appliance.

265 (3) *Vaporizing liquid (carbon tetrachloride).* Two appliances of any size
266 from one quart to one gallon.

267 (4) *Water type.* One stored pressure appliance of two and one-half gal-
268 lon capacity, or two pump-type appliances of five gallon capacity.

269 f. Fire fighting equipment shall be maintained in good operating condi-
270 tion so that it may be used instantly when the need arises.

271 g. Adult occupants shall be properly instructed in fire prevention and
272 in the proper use of equipment.

273 h. Agricultural pesticides and toxic chemicals shall not be stored in
274 the housing area.

1 SEC. 14. The camp operator shall report immediately to the local board
2 of health the name and address of any individual in the camp known to
3 have or suspected of having a communicable disease. Whenever there shall
4 occur in any camp, or portion thereof, a case of suspected food poisoning
5 or an unusual prevalence of any illness in which fever, diarrhea, sore
6 throat, vomiting, or jaundice is a prominent symptom, the camp operator
7 shall report immediately the existence of the condition to the local board of
8 health and the commissioner.

1 SEC. 15. Any person who is planning to construct, reconstruct, or
2 enlarge a camp or any portion thereof, or facility of a camp, or to convert
3 a property for use or occupancy as a camp, shall give notice in writing of
4 his intent to do so to the commissioner at least fifteen days prior to the
5 date of the commencement of any major construction, reconstruction,
6 enlargement, or conversion. The notice shall give the name of the city,
7 village, town, and county in which the property is located; the location
8 of the property within that area; a brief description of the proposed major

9 construction, reconstruction, enlargement, or conversion; the name and
10 mailing address of the person giving such notice; and his telephone num-
11 ber. The commissioner, upon receipt of such notice, shall promptly send
12 to such person by ordinary mail a copy of this Act and all rules and regu-
13 lations of the department applicable to migrant labor camps.

1 SEC. 16. Every migrant or inhabitant of a migrant labor camp shall
2 use the sanitary and other facilities provided and shall keep that part of
3 the living quarters or shelter which he or his immediate family occupies
4 and controls as well as the premises immediately adjacent thereto in a
5 clean condition comparable to normal domestic standards. Every camp
6 operator or permit holder shall be responsible for the providing of and proper
7 maintenance and repair of the premises, all shelters, structures, facilities,
8 and service buildings of the camp, or portion thereof, for which he was is-
9 sued a permit as well as proper garbage and refuse collection, privy open-
10 ings and closings, maintenance of water supply, pest and rodent control,
11 toilet facilities, sewage disposal, laundry, handwashing and bathing facili-
12 ties, lighting, operation of common kitchens, dining halls, and feeding
13 facilities, and safety and fire prevention.

1 SEC. 17. A rental charge or deduction from any wages due a migrant
2 shall not be made by any camp operator or person for providing any of the
3 facilities required by this Act unless such migrant is fully informed of all
4 such rental charges or deductions to be made prior to the time he con-
5 tracts for employment as an agricultural or migrant worker.

1 SEC. 18. The commissioner shall make such rules and regulations
2 necessary for carrying out the purposes and provisions of this Act, subject
3 to the requirements of chapter seventeen A (17A) of the Code.

1 SEC. 19. Any person failing to comply with any provision of this Act,
2 or with any rule, regulation or order issued pursuant to the provisions of
3 this Act, or interfering with, impeding, or obstructing in any manner, the
4 commissioner, department, or any of its employees in the performance
5 of official duties pursuant to this Act, shall be guilty of a misdemeanor
6 and fined in an amount of not less than fifty dollars nor more than one
7 hundred dollars for each such offense. If any person further fails to comply
8 with any provisions of this Act, or with any rule, regulation or order issued
9 pursuant to the provisions of this Act, the commissioner shall enforce such
10 provision, rule, regulation or order by filing an action for injunction against
11 such person in the district court in the county wherein such violation or
12 violations occur.

1 SEC. 20. This Act, being deemed of immediate importance, shall be in
2 force from and after its publication in the Waterloo Daily Courier, a news-
3 paper published in Waterloo, Iowa, and the Lee Town News, a newspaper
4 published in Des Moines, Iowa.

Approved May 14, 1969.

I hereby certify that the foregoing Act, Senate File 626, was published in the Waterloo Daily Courier, Waterloo, Iowa, May 20, 1969 and in the Lee Town News, Des Moines, Iowa, May 22, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 135

COMMUNICABLE DISEASES

S. F. 504

AN ACT relating to communicable diseases.

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

- 1 SECTION 1. For the purposes of this Act:
2 1. "Communicable disease" shall mean any infectious or contagious
3 disease spread from man to man or animal to man.
4 2. "Placard" shall mean a warning sign to be erected and displayed on
5 the periphery of a quarantine area, which sign will forbid entry to or exit
6 from the area.
7 3. "Reportable disease" shall mean any disease designated by rule adopt-
8 ed by the state department of health requiring the occurrence to be re-
9 ported to an appropriate authority.
10 4. "Quarantine" shall mean the limitation of freedom of movement of
11 persons or animals that have been exposed to a communicable disease
12 within specified limits marked by placards for a period of time equal to the
13 longest usual incubation period of the disease in such manner as to prevent
14 the spread of a communicable disease which affects man.
15 5. "Isolation" shall mean the separation of persons or animals presum-
16 ably or actually affected with a communicable disease or who are disease
17 carriers for the usual period of communicability of that disease in such
18 places, marked by placards if necessary, and under such conditions as will
19 prevent the direct or indirect conveyance of the infectious agent to suscep-
20 tible persons.
21 6. "Quarantinable disease" shall mean any communicable disease desig-
22 nated by rule adopted by the state department of health as requiring
23 quarantine or isolation to prevent its spread.
- 1 SEC. 2. The physician or other health practitioner attending any person
2 infected with a reportable disease shall immediately report the same to the
3 state department of health, except, when a case occurs within the jurisdic-
4 tion of a local health department such report shall be made directly to the
5 local health department and to the state department of health. The state
6 department of health shall publish and distribute instructions concerning
7 method of reporting. Such reports shall be made in accordance with rules
8 adopted by the state department of health. Any person in good faith mak-
9 ing a report of a disease shall have immunity from any liability, civil or
10 criminal, which might otherwise be incurred or imposed.
- 1 SEC. 3. The type and length of isolation or quarantine to be imposed
2 for a specific communicable disease shall be in accordance with rules adopt-
3 ed by the state department of health. The state department of health and
4 the local board of health have authority to impose and enforce isolation
5 and quarantine restrictions. The state department of health shall adopt
6 rules governing disinfection.
- 1 SEC. 4. When a quarantine is established, appropriate placards pre-
2 scribed by the state department of health shall be erected to mark the
3 boundaries of the place of quarantine.

1 SEC. 5. If a person known to be suffering from a communicable
2 disease dangerous to the public health moves from the jurisdiction of a
3 local board of health into the jurisdiction of another local board of health,
4 the board of health from whose jurisdiction the person is moving will make
5 notification of such move to the board of health into whose jurisdiction the
6 person is moving.

1 SEC. 6. Sections one hundred thirty-nine point one (139.1), one hun-
2 dred thirty-nine point two (139.2), one hundred thirty-nine point three
3 (139.3), one hundred thirty-nine point four (139.4), one hundred thirty-nine
4 point six (139.6), one hundred thirty-nine point seven (139.7), one hundred
5 thirty-nine point eight (139.8), one hundred thirty-nine point nine (139.9),
6 one hundred thirty-nine point ten (139.10), one hundred thirty-nine point
7 eleven (139.11), one hundred thirty-nine point fourteen (139.14), one hun-
8 dred thirty-nine point fifteen (139.15), one hundred thirty-nine point six-
9 teen (139.16), one hundred thirty-nine point seventeen (139.17), one hundred
10 thirty-nine point eighteen (139.18), one hundred thirty-nine point nineteen
11 (139.19), one hundred thirty-nine point twenty (139.20), one hundred thirty-
12 nine point twenty-one (139.21), and one hundred thirty-nine point twenty-
13 two (139.22), Code 1966, are hereby repealed.

Approved April 25, 1969.

CHAPTER 136

CONTROL AND DIAGNOSIS OF VENEREAL DISEASE

S. F. 226

AN ACT relating to the control and diagnosis of venereal disease.

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

1 SECTION 1. Chapter one hundred forty (140), Code 1966, is hereby
2 repealed and the following enacted in lieu thereof.

1 SEC. 2. This Act shall be known as the "Venereal Disease Control
2 Act".

1 SEC. 3. For the purposes of this Act venereal disease shall mean syphi-
2 lis, gonorrhoea, chancroid, granuloma inguinale, and lymphogranuloma ve-
3 nereum.

1 SEC. 4. Reports to the state department of health which include the
2 identity of persons infected with venereal disease shall be kept secret, and
3 all such information, records, and reports concerning the same shall be
4 confidential and shall not be accessible to the public. However, such re-
5 ports, information, and records shall be secret and confidential only to the
6 extent which is necessary to prevent identification of persons named there-
7 in; and the other parts of such reports, information, and records shall be
8 public records. The preceding sentence shall prevail over any inconsistent
9 provision of this Act.

1 SEC. 5. Immediately after the first examination or treatment of any
2 person infected with any venereal disease, the physician performing the
3 same shall transmit to the state department of health a report stating the
4 name, age, sex, marital status, occupation of patient, name of the disease,
5 probable source of infection, and duration of the disease; except, when a
6 case occurs within the jurisdiction of a local health department, such a
7 report shall be made directly to the local health department which shall
8 immediately forward the same information to the state department of
9 health. Such reports shall be made in accordance with rules adopted by
10 the state department of health. Such reports shall be confidential. Any
11 person in good faith making a report of a venereal disease shall have im-
12 munity from any liability, civil or criminal, which might otherwise be
13 incurred or imposed as a result of such report.

1 SEC. 6. Any person who is in charge of a public, private, or hospital
2 clinical laboratory shall report to the state department of health, on
3 forms prescribed by the department, results obtained in the examination
4 of all specimens which yield evidence of or are reactive for syphilis, gon-
5 orrhea, chancroid, granuloma inguinale, or lymphogranuloma venereum.
6 The report shall state the name of the person from whom the specimen
7 was obtained, the name and address of the physician or other person sub-
8 mitting the specimen, the laboratory results, the test employed, and the
9 date of the laboratory examination.

1 SEC. 7. Any physician or other person who fails to make or falsely
2 makes any of the reports required by this Act concerning persons infected
3 with any venereal disease, or who discloses the identity of such person,
4 except as herein provided, shall be punished as provided in this Act. Fail-
5 ure to report any venereal disease as specified in this Act shall be cause for
6 the refusal of a renewal of license as required in section one hundred forty-
7 seven point ten (147.10) of the Code.

1 SEC. 8. The local or the state department of health shall use every
2 available means to determine the source and spread of any infectious case
3 of venereal disease which is reported.

1 SEC. 9. The local board of health shall cause an examination to be
2 made of every person reasonably suspected, on the basis of epidemiological
3 investigation, of having any venereal disease in the infectious stages to
4 ascertain if such person is so infected, and if so infected, to cause such
5 person to be treated. No person shall be subjected to such examination who
6 is under the care and treatment of a physician for the suspected condition.
7 If a person suspected of having venereal disease should refuse to submit
8 to an examination voluntarily, application may be made by the local
9 board of health to the district court for an order compelling such person
10 to submit to examination and if infected, to treatment. Such person shall
11 be treated until certified to the local board of health or, if none, to the
12 state department of health as no longer infectious. In every case of treat-
13 ment ordered by the district court the attending physician shall so certify
14 that the person is no longer infectious.

1 SEC. 10. A minor of age sixteen or more, who seeks diagnosis or treat-
2 ment for a venereal disease, shall have the legal capacity to act and give
3 consent to medical care and service for venereal disease by public and pri-
4 vate hospitals or public and private clinics or physicians. Such medical

5 diagnosis and treatment is to be provided by a physician licensed to prac-
6 tice medicine and surgery, osteopathy, or osteopathic medicine and sur-
7 gery. Such consent shall not be subject to later disaffirmance by reason of
8 such minority. The consent of no other person or persons, including but not
9 limited to spouse, parent, custodian, or guardian, shall be necessary. The
10 physician shall notify the parents of such minor child that the child does
11 have a venereal disease when the results of the diagnosis indicate that the
12 child might communicate the disease to other members of his family.

1 SEC. 11. No certificate of freedom from any venereal disease shall be
2 issued to any person by any official health agency except as provided by
3 chapter five hundred ninety-six (596) of the Code.

1 SEC. 12. Each physician attending a pregnant woman in this state
2 shall take or cause to be taken a sample of blood of each such woman
3 within fourteen days of the first examination, and shall submit such sample
4 for standard serological tests for syphilis to the state hygienic laboratory
5 of the state university at Iowa City or some other laboratory approved by
6 the state department of health. Every other person attending a pregnant
7 woman in this state, but not permitted by law to take blood tests, shall
8 cause a sample of blood of each such woman to be taken by a duly licensed
9 physician, who shall submit such sample for standard serological tests for
10 syphilis to the state hygienic laboratory of the state university at Iowa City
11 or such other laboratories cooperating with and approved by the state de-
12 partment of health. If the blood of the pregnant woman reacts positively
13 to such test, then, if she is married, the husband and other children by the
14 same mother shall be subjected to the same blood tests as herein provided.
15 If the pregnant woman is single, then the person responsible for the preg-
16 nancy and other children by the same mother shall be subjected to the
17 same blood tests as herein provided.

1 SEC. 13. Physicians and others attending pregnancy cases and required
2 to report births and stillbirths shall state on the appropriate birth or
3 stillbirth certificate whether a blood test for syphilis was made during such
4 pregnancy upon a specimen of blood taken from the mother of the subject
5 child and if made, the date when such test was made, and if not made, the
6 reason why such test was not made. In no event shall the birth certificate
7 state the result of the test.

1 SEC. 14. Each physician attending the birth of a child, shall cause to
2 be instilled into the eyes of the newly born infant a prophylactic solution
3 approved by the state department of health. This section shall not be con-
4 strued to require medical treatment of the child of any person who is a
5 member of a church or religious denomination and whose religious convic-
6 tions, in accordance with the tenets or principles of his church or religious
7 denomination, are against medical prophylaxis or treatment for disease.

1 SEC. 15. No provision of this Act shall be construed to require or
2 compel any person, whose religious convictions are as described in section
3 fourteen (14) of this Act, to take or follow a course of medical treatment
4 prescribed by law or a physician. However, such person while in an infec-
5 tious stage of disease shall be subject to isolation and such other measures
6 appropriate for the prevention of the spread of the disease to other persons.

1 SEC. 16. Any person violating any of the provisions of this Act shall
 2 be punished by a fine of not more than one hundred dollars, or by imprison-
 3 ment in the county jail for a period not to exceed thirty days, or by both
 4 such fine and imprisonment.

Approved April 18, 1969.

CHAPTER 137

ANATOMICAL GIFTS

H. F. 305

AN ACT relating to anatomical gifts and related procedures.

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

1 SECTION 1. **Definitions.**

2 1. "Bank or storage facility" means a facility licensed, accredited, or
 3 approved under the laws of any state for storage of human bodies or parts
 4 thereof.

5 2. "Decedent" means a deceased individual and includes a stillborn infant
 6 or fetus.

7 3. "Donor" means an individual who makes a gift of all or part of his
 8 body.

9 4. "Hospital" means a hospital licensed under the laws of this state, or
 10 licensed, accredited, or approved under the laws of any other state and in-
 11 cludes a hospital operated by the United States government, a state, or a
 12 subdivision thereof, although not required to be licensed under state laws.

13 5. "Part" includes organs, tissues, eyes, bones, arteries, blood, other fluids
 14 and other portions of a human body, and "part" includes "parts".

15 6. "Person" means an individual, corporation, government or governmen-
 16 tal subdivision or agency, business trust, partnership, association, or any
 17 other legal entity.

18 7. "Physician" or "surgeon" means a physician, surgeon, or osteopathic
 19 physician and surgeon, licensed or authorized to practice under the laws of
 20 any state.

21 8. "State" includes any state, district, commonwealth, territory, insular
 22 possession, and any other area subject to the legislative authority of the
 23 United States of America.

1 SEC. 2. **Persons Who May Execute an Anatomical Gift.**

2 1. Any individual of sound mind and twenty-one years of age or more
 3 may give all or any part of his body for any purposes specified in section
 4 three (3) of this Act, the gift to take effect upon death.

5 2. Any of the following persons, in order of priority stated, when persons
 6 in prior classes are not available at the time of death, and in the absence
 7 of actual notice of contrary indications by the decedent, or actual notice
 8 of opposition by a member of the same or a prior class, may give all or any
 9 part of the decedent's body for any purposes specified in section three (3)
 10 of this Act:

11 a. The spouse.

12 b. An adult son or daughter.

- 13 *c.* Either parent.
14 *d.* An adult brother or sister.
15 *e.* A guardian of the person of the decedent at the time of his death.
16 *f.* Any other person authorized or under obligation to dispose of the body.
17 The persons authorized by this subsection may make the gift after death
18 or immediately before death.
19 3. If the donee has actual notice of contrary indications by the decedent,
20 or that a gift by a member of a class is opposed by a member of the same
21 or a prior class, the donee shall not accept the gift.
22 4. A gift of all or part of a body authorizes any examination necessary to
23 assure medical acceptability of the gift for the purposes intended.
24 5. The rights of the donee created by the gift are paramount to the
25 rights of others except as provided by section seven (7), subsection four (4)
26 of this Act.

1 **SEC. 3. Persons Who May Become Donees, and Purposes for**
2 **Which Anatomical Gifts May Be Made.** The following persons may be-

- 3 come donees of gifts of bodies or parts thereof for the purposes stated:
4 1. Any hospital, surgeon, or physician, for medical or dental education,
5 research, advancement of medical or dental science, therapy, or transplan-
6 tation.
7 2. Any accredited medical or dental school, college, or university, for
8 education, research, advancement of medical or dental science, or therapy.
9 3. Any bank or storage facility, for medical or dental education, re-
10 search, advancement of medical or dental science, therapy, or transplanta-
11 tion.
12 4. Any specified individual for therapy or transplantation needed by him.

1 **SEC. 4. Manner of Executing Anatomical Gifts.**

- 2 1. A gift of all or part of the body under section two (2), subsection one
3 (1) of this Act may be made by will. The gift becomes effective upon the
4 death of the testator without waiting for probate. If the will is not probat-
5 ed, or if it is declared invalid for testamentary purposes, the gift, to the
6 extent that it has been acted upon in good faith, is nevertheless valid and
7 effective.
8 2. A gift of all or part of the body under section two (2), subsection one
9 (1) of this Act may also be made by a document other than a will. The gift
10 becomes effective upon the death of the donor. The document, which may be
11 a card designed to be carried on the person, must be signed by the donor,
12 in the presence of two witnesses who must sign the document in his pres-
13 ence. If the donor cannot sign, the document may be signed for him at
14 his direction and in his presence, and in the presence of two witnesses who
15 must sign the document in his presence. Delivery of the document of gift
16 during the donor's lifetime is not necessary to make the gift valid.
17 3. The gift may be made to a specified donee or without specifying a
18 donee. If the latter, the gift may be accepted by the attending physician
19 as donee upon or following death. If the gift is made to a specified donee
20 who is not available at the time and place of death, the attending physi-
21 cian upon or following death, in the absence of any expressed indication
22 that the donor desired otherwise, may accept the gift as donee. The physi-
23 cian who becomes a donee under this subsection shall not participate in
24 the procedures for removing or transplanting a part, except as provided
25 in section seven (7), subsection two (2) of this Act.

26 4. Notwithstanding section seven (7), subsection two (2) of this Act,
27 the donor may designate in his will, card or other document of gift the
28 surgeon or physician to carry out the appropriate procedures. In the ab-
29 sence of a designation, or if the designee is not available, the donee or
30 other person authorized to accept the gift may employ or authorize any
31 surgeon or physician for the purpose.

32 5. Any gift by a person designated in section two (2), subsection two (2)
33 of this Act shall be made by a document signed by him, or made by his
34 telegraphic, recorded telephonic or other recorded message.

1 **SEC. 5. Delivery of Document of Gift.** If the gift is made by the
2 donor to a specified donee, the will, card, or other document, or an ex-
3 ecuted copy thereof, may be delivered to the donee to expedite the appro-
4 priate procedures immediately after death, but delivery is not necessary to
5 the validity of the gift. The will, card, or other document, or an executed
6 copy thereof, may be deposited in any hospital, bank, or storage facility,
7 or registry office that accepts documents for safekeeping or for facilitation
8 of procedures after death. On request of any interested party upon or after
9 the donor's death, the person in possession shall produce the document for
10 examination.

1 **SEC. 6. Amendment or Revocation of the Gift.**

2 1. If the will, card, or other document, or executed copy thereof, has
3 been delivered to a specified donee, the donor may amend or revoke the
4 gift by:

5 *a.* The execution and delivery to the donee of a signed statement.

6 *b.* An oral statement made in the presence of two persons and commun-
7 icated to the donee.

8 *c.* A statement during a terminal illness or injury addressed to an at-
9 tending physician and communicated to the donee.

10 *d.* A signed card or document found on his person or in his effects.

11 2. Any document of gift which has not been delivered to the donee may
12 be revoked by the donor in the manner set out in subsection one (1) of
13 this section, or by destruction, cancellation, or mutilation of the document
14 and all executed copies thereof.

15 3. Any gift made by a will may also be amended or revoked in the man-
16 ner provided for amendment or revocation of wills, or as provided in sub-
17 section one (1) of this section.

1 **SEC. 7. Rights and Duties at Death.**

2 1. The donee may accept or reject the gift. If the donee accepts a gift
3 of the entire body, he may, subject to the terms of the gift, authorize em-
4 balming and the use of the body in funeral services. If the gift is of a part
5 of the body, the donee, upon the death of the donor and prior to embalm-
6 ing, shall cause the part to be removed without unnecessary mutilation.
7 After removal of the part, custody of the remainder of the body vests in
8 the surviving spouse, next of kin, or other persons under obligation to dis-
9 pose of the body.

10 2. The time of death shall be determined by a physician who attends
11 the donor at his death, or, if none, the physician who certifies the death.
12 This physician shall not participate in the procedures for removing or
13 transplanting a part, the enucleation of eyes being the exception.

14 3. A person who acts in good faith in accordance with the terms of this
15 Act, or under the anatomical gift laws of another state, is not liable for

16 damages in any civil action or subject to prosecution in any criminal pro-
17 ceeding for his act.

18 4. The provisions of this Act are subject to the laws of this state pre-
19 scribing powers and duties with respect to autopsies.

1 SEC. 8. The procurement, processing, distribution or use of whole blood,
2 plasma, blood products, blood derivatives and other human tissues such as
3 corneas, bones or organs for the purpose of injecting, transfusing or trans-
4 planting any of them into the human body is declared to be, for all pur-
5 poses, the rendition of a service by every person participating therein and,
6 whether or not any remuneration is paid therefor, is declared not to be a
7 sale of such whole blood, plasma, blood products, blood derivatives or other
8 tissues, for any purpose, subsequent to enactment of this section.

1 SEC. 9. **Uniformity of Interpretation.** This Act shall be so con-
2 strued as to effectuate its general purpose to make uniform the law of those
3 states which enact it.

1 SEC. 10. **Short Title.** This Act may be cited as the "Uniform Ana-
2 tomical Gift Act".

1 SEC. 11. Section one hundred forty-two point twelve (142.12), Code
2 1966, is hereby repealed.

1 SEC. 12. Section one hundred forty-two point four (142.4), Code 1966,
2 is hereby amended by adding the following:

3 "This section shall not apply to bodies given under authority of the Uni-
4 form Anatomical Gift Act."

1 SEC. 13. Section one hundred forty-two point eight (142.8), Code 1966,
2 is hereby amended by adding the following:

3 "This section shall not apply to bodies given under authority of the Uni-
4 form Anatomical Gift Act."

Approved June 5, 1969.

CHAPTER 138

DRUGGISTS LICENSES

H. F. 515

AN ACT relating to the licenses of pharmacists, pharmacies, and wholesale druggists.

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

1 SECTION 1. Section one hundred forty-seven point eighty (147.80),
2 subsection seven (7), Code 1966, is hereby amended by striking from line
3 nine (9) the word "seven" and all of lines ten (10) through fourteen (14),
4 inclusive, and inserting in lieu thereof the words "twelve dollars and fifty
5 cents,".

1 SEC. 2. Section one hundred fifty-five point twelve (155.12), Code
2 1966, as amended by chapter one hundred sixty-seven (167), section four
3 (4), Acts of the Sixty-second General Assembly, is further amended as fol-
4 lows:

- 5 1. By striking from line eleven (11) the words "an original application
6 for".
- 7 2. By striking from lines thirteen (13) and fourteen (14) the words "and
8 the annual renewal license fee shall be fifteen dollars".

Approved May 19, 1969.

CHAPTER 139

BARBERING FEES

S. F. 405

AN ACT relating to barbering fees.

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

1 SECTION 1. Section one hundred forty-seven point eighty (147.80),
2 Code 1966, is hereby amended as follows:

3 1. By striking subsection five (5) and inserting in lieu thereof the follow-
4 ing:

5 "For a license to practice dental hygiene, cosmetology, and funeral direct-
6 ing and embalming, issued upon the basis of an examination given by an
7 examining board, ten dollars, and for a license to practice barbering issued
8 upon such basis, ten dollars."

9 2. By inserting in line twenty-three (23) of subsection seven (7) after
10 the word "optometry" the words "or barbering".

11 3. By striking subsection twelve (12) and inserting in lieu thereof the
12 following:

13 "For an inspection by the state department of health and an original
14 barber school license, two hundred fifty dollars; for the renewal of a barber
15 school license, an annual fee of one hundred twenty-five dollars."

16 4. By striking subsection fourteen (14) and inserting in lieu thereof the
17 following:

18 "For an inspection by the state department of health and an original
19 barber shop license, a fee of twenty-five dollars; for a barber shop license
20 renewal, an annual fee of ten dollars."

21 5. By inserting after subsection fourteen (14) the following three new
22 subsections:

23 "For a barber's examination and a barber school instructor's examina-
24 tion, a fee of twenty-five dollars; for an apprentice barber's examination,
25 a fee of fifteen dollars."

26 "For an original barber school instructor's license, and the annual re-
27 newal of a barber school instructor's license, a fee of twenty-five dollars."

28 "For an original apprentice barber's license, and the annual renewal of
29 an apprentice barber's license, a fee of five dollars."

30 6. By renumbering the subsections appropriately.

1 SEC. 2. Section one hundred fifty-eight point eleven (158.11), Code
2 1966, as amended by chapter one hundred sixty-eight (168), section one
3 (1), Acts of the Sixty-second General Assembly, is hereby further amended
4 as follows:

5 1. By inserting in line thirty-four (34) after the word "to" the words
6 "the inspection fee and".

7 2. By striking from lines thirty-six (36) and thirty-seven (37) the words
8 "barber shop or barber school hereafter opened and every".

Approved May 12, 1969.

CHAPTER 140

PHYSICAL THERAPY LICENSE

H. F. 797

AN ACT relating to the license renewal fee for a person licensed to practice physical therapy.

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

1 SECTION 1. Section one hundred forty-seven point one hundred
2 fifteen (147.115), Code 1966, is hereby amended by striking from line thir-
3 ty-six (36) the word "four" and inserting in lieu thereof the word "nine".

Approved May 8, 1969.

CHAPTER 141

SHEEP PROMOTION

H. F. 618

AN ACT to abolish the state sheep association and establish a sheep-promotion division in the department of agriculture.

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

1 SECTION 1. Chapter one hundred eighty-five (185), Code 1966, is here-
2 by repealed.

1 SEC. 2. Section one hundred fifty-nine point five (159.5), Code 1966, is
2 hereby amended by adding thereto the following new subsection:

3 "Establish and maintain a sheep-promotion division in the department of
4 agriculture which shall promote the consumption of lamb, mutton and the
5 use of wool, aid in the orderly marketing of sheep and wool, and conduct
6 other activities which are beneficial to the sheep industry in Iowa. Said
7 division shall be in charge of a director who shall be appointed by the sec-
8 retary of agriculture. Funds appropriated for the department of agriculture
9 for state aid to the Iowa sheep association are hereby authorized to be used
10 together with other funds available for sheep promotion in establishing
11 and maintaining the sheep-promotion division, and said funds may be
12 drawn and expended upon the order of the director with the approval of
13 the secretary of agriculture."

Approved June 5, 1969.

CHAPTER 142

ERADICATION OF HOG CHOLERA

S. F. 291

AN ACT relating to the eradication of hog cholera, the establishment of a biological products pool, and to make appropriations therefor.

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

1 SECTION 1. Section one hundred sixty-three point eleven (163.11),
2 Code 1966, is hereby amended by inserting in line eighteen (18) after the
3 word "prescribe" the words "except that this sentence shall not apply to
4 swine".

1 SEC. 2. Section one hundred sixty-three point twenty-six (163.26),
2 subsection three (3), Code 1966, is hereby amended by adding thereto the
3 following sentence:

4 "Animals or parts of animals, which are processed by slaughterhouses
5 or rendering establishments, and which as part of such processing are
6 heated to not less than two hundred twelve degrees Fahrenheit for thirty
7 minutes, shall not be deemed garbage for purposes of this chapter. Where
8 cattle slaughtering operations are completely separate from any other
9 slaughter operations, the rumen content taken from cattle slaughtered
10 need not be cooked and shall not be considered garbage for the purposes
11 of this chapter."

1 SEC. 3. Section one hundred sixty-three point twenty-seven (163.27),
2 Code 1966, is hereby amended by adding thereto the following:

3 "It shall be unlawful for any person, firm, partnership, or corporation
4 to feed any public or commercial garbage to swine after September 1, 1970."

1 SEC. 4. Section one hundred sixty-three point twenty-eight (163.28),
2 Code 1966, is hereby amended by adding thereto the following:

3 "The secretary shall not issue a license which would permit the process-
4 ing of any garbage for swine feeding after September 1, 1970."

1 SEC. 5. Section one hundred sixty-three point thirty (163.30), Code
2 1966, as amended by chapter one hundred sixty-nine (169), Acts of the Six-
3 ty-second General Assembly, is hereby further amended as follows:

4 1. By repealing subsection three (3) and enacting in lieu thereof the fol-
5 lowing:

6 "After July 1, 1969 all swine, other than registered swine for exhibition
7 or breeding purposes, which can be individually identified by an ear notch
8 or tattoo system or other identification system approved by the department,
9 or swine for manufacture of biological products, or swine for immediate
10 slaughter, imported into this state shall have affixed in either ear of each
11 animal an ear tag, each ear tag having a number thereon and the name of
12 the state of origin from which the swine are imported into this state. All
13 native Iowa swine that are purchased for further resale as feeders, except
14 as slaughter animals or for the production of biological products, and ex-
15 cept the swine sold at Iowa auction markets operating under a valid
16 Iowa permit, shall be individually ear tagged with an approved Iowa swine
17 tag, affixed to either ear, at the time of purchase by the purchaser before
18 leaving the premises of the seller, or by the purchaser prior to leaving the
19 premises of the livestock market from which they were consigned for sale,

20 provided, however, this Act shall not apply to native Iowa swine raised
21 from birth, and consigned or sold to an Iowa auction market operating un-
22 der a valid Iowa permit. The attached swine ear tag numbers shall be re-
23 corded in series inclusive for each separate lot of swine on the appropriate
24 certificates and such certificates must accompany the swine from either the
25 premises of the seller or livestock market. A record shall be kept by the
26 purchaser, or seller, or the approved market if consigned there for sale, of
27 the number on the attached swine ear tags. These records shall be made
28 available to any state inspector.”

29 2. By repealing subsections four (4), five (5), six (6), and seven (7) and
30 enacting in lieu thereof the following new subsections:

31 “4. All swine regardless of point of origin being moved interstate into
32 Iowa shall be accompanied by an official health certificate showing point
33 of origin, point of destination, and individual identification of swine as
34 well as immunization status, and, when required, a permit number, except
35 that healthy swine other than swine fed raw garbage may be imported
36 into Iowa without an official health certificate if shipped directly to a
37 slaughtering establishment for immediate slaughter or to a public stock-
38 yard for sale directly to a slaughtering establishment for immediate slaugh-
39 ter except that swine animals shipped directly to a public stockyard which
40 are intended for sale to a slaughtering establishment for immediate
41 slaughter, but are found on arrival at such stockyard to be apparently
42 healthy, may be sold for feeding purposes if such swine are individually
43 identified in accordance with section one hundred sixty-three point thirty
44 (163.30), subsection three (3), of the Code, as amended by chapter one
45 hundred sixty-nine (169), Acts of the Sixty-second General Assembly; if
46 they are given anti-hog cholera serum or antibody concentrate as specified
47 in the Code of Federal Regulations, Title IX, Chapter I, Part 76, forthwith,
48 and, if an official health certificate indicating the out-of-state point of
49 origin of such swine is secured and accompanies them from such stock-
50 yard. All such movements of swine shall be completed within seventy-two
51 hours unless an extension of time for movement is granted by the depart-
52 ment.

53 5. Unvaccinated swine moving interstate from the farm of origin
54 direct to a farm of destination in Iowa shall be moved only after a permit
55 has been issued by the department. On arrival at the farm of destination,
56 such incoming swine shall either be quarantined separate and apart for
57 thirty days thereafter, from other swine located on such premises at the
58 time of arrival, or, if such incoming swine are not thus separated, all swine
59 on such premises shall be quarantined for thirty days beginning with ar-
60 rival of the incoming swine, except animals going from such premises direct
61 to slaughter.

62 6. Movement of swine interstate into Iowa from an approved market or
63 public stockyard which is located in a state not classified as Phase IV or
64 hog cholera free by the United States department of agriculture shall be
65 restricted to swine which have received anti-hog cholera serum or antibody
66 concentrate as specified in the Code of Federal Regulations, Title 9, Chapter
67 I, Part 76, within five days prior to entry into the state. On arrival at the
68 farm of destination such swine shall either be quarantined separate and
69 apart for thirty days thereafter from other swine located on such premises
70 at the time of arrival, or if such incoming swine are not thus separated, all
71 swine on such premises shall be quarantined for thirty days beginning with
72 arrival of the incoming swine, except animals going from such premises

73 direct to slaughter. In no case, however, will swine originating in states
74 classified in Phase I or Phase II be permitted to enter into Iowa except
75 for immediate slaughter.

76 7. Swine originating in states classified as hog cholera free states by the
77 United States department of agriculture may be moved interstate into Iowa
78 when accompanied by an official health certificate from the state of origin.
79 Swine originating in states classified as Phase IV by the United States de-
80 partment of agriculture, being moved interstate into Iowa, shall be accom-
81 panied by an official health certificate from the state of origin. A permit
82 may be required at the discretion of the secretary. All such swine, whether
83 imported from states classified as Phase IV or from states classified as hog
84 cholera free by the United States department of agriculture, on arrival at
85 the farm of destination shall either be quarantined separate and apart for
86 thirty days thereafter from other swine located on such premises at the
87 time of arrival, or if such incoming swine are not thus separated, all swine
88 on such premises shall be quarantined for thirty days beginning with arriv-
89 al of the incoming swine, except animals going from such premises direct
90 to slaughter.

91 8. Swine moving interstate to approved markets in Iowa shall be indi-
92 vidually identified at their out-of-state point of origin in accordance with
93 subsection three (3) of section one hundred sixty-three point thirty (163.30),
94 of the Code, as amended by chapter one hundred sixty-nine (169), Acts of
95 the Sixty-second General Assembly of this section except as otherwise pro-
96 vided in subsection two (2) of section five (5) of this Act.

97 9. Notwithstanding any provisions of this chapter, no swine vaccinated
98 with any inactivated vaccine shall be imported into this state except those
99 swine moving into Iowa for the purpose of immediate slaughter. Native
100 Iowa swine officially vaccinated with modified live virus prior to July 1,
101 1969, shall for a period of one year from the date of said vaccination be
102 exempt from the provisions of this Act.

103 10. All swine not meeting the requirements set forth in subsections
104 five (5), six (6), seven (7), and eight (8) of this section may enter into Iowa
105 under special permit issued by the department."

1 SEC. 6. Chapter one hundred sixty-three (163), Code 1966, is hereby
2 amended by adding thereto the following new sections:

3 1. "When used in this chapter:

4 a. 'Dealer' means any person who is engaged in the business of buying
5 for resale, or selling, or exchanging swine as a principal or agent or who
6 holds himself out as so engaged, but does not include the owner or operator
7 of a farm who does not hold himself out as so engaged and who sells or
8 exchanges only those swine which have been kept by him solely for feeding
9 or breeding purposes.

10 b. 'Concentration point' means any place where swine from more than
11 one source are assembled and offered for sale other than for immediate
12 slaughter.

13 c. 'Separate and apart' means a manner of holding swine so as not to
14 have physical contact with other swine on the premises."

15 2. "Swine moving intrastate through a concentration point or a dealer
16 shall be treated with anti-hog cholera serum or antibody concentrate as
17 specified in the Code of Federal Regulations, Title 9, Chapter I, Part 76, by
18 an accredited veterinarian within five days prior to the movement from a
19 concentration point or dealer to a purchaser's premises. Such movement

20 shall be completed within seventy-two hours unless an extension of time
 21 for movement is granted by the department, and on arrival at the farm of
 22 destination, such swine shall either be quarantined separate and apart
 23 for thirty days thereafter from other swine located on such premises at the
 24 time of arrival, or if such incoming swine are not thus separated, all swine
 25 on such premises shall be quarantined for thirty days beginning with
 26 arrival of the incoming swine, except animals going from such premises
 27 direct to slaughter. There can be one transfer by a dealer prior to quaran-
 28 tine. Such treatment and quarantine shall continue to be required for such
 29 swine until Iowa is classified as Phase IV or hog cholera free by the United
 30 States department of agriculture, whichever event shall first occur, at
 31 which time the requirements of this subsection shall terminate. In the
 32 event that Iowa shall subsequently be reclassified as Phase III, said re-
 33 quirements shall be restored."

34 3. "All swine sold or otherwise exchanged intrastate, except those sold
 35 or otherwise exchanged for immediate slaughter, shall be accompanied
 36 by an official health certificate and shall be individually identified in accord-
 37 ance with subsection three (3) of section one hundred sixty-three point
 38 thirty (163.30) of the Code. On arrival at the farm of destination, all such
 39 incoming swine shall either be quarantined separate and apart for thirty
 40 days thereafter from other swine located on such premises at the time of
 41 arrival, or if such incoming swine are not thus separated, all swine on such
 42 premises shall be quarantined for thirty days beginning with arrival of the
 43 incoming swine, except animals going from such premises direct to slaugh-
 44 ter."

1 SEC. 7. Section one hundred sixty-six point twelve (166.12), Code 1966,
 2 is hereby amended by striking from line two (2) the words "one year from"
 3 and inserting in lieu thereof the words "on the first day of July following".

1 SEC. 8. Section one hundred sixty-six point sixteen (166.16), Code 1966,
 2 is hereby amended by striking subsection five (5).

1 SEC. 9. Section one hundred sixty-six point thirty-two (166.32), Code
 2 1966, is hereby repealed.

1 SEC. 10. Section one hundred sixty-six point forty-one (166.41), Code
 2 1966, is hereby repealed and the following enacted in lieu thereof:

3 "The sale or use of hog cholera vaccine, except as provided in section
 4 one hundred sixty-six point sixteen (166.16) of the Code is prohibited and
 5 it shall be unlawful to use such products in the state of Iowa, except that
 6 in case of emergency as defined in section eleven (11) of this Act, a special
 7 permit for the use of vaccines may be issued by the secretary."

1 SEC. 11. Chapter one hundred sixty-six (166), Code 1966, is hereby
 2 amended by adding thereto the following new section:

3 "The secretary may establish a reserve supply of biological products of
 4 approved modified live virus hog cholera vaccine and of anti-hog cholera
 5 serum or its equivalent in antibody concentrate to be used as directed by
 6 the secretary in the event of an emergency resulting from a hog cholera
 7 outbreak. Vaccine and serum or antibody concentrate from the reserve
 8 supply, if used for such an emergency, shall be made available to swine
 9 producers at a price which will not result in a profit. Payment shall be
 10 made by the producer to the department and such vaccine shall be admin-
 11 istered by a licensed practicing veterinarian. The secretary may cooperate

12 with other states in the accumulation, maintenance and disbursement of
13 such reserve supply of biological products. The secretary, with the advice
14 and written consent of the chief of the division of animal industry of the
15 state, and the advice and written consent of the veterinarian-in-charge in
16 Iowa, animal health division, United States department of agriculture,
17 shall determine when an emergency resulting from a hog cholera outbreak
18 exists.

19 The secretary is authorized to sell or otherwise dispose of such vaccine
20 and serum at such time as the state is declared a hog cholera free state
21 by the United States department of agriculture, or if the potency of such
22 vaccine and serum is in doubt. Money received under provisions of this
23 section shall be paid into the state treasury."

1 SEC. 12. Section one hundred sixty-six B point three (166B.3), Code
2 1966, is hereby amended by striking line seven (7) and inserting in lieu there-
3 of the words "one hundred dollars for registered purebred and inbred or
4 hybrid swine and eighty".

1 SEC. 13. Section four (4) of chapter one hundred seventy-one (171),
2 Acts of the Sixty-second General Assembly, is hereby repealed.

1 SEC. 14. There is hereby appropriated from the general fund of the
2 state to the department of agriculture the sum of two hundred fifty thou-
3 sand (250,000) dollars for the period from July 1, 1969 to June 30, 1971, or
4 so much thereof as may be necessary, for the payment of indemnities for
5 hogs destroyed under the hog cholera eradication program in accordance
6 with chapter one hundred sixty-six B (166B) of the Code. Said appropria-
7 tion shall not be considered exclusive and may be augmented, when neces-
8 sary, by the executive council from the state contingent fund.

1 SEC. 15. There is hereby appropriated from the general fund of the
2 state to the department of agriculture the sum of fifty thousand (50,000)
3 dollars for the period from July 1, 1969 to June 30, 1971, or so much thereof
4 as may be necessary, to be used for the purchase of biological products in
5 accordance with section eleven (11) of this Act. Section eleven (11) of this
6 Act shall be implemented only to the extent of funds available from this
7 appropriation and from federal funds available for this purpose; however,
8 said appropriation shall not be considered exclusive and may be augmented,
9 when necessary, by the executive council from the state contingent fund.

Approved May 9, 1969.

CHAPTER 143

BEER WAREHOUSES

S. F. 44

AN ACT relating to beer warehouses.

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

1 SECTION 1. Section one hundred seventy point one (170.1), subsection
 2 six (6), Code 1966, is hereby amended by inserting in line eight (8) after
 3 the word "consumption" the words ", except those premises holding a cur-
 4 rent class 'A' license issued pursuant to chapter one hundred twenty-four
 5 (124) of the Code".

Approved February 20, 1969.

CHAPTER 144

DOGS IN FOOD ESTABLISHMENTS

H. F. 113

AN ACT relating to dogs in food establishments.

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

1 SECTION 1. Section one hundred seventy point nineteen (170.19), Code
 2 1966, subsection seven (7), line four (4), is amended by striking the word
 3 and figures "section 351.30" and inserting in lieu thereof the words and
 4 figures "chapter one hundred eighteen (118), section five (5), Acts of the
 5 Sixty-second General Assembly".

Approved February 21, 1969.

CHAPTER 145

MEAT INSPECTION

H. F. 417

AN ACT relating to the inspection of meat and poultry, to clarify and otherwise amend chapter one hundred eighty-nine A (189A) of the Code to provide for cooperation with appropriate federal agencies with respect to meat and poultry products inspection programs, and for other purposes and make an appropriation therefor.

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

1 SECTION 1. Section one hundred eighty-nine A point two (189A.2),
 2 Code 1966, is hereby repealed and the following enacted in lieu thereof:
 3 As used in this chapter except as otherwise specified:
 4 1. "Department" means the Iowa department of agriculture.
 5 2. "Secretary" means the Iowa secretary of agriculture or his delegate.
 6 3. "Person" includes any individual, partnership, corporation, associa-
 7 tion, or other business unit, and any officer, agent, or employee thereof.

8 4. "Broker" means any person engaged in the business of buying or
9 selling livestock products or poultry products on commission, or otherwise
10 negotiating purchases or sales of such articles other than for his own ac-
11 count or as an employee of another person.

12 5. "Renderer" means any person engaged in the business of rendering
13 livestock or poultry carcasses, or parts or products of such carcasses, ex-
14 cept rendering conducted under inspection or exemption under this chap-
15 ter.

16 6. "Animal food manufacturer" means any person engaged in the
17 business of preparing animal food, including poultry, derived wholly or in
18 part from livestock or poultry carcasses or parts or products of such car-
19 casses.

20 7. "Intrastate commerce" means commerce within this state.

21 8. "Livestock" means any cattle, sheep, swine, goats, horses, mules or
22 other equines, whether live or dead.

23 9. "Livestock product" means any carcass, part thereof, meat, or meat
24 food product of any livestock.

25 10. "Meat food product" means any product capable of use as human
26 food which is made wholly or in part from any meat or other portion of
27 the carcass of any cattle, sheep, swine, or goats, excepting products which
28 contain meat or other portions of such carcasses only in a relatively
29 small proportion or historically have not been considered by consumers
30 as products of the meat food industry, and which are exempted from
31 definition as a meat food product by the secretary under such conditions
32 as he may prescribe to assure that the meat or other portions of such car-
33 cass contained in such product are not adulterated and that such products
34 are not represented as meat food products. This term as applied to food
35 products of equines shall have a meaning comparable to that provided in
36 this paragraph with respect to cattle, sheep, swine, and goats.

37 11. "Poultry" means any domesticated bird, whether live or dead.

38 12. "Poultry product" means any poultry carcass or part thereof, or
39 any product which is made wholly or in part from any poultry carcass or
40 part thereof, excepting products which contain poultry ingredients only
41 in a relatively small proportion or historically have not been considered
42 by consumers as products of the poultry food industry, and which are
43 exempted by the secretary from definition as a poultry product under
44 such conditions as he may prescribe to assure that the poultry ingredients
45 in such products are not adulterated and that such products are not
46 represented as poultry products.

47 13. "Capable of use as human food" shall apply to any livestock or poul-
48 try carcass, or part or product of any such carcass, unless it is denatured
49 or otherwise identified as required by regulations prescribed by the secre-
50 tary to deter its use as human food, or it is naturally inedible by humans.

51 14. "Prepared" means slaughtered, canned, salted, stuffed, rendered,
52 boned, cut up, or otherwise manufactured or processed.

53 15. "Adulterated" shall apply to any livestock product or poultry
54 product under any one or more of the following circumstances:

55 a. If it bears or contains any poisonous or deleterious substance which
56 may render it injurious to health; but in case the substance is not an added
57 substance such article shall not be considered adulterated under this clause
58 if the quantity of such substance in or on such article does not ordinarily
59 render it injurious to health.

60 *b.* (1) If it bears or contains, by reason of administration of any sub-
61 stance to the livestock or poultry or otherwise, any added poisonous or del-
62 eterious substance, other than one which is a pesticide chemical in or on
63 a raw agricultural commodity; a food additive; or a color additive, which
64 may, in the judgment of the secretary, make such article unfit for human
65 food.

66 (2) If it is, in whole or in part, a raw agricultural commodity and such
67 commodity bears or contains a pesticide chemical which is unsafe within
68 the meaning of section four hundred eight (408) of the Federal Food, Drug,
69 and Cosmetic Act.

70 (3) If it bears or contains any food additive which is unsafe within the
71 meaning of section four hundred nine (409) of the Federal Food, Drug,
72 and Cosmetic Act.

73 (4) If it bears or contains any color additive which is unsafe within the
74 meaning of section seven hundred six (706) of the Federal Food, Drug, and
75 Cosmetic Act; however, an article which is not otherwise deemed adulter-
76 ated under subparagraphs two (2), three (3), or four (4) of this paragraph
77 shall nevertheless be deemed adulterated if use of the pesticide chemical,
78 food additive, or color additive in or on such article is prohibited by regu-
79 lations of the secretary in official establishments.

80 *c.* If it consists in whole or in part of any filthy, putrid, or decomposed
81 substance or is for any other reason unsound, unhealthful, unwholesome,
82 or otherwise unfit for human food.

83 *d.* If it has been prepared, packed, or held under insanitary conditions
84 whereby it may have become contaminated with filth, or whereby it may
85 have been rendered injurious to health.

86 *e.* If it is, in whole or in part, the product of an animal, including poul-
87 try, which has died otherwise than by slaughter.

88 *f.* If its container is composed, in whole or in part, of any poisonous or
89 deleterious substance which may render the contents injurious to health.

90 *g.* If it has been intentionally subjected to radiation, unless the use of
91 the radiation was in conformity with a regulation or exemption in effect
92 pursuant to section four hundred nine (409) of the Federal Food, Drug,
93 and Cosmetic Act.

94 *h.* If any valuable constituent has been in whole or in part omitted or
95 abstracted therefrom; or if any substance has been substituted, wholly or
96 in part therefor; or if damage or inferiority has been concealed in any man-
97 ner; or if any substance has been added thereto or mixed or packed there-
98 with so as to increase its bulk or weight, or reduce its quality or strength,
99 or make it appear better or of greater value than it is.

100 *i.* If it is margarine containing animal fat and any of the raw material
101 used therein consisted in whole or in part of any filthy, putrid, or decom-
102 posed substance.

103 16. "Misbranded" shall apply to any livestock product or poultry product
104 under any one or more of the following circumstances:

105 *a.* If its labeling is false or misleading in any particular.

106 *b.* If it is offered for sale under the name of another food.

107 *c.* If it is an imitation of another food, unless its label bears, in type of
108 uniform size and prominence, the word "imitation", and immediately
109 thereafter the name of the food imitated.

110 *d.* If its container is so made, formed, or filled as to be misleading.

111 *e.* Unless it bears a label showing both:

112 (1) The name and place of business of the manufacturer, packer, or dis-
113 tributor.

114 (2) An accurate statement of the quantity of the product in terms of
115 weight, measure, or numerical count; however, under this paragraph, ex-
116 emptions as to livestock products not in containers may be established by
117 regulations prescribed by the secretary, and under this subparagraph
118 reasonable variations may be permitted, and exemptions as to small pack-
119 ages may be established for livestock products or poultry products by reg-
120 ulations prescribed by the secretary.

121 *f.* If any word, statement, or other information required by or under
122 authority of this chapter to appear on the label or other labeling is not
123 prominently placed thereon with such conspicuousness, as compared with
124 other words, statements, designs, or devices in the labeling, and in such
125 terms as to render it likely to be read and understood by the ordinary
126 individual under customary conditions of purchase and use.

127 *g.* If it purports to be or is represented as a food for which a definition and
128 standard of identity or composition has been prescribed by the regulations
129 of the secretary under section five (5) of this Act, unless it conforms to such
130 definition and standard and its label bears the name of the food specified
131 in the definition and standard and, insofar as may be required by such regu-
132 lations, the common names of optional ingredients, other than spices, flavor-
133 ing, and coloring, present in such food.

134 *h.* If it purports to be or is represented as a food for which a standard
135 or standards of fill of container have been prescribed by regulations of the
136 secretary under section five (5) of this Act, and it falls below the standard
137 of fill of container applicable thereto, unless its label bears, in such manner
138 and form as such regulations specify, a statement that it falls below such
139 standard.

140 *i.* If it is not subject to the provisions of paragraph *g* of this subsection,
141 unless its label bears both:

142 (1) The common or usual name of the food, if any.

143 (2) In case it is fabricated from two or more ingredients, the common or
144 usual name of each such ingredient; except that spices, flavorings, and col-
145 orings may, when authorized by the secretary, be designated as spices, flavor-
146 ings, and colorings without naming each; however, to the extent that com-
147 pliance with the requirements of this subparagraph is impracticable, or
148 results in deception or unfair competition, exemptions shall be established
149 by regulations promulgated by the secretary.

150 *j.* If it purports to be or is represented for special dietary uses, unless
151 its label bears such information concerning its vitamin, mineral, and other
152 dietary properties as the secretary, after consultation with the secretary
153 of agriculture of the United States, determines to be and by regulations
154 prescribes as necessary in order to fully inform purchasers as to its value
155 for such uses.

156 *k.* If it bears or contains any artificial flavoring, artificial coloring, or
157 chemical preservative, unless it bears labeling stating that fact; however,
158 to the extent that compliance with the requirements of this paragraph is
159 impracticable, exemptions shall be established by regulations promulgated
160 by the secretary.

161 *l.* If it fails to bear, directly thereon and on its containers, as the secre-
162 tary may by regulations prescribe, the official inspection legend and estab-
163 lishment number of the establishment where the product was prepared and,
164 unrestricted by any of the foregoing, such other information as the secre-

- 165 tary may require in such regulations to assure that it will not have false
166 or misleading labeling and that the public will be informed of the manner
167 of handling required to maintain the article in a wholesome condition.
- 168 17. "Label" means a display of written, printed, or graphic matter upon
169 any article or the immediate container, not including package liners, of
170 any article.
- 171 18. "Labeling" means all labels and other written, printed, or graphic
172 matter either upon any article or any of its containers or wrappers, or
173 accompanying such article.
- 174 19. "Container" or "package" means any box, can, tin, cloth, plastic or
175 other receptacle, wrapper, or cover.
- 176 20. "Shipping container" means any container used or intended for use
177 in packaging the product packed in an immediate container.
- 178 21. "Immediate container" means any consumer package; or any other
179 container in which livestock products or poultry products, not consumer
180 packaged, are packed.
- 181 22. "Federal Meat Inspection Act" means the Act so entitled approved
182 March 4, 1907 (34 Stat. 1260), as amended by the Wholesome Meat Act
183 (81 Stat. 584); "Federal Poultry Products Inspection Act" means the
184 Act so entitled approved August 28, 1957 (71 Stat. 441), as amended by the
185 Wholesome Poultry Products Act (82 Stat. 791); and "federal acts" means
186 these two federal laws.
- 187 23. "Federal Food, Drug, and Cosmetic Act" means the Act so entitled,
188 approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or
189 supplementary thereto.
- 190 24. "Pesticide chemical", "food additive", "color additive", and "raw
191 agricultural commodity" shall have the same meanings for purposes of this
192 chapter as under the Federal Food, Drug, and Cosmetic Act.
- 193 25. "Official mark" means the official inspection legend or any other sym-
194 bol prescribed by regulations of the secretary to identify the status of any
195 article or livestock or poultry under this chapter.
- 196 26. "Official inspection legend" means any symbol prescribed by regula-
197 tions of the secretary showing that an article was inspected and passed in
198 accordance with this chapter.
- 199 27. "Official certificate" means any certificate prescribed by regulations
200 of the secretary for issuance by an inspector or other person performing
201 official functions under this chapter.
- 202 28. "Official device" means any device prescribed or authorized by the
203 secretary for use in applying any official mark.
- 204 29. "Official establishment" means any establishment as determined by
205 the secretary at which inspection of the slaughter of livestock or poultry
206 or the preparation of livestock products or poultry products is maintained
207 under the authority of this chapter.
- 208 30. "Inspector" means an employee or official of the Iowa department of
209 agriculture authorized by the secretary or any employee or official of the
210 government of any county or other governmental subdivision of this state,
211 authorized by the secretary to perform any inspection functions under this
212 chapter under an agreement between the secretary and such governmental
213 subdivision.
- 214 31. "Veterinary inspector" means a graduate veterinarian with appropriate
215 training to perform the inspection functions under the provisions of this
216 chapter.

217 32. "Establishment" means all premises where animals or poultry are
 218 slaughtered or otherwise prepared, either for custom, resale, or retail, for
 219 food purposes, meat or poultry canneries, sausage factories, smoking or cur-
 220 ing operations, restaurants, grocery stores, brokerages, cold storage plants,
 221 and similar places.

222 33. "Reinspection" includes inspection of the preparation of livestock
 223 products and poultry products, as well as reexamination of articles previous-
 224 ly inspected.

1 SEC. 2. Section one hundred eighty-nine A point three (189A.3), Code
 2 1966, is hereby repealed and the following enacted in lieu thereof:

3 No person shall operate an establishment without first obtaining a li-
 4 cense from the department. The license fee for each establishment, exclud-
 5 ing restaurants and grocery stores, per year or any part of a year shall be:

6 1. For all meat and poultry slaughtered or otherwise prepared not ex-
 7 ceeding twenty thousand pounds per year for sale, resale, or custom, twen-
 8 ty-five dollars.

9 2. For all meat and poultry slaughtered or otherwise prepared in excess
 10 of twenty thousand pounds per year for sale or resale, fifty dollars.

11 The license fee for each restaurant selling twenty pounds or more of
 12 meat or meat products annually and each grocery store per year or any
 13 part of a year shall be five dollars.

14 The funds shall be deposited with the department of agriculture. The
 15 license year shall be from July first to June thirtieth. Applications for li-
 16 censes shall be in writing on forms prescribed by the department.

17 It is the objective of this chapter to provide for meat and poultry prod-
 18 ucts inspection programs that will impose and enforce requirements with
 19 respect to intrastate operations and commerce that are at least equal to
 20 those imposed and enforced under the Federal Meat Inspection Act and
 21 the Federal Poultry Products Inspection Act with respect to operations and
 22 transactions in interstate commerce; and the secretary is directed to ad-
 23 minister this chapter so as to accomplish this purpose. A director of the
 24 meat and poultry inspection service shall be designated as his delegate
 25 to be the appropriate state official to cooperate with the secretary of
 26 agriculture of the United States in administration of this Act.

1 SEC. 3. Section one hundred eighty-nine A point four (189A.4), Code
 2 1966, as amended by chapter one hundred seventy-nine (179), section one
 3 (1), and chapter one hundred eighty (180), section one (1), Acts of the Six-
 4 ty-second General Assembly, is hereby repealed and the following enacted
 5 in lieu thereof:

6 In order to accomplish the objectives of this chapter, the secretary may
 7 exempt the following types of operations from inspection:

8 1. Slaughtering and preparation by any person of livestock and poultry
 9 of his own raising exclusively for use by him and members of his house-
 10 hold, and his nonpaying guests and employees.

11 2. Any other operations which the secretary may determine would best
 12 be exempted to further the purposes of this chapter, to the extent such ex-
 13 emptions conform to the Federal Meat Inspection Act and the Federal
 14 Poultry Products Inspection Act and the regulations thereunder.

1 SEC. 4. Section one hundred eighty-nine A point five (189A.5), Code
 2 1966, is hereby amended by adding thereto the following:

3 In order to accomplish the objective stated in section two (2) of this Act
4 the secretary shall:

5 1. By regulations require antemortem and postmortem inspections, quar-
6 antine, segregation, and reinspections with respect to the slaughter of live-
7 stock and poultry and the preparation of livestock products and poultry
8 products at all establishments in this state, except those exempted by sec-
9 tion three (3) of this Act, at which livestock or poultry are slaughtered
10 or livestock or poultry products are prepared for human food solely for dis-
11 tribution in intrastate commerce.

12 2. By regulations require the identification of livestock and poultry for
13 inspection purposes and the marking and labeling of livestock products or
14 poultry products or their containers, or both, as "Iowa Inspected and
15 Passed" if the products are found upon inspection to be not adulterated,
16 and as "Iowa Inspected and Condemned" if they are found upon inspec-
17 tion to be adulterated; and the destruction for food purposes of all such
18 condemned products under the supervision of an inspector.

19 3. Prohibit the entry into official establishments of livestock products
20 and poultry products not prepared under federal inspection or inspection
21 pursuant to this chapter and further limit the entry of such articles and
22 other materials into such establishments under such conditions as he deems
23 necessary to effectuate the purposes of this chapter.

24 4. By regulations require that when livestock products and poultry prod-
25 ucts leave official establishments they shall bear directly thereon or on their
26 containers, or both, all information required by subsection sixteen (16) of
27 section one (1) of this Act; and require approval of all labeling and con-
28 tainers to be used for such products when sold or transported in intrastate
29 commerce to assure that they comply with the requirements of this chapter.

30 5. Investigate the sanitary conditions of each establishment within
31 subsection one (1) of this section and withdraw or otherwise refuse to pro-
32 vide inspection service at any such establishment where the sanitary condi-
33 tions are such as to render adulterated any livestock products or poultry
34 products prepared or handled thereat.

35 6. Prescribe regulations relating to sanitation for all establishments re-
36 quired to have inspection under subsection one (1) of this section.

37 7. By regulations require that both of the following classes of persons
38 shall keep such records and for such periods as are specified in the regula-
39 tions to fully and correctly disclose all transactions involved in their busi-
40 ness, and to afford the secretary and his representatives, including repre-
41 sentatives of other governmental agencies designated by him, access to such
42 places of business, and opportunity at all reasonable times to examine the
43 facilities, inventory, and records thereof, to copy the records, and to take
44 reasonable samples of the inventory upon payment of the fair market value
45 therefor:

46 *a.* Any person that engages in or for intrastate commerce in the business
47 of slaughtering any livestock or poultry, or preparing, freezing, packaging
48 or labeling, buying or selling, as a broker, wholesaler, or otherwise, trans-
49 porting, or storing any livestock products or poultry products for human
50 or animal food.

51 *b.* Any person that engages in or for intrastate commerce in business
52 as a renderer or in the business of buying, selling, or transporting any dead,
53 dying, disabled, or diseased livestock or poultry or parts of the carcasses of
54 any such animals, including poultry, that died otherwise than by slaughter.

1 SEC. 5. Section one hundred eighty-nine A point seven (189A.7), Code
2 1966, is hereby repealed and the following enacted in lieu thereof:

3 In order to accomplish the objective stated in section two (2) of this Act
4 the secretary may:

5 1. Remove inspectors from any establishment that fails to destroy con-
6 demned products as required under subsection two (2) of section four (4)
7 of this Act.

8 2. Refuse to provide inspection service under this chapter with respect
9 to any establishment for causes specified in section four hundred one (401)
10 of the Federal Meat Inspection Act or section eighteen (18) of the Federal
11 Poultry Products Inspection Act.

12 3. Order labeling and containers to be withheld from use if he determines
13 that the labeling is false or misleading or the containers are of a misleading
14 size or form.

15 4. By regulations prescribe the sizes and style of type to be used for la-
16 beling information required under this chapter, and definitions and stand-
17 ards of identity or composition or standards of fill of container, consistent
18 with federal standards, when he deems such action appropriate for the pro-
19 tection of the public and after consultation with the secretary of agricul-
20 ture of the United States.

21 5. By regulations prescribe conditions of storage and handling of live-
22 stock products and poultry products by persons engaged in the business of
23 buying, selling, freezing, storing, or transporting such articles in or for
24 intrastate commerce to assure that such articles will not be adulterated
25 or misbranded when delivered to the consumer.

26 6. Require that equines be slaughtered and prepared in establishments
27 separate from establishments where other livestock are slaughtered or
28 their products are prepared.

29 7. By regulations require that every person engaged in business in or
30 for intrastate commerce as a broker, renderer, animal food manufacturer,
31 or wholesaler or public warehouseman of livestock or poultry products, or
32 engaged in the business of buying, selling, or transporting in intrastate
33 commerce any dead, dying, disabled, or diseased livestock or poultry or
34 parts of the carcasses of any such animals, including poultry, that died
35 otherwise than by slaughter shall register with the secretary his name and
36 the address of each place of business at which and all trade names under
37 which he conducts such business.

38 8. Adopt by reference or otherwise such provisions of the rules and regu-
39 lations under the federal acts, with such changes therein as he deems appro-
40 priate to make them applicable to operations and transactions subject to
41 this chapter, which shall have the same force and effect as if promulgated
42 under this chapter, and promulgate such other rules and regulations as he
43 deems necessary for the efficient execution of the provisions of this chapter,
44 including rules of practice providing opportunity for hearing in connection
45 with issuance of orders under subsection five (5) of section four (4) and sub-
46 sections one (1), two (2), or three (3) of this section and prescribing pro-
47 cedures for proceedings in such cases; however, this shall not preclude a
48 requirement that a label or container be withheld from use, or a refusal
49 of inspection pursuant to the sections cited herein pending issuance of a
50 final order in any such proceeding.

51 9. Appoint and prescribe the duties of such inspectors and other person-
52 nel as he deems necessary for the efficient execution of the provisions of
53 this chapter.

54 10. Cooperate with the secretary of agriculture of the United States in
 55 administration of this chapter to effectuate the purposes stated in section
 56 two (2) of this Act; accept federal assistance for that purpose and spend
 57 public funds of this state appropriated for administration of this chapter
 58 to pay the state's proportionate share of the estimated total cost of the co-
 59 operative program.

60 11. Recommend to the secretary of agriculture of the United States for
 61 appointment to the advisory committees provided for in the federal acts,
 62 such officials or employees of the Iowa meat and poultry inspection service
 63 as the secretary shall designate.

64 12. Serve as a representative of the governor for consultation with said
 65 secretary under paragraph *c* of section three hundred one (301) of the Fed-
 66 eral Meat Inspection Act and paragraph *c* of section five (5) of the Federal
 67 Poultry Products Inspection Act unless the governor selects another repre-
 68 sentative.

1 SEC. 6. Section one hundred eighty-nine A point eight (189A.8), Code
 2 1966, is hereby repealed and the following enacted in lieu thereof:

3 1. No person shall sell, transport, offer for sale or transportation, or
 4 receive for transportation in intrastate commerce, any carcasses of horses,
 5 mules, or other equines or parts of such carcasses, or the meat or meat food
 6 products thereof, unless they are plainly and conspicuously marked or la-
 7 beled or otherwise identified as required by regulations prescribed by the sec-
 8 retary to show the kinds of animals from which they were derived.

9 2. No person shall buy, sell, transport, or offer for sale or transporta-
 10 tion, or receive for transportation, in intrastate commerce, any livestock
 11 products or poultry products which are not intended for use as human food
 12 unless they are denatured or otherwise identified as required by the regu-
 13 lations of the secretary or are naturally inedible by humans.

14 3. No person engaged in the business of buying, selling, or transporting
 15 in intrastate commerce, dead, dying, disabled, or diseased animals, or any
 16 parts of the carcasses of any animals that died otherwise than by slaughter,
 17 shall buy, sell, transport, offer for sale or transportation, or receive for
 18 transportation in such commerce, any dead, dying, disabled, or diseased
 19 livestock or poultry or the products of any such animals that died other-
 20 wise than by slaughter, unless such transaction or transportation is made in
 21 accordance with such regulations as the secretary may prescribe to assure
 22 that such animals, or the unwholesome parts or products thereof, will be
 23 prevented from being used for human food purposes.

1 SEC. 7. Section one hundred eighty-nine A point nine (189A.9), Code
 2 1966, is hereby amended by adding to the end thereof the following sen-
 3 tence:

4 A charge shall be made for overtime inspection in excess of eight hours
 5 per day or outside assigned work schedules and also on state legal holidays.

1 SEC. 8. Section one hundred eighty-nine A point ten (189A.10), Code
 2 1966, is hereby repealed and the following enacted in lieu thereof:

3 1. No person shall, with respect to any livestock or poultry or any live-
 4 stock products or poultry products, do any of the following:

5 *a.* Slaughter any such animals or prepare any such articles which are
 6 capable of use as human food, at any establishment preparing such articles
 7 solely for intrastate commerce, except in compliance with the requirements
 8 of this chapter.

9 *b.* Sell, transport, offer for sale or transportation, or receive for transpor-
10 tation in intrastate commerce, any such articles which are both:

11 (1) Capable of use as human food.

12 (2) Adulterated or misbranded at the time of such sale, transportation,
13 offer for sale or transportation, or receipt for transportation; or any articles
14 required to be inspected under this chapter unless they have been so in-
15 spected and passed.

16 *c.* With respect to any such articles which are capable of use as human
17 food, any act while they are being transported in intrastate commerce or
18 held for sale after such transportation, which is intended to cause or has
19 the effect of causing such articles to be adulterated or misbranded.

20 2. No person shall sell, transport, offer for sale or transportation, or re-
21 ceive for transportation in intrastate commerce, or from an official estab-
22 lishment, any slaughtered poultry from which the blood, feathers, feet,
23 head, or viscera have not been removed in accordance with regulations
24 promulgated by the secretary except as may be authorized by such regula-
25 tions.

26 3. No person shall violate any provision of the regulations or orders of
27 the secretary under section four (4), subsection seven (7), or section five
28 (5) of this Act.

1 SEC. 9. Section one hundred eighty-nine A point eleven (189A.11), Code
2 1966, is hereby amended as follows:

3 1. By striking from line eight (8) the word "must" and inserting in lieu
4 thereof the words "will be equal to federal inspection and therefore may".

5 2. By adding thereto the following:

6 1. No inspection of products placed in any container at any official es-
7 tablishment shall be deemed to be complete until the products are sealed
8 or enclosed therein under the supervision of an inspector.

9 2. For purposes of any inspection of products required by this chapter,
10 inspectors authorized by the secretary shall have access at all times by day
11 or night to every part of every establishment required to have inspection
12 under this chapter, whether the establishment is operated or not.

1 SEC. 10. Section one hundred eighty-nine A point twelve (189A.12),
2 Code 1966, is hereby repealed and the following enacted in lieu thereof:

3 Whenever any livestock or poultry product or any product exempted
4 from the definition of a livestock or poultry product, or any dead, dying,
5 disabled, or diseased livestock or poultry is found by any authorized repre-
6 sentative of the secretary upon any premises where it is held for purposes
7 of, or during or after distribution in, intrastate commerce or is otherwise
8 subject to this chapter, and there is reason to believe that any such article
9 is adulterated or misbranded and is capable of use as human food, or that
10 it has not been inspected in violation of the provisions of this chapter, the
11 Federal Meat Inspection Act, the Federal Poultry Products Inspection
12 Act, or the Federal Food, Drug, and Cosmetic Act, or that such article or
13 animal has been or is intended to be distributed in violation of any such
14 provisions, it may be detained by such representative for a period not to
15 exceed twenty days, pending action under this section or notification of any
16 federal authorities having jurisdiction over such article or animal, and shall
17 not be moved by any person from the place at which it is located when so
18 detained until released by such representative. All official marks may be

19 required by such representative to be removed from such article or animal
20 before it is released unless it appears to the satisfaction of the secretary
21 that the article or animal is eligible to retain such marks.

22 1. Any livestock or poultry product, or any dead, dying, disabled, or
23 diseased livestock or poultry which is being transported in intrastate com-
24 merce, or is otherwise subject to this chapter, or is held for sale in this
25 state after such transportation, and which is or has been prepared, sold,
26 transported, or otherwise distributed or offered or received for distribution
27 in violation of this chapter; or is capable of use as human food and is adul-
28 terated or misbranded; or is in any other way in violation of this chapter
29 shall be liable to be proceeded against and seized and condemned at any
30 time on a complaint filed in the district court of the particular county
31 within the jurisdiction of which such article or animal is found. If such
32 article or animal is condemned it shall, after entry of the decree, be disposed
33 of by destruction or sale as the court may direct and any proceeds, less the
34 court costs and fees, storage fees, and other proper expenses, shall be paid
35 into the treasury of this state, but the article or animal shall not be sold
36 contrary to the provisions of this chapter, the Federal Meat Inspection
37 Act, the Federal Poultry Products Inspection Act, or the Federal Food,
38 Drug, and Cosmetic Act; however, upon the execution and delivery of a
39 good and sufficient bond conditioned that the article or animal shall not
40 be sold or otherwise disposed of contrary to the provisions of this chapter
41 or the laws of the United States, the court may direct that such article or
42 animal be delivered to the owner thereof subject to such supervision by au-
43 thorized representatives of the secretary as is necessary to insure compli-
44 ance with the applicable laws. When a decree of condemnation is entered
45 against the article or animal and it is released under bond or destroyed,
46 court costs and fees, storage fees, and other proper expenses shall be award-
47 ed against any person intervening as claimant of the article or animal.
48 The proceedings in such cases shall be held without a jury, except that
49 either party may demand trial by jury of any issue of fact joined in any
50 case, and all such proceedings shall be at the suit of and in the name of
51 this state.

52 2. The provisions of this section shall in no way derogate from authority
53 for condemnation or seizure conferred by other provisions of this chapter
54 or other applicable laws.

1 SEC. 11. Section one hundred eighty-nine A point fourteen (189A.14),
2 Code 1966, is hereby repealed and the following enacted in lieu thereof:

3 1. Any order issued under subsection three (3) of section four (4) or sub-
4 sections one (1), two (2), or three (3) of section five (5) of this Act shall be
5 final unless appealed to the district court within thirty days after service.
6 Review of any such order and the determinations upon which it is based
7 shall be upon the record in the proceedings in which the order was issued.

8 2. The district court is hereby vested with jurisdiction to enforce this
9 chapter, to prevent and restrain violations herein, and shall have jurisdic-
10 tion in all other kinds of cases arising hereunder.

1 SEC. 12. Section one hundred eighty-nine A point sixteen (189A.16),
2 Code 1966, is hereby repealed and the following enacted in lieu thereof:

3 1. No brand manufacturer, printer, or other person shall cast, print,
4 lithograph, or otherwise make any device containing any official mark or
5 simulation thereof, or any label bearing any such mark or simulation, or

6 any form of official certificate or simulation thereof, except as authorized
7 by the secretary.

8 2. No person shall do any of the following:

9 *a.* Forge any official device, mark, or certificate.

10 *b.* Without authorization from the secretary, use any official device,
11 mark, or certificate, or simulation thereof, or alter, detach, deface, or de-
12 stroy any official device, mark, or certificate.

13 *c.* Contrary to the regulations prescribed by the secretary, fail to use,
14 or to detach, deface, or destroy any official device, mark, or certificate.

15 *d.* Knowingly possess, without promptly notifying the secretary or his
16 representative, any official device or any counterfeit, simulated, forged,
17 or improperly altered official certificate or any device or label or any car-
18 cass of any animal, including poultry, or part or product thereof, bearing
19 any counterfeit, simulated, forged, or improperly altered official mark.

20 *e.* Knowingly make any false statement in any shipper's certificate or
21 other nonofficial or official certificate provided for in the regulations pre-
22 scribed by the secretary.

23 *f.* Knowingly represent that any article has been inspected and passed,
24 or exempted, under this chapter when it has not been so inspected and
25 passed, or exempted.

1 SEC. 13. Section one hundred eighty-nine A point seventeen (189A.17),
2 Code 1966, is hereby repealed and the following enacted in lieu thereof:

3 1. Any person who violates any provisions of this chapter for which no
4 other criminal penalty is provided shall upon conviction be subject to im-
5 prisonment in the county jail for not more than one year, or a fine of not
6 more than one thousand dollars, or both such imprisonment and fine; but
7 if such violation involves intent to defraud, or any distribution or attempt-
8 ed distribution of an article that is adulterated, except as defined in para-
9 graph *h* of subsection fifteen (15) of section one (1) of this Act, such person
10 shall be subject to imprisonment in the penitentiary for not more than three
11 years or a fine of not more than ten thousand dollars or both.

12 2. Nothing in this chapter shall be construed as requiring the secretary
13 to report, for the institution of legal proceedings, minor violations of this
14 chapter whenever he believes that the public interest will be adequately
15 served by a suitable written notice of warning.

16 3. The secretary shall also have power:

17 *a.* To gather and compile information concerning, and to investigate
18 from time to time the organization, business, conduct, practices, and man-
19 agement of any person engaged in intrastate commerce, and the relation
20 thereof to other persons.

21 *b.* To require persons engaged in intrastate commerce to file with the
22 secretary in such form as the secretary may prescribe, annual or special
23 reports or answers in writing to specific questions, furnishing to the secre-
24 tary such information as he may require as to the organization, business,
25 conduct, practices, management, and relation to other persons of the person
26 filing such reports or answers. Such reports and answers shall be made
27 under oath, or otherwise as the secretary may prescribe, and shall be filed
28 with the secretary within such reasonable period as the secretary may
29 prescribe, unless additional time be granted in any case by the secretary.

30 4. *a.* For the purpose of this chapter the secretary may, at all reasonable
31 times, examine and copy any documentary evidence of any person being
32 investigated or proceeded against, and may require by subpoena the at-

33 tendance and testimony of witnesses and the production of all documentary
34 evidence of any person relating to any matter under investigation. The
35 secretary may sign subpoenas and administer oaths and affirmations, ex-
36 amine witnesses, and receive evidence.

37 *b.* Such attendance of witnesses, and the production of such documen-
38 tary evidence may be required at any designated place of hearing. In case
39 of disobedience to a subpoena the secretary may invoke the aid of the
40 district court having jurisdiction over the matter in requiring the attend-
41 ance and testimony of witnesses and the production of documentary evi-
42 dence.

43 *c.* The district court may, in case of failure or refusal to obey a subpoena
44 issued herein to any person, enter an order requiring such person to appear
45 before the secretary or to produce documentary evidence if so ordered, or
46 to give evidence concerning the matter in question; and any failure to
47 obey such order of the court may be punished by such court as contempt.

48 *d.* Upon the application of the attorney general of this state at the re-
49 quest of the secretary, the court shall have jurisdiction to issue writs of
50 mandamus commanding any person to comply with the provisions of this
51 chapter or any order of the secretary pursuant thereto.

52 *e.* The secretary may order testimony to be taken by deposition in any
53 proceeding or investigation pending under this chapter at any stage of such
54 proceeding or investigation. Such depositions may be taken before any per-
55 son designated by the secretary and having power to administer oaths. Such
56 testimony shall be reduced to writing by the person taking the deposition,
57 or under his direction and shall then be subscribed by the deponent. Any
58 person may be compelled to appear and depose and to produce documentary
59 evidence in the same manner as witnesses may be compelled to appear
60 and testify and produce documentary evidence before the secretary as herein
61 provided.

62 *f.* Witnesses summoned before the secretary shall be paid the same fees
63 and mileage that are paid witnesses in the district court, and witnesses
64 whose depositions are taken and the persons taking the same shall several-
65 ly be entitled to the same fees as are paid for like services in such district
66 court.

67 *g.* No person shall be excused from attending and testifying or from
68 producing books, papers, schedules of charges, contracts, agreements, or
69 other documentary evidence before the secretary or in obedience to the
70 subpoena of the secretary, whether such subpoena be signed or issued by
71 him or his delegate, or in any cause or proceeding, criminal or otherwise,
72 based upon or growing out of any alleged violation of this chapter for the
73 reason that the testimony or evidence, documentary or otherwise, required
74 of him may tend to incriminate him or subject him to a penalty or for-
75 feiture; but no person shall be prosecuted or subjected to a penalty or for-
76 feiture for or on account of any transaction, matter, or thing concerning
77 which he is compelled, after having claimed his privilege against self-in-
78 crimination, to testify or produce evidence, documentary or otherwise,
79 except that any individual so testifying shall not be exempt from prosecu-
80 tion and punishment for perjury committed in so testifying.

81 5. *a.* Any person who neglects or refuses to attend and testify or to
82 answer any lawful inquiry, or to produce documentary evidence, if it is in
83 his power to do so, in obedience to the subpoena or lawful requirement of
84 the secretary shall be guilty of an offense and upon conviction thereof by
85 a court of competent jurisdiction shall be punished by a fine of not less

86 than one thousand dollars nor more than five thousand dollars, or by im-
87 prisonment in the county jail for not more than one year, or by both such
88 fine and imprisonment.

89 *b.* Any person who willfully makes, or causes to be made, any false en-
90 try or statement of fact in any report required to be made under this chap-
91 ter, or who willfully makes, or causes to be made, any false entry in any
92 account, record, or memorandum kept by any person subject to this chap-
93 ter, or who willfully neglects or fails to make or to cause to be made, full,
94 true, and correct entries in such accounts, records, or memoranda, of all
95 facts and transactions pertaining to the business of such person, or who
96 willfully removes himself from the jurisdiction of this state, or willfully
97 mutilates, alters, or by any other means falsifies any documentary evidence
98 of any person subject to this chapter or who willfully refuses to submit to
99 the secretary or to any of his authorized agents, for the purpose of inspec-
100 tion and taking copies, any documentary evidence of any person subject
101 to this chapter in his possession or within his control, shall be deemed
102 guilty of an offense and shall be subject, upon conviction in any court of
103 competent jurisdiction, to a fine of not less than one thousand dollars nor
104 more than five thousand dollars, or to imprisonment in the county jail or
105 the penitentiary for a term of not more than three years, or to both such
106 fine and imprisonment.

107 *c.* If any person required by this chapter to file any annual or special
108 report shall fail so to do within the time fixed by the secretary for filing
109 the same, and such failure shall continue for thirty days after notice of
110 such default, such person shall forfeit to this state the sum of one hun-
111 dred dollars for each and every day of the continuance of such failure,
112 which forfeiture shall be payable into the treasury of this state, and shall
113 be recoverable in a civil suit in the name of the state brought in the district
114 court of the county where the person has his principal office or in the dis-
115 trict court of any county in which he does business. It shall be the duty
116 of the various county attorneys of this state to prosecute for the recovery
117 of such forfeitures. The costs and expenses of such prosecution shall be paid
118 out of the court expense fund of the county.

119 *d.* Any officer or employee of this state who makes public any informa-
120 tion obtained by the secretary, without his authority, unless directed by a
121 court, or uses any such information to his advantage, shall be deemed
122 guilty of a misdemeanor, and upon conviction thereof shall be punished
123 by a fine not exceeding five thousand dollars, or by imprisonment in the
124 county jail not exceeding one year, or by both such fine and imprisonment.

125 The requirements of this chapter shall apply to persons, establishments,
126 animals, and articles regulated under the Federal Meat Inspection Act or
127 the Federal Poultry Products Inspection Act to the extent provided for in
128 said federal acts and also to the extent provided in this chapter and in reg-
129 ulations the secretary may prescribe to promulgate this chapter.

1 SEC. 14. Chapter one hundred seventy-eight (178), section one (1), Acts
2 of the Sixty-second General Assembly, is hereby amended by inserting in
3 line nine (9) after the word "shock," the words "captive bolt,".

1 SEC. 15. Chapter one hundred eighty-nine A (189A), Code 1966, is here-
2 by amended by adding thereto the following sections:

3 1. Any person who gives, pays, or offers, directly or indirectly, to any
4 officer or employee of this state authorized to perform any of the duties pre-
5 scribed by this chapter or by the regulations of the secretary, any money or

6 other thing of value, with intent to influence said officer or employee in the
7 discharge of any such duty, shall be deemed guilty of a felony and, upon
8 conviction thereof, shall be punished by a fine not less than five thousand
9 dollars nor more than ten thousand dollars and by imprisonment in the pen-
10 itentiary not less than one year nor more than three years; and any officer
11 or employee of this state authorized to perform any of the duties prescribed
12 by this chapter who accepts any money, gift, or other thing of value from
13 any person, given with intent to influence his official action, or who receives
14 or accepts from any person engaged in intrastate commerce any gift, money,
15 or other thing of value given with any purpose or intent whatsoever, shall
16 be deemed guilty of a felony and shall, upon conviction thereof, be sum-
17 marily discharged from office and shall be punished by a fine not less than
18 one thousand dollars nor more than ten thousand dollars and by imprison-
19 ment in the penitentiary not less than one year nor more than three years.

20 2. Any person who forcibly assaults, resists, opposes, impedes, intimi-
21 dates, or interferes with any person while engaged in or on account of the
22 performance of his official duties under this chapter shall be fined not more
23 than five thousand dollars or imprisoned in the penitentiary not more than
24 three years, or both. Whoever, in the commission of any such acts, uses a
25 deadly or dangerous weapon, shall be fined not more than ten thousand
26 dollars or imprisoned in the penitentiary not more than ten years, or both.
27 Inspection shall not be provided under this chapter at any establish-
28 ment for the slaughter of livestock or poultry or the preparation of any
29 livestock products or poultry products which are not intended for use as
30 human food, but such articles shall, prior to their offer for sale or transpor-
31 tation in intrastate commerce, unless naturally inedible by humans, be
32 denatured or otherwise identified as prescribed by regulations of the sec-
33 retary to deter their use for human food.

1 SEC. 16. There is hereby authorized to be appropriated such sums as
2 may be necessary to carry out the provisions of this Act.

1 SEC. 17. There is hereby appropriated from the general fund of the
2 state to the department of agriculture the sum of four hundred thousand
3 (400,000) dollars for each year of the biennium beginning July 1, 1969 and
4 ending June 30, 1971 for an inspection program of meat and poultry prod-
5 ucts in accordance with chapter one hundred eighty-nine A (189A) of the
6 Code. Any unencumbered balances remaining as of June 30, 1971 from the
7 funds so appropriated shall revert to the general fund.

1 SEC. 18. All federal grants to and the federal receipts of this depart-
2 ment are hereby appropriated for the purpose set forth in such federal
3 grants or receipts.

1 SEC. 19. Where any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the biennium.

Approved June 5, 1969.

CHAPTER 146

CHEESE

H. F. 628

AN ACT relating to the specifications and standards for cheeses and cheese products.

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

1 SECTION 1. Chapter one hundred eighty-two (182), section one (1),
 2 Acts of the Sixty-second General Assembly, amending section one hundred
 3 ninety point one (190.1), Code 1966, is hereby amended by striking from line
 4 four (4) the number "1966" and inserting in lieu thereof the number "1968".

Approved June 5, 1969.

CHAPTER 147

MILK ADULTERATION

H. F. 666

AN ACT to add two categories to the milk adulteration categories; to add such categories to the unlawful milk definition, and to provide for additional testing authority and correct certain existing testing standards.

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

1 SECTION 1. Section one hundred ninety point four (190.4), Code 1966,
 2 is hereby amended by adding thereto the following two new subsections:
 3 "If obtained from a cow which has consumed chemical, medicinal, or
 4 radioactive agents capable of being secreted in milk.
 5 If obtained from a cow in a mastitic condition."

1 SEC. 2. Section one hundred ninety-four point four (194.4), Code 1966,
 2 is hereby amended as follows:

3 1. By inserting in line fifteen (15) after the word "deterioration" the
 4 words ", or which contains matter evidencing production from a mastitic
 5 cow; or which contains chemicals, medicines, or radioactive agents deleterious
 6 to health".

7 2. By adding thereto the following:

8 "At least four times in every six-month period a test shall be made
 9 of each producer's milk to determine the existence of evidence of produc-
 10 tion from mastitic cows. The secretary shall determine and promulgate the
 11 standards and methods of testing the milk for this purpose being guided by
 12 recommendations or regulations established by federal agencies regulating
 13 in this field."

1 SEC. 3. Section one hundred ninety-four point six (194.6), Code 1966,
 2 is hereby amended as follows:

3 1. By striking lines six (6) through eight (8), inclusive, and inserting in
 4 lieu thereof the following:

5 "approved test for that purpose, except that testing shall be done in an
 6 officially designated laboratory at least once every thirty days where a
 7 standard plate count or an equivalent plate counting procedure is used."

8 2. By inserting in line sixteen (16) after the word "count" the words
9 "(standard plate count or equivalent)".

1 SEC. 4. Section one hundred ninety-four point nine (194.9), Code 1966,
2 is hereby amended by inserting in line five (5) after the word "million"
3 the words ", or which contains material evidencing production from a mas-
4 titic cow; or which contains chemicals, medicines, or radioactive agents
5 deleterious to health,".

Approved June 5, 1969.

CHAPTER 148

CERTIFIED SEED

H. F. 497

AN ACT relating to certified seed.

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

1 SECTION 1. Section one hundred ninety-nine point seven (199.7),
2 Code 1966, is hereby repealed and the following enacted in lieu thereof:
3 "The classes of certified seed shall be foundation, registered, and certified
4 and shall be recognized by the certifying agency.
5 It shall be unlawful for any person to sell, offer for sale, or expose for
6 sale in the state:
7 1. Any agricultural seed, including seed potatoes, as a recognized class
8 of certified seed unless:
9 a. Such seed has been certified by a duly constituted state authority
10 or state association recognized by the Iowa secretary of agriculture.
11 b. Each container bears an official label approved by the certifying
12 agency stating that the seed has met the certification requirements estab-
13 lished by the certifying agency.
14 c. Each container of the certified class of certified seed bears a label
15 blue in color with the word 'certified' thereon.
16 d. Each container of the foundation and registered classes of certified
17 seed bears a label with a color or colors approved by the certifying agency.
18 2. Any agricultural seed, including seed potatoes, with a blue label unless
19 such seed is a class of certified seed."

1 SEC. 2. Section one hundred ninety-nine point nine (199.9), Code
2 1966, is hereby amended by adding thereto the following sentence:
3 "The provisions of section one hundred ninety-nine point seven (199.7)
4 shall not be interpreted to restrict the color of the container."

Approved June 2, 1969.

CHAPTER 149

MARIJUANA AND OTHER DRUGS

H. F. 516

AN ACT relating to depressant, stimulant, and hallucinogenic drugs.

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

1 SECTION 1. Chapter one hundred eighty-nine (189), section one (1),
2 subsection three (3), Acts of the Sixty-second General Assembly, is hereby
3 amended by striking from line three (3) the words "prior to the effective
4 date of this Act".

1 SEC. 2. Chapter one hundred eighty-nine (189), section ten (10), Acts
2 of the Sixty-second General Assembly, is hereby amended as follows:

3 1. By inserting in line one (1) after the word "provisions" the words
4 "of sections three (3) or seven (7)".

5 2. By adding the following:

6 "Any person who violates any of the provisions of sections four (4) or
7 five (5) of this Act shall upon conviction for a first offense be subject to a
8 fine of not more than five hundred dollars. On conviction for any second
9 offense, such person shall be subject to a fine of not more than one thou-
10 sand dollars or imprisonment in the county jail for not more than one year,
11 or both such fine and imprisonment. In any case where the evidence shows
12 that records were kept that were intentionally incorrect to conceal an il-
13 legal diversion of drugs, such person shall be guilty of a felony and shall
14 be punished as provided for violations of sections three (3) and seven (7)
15 of this Act."

16 3. By inserting in line four (4) after the word "imprisonment" the words
17 "in the penitentiary".

1 SEC. 3. Chapter one hundred eighty-nine (189), section eleven (11),
2 Acts of the Sixty-second General Assembly, is hereby amended as follows:

3 1. By inserting in line six (6) after the word "imprisonment" the words
4 "in the penitentiary".

5 2. By inserting in line nine (9) after the word "imprisonment" the words
6 "in the penitentiary".

1 SEC. 4. Section two hundred four point twenty (204.20), Code 1966, is
2 hereby amended by adding thereto the following new subsection:

3 "5. Any person violating this chapter by possessing, purchasing, or at-
4 tempting to purchase marijuana in such quantity that it can logically be
5 inferred that such marijuana is intended for personal use only and is not
6 held for sale to others, and such marijuana is not part of any other narcotic
7 drug, shall be guilty of possession of marijuana for personal use and shall,
8 upon a first conviction after July 1, 1969, be imprisoned in the county jail
9 not to exceed six months or be fined not to exceed one thousand dollars, or
10 both. All or any part of the sentence may be suspended or such person may
11 be granted probation upon a finding by the court that a recurrence of a
12 violation of this chapter by such person is not likely. Any person violating
13 this chapter by possession, purchasing, or attempting to purchase mari-
14 juana in such quantity that it can logically be inferred that such mari-
15 juana is intended for sale shall be guilty of possession of marijuana held
16 for sale and shall be punished as provided in subsection one (1) of this sec-

17 tion. Possession of marijuana for personal use shall be a lesser included
 18 offense of possession of marijuana held for sale. Second and subsequent
 19 offenses of possession of marijuana for whatever purpose shall be punished
 20 as provided in subsection one (1) of this section."

Approved June 6, 1969.

CHAPTER 150

PESTICIDES IN PUBLIC WATERS

H. F. 165

AN ACT relating to the use of pesticides in relation to public waters.

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

1 SECTION 1. Section two hundred six point three (206.3), Code 1966,
 2 subsection two (2), paragraph "d", line five (5), is amended by striking the
 3 word and figures "section 135.18" and inserting in lieu thereof the words and
 4 figures "chapter four hundred fifty-five B (455B)".

Approved March 14, 1969.

CHAPTER 151

MOISTURE-MEASURING DEVICES

H. F. 548

AN ACT to provide for the testing or inspecting by the Iowa department of agriculture of devices used in this state in testing or measuring the moisture content of agricultural products offered for sale, processing, or storage and to make an appropriation therefor.

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

1 SECTION 1. As used in this Act:
 2 1. "Secretary" means the secretary of agriculture.
 3 2. "Department" means the Iowa department of agriculture.
 4 3. "Moisture-measuring devices" means any device or instrument used
 5 by any person in proving or ascertaining the moisture content of agricul-
 6 tural products.
 7 4. "Agricultural products" means any product of agricultural activity
 8 which is tested for moisture content when offered for sale, processing, or
 9 storage.
 10 5. "Person" means an individual, corporation, partnership, cooperative
 11 association, or two or more persons having a joint or common interest in

12 the same venture and shall include the United States, the state, or any
13 subdivision of either.

1 SEC. 2. The department shall inspect or cause to be inspected at
2 least annually every moisture-measuring device used in commerce in this
3 state, except those belonging to the United States or the state, or any sub-
4 division of either, except as herein provided. The department may inspect
5 or cause to be inspected at the convenience of the department any mois-
6 ture-measuring device upon a request in writing from the owner thereof.

1 SEC. 3. The department is hereby charged with the enforcement of
2 this Act and, after due publicity and due public hearing, is empowered to
3 establish rules, regulations, specifications, standards, and tests as may be
4 necessary in order to secure the efficient administration of this Act. Pub-
5 licity concerning the public hearing shall be reasonably calculated to give
6 interested parties adequate notice and adequate opportunity to be heard.
7 In establishing such rules, regulations, specifications, standards, and tests
8 the department may use such specifications and tolerances established in
9 section two hundred fifteen point eighteen (215.18) of the Code, or those
10 specifications and tolerances established by the United States department
11 of agriculture, until established by the United States bureau of standards.
12 The department may from time to time publish such data in connection
13 with the administration of this Act as may be of public interest.

1 SEC. 4. The department may at its discretion designate an employee
2 or officer of the department to act for the department in any details con-
3 nected with the administration of this Act.

1 SEC. 5. If an inspection or comparative test reveals that the moisture-
2 measuring device being inspected or tested conforms to the standards and
3 specifications established by the department, the department shall cause
4 the same to be marked with an appropriate seal. Any moisture-measuring
5 device which upon inspection is found not to conform with the specifica-
6 tions and standards established by the department shall be marked with
7 an appropriate seal showing such device to be defective, which seal shall
8 not be altered or removed until said moisture-measuring device is properly
9 repaired and reinspected. The owner or user of such device shall be notified
10 of such defective condition by the department or its properly designated
11 employees on an inspection form prepared by the department.

1 SEC. 6. Any defective moisture-measuring device, while so marked,
2 sealed, or tagged, as provided in section five (5) of this Act, may be used
3 to ascertain the moisture content of agricultural products offered for sale,
4 processing, or storage, only under the following conditions:

5 1. The person shall keep a record, open to inspection, of every commer-
6 cial sample of agricultural products inspected by the tagged device, show-
7 ing that an adjustment was made on all such agricultural products tested.

8 2. The device shall be repaired to comply with section five (5) of this
9 Act within a period of thirty days, and the department thereupon notified.
10 If, upon reinspection, the device is again rejected under the provisions
11 of section five (5) of this Act, such device shall be sealed and shall not be
12 used until repaired and reinspected.

1 SEC. 7. Every device used to ascertain the moisture content of agri-
2 cultural products offered for sale, processing, or storage shall be used in a
3 location visible to the general public and the detailed procedure for operat-
4 ing a moisture-measuring device shall be displayed in a conspicuous place
5 close to the moisture-measuring device.

1 SEC. 8. After September 1, 1970, no person shall use or cause to be
2 used any grain moisture-measuring device which has not been inspected
3 and approved for use by the department; except that after September 1,
4 1970, a newly purchased grain moisture-measuring device may be used
5 prior to regular inspection and approval if the user of such device has given
6 notice to the department of the purchase and before use of such new device.

1 SEC. 9. The department shall charge, assess, and cause to be collected
2 at the time of inspection an inspection fee of ten dollars for the first mois-
3 ture-measuring device required to be inspected under this Act, and for
4 each additional moisture-measuring device inspected at the same time the
5 fee shall be five dollars.

6 A fee of ten dollars shall be charged for each device subject to reinspec-
7 tion under section five (5) of this Act. All moneys received by the depart-
8 ment under the provisions of this Act shall be handled in the same man-
9 ner as "repayment receipts" as defined in chapter eight (8) of the Code,
10 and shall be used for the administration and enforcement of the provisions
11 of this Act.

1 SEC. 10. Every person who uses or causes to be used a moisture-
2 measuring device in commerce with knowledge that such device has not
3 been inspected and approved by the department in accordance with the
4 provisions of this Act shall be guilty of a misdemeanor and upon convic-
5 tion shall be punished by a fine not exceeding one hundred dollars or by
6 imprisonment in the county jail for a period not to exceed thirty days or
7 both such fine and imprisonment.

1 SEC. 11. There is hereby appropriated to the state department of agri-
2 culture from the general fund of the state of Iowa for the biennium begin-
3 ning July 1, 1969 and ending June 30, 1971, the sum of fifty thousand
4 (50,000) dollars, or so much thereof as may be necessary, for use in em-
5 ploying personnel and defraying other expenses for inspection of mois-
6 ture-measuring devices.

Approved May 22, 1969.

CHAPTER 152

SOCIAL SERVICES STATUTES CO-ORDINATION

H. F. 435

AN ACT to coordinate various statutes with the department of social services Act.

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

1 SECTION 1. Chapter two hundred nine (209), Acts of the Sixty-second
2 General Assembly, section thirteen (13), line six (6), is amended by insert-
3 ing after the words "Mount Pleasant" the word "Mental".

1 SEC. 2. Chapter two hundred nine (209), Acts of the Sixty-second Gen-
2 eral Assembly, section sixteen (16), line four (4), is amended by inserting
3 after the word "Penitentiary" the words "and the Iowa security medical
4 facility".

5 Further amend said section by inserting at the end thereof the following
6 new subsection:

7 "Establish and operate a system of rehabilitation camps within the state.
8 The department of social services may designate appropriate facilities of
9 the department as a part of this camp system. Persons committed to in-
10 stitutions under the department may be transferred to the facilities of the
11 camp system and upon transfer shall be subject to the same laws as per-
12 tain to the transferring institution."

1 SEC. 3. Chapter two hundred nine (209), Acts of the Sixty-second
2 General Assembly is amended by striking section twenty (20).

1 SEC. 4. Chapter two hundred nine (209), Acts of the Sixty-second
2 General Assembly, section twenty-six (26), line one (1), is amended by
3 striking the word "Chapter" and inserting in lieu thereof the word "Section".

1 SEC. 5. Chapter two hundred nine (209), Acts of the Sixty-second Gen-
2 eral Assembly, section forty-one (41), line thirteen (13), is amended by
3 striking the word "department" and inserting in lieu thereof the word "di-
4 vision".

1 SEC. 6. Chapter two hundred nine (209), Acts of the Sixty-second
2 General Assembly, section forty-eight (48), line ten (10), is amended by
3 striking the word "superintendent" and inserting in lieu thereof the words
4 "superintendents of the Iowa security medical facility and".

1 SEC. 7. Chapter two hundred nine (209), Acts of the Sixty-second Gen-
2 eral Assembly, section two hundred seven (207), is amended by striking all
3 of subsection two (2).

1 SEC. 8. Chapter two hundred nine (209), Acts of the Sixty-second Gen-
2 eral Assembly, section two hundred eight (208), is amended by striking all
3 of subsection two (2).

1 SEC. 9. Chapter two hundred nine (209), Acts of the Sixty-second Gen-
2 eral Assembly, section two hundred twenty-four (224), line four (4), is
3 amended by striking the word "state".

1 SEC. 10. Chapter two hundred nine (209), Acts of the Sixty-second
2 General Assembly, sections two hundred seventy-nine (279), to two hun-
3 dred eighty-three (283), inclusive, are repealed.

1 SEC. 11. Chapter two hundred nine (209), Acts of the Sixty-second
2 General Assembly, section two hundred eighty-six (286), line five (5), is
3 amended by striking the words "As used in this chapter:".

1 SEC. 12. Chapter two hundred nine (209), Acts of the Sixty-second
2 General Assembly, section three hundred forty-five (345), is amended by
3 striking all of subsection two (2).

1 SEC. 13. Chapter two hundred nine (209), Acts of the Sixty-second
2 General Assembly, section three hundred fifty-five (355), is amended by
3 striking all of subsections two (2) and three (3).

1 SEC. 14. Chapter two hundred nine (209), Acts of the Sixty-second
2 General Assembly, section three hundred seventy-nine (379), subsection
3 three (3) is amended by inserting after the figures "(15)" the words "of
4 said section".

5 Further amend said section, subsection four (4) by inserting after the
6 figures "(17)" the words "of said section".

7 Further amend said section, subsection five (5) by inserting after the
8 figures "(21)" the words "of said section".

9 Further amend said section, subsection six (6) by inserting after the
10 figures "(23)" the words "of said section".

11 Further amend said section, subsection seven (7) by inserting after the
12 figures "(30)" the words "of said section".

1 SEC. 15. Chapter two hundred nine (209), Acts of the Sixty-second
2 General Assembly, is amended by striking section three hundred ninety-
3 one (391).

1 SEC. 16. Chapter two hundred nine (209), Acts of the Sixty-second
2 General Assembly, is amended by striking section three hundred ninety-
3 two (392).

1 SEC. 17. Chapter ninety-five (95), Acts of the Sixty-second General
2 Assembly, section three (3), lines thirty-six (36) and thirty-seven (37), is
3 amended by striking the words "board of control of state institutions or
4 its successor" and inserting in lieu thereof the words "department of so-
5 cial services".

6 Further amend said section, line sixty-nine (69), by striking the words
7 "board of control of state institutions" and inserting in lieu thereof the
8 words "department of social services".

1 SEC. 18. Chapter one hundred seven (107), Acts of the Sixty-second
2 General Assembly, section two (2), line fifteen (15), is amended by strik-
3 ing the words "board of control, board of social welfare" and inserting in
4 lieu thereof the words "department of social services".

1 SEC. 19. Chapter one hundred ninety-one (191), Acts of the Sixty-
2 second General Assembly, section one (1), line four (4), is amended by
3 striking the words "board of control" and inserting in lieu thereof the words
4 "department of social services".

1 SEC. 20. Chapter one hundred ninety-two (192), Acts of the Sixty-
2 second General Assembly, is repealed.

1 SEC. 21. Chapter one hundred ninety-three (193), Acts of the Sixty-
2 second General Assembly, section one (1), is amended by striking lines four
3 (4) through seven (7) and inserting in lieu thereof the following:

4 "The department may establish and maintain a permanent operating
5 fund for each canteen. The fund shall consist of the receipts from the sale
6 of commodities at the canteen."

1 SEC. 22. Chapter one hundred ninety-four (194), Acts of the Sixty-
2 second General Assembly, section one (1), line three (3), is amended by
3 striking the words "board of control" and inserting in lieu thereof the words
4 "department of social services".

5 Further amend said section by striking from line seven (7) the words
6 "board of control" and inserting in lieu thereof the word "department".

1 SEC. 23. Chapter one hundred ninety-seven (197), Acts of the Sixty-
2 second General Assembly, section three (3), lines two (2) and three (3), is
3 amended by striking the words "board of welfare, board of control" and
4 inserting in lieu thereof the words "department of social services".

1 SEC. 24. Chapter one hundred ninety-eight (198), Acts of the Sixty-
2 second General Assembly, section two (2), is amended by striking all of
3 subsection four (4) and inserting in lieu thereof the following:

4 "4. 'Department' means the department of social services."

1 SEC. 25. Chapter one hundred ninety-eight (198), Acts of the Sixty-
2 second General Assembly, section three (3), line one (1), is amended by
3 striking the words "board of control of state institutions" and inserting in
4 lieu thereof the words "department of social services".

1 SEC. 26. Chapter one hundred ninety-eight (198), Acts of the Sixty-
2 second General Assembly, section four (4), line four (4), is amended by
3 striking the words "the state department of social welfare,".

4 Further amend said section, line five (5), by striking the words "board
5 of control" and inserting in lieu thereof the words "state department of
6 social services".

1 SEC. 27. Chapter one hundred ninety-eight (198), Acts of the Sixty-
2 second General Assembly, section five (5), line one (1), is amended by strik-
3 ing the word "board" and inserting in lieu thereof the word "department".

1 SEC. 28. Chapter one hundred ninety-eight (198), Acts of the Sixty-
2 second General Assembly, section ten (10), line three (3), is amended by
3 striking the words "board of control" and inserting in lieu thereof the words
4 "department of social services".

5 Further amend said section, line four (4), by striking the word "board"
6 and inserting in lieu thereof the word "department".

1 SEC. 29. Chapter one hundred ninety-nine (199), Acts of the Sixty-
2 second General Assembly, section one (1), lines four (4), and five (5), is
3 amended by striking the words "board of control of state institutions" and
4 inserting in lieu thereof the words "department of social services".

1 SEC. 30. Chapter one hundred ninety-nine (199), Acts of the Sixty-
2 second General Assembly, section two (2), line six (6), is amended by strik-
3 ing the word "board" and inserting in lieu thereof the word "department".

1 SEC. 31. Chapter one hundred ninety-nine (199), Acts of the Sixty-
2 second General Assembly, section three (3), lines two (2) and three (3), is
3 amended by striking the words "board of control" and inserting in lieu
4 thereof the words "department of social services".

5 Further amend said section, line nine (9), by striking the words "board
6 of control" and inserting in lieu thereof the words "department of social
7 services".

1 SEC. 32. Chapter one hundred ninety-nine (199), Acts of the Sixty-
2 second General Assembly, section four (4), lines three (3) and four (4), is
3 amended by striking the words "board of control" and inserting in lieu
4 thereof the words "department of social services".

1 SEC. 33. Chapter one hundred ninety-nine (199), Acts of the Sixty-
2 second General Assembly, section eight (8), line nine (9), is amended by
3 striking the words "board of control" and inserting in lieu thereof the words
4 "department of social services".

5 Further amend said section by striking from line twenty-nine (29) the
6 words "board of control" and inserting in lieu thereof the words "depart-
7 ment of social services".

1 SEC. 34. Chapter one hundred ninety-nine (199), Acts of the Sixty-
2 second General Assembly, sections ten (10) and eleven (11) are repealed.

1 SEC. 35. Chapter one hundred ninety-nine (199), Acts of the Sixty-
2 second General Assembly, section fourteen (14), line seven (7), is amended
3 by striking the word "board" and inserting in lieu thereof the word "de-
4 partment".

1 SEC. 36. Chapter one hundred ninety-nine (199), Acts of the Sixty-
2 second General Assembly, section sixteen (16), line five (5), is amended by

3 striking the word "board" and inserting in lieu thereof the word "depart-
4 ment".

1 SEC. 37. Chapter two hundred six (206), Acts of the Sixty-second Gen-
2 eral Assembly, section three (3), line three (3), is amended by striking the
3 word "welfare" and inserting in lieu thereof the word "services".

1 SEC. 38. Chapter two hundred six (206), Acts of the Sixty-second Gen-
2 eral Assembly, section four (4), line four (4), is amended by striking the
3 word "welfare" and inserting in lieu thereof the word "services".

1 SEC. 39. Chapter two hundred thirteen (213), Acts of the Sixty-second
2 General Assembly, section one (1), line three (3), is amended by striking the
3 word "board" and inserting in lieu thereof the word "department".

4 Further amend said section, line six (6), by striking the word "board"
5 and inserting in lieu thereof the word "department".

6 Further amend said section, line ten (10), by striking the word "board"
7 and inserting in lieu thereof the word "department".

1 SEC. 40. Chapter two hundred thirteen (213), Acts of the Sixty-second
2 General Assembly, section two (2), line three (3), is amended by striking
3 the word "board" and inserting in lieu thereof the word "department".

4 Further amend said section, line six (6), by striking the word "board"
5 and inserting in lieu thereof the word "department".

6 Further amend said section, line ten (10), by striking the word "board"
7 and inserting in lieu thereof the word "department".

1 SEC. 41. Chapter two hundred thirteen (213), Acts of the Sixty-second
2 General Assembly, section three (3), line three (3), is amended by striking
3 the word "board" and inserting in lieu thereof the word "department".

4 Further amend said section, line six (6), by striking the word "board"
5 and inserting the word "department".

6 Further amend said section, line ten (10), by striking the word "board"
7 and inserting in lieu thereof the word "department".

1 SEC. 42. Chapter two hundred thirteen (213), Acts of the Sixty-second
2 General Assembly, section four (4), line three (3), is amended by striking
3 the word "board" and inserting in lieu thereof the word "department".

4 Further amend said section, line six (6), by striking the word "board"
5 and inserting in lieu thereof the word "department".

6 Further amend said section, line ten (10), by striking the word "board"
7 and inserting in lieu thereof the word "department".

1 SEC. 43. Chapter two hundred seventeen (217), Acts of the Sixty-
2 second General Assembly, section one (1), line one (1), is amended by strik-
3 ing the words "board of control" and inserting in lieu thereof the words
4 "department of social services".

5 Further amend said section, line three (3), by striking the word
6 "board's" and inserting in lieu thereof the word "departments".

1 SEC. 44. Chapter two hundred seventeen (217), Acts of the Sixty-second
2 General Assembly, section two (2), line one (1), is amended by striking the

3 words "corrective institutions" and inserting in lieu thereof the words "the
4 division of corrections".

5 Further amend said section, line two (2), by striking the word "board"
6 and inserting in lieu thereof the word "department".

1 SEC. 45. Chapter two hundred seventeen (217), Acts of the Sixty-second
2 General Assembly, section three (3), line one (1), is amended by striking
3 the word "board" and inserting in lieu thereof the word "department".

1 SEC. 46. Chapter two hundred twenty (220), Acts of the Sixty-second
2 General Assembly, section two (2), line one (1), is amended by striking the
3 words "board of control" and inserting in lieu thereof the words "depart-
4 ment of social services".

5 Further amend said section, line three (3), by striking the word "board"
6 and inserting in lieu thereof the word "department".

1 SEC. 47. Chapter two hundred twenty (220), Acts of the Sixty-second
2 General Assembly, section three (3), line one (1), is amended by striking
3 the words "board of control" and inserting in lieu thereof the word "de-
4 partment".

1 SEC. 48. Chapter two hundred twenty (220), Acts of the Sixty-second
2 General Assembly, section five (5), line one (1), is amended by striking the
3 word "board" and inserting in lieu thereof the word "department".

4 Further amend said section, line five (5), by striking the word "board"
5 and inserting in lieu thereof the word "department".

1 SEC. 49. Chapter two hundred twenty (220), Acts of the Sixty-second
2 General Assembly, section seven (7), subsection three (3), line three (3), is
3 amended by striking the words "department of welfare" and inserting in
4 lieu thereof the words "department of social services".

1 SEC. 50. Chapter two hundred twenty (220), Acts of the Sixty-second
2 General Assembly, section eight (8), line three (3), is amended by striking
3 the words "board of control" and inserting in lieu thereof the words "de-
4 partment of social services".

1 SEC. 51. Chapter two hundred twenty-two (222), Acts of the Sixty-
2 second General Assembly, section one (1), line eight (8), is amended by
3 striking the word "board" and inserting in lieu thereof the word "depart-
4 ment".

1 SEC. 52. Chapter two hundred twenty-three (223), Acts of the Sixty-
2 second General Assembly, section three (3) is amended by striking subsec-
3 tion one (1) and inserting in lieu thereof the following:

4 "1. The terms 'department' or 'state department' shall mean the state
5 department of social services."

1 SEC. 53. Chapter two hundred twenty-three (223), Acts of the Sixty-
2 second General Assembly, section five (5), line one (1), is amended by strik-
3 ing the word "board" and inserting in lieu thereof the word "department".

4 Further amend said section, line seven (7), by striking the word "board"
5 and inserting in lieu thereof the word "department".

6 Further amend said section, line nineteen (19), by striking the word
7 "board" and inserting in lieu thereof the word "department".

8 Further amend said section, line twenty-nine (29), by striking the words

9 "said board" and inserting in lieu thereof the words "such department".

10 Further amend said section, line twenty-nine (29), by striking the second
11 word "board" and inserting in lieu thereof the word "department".

12 Further amend said section, line seventy-four (74), by striking the words
13 "state board" and inserting in lieu thereof the words "commissioner of the
14 department of social services or his authorized representative".

15 Further amend said section, line eighty-one (81), by striking the words
16 "state board" and inserting in lieu thereof the word "commissioner".

17 Further amend said section, lines eighty-three (83) and eighty-four (84),
18 by striking the words "state department of social welfare or upon any mem-
19 ber of the state board" and inserting in lieu thereof the words "commissioner
20 of the department of social services or his authorized representative".

21 Further amend said section, line eighty-six (86), by striking the words
22 "state board" and inserting in lieu thereof the words "commissioner or his
23 authorized representative".

24 Further amend said section, line ninety (90), by striking the words
25 "state board" and inserting in lieu thereof the word "commissioner".

26 Further amend said section, line ninety (90), by striking the word "it"
27 and inserting in lieu thereof the word "he".

28 Further amend said section, line ninety-one (91), by striking the word
29 "its" and inserting in lieu thereof the word "his".

1 SEC. 54. Chapter two hundred twenty-three (223), Acts of the Sixty-
2 second General Assembly, section nine (9), line forty-seven (47), is amend-
3 ed by striking the word "board" and inserting in lieu thereof the word
4 "department".

1 SEC. 55. Chapter two hundred forty-four (244), Acts of the Sixty-
2 second General Assembly, section one (1), is amended by striking sub-
3 section three (3).

1 SEC. 56. Chapter three hundred five (305), Acts of the Sixty-second
2 General Assembly, section one (1), line four (4), is amended by striking the
3 words "board of control" and inserting in lieu thereof the words "depart-
4 ment of social services".

5 Further amend said section, line seven (7), by striking the words "board
6 of control" and inserting in lieu thereof the words "department of social
7 services".

8 Further amend said section, line thirteen (13), by striking the words
9 "board of control" and inserting in lieu thereof the words "department of
10 social services".

11 Further amend said section, line seventeen (17), by striking the words
12 "board of control" and inserting in lieu thereof the words "department of
13 social services".

14 Further amend said section, line eighteen (18), by striking the word
15 "board" and inserting in lieu thereof the word "department".

16 Further amend said section, line twenty (20), by striking the word
17 "board" and inserting in lieu thereof the word "department".

18 Further amend said section, line twenty-two (22), by striking the word
19 "board" and inserting in lieu thereof the word "department".

20 Further amend said section, line twenty-seven (27), by striking the word
21 "board" and inserting in lieu thereof the word "department".

22 Further amend said section, line twenty-eight (28), by striking the word
23 "board" and inserting in lieu thereof the word "department".

24 Further amend said section, line thirty-two (32), by striking the word
25 "board" and inserting in lieu thereof the word "department".

1 SEC. 57. Section two hundred twenty-five B point two (225B.2), Code
2 1966, lines four (4) and five (5), is amended by striking the words "the
3 director of mental health of the state board of control".

4 Further amend said section by striking from lines ten (10) to thirteen
5 (13), inclusive, the words "a member of the state board of control appoint-
6 ed by the board, a member of the state board of social welfare appointed
7 by the board," and inserting in lieu thereof the words "the commissioner of
8 the state department of social services and the director of mental health
9 of the state department of social services,".

1 SEC. 58. Section two hundred twenty-five B point five (225B.5), Code
2 1966, line nine (9), is amended by striking the words "board of control"
3 and inserting in lieu thereof the words "department of social services".

1 SEC. 59. Section two hundred thirty-two point thirty-three (232.33),
2 Code 1966, subsection three (3), is amended by striking all of paragraph
3 "b" and inserting in lieu thereof the following:

4 "b. The county department of social welfare or the state department of
5 social services."

1 SEC. 60. Section two hundred thirty-four point nine (234.9), Code
2 1966, is amended by striking from lines sixteen (16) to twenty-two (22),
3 inclusive, the words "Within thirty days after the effective date of this
4 chapter the board of supervisors shall appoint the members of the county
5 board, which members shall serve until their successors are appointed as
6 hereinafter provided. Commencing with the year 1938, and annually there-
7 after," and inserting in lieu thereof the word "Annually".

1 SEC. 61. Section two hundred thirty-six point thirteen (236.13), Code
2 1966, is repealed.

1 SEC. 62. Section two hundred forty-nine point twelve (249.12), Code
2 1966, line seven (7), is amended by inserting after the word "or" the words
3 "any member".

1 SEC. 63. Section two hundred forty-nine point thirty-two (249.32),
2 Code 1966, line twenty-two (22), is amended by striking the word and figures
3 "section 670.2" and inserting in lieu thereof the words and figures "chapter
4 six hundred thirty-three (633)".

1 SEC. 64. Section four hundred twenty-two point forty-five (422.45),
2 Code 1966, subsection five (5), line six (6), is amended by striking the words
3 "board of control of state institutions" and inserting in lieu thereof the
4 words "state department of social services".

5 Further amend said section, subsection seven (7), line four (4), by strik-
6 ing the words "board of control of state institutions" and inserting in lieu
7 thereof the words "state department of social services".

1 SEC. 65. Section four hundred forty-seven point nine (447.9), Code
2 1966, is amended by striking from the last line the words "board of social
3 welfare" and by inserting in lieu thereof the words "department of social
4 services".

1 SEC. 66. Section six hundred point two (600.2), Code 1966, line one
2 (1), is amended by striking the word "welfare" and inserting in lieu thereof
3 the word "services".

4 Further amend said section, line twenty-four (24), by striking the word
5 "welfare" and inserting in lieu thereof the word "services".

1 SEC. 67. Chapter two hundred nine (209), Acts of the Sixty-second
2 General Assembly, is hereby amended by adding the following sections:

3 **"Official seal.** The department shall have an official seal with the
4 words 'Iowa Department of Social Services' and such other design as the
5 department prescribes engraved thereon. Every commission, order or other
6 paper of an official nature executed by the department may be attested
7 with such seal."

8 **"Expenses.** The commissioner of said department, his staff, assistants
9 and employees shall, in addition to salary, receive their necessary travel-
10 ing expenses by the nearest traveled and practicable route, when engaged
11 in the performance of official business."

12 **"Trips to other states.** No authority shall be granted to any person
13 to travel to another state except by approval of the commissioner and the
14 executive council."

15 **"Annual report.** The department shall, annually, at the time provided
16 by law make a report to the governor and general assembly, and cover
17 therein the annual period ending with June 30 preceding, which report
18 shall embrace:

19 1. An itemized statement of its expenditures concerning each program
20 under its administration.

21 2. Adequate and complete statistical reports for the state as a whole
22 concerning all payments made under its administration.

23 3. Such recommendations as to changes in laws under its administration
24 as the commissioner may deem necessary.

25 4. The observations and recommendations of the commissioner and the
26 council of social services relative to the programs of the department.

27 5. Such other information as the commissioner or council of social serv-
28 ices may deem advisable, or which may be requested by the governor or
29 by the general assembly."

1 SEC. 68. Chapter two hundred seventeen (217), Code 1966, is hereby
2 repealed.

1 SEC. 69. Section two hundred thirty-four point six (234.6), Code 1966,
2 is amended by striking subsection one (1), as amended by chapter two hun-
3 dred nine (209), Acts of the Sixty-second General Assembly, section two
4 hundred sixteen (216).

1 SEC. 70. Chapter two hundred nine (209), Acts of the Sixty-second
2 General Assembly, section twenty-four (24), line four (4), is amended by
3 striking the words "a director of a division of".

1 SEC. 71. Chapter two hundred nine (209), Acts of the Sixty-second
2 General Assembly, section twenty-six (26), line four (4), is amended by
3 striking the words "a director of the division of".

1 SEC. 72. Chapter two hundred nine (209), Acts of the Sixty-second
 2 General Assembly, section twenty-seven (27), line four (4), is amended by
 3 striking the words "Directors of divisions of the".

Approved May 22, 1969.

CHAPTER 153

PENAL INSTITUTIONS FURLOUGH PLAN

H. F. 681

AN ACT relating to an inmate furlough plan and its establishment by the department of social services.

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

1 SECTION 1. The commissioner of social services may establish for any
 2 inmate sentenced pursuant to section seven hundred eighty-nine point
 3 thirteen (789.13) of the Code a furlough program under which inmates
 4 sentenced to and confined in an institution under the jurisdiction of the
 5 department of social services may be temporarily released when an im-
 6 mediate member of the inmate's family is seriously ill or has died, or an in-
 7 mate is to be interviewed by a prospective employer, or an inmate is
 8 authorized to participate in a training program not available within the
 9 institution. The commissioner of social services shall promulgate rules and
 10 regulations to carry out the provisions of this Act.

Approved May 19, 1969.

CHAPTER 154

SOCIAL SERVICES CAMPS AND FACILITIES

H. F. 389

AN ACT to authorize the commissioner of the department of social services to operate facilities at locations away from institutional campuses.

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

1 SECTION 1. Section two hundred eighteen point one (218.1), Code 1966,
 2 as amended by chapter one hundred ninety-nine (199) and chapter two
 3 hundred nine (209), Acts of the Sixty-second General Assembly, is hereby
 4 amended by adding the following two subsections:
 5 "Camps."
 6 "Other facilities not attached to the campus of the main institution as
 7 program developments require."

Approved May 1, 1969.

CHAPTER 155

DEPARTMENT OF SOCIAL SERVICES CLAIMS

H. F. 164

AN ACT relating to claims and accounting in institutions under the department of social services.

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

1 SECTION 1. Section two hundred eighteen point eighty-four (218.84),
2 Code 1966, as amended by Acts of the Sixty-second General Assembly,
3 chapter two hundred nine (209), section ninety-seven (97), is repealed and
4 the following enacted in lieu thereof:

5 "The commissioner of the department of social services shall have sole
6 charge of abstracting and certifying claims for payment and the keeping of
7 a central system of accounts in institutions under his control."

Approved March 19, 1969.

CHAPTER 156

IOWA SOLDIERS HOME

H. F. 162

AN ACT relating to the Iowa soldiers home.

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

1 SECTION 1. Section two hundred nineteen point twenty-two (219.22),
2 Code 1966, is repealed.

1 SEC. 2. This Act shall not be construed to prejudice the rights of any
2 person which may have accrued under the law herein repealed.

Approved March 14, 1969.

CHAPTER 157

SPECIAL MENTAL RETARDATION UNIT

H. F. 5

AN ACT relating to establishment of a special mental retardation unit to be located at one of the state mental health institutes, prescribing the functions of the special unit, and providing for the administration and support thereof and the admission of patients.

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

1 SECTION 1. Chapter two hundred twenty-two (222), Code 1966, is here-
2 by amended by adding thereto sections two (2) through five (5), inclusive, of
3 this Act.

1 SEC. 2. The commissioner of social services may organize and establish
2 a special mental retardation unit at an existing institution which may pro-
3 vide:

4 1. Psychiatric and related services to mentally retarded children and

- 5 adults who are also emotionally disturbed or otherwise mentally ill.
 6 2. Specific programs to meet the needs of such other special categories
 7 of mentally retarded persons as may be designated by the commissioner.
 8 3. Appropriate diagnostic evaluation services.

1 SEC. 3. The commissioner may:

- 2 1. Designate a portion of the physical facilities of one of the mental health
 3 institutes to be occupied by the offices and facilities of the special unit.
 4 2. Determine the extent to which the special unit may effectively utilize
 5 services of the mental health institute staff, and what staff personnel should
 6 be employed for and assigned specifically to the special unit.

1 SEC. 4. The commissioner shall appoint a qualified superintendent of
 2 the special unit. The superintendent shall employ all staff personnel to be
 3 assigned specifically to the special unit, and shall have the same duties with
 4 respect to the special unit as are imposed upon superintendents of hospital-
 5 schools by section two hundred twenty-two point four (222.4) of the Code.

1 SEC. 5. In addition to any other manner of referral, admission, or com-
 2 mitment to the special unit provided for by chapter two hundred twenty-
 3 two (222) of the Code, as amended by this Act, persons may be referred
 4 directly to the special unit by courts, law enforcement agencies, or state
 5 penal or correctional institutions for services under subsection two (2) of
 6 section two (2) of this Act; but persons so referred shall not be admitted
 7 or committed unless a preadmission diagnostic evaluation indicates that the
 8 person would benefit from such services, and the admission or commitment
 9 of the person to the special unit would not cause the special unit's patient
 10 load to exceed its capacity.

1 SEC. 6. Section two hundred twenty-two point one (222.1), Code 1966,
 2 is hereby amended by adding thereto the following:
 3 "A special mental retardation unit may be maintained at one of the
 4 state mental health institutes for the purposes set forth in sections two (2)
 5 through five (5), inclusive, of this Act."

1 SEC. 7. Section two hundred twenty-two point two (222.2), Code 1966,
 2 as amended by chapter two hundred nine (209), Acts of the Sixty-second
 3 General Assembly, is hereby further amended as follows:

- 4 1. By inserting after subsection one (1) the following new subsection:
 5 "2. 'Special unit' means a special mental retardation unit established at
 6 a state mental health institute pursuant to this Act."
 7 2. By renumbering the succeeding subsections.

1 SEC. 8. Section two hundred twenty-two point five (222.5), Code 1966,
 2 is hereby amended as follows:

- 3 1. By inserting in line two (2) after the word "hospital-school" the
 4 words "or a special unit".
 5 2. By inserting in line three (3) after the word "hospital-school" the
 6 words "or a special unit".

1 SEC. 9. Section two hundred twenty-two point seven (222.7), Code
 2 1966, as amended by chapter two hundred nine (209), Acts of the Sixty-
 3 second General Assembly, is hereby further amended by inserting in line
 4 seven (7) after the word "former," the words "transfer patients in the hos-
 5 pital-schools to a special unit or vice versa,".

1 SEC. 10. Section two hundred twenty-two point eight (222.8), Code
2 1966, as amended by chapter two hundred nine (209), Acts of the Sixty-
3 second General Assembly, is hereby further amended by inserting in line
4 two (2) after the word "hospital-schools" the words "or a special unit".

1 SEC. 11. Section two hundred twenty-two point nine (222.9), Code
2 1966, is hereby amended as follows:

3 1. By inserting in line three (3) after the word "hospital-school" the
4 words "or a special unit".

5 2. By inserting in line eleven (11) after the word "hospital-school" the
6 words "or special unit".

1 SEC. 12. Section two hundred twenty-two point twelve (222.12), Code
2 1966, is hereby amended as follows:

3 1. By inserting in line three (3) after the word "hospital-school" the
4 words "or the special unit".

5 2. By inserting in line six (6) after the word "hospital-school" the words
6 "or a special unit".

7 3. By inserting in line twenty-six (26) after the word "hospital-school"
8 the words "or a special unit".

9 4. By striking from lines twenty-seven (27) and twenty-eight (28) the
10 word "hospital-school" and inserting in lieu thereof the word "institution".

1 SEC. 13. Section two hundred twenty-two point thirteen (222.13), Code
2 1966, as amended by chapter two hundred nine (209), Acts of the Sixty-
3 second General Assembly, is hereby further amended as follows:

4 1. By inserting in line sixteen (16) after the word "hospital-school."
5 the words "An application for admission to a special unit of any person
6 believed to be in need of any of the services provided by the special unit
7 under section two (2) of this Act may be made in the same manner, upon
8 request of the parent, guardian, or other person responsible for the handi-
9 capped person."

10 2. By striking from line twenty (20) the word "hospital-school" and
11 inserting in lieu thereof the word "institution".

1 SEC. 14. Section two hundred twenty-two point fourteen (222.14), Code
2 1966, is hereby amended as follows:

3 1. By striking from line one (1) the word "hospital-school" and insert-
4 ing in lieu thereof the word "institution".

5 2. By striking from lines seven (7) and eight (8) the word "hospital-
6 school" and inserting in lieu thereof the word "institution".

1 SEC. 15. Section two hundred twenty-two point fifteen (222.15), Code
2 1966, is hereby amended as follows:

3 1. By inserting in line four (4) after the word "hospital-school" the
4 words "or a special unit".

5 2. By striking from line six (6) the word "hospital-school" and inserting
6 in lieu thereof the word "institution".

1 SEC. 16. Section two hundred twenty-two point thirty-one (222.31),
2 Code 1966, as amended by chapter two hundred nine (209), Acts of the
3 Sixty-second General Assembly is hereby further amended as follows:

4 1. By inserting before the period at the end of line three (3) of subsec-
5 tion three (3) the words ", or to a special unit".

6 2. By inserting after the word "superintendent" in lines six (6) and seven

7 (7) of subsection three (3) the words "of the hospital-school or the special
8 unit,".

9 3. By striking from lines eight (8) and nine (9) of subsection three (3)
10 the words "the hospital-school or at such other" and inserting in lieu
11 thereof the word "such".

12 4. By inserting in line sixteen (16) of subsection three (3) after the word
13 "hospital-school" the words "or the special unit".

14 5. By striking from lines seventeen (17) and eighteen (18) of subsection
15 three (3) the words "the hospital-school" and inserting in lieu thereof the
16 words "such institution".

17 6. By striking from line twenty (20) of subsection three (3) the word
18 "hospital-school" and inserting in lieu thereof the word "institution".

1 SEC. 17. Section two hundred twenty-two point thirty-six (222.36),
2 Code 1966, is hereby amended by inserting in line two (2) after the word
3 "hospital-school" the words "or a special unit".

1 SEC. 18. Section two hundred twenty-two point thirty-seven (222.37),
2 Code 1966, is hereby amended by striking from lines six (6) and seven (7)
3 the words "or hospital-school" and inserting in lieu thereof the words
4 ", hospital-school, or special unit, as".

1 SEC. 19. Section two hundred twenty-two point thirty-eight (222.38),
2 Code 1966, is hereby amended by striking from line six (6) the words
3 "or hospital-school" and inserting in lieu thereof the words ", hospital-
4 school, or special unit".

1 SEC. 20. Section two hundred twenty-two point thirty-nine (222.39),
2 Code 1966, is hereby amended by striking from line two (2) the words
3 "or hospital-school" and inserting in lieu thereof the words ", hospital-
4 school, or special unit".

1 SEC. 21. Section two hundred twenty-two point forty-one (222.41),
2 Code 1966, is hereby amended by striking from lines three (3) and four (4)
3 the words "or hospital-school," and inserting in lieu thereof the words
4 ", hospital-school, or special unit".

1 SEC. 22. Section two hundred twenty-two point forty-two (222.42),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line three (3) the words "or hospital-school" and
4 inserting in lieu thereof the words ", a hospital-school, or a special unit".

5 2. By inserting in line eleven (11) after the word "hospital-school" the
6 words "or a special unit,".

1 SEC. 23. Section two hundred twenty-two point forty-three (222.43),
2 Code 1966, is hereby amended by adding thereto the following:

3 "Petitions for discharge or modification of an order of commitment to a
4 special unit may be made upon any of the foregoing grounds, when appli-
5 cable."

1 SEC. 24. Section two hundred twenty-two point forty-four (222.44),
2 Code 1966, is hereby amended by striking from line four (4) the words
3 "or hospital-school" and inserting in lieu thereof the words ", hospital-
4 school, or special unit,".

1 SEC. 25. Section two hundred twenty-two point forty-five (222.45),
2 Code 1966, is hereby amended by inserting in line six (6) after the words
3 "vice versa," the words "or transfer the person from a special unit to a
4 hospital-school, or vice versa,".

1 SEC. 26. Section two hundred twenty-two point fifty-one (222.51),
2 Code 1966, is hereby amended by striking from line four (4) the words
3 "or hospital-school" and inserting in lieu thereof the words "a hospital-
4 school, or a special unit,".

1 SEC. 27. Section two hundred twenty-two point fifty-nine (222.59),
2 Code 1966, as amended by chapter two hundred nine (209), Acts of the Six-
3 ty-second General Assembly, is hereby further amended as follows:

4 1. By striking from line one (1) the words "any hospital-school" and
5 inserting in lieu thereof the words "a hospital-school or a special unit".

6 2. By striking lines seven (7) and eight (8) and inserting in lieu thereof
7 the words "or special unit that the patient is unlikely to benefit from fur-
8 ther treatment, training, instruction, or care at the institution. Such action
9 shall be re-".

10 3. By striking from lines fifteen (15) and sixteen (16) the words "the
11 hospital-school" and inserting in lieu thereof the words "a hospital-school
12 or a special unit".

13 4. By inserting before the period at the end of line twenty-two (22) the
14 words "or special unit".

15 5. By inserting in line twenty-three (23) after the word "hospital-school"
16 the words "or a special unit".

17 6. By striking from lines twenty-five (25) and twenty-six (26) the words
18 "the hospital-school" and inserting in lieu thereof the words "such institu-
19 tion".

1 SEC. 28. Section two hundred twenty-two point sixty (222.60), Code
2 1966, is hereby amended by inserting after the word "retarded" in lines
3 six (6) and seven (7) the words ", or in a special unit,".

1 SEC. 29. Section two hundred twenty-two point sixty-one (222.61),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line four (4) the words "any hospital-school" and in-
4 serting in lieu thereof the words "a hospital-school or a special unit".

5 2. By inserting in line six (6) after the word "hospital-school" the words
6 "or a special unit".

1 SEC. 30. Section two hundred twenty-two point sixty-two (222.62),
2 Code 1966, is hereby amended by striking from line eight (8) the words
3 "of which" and inserting in lieu thereof the words "or the special unit
4 where".

1 SEC. 31. Section two hundred twenty-two point sixty-five (222.65),
2 Code 1966, as amended by chapter two hundred nine (209), Acts of the
3 Sixty-second General Assembly, is hereby further amended as follows:

4 1. By inserting in line five (5) of subsection one (1) of such section after
5 the word "hospital-school" the words "or a special unit".

6 2. By inserting in line four (4) of subsection two (2) of such section after
7 the word "hospital-school" the words "or a special unit".

1 SEC. 32. Section two hundred twenty-two point sixty-six (222.66), Code
2 1966, as amended by chapter two hundred nine (209), Acts of the Sixty-
3 second General Assembly, is hereby further amended as follows:

4 1. By inserting in line two (2) after the word "hospital-school" the
5 words "or a special unit".

6 2. By inserting in line nine (9) after the word "school" the words "or
7 the special unit".

1 SEC. 33. Section two hundred twenty-two point sixty-seven (222.67),
2 Code 1966, as amended by chapter two hundred nine (209), Acts of the Six-
3 ty-second General Assembly, is hereby further amended by inserting after
4 the word "hospital-school" in lines one (1) and two (2) the words "or a
5 special unit".

1 SEC. 34. Section two hundred twenty-two point sixty-eight (222.68),
2 Code 1966, is hereby amended by inserting in line four (4) after the word
3 "hospital-school" the words "or a special unit".

1 SEC. 35. Section two hundred twenty-two point sixty-nine (222.69),
2 Code 1966, as amended by chapter two hundred nine (209), Acts of the
3 Sixty-second General Assembly, is hereby further amended by inserting in
4 line three (3) after the word "hospital-school" the words "or a special unit".

1 SEC. 36. Section two hundred twenty-two point seventy (222.70),
2 Code 1966, as amended by chapter two hundred nine (209), Acts of the
3 Sixty-second General Assembly, is hereby further amended by inserting in
4 line five (5) after the word "school" the words "or a special unit".

1 SEC. 37. Section two hundred twenty-two point seventy-two (222.72),
2 Code 1966, is hereby amended by inserting in line six (6) after the word
3 "hospital-school" the words "or the special unit".

1 SEC. 38. Section two hundred twenty-two point seventy-three (222.73),
2 Code 1966, as amended by chapters one hundred ninety-six (196) and two
3 hundred nine (209), Acts of the Sixty-second General Assembly, is hereby
4 further amended as follows:

5 1. By striking lines one (1) and two (2) and inserting in lieu thereof the
6 following:

7 "The superintendent of each hospital-school and special unit shall certify
8 to the state comptrol-".

9 2. By striking from line four (4) the word "him" and inserting in lieu
10 thereof the words "the superintendent".

11 3. By striking from line six (6) the words "the hospital-schools" and in-
12 serting in lieu thereof the words "each hospital-school and special unit".

13 4. By striking lines twelve (12) and thirteen (13) and inserting in lieu
14 thereof the following:

15 "be the per-patient-per-day cost of the hospital-school or special unit,
16 as the case may be, multiplied by the number of days each".

17 5. By inserting in line sixteen (16) after the word "school" the words
18 "or special unit".

19 6. By inserting in line twenty-two (22) after the word "hospital-school"
20 the words "or special unit".

21 7. By striking lines twenty-five (25) through twenty-seven (27), inclusive,
22 and inserting in lieu thereof the following:

23 "such days into one hundred percent of the portion of the appropriation

24 for the hospital-school or special unit expended during such period, unless
25 otherwise specified in the biennial appropriations for support of such insti-
26 tutions. The amount charged for the treatment”.

1 SEC. 39. Section two hundred twenty-two point seventy-six (222.76),
2 Code 1966, is hereby amended by inserting in line six (6) after the word
3 “hospital-schools” the words “or a special unit”.

1 SEC. 40. Section two hundred twenty-two point seventy-seven (222.77),
2 Code 1966, is hereby amended as follows:

3 1. By inserting in line four (4) after the word “hospital-school” the words
4 “or a special unit”.

5 2. By striking from lines ten (10) and eleven (11) the words “the hospi-
6 tal-school support fund” and inserting in lieu thereof the words “the sup-
7 port fund of the hospital-school or special unit”.

1 SEC. 41. Section two hundred twenty-two point seventy-eight (222.78),
2 Code 1966, as amended by chapter two hundred nine (209), Acts of the
3 Sixty-second General Assembly, is hereby further amended as follows:

4 1. By inserting in line two (2) after the word “hospital-school” the words
5 “or to a special unit,”.

6 2. By inserting in line fifteen (15) after the word “school” the words
7 “or a special unit”.

1 SEC. 42. Section two hundred twenty-two point eighty-three (222.83),
2 Code 1966, is hereby amended as follows:

3 1. By striking from lines four (4) and five (5) the words “any hospital-
4 school” and inserting in lieu thereof the words “a hospital-school or a spe-
5 cial unit,”.

6 2. By striking from line eight (8) the words “in the hospital-schools”.

7 3. By inserting in line nine (9) after the word “hospital-school” the words
8 “or special unit”.

9 4. By inserting in line sixteen (16) after the word “hospital-school” the
10 words “or special unit”.

1 SEC. 43. Section two hundred twenty-two point eighty-four (222.84),
2 Code 1966, is hereby amended as follows:

3 1. By inserting in line two (2) after the word “school” the words “and
4 special unit”.

5 2. By striking the period in line three (3) and inserting in lieu thereof
6 the words “; provided that in the case of a special unit, the commissioner
7 may direct that the patients’ personal deposit fund be maintained and ad-
8 ministered as a part of the fund established, pursuant to sections two hun-
9 dred twenty-six point forty-three (226.43) through two hundred twenty-six
10 point forty-six (226.46), inclusive, by the mental health institute where the
11 special unit is located.”

1 SEC. 44. Section two hundred twenty-two point eighty-five (222.85),
2 Code 1966, is hereby amended as follows:

3 1. By inserting in line three (3) after the word “hospital-school” the
4 words “or special unit”.

5 2. By striking from line four (4) the word “hospital-school” and insert-
6 ing in lieu thereof the word “institution”.

1 SEC. 45. Section two hundred twenty-two point eighty-six (222.86),
2 Code 1966, is hereby amended as follows:

3 1. By inserting in line five (5) after the word "hospital-school" the words
4 "or special unit".

5 2. By inserting in line twelve (12) after the word "hospital-school" the
6 words "or special unit".

1 SEC. 46. Section two hundred twenty-two point eighty-seven (222.87),
2 Code 1966, is hereby amended by inserting in line eleven (11) after the word
3 "hospital-school" the words "or special unit".

1 SEC. 47. Section four hundred forty-four point twelve (444.12), Code
2 1966, as amended by chapter two hundred two (202), Acts of the Sixty-
3 second General Assembly, is hereby further amended by inserting, after the
4 period in line fifty-one (51), the following new sentence:

5 "The fund established by this section shall also be used to pay all costs
6 of admission or commitment, maintenance, and treatment of county pa-
7 tients in any special mental retardation unit established under sections
8 two (2) through five (5), inclusive, of this Act."

Approved June 17, 1969.

CHAPTER 158

SUPPORT OF CRIMINAL SEXUAL PSYCHOPATHS

H. F. 126

AN ACT relating to support and maintenance of criminal sexual psychopaths.

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

1 SECTION 1. Section two hundred twenty-five A point fourteen (225A.14),
2 Code 1966, is hereby repealed and the following enacted in lieu thereof:
3 "Any person committed to the state hospital under the provisions of
4 this chapter shall be supported and maintained at the expense of the
5 state."

1 SEC. 2. This Act, being deemed of immediate importance, shall take
2 effect and be in force from and after its publication in the Marshalltown
3 Times-Republican, a newspaper published in Marshalltown, Iowa, and in
4 the Eldora Herald-Ledger, a newspaper published in Eldora, Iowa.

Approved May 12, 1969.

I hereby certify that the foregoing Act, House File 126, was published in the Marshalltown Times-Republican, Marshalltown, Iowa, May 15, 1969 and in the Eldora Herald-Ledger, Eldora, Iowa, May 20, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 159

MENTALLY RETARDED PERSONS

H. F. 6

AN ACT relating to the definition of a mentally retarded person for purposes of chapter two hundred twenty-six (226) of the Code, and to the admission or transfer of such persons to the state mental health institutes.

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

1 SECTION 1. Section two hundred twenty-six point eight (226.8), Code
 2 1966, is hereby repealed and the following enacted in lieu thereof:
 3 "No person who is mentally retarded, as defined by section two hundred
 4 twenty-two point two (222.2) of the Code, shall be admitted, or transferred
 5 pursuant to section two hundred twenty-two point seven (222.7) of the
 6 Code, to a state mental health institute unless a professional diagnostic
 7 evaluation indicates that such person will benefit from psychiatric treat-
 8 ment or from some other specific program available at the mental health
 9 institute to which it is proposed to admit or transfer the person. Charges
 10 for the care of any mentally retarded person admitted to a state mental
 11 health institute shall be made by the institute in the manner provided by
 12 chapter two hundred thirty (230) of the Code, but the liability of any other
 13 person to any county for the cost of care of such mentally retarded person
 14 shall be as prescribed by section two hundred twenty-two point seventy-
 15 eight (222.78) of the Code."

Approved March 28, 1969.

CHAPTER 160

DIRECTOR OF JUVENILE COURT SERVICES

H. F. 289

AN ACT establishing the position of director of court services in the juvenile court in counties with a population of more than 250,000.

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

1 SECTION 1. Section two hundred thirty-one point three (231.3), Code
 2 1966, as amended by chapter two hundred three (203), section twenty-six
 3 (26), Acts of the Sixty-second General Assembly, is hereby further amend-
 4 ed by adding the following new paragraph:
 5 "In counties having a population of more than two hundred fifty thousand,
 6 the judge of the juvenile court may appoint a director of court services and
 7 shall fix his compensation."

Approved May 19, 1969.

CHAPTER 161

FOSTER HOME CARE EXPENSE

S. F. 119

AN ACT relating to the expense for care, examination or treatment of minors placed by the court with someone other than the parents.

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

1 SECTION 1. Section two hundred thirty-two point fifty-one (232.51),
2 Code 1966, as amended by chapter two hundred three (203), section twenty-
3 seven (27), Acts of the Sixty-second General Assembly, is further amended
4 by inserting in line twelve (12) after the word "judge" the words "to the
5 board of supervisors".

1 SEC. 2. Chapter two hundred four (204), Acts of the Sixty-second Gen-
2 eral Assembly, section one (1), is amended by striking line nine (9) and
3 adding the words, "department of social services which shall audit the
4 same and forward it to the state treasurer for payment."

Approved May 1, 1969.

CHAPTER 162

PURCHASE OF SOCIAL SERVICES

S. F. 208

AN ACT to provide for certain services for persons in facilities approved by the department of social services.

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

1 SECTION 1. Section two hundred thirty-four point six (234.6), Code
2 1966, as amended by chapter two hundred nine (209), section two hundred
3 sixteen (216), Acts of the Sixty-second General Assembly, is hereby further
4 amended by adding thereto the following new subsection:

5 "The department of social services shall have the power and authority
6 to use the funds available to it, to purchase services of all kinds from
7 public or private agencies to provide for the needs of children, including but
8 not limited to psychiatric services, supervision, specialized group, foster
9 homes and institutional care."

1 SEC. 2. Section two hundred twenty-two point thirteen (222.13), Code
2 1966, as amended by chapter two hundred nine (209), section one hundred
3 thirty-four (134), Acts of the Sixty-second General Assembly, is hereby
4 further amended by adding thereto the following:

5 "If the hospital-school has no appropriate program for the treatment
6 of such persons, the board of supervisors shall arrange for the placement of
7 the persons in any public or private facility within or without the state, ap-
8 proved by the commissioner of the department of social services, which
9 offers appropriate services for such persons."

1 SEC. 3. Section two hundred twenty-two point fourteen (222.14), Code
2 1966, is hereby amended by inserting in line eight (8) after the comma, the
3 words "or when application has been made for admission to a public or

4 private facility as provided in section two hundred twenty-two point thir-
5 teen (222.13) of the Code and the application is pending.”.

1 SEC. 4. Section two hundred twenty-two point thirty-one (222.31), sub-
2 section two (2), Code 1966, as amended by chapter two hundred nine (209),
3 section one hundred thirty-five (135), Acts of the Sixty-second General As-
4 ssembly, is hereby further amended by striking from lines one (1), two (2),
5 and three (3), of such subsection the words “a private institution of this
6 state, duly incorporated for the care of such persons, and approved by
7 the state director”, and inserting in lieu thereof the words “any public
8 or private facility within or without the state, approved by the commission-
9 er of the department of social services”.

1 SEC. 5. Section two hundred twenty-two point sixty (222.60), Code
2 1966, is hereby amended by inserting after the word “retarded” in lines six
3 (6) and seven (7) the words “or any public or private facility within or
4 without the state, approved by the commissioner of the department of
5 social services.”.

1 SEC. 6. Section four hundred forty-four point twelve (444.12), Code
2 1966, as amended by chapter two hundred two (202), section two (2), Acts
3 of the Sixty-second General Assembly, is hereby further amended by
4 striking line twenty-seven (27) and inserting in lieu thereof the words “in
5 any alternate public or private facility within or without the state, ap-
6 proved by the commissioner of the department of social services for the
7 care of the”.

Approved June 7, 1969.

CHAPTER 163

COUNTY BOARD OF SOCIAL WELFARE

H. F. 62

AN ACT relating to compensation of the members of the county board of social welfare.

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

1 SECTION 1. Section two hundred thirty-four point ten (234.10), Code
2 1966, is hereby amended as follows:

3 1. By striking from line five (5) the word “three” and inserting in lieu
4 thereof the word “six (6)”.

5 2. By striking from line seven (7) the word “ninety” and inserting in lieu
6 thereof the words “one hundred fifty”.

7 3. By striking lines eight (8) through eleven (11), inclusive, and insert-
8 ing in lieu thereof the words “year. The expenses and com-”.

Approved May 12, 1969.

CHAPTER 164

AID FOR DEPENDENT CHILDREN

H. F. 222

AN ACT relating to the designation of a person who may apply for and receive aid for dependent children.

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

1 SECTION 1. Section two hundred thirty-nine point three (239.3), Code
2 1966, as amended by section two hundred eighty-seven (287), chapter two
3 hundred nine (209), Acts of the Sixty-second General Assembly, is hereby
4 further amended by inserting in line nine (9) after the word "person" the
5 words "or a person eighteen years of age or older".

1 SEC. 2. Section two hundred thirty-nine point five (239.5), Code 1966,
2 as amended by section two hundred eighty-eight (288), chapter two hundred
3 nine (209), Acts of the Sixty-second General Assembly, is hereby further
4 amended by inserting in line forty-six (46) after the word "person" the
5 words "or a person eighteen years of age or older".

1 SEC. 3. Section two hundred thirty-nine point five (239.5), Code 1966,
2 as amended by section two hundred eighty-eight (288), chapter two hun-
3 dred nine (209), Acts of the Sixty-second General Assembly, is hereby fur-
4 ther amended by substituting a comma for the period at the end of line
5 fifty (50) and adding the following:

6 "except that the county board may order the assistance payments made
7 to another individual who is interested in or concerned with the welfare
8 of the child or the person with whom the child is living when it has been
9 demonstrated that the person with whom the child is living is unable to
10 manage the assistance payments in the best interest of the child. Such pro-
11 tective payments shall not be made beyond one year and shall otherwise
12 conform to the regulations established under the provisions of Title IV of
13 the Social Security Act as amended by Public Law 90-248."

Approved June 16, 1969.

CHAPTER 165

WORK AND TRAINING PROGRAMS

H. F. 68

AN ACT relating to allowance of assistance for families of dependent children, disabled persons, and elderly persons; incentives for such persons to become self-supporting; and a work and training program for such persons.

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

1 SECTION 1. Section two hundred thirty-nine point five (239.5), Code
2 1966, as amended by chapter two hundred nine (209), section two hundred
3 eighty-eight (288), Acts of the Sixty-second General Assembly, is amended
4 by striking lines twenty-eight (28) through forty-three (43) and all of line
5 forty-four (44) through the period, and inserting in lieu thereof the follow-
6 ing:

7 "The county board, in accordance with rules and standards established
8 by the state department of social services, shall fix the amount of assistance
9 necessary for any dependent child. In determining the amount of assist-
10 ance, the county board shall take into consideration the income and re-
11 sources of any child or relative claiming assistance under this chapter.
12 However, in fixing the amount of assistance for any child or family, the
13 county board, in accordance with rules established by the state department
14 of social services, may disregard a reasonable amount of the income of the
15 child or the family, in order to encourage the family or any of its members
16 to become self-supporting. The term 'income' as used herein means income
17 remaining after deduction of expenses reasonably attributable to the earn-
18 ing or securing of that income.

19 The county board, under the supervision of the state department of
20 social services, shall establish services to help families and persons receiv-
21 ing assistance under this chapter to become self-supporting; shall partici-
22 pate in the work and training program established by this Act; and shall
23 cooperate with other public agencies and with private agencies to secure
24 employment, education, and vocational training for members of such fam-
25 ilies."

1 SEC. 2. Section two hundred forty-one A point three (241A.3), Code
2 1966, as amended by chapter two hundred nine (209), section three hun-
3 dred sixteen (316), Acts of the Sixty-second General Assembly, is amended
4 by adding the following:

5 "In fixing the amount of assistance, the county board, in accordance
6 with rules established by the state department of social services, may dis-
7 regard a reasonable amount of a person's earnings in order to encourage
8 the person to become self-supporting.

9 The county board, under the supervision of the state department of so-
10 cial services, shall establish services to help persons receiving assistance
11 under this chapter to become self-supporting; shall participate in the work
12 and training program established by this Act; and shall cooperate with other
13 public agencies and with private agencies to secure employment, education,
14 and vocational training for such persons and their families."

1 SEC. 3. Section two hundred forty-nine point six (249.6), subsection
2 eight (8), Code 1966, as amended by chapter two hundred nine (209), sec-
3 tion three hundred ninety (390), subsection two (2), Acts of the Sixty-second
4 General Assembly, is repealed and the following enacted in lieu thereof:

5 "Has not sufficient income or other resources to provide a reasonable sub-
6 sistence, because of age, infirmity or inability to procure suitable employ-
7 ment."

1 SEC. 4. Section two hundred forty-nine point seven (249.7), Code 1966,
2 as amended by chapter two hundred twenty-two (222), section one (1), and
3 chapter two hundred nine (209), section three hundred ninety-one (391),
4 Acts of the Sixty-second General Assembly, is repealed and the following
5 enacted in lieu thereof:

6 "The amount of assistance which any person shall receive under this
7 chapter shall be determined with due regard to the resources and necessary
8 expenditures of the individual and the conditions in such cases, and in ac-
9 cordance with rules established by the state department of social services;
10 and shall be sufficient, when added to all other income and support of the
11 recipient, to provide such person with a reasonable subsistence. In fixing the

12 amount of assistance, a reasonable amount of the earnings of the person
13 may be disregarded in order to encourage the person to contribute to his
14 own support.

15 The county board, under the supervision of the state department of
16 social services, shall establish services to help persons receiving assistance
17 under this chapter to contribute to their own support; shall participate
18 in the work and training program established by this Act; and shall cooper-
19 ate with other public agencies and with private agencies to secure, where
20 appropriate, employment, education, and vocational training for such persons
21 and their families."

1 SEC. 5. Section two hundred forty-nine point nine (249.9), Code 1966,
2 is amended by adding the following paragraph:

3 "Notwithstanding any provision of this section, no person shall be de-
4 nied assistance because of the fact that the person has made prior arrange-
5 ments for funeral expenses in an amount not exceeding seven hundred
6 fifty dollars."

1 SEC. 6. For the purposes of sections six (6) through twenty-two (22)
2 of this Act:

3 1. "Commissioner" means the commissioner of social services, or his des-
4 ignee.

5 2. "Department" means the department of social services.

6 3. "Training" includes appropriate education.

7 4. "Public assistance" means aid or assistance under chapter two hun-
8 dred thirty-nine (239), two hundred forty-one A (241A), or two hundred
9 forty-nine (249) of the Code.

10 5. "Eligible person" includes each person who is receiving public assist-
11 ance or who lives in the same household as a recipient of public assistance
12 and whose needs are taken into account in determining the assistance pay-
13 ment. However, the following are not "eligible persons" unless they volun-
14 tarily request to be included:

15 a. A person who is under the age of sixteen years.

16 b. A person who has attained the age of sixty-five years.

17 c. A person whose health or disability does not permit any kind of work
18 or training.

19 d. A person who is already engaged in an adequate full-time program of
20 work, training, or school.

21 e. A person who is required to be present and is actually present in the
22 home on a substantially continuous basis because of the illness or incapac-
23 ity of another member of the household.

24 f. A person who is required to be present and is actually present in the
25 home on a substantially continuous basis for the purpose of child care.

1 SEC. 7. It is the policy of this state that public assistance programs
2 shall, to the maximum possible extent, be programs of rehabilitation rather
3 than mere support. Persons and members of families receiving public as-
4 sistance shall be helped to become self-supporting, and shall be required
5 to engage in work and training to the extent provided in this Act. This Act
6 shall be interpreted and administered to carry out this policy.

1 SEC. 8. The commissioner shall establish a work and training program
2 for persons and members of families receiving public assistance. The em-
3 ployment security commission, the Iowa state employment service, all
4 county boards and departments of social welfare, and all state, county,

5 and public educational agencies and institutions providing vocational
6 rehabilitation, adult education, or vocational or technical training shall as-
7 sist and cooperate in the program. They shall make agreements and ar-
8 rangements for maximum cooperation and use of all available resources
9 in the program. By mutual agreement the commissioner may delegate
10 any of his powers and duties under this Act to the employment security
11 commission or the Iowa state employment service.

1 SEC. 9. The program shall provide for maximum cooperation with and
2 participation in federal programs having similar purposes, but the state
3 work and training program shall continue whether or not federal programs
4 and federal funds are available.

1 SEC. 10. The program shall include, but not be limited to:

- 2 1. Placing eligible persons in employment and on-the-job training.
- 3 2. Institutional and work experience training for eligible persons for
4 whom such training is likely to lead to regular employment.
- 5 3. Special work projects for eligible persons for whom a job in the regular
6 economy cannot be found.
- 7 4. Incentives, opportunities, and services to aid eligible persons.

1 SEC. 11. Each eligible person shall be required to participate in the
2 work and training program, to cooperate fully in the program, and to
3 accept any reasonably suitable employment, training, or education offered
4 to him in connection with the program, as a condition of receiving public
5 assistance. If he fails or refuses to do so, he shall not receive public assist-
6 ance. His disqualification shall not disqualify other members of his family
7 who are entitled to public assistance, but their public assistance shall not
8 be paid to the disqualified person and shall be paid in a manner which will
9 not permit the disqualified person to have access to the assistance funds. A
10 person shall not be disqualified for public assistance if it is impossible to
11 arrange suitable work or training for him.

1 SEC. 12. Work or training may be furnished by public or private agen-
2 cies, organizations, or companies, under rules adopted by the commissioner.

1 SEC. 13. The commissioner shall establish and maintain reasonable
2 standards for health, safety, and other conditions under the work and
3 training program.

1 SEC. 14. Each eligible person, with respect to work performed under
2 this Act, shall be covered by the workmen's compensation law or shall
3 otherwise be provided with comparable protection.

1 SEC. 15. If earnings are received by an eligible person for work under
2 the program, all or part of the earnings may be applied to reduce the cost
3 of public assistance to the person or his family, under rules adopted by the
4 commissioner. However, the commissioner may permit the eligible person
5 to retain a reasonable part of his earnings as an incentive payment, without
6 reduction of public assistance.

1 SEC. 16. In determining needs for public assistance, expenses and
2 needs reasonably related to work or training under the program shall be
3 taken into account.

1 SEC. 17. When needed, arrangements shall be made for the care of
2 children during the absence from the home of a person participating in work
3 or training under the program.

1 SEC. 18. Eligible persons and their families shall be offered other
2 social services which the commissioner deems advisable.

1 SEC. 19. For the purposes of the work and training program, the com-
2 missioner may use or transfer to any other agency any of the funds appro-
3 priated for public assistance and any other funds lawfully available. State
4 and federal funds allocated to the program by the commissioner and the
5 employment security commission shall be at least equal to five percent of
6 the total state and federal funds available to the department for assistance
7 under chapter two hundred thirty-nine (239) of the Code, unless the com-
8 missioner determines that a lesser amount is sufficient to provide an ade-
9 quate work and training program for all eligible persons.

1 SEC. 20. The commissioner shall adopt rules to implement this Act
2 and achieve its purposes.

1 SEC. 21. No eligible person shall be deemed to be an employee of the
2 state or any of its subdivisions by reason of his participation in the work
3 and training program. However, this section shall not prevent him from
4 having the status of an employee for the purposes of workmen's compensa-
5 tion.

1 SEC. 22. If it is finally determined that any provision of this Act
2 would cause the work and training program to be ineligible for federal fi-
3 nancial assistance which the state would otherwise receive, such provision
4 may be suspended or modified to the extent which is essential to obtain
5 such assistance.

1 SEC. 23. Each county shall participate in federal commodity or food
2 stamp program.

Approved June 21, 1969.

CHAPTER 166

WELFARE APPLICANTS AND RECIPIENTS

H. F. 238

AN ACT relating to the appeal procedure for welfare applicants and recipients.

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

1 SECTION 1. Section two hundred thirty-nine point seven (239.7), Code
2 1966, as amended by chapter two hundred nine (209), section two hundred
3 ninety (290), Acts of the Sixty-second General Assembly, is hereby repealed
4 and the following enacted in lieu thereof:

5 "If an application is not acted upon within a reasonable time, if it is
6 denied in whole or in part, or if any award of assistance is modified, sus-
7 pended, or canceled under any provision of this chapter, the applicant or
8 recipient may appeal to the department of social services. The department
9 shall give the appellant reasonable notice and opportunity for a fair hear-

10 ing before the commissioner or his designee. An applicant or recipient
11 aggrieved by the result of such hearing may, within thirty days, appeal to
12 the district court of the county in which he resides, by serving notice of
13 such appeal upon the commissioner of social services or his designee, in
14 the manner required for the service of original notice in a civil action. Upon
15 receipt of such notice, the department shall furnish the appellant with a
16 copy of any papers filed by him in support of his position, a transcript of
17 any testimony taken, and a copy of the department's decision. The district
18 court shall review the department's decision to determine its legality."

1 SEC. 2. Section two hundred forty-one point eleven (241.11), Code
2 1966, as amended by chapter two hundred nine (209), section three hundred
3 seven (307), Acts of the Sixty-second General Assembly, is hereby repealed
4 and the following enacted in lieu thereof:

5 "If an application is not acted upon within a reasonable time, if it is
6 denied in whole or in part, or if any award of assistance is modified, sus-
7 pended, or canceled under any provision of this chapter, the applicant or
8 recipient may appeal to the department of social services. The department
9 shall give the appellant reasonable notice and opportunity for a fair hear-
10 ing before the commissioner or his designee. An applicant or recipient ag-
11 grieved by the result of such hearing may, within thirty days, appeal to
12 the district court of the county in which he resides, by serving notice of
13 such appeal upon the commissioner of social services or his designee, in the
14 manner required for the service of original notice in a civil action. Upon
15 receipt of such notice, the department shall furnish the appellant with a
16 copy of any papers filed by him in support of his position, a transcript of
17 any testimony taken, and a copy of the department's decision. The district
18 court shall review the department's decision to determine its legality."

1 SEC. 3. Section two hundred forty-one A point eight (241A.8), Code
2 1966, as amended by chapter two hundred nine (209), section three hun-
3 dred twenty (320), Acts of Sixty-second General Assembly, is hereby re-
4 pealed and the following enacted in lieu thereof:

5 "If an application is not acted upon within a reasonable time, if it is
6 denied in whole or in part, or if any award of assistance is modified, sus-
7 pended, or canceled under any provision of this chapter, the applicant or
8 recipient may appeal to the department of social services. The department
9 shall give the appellant reasonable notice and opportunity for a fair hear-
10 ing before the commissioner or his designee. An applicant or recipient ag-
11 grieved by the result of such hearing may, within thirty days, appeal to
12 the district court of the county in which he resides, by serving notice of
13 such appeal upon the commissioner of social services or his designee, in
14 the manner required for the service of original notice in a civil action. Upon
15 receipt of such notice, the department shall furnish the appellant with a
16 copy of any papers filed by him in support of his position, a transcript of
17 any testimony taken, and a copy of the department's decision. The dis-
18 trict court shall review the department's decision to determine its legality."

1 SEC. 4. Section two hundred forty-nine point eleven (249.11), Code
2 1966, as amended by chapter two hundred nine (209), section three hun-
3 dred ninety-five (395), Acts of the Sixty-second General Assembly, is hereby
4 further amended by striking all of lines thirty-seven (37) through seventy-
5 four (74), inclusive, and inserting in lieu thereof the following:

6 "If an application is not acted upon within a reasonable time, if it is
7 denied in whole or in part, or if any award of assistance is modified,
8 suspended, or canceled under any provision of this chapter, the applicant
9 or recipient may appeal to the department of social services. The depart-
10 ment shall give the appellant reasonable notice and opportunity for a
11 fair hearing before the commissioner or his designee. An applicant or
12 recipient aggrieved by the result of such hearing may, within thirty days,
13 appeal to the district court of the county in which he resides, by serving
14 notice of such appeal upon the commissioner of social services or his des-
15 ignee, in the manner required for the service of original notice in a civil
16 action. Upon receipt of such notice, the department shall furnish the ap-
17 pellant with a copy of any papers filed by him in support of his position,
18 a transcript of any testimony taken, and a copy of the department's de-
19 cision. The district court shall review the department's decision to deter-
20 mine its legality."

Approved June 2, 1969.

CHAPTER 167

AID TO DEPENDENT CHILDREN FUNDS

S. F. 254

AN ACT creating authority in the department of social services to transfer aid to dependent children funds to any other department or agency of the state of Iowa for the purpose of implementing federal assistance programs.

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

1 SECTION 1. Chapter two hundred thirty-nine (239), Code 1966, is hereby
2 amended by adding the following thereto:
3 "The department of social services shall be authorized to transfer such
4 of the aid to dependent children funds in its control to any other depart-
5 ment or agency of the state of Iowa for the purpose of providing funds to
6 carry out the work incentive program created by Public Law ninety dash
7 two hundred forty-eight (90-248), eighty-one (81) Stat. eight hundred
8 twenty-one (821), Title two (II), Section two hundred four (204), the So-
9 cial Security Amendments of 1967 to the Social Security Act, and nothing
10 in the laws of the state of Iowa shall be construed as limiting the authority
11 granted by that Act."

1 SEC. 2. This Act, being deemed of immediate importance, shall take
 2 effect and be in force from and after its publication in The Centerville
 3 Daily Iowegian, Inc., a newspaper published in Centerville, Iowa, and in
 4 the Neola Gazette-Reporter, a newspaper published in Neola, Iowa.

Approved March 14, 1969.

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of section 3.9, Code of Iowa, 1966, there being no newspaper by the name of The Centerville Daily Iowegian, Inc., published in Centerville, Iowa, I hereby designate the Centerville Daily Iowegian & Citizen, published in Centerville, Iowa, to publish the foregoing Act, Senate File 254.

MELVIN D. SYNHORST, *Secretary of State.*

I hereby certify that the foregoing Act, Senate File 254, was published in the Neola Gazette-Reporter, Neola, Iowa, March 27, 1969 and in the Centerville Daily Iowegian & Citizen, Centerville, Iowa, March 18, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 168

ASSISTANCE TO NEEDY BLIND

H. F. 658

AN ACT relating to assistance paid needy blind persons.

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

1 SECTION 1. Section two hundred forty-one point three (241.3), Code
 2 1966, as amended by chapter two hundred nine (209), section three hundred
 3 (300), and chapter two hundred twelve (212), section one (1), Acts of the Six-
 4 ty-second General Assembly, is hereby repealed and the following enacted
 5 in lieu thereof:

6 "The minimum presumed need of each blind applicant for or recipient
 7 of assistance under this chapter shall be no less than one hundred forty
 8 dollars per month. The amount of assistance together with other nonex-
 9 empt income and resources, except inconsequential income and resources,
 10 shall be no less than one hundred forty dollars per month. In determining
 11 the amount of assistance which shall be paid, personal property in the
 12 amount of one thousand five hundred dollars for a single person and two
 13 thousand dollars for a married couple shall be disregarded, and personal
 14 property shall not include foodstuffs, household furnishings, and a motor
 15 vehicle necessary for transportation.

16 "The amount of assistance shall be fixed with due regard to the con-
 17 dition of the individual, including all resources available to the applicant
 18 or recipient, household situation and community in each instance, togeth-
 19 er with the essential need due to the individual's mental or physical con-
 20 dition, subject to the rules, regulations, and standards adopted by the
 21 state director; provided, however, that in determining the eligibility of an
 22 individual claiming aid to the blind, or in determining the amount of such
 23 aid, five dollars per month of any income shall be disregarded and the first
 24 eighty-five dollars per month of earned income, plus one-half of earned
 25 income in excess of eighty-five dollars, of such individual shall be dis-
 26 regarded, and for a period not in excess of twelve months, such additional

27 amounts of other income and resources, in the case of an individual who has
 28 a plan for achieving self-support approved by the state director shall be
 29 disregarded.”

Approved May 19, 1969.

CHAPTER 169

ESTATES OF BLIND PERSONS RECEIVING AID

H. F. 657

AN ACT relating to abolition of claims against the estates of certain blind persons who have received aid to the blind.

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

1 SECTION 1. Section two hundred forty-one point eighteen (241.18),
 2 Code 1966, is hereby repealed.

Approved May 19, 1969.

CHAPTER 170

OLD-AGE ASSISTANCE RECIPIENTS

H. F. 616

AN ACT relating to the sale of real estate of old-age recipients.

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

1 SECTION 1. Section four (4) of chapter three hundred fifty-seven
 2 (357), Acts of the Sixty-second General Assembly, is hereby repealed and
 3 the following enacted in lieu thereof:

4 “All property sold pursuant to section two hundred forty-nine point nine-
 5 teen (249.19), Code 1966, whether at public auction, on a bid basis, or other-
 6 wise, and purchased in good faith is hereby declared to be free and clear of
 7 any encumbrance which encumbrance may result from the manner in which
 8 such sale was made.

9 The real estate in such an estate may be sold at public auction or by
 10 private sale, whichever is in the best interest of the estate. The administra-
 11 tor or executor of such estate shall make application to the court for an
 12 appropriate order authorizing him to sell such real estate at public auction
 13 or to sell by private sale. The court in its order authorizing the sale may,
 14 in its discretion, set out the conditions on which such real estate shall
 15 be offered for sale, and may require that such property be advertised for
 16 sale in one issue of an official county newspaper in the county wherein
 17 such property is located, at least ten days prior to the date such real
 18 estate is to be offered for sale.”

Approved May 19, 1969.

CHAPTER 171

MEDICAL ASSISTANCE RECOVERY

H. F. 367

AN ACT relating to the recovery of moneys from the estate of a person who has received medical assistance.

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

1 SECTION 1. Section seven (7) of chapter two hundred twenty-three
2 (223), Acts of the Sixty-second General Assembly is hereby repealed and
3 the following enacted in lieu thereof:

4 "On the death of a person receiving or who has received assistance un-
5 der this Act, and of the survivor of a married couple, either or both of
6 whom were so assisted and during which time such recipient was sixty-
7 five (65) years of age or older, the total amount paid as assistance to either
8 shall be allowed as a claim of the sixth class against the estate of such
9 decedent or the surviving spouse. Neither the homestead nor the proceeds
10 therefrom of such decedent, or the survivor, shall be exempt from the pay-
11 ment of such claim, any act or statute notwithstanding. An action may be
12 brought in the name of the state to recover the same at any time within
13 five (5) years after the death of the person receiving aid and after the
14 death of the survivor of the married couple, either or both of whom have
15 received assistance under the provisions of this Act. No such claim shall
16 be allowed, however, until the death of the surviving spouse nor shall such
17 claim be allowed if a child under twenty-one (21) years of age, or a child
18 who is blind or is permanently and totally disabled, survives a surviving
19 spouse or a recipient who has no surviving spouse. The right to a claim
20 existing at the effective date of this Act against the estate of any person
21 who had, prior to the effective date of this Act, received medical assistance
22 pursuant to chapter two hundred forty-nine A (249A), Code 1966, shall be
23 preserved and continued under this Act."

Approved June 2, 1969.

CHAPTER 172

COUNTY LEGAL AID PROGRAMS

H. F. 664

AN ACT relating to establishment of county legal aid programs.

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

1 SECTION 1. Section two hundred fifty-two point twenty-seven (252.27),
2 Code 1966, as amended by chapter two hundred twenty-five (225), section
3 one (1), Acts of the Sixty-second General Assembly, is hereby further
4 amended as follows:

5 1. By inserting in line three (3) after the word "attendance," the words
6 "civil legal aid,".

7 2. By inserting in line four (4) after the period the following:

8 "Legal aid authorized herein shall be provided only through a legal
9 aid program approved by the county board of supervisors."

1 SEC. 2. This Act, being deemed of immediate importance, shall take
2 effect and be in force from and after its publication in The Cedar Rapids
3 Gazette, a newspaper published in Cedar Rapids, Iowa, and in The Mount
4 Vernon Hawkeye-Record & The Lisbon Herald, a newspaper published in
5 Mount Vernon, Iowa.

Approved May 12, 1969.

I hereby certify that the foregoing Act, House File 664, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, May 16, 1969 and in The Mount Vernon Hawkeye-Record & The Lisbon Herald, Mount Vernon, Iowa, May 22, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 173

USE OF UNIVERSITY HOSPITAL EARNINGS

H. F. 501

AN ACT to authorize the use of university hospital earnings for capital improvements and for the payment of principal and interest on bonds.

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

1 SECTION 1. Section two hundred fifty-five point nineteen (255.19), Code
2 1966, is hereby amended by inserting in line twenty-three (23) after the
3 word "indigents" the words ", including the acquisition, construction, recon-
4 struction, completion, equipment, improvement, repair, and remodeling of
5 medical buildings and facilities and additions thereto and the payment of
6 principal and interest on bonds issued to finance the cost thereof as author-
7 ized by the provisions of chapter two hundred thirty-five (235), Acts of the
8 Sixty-second General Assembly".

1 SEC. 2. This Act, being deemed of immediate importance, shall be in
2 full force and effect from and after its passage and publication in Atlantic
3 News-Telegraph, a newspaper published at Atlantic, Iowa, and in The
4 Clinton Herald, a newspaper published at Clinton, Iowa.

Approved April 10, 1969.

I hereby certify that the foregoing Act, House File 501, was published in the Atlantic News-Telegraph, Atlantic, Iowa, April 12, 1969 and in The Clinton Herald, Clinton, Iowa, April 14, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 174

SPECIAL EDUCATION SERVICES

S. F. 409

AN ACT relating to the requirement that school districts make provision for special education services to all children enrolled in the public schools.

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

1 SECTION 1. Section two hundred fifty-seven point twenty-five (257.25),
2 Code 1966, as amended by chapters two hundred twenty-seven (227), two
3 hundred twenty-eight (228), and two hundred twenty-nine (229), Acts of
4 the Sixty-second General Assembly, is hereby further amended by inserting
5 after subsection four (4) the following new subsection:

6 "Provision for special education services and programs, which may be
7 shared by public schools, shall be made for children requiring special educa-
8 tion, who are or would otherwise be enrolled in kindergarten through
9 grade eight of such schools."

1 SEC. 2. Chapter two hundred eighty (280), Code 1966, is hereby amend-
2 ed by adding thereto the following new section:

3 "The board in each school district shall make provision whereby special
4 education services are made available to all handicapped pupils enrolled
5 in kindergarten and all grades of its schools. Programs offered under this
6 section shall comply with rules and standards promulgated by the state
7 board of public instruction and shall be subject to approval and reimburse-
8 ment of excess costs as provided in chapter two hundred eighty-one (281)
9 of the Code. Programs offered under this section may be carried on by co-
10 operative arrangements between districts and county boards of education
11 as provided by chapter two hundred eighty-one (281) of the Code."

Approved May 9, 1969.

CHAPTER 175

PUBLIC INSTRUCTION FEDERAL PROGRAMS

S. F. 680

AN ACT to establish permanent revolving funds for the department of public instruction for administering federally financed programs and to make appropriations therefor.

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

1 SECTION 1. Chapter two hundred fifty-seven (257), Code 1966, is hereby
2 amended by adding thereto the following section:

3 "There is hereby established a permanent revolving fund to be known as
4 the 'veterans education administration revolving fund'. From this fund
5 shall be paid the salary and travel expenses of department of public instruc-
6 tion personnel supervising the veterans education program which will be
7 reimbursed by the veterans administration of the federal government. There
8 is hereby appropriated from the general fund of the state to the department
9 of public instruction the sum of seven thousand five hundred (7,500) dol-
10 lars for the purpose of establishing the fund.

11 If any surplus accrues to said revolving fund in excess of the original
 12 appropriation for which there is no anticipated need or use, the governor
 13 shall order such surplus to be deposited in the general fund."

1 SEC. 2. Chapter two hundred eighty-three A (283A), Code 1966, is
 2 hereby amended by adding thereto the following section:

3 "There is hereby established a permanent revolving fund for the depart-
 4 ment of public instruction to be known as the 'school lunch revolving
 5 fund'. From this fund shall be paid the cost of warehousing, handling and
 6 transportation of direct distribution of federal surplus commodities. The
 7 fund shall be reimbursed by pro rata cost of items to receiving schools
 8 and institutions. There is hereby appropriated from the general fund of the
 9 state to the department of public instruction the sum of five thousand
 10 (5,000) dollars for the purpose of carrying out this section.

11 If any surplus accrues to said revolving fund in excess of the original
 12 appropriation for which there is no anticipated need or use, the governor
 13 shall order such surplus to be deposited in the general fund."

Approved May 16, 1969.

CHAPTER 176

VOCATIONAL EDUCATION ADVISORY COUNCIL

S.F. 544

AN ACT to establish a state advisory council for vocational education.

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

1 SECTION 1. Section two hundred fifty-eight point seven (258.7), Code
 2 1966, is hereby repealed and the following enacted in lieu thereof:

3 "There is hereby established a state advisory council for vocational
 4 education, consisting of thirteen members, which shall be appointed by the
 5 governor. The term of each member shall be for three years, except that for
 6 the initial appointments the governor shall specify the terms of each mem-
 7 ber so that as nearly as possible, the terms of an equal number of members
 8 shall expire on the first day of July of each year.

9 The advisory council shall serve in an advisory capacity to the state
 10 board and shall perform such functions as may be necessary in order for
 11 the state of Iowa to qualify for federal aids and grants to vocational educa-
 12 tion.

13 The advisory council shall include members who are:

14 1. Familiar with the vocational needs and the problems of manage-
 15 ment and labor in the state.

16 2. Representative of state industrial and economic development agencies.

17 3. Representative of community and junior colleges and other institu-
 18 tions of higher education, area vocational schools, technical institutes, and
 19 postsecondary or adult education institutions, which provide programs of
 20 vocational or technical education and training.

21 4. Familiar with the administration of state and local vocational edu-
 22 cation programs.

23 5. Persons having special knowledge, experience, or qualifications with
24 respect to vocational education and who are not involved in the administra-
25 tion of state or local vocational education programs.

26 6. Familiar with programs of technical and vocational education, includ-
27 ing programs in comprehensive secondary schools.

28 7. Representative of local educational agencies.

29 8. Representative of school boards.

30 9. Representative of manpower and vocational education agencies in the
31 state, including the comprehensive area manpower planning system of the
32 state.

33 10. Representative of school systems with large concentrations of aca-
34 demically, socially, economically, and culturally disadvantaged students.

35 11. Persons having special knowledge, experience, or qualifications, with
36 respect to the special educational needs of physically or mentally handicap-
37 ped persons.

38 12. Representative of the general public, and not qualified for member-
39 ship under the preceding subsections, including a person representative of
40 and familiar with the problems of the poor and disadvantaged.

41 13. Representative of prospective employers of vocationally trained stu-
42 dents.

43 The council shall meet at the call of the chairman at least once each
44 quarter of the year.

1 SEC. 2. This Act, being deemed of immediate importance, shall be
2 in full force and effect upon publication in *The Sac Sun*, a newspaper pub-
3 lished at Sac City, Iowa, and *The New Hampton Tribune*, a newspaper
4 published at New Hampton, Iowa.

Approved May 14, 1969.

I hereby certify that the foregoing Act, Senate File 544, was published in *The Sac Sun*, Sac
City, Iowa, May 21, 1969 and in *The New Hampton Tribune*, New Hampton, Iowa, May 22, 1969.
MELVIN D. SYNHORST, *Secretary of State*.

CHAPTER 177

STUDENTS AT MERGED AREA SCHOOLS

H. F. 71

AN ACT relating to inclusion of students in attendance at area vocational schools, area commu-
nity colleges, and schools of professional nursing.

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

1 SECTION 1. Section two hundred sixty-one point two (261.2), subsection
2 four (4), Code 1966, is hereby amended as follows:

3 1. By striking the word "or" from line six (6) and inserting in lieu thereof
4 a comma.

5 2. By inserting in line six (6) after the word "colleges" the words
6 " , area vocational schools, area community colleges, or schools of profes-
7 sional nursing".

Approved May 1, 1969.

CHAPTER 178

STUDENT TUITION GRANTS

S. F. 295

AN ACT to provide tuition grants, based upon financial need, to full-time resident students attending accredited private institutions of higher education in Iowa.

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

1 SECTION 1. When used in this Act, unless the context otherwise re-
2 quires:

3 1. "Tuition grant" means an award by the state of Iowa to a qualified
4 student under this Act.

5 2. "Financial need" means the difference between the student's financial
6 resources available, including those available from his parents as deter-
7 mined by a completed parents' confidential statement, and the student's
8 anticipated expenses while attending the accredited private institution.
9 Financial need shall be redetermined at least annually.

10 3. "Full-time resident student" means an individual resident of Iowa
11 who is enrolled at an accredited private institution in a course of study
12 including at least twelve semester hours or the trimester equivalent of
13 twelve semester hours. "Course of study" does not include correspondence
14 courses.

15 4. "Qualified student" means a full-time resident student who has estab-
16 lished financial need and who is making satisfactory progress toward grad-
17 uation.

18 5. "Accredited private institution" means an institution of higher learn-
19 ing located in Iowa which is operated privately and not controlled or ad-
20 ministered by any state agency or any subdivision of the state and

21 (a) which is accredited by the North Central Association of Colleges
22 and Secondary Schools accrediting agency based on their requirements as of
23 April 1, 1969, or

24 (b) which has been certified by the North Central Association of Colleges
25 and Secondary Schools accrediting agency based on their requirements as
26 of April 1, 1969 (1) as a candidate for accreditation by such agency or
27 (2) as a school giving satisfactory assurance that it has the potential for
28 accreditation and is making progress which, if continued, will result in its
29 achieving accreditation by such agency within a reasonable time, or

30 (c) which has received letters from at least three Iowa institutions
31 accredited by the North Central Association of Colleges and Secondary
32 Schools accrediting agency based on their requirements as of April 1, 1969
33 stating that its credits are and have been accepted as if earned in an in-
34 stitution so accredited.

35 6. "Commission" means the higher education facilities commission.

1 SEC. 2. A tuition grant may be awarded to any resident of Iowa who
2 is admitted and in attendance as a full-time resident student at any
3 accredited private institution and who establishes financial need.

1 SEC. 3. A qualified student may receive tuition grants for not more
2 than eight semesters of undergraduate study or the trimester equivalent.

1 SEC. 4. The amount of a tuition grant to a qualified student for the
2 fall and spring semesters, or the trimester equivalent, shall be the amount

3 of his financial need for that period. However, a tuition grant shall not
4 exceed the lesser of:

5 1. The total tuition and mandatory fees for that student for two semes-
6 ters or the trimester equivalent, less the base amount determined annually
7 by the Higher Education Facilities Commission, which base amount shall
8 be within ten dollars of the average tuition for two semesters or the tri-
9 mester equivalent of undergraduate study at the state universities under
10 the Board of Regents, but in any event the base amount shall not be less
11 than four hundred dollars; or

12 2. One thousand dollars.

1 SEC. 5. A tuition grant may be made annually for both the fall and
2 spring semesters or the trimester equivalent. Payments under the grant
3 shall be allocated equally among the semesters or trimesters and shall be
4 paid at the beginning of each semester or trimester upon certification by
5 the accredited private institution that the student is admitted and in at-
6 tendance. If the student discontinues attendance before the end of any
7 semester or trimester after receiving payment under the grant, the entire
8 amount of any refund due that student, up to the amount of any payments
9 made under the annual grant, shall be paid by the accredited private in-
10 stitution to the state.

1 SEC. 6. If a student receives financial aid under any other program,
2 the full amount of such financial aid shall be considered part of the stu-
3 dent's financial resources available in determining the amount of his finan-
4 cial need for that period. In no case may the state's total financial con-
5 tribution to the student's education, including financial aid under any
6 other state program, exceed the tuition and mandatory fees at the institu-
7 tion which he attends.

1 SEC. 7. The higher education facilities commission shall administer
2 this program and shall:

3 1. Provide application forms and parents' confidential statement forms.

4 2. Adopt rules and regulations for determining financial need, defining
5 tuition and mandatory fees, defining residence for the purposes of this Act,
6 processing and approving applications for tuition grants, and determining
7 priority of grants. The commission may provide for proration of funds if
8 the available funds are insufficient to pay all approved grants. Such prora-
9 tion shall take primary account of the financial need of the applicant. In
10 determining who is a resident of Iowa, the commission's rules shall be at
11 least as restrictive as those of the board of regents.

12 3. Approve and award tuition grants.

13 4. Make an annual report to the governor and general assembly, and
14 evaluate the tuition grant program for the period. The commission may
15 require the accredited private institution to promptly furnish any informa-
16 tion which the commission may request in connection with the tuition grant
17 program.

1 SEC. 8. Each applicant, in accordance with the rules and regulations
2 of the commission, shall:

3 1. Complete and file an application for a tuition grant.

4 2. Be responsible for the submission of the parents' confidential state-
5 ment for processing, the processed information to be returned both to the
6 commission and to the college in which he is enrolling.

7 3. Report promptly to the commission any information requested.
 8 4. File a new application and parents' confidential statement annually
 9 on the basis of which his eligibility for a renewed tuition grant will be
 10 evaluated and determined.

1 SEC. 9. Section seventeen point four (17.4), Code 1966, is amended by
 2 adding at the end thereof:
 3 "Higher education facilities commission."

1 SEC. 10. Section two hundred sixty-one point two (261.2), Code 1966,
 2 is amended by adding the following new subsection:
 3 "Administer the tuition grant program under this Act."

Approved April 30, 1969.

CHAPTER 179

BOARD OF REGENTS REAL ESTATE PURCHASES

S. F. 105

AN ACT authorizing installment purchases of real estate by the state board of regents.

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

1 SECTION 1. Section two hundred sixty-two point ten (262.10), Code
 2 1966, is hereby amended by adding thereto the following:
 3 "Purchases of real estate may be made on written contracts providing
 4 for payment over a period of years but the obligations thereon shall not
 5 constitute a debt or charge against the state of Iowa nor against the funds
 6 of the board or the funds of the institution for which said purchases are
 7 made. Purchase payments may be made from appropriated capital funds
 8 or from other funds lawfully available for that purpose and allocated
 9 therefor by the board, or from any combination of the foregoing, but not
 10 from appropriated operating funds. All state appropriated capital funds
 11 used for any one purchase contract shall be taken entirely from a single
 12 capital appropriation and shall be set aside for that purpose. In event of
 13 default, the only remedy of the seller shall be against the property itself
 14 and the rents and profits thereof, and in no event shall any deficiency
 15 judgment be entered or enforced against the state of Iowa, the board, or
 16 the institution for which the purchase was made. Provided, however, that
 17 no part of the tuition fees shall be used in the purchase of such real estate."

Approved March 12, 1969.

CHAPTER 180

EDUCATIONAL INSTITUTIONS SECURITY OFFICERS

S. F. 106

AN ACT authorizing the state board of regents to authorize institutions under its control to commission special security officers with peace officer authority.

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

1 SECTION 1. Chapter two hundred sixty-two (262), Code 1966, is hereby
2 amended by adding the following thereto:
3 "The board may authorize any institution under its control to commis-
4 sion one or more of its employees as special security officers. Special securi-
5 ty officers shall have the powers, privileges, and immunities of regular
6 peace officers when acting in the interests of the institution by which they
7 are employed. The board shall provide as rapidly as practicable for the ade-
8 quate training of such special security officers at the Iowa law enforce-
9 ment academy or in an equivalent training program, unless they have al-
10 ready received such training."

Approved March 3, 1969.

CHAPTER 181

REGENTS LONG-RANGE BUILDING PLAN

S. F. 537

AN ACT authorizing the state board of regents to acquire by gift, purchase, lease or construction and to reconstruct, complete, equip, improve, repair, remodel, operate, control, maintain and manage academic and administrative buildings and facilities and additions to and utilities services for such buildings and facilities and additions, at institutions of higher learning now or hereafter under the jurisdiction of the state board of regents, to acquire and improve property therefor, to establish and collect student fees and charges and to borrow money and issue revenue bonds payable solely from fees and charges and other institutional income, and to refund bonds or other obligations payable from such revenues.

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

1 SECTION 1. The general assembly hereby determines that the annual
2 revenues of the state are insufficient to finance the immediate building re-
3 quirements and other facilities and utilities services requirements of the
4 institutions of higher learning under the jurisdiction of the state board of
5 regents and in order to provide these buildings, facilities and utilities serv-
6 ices when they are needed, it is necessary to authorize the issuance of
7 revenue bonds by the state board of regents, subject to the restrictions and
8 limitations hereinafter set forth. It is the intent of the general assembly
9 that revenue bonds issued for academic and administrative buildings and
10 facilities and utilities services shall supplement and not supplant legisla-
11 tive appropriations for the same or similar purposes.

1 SEC. 2. The following words or terms, as used in this Act, shall have
2 the respective meanings as stated:

3 1. "Board" shall mean the state board of regents.

4 2. "Institution" or "institutions" shall mean the state university of Iowa,
5 the Iowa state university of science and technology, the university of north-

6 ern Iowa, and any other institution of higher learning under the jurisdic-
7 tion of the state board of regents which offers a college program of four
8 (4) years or more, including any such institution the creation of which is
9 hereafter authorized by the general assembly or which is placed under the
10 jurisdiction of said board.

11 3. "Buildings and facilities" shall mean those academic buildings and
12 other facilities used primarily for instructional and research purposes, in-
13 cluding libraries, and such other administrative and service buildings and
14 facilities as are deemed necessary by the board to provide supporting serv-
15 ices to the instructional and research programs and activities of the insti-
16 tutions, including, without limiting the generality of the foregoing, admin-
17 istrative offices, facilities for business services, student services and exten-
18 sion and continuing education services, off-street parking areas and struc-
19 tures incidental to other buildings and facilities which are not primarily
20 for parking purposes, garages, and storage and warehouse facilities, or any
21 combination thereof. This phrase shall also include works and facilities
22 deemed necessary by the board for furnishing utilities services to any
23 buildings or structures operated by the institutions, including, without lim-
24 iting the generality of the foregoing, water, electric, gas, communications,
25 sewer and heating facilities, together with all necessary structures, build-
26 ings, tunnels, lines, reservoirs, mains, filters, pipes, sewers, boilers, gener-
27 ators, fixtures, wires, poles, equipment, treatment facilities and all other
28 appurtenances in connection therewith, or any combination of the foregoing.

29 4. "Project" shall mean the acquisition by gift, purchase, lease or con-
30 struction of buildings and facilities which are deemed necessary by the
31 board for the proper performance of the instructional, research and service
32 functions of the institutions, and additions to buildings and facilities,
33 the reconstruction, completion, equipment, improvement, repair or remodel-
34 ing of buildings and facilities, including the demolition of existing build-
35 ings and facilities which are to be replaced, the acquisition of air rights
36 and the construction of projects thereon, and the acquisition of property
37 of every kind and description, whether real, personal or mixed, for build-
38 ings and facilities by gift, purchase, lease, condemnation or otherwise and
39 the improvement of the same, or any combination of the foregoing.

40 5. "Student fees and charges" shall mean all tuitions, fees and charges
41 for general or special purposes levied against and collected from students
42 attending the institutions except rates, fees, rentals or charges imposed
43 and collected under the provisions of (1) sections two hundred sixty-two
44 point thirty-five (262.35) through two hundred sixty-two point forty-two
45 (262.42) of the Code, (2) sections two hundred sixty-two point forty-four
46 (262.44) through two hundred sixty-two point fifty-three (262.53) of the
47 Code, and (3) sections two hundred sixty-two point fifty-five (262.55)
48 through two hundred sixty-two point sixty-six (262.66) of the Code.

49 6. "Institutional income" shall mean income received by an institution
50 from sources other than (1) student fees and charges, (2) rates, fees, rentals
51 or charges imposed and collected under the provisions of (a) sections two
52 hundred sixty-two point thirty-five (262.35) through two hundred sixty-
53 two point forty-two (262.42) of the Code, (b) sections two hundred sixty-
54 two point forty-four (262.44) through two hundred sixty-two point fifty-
55 three (262.53) of the Code, and (c) sections two hundred sixty-two point
56 fifty-five (262.55) through two hundred sixty-two point sixty-six (262.66)
57 of the Code, (3) state appropriations, and (4) "hospital income," as that

58 term is defined in subsection five (5) of section one (1) of chapter two hun-
59 dred thirty-five (235), Acts of the Sixty-second General Assembly.

60 7. "Bonds" shall mean revenue bonds which are payable solely and only
61 from student fees and charges and institutional income received by the in-
62 stitution at which the project is being undertaken.

1 SEC. 3. The board shall prepare and submit to the general assembly for
2 approval or rejection a proposed ten-year building program for each insti-
3 tution, including an estimate of the maximum amount of bonds which the
4 board expects to issue under the provisions of this Act during each year
5 of the ensuing biennium. Such program and estimate shall be submitted
6 no later than seven (7) days after the passage of this Act by the general
7 assembly and thereafter no later than seven (7) days after the convening of
8 each regular annual session of the general assembly. The building program
9 shall contain a list of the buildings and facilities which the board deems
10 necessary to further the educational objectives of the institutions. This list
11 shall be revised annually, but no project shall be eliminated from the list
12 when bonds have previously been issued by the board to pay the cost
13 thereof. Each such list shall contain an estimate of the cost of each of the
14 buildings and facilities referred to therein. If the general assembly rejects
15 or fails to approve any proposed ten-year building program, such action or
16 inaction shall not affect the status or legality of any project previously or
17 subsequently authorized by the general assembly as provided in section
18 four (4) of this Act.

1 SEC. 4. Subject to and in accordance with the provisions of this Act,
2 the state board of regents after authorization by a constitutional majority
3 of each house of the general assembly and approval by the governor may
4 undertake and carry out any project as defined in this Act at the institu-
5 tions now or hereafter under the jurisdiction of the board. The state board
6 of regents is authorized to operate, control, maintain, and manage build-
7 ings and facilities and additions to such buildings and facilities at each of
8 said institutions. All contracts for the construction, reconstruction, comple-
9 tion, equipment, improvement, repair or remodeling of any buildings, addi-
10 tions, or facilities shall be let in accordance with the provisions of section
11 two hundred sixty-two point thirty-four (262.34) of the Code. The title to
12 all real estate acquired under the provisions of this Act and the improve-
13 ments erected thereon shall be taken and held in the name of the state of
14 Iowa.

1 SEC. 5. The board is authorized to borrow money under the provisions
2 of this Act, and the board may issue and sell negotiable bonds to pay all
3 or any part of the cost of carrying out any project at any institution and
4 may refund and refinance bonds issued for any project or for refunding
5 purposes at the same rate or at a higher or lower rate or rates of interest.
6 Bonds issued under the provisions of this Act shall be sold by said board
7 at public sale on the basis of sealed proposals received pursuant to a notice
8 specifying the time and place of sale and the amount of bonds to be sold
9 which shall be published at least once not less than seven (7) days prior
10 to the date of sale in a newspaper published in the state of Iowa and hav-
11 ing a general circulation in said state. The provisions of chapter seventy-
12 five (75) of the Code shall not apply to bonds issued under authority con-
13 tained in this Act, but such bonds shall be sold upon terms of not less
14 than par plus accrued interest. Bonds issued to refund other bonds issued

15 under the provisions of this Act may either be sold in the manner herein-
16 before specified and the proceeds thereof applied to the payment of the ob-
17 ligations being refunded, or the refunding bonds may be exchanged for
18 and in payment and discharge of the obligations being refunded. The re-
19 funding bonds may be sold or exchanged in installments at different times
20 or an entire issue or series may be sold or exchanged at one time. Any issue
21 or series of refunding bonds may be exchanged in part or sold in parts in
22 installments at different times or at one (1) time. The refunding bonds
23 may be sold or exchanged at any time on, before, or after the maturity of
24 any of the outstanding bonds or other obligations to be refinanced thereby
25 and may be issued for the purpose of refunding a like or greater principal
26 amount of bonds, except that the principal amount of the refunding bonds
27 may exceed the principal amount of the bonds to be refunded to the ex-
28 tent necessary to pay any premium due on the call of the bonds to be
29 refunded or to fund interest in arrears or about to become due.

30 All bonds issued under the provisions of this Act shall be payable solely
31 and only from and shall be secured by an irrevocable pledge of a sufficient
32 portion of the student fees and charges and institutional income received
33 by the particular institution. All bonds issued under the provisions of this
34 Act shall have all the qualities of a negotiable investment security under
35 the laws of this state.

1 SEC. 6. Such bonds may bear such date or dates, may bear interest
2 at such rate or rates, payable semiannually, may mature at such time or
3 times, may be in such form and denominations, may carry such registra-
4 tion privileges, may be payable at such place or places, may be subject to
5 such terms of redemption prior to maturity with or without premium, if
6 so stated on the face thereof, and may contain such terms and covenants,
7 including the establishment of reserves, all as may be provided by the reso-
8 lution of the board authorizing the issuance of the bonds. In addition to the
9 estimated cost of construction, including site costs, the cost of the project
10 may include interest upon the bonds during construction and for six (6)
11 months after the estimated completion date, the compensation of a fiscal
12 agent or adviser, engineering, architectural, administrative and legal
13 expenses and provision for contingencies. Such bonds shall be executed by
14 the president of the state board of regents and attested by the executive
15 secretary, secretary or other official thereof performing the duties of sec-
16 retary, and the coupons thereto attached shall be executed with the origi-
17 nal or facsimile signatures of said president, executive secretary, secretary
18 or other official; provided, however, that the facsimile signature of either
19 of such officers executing such bonds may be imprinted on the face of the
20 bonds in lieu of the manual signature of such officer, but at least one (1)
21 of the signatures appearing on the face of each bond shall be a manual
22 signature. Any bonds bearing the signatures of officers in office on the date
23 of the signing thereof shall be valid and binding for all purposes, notwith-
24 standing that before delivery thereof any or all such persons whose signa-
25 tures appear thereon shall have ceased to be such officers. Each such bond
26 shall state upon its face the name of the institution on behalf of which it
27 is issued, that it is payable solely and only from the student fees and
28 charges and institutional income received by such institution as hereinbe-
29 fore provided, and that it does not constitute a debt of or charge against
30 the state of Iowa within the meaning or application of any constitutional
31 or statutory limitation or provision. The issuance of such bonds shall be

32 recorded in the office of the treasurer of the institution on behalf of which
33 the same are issued, and a certificate by such treasurer to this effect shall
34 be printed on the back of each such bond.

1 SEC. 7. Upon the determination by the state board of regents to under-
2 take and carry out any project or to refund outstanding bonds, said board
3 shall adopt a resolution describing generally the contemplated project
4 and setting forth the estimated cost thereof, or describing the obligations
5 to be refunded, fixing the amount of bonds to be issued, the maturity or
6 maturities, the interest rate or rates and all details in respect thereof.
7 Such resolution shall contain such covenants as may be determined by the
8 board as to the issuance of additional bonds that may thereafter be issued
9 payable from the student fees and charges and institutional income re-
10 ceived by the particular institution, the amendment or modification of the
11 resolution authorizing the issuance of any bonds, the manner, terms, and
12 conditions and the amount or percentage of assenting bonds necessary to
13 effectuate such amendment or modification, and such other covenants as
14 may be deemed necessary or desirable. In the discretion of the board any
15 bonds issued under the terms of this Act may be secured by a trust inden-
16 ture by and between the board and a corporate trustee, which may be
17 any trust company or bank having the powers of a trust company within
18 or without the boundaries of the state of Iowa, but no such trust indenture
19 shall convey or mortgage the buildings and facilities or any part thereof.
20 The provisions of this Act and of any resolution or other proceedings au-
21 thorizing the issuance of bonds and providing for the establishment and
22 maintenance of adequate student fees and charges and the application of
23 the proceeds thereof, together with institutional income, shall constitute a
24 contract with the holders of such bonds.

1 SEC. 8. Whenever bonds are issued by the state board of regents,
2 it shall be the duty of said board to establish, impose, and collect student
3 fees and charges at the institution on behalf of which such bonds are is-
4 sued, and to adjust such student fees and charges from time to time, in
5 order always to provide amounts which, together with the institutional in-
6 come, will be sufficient to pay the principal of and interest on such bonds
7 as the same become due and to maintain a reserve therefor, and said board
8 is authorized to pledge a sufficient amount of the student fees and charges
9 and institutional income received by such institution for this purpose. Stu-
10 dent fees and charges and institutional income received by one institution
11 shall not be used to discharge bonds issued for or on account of another
12 institution. All bonds issued under the terms of this Act shall be exempt
13 from taxation by the state of Iowa and the interest thereon shall be exempt
14 from the state income tax.

1 SEC. 9. A certified copy of each resolution providing for the issuance
2 of bonds under this Act shall be filed with the treasurer of the institution
3 on behalf of which the bonds are issued and it shall be the duty of said
4 treasurer to keep and maintain separate accounts for each issue of bonds
5 in accordance with the covenants and directions set out in the resolution
6 providing for the issuance thereof. A sufficient portion of the student fees
7 and charges and institutional income received by each institution shall be
8 held in trust by the treasurer thereof, separate and apart from all other
9 funds, to be used solely and only for the purposes specified in this Act and
10 as may be required and provided for by the proceedings of the board au-

11 authorizing the issuance of bonds. It shall be the duty of the treasurer of each
12 institution to disburse funds from the proper account for the payment
13 of the principal of and interest on the bonds in accordance with the direc-
14 tions and covenants of the resolution authorizing the issuance thereof.

1 SEC. 10. Under no circumstances shall any bonds issued under the
2 terms of this Act be or become or be construed to constitute a debt of or
3 a charge against the state of Iowa within the purview of any constitutional
4 or statutory limitation or provision. No taxes, appropriations, or other
5 funds of the state of Iowa may be pledged for or used to pay such bonds
6 or the interest thereon but any such bonds shall be payable solely and only
7 as to both principal and interest from the student fees and charges and
8 institutional income received by the institutions of higher learning under
9 the control of the state board of regents as provided in this Act, and the
10 sole remedy for any breach or default of the terms of any such bonds or
11 proceedings for their issuance shall be a proceeding either in law or in equi-
12 ty by suit, action, or mandamus to enforce and compel performance of the
13 duties required by this Act and the terms of the resolution under which
14 such bonds are issued.

1 SEC. 11. All banks, trust companies, bankers, savings banks and insti-
2 tutions, building and loan associations, savings and loan associations, in-
3 vestment companies and other persons carrying on a banking or invest-
4 ment business, all insurance companies, insurance associations, and other
5 persons carrying on an insurance business and all executors, administrators,
6 guardians, trustees, and other fiduciaries may legally invest any sinking
7 funds, moneys, or other funds belonging to them or within their control in
8 any bonds issued pursuant to this Act; provided, however, that nothing
9 contained in this section may be construed as relieving any persons from
10 any duty of exercising reasonable care in selecting securities for purchase
11 or investment.

1 SEC. 12. The state board of regents is authorized to apply for and
2 accept federal or non-federal gifts, loans, or grants of funds and to use the
3 same to pay all or any part of the cost of carrying out any project at
4 any institution under the terms of this Act or to pay any bonds and
5 interest thereon issued for any purposes specified in this Act.

1 SEC. 13. This Act shall be construed as providing an alternative and
2 independent method for carrying out any project at any institution of
3 higher learning under the control of the state board of regents, for the is-
4 suance and sale or exchange of bonds in connection therewith and for
5 refunding bonds pertinent thereto, without reference to any other statute,
6 and shall not be construed as an amendment of or subject to the provi-
7 sions of any other law, and no publication of any notice, whether under
8 section twenty-three point twelve (23.12) of the Code or otherwise, and
9 no other or further proceedings in respect to the issuance or sale or ex-
10 change of bonds under this Act shall be required except such as are pre-
11 scribed by this Act, any provisions of other statutes of the state to the con-
12 trary notwithstanding.

1 SEC. 14. If any provisions of this Act or the application thereof to any
2 person or circumstances is held to be invalid, such invalidity shall not
3 affect other provisions or applications of the Act which can be given effect

4 without the invalid provisions or application, and to this end the provisions
5 of this Act are declared to be severable.

1 SEC. 15. This Act being deemed of immediate importance shall be in
2 full force and effect from and after its passage and publication in The Mus-
3 catine Journal, a newspaper published at Muscatine, Iowa, and in The
4 Clinton Herald, a newspaper published at Clinton, Iowa.

Approved May 27, 1969.

I hereby certify that the foregoing Act, Senate File 537, was published in The Muscatine Journal, Muscatine, Iowa, June 3, 1969 and in The Clinton Herald, Clinton, Iowa, May 31, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 182

LABORATORY SCHOOLS

H. F. 130

AN ACT relating to aid to laboratory schools.

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

1 SECTION 1. Section two hundred sixty-five point six (265.6), Code
2 1966, is amended by striking from lines six (6) and seven (7) the words
3 and figures "supplementary aid to schools under chapter 286" and insert-
4 ing in lieu thereof the words and figures "aid to schools under chapter
5 three hundred fifty-six (356), Acts of the Sixty-second General Assembly".

Approved February 21, 1969.

CHAPTER 183

COUNTY BOARD OF EDUCATION

H. F. 766

AN ACT relating to election and apportionment of membership of county boards of education.

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

1 SECTION 1. Section two hundred seventy-three point three (273.3),
2 Code 1966, is hereby repealed and the following enacted in lieu thereof:
3 "The territory of the entire county school system shall be divided into
4 four election areas, of as nearly as possible equal population and contiguous
5 territory, to be designated as the first, the second, the third, and the fourth
6 election areas. In the event of changes in the population of school dis-
7 tricts, the county board of education shall make any such adjustments
8 as may be necessary to equalize the population of the election areas, pro-
9 vided that no such change shall be made less than sixty days prior to the
10 date of the annual school election."

1 SEC. 2. Section two hundred seventy-three point four (273.4), Code
2 1966, is hereby amended by inserting in line three (3) after the word "coun-
3 ty" the words "school system".

1 SEC. 3. Section two hundred seventy-three point twenty-two (273.22),
2 subsection four (4), Code 1966, is hereby amended as follows:

- 3 1. By striking from line four (4) the words "size and".
4 2. By striking from line eleven (11) the words "territorial and".

1 SEC. 4. This Act being deemed of immediate importance, shall take
2 effect after its passage, approval, and publication in the Wall Lake Blade,
3 a newspaper published at Wall Lake, Iowa, and in The Denison Bulletin,
4 a newspaper published at Denison, Iowa.

Approved May 29, 1969.

I hereby certify that the foregoing Act, House File 766, was published in the Wall Lake Blade, Wall Lake, Iowa, June 12, 1969, and in The Denison Bulletin, Denison, Iowa, June 3, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 184

COUNTY JUVENILE DETENTION HOME

S. F. 192

AN ACT relating to instruction of children in the county juvenile detention home.

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

1 SECTION 1. Section two hundred seventy-three point thirteen (273.13),
2 Code 1966, subsection fourteen (14), last line, is amended by striking the
3 figures "232.35" and inserting in lieu thereof the words and figures "two
4 hundred thirty-two point twenty-one (232.21)".

Approved March 26, 1969.

CHAPTER 185

TAX-SHELTERED ANNUITIES

S. F. 593

AN ACT to authorize purchase of tax-sheltered annuities for employees of county boards of education, the state board of public instruction, and merged area schools.

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

1 SECTION 1. Section two hundred seventy-three point thirteen (273.13),
2 section two hundred eighty A point twenty-three (280A.23), and section
3 two hundred fifty-seven point ten (257.10), Code 1966, are hereby amended
4 by adding the following new subsection:
5 "At the request of an employee through contractual agreement the
6 board may arrange for the purchase of an individual annuity contract for
7 any of their respective employees from any company the employee may
8 choose that is authorized to do business in this state and through an Iowa-
9 licensed insurance agent that the employee may select, for retirement or
10 other purposes and may make payroll deductions in accordance with such
11 arrangements for the purpose of paying the entire premium due and to be-
12 come due under such contract. The deductions shall be made in the man-

13 ner which will qualify the annuity premiums for the benefits afforded
 14 under section four hundred three *b* (403*b*) of the Internal Revenue Code
 15 of 1954 and amendments thereto. The employee's rights under such an-
 16 nuity contract shall be nonforfeitable except for the failure to pay premi-
 17 ums."

Approved June 5, 1969.

CHAPTER 186
 SCHOOL DIRECTORS

S. F. 416

AN ACT relating to the election of the board of directors of school districts.

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

1 SECTION 1. Section two hundred seventy-seven point four (277.4),
 2 Code 1966, is hereby amended as follows:
 3 1. By striking from lines five (5), six (6), and seven (7), the words "ear-
 4 lier than thirty days nor later than noon of the tenth day prior to said
 5 election." and inserting in lieu thereof the words "more than forty-five
 6 days, nor less than twenty days prior to the election."

Approved June 5, 1969.

CHAPTER 187
 ASSOCIATION OF SCHOOL BOARDS

S. F. 545

AN ACT relating to payment by school boards of dues to an association of school boards and of expenses of board members.

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

1 SECTION 1. Chapter two hundred seventy-nine (279), Code 1966, is
 2 hereby amended by adding thereto the following new section:
 3 "Boards of directors of school corporations may pay, out of funds avail-
 4 able to them, reasonable annual dues to an Iowa association of school
 5 boards."
 6 "Membership in such an Iowa association of school boards shall be limit-
 7 ed to those duly elected members of the board of directors of local school
 8 corporations."

1 SEC. 2. Section two hundred seventy-nine point twenty-nine (279.29),
 2 Code 1966, is hereby amended by adding to the end thereof the following:
 3 "Actual and necessary expenses, including travel, incurred by the board
 4 or individual members thereof in the performance of official duties may be
 5 paid or reimbursed."

1 SEC. 3. Chapter two hundred seventy-three (273), Code 1966, is hereby
 2 amended by adding thereto the following new section:
 3 "County boards of education or joint county boards of education may

4 pay, out of funds available to them, reasonable annual dues to an Iowa
5 association of school boards.

6 Membership in such an Iowa association of school boards shall be limit-
7 ed to those duly elected members of the county board of education or joint
8 county board of education."

1 SEC. 4. Chapter two hundred eighty A (280A), Code 1966, is hereby
2 amended by adding thereto the following new section:

3 "Boards of directors of merged area schools may pay, out of funds avail-
4 able to them, reasonable annual dues to an Iowa association of school
5 boards.

6 Membership in such an Iowa association of school boards shall be limit-
7 ed to those duly elected members of boards of directors of area schools."

Approved May 14, 1969.

CHAPTER 188

EYE PROTECTION

H. F. 395

AN ACT relating to eye protective devices.

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

1 SECTION 1. Section two hundred eighty point twenty (280.20), Code
2 1966, is hereby amended as follows:

3 1. By striking from line nineteen (19) the words "is required to" and
4 inserting in lieu thereof the word "shall".

5 2. By inserting in line twenty-one (21) after the word "participating"
6 the words ", and while in a room or other enclosed area where others are
7 participating,".

8 3. By striking from line forty-five (45) the words "American Standards".

9 4. By striking lines forty-six (46), forty-seven (47), and forty-eight (48),
10 inclusive, and inserting in lieu thereof the words "USA Standard Practice
11 for Occupational and Educational Eye and Face Protection, Z87.1-1968,
12 promulgated by the United States of American* Standards Institute."

Approved May 19, 1969.

*According to enrolled Act.

CHAPTER 189

MERGED AREA SCHOOLS LEASE AGREEMENTS

S. F. 630

AN ACT to authorize area schools to enter into lease agreements, with or without purchase op-
tions, for the rental of buildings.

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

1 SECTION 1. Chapter two hundred eighty A (280A), Code 1966, is hereby
2 amended by adding thereto the following new section:

3 "The board of directors may, with the approval of the state board, enter
4 into lease agreements, with or without purchase options, not to exceed
5 twenty years in duration, for the leasing or rental of buildings for use bas-
6 ically as classrooms, laboratories, shops, libraries and study halls for voca-
7 tional school or community college purposes, and pay for the same with
8 funds acquired pursuant to section two hundred eighty A point seventeen
9 (280A.17), section two hundred eighty A point eighteen (280A.18), and
10 section two hundred eighty A point twenty-two (280A.22) of the Code.

11 Such agreements may include the leasing of existing buildings on public
12 or private property, buildings to be constructed upon real estate owned by
13 the area school, or buildings to be placed upon real estate owned by the
14 area school.

15 Before entering into a lease agreement with a purchase option for a
16 building to be constructed, or placed, upon real estate owned by the area
17 school, the board shall first adopt plans and specifications for the proposed
18 building which it considers suitable for the intended use, and the board
19 shall also adopt the proposed terms of the lease agreement and purchase
20 option. Upon obtaining the approval of the state board, the board shall
21 invite bids thereon, by advertisement published once each week for two
22 consecutive weeks in the county where the building is to be located. Such
23 lease agreement shall be awarded to the lowest responsible bidder, or the
24 board may reject all bids and readvertise for new bids."

Approved May 22, 1969.

CHAPTER 190

MERGED AREA SCHOOLS

H. F. 825

AN ACT relating to payment of general school aid to merged areas, a uniform accounting system for area schools, and providing an appropriation for general state aid to school districts operating public junior or community colleges and to merged areas.

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

1 SECTION 1. Chapter two hundred forty-four (244), section four (4), Acts
2 of the Sixty-second General Assembly, amending chapter two hundred
3 eighty-six A (286A), Code 1966, is hereby amended by striking lines three
4 (3) through eighteen (18), inclusive, and inserting in lieu thereof the follow-
5 ing:

6 "Merged areas operating area schools shall be entitled to general school
7 aid. Each merged area shall be entitled to two dollars and twenty-five
8 cents per day for the full-time equivalent enrollment of students who are
9 residents of the state. The total amount of state aid allocated to each area
10 shall be computed by the following formula:

11 State aid = Full-time equivalent enrollment x 180 days x \$2.25.

12 The amount appropriated for general state aid for the fiscal year begin-
13 ning July 1, 1971, and each year thereafter, shall first be allocated to each
14 merged area, in accordance with the above formula, on the basis of its re-
15 imburseable full-time equivalent enrollment for the previous school year.
16 Any amount remaining shall be allocated to each merged area as provided

17 in section four (4) of this Act. Any course or program, the direct opera-
 18 tional costs of which are entirely paid by federal, state, or other govern-
 19 mental agencies or private subsidy, or both, shall not be eligible for reim-
 20 bursement.

21 For the purpose of this Act, the following definitions shall apply:

22 1. 'Full-time equivalent enrollment' means the quotient of the total num-
 23 ber of reimbursable hours carried by residents of the state attending a
 24 single area school, divided by five hundred forty, which represents fifteen
 25 reimbursable hours per week for a period of thirty-six weeks.

26 2. 'Reimbursable hour' means any of the following:

27 a. One contact hour of lecture in an approved course in arts and science
 28 or vocational-technical education. A contact hour of lecture is one that re-
 29 quires significant outside preparation.

30 b. Two contact hours of laboratory in an approved course in arts and
 31 science or vocational-technical education.

32 c. Two contact hours in an approved course of adult education that is
 33 eligible for general state aid, except that basic adult education, high school
 34 completion, and college credit courses that qualify as lecture courses will
 35 be reimbursed on a one contact hour basis. Courses dealing with recrea-
 36 tion, hobbies, casual cultural, or self-enjoyment subjects shall not be eli-
 37 gible for reimbursement."

1 SEC. 2. Chapter two hundred forty-four (244), section five (5), Acts
 2 of the Sixty-second General Assembly, amending chapter two hundred
 3 eighty-six A (286A), Code 1966, is hereby amended by striking from line
 4 eighteen (18) the words and figures "twenty-two and one-half (22½)"
 5 and inserting in lieu thereof the word "thirty".

1 SEC. 3. Chapter two hundred forty-four (244), section six (6), Acts of
 2 the Sixty-second General Assembly, is hereby repealed.

1 SEC. 4. Chapter two hundred eighty-six A (286A), Code 1966, is hereby
 2 amended by adding the following sections:

3 1. "The superintendent of public instruction, with the advice and par-
 4 ticipation of an advisory committee, shall submit a plan to the state comp-
 5 troller for the allocation of any funds remaining after fulfilling the require-
 6 ments of section one (1) of this Act.

7 For the purpose of this Act, the 'advisory committee' shall consist of
 8 one board member from each merged area, to be appointed by each merged
 9 area board at its first meeting in July of each year."

10 2. "The superintendent of public instruction shall establish a uniform
 11 accounting system for area schools subject to the approval of the auditor of
 12 state. The accounting system shall provide for crediting all funds received
 13 in the form of federal aid, state aid, tuition, and miscellaneous fees to four
 14 separate accounts, as follows:

- 15 1. Arts and science education.
- 16 2. Vocational-technical education.
- 17 3. General adult education.
- 18 4. Cooperative programs or services.

19 All expenditures shall be charged to the appropriate accounts. No funds
 20 shall be transferred from one account to another without the approval of
 21 the superintendent of public instruction, and notification of all such trans-
 22 fers shall be given to the state comptroller. The accounting system of
 23 each area school shall be audited annually by the auditor of state."

1 SEC. 5. There is hereby appropriated from the general fund of the state
 2 to the department of public instruction for the biennium beginning July 1,
 3 1969, and ending June 30, 1971, the following amounts, or so much thereof
 4 as may be necessary, to be used for the purposes designated:

5 For general state financial aid to school districts operating public junior
 6 or community colleges, and to merged areas.

7 a. For the first year of the biennium:

8	Area I	.....\$	186,208.00
9	Area II	.....	738,222.00
10	Area III	.....	404,747.00
11	Area IV	.....	189,157.00
12	Area V	.....	742,121.00
13	Area VI	.....	896,020.00
14	Area VII	.....	472,714.00
15	Area IX	.....	772,928.00
16	Area X	.....	1,165,180.00
17	Area XI	.....	1,035,739.00
18	Area XII	.....	327,058.00
19	Area XIII	.....	499,859.00
20	Area XIV	.....	266,424.00
21	Area XV	.....	665,737.00
22	Area XVI	.....	560,531.00
23	Emmetsburg	.....	77,355.00
24	Total for the first year of the biennium	.....\$	9,000,000.00

25 b. For the second year of the biennium:

26	Area I	.....\$	245,070.00
27	Area II	.....	801,968.00
28	Area III	.....	443,090.00
29	Area IV	.....	228,434.00
30	Area V	.....	818,966.00
31	Area VI	.....	942,851.00
32	Area VII	.....	581,937.00
33	Area IX	.....	919,712.00
34	Area X	.....	1,314,505.00
35	Area XI	.....	1,326,739.00
36	Area XII	.....	416,441.00
37	Area XIII	.....	610,306.00
38	Area XIV	.....	316,403.00
39	Area XV	.....	736,130.00
40	Area XVI	.....	611,588.00
41	Emmetsburg	.....	85,860.00
42	Total for the second year of the biennium	.....\$	10,400,000.00
43	Total for the biennium	.....\$	19,400,000.00

1 SEC. 6. No moneys appropriated by this Act shall be used for capital
 2 improvements.

1 SEC. 7. Chapter two hundred forty-four (244), section nine (9), Acts
 2 of the Sixty-second General Assembly, amending chapter two hundred
 3 eighty A (280A), Code 1966, is hereby amended by striking lines three (3),
 4 four (4), and five (5) and inserting in lieu thereof the following:

5 "After January 1, 1969, a merged area may not purchase land which
 6 will increase the aggregate of land owned by such area, excluding land

7 which has been or may be acquired by donation or gift, by more than three
 8 hundred twenty acres. Such limitation shall not apply to merged areas
 9 owning more than three hundred twenty acres, excluding land acquired by
 10 donation or gift, prior to January 1, 1969."

1 SEC. 8. The provisions of chapter eight (8) of the Code shall apply to
 2 this Act.

1 SEC. 9. Where any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the biennium.

Approved June 5, 1969.

CHAPTER 191

STATE TEACHERS' PENSION

H. F. 177

AN ACT relating to the state teachers' pension.

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

1 SECTION 1. Section two hundred ninety-four point fifteen (294.15),
 2 Code 1966, as amended by chapter two hundred forty-five (245), Acts of
 3 the Sixty-second General Assembly, is further amended as follows:

4 1. By striking from line twelve (12) the words "seventy-five" and insert-
 5 ing in lieu thereof the words "one hundred".

6 2. By striking from line nineteen (19) the words "seventy-five" and in-
 7 serting in lieu thereof the words "one hundred".

Approved June 17, 1969.

CHAPTER 192

INTEREST RATE ON SCHOOL BONDS

H. F. 640

AN ACT relating to the maximum rate of interest on general obligation bonds issued by school corporations.

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

1 SECTION 1. Section two hundred ninety-six point one (296.1), Code
 2 1966, is hereby amended by striking from line twenty-two (22), the word
 3 "five" and inserting in lieu thereof the word "six".

1 SEC. 2. Section two hundred ninety-eight point twenty-two (298.22),
 2 Code 1966, is hereby amended by striking from line nine (9) the word "five"
 3 and inserting in lieu thereof the word "six".

1 SEC. 3. This Act, being deemed of immediate importance, shall take
 2 effect and be in force from and after its publication in The Allison Trib-
 3 une, a newspaper published in Allison, Iowa, and in Cedar Valley Daily
 4 Times, a newspaper published in Vinton, Iowa.

Approved March 27, 1969.

I hereby certify that the foregoing Act, House File 640, was published in The Allison Tribune, Allison, Iowa, April 2, 1969 and in the Cedar Valley Daily Times, Vinton, Iowa, March 31, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 193

LIBRARY BOARD EMPLOYEES

S. F. 191

AN ACT relating to the board of library trustees and employees.

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

1 SECTION 1. Section three hundred three point twenty-two (303.22),
 2 Code 1966, is repealed.

Approved May 16, 1969.

CHAPTER 194

SPACE FOR GEOLOGICAL SURVEY

S. F. 30

AN ACT relating to the leasing of property and other facilities by the geological survey.

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

1 SECTION 1. Section three hundred five point four (305.4), Code 1966, is
 2 hereby amended by inserting in line eight (8) after the word "interest."
 3 the following new sentence:

4 "For the purpose of preserving well drilling samples, rock cores, fossils,
 5 and such other materials as may be necessary to carry on such investiga-
 6 tions, the state geologist shall have the authority to lease or rent sufficient
 7 space for storage of such materials subject to the approval of the executive
 8 council."

Approved May 8, 1969.

CHAPTER 195

MISSISSIPPI PARKWAY PLANNING COMMISSION

S. F. 73

AN ACT adding a member of the Iowa development commission to the Mississippi parkway planning commission.

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

- 1 SECTION 1. Section three hundred eight point one (308.1), Code 1966,
2 is hereby amended as follows:
3 1. By striking from line eight (8) the word "six" and inserting in lieu
4 thereof the word "seven".
5 2. By inserting in line seventeen (17) after the word "technology" the
6 words ", one member from the Iowa development commission,".

Approved March 28, 1969.

CHAPTER 196

REMOVAL OF BILLBOARDS

S. F. 190

AN ACT relating to removal of billboards, etc. on highways.

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

- 1 SECTION 1. Section three hundred nineteen point thirteen (319.13),
2 Code 1966, is amended by striking lines six (6) to nine (9), inclusive, and
3 inserting in lieu thereof the following:
4 "Such removal and assessment of cost in the case of primary roads
5 shall be by the highway commission and in the case of secondary roads by
6 the board of supervisors."
1 SEC. 2. Chapter two hundred sixty-two (262), Acts of the Sixty-second
2 General Assembly, section two (2), line seven (7), is amended by striking
3 the word "now".

Approved June 5, 1969.

CHAPTER 197

MOTOR VEHICLE REGISTRATION FEES

H. F. 2

AN ACT relating to motor vehicle registration fees.

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

- 1 SECTION 1. Section three hundred twenty-one point one (321.1), Code
2 1966, is hereby amended by adding thereto the following new subsection:
3 1. "Unladen weight" means the weight of a vehicle or vehicle combina-
4 tion without load."

1 SEC. 2. Section three hundred twenty-one point one hundred six
2 (321.106), Code 1966, is hereby repealed and the following enacted in lieu
3 thereof:

4 "Where there is no delinquency and the registration is made in February
5 or succeeding months to and including November, registration fees for
6 vehicles designed to carry nine passengers or less shall be computed on the
7 basis of one-twelfth of the annual registration fee as provided in this
8 chapter multiplied by the number of unexpired months of the year. No fee
9 shall be required for the month of December for a new car in good faith
10 delivered during that month.

11 Registration fees for vehicles designed to carry property or more than
12 nine passengers which are registered prior to April first shall be computed
13 on the basis of the full annual fee for such vehicle. Where there is no de-
14 linquency and the registration is made in April or succeeding months, reg-
15 istration fees for vehicles designed to carry property or more than nine pas-
16 sengers shall be computed on the basis of one-twelfth of the annual regis-
17 tration fees as provided in this chapter multiplied by the number of un-
18 expired months of the year.

19 Whenever any registration fee computed under this section contains a
20 fractional part of a dollar, the fee shall be computed to the nearest whole
21 dollar which amount shall be the fee collected. The fee so computed for
22 an original registration shall be deemed to be the annual registration fee
23 for the remainder of the registration year."

1 SEC. 3. Section three hundred twenty-one point one hundred nineteen
2 (321.119),* Code 1966, is hereby amended by striking lines one (1) through
3 three (3) and inserting the following in lieu thereof:

4 "All motor trucks equipped with pneumatic tires shall be registered for
5 a gross weight equal to or in excess of the unladen weight of the vehicle.
6 The annual registration fee for such motor trucks shall be:"

1 SEC. 4. Section three hundred twenty-one point one hundred twenty-
2 six (321.126), Code 1966, is hereby repealed and the following enacted in
3 lieu thereof:

4 "Refunds of fees previously paid for the registration of motor vehicles
5 shall be allowed in accordance with this section. Such refunds shall be
6 made as follows:

7 1. If the motor vehicle is destroyed by fire or accident, or junked and
8 its identity as a motor vehicle entirely eliminated, or removed and contin-
9 uously used beyond the boundaries of this state, the owner in whose name
10 the motor vehicle was registered at the time of such destruction, dis-
11 mantling or removal from the state shall return the plates to the county
12 treasurer or the Iowa reciprocity board and within thirty days thereafter
13 make affidavit of such destruction, dismantling, or removal and make claim
14 for refund. With reference to the destruction or dismantling of a vehicle, the
15 affidavit shall be accompanied by the certificate of title, if titled in Iowa, as
16 provided in section three hundred twenty-one point fifty-two (321.52). With
17 reference to the removal of a vehicle from this state as provided herein,
18 the affidavit shall contain a statement indicating the foreign registration
19 number of such vehicle, the name and address of the official of the foreign
20 state to whom the Iowa certificate of title, if any, has been surrendered,
21 and the number of the foreign certificate of title issued for such vehicle if
22 registered in a title law state.

* Repealed by ch. 213, §4.

23 2. If the motor vehicle is sold to a person whose residence or place of
24 business is without the state, the owner in whose name the motor vehicle
25 was registered at the time of the sale shall give notice in accordance with
26 the provisions of section three hundred twenty-one point fifty-two (321.52),
27 return the plates to the county treasurer or the Iowa reciprocity board,
28 and within thirty days thereafter make affidavit of such sale and make claim
29 for refund.

30 3. If the motor vehicle is stolen, the owner shall give notice of such theft
31 to the county treasurer or the Iowa reciprocity board within five days, who
32 in turn shall notify the department. If the motor vehicle is not recovered
33 by the owner before December first of the year for which the registration
34 fee was paid, the owner shall make affidavit of such theft and make claim
35 for refund.

36 4. If the motor vehicle is placed in storage by the owner upon his entry
37 into the military service of the United States, the owner shall return the
38 plates to the county treasurer or the Iowa reciprocity board and make
39 affidavit regarding such storage and military service and make claim for
40 refund. Whenever the owner of a motor vehicle so placed in storage desires
41 to again register such vehicle, the county treasurer or Iowa reciprocity
42 board shall compute and collect the fees for such registration in accord-
43 ance with section two (2) of this Act.

44 Notwithstanding any provision of this section to the contrary, there
45 shall be no refund of proportional registration fees unless the state which
46 issued the base plate for the vehicle allows such refund. If an owner subject
47 to proportional registration leases the vehicle for which the refund is
48 sought, the claim shall be filed in the names of both the lessee and the
49 lessor and the refund payment made payable to both the lessor and the
50 lessee. The term 'owner' for purposes of this section shall include a person
51 in whom is vested right of possession or control of a vehicle which is sub-
52 ject to a lease, contract, or other legal arrangement vesting right of posses-
53 sion or control in addition to the term as defined in section three hundred
54 twenty-one point one (321.1), subsection thirty-six (36), of the Code."

1 SEC. 5. Section three hundred twenty-one point four hundred sixty-
2 six (321.466), Code 1966, is hereby amended by striking lines thirty (30)
3 through thirty-nine (39) and inserting the following in lieu thereof:

4 "Upon conversion of a truck to a truck tractor or a truck tractor to a
5 truck, an increased gross weight registration of the proper type may be ob-
6 tained for any such vehicle by payment, except as provided in section two
7 (2) of this Act, of one-twelfth of the difference between the annual fee for
8 the higher gross weight and the amount of the annual fee for the gross
9 weight at which the vehicle is registered multiplied by the number of un-
10 expired months of the year from the date of such conversion."

Approved June 16, 1969.

CHAPTER 198

IMPLEMENTS OF HUSBANDRY

H. F. 192

AN ACT relating to implements of husbandry in the Iowa motor vehicle code.

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

1 SECTION 1. Section three hundred twenty-one point one (321.1), sub-
2 section sixteen (16), Code 1966, is hereby amended by striking from line
3 three (3) all of such subsection after the word "used" and inserting in lieu
4 thereof the following:

5 " , except as herein otherwise provided, by the owner thereof in the con-
6 duct of his agricultural operations. Implements of husbandry shall also in-
7 clude:

8 a. Portable livestock loading chutes without regard to whether such
9 chutes are used by the owner in the conduct of his agricultural opera-
10 tions, provided, that such chutes are not used as a vehicle on the highway
11 for the purpose of transporting property.

12 b. Any vehicle which is principally designed for agricultural purposes
13 and which is moved during daylight hours by a person either:

14 (1) From a place at which such vehicles are manufactured, fabricated,
15 repaired, or sold at retail to a farm site;

16 (2) To a place at which such vehicles are manufactured, fabricated,
17 repaired, or sold at retail from a farm site; or

18 (3) From one farm site to another farm site. For the purpose of this
19 subsection the term 'farm site' means a place or location at which vehicles
20 principally designed for agricultural purposes are used or intended to be
21 used in agricultural operations or for the purpose of exhibiting, demonstrat-
22 ing, testing, or experimenting with the same, provided, however, that said
23 place or location shall not be deemed a 'farm site' if the movement of said
24 vehicle, from or to the place at which vehicles principally designed for ag-
25 ricultural purposes are manufactured, fabricated, repaired, or sold at re-
26 tail, exceeds a distance of fifty miles.

27 Notwithstanding the other provisions of this subsection any vehicle
28 covered thereby if it otherwise qualifies may be registered as special mo-
29 bile equipment, or operated or moved under the provisions of sections three
30 hundred twenty-one point fifty-seven (321.57) to three hundred twenty-
31 one point sixty-three (321.63) of the Code, inclusive, if the person in whose
32 name such vehicle is to be registered or to whom a special plate or plates
33 are to be issued elects to do so and under such circumstances the provi-
34 sions of this subsection shall not be applicable to such vehicle, nor shall
35 such vehicle be required to comply with the provisions of sections three
36 hundred twenty-one point three hundred eighty-four (321.384) to three
37 hundred twenty-one point four hundred twenty-nine (321.429) of the
38 Code, inclusive, when such vehicle is moved during daylight hours, pro-
39 vided however, the provisions of section three hundred twenty-one point
40 three hundred eighty-three (321.383) of the Code, shall remain applicable
41 to such vehicle."

1 SEC. 2. Section three hundred twenty-one point four hundred fifty-
2 three (321.453), Code 1966, is hereby amended as follows:

3 1. By striking in line six (6) the word "dealer" and inserting in lieu there-
4 of the words "retail seller".

5 2. By inserting in line eight (8) after the word "located," the words "or
6 implements received and moved by a retail seller of implements of hus-
7 bandry in exchange for an implement purchased,".

Approved June 2, 1969.

CHAPTER 199

SCHOOL BUS REGISTRATION FEES

S. F. 235

AN ACT exempting certain school buses from payment of motor vehicle registration fees.

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

1 SECTION 1. Section three hundred twenty-one point eighteen (321.18),
2 Code 1966, is hereby amended by adding the following new subsection there-
3 to:

4 "Any school bus in this state used exclusively for the transportation of
5 pupils to and from school or a school function. Upon application the de-
6 partment shall, without charge, issue a registration certificate and shall
7 also issue registration plates which shall have imprinted thereon the words
8 'Private School Bus' and a distinguishing number assigned to the appli-
9 cant. Such plates shall be attached to the front and rear of each bus ex-
10 empt from registration under this Act."

1 SEC. 2. The effective date of this Act shall be January 1, 1970.

Approved June 6, 1969.

CHAPTER 200

AUTOMOBILE REGISTRATION

S. F. 194

AN ACT relating to special automobile registration plates.

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

1 SECTION 1. Section three hundred twenty-one point thirty-four
2 (321.34), Code 1966, is amended as follows:

3 1. Line thirty-eight (38), strike the word "license" and insert in lieu
4 thereof the word "registration".

5 2. Line forty-one (41), strike the word "license" and insert in lieu there-
6 of the word "registration".

7 3. Line forty-four (44), strike the word "license" and insert in lieu thereof
8 the word "registration".

9 4. Line forty-seven (47), strike the word "license" and insert in lieu thereof
10 the word "registration".

11 5. Line forty-eight (48), strike the word "license" and insert in lieu
12 thereof the word "registration".

Approved April 14, 1969.

CHAPTER 201

MOTOR VEHICLE DOCUMENTS

S. F. 439

AN ACT relating to the forgery or counterfeiting of motor vehicle documents.

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

1 SECTION 1. Section three hundred twenty-one point one hundred
2 (321.100), subsection two (2), Code 1966, is hereby amended by striking
3 all of such subsection after the word "plate" in line two (2) and inserting
4 in lieu thereof a period.

Approved May 16, 1969.

CHAPTER 202

MOTOR VEHICLES

S. F. 494

AN ACT relating to motor vehicles.

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

1 SECTION 1. Section three hundred twenty-one point one hundred
2 nine (321.109), Code 1966, as amended by chapter two hundred seventy
3 (270), section one (1), Acts of the Sixty-second General Assembly, is further
4 amended by adding after the period in line forty-two (42) the following:
5 "Dealers may, in addition to other provisions of this section, purchase
6 from the department in-transit stickers, for which a fee of two dollars per
7 sticker shall be paid at time of purchase. One such sticker shall be dis-
8 played on each vehicle purchased from a dealer by a nonresident for re-
9 moval to the state of his residence, and one such sticker shall also be dis-
10 played on each vehicle not currently registered in Iowa and purchased
11 by an Iowa dealer for removal to his place of business in this state. Such
12 stickers shall be void three days after issuance by the selling dealer. Each
13 sticker shall be at least five and one-half inches by eight inches and shall
14 contain the following information:

- 15 1. The words 'in-transit' in at least two-inch bold type.
- 16 2. The dealer's license number.
- 17 3. The date issued.
- 18 4. The purchaser's name and address.
- 19 5. The word 'Iowa' in at least one-inch bold type.
- 20 6. The words 'good for three days after the date of issuance'.
- 21 7. Such other information as the commissioner may require.

22 This information shall be on the gummed side of the sticker and the
23 sticker shall be made of such type of material as to be self-destructive
24 when the sticker is removed. The sales invoice verifying the sale shall
25 be in the possession of the driver of the vehicle in transit and shall be
26 signed by the owner or an authorized individual of the issuing dealership.

27 Motor vehicles brought into the state on a transit sticker for the pur-
28 pose of installation of special equipment may also be subject to the pro-
29 visions of this Act."

Approved June 6, 1969.

CHAPTER 203

POSSESSION OF TRAFFIC-CONTROL DEVICES

H. F. 534

AN ACT relating to unauthorized possession of official traffic-control devices.

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

- 1 SECTION 1. Chapter two hundred seventy-five (275), section one (1),
 2 Acts of the Sixty-second General Assembly, amending section three hun-
 3 dred twenty-one point two hundred sixty (321.260), Code 1966, is amend-
 4 ed by adding thereto the following:
 5 "It shall be unlawful for any person to have in his possession any offi-
 6 cial traffic-control device except by reason of his employment. Any person
 7 convicted of unauthorized possession of any official traffic-control device
 8 shall upon conviction be punished as provided in section three hundred
 9 twenty-one point four hundred eighty-two (321.482) of the Code."

Approved May 19, 1969.

CHAPTER 204

OPERATION OF MOTORCYCLES

H. F. 319

AN ACT relating to the operation of motorcycles.

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

- 1 SECTION 1. Every person operating a motorcycle shall be granted all
 2 of the rights and shall be subject to all of the duties applicable to the driv-
 3 er of any other vehicle except those rights and duties which by their nature
 4 can have no application.
- 1 SEC. 2. A person operating a motorcycle shall ride only upon the per-
 2 manent and regular attached seat thereto, and such operator shall not
 3 carry any other person nor shall any other person ride on a motorcycle
 4 unless such motorcycle is designed to carry more than one person, in which
 5 event a passenger may ride upon the permanent and regular seat if designed
 6 for two persons, or upon another seat firmly attached to the motorcycle at
 7 the rear of the operator.
- 1 SEC. 3. A person shall ride upon a motorcycle only when sitting
 2 astride the seat, facing forward with one leg on either side of the motor-
 3 cycle.
- 1 SEC. 4. No person shall operate a motorcycle while carrying any
 2 package, bundle, or other article which prevents him from keeping both
 3 hands on the handlebars.
- 1 SEC. 5. No operator shall carry any person, nor shall any other person
 2 ride, in a position that will interfere with the operation or control of the
 3 motorcycle or the view of the operator.

1 SEC. 6. All motorcycles are entitled to full use of a lane and no
2 motor vehicle shall be driven in such a manner as to deprive any motor-
3 cycle of the full use of a lane with the exception that this shall not apply
4 to motorcycles operated two abreast in a single lane.

1 SEC. 7. The operator of a motorcycle shall not overtake and pass in
2 the same lane occupied by the vehicle being overtaken.

1 SEC. 8. No person shall operate a motorcycle between lanes of traffic or
2 between adjacent lines or rows of vehicles.

1 SEC. 9. Motorcycles shall not be operated more than two abreast in a
2 single lane.

1 SEC. 10. Any motorcycle carrying a person other than in a sidecar or
2 enclosed cab shall be equipped with foot rests for such passenger.

1 SEC. 11. No person shall operate any motorcycle with handlebars
2 more than fifteen inches in height above that portion of the seat occupied
3 by the operator.

1 SEC. 12. The above regulations in regard to motorcycles shall not
2 apply to motorcycles or motor scooters when used in a parade authorized by
3 proper permit from local authorities.

Approved May 22, 1969.

CHAPTER 205

OPERATION OF A MOTOR VEHICLE WHILE INTOXICATED

H. F. 207

AN ACT relating to the operation of a motor vehicle while the operator of a vehicle is under the influence of alcoholic beverages or other substances, or a combination of such substances, which prevent the safe operation of a motor vehicle.

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

1 SECTION 1. Section three hundred twenty-one point two hundred
2 eighty-one (321.281), Code 1966, is hereby amended as follows:

3 1. By striking lines one (1) through seven (7), inclusive, and inserting in
4 lieu thereof the following:

5 "Whoever operates a motor vehicle upon the public highways of this
6 state while under the influence of an alcoholic beverage, a narcotic, hyp-
7 notic or other drug, or any combination of such substances shall, upon con-
8 viction or a plea of guilty, be punished for the first offense by a fine of not
9 less than three hundred".

10 2. By striking lines thirty-nine (39) and forty (40) and inserting in lieu
11 thereof the following:

12 "shall not be less than one hundred twenty days for conviction of a
13 first offense of operating a motor vehicle while under the influence of an al-
14 coholic beverage, a narcotic, hypnotic or other drug, or any combination
15 of such substances; of not less than two hundred forty days for conviction
16 of a second offense of such charge; and not less than one year for conviction

17 of a third offense of such charge and for each offense thereafter, notwithstand-
 18 ing the provisions of section three hundred twenty-one point two hundred
 19 twelve (321.212) of the Code; and the”.

20 3. By striking from line fifty-nine (59) the words “narcotic or hypnotic
 21 drugs” and inserting in lieu thereof the words “a narcotic, hypnotic or other
 22 drug”.

23 4. By striking from line sixty (60) the word “drugs” and inserting in lieu
 24 thereof the word “substances”.

25 5. By adding at the end of said section the following:

26 “For the purposes of this section, evidence that there was, at the time,
 27 more than ten hundredths of one percentum by weight of alcohol in his
 28 blood shall be admitted as presumptive evidence that the defendant was
 29 under the influence of an alcoholic beverage. No previous conviction for,
 30 or plea of guilty to, an offense under this section occurring more than six
 31 (6) years prior to the date of the violation being charged shall be used
 32 to determine that the violation being charged is a second, third or subse-
 33 quent offense.”

1 SEC. 2. Section twenty-nine B point one hundred six (29B.106), Code
 2 1966, is hereby amended by striking from line three (3) the word “drunk”
 3 and inserting in lieu thereof the words “under the influence of an alco-
 4 holic beverage, a narcotic, hypnotic or other drug, or any combination of
 5 such substances”.

1 SEC. 3. Section three hundred twenty-one point two hundred nine
 2 (321.209), Code 1966, is hereby amended by striking from subsection two
 3 (2), lines two (2) and three (3), the words “intoxicating liquor or a narcotic
 4 drug” and inserting in lieu thereof the words “an alcoholic beverage, a
 5 narcotic, hypnotic or other drug, or any combination of such substances”.

1 SEC. 4. Section three hundred twenty-one point four hundred ninety-
 2 four (321.494), Code 1966, is hereby amended by striking from line seven
 3 (7) the words “intoxicating liquor” and inserting in lieu thereof the words
 4 “an alcoholic beverage, a narcotic, hypnotic or other drug, or any combina-
 5 tion of such substances”.

1 SEC. 5. Section three hundred twenty-one B point one (321B.1), Code
 2 1966, is hereby amended by striking from lines six (6) and seven (7) the
 3 words “in an intoxicated condition” and inserting in lieu thereof the words
 4 “under the influence of an alcoholic beverage”.

1 SEC. 6. Section three hundred twenty-one B point three (321B.3),
 2 Code 1966, is hereby amended as follows:

3 1. By striking from line six (6) the words “in an intoxicated condition”
 4 and inserting in lieu thereof the words “under the influence of an alcoholic
 5 beverage”.

6 2. By striking from lines eighteen (18) and nineteen (19) the words “in
 7 an intoxicated condition” and inserting in lieu thereof the words “under the
 8 influence of an alcoholic beverage”.

9 3. By striking from lines twenty-one (21) and twenty-two (22) the words
 10 “in an intoxicated condition” and inserting in lieu thereof the words “under
 11 the influence of an alcoholic beverage”.

1 SEC. 7. Section three hundred twenty-one B point seven (321B.7),
 2 Code 1966, is hereby amended as follows:

3 1. By striking from lines eight (8) and nine (9) the words "in an intoxi-
4 cated condition" and inserting in lieu thereof the words "under the influence
5 of an alcoholic beverage".

6 2. By striking from lines eleven (11) and twelve (12) the words "in an
7 intoxicated condition" and inserting in lieu thereof the words "under the
8 influence of an alcoholic beverage".

1 SEC. 8. Section three hundred twenty-one B point eight (321B.8),
2 Code 1966, is hereby amended by striking from lines nineteen (19) and
3 twenty (20) the words "in an intoxicated condition" and inserting in lieu
4 thereof the words "under the influence of an alcoholic beverage".

1 SEC. 9. Section three hundred twenty-one B point ten (321B.10), Code
2 1966, is hereby amended by striking from line six (6) the words "in an intox-
3 icated condition" and inserting in lieu thereof the words "under the influ-
4 ence of an alcoholic beverage".

1 SEC. 10. Section three hundred twenty-one B point eleven (321B.11),
2 Code 1966, is hereby amended by striking from line eight (8) the words "in
3 an intoxicated condition" and inserting in lieu thereof the words "under the
4 influence of an alcoholic beverage".

1 SEC. 11. Section three hundred twenty-one B point twelve (321B.12),
2 Code 1966, is hereby amended by striking from line five (5) the words "in
3 an intoxicated condition" and inserting in lieu thereof the words "under
4 the influence of an alcoholic beverage".

1 SEC. 12. Section seven hundred forty-nine point two (749.2), Code 1966,
2 is hereby amended by striking from line eleven (11) the word "intoxicated"
3 and inserting in lieu thereof the words "under the influence of an alcoholic
4 beverage".

1 SEC. 13. Section three hundred twenty-one B point three (321B.3),
2 Code 1966, is hereby amended by inserting the following after the period in
3 line twenty-nine (29): "Subject to the right of a person to refuse a blood
4 test or to refuse to submit to any chemical testing, such peace officer may
5 determine which of said substances shall be tested; and if he requires a
6 breath test, he may also require a test of one other of said substances."

1 SEC. 14. Section three hundred twenty-one B point four (321B.4), Code
2 1966, is hereby amended by inserting the following after the period in line
3 eight (8): "However, any peace officer, using devices and methods approved
4 by the commissioner of public safety, may take a specimen of a person's
5 breath or urine for the purpose of determining the alcoholic content of the
6 person's blood."

Approved May 12, 1969.

CHAPTER 206

SCHOOL BUSES

S. F. 671

AN ACT relating to safety standards for the construction of school buses and manner of use of certain safety equipment.

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

1 SECTION 1. Section three hundred twenty-one point three hundred
2 seventy-three (321.373), Code 1966, as amended by chapter two hundred
3 eighty (280), section one (1), Acts of the Sixty-second General Assembly,
4 is hereby repealed and the following enacted in lieu thereof:

5 "1. Every school bus except private passenger vehicles used as school
6 buses shall be constructed and equipped to meet safety standards pre-
7 scribed in rules adopted by the state board of public instruction. Such
8 rules shall conform to safety standards set forth in federal laws and regu-
9 lations and shall conform, insofar as practicable, to the minimum standards
10 for school buses recommended by the national conference on school trans-
11 portation administered by the national commission on safety education and
12 published by the national education association.

13 2. Rules prescribed for school buses shall provide standards for structural
14 strength, materials, and insulation of the school bus body; color; seat and
15 aisle arrangement; dimension and construction of service door; control of
16 the front door or doors; emergency door and its location and construction;
17 windows; roof ventilators; heaters; location, filling, and draining of the fuel
18 tank; bumpers and how they shall be attached to the bus; lettering and
19 identification of the bus; stop signal arm; warning lights and flashing lights.

20 3. The rules prescribed for school buses shall include special rules for
21 passenger automobiles, and other vehicles designed to carry eight or fewer
22 pupils, when used as school buses.

23 4. Every school bus shall be equipped with a comfortable seat for each
24 child.

25 5. Vehicles owned by private parties and used as school buses shall have
26 reversed or covered the words 'school bus' wherever they appear on the
27 vehicle when the vehicle is not in use as a school bus. It shall be unlawful
28 to operate flashing stop warning signals on such privately-owned vehicles
29 except as provided in section three hundred twenty-one point three hun-
30 dred seventy-two (321.372) of the Code.

31 6. No vehicle except school buses shall be operated on any public high-
32 way if the vehicle is painted the color known as national school bus chrome.
33 This subsection shall not apply to any vehicle owned by a school corpora-
34 tion, church, or camp organization regularly transporting children; or by
35 a manufacturer of, distributor of, or dealer in school buses; and any per-
36 son purchasing a vehicle formerly used as a school bus shall have ten days
37 after such purchase to repaint the vehicle."

1 SEC. 2. Chapter two hundred eighty (280), section two (2), Acts of the
2 Sixty-second General Assembly, amending section three hundred twenty-
3 one point three hundred seventy-two (321.372), subsection one (1), Code
4 1966, is amended as follows:

5 1. By striking from line five (5) the word "amber".

6 2. By striking from lines five (5) and six (6) the words “, and the rear
7 red flashing warning lamps”.

8 3. By striking from line ten (10) the word “front”.

1 SEC. 3. Chapter two hundred eighty (280), section five (5), Acts of the
2 Sixty-second General Assembly, amending section three hundred twenty-one
3 point three hundred seventy-two (321.372), subsection four (4), Code 1966,
4 is hereby repealed.

1 SEC. 4. Section three hundred twenty-one point three hundred seventy-
2 two (321.372), subsection three (3), Code 1966, as amended by chapter two
3 hundred eighty (280), section two (2), Acts of the Sixty-second General As-
4 ssembly, is further amended by striking from line twelve (12) the word
5 “stop” and inserting in lieu thereof the words “red or amber”.

1 SEC. 5. This Act being deemed of immediate importance shall be in
2 full force and effect from and after its passage and publication in The Tipton
3 Conservative, a newspaper published at Tipton, Iowa, and in The Tele-
4 graph-Herald, a newspaper published at Dubuque, Iowa.

Approved June 2, 1969.

I hereby certify that the foregoing Act, Senate File 671, was published in The Tipton Con-
servative, Tipton, Iowa, June 12, 1969, and in The Telegraph-Herald, Dubuque, Iowa, June 9,
1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 207

SCHOOL BUS SPEED LIMITS

H. F. 60

AN ACT relating to the maximum speed limit for school buses.

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

1 SECTION 1. Section three hundred twenty-one point three hundred
2 seventy-seven (321.377), Code 1966, is hereby repealed and the following
3 enacted in lieu thereof:

4 “No motor vehicle in use as a school bus shall be operated at a speed
5 in excess of sixty miles per hour on any interstate highway system or on
6 any four-lane primary highway. When not in operation on an interstate
7 highway system or on any four-lane primary highway, the maximum speed
8 for a school bus shall be fifty miles per hour when used for purposes of
9 an educational trip or for transporting pupils to and from any extracurricu-
10 lar activity, and forty-five miles per hour at all other times. Any violation
11 of this section, by a driver, shall be deemed sufficient cause for canceling his
12 contract. For the purpose of this section, interstate highways means those
13 highways included in the national system of interstate highways designat-
14 ed by the federal bureau of public roads and this state.”

Approved April 30, 1969.

CHAPTER 208

FLASHING LIGHTS ON MOTOR VEHICLES

H. F. 292

AN ACT relating to the use of flashing lights on motor vehicles.

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

1 SECTION 1. Section three hundred twenty-one point four hundred
2 twenty-three (321.423), subsection one (1), Code 1966, is hereby amended
3 by striking from lines nine (9) and ten (10) the words "outside of the cor-
4 poration limits of cities and towns".

Approved May 19, 1969.

CHAPTER 209

STUDED TIRES ON CERTAIN VEHICLES

S. F. 95

AN ACT relating to studded tires on school buses and fire department emergency apparatus.

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

1 SECTION 1. Chapter two hundred eighty-four (284), section one (1),
2 Acts of the Sixty-second General Assembly, amending section three hun-
3 dred twenty-one point four hundred forty-two (321.442), Code 1966, is here-
4 by amended by inserting in line fourteen (14) after the word "year" the
5 words ", except that a school bus and fire department emergency apparatus
6 may use such tires at any time".

Approved April 7, 1969.

CHAPTER 210

MOVEMENT OF OVERSIZED VEHICLES

H. F. 142

AN ACT relating to the movement of oversized vehicles.

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

1 SECTION 1. Chapter two hundred eighty-five (285), Acts of the Sixty-
2 second General Assembly, is hereby amended by striking all of section
3 seven (7) and inserting in lieu thereof the following:
4 "A movement of an indivisible load over a highway or highways having
5 sections carrying varying volumes of traffic and having varying surface
6 widths shall have its permissible total distance computed on the basis of
7 the lowest volume of traffic or the greatest highway width, whichever pro-
8 duces the greatest distance by the foregoing schedule. However, no move-
9 ment over a section or sections carrying a given shorter permissible maxi-
10 mum shall be greater than that shorter maximum and, in computing the

11 distance which would be traveled on a section or sections having a certain
 12 width and traffic volume, distances which would be traveled on sections
 13 carrying shorter permissible move distances shall be included."

Approved May 19, 1969.

CHAPTER 211

LEASING AND RENTING MOTOR VEHICLES

S. F. 530

AN ACT relating to the leasing and renting of motor vehicles.

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

1 SECTION 1. When used in this Act, unless the context requires other-
 2 wise:

3 1. "Person" means an individual, partnership, corporation, association,
 4 or other business entity.

5 2. "Motor vehicle" means every vehicle which is self-propelled and subject
 6 to registration under the laws of this state.

7 3. "Business" means the business of leasing motor vehicles for use by
 8 others for compensation.

9 4. "Lease" means a written agreement providing for the leasing of a
 10 motor vehicle for a period of more than sixty days.

11 5. "Licensee" means a person licensed under the provisions of this Act
 12 to engage in business.

13 6. "Judgment" means any judgment which shall have become final.

14 7. "Evidence of financial responsibility" means:

15 a. A certificate of an insurance carrier certifying that the lessor under
 16 a lease is insured against liability for a judgment in the amount of fifty
 17 thousand dollars for personal injury to one individual and in an aggregate
 18 amount of one hundred thousand dollars for personal injuries to all individ-
 19 uals involved in a single accident, and in the amount of ten thousand dol-
 20 lars for property damage, resulting from any such single accident in which
 21 a motor vehicle under a lease is involved; or

22 b. A bond executed by a surety company authorized to do business in
 23 this state providing for the payment of judgments, against a lessor under
 24 a lease, within the limits set forth in paragraph a of this subsection.

25 8. "Commissioner" means the commissioner of public safety.

1 SEC. 2. No person shall engage in business in this state without first
 2 having obtained a license as provided in this Act.

1 SEC. 3. The application for a license to engage in business in this state
 2 shall be filed with the commissioner and shall provide such information
 3 relating to applicant's business as the commissioner may require.

1 SEC. 4. The license fee for a license to engage in business in this state
 2 for each calendar year or part thereof shall be fifteen dollars, to be paid at
 3 the time the application for a license is filed. If the application is denied,
 4 the amount of the fee shall be refunded to applicant.

1 SEC. 5. A license shall be denied if the applicant has engaged in busi-
2 ness in this state within one year prior to the date of application without
3 first having obtained a license as provided in this Act, or has violated any
4 rules and regulations of the commissioner adopted for the administration of
5 this Act.

6 The license of any licensee who shall have violated any provision of
7 this Act or any rules and regulations of the commissioner adopted for the
8 administration of this Act shall be suspended and such license shall not
9 be renewed nor shall a new license be issued to such licensee within one
10 year after the date of suspension of the license; provided that the suspen-
11 sion of a license shall not invalidate any lease entered into by lessor prior
12 to suspension and the parties to the lease shall have the authority and re-
13 main liable to perform their respective obligations under such leases.

1 SEC. 6. Within ten days after delivery of a motor vehicle under a
2 lease entered into by a lessor, such lessor shall file with the commissioner
3 evidence of financial responsibility and a copy of the lease, together with
4 a certificate on forms to be provided by the commissioner, setting forth
5 the name and address of the lessee, the period of the lease, and such other
6 information as the commissioner may require, except if the lessor has on
7 file with the commissioner evidence of financial responsibility covering all
8 motor vehicles which may be leased by lessor, the lessor shall not be re-
9 quired to furnish further evidence of financial responsibility after delivery
10 of the motor vehicle under a lease. In addition if a lessor has filed with the
11 commissioner a lease form under which motor vehicles are to be leased, the
12 lessor shall not be required to file a copy of each lease.

13 The lessor shall pay a filing fee of fifty cents for each motor vehicle
14 to be leased upon the filing of each certificate provided for in this section.

1 SEC. 7. A duplicate of the certificate required to be filed with the
2 commissioner under the provisions of section six (6) of this Act shall be
3 carried in the motor vehicle leased in such manner as the commissioner
4 may prescribe.

1 SEC. 8. All motor vehicles which are primarily garaged or located in
2 this state and which are the subject of a lease shall be registered in this
3 state. This section shall not be construed to exempt any motor vehicle
4 from registration which is otherwise subject to registration under the provi-
5 sions of chapter three hundred twenty-one (321) of the Code, provided how-
6 ever, that the provisions of this section shall not apply to motor vehicles
7 in fleets whose registrations are apportioned under the provisions of section
8 three hundred twenty-six point two (326.2).

1 SEC. 9. Any person engaged in business in this state shall not enter
2 into any agreement for the use of a motor vehicle under the terms of which
3 such person grants to another an option to purchase such motor vehicle
4 without first having obtained a motor vehicle dealer's license under the
5 provisions of chapter three hundred twenty-two (322) of the Code, and all
6 sales of motor vehicles under such options shall be subject to sales or use
7 taxes imposed under the provisions of chapters four hundred twenty-two
8 (422) and four hundred twenty-three (423) of the Code. Nothing contained
9 in this section shall require such person to have a place of business as pro-
10 vided by section three hundred twenty-two point six (322.6), subsection
11 eight (8), of the Code.

1 SEC. 10. Section three hundred twenty-two point one (322.1) of the
2 Code, as it pertains to employees and the expenditure of funds shall apply
3 to the provisions of this Act.

1 SEC. 11. The commissioner shall adopt rules and regulations for the
2 purpose of administering this Act. All fees and funds accruing from the
3 administration of this Act shall be remitted to the treasurer of state month-
4 ly and by him deposited in the motor vehicle dealer's license fee fund in the
5 manner provided in section three hundred twenty-two point twelve (322.12).

1 SEC. 12. Any person violating any provision of this Act shall be guilty
2 of a misdemeanor.

Approved June 6, 1969.

CHAPTER 212

MOTOR FUEL DISTRIBUTORS

S. F. 186

AN ACT relating to motor fuel distributors' licenses.

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

1 SECTION 1. Section three hundred twenty-four point six (324.6), Code
2 1966, is repealed.

1 SEC. 2. This Act shall not be construed to prejudice the rights of any
2 person which may have accrued under the law herein repealed.

Approved May 16, 1969.

CHAPTER 213

TRUCK FEES, FUEL TAX, AND ROAD USE TAX FUND

H. F. 714

AN ACT relating to vehicle registration fees, motor fuel taxes, and the state road use tax fund.

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

1 SECTION 1. Section three hundred twenty-four point seventy-eight
2 (324.78), Code 1966, is hereby repealed and the following inserted in lieu
3 thereof:

4 "The net proceeds of seven and one-half cents ($7\frac{1}{2}\text{¢}$) per gallon excise
5 tax on the diesel special fuel and six and one-half cents ($6\frac{1}{2}\text{¢}$) per gallon
6 excise tax on motor fuel and other special fuel, and penalties collected un-
7 der the provision of this chapter, shall be credited to the road use tax fund.

8 The net proceeds of one-half cent ($\frac{1}{2}\text{¢}$) per gallon excise tax on diesel
9 special fuel and one-half cent ($\frac{1}{2}\text{¢}$) per gallon excise tax on motor fuel and
10 other special fuel collected under the provisions of this chapter shall be
11 credited by the treasurer of state to the primary road fund."

1 SEC. 2. Section three hundred twelve point two (312.2), Code 1966, is
2 hereby amended as follows:

3 1. By striking from line two (2) of subsection two (2) the word "thirty"
4 and inserting in lieu thereof the word "twenty-nine".

5 2. By striking from line one (1) of subsection three (3) the word "ten"
6 and inserting in lieu thereof the word "nine".

7 3. By striking from line two (2) of subsection four (4) the word "thir-
8 teen" and inserting in lieu thereof the word "fifteen".

1 SEC. 3. Section three hundred twelve point three (312.3), Code 1966,
2 as amended by chapter two hundred fifty-three (253), section one (1), Acts
3 of the Sixty-second General Assembly, is hereby further amended by strik-
4 ing from line six (6) of subsection two (2) the word "thirteen" and insert-
5 ing in lieu thereof the word "fifteen".

1 SEC. 4. Sections three hundred twenty-one point one hundred nineteen
2 (321.119)* and three hundred twenty-one point one hundred twenty-one
3 (321.121), Code 1966, are hereby repealed.

1 SEC. 5. Section three hundred twenty-one point one hundred twenty-
2 two (321.122), Code 1966, is hereby amended as follows:

3 1. By striking from subsection one (1), lines one (1) through thirty-one
4 (31), inclusive, and inserting in lieu thereof the following:

5 "The annual registration fee for motor trucks except special trucks,
6 truck tractors, or road tractors, shall be based on the combined gross weight
7 of any combination of vehicles. All trucks, truck tractors, semitrailers, or
8 road tractors shall be registered for a gross weight equal to or in excess
9 of the unladen weight of the vehicle or combination of vehicles. The annual
10 registration fee for such vehicle or combination of vehicles shall be:

11 For a combined gross weight of three tons or less, thirty-five dollars for
12 the first ten full registrations, and the fee shall be twenty-five dollars there-
13 after.

14 For a combined gross weight exceeding three tons and not exceeding four
15 tons, forty-five dollars.

16 For a combined gross weight exceeding four tons and not exceeding five
17 tons, sixty dollars.

18 For a combined gross weight exceeding five tons and not exceeding six
19 tons, seventy-five dollars.

20 For a combined gross weight exceeding six tons but not exceeding seven
21 tons, one hundred dollars.

22 For a combined gross weight exceeding seven tons, but not exceeding
23 twenty-four tons, the fee shall be one hundred dollars and in addition
24 thereto thirty-five dollars for each ton over seven tons.

25 For a combined gross weight exceeding twenty-four tons, the fee shall be
26 six hundred ninety-five dollars and in addition thereto forty dollars for
27 each ton over twenty-four tons.

28 For a combined gross weight of thirty-four tons or more, a fee of twenty-
29 five dollars, which shall be in addition to the registration fees herein pro-
30 vided."

31 2. By striking from line seven (7) of subsection four (4) the word "twen-
32 ty-five" and inserting in lieu thereof the word "forty".

1 SEC. 6. Section three hundred twenty-four point eight (324.8), subsec-
2 tion four (4), Code 1966, is hereby amended by striking from line ten (10)

*See ch. 197, §3.

3 the words "net number" and inserting in lieu thereof the words "first three
4 hundred thousand gallons and one and one-quarter per centum of all gal-
5 lonage in excess of three hundred thousand gallons".

1 SEC. 7. Section three hundred twenty-one point one (321.1), Code
2 1966, is hereby amended by adding the following new subsection:

3 "A 'special truck' means a motor truck not used for hire with a gross
4 weight registration of eight through twelve tons, inclusive, used by a per-
5 son engaged in farming to transport commodities produced only by the
6 owner, or to transport commodities purchased by the owner for use in his
7 own farming operation."

1 SEC. 8. Chapter three hundred twenty-one (321), Code 1966, is hereby
2 amended by adding the following new section:

3 "The registration fee for a special truck shall be one hundred dollars
4 for a gross weight of eight, nine, or ten tons, and one hundred fifty dollars
5 for a gross weight of eleven or twelve tons. Any person convicted of using
6 a truck registered as a special truck for any purpose other than permitted
7 by this Act shall, in addition to any other penalty imposed by law, be re-
8 quired to pay regular motor truck registration fees upon such truck. A
9 distinctive decal shall be applied to the special truck registration plate for
10 easy identification."

1 SEC. 9. Section three hundred twenty-one point one hundred twenty-
2 three (321.123), Code 1966, is hereby amended as follows:

3 1. By striking from subsection one (1), lines twelve (12) through twenty-
4 six (26), inclusive, and inserting in lieu thereof the following:

5 "Trailers with a gross weight exceeding two tons, but not exceeding
6 twelve tons, thirty dollars.

7 Trailers with a gross weight in excess of twelve tons, sixty dollars."

8 2. By striking from subsection two (2), lines five (5) through twenty
9 (20), inclusive, and inserting in lieu thereof the following:

10 "Trailers with a gross weight exceeding two tons, but not exceeding
11 twelve tons, thirty dollars.

12 Trailers with a gross weight in excess of twelve tons, sixty dollars."

13 3. By adding the following new subsection:

14 "Motor trucks pulling trailers shall be registered for the combined gross
15 weight of the motor truck and the trailer; except that motor trucks reg-
16 istered for six tons or less pulling trailers registered as provided in this
17 section shall not be subject to registration for the gross weight of such trail-
18 er."

1 SEC. 10. Sections four (4) and five (5) of this Act shall be effective
2 January 1, 1970, except that vehicles registered in December 1969 for 1970
3 shall pay the registration fees provided in this Act.

1 SEC. 11. If any provision of this Act shall be invalid, such invalidity
2 shall not affect the provisions which can be given effect without the in-
3 valid provisions, and to this end the provisions of this Act are severable.

Approved June 17, 1969.

CHAPTER 214

MOTOR VEHICLE RECIPROCITY CAB CARDS

H. F. 3

AN ACT relating to issuance of a single cab card for vehicles subject to the provisions of chapter three hundred twenty-six (326) of the Code.

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

1 SECTION 1. When used in this Act, unless the context otherwise re-
2 quires:

3 1. "Executive secretary" shall mean the person appointed by the Iowa
4 reciprocity board in accordance with chapter three hundred twenty-six
5 (326) of the Code.

6 2. "Participating agencies" shall mean the Iowa reciprocity board, the
7 department of revenue, the Iowa state commerce commission, and the de-
8 partment of public safety.

9 3. "Single cab card" shall mean the single document issued pursuant to
10 this chapter to indicate compliance with the various applicable require-
11 ments of the participating agencies.

12 4. "Carrier" shall include, where applicable, natural persons, corpora-
13 tions, trusts, unincorporated associations, and partnerships.

1 SEC. 2. Any carrier who operates vehicles subject to the provisions of
2 chapter three hundred twenty-six (326) of the Code may, in lieu of carrying
3 evidence of compliance with the separate participating agencies, elect to
4 carry a single cab card indicating evidence of compliance with all require-
5 ments of the participating agencies which must be carried within the cab
6 of the vehicle. No fee shall be charged for the single cab card, but this
7 section shall not be construed to waive any fees imposed by law or re-
8 quired by the participating agencies. All single cab cards shall expire on
9 December thirty-first of each year.

1 SEC. 3. Upon compliance with the respective requirements of each
2 participating agency by a carrier electing to carry the single cab card, a
3 certificate of compliance shall be conveyed by the participating agency to
4 the executive secretary. Upon receipt of the certificates of compliance,
5 the executive secretary shall issue a single cab card which shall indicate
6 compliance with all requirements of the participating agencies. If a certifi-
7 cate of compliance is withdrawn by any one of the participating agencies,
8 the executive secretary shall cancel the single cab card.

1 SEC. 4. The executive secretary may issue a temporary authorization
2 permit to qualified carriers for vehicles not previously issued a permanent
3 single cab card. Such temporary permit shall be valid until the issuance of
4 a single cab card or cancellation of the permit by the executive secretary
5 upon apprehension for violation of any requirements enforceable by each
6 participating agency.

1 SEC. 5. The participating agencies shall jointly prepare and adopt
2 rules and regulations to effectuate the purposes of this Act.

Approved May 19, 1969.

CHAPTER 215

LIQUID TRANSPORT CARRIERS

H. F. 758

AN ACT relating to liquid transport carrier fees.

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

1 SECTION 1. Section three hundred twenty-seven A point nineteen
 2 (327A.19), Code 1966, is hereby amended by striking all of line seven (7)
 3 after the word "dollars" and lines eight (8) through ten (10), inclusive, and
 4 inserting in lieu thereof the following:
 5 " , except that the fee for a tractor or truck-tractor shall be fifteen dol-
 6 lars, and except that the fee herein provided shall not be imposed on any
 7 trailer or semitrailer."

Approved June 6, 1969.

CHAPTER 216

AVIATION AUTHORITY

S. F. 472

AN ACT to provide for aviation authorities.

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

1 SECTION 1. This Act shall be known and may be cited as the "Aviation
 2 Authority Act".

1 SEC. 2. **Definitions.** The following terms whenever used, or re-
 2 ferred to, in this Act shall have the following meanings, except in those in-
 3 stances where the context clearly indicates otherwise:

4 1. The term "authority" shall mean any aviation authority created pur-
 5 suant to the provisions of this Act.

6 2. The term "board" shall mean the governing body of an authority.

7 3. The term "municipality" shall mean any county, city, and town of
 8 this state, and any political subdivision of any state whose borders are at
 9 any point coterminous* with those of this state and whose laws shall permit
 10 the entry of and submission by such political subdivision to an authority
 11 created and operating pursuant to the provisions of this Act.

12 4. The term "member municipality" shall mean any municipality which
 13 shall join in the creation of an aviation authority as provided herein.

14 5. The term "state" shall mean the state of Iowa.

15 6. The term "state government" shall mean and include the state, the
 16 governor of the state, and any department thereof, or corporation, agency,
 17 or instrumentality heretofore or hereafter created, designated, or estab-
 18 lished by the state, exclusive of counties, cities, or towns.

19 7. The term "federal government" shall mean and include the United
 20 States of America, the president of the United States of America, and any
 21 department of, or corporation, agency, or instrumentality heretofore or
 22 hereafter created, designated, or established by the United States of Amer-
 23 ica.

*According to enrolled Act.

24 8. The term "aviation facilities" shall mean and include airports, build-
25 ings, structures, terminal buildings, or space, hangars, lands, warehouses,
26 or other aviation facilities of any kind or nature, or any other facilities of
27 any kind or nature related to or connected with said airports and other
28 aviation facilities which an authority is authorized by law to construct,
29 acquire, own, lease, or operate, including but not limited to parking facili-
30 ties, restaurants, and related facilities together with all fixtures, equip-
31 ment, and property, real or personal, tangible or intangible, necessary,
32 appurtenant, or incidental thereto.

33 9. The term "person" shall mean any individual, firm, partnership,
34 corporation, company, association, or joint stock association, and includes
35 any trustee, receiver, assignee, or similar representative thereof.

1 **SEC. 3. Creation.** Two or more municipalities may under the provi-
2 sions of this Act enter into an agreement creating an authority in the man-
3 ner and for the purposes hereinafter provided. Such authority so created
4 shall be a joint public instrumentality and public body corporate to be
5 known as "_____ Airport Authority", and which is hereby authorized
6 to exercise its jurisdiction, powers, and duties as herein set forth.

1 **SEC. 4. Committee.** Each authority shall have a committee whose
2 duties shall consist of electing board members, as hereinafter provided,
3 and advising the board on all matters with respect to the needs and opera-
4 tion of the authority. Committee membership shall be established in the
5 following manner: Each member municipality shall appoint one person for
6 each fifty thousand of its population or fraction thereof as shown in the
7 last certified federal census to a committee which shall be known as the
8 airport authority committee. In the computation of such population, a
9 member county shall include only that portion thereof residing in the un-
10 incorporated areas of that county. Members of such a committee shall be
11 appointed by the governing body of the member municipality they repre-
12 sent for a term of six years and may succeed themselves if reappointed.
13 Each member of such committee shall qualify by taking an oath to faith-
14 fully perform the duties of his office. To be eligible for appointment as a
15 member, each appointee must be a resident of the member municipality he
16 represents and be willing to serve on the board if elected. However, no
17 official or employee of any member municipality is eligible for such appoint-
18 ment. Within forty-five days after any vacancy occurs on such committee
19 by death, resignation, change of residence or removal of any member, or
20 from any other cause, the successor of such member shall be appointed
21 in the same manner as his predecessor was appointed and shall serve for the
22 unexpired term of his predecessor. The committee shall elect one of its
23 members as chairman, who shall hold office for two years, and it shall also
24 elect one of its members as secretary, who shall hold office for two years.
25 Each committee member and officer shall serve until his successor is duly
26 appointed and qualified unless he becomes disqualified for such member-
27 ship, in which event his position shall be deemed vacant. In no event shall
28 a salary be paid to a committee member, however, each committee mem-
29 ber shall be reimbursed for actual expenses incurred by him in the per-
30 formance of his duties.

1 **SEC. 5. Board.** Each authority shall have a board and said board
2 shall be the governing body of the authority exercising all of the rights,
3 duties, and powers conferred by this Act upon the authority. Board mem-
4 bership shall be established in the following manner: Committee members
5 shall elect in separate ballots from among their membership seven persons,
6 provided, however, that the maximum number of municipalities is represent-
7 ed on said board. Committee members elected to the board shall resign
8 from the committee. Where a committee consists of less than seven mem-
9 bers such committee shall elect sufficient nonmembers to the board so that
10 the board consists of seven persons. However, no official or employee of any
11 member municipality is eligible for election to the board. The term of the
12 two persons first so elected shall be for five years, of the next three per-
13 sons so elected for three years, and of the next two persons so elected for
14 one year. Thereafter, as those terms expire, the terms of successors shall be
15 for five years. Each member of the board shall qualify by taking an oath
16 to faithfully perform the duties of his office. Within forty-five days after
17 any vacancy occurs on the board by death, resignation, change of resi-
18 dence or removal of any member, or from any other cause, the successor
19 of such member shall be elected in the same manner as his predecessor was
20 elected and shall serve for the unexpired term of his predecessor. The board
21 shall elect one of its members as chairman who shall hold office for two
22 years, and it shall also elect one of its members as secretary, who shall
23 hold office for two years, and it shall also elect one of its members as treas-
24 urer, who shall hold office for two years and who shall execute an adequate
25 surety bond in a penal sum to be fixed from time to time by the authority,
26 conditioned upon the faithful performance of the duties of his office, the
27 premium on which shall be paid by the authority. Board members and officers
28 shall serve until a successor is duly elected and qualified. In no event shall
29 a salary be paid to a board member, however, each board member shall be
30 reimbursed for actual expenses incurred by him in the performance of his
31 duties. All actions by an authority shall require the affirmative vote of a
32 majority of the board of an authority as it may exist at the time.

1 **SEC. 6. Creation of an authority.**

2 1. Whenever the governing body of any municipality shall desire to
3 participate in the creation of an authority it shall adopt a resolution signi-
4 fying its intention to do so and shall publish said resolution at least one
5 time in a newspaper of general circulation in such municipality giving no-
6 tice of a hearing to be held on the question of the municipality's entry into
7 such authority. Such resolution shall be published at least fourteen days
8 prior to the date of hearing, and shall contain therein the following infor-
9 mation:

10 *a.* Intention to join in the creation of an authority pursuant to the pro-
11 visions of this Act.

12 *b.* The names of other municipalities which have expressed their intention
13 to join in the creation of the authority.

14 *c.* Number of committee members to be appointed from such municipal-
15 ity.

16 *d.* Name of authority.

17 *e.* Place, date, and time of hearing.

18 2. After the hearing, and if in the best interests of the municipality,
19 the municipality shall enact an ordinance authorizing the joining of the au-
20 thority.

1 **SEC. 7.**

2 1. Whenever an authority has been created by two or more municipali-
3 ties, any one or more of such municipalities may withdraw therefrom but
4 no municipality shall be permitted to withdraw from any authority after
5 any obligations thereof have been incurred unless in the opinion of the au-
6 thority satisfactory provision has been made by the withdrawing municipi-
7 pality for the payment of its portion of such outstanding obligations. When-
8 ever an authority has been created by two or more municipalities, any
9 municipality not having joined in the original agreement may subsequ-
10 ently join in the authority.

11 2. Any municipality wishing to withdraw from or to become a member
12 of an existing authority shall signify its desire by resolution and shall pub-
13 lish said resolution at least one time in a newspaper of general circulation
14 in such municipality giving notice of a hearing to be held on the question
15 of withdrawing or joining and its intention to withdraw or join. Said reso-
16 lution shall be published in a newspaper of general circulation in such with-
17 drawing or joining municipality at least fourteen days prior to the date of
18 hearing. A withdrawing municipality shall state in said resolution why it
19 wishes to withdraw and how it intends to pay its portion of the outstanding
20 obligation, if any. A joining municipality shall state in said resolution the
21 information required in section six (6) herein. A copy of said resolution
22 shall be certified to the authority by the municipality at least fourteen days
23 in advance of said hearing. After the hearing and if in the best interest of
24 the municipality, the municipality shall enact an ordinance authorizing the
25 withdrawing or joining. The authority shall by resolution express its consent
26 to such withdrawal, or joining, if satisfactory provision has been made as
27 aforesaid.

28 3. An application to withdraw or join shall be submitted to the authority
29 and shall in all cases be executed by the proper officers of the withdrawing
30 or incoming municipality under its municipal seal and accompanied by a
31 certified copy of the authorizing ordinance, and shall be joined in by the
32 proper officers of the governing body of the authority.

33 4. A municipality that joins initially or subsequently or withdraws
34 shall file notice of such joining or withdrawal with the secretary of state
35 and the county recorder in which such municipality is located. Upon its
36 creation, the authority shall file with the secretary of state and with the
37 county recorder wherein each municipality or part thereof is located a copy
38 of the agreement creating the authority.

1 **SEC. 8. Purposes and powers — general.** An authority is hereby
2 granted the following rights and powers, and shall have and may exercise
3 all powers necessary, appurtenant, convenient, or incidental to the carrying
4 out of the powers enumerated in this Act;

5 1. To sue and be sued in all courts.

6 2. To adopt, use, and alter at will a seal.

7 3. To acquire, hold, construct, improve, maintain, operate, own, and
8 lease as lessor or lessee, aviation facilities, provided that no lease of the
9 authority's property whose primary term is in excess of three years shall
10 be entered by the authority until after publication of notice of the terms of
11 the proposed lease once in the county in which said property is located, in
12 the manner provided by section six hundred eighteen point fourteen (618.14)
13 of the Code, together with the date, time, and place of a public hearing
14 which shall be held not less than fourteen days thereafter, at which the

15 authority will hear proponents for and objectors against the lease and may,
16 thereafter, cause it to be executed.

17 4. To acquire, purchase, hold, own, operate, and lease as lessee and use
18 any franchise, property, real, personal or mixed, tangible or intangible, or
19 any interest therein, necessary or desirable for carrying out the purposes
20 of an authority and this Act, and to sell, mortgage, lease as lessor, trans-
21 fer, and dispose of any property or interest therein at any time acquired by
22 it.

23 5. To enter into and make leases, either as lessee or lessor, for such period
24 or periods of time and under such terms and conditions as an authority
25 shall determine. Such leases may be entered into for buildings, structures,
26 or facilities constructed or acquired or to be constructed or acquired by an
27 authority, or may be entered into for lands owned by an authority where the
28 lessee of said lands agrees as a consideration for said lease to construct or
29 acquire buildings, structures, or facilities on said lands which will become
30 the property of an authority under such terms, rentals, and other conditions
31 as the authority shall deem proper.

32 6. To acquire by purchase, lease, or otherwise, and to construct, im-
33 prove, maintain, repair, and operate aviation facilities.

34 7. To fix, alter, charge, establish, and collect rates, fees, rentals, and
35 other charges for the services and facilities of aviation facilities, or any part
36 thereof, at reasonable and uniform rates to be determined exclusively by
37 an authority for the purposes of carrying out the provisions of this Act.

38 8. To borrow money, make and issue negotiable bonds, certificates,
39 refunding bonds, and other obligations (herein called "bonds") and notes
40 of an authority and to secure the payment of such bonds or any part
41 thereof by a pledge of any or all of an authority's revenues, rates, fees,
42 rentals, or other charges, and any other funds which it has a right to, or
43 may hereafter have the right to pledge for such purposes (hereafter some-
44 times referred to as "revenues"), and to mortgage its property as security
45 for the payment of such bonds; and in general, to provide for the security
46 of said bonds and the rights and remedies of the holders thereof. Such bonds
47 may be issued to finance either one or more or a combination of aviation
48 facilities and the revenues of any one or more aviation facilities may, sub-
49 ject to any prior rights of bondholders, be pledged for any one or more or a
50 combination of aviation facilities. Any revenues from existing aviation facili-
51 ties theretofore constructed or acquired pursuant to this Act or existing
52 acts, or existing aviation facilities constructed or acquired by an authority
53 from any source may be pledged for any one or more or a combination of
54 aviation facilities financed under this Act, regardless of whether or not such
55 existing aviation facilities are then being improved or financed by the pro-
56 ceeds of the bonds to be issued to finance the one or more or the combination
57 of aviation facilities for which such revenues of such existing aviation facil-
58 ities are to be pledged.

59 9. To make contracts of every kind and nature and to execute all instru-
60 ments necessary or convenient for the carrying on of its business.

61 10. Without limitation of the foregoing, to borrow money and accept
62 grants, contributions or loans from, and to enter into contracts, leases,
63 or other transactions with, municipal, county, state, or federal government.

64 11. To have the power of eminent domain, such power to be exercised
65 in the manner provided by law for municipal corporations of this state.

66 12. To pledge, hypothecate, or otherwise encumber all or any part of
67 the revenues, rates, fees, rentals, or other charges or receipts of an author-
68 ity as security for all or any of the obligations issued by an authority.

69 13. To pledge, mortgage, hypothecate, or otherwise encumber all or any
70 part of the property, real or personal, of the authority as security for all or
71 any of the obligations issued by an authority.

72 14. To employ technical experts necessary to assist an authority in carry-
73 ing out or exercising any powers granted hereby, including but not limited
74 to architects, engineers, attorneys, fiscal advisors, fiscal agents, investment
75 bankers, and aviation consultants.

76 15. To do all acts and things necessary or convenient for the promotion
77 of its business and the general welfare of an authority, in order to carry
78 out the powers granted to it by this Act or any other laws. An authority
79 shall have no power at any time or in any manner to pledge the taxing power
80 of the state or any political subdivision or agency thereof, nor shall any of
81 the obligations issued by an authority be deemed to be an obligation of the
82 state or any political subdivision or agency thereof secured by and payable
83 from ad valorem taxes thereof, nor shall the state or any political subdivi-
84 sion or agency thereof be liable for the payment of principal of or interest
85 on such obligations except from the special funds provided for in this Act.

1 **SEC. 9. Purposes and powers — bonds and notes.**

2 1. The bonds issued by an authority pursuant to this Act shall be au-
3 thorized by resolution of the board thereof and shall be either term or serial
4 bonds, shall bear such date or dates, mature at such time or times, not
5 exceeding forty years from their respective dates, bear interest at such rate
6 or rates, not exceeding eight per centum per annum payable semiannually,
7 be in such denominations, be in such form, either coupon or fully regis-
8 tered, shall carry such registration, exchangeability and interchange-
9 ability privileges, be payable in such medium of payment and at such place
10 or places, within or without the state, be subject to such terms of redemp-
11 tion and be entitled to such priorities on the revenues, rates, fees, rentals,
12 or other charges or receipts of the authority as such resolution or any reso-
13 lution subsequent thereto may provide. The bonds shall be executed either
14 by manual or facsimile signature by such officers as an authority shall de-
15 termine, provided that such bonds shall bear at least one signature which
16 is manually executed thereon, and the coupons attached to such bonds shall
17 bear the facsimile signature or signatures of such officer or officers as shall
18 be designated by an authority and the bonds shall have the seal of the au-
19 thority, affixed, imprinted, reproduced, or lithographed thereon, all as may
20 be prescribed in such resolution or resolutions. Said bonds shall be sold at
21 public sale at such price or prices as the authority shall determine to be in
22 the best interests of the authority provided that such bonds shall not be
23 sold at less than the par value thereof, plus accrued interest and provided
24 that the net interest cost shall not exceed eight per centum per annum.
25 Pending the preparation of definitive bonds, interim certificates or tempor-
26 ary bonds may be issued to the purchaser or purchasers of such bonds, and
27 may contain such terms and conditions as the authority may determine.

28 2. An authority shall have the power, at any time and from time to time
29 after the issuance of bonds thereof shall have been authorized, to borrow
30 money for the purposes for which such bonds are to be issued in anticipa-
31 tion of the receipt of the proceeds of the sale of such bonds and within the
32 authorized maximum amount of such bond issue. Any such loan shall be

33 paid within three years after the date of the initial loan. Bond anticipation
34 notes shall be issued for all moneys so borrowed under the provisions of
35 this section, and such notes may be renewed from time to time, but all such
36 renewal notes shall mature within the time above limited for the payment
37 of the initial loan. Such notes shall be authorized by resolution of the board
38 and shall be in such denomination or denominations, shall bear interest at
39 such rate or rates not exceeding the maximum rate permitted by the reso-
40 lution authorizing the issuance of the bonds, shall be in such form and shall
41 be executed in such manner, all as such authority shall prescribe. Such
42 notes shall be sold at public sale or, if such notes shall be renewal notes,
43 they may be exchanged for notes then outstanding on such terms as the
44 board shall determine. The board may, in its discretion, retire any such
45 notes from the revenues derived from its aviation facilities or from such other
46 moneys of the authority which are lawfully available therefor or from a com-
47 bination of each, in lieu of retiring them by means of bond proceeds;
48 provided, however, that before the retirement of such notes by any means
49 other than the issuance of bonds it shall amend or repeal the resolution
50 authorizing the issuance of the bonds, in anticipation of the proceeds of the
51 sale of which such notes shall have been issued, so as to reduce the author-
52 ized amount of the bond issue by the amount of the notes so retired. Such
53 amendatory or repealing resolution shall take effect upon its passage.

54 3. Any such resolution or resolutions authorizing any bonds hereunder
55 may contain provisions which shall be part of the contract with the holders
56 of such bonds, as to:

57 *a.* The pledging of all or any part of the revenues, rates, fees, rentals, or
58 other charges or receipts of an authority derived by an authority from all
59 or any of its aviation facilities.

60 *b.* The construction, improvement, operation, extensions, enlargement,
61 maintenance, repair, or lease of such aviation facilities and the duties of an
62 authority with reference thereto.

63 *c.* Limitations on the purposes to which the proceeds of the bonds, then
64 or thereafter to be issued, or of any loan or grant by the federal govern-
65 ment or the state government or the county or any municipality therein,
66 may be applied.

67 *d.* The fixing, charging, establishing, and collecting of rates, fees, rentals,
68 or other charges for use of the services and facilities of the aviation facili-
69 ties of an authority, or any part thereof.

70 *e.* The setting aside of reserves or sinking funds or repair and replacement
71 funds or other funds and the regulation and disposition thereof.

72 *f.* Limitations on the issuance of additional bonds.

73 *g.* The terms and provisions of any deed of trust, mortgage, or indenture
74 securing the bonds or under which the same may be issued.

75 *h.* Any other or additional agreements with the holders of the bonds as
76 are customary and proper and which in the judgment of an authority will
77 make said bonds more marketable.

78 4. An authority may enter into any deeds of trust, mortgages, indentures,
79 or other agreements, with any bank or trust company or any other lender
80 within or without the state as security for such bonds, and may assign and
81 pledge all or any of the revenues, rates, fees, rentals, or other charges or
82 receipts of an authority thereunder. Such deeds of trust, mortgages, inden-
83 tures, or other agreements, may contain such provisions as may be custo-
84 mary in such instruments, or, as an authority may authorize, including, but
85 without limitation, provisions as to:

86 *a.* The construction, improvement, operation, leasing, maintenance, and
87 repair of the aviation facilities and duties of an authority with reference
88 thereto.

89 *b.* The application of funds and the safeguarding and investment of
90 funds on hand or on deposit.

91 *c.* The appointment of consulting engineers or architects and approval
92 thereof by the holders of the bonds.

93 *d.* The rights and remedies of said trustee and the holders of the bonds.

94 *e.* The terms and provisions of the bonds or the resolution authorizing
95 the issuance of the same.

96 Any of the bonds issued pursuant to this Act are, and are hereby de-
97 clared to be, negotiable instruments, and shall have all the qualities and
98 incidents of negotiable instruments.

1 **SEC. 10. Funds of an authority.** Moneys of an authority shall be
2 paid to the treasurer of the authority who shall not comingle* said moneys
3 with any other moneys, but shall deposit them in a separate account or
4 accounts. The moneys in said accounts shall be paid out on check of the
5 treasurer on requisition of the chairman of the authority, or of such other
6 person, or persons, as the authority may authorize to make such requisition.
7 Notwithstanding the aforementioned provisions an authority is hereby
8 authorized, and shall have the right, to deposit any of its rates, fees, rent-
9 als, or other charges, receipts or income with any bank or trust company
10 within the state and to deposit the proceeds of any bonds issued hereunder
11 with any bank or trust company within the state, all as may be provided
12 in any agreement with the holders of bonds issued hereunder.

1 **SEC. 11. Transfer of existing facilities to authority.**
2 1. Any municipality, airport commission, authority, or person may, and
3 they are hereby authorized to sell, lease, lend, grant, or convey to the au-
4 thority, any aviation facilities or any part or parts thereof, or any interest
5 in real or personal property, which are within or without geographical
6 boundaries of one or more of the municipal members and which may be
7 used by an authority in the construction, improvement, maintenance, leas-
8 ing, or operation of any aviation facilities. Any municipality, airport com-
9 mission, authority, or person is additionally authorized hereby to transfer,
10 assign, and set over to an authority any contract or contracts which may
11 have been awarded by said municipality, airport commission, authority, or
12 person for the construction of aviation facilities not begun or, if begun, not
13 completed.

14 2. The proposed action of an authority, and the proposed agreement to
15 acquire, shall be approved by the governing body of the owner of the avia-
16 tion facilities. Whenever the governing body of any municipality, airport
17 commission, or authority, shall desire to sell, lease, lend, grant, or convey
18 to the authority, any aviation facilities or any part or parts thereof, as
19 aforesaid, it shall adopt a resolution signifying its intention to do so and
20 shall publish said resolution at least one time in a newspaper of general
21 circulation in said municipality and in a newspaper or newspapers, if neces-
22 sary, of general circulation of the area served by said airport commission
23 or authority giving notice of a hearing to be held on the question of said
24 sale, lease, loan, grant, or conveyance. Such resolution shall be published
25 at least fourteen days prior to the date of hearing. After the hearing and
26 if in the public interest, said municipality shall enact an ordinance author-

*According to enrolled Act.

27 izing said sale, lease, loan, grant, or conveyance and said airport commis-
28 sion or authority shall pass a resolution authorizing said sale, lease, loan,
29 grant, or conveyance.

30 3. An owner, transferring existing facilities to an authority under the
31 provisions of this section must notify the authority of and make provision
32 in the transfer documents for, where necessary, existing rights, liens, secur-
33 ities, and rights of reentry belonging to the state and federal government.

34 4. This section, without reference to any other law, shall be deemed
35 complete authority for the acquisition by agreement, of aviation facilities
36 as defined in this Act, any provision of other laws to the contrary not-
37 withstanding, and no proceedings or other action shall be required except
38 as herein prescribed.

1 **SEC. 12. Award of contract.** All contracts entered into by an au-
2 thority for the construction, reconstruction, and improvement of aviation
3 facilities shall be entered into pursuant to and shall comply with chapter
4 twenty-three (23) of the Code. However, where an authority determines an
5 emergency exists, it may enter into contracts obligating the authority for
6 not in excess of twenty-five thousand dollars per emergency without re-
7 gard to the requirements of chapter twenty-three (23) of the Code, and the
8 authority may proceed with the necessary action as expeditiously as pos-
9 sible to the extent necessary to resolve such emergency.

1 **SEC. 13. Acquisition of lands and property.** An authority shall
2 have the power to acquire, within or without the geographical boundaries
3 of the member municipalities, by purchase or eminent domain proceedings,
4 either the fees or such rights, title, interest, or easement in such lands and
5 property, including but not limited to air rights and aviation easements,
6 as the authority may deem necessary for any of the purposes of this Act. The
7 right of eminent domain herein conferred shall be exercised by the author-
8 ity in the manner provided by law, as though the authority were a municipi-
9 pal corporation.

1 **SEC. 14. Use of aviation facilities.** The use of aviation facilities and
2 the services and facilities thereof, by an authority and the operation of its
3 business shall be subject to the rules and regulations, from time to time,
4 adopted by the authority and applicable federal laws and regulations; pro-
5 vided, however, that an authority shall not be authorized to do anything
6 which will impair the security of the holders of the obligations of the au-
7 thority or violate any agreements with them or for their benefit.

1 **SEC. 15. Tax for purposes of an authority.** The governing body of
2 a municipality after joining an authority and after determination by the
3 authority pursuant to planning studies may by ordinance provide for the
4 assessment of an annual levy not to exceed one mill upon all the taxable
5 property in such municipality for a period not to exceed forty years as
6 shall be agreed by the member municipalities or for such longer time as
7 any revenue bonds of an authority shall be outstanding or until such
8 municipality withdraws from the authority, whichever is sooner. A county
9 which is a member municipality may levy such tax only upon the property
10 in the unincorporated area of such county. Such tax may be levied in ex-
11 cess of any millage tax limitation imposed by statute. Such ordinance shall
12 be enacted only after publication of notice and hearing in the manner pre-
13 scribed in section six (6) hereof. Upon such enactment, a copy thereof shall

14 be certified to the authority. An authority shall have the power to enforce
15 the collection of such levy by mandamus or other appropriate remedy and
16 such levy shall be collected in the manner other taxes are collected and
17 allocated and paid to the authority for the exclusive and proper use of the
18 authority, including but not limited to the purchase of land, and the ac-
19 quiring, establishing, constructing, enlarging, operating, and maintaining of
20 aviation facilities. In addition to the purposes listed above, moneys in said
21 fund may be pledged to the payment of the principal, interest, and redemp-
22 tion premium, if any, on bonds of the authority. Money paid to the author-
23 ity pursuant to this section shall be deposited by the authority in a special
24 trust fund to be called the "_____ Authority Capital Reserve Fund".
25 Member municipalities may, in addition, deposit money from current oper-
26 ating funds in the capital reserve fund pursuant to agreement for the pur-
27 pose of providing initial funds to the authority to be used for funding stud-
28 ies, plans, and other expenses of an authority pending receipt of funds
29 from the annual levy herein authorized. Any such money so deposited shall
30 be considered a gift and is not repayable.

1 **SEC. 16. Exemption from taxation.** The effectuation of the author-
2 ized purposes of an authority shall be in all respects for the benefit of the
3 people of the state and the member municipalities, for the increase of their
4 commerce and prosperity, and for the improvement of their welfare,
5 health, and living conditions, and since an authority will be performing
6 essential governmental functions in effectuating such purposes, an author-
7 ity shall not be required to pay any taxes or assessments of any kind or
8 nature whatsoever upon any property required or used by it for such pur-
9 poses, or any rates, fees, rentals, receipts, or incomes at any time received
10 by it, and the bonds issued by an authority, their transfer and the income
11 therefrom (including any profits made on the sale thereof) shall at all times
12 be free from taxation of any kind by the state, or any political subdivision
13 or taxing agency or instrumentality thereof.

1 **SEC. 17. Act complete and additional authority.** The powers con-
2 ferred by this Act shall be in addition and supplemental to any other law
3 and this Act shall not be construed so as to repeal any other law, except
4 to the extent of any conflict between the provisions of this Act and the
5 provisions of any other law, in which event the provisions of this Act shall
6 be controlling and shall, to the extent of any such conflict, supersede the
7 provisions of any other law. This Act is intended to and shall provide an
8 alternative and complete method for the exercise of the powers granted by
9 this Act, and the aviation facilities authorized by this Act may be con-
10 structed, acquired, or improved and bonds or other obligations issued pur-
11 suant to this Act upon compliance with the provisions of this Act without
12 regard to or necessity for compliance with the limitations or restrictions
13 contained in any other law. No approval of the qualified electors or qual-
14 ified freeholders of the state, or of any other political subdivision or taxing
15 unit or agency thereof, or of the member municipalities shall be required
16 for the issuance of any bonds by an authority pursuant to this Act.

1 **SEC. 18. Cooperation between municipalities and authorities.**
2 The effectuation of the authorized purposes of an authority being in all
3 respects for the benefit of the people of the state and the member munici-
4 palities, each member municipality is hereby authorized to aid and cooper-
5 ate with an authority in carrying out any authorized purposes of the au-

6 thority. Each member municipality is hereby authorized to enter into
 7 cooperation agreements for the making of a loan, gift, grant, or contribu-
 8 tion to the authority for the carrying out of its authorized purposes. Each
 9 member municipality is hereby further authorized to grant and convey
 10 to an authority real or personal property, of any kind or nature, or any
 11 interest therein, for the carrying out of its authorized purposes. Each mem-
 12 ber municipality is, further and additionally, authorized to covenant in
 13 any such cooperation agreement made pursuant to this section to pay all
 14 or any part of the costs of operation and maintenance of the aviation fa-
 15 cilities of an authority from moneys derived from ad valorem taxation or
 16 from any other available funds of the municipality. Any such cooperation
 17 agreement may be made and entered into pursuant to this Act for such time
 18 or times not exceeding forty years as shall be agreed by the parties thereto
 19 or for such longer time as any revenue bonds of an authority, including re-
 20 fundings thereof, remain outstanding and unpaid and may contain such
 21 other details, terms, provisions, and conditions as shall be agreed upon by
 22 the parties thereto. Any such cooperation agreement may be made and
 23 entered into for the benefit of the holders of any revenue bonds of an au-
 24 thority as well as the parties thereto and shall be enforceable in any court
 25 of competent jurisdiction by the holders of any such revenue bonds or of
 26 the coupons appertaining thereto.

1 **SEC. 19. Eligibility as investments and security for public funds.**

2 Notwithstanding the provisions of any other law or laws, all bonds issued
 3 by an authority pursuant to this Act shall be and constitute legal invest-
 4 ments for banks, savings banks, trustees, executors, and all other fiduciaries,
 5 and all such bonds shall be and constitute securities eligible for deposit for
 6 the securing of all state, municipal, and other public funds.

1 **SEC. 20.** This Act being deemed of immediate importance shall be in
 2 full force and effect from and after its passage and publication in The Cedar
 3 Rapids Gazette, a newspaper published at Cedar Rapids, Iowa, and in The
 4 Des Moines Register, a newspaper published at Des Moines, Iowa.

Approved May 8, 1969.

I hereby certify that the foregoing Act, Senate File 472, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, May 15, 1969 and in The Des Moines Register, Des Moines, Iowa, May 15, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 217

COUNTY OFFICERS COMPENSATION

S. F. 614

AN ACT to increase the compensation of county officers, including county attorneys, assistant county attorneys, sheriffs, district court clerks, and members of the county boards of supervisors.

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

1 SECTION 1. Section three hundred thirty-one point twenty-two
2 (331.22), Code 1966, as amended by chapter two hundred ninety-one (291),
3 section one (1), Acts of the Sixty-second General Assembly, is hereby re-
4 pealed and the following enacted in lieu thereof:

5 "The members of the boards of supervisors shall, except as hereinafter
6 provided, each be paid on an annual basis according to the following sched-
7 ule:

8		Boards of	Boards of
9		three members	five members
10	POPULATION OF COUNTY	SALARY	SALARY
11	0 to 10,000	\$ 5,600	\$ 5,400
12	10,001 to 15,000	6,000	5,600
13	15,001 to 20,000	6,500	6,000
14	20,001 to 40,000	7,200	6,500
15	40,001 to 60,000	8,000	7,200
16	60,001 to 100,000	9,000	8,000
17	100,001 to 150,000	10,000	9,000
18	150,001 to 200,000	11,000	10,000
19	200,001 and over	12,500	12,500

20 These salaries shall be in full payment of all services rendered to the
21 county by said supervisors except statutory mileage while actually engaged
22 in the performance of official duties. Such mileage shall be limited to one
23 thousand dollars for each supervisor. Supervisors on boards of more than
24 five members shall receive a salary equal to the total salaries received by
25 a five member board pursuant to the population schedule, divided by the
26 number of members on such board."

27 "In counties of forty thousand population or less the board of super-
28 visors may on their own motion elect to receive their compensation on a
29 per diem basis. If they so elect, the members of the board of supervisors
30 shall each receive twenty-five dollars per day for each day actually in ses-
31 sion or employed on committee service or as a ditch or drainage board con-
32 sidering drainage matters. No such member shall receive per diem pay in
33 excess of five thousand dollars in any one calendar year. In addition, he
34 shall receive ten cents for every mile traveled in going to and from sessions
35 and in going to and from the place of performing committee service.

36 If on the same day the board considers matters involving two or more
37 drainage districts, their per diem shall be apportioned by them among such
38 districts.

39 If on the same day the board acts both as a county board and also for
40 the purpose of considering drainage matters, the board shall be paid for
41 one day only and from the general fund or drainage fund as the board may
42 order."

1 SEC. 2. Sections three hundred thirty-one point twenty-three (331.23)
2 and three hundred thirty-one point twenty-four (331.24), Code 1966, are
3 hereby repealed.

1 SEC. 3. Section three hundred thirty-one point twelve (331.12), Code
2 1966, is hereby amended by striking from line three (3) the words "six
3 months" and inserting in lieu thereof the words "sixty days".

1 SEC. 4. Section three hundred forty point one (340.1), Code 1966, is
2 hereby repealed and the following enacted in lieu thereof:

3 "The annual compensation of the county auditor, county treasurer,
4 county recorder, and clerk of the district court shall be computed from the
5 following table:

6	POPULATION OF COUNTY	SALARY 'A'
7	0 to 5,000	\$2,975
8	5,001 to 6,000	3,025
9	6,001 to 7,000	3,075
10	7,001 to 8,000	3,125
11	8,001 to 9,000	3,175
12	9,001 to 10,000	3,225
13	10,001 to 12,500	3,250
14	12,501 to 15,000	3,300
15	15,001 to 17,500	3,350
16	17,501 to 20,000	3,400
17	20,001 to 25,000	3,450
18	25,001 to 30,000	3,500
19	30,001 to 35,000	3,550
20	35,001 to 40,000	3,600
21	40,001 to 45,000	3,675
22	45,001 to 50,000	3,750
23	50,001 to 60,000	3,850
24	60,001 to 70,000	3,950
25	70,001 to 80,000	4,050
26	80,001 to 90,000	4,200
27	90,001 to 100,000	4,300
28	100,001 to 125,000	4,450
29	125,001 to 150,000	4,600
30	150,001 to 175,000	4,700
31	175,001 to 200,000	4,800
32	200,001 to 225,000	4,900
33	225,001 to 250,000	5,050
34	250,001 to 275,000	5,200
35	275,001 and over	5,500

36	TAXABLE VALUATION OF COUNTY	SALARY 'B'
37	\$ 8,000,000 to \$ 10,000,000	\$3,975
38	10,000,001 to 12,000,000	4,025
39	12,000,001 to 14,000,000	4,075
40	14,000,001 to 16,000,000	4,125
41	16,000,001 to 18,000,000	4,175
42	18,000,001 to 20,000,000	4,225
43	20,000,001 to 22,500,000	4,250
44	22,500,001 to 25,000,000	4,300
45	25,000,001 to 30,000,000	4,350

46	30,000,001 to	35,000,000	4,400
47	35,000,001 to	40,000,000	4,450
48	40,000,001 to	45,000,000	4,500
49	45,000,001 to	50,000,000	4,550
50	50,000,001 to	55,000,000	4,600
51	55,000,001 to	60,000,000	4,675
52	60,000,001 to	65,000,000	4,750
53	65,000,001 to	70,000,000	4,850
54	70,000,001 to	75,000,000	4,950
55	75,000,001 to	80,000,000	5,050
56	80,000,001 to	90,000,000	5,200
57	90,000,001 to	100,000,000	5,300
58	100,000,001 to	125,000,000	5,450
59	125,000,001 to	150,000,000	5,600
60	150,000,001 to	175,000,000	5,700
61	175,000,001 to	200,000,000	5,800
62	200,000,001 to	225,000,000	5,900
63	225,000,001 to	250,000,000	6,050
64	250,000,001 to	275,000,000	6,200
65	275,000,001 to	300,000,000	6,500
66	300,000,001 to	325,000,000	6,750
67	325,000,001 to	350,000,000	7,000
68	350,000,001 to	375,000,000	7,250
69	375,000,001 to	400,000,000	7,500
70	400,000,001 to	425,000,000	7,750
71	425,000,001 to	450,000,000	8,000
72	450,000,001 to	475,000,000	8,250
73	475,000,001 to	500,000,000	8,500
74	500,000,001 to	525,000,000	8,750
75	525,000,001 to	550,000,000	9,000
76	550,000,001 to	575,000,000	9,250
77	575,000,001 to	600,000,000	9,500
78	600,000,001 to	625,000,000	9,750
79	625,000,001 to	650,000,000	10,000

80 The annual compensation shall be the sums of the salary in column
81 'A' based on population, when added to the salary shown in column 'B'
82 based on taxable valuation."

83 SEC. 5. Section three hundred forty point seven (340.7), Code 1966,
84 is hereby amended as follows:

85 1. By striking from line four (4) the word "six" and inserting in lieu
86 thereof the word "eight".

87 2. By striking from line seven (7) the word "six" and inserting in lieu
88 thereof the word "eight".

89 3. By striking from line nine (9) the word "seven" and inserting in lieu
90 thereof the word "nine".

91 4. By striking from line eleven (11) the word "seven" and inserting in
92 lieu thereof the word "nine".

93 5. By striking from line thirteen (13) the word "eight" and inserting in
94 lieu thereof the word "ten".

95 6. By striking from line fifteen (15) the word "eight" and inserting in
96 lieu thereof the word "ten".

- 97 7. By striking from line seventeen (17) the word "nine" and inserting in
98 lieu thereof the word "eleven".
- 99 8. By striking from line nineteen (19) the word "nine" and inserting in
100 lieu thereof the word "eleven".
- 101 9. By striking from line twenty-two (22) the word "ten" and inserting in
102 lieu thereof the word "twelve".
- 103 10. By striking lines twenty-three (23) and twenty-four (24) and insert-
104 ing in lieu thereof the following:
- 105 "10. One hundred fifty thousand and less than two hundred thousand,
106 fourteen thousand dollars.
- 107 11. Two hundred thousand and less than three hundred thousand, fifteen
108 thousand dollars.
- 109 12. In counties of three hundred thousand or more, sixteen thousand
110 dollars."
- 111 11. By striking from line twenty-five (25) the figure "11" and inserting
112 in lieu thereof the figure "13".

1 SEC. 6. Amend section three hundred forty point eight (340.8), Code
2 1966, line twenty-three (23), by striking the words "seventy-five" and in-
3 serting in lieu thereof the word "seventy".

1 SEC. 7. Section three hundred forty point nine (340.9), Code 1966, is
2 hereby amended as follows:

3 1. By striking lines four (4) and five (5) and inserting in lieu thereof the
4 following:

5 (1) Less than ten thousand population, seven thousand dollars.

6 (2) Ten thousand and less than fifteen thousand population, seventy-five
7 hundred dollars.

8 (3) Fifteen thousand and less than twenty thousand population, eight
9 thousand dollars.

10 2. By striking from line seven (7) the word "sixty-five" and inserting in
11 lieu thereof the words "eight thousand five".

12 3. By striking from line ten (10) the words "seven thousand" and insert-
13 ing in lieu thereof the words "nine thousand".

14 4. By striking from line twelve (12) the words "seventy-five hundred"
15 and inserting in lieu thereof the words "nine thousand five hundred".

16 5. By striking from line fifteen (15) the word "eighty-five" and insert-
17 ing in lieu thereof the words "ten thousand five".

18 6. By striking from line eighteen (18) the words "nine thousand" and
19 inserting in lieu thereof the words "eleven thousand".

20 7. By striking from line twenty (20) the word "ten" and inserting in
21 lieu thereof the word "twelve".

22 8. By striking from line twenty-three (23) the word "eleven" and insert-
23 ing in lieu thereof the word "thirteen".

24 9. By striking from line twenty-seven (27) the word "thirteen" and in-
25 serting in lieu thereof the word "fifteen".

26 10. By striking from line twenty-nine (29) the word "fifteen" and insert-
27 ing in lieu thereof the word "seventeen".

1 SEC. 8. Section three hundred forty point ten (340.10), Code 1966, is
2 hereby amended as follows:

3 1. By striking in line fourteen (14) the word, "eighty" and by inserting
4 in lieu thereof the words, "eighty-five (85)".

5 2. By striking in line nineteen (19) the word "sixty" and by inserting in
6 lieu thereof the word, "fifty (50)".

7 3. By striking in line twenty (20) the words, "seventy-five" and by in-
8 serting in lieu thereof the word, "eighty (80)".

Approved May 16, 1969.

CHAPTER 218

ELECTION COUNTY SUPERVISORS

H. F. 812

AN ACT relating to the election of county boards of supervisors.

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

1 SECTION 1.

2 1. Each county board of supervisors shall, by November 1, 1969, select
3 one of the following alternative supervisor representation plans:

4 a. Plan one. Election at large and without district residence require-
5 ments for members.

6 b. Plan two. Election at large but with equal population district resi-
7 dence requirements for members.

8 c. Plan three. Election from single-member equal-population districts
9 in which the electors of each district shall elect one member who shall be
10 required to reside in that district.

11 2. The plan so selected and any plan thereafter selected by the
12 board shall, subject to the provisions of section two (2) of this Act, remain
13 in effect for at least six years.

14 3. In the event that a plan is not selected by resolution of the board by
15 November 1, 1969, and a special election pursuant to section two (2) of this
16 Act has not thereafter been petitioned for, plan one as provided in subsec-
17 tion one (1), paragraph a of this section shall become effective on January
18 1, 1970.

1 SEC. 2. The board of supervisors, when petitioned by ten percent of
2 the number of qualified electors of the county having voted in the last
3 previous general election for the office of governor, shall cause a special
4 election to be held within the county for the purpose of selecting the su-
5 pervisor representation plan enumerated in section one (1) of this Act un-
6 der which such county board shall thereafter be elected.

7 Such petition shall be filed with the county auditor by January 1 of
8 the year 1970 or any general election year thereafter. However, the plan
9 selected by such special election and any plan thereafter selected by spe-
10 cial election shall remain in effect for at least six years. Said special elec-
11 tion shall be held at least one hundred days prior to the primary election.
12 Notice of such special election shall be published once each week for three
13 successive weeks in an official newspaper of the county and shall state the
14 alternative representation plans to be submitted to the electors and that
15 the election will be held not less than five nor more than twenty days from
16 the date of last publication.

17 The alternative supervisor representation plans shall be stated in sub-
18 stantially the following manner:

19 "The individual members of the county board of supervisors in _____
20 _____ County, Iowa, shall be elected:

21 Plan 1. At large and without district residence requirements for mem-
22 bers.

23 Plan 2. At large but with equal population district residence require-
24 ments for members.

25 Plan 3. From single-member equal-population districts in which the
26 electors of each district shall elect one member who shall be required to
27 reside in that district."

28 If the plan adopted by a plurality of the ballots cast in the special
29 election is not the supervisor representation plan currently in effect in the
30 county, the members of the board serving at the time of the special elec-
31 tion shall continue their terms until the second secular day in January fol-
32 lowing the next general election, at which time the terms of all such mem-
33 bers shall expire and members shall be elected pursuant to the require-
34 ments of the plan adopted by the people and set out in sections three (3),
35 four (4), and five (5) of this Act.

1 SEC. 3. **Plan one.** If plan one is selected pursuant to sections one
2 (1) or two (2) of this Act, the county board shall be elected as provided in
3 this section.

4 1. In the primary and general elections, the number of supervisors, or
5 candidates for such offices, which constitutes the county board in such
6 county, shall be elected by the qualified electors of the county at large
7 and no district residence requirements shall be imposed upon the candi-
8 dates for such office.

9 2. In counties with three supervisors, one person shall be elected as a
10 member of the board for two years and two persons shall be elected as mem-
11 bers of the board for four years.

12 In counties with five supervisors, two persons shall be elected as mem-
13 bers of the board for two years and three persons shall be elected as mem-
14 bers of the board for four years.

15 In no case shall a board be composed of more than five members.

16 The determination as to whether a term of office shall be for two or four
17 years shall be decided by lot prior to the primary election, and the results
18 of such determination indicated on the ballot in such primary and general
19 elections. If section six (6) of this Act is applicable, terms shall be desig-
20 nated in compliance therewith. Terms of office in all subsequent general
21 elections shall be for four years, except as otherwise provided by this Act.

1 SEC. 4. **Plan two.** If plan two is selected pursuant to sections one
2 (1) or two (2) of this Act, the county board shall be elected as provided in
3 this section.

4 1. The board of supervisors shall, before November 1, 1969, and before
5 November first of the nonelection year following each federal decennial
6 census thereafter, if necessary, divide the county into a number of super-
7 visor districts corresponding to the number of supervisors in such county.
8 However, if such plan is selected pursuant to section two (2) of this Act, the
9 board shall so divide the county before March 15 of the election year. The
10 board shall make a good-faith effort to achieve precise mathematical equal-
11 ity in the population of such districts as indicated by the most recent fed-
12 eral decennial census.

13 Such supervisor districts may be drawn on the basis of existing natural

14 or artificial divisions and boundaries of the county; township and voting
15 precinct lines may be crossed; but in no event shall the existence of con-
16 venient district boundaries justify the designation of supervisor districts
17 which are not of as nearly precise mathematical equality in population as
18 is practicable.

19 2. Members of the county board shall be required to reside one to each
20 supervisor district but shall be elected by the electors of the county at
21 large. Election ballots shall be prepared to specify the district which each
22 candidate seeks to represent and each elector may cast a vote for one
23 candidate from each district for which a supervisor is to be chosen in the
24 general election.

25 3. The county board may redesignate supervisor districts once in every
26 two years, and no sooner. In the event that the board redistricts, it must
27 be completed and available to the public by November first of the year
28 prior to the election to be applicable in that election year. The provisions
29 of this subsection shall not be construed as having the effect of lengthening
30 or diminishing the term of office of any member of such board as a result
31 of such redesignation, nor shall districts be redesignated except in compli-
32 ance with this section. No supervisor district shall be designated by the
33 county board pursuant to subsection one (1) of this section which, while
34 complying with the requirement that it be of as nearly precise mathemati-
35 cal equality in population as practicable to the other supervisor districts
36 of the county, discriminates by design for or against any political party,
37 board member, candidate for board membership, racial or ethnic minority
38 or any other group of persons.

39 4. At the primary and general elections the number of supervisors, or
40 candidates for such offices, which constitute the county board in such coun-
41 ty shall be elected as provided in this section. Terms of members shall be
42 as provided in section three (3), subsection two (2) of this Act.

1 **SEC. 5. Plan three.** If plan three is selected pursuant to sections one
2 (1) or two (2) of this Act, the county board shall be elected as provided in
3 section four (4) of this Act, except that each member of the board, and
4 candidates for such office, shall, at the primary and general elections,
5 be elected only by the electors of the district which he or they seek to rep-
6 resent.

1 **SEC. 6.**

2 1. In the event there is no special election pursuant to section two (2)
3 of this Act or a special election does not change the supervisor representa-
4 tion plan selected by the board pursuant to section one (1) of this Act,
5 the members of the board elected in the 1968 general election shall, except
6 as provided in subsection two (2) of this section, continue to retain office
7 until their terms expire. If plan one is selected, or imposed pursuant to
8 section one (1), subsection three (3) of this Act, such holdover members
9 shall become supervisors at large.

10 2. The terms of holdover members elected to five-year terms in the
11 1968 general election shall expire on the second secular day in January,
12 1973. No county board shall, after the second secular day in January,
13 1971, be composed of more than five members. Boards of more than five
14 members shall, before the 1970 general election, reduce their number to five
15 in a manner determined by the board and pursuant to law.

16 If plan two or three is selected under the circumstances described in sub-
17 section one (1) of this section, each holdover member shall represent the

18 supervisor district wherein he resides; however, if two or more such hold-
 19 over members are residents of the same district the terms of both or all
 20 of such members shall expire on the second secular day in January follow-
 21 ing the 1970 general election and members shall be chosen in such election
 22 to fill the vacancies thus created. The terms of such members shall be two
 23 years. All subsequent members shall be elected pursuant to this Act.

1 SEC. 7. Section three hundred thirty-one point two (331.2), Code 1966,
 2 is hereby repealed and the following enacted in lieu thereof:

3 "When petitioned to do so by one-tenth of the qualified electors of said
 4 county having voted in the last previous general election for the office of
 5 governor, the board of supervisors shall, or may on its own motion by
 6 resolution, submit to the qualified electors of the county, at any regular
 7 election, a proposition as to whether or not the number of supervisors
 8 should be increased to five.

9 If a majority of the votes cast shall be in favor of the increase to five
 10 members, then at the next general election two additional supervisors shall
 11 be elected; one for a term of two years and one for a term of four years.

12 The length of term for which any person is a candidate and the time
 13 when the term begins shall be indicated on the ballot."

1 SEC. 8. Section three hundred thirty-one point three (331.3), Code
 2 1966, is hereby repealed and the following enacted in lieu thereof:

3 "In any county where the number of supervisors has been increased to
 4 five, the board of supervisors shall, on petition of one-tenth of the qualified
 5 electors of the county having voted in the last previous general election for
 6 the office of governor, or may on its own motion by resolution, submit to
 7 the qualified electors of the county, at any regular election, a proposition
 8 as to whether or not the number of supervisors should be decreased to
 9 three.

10 If a majority of the votes cast shall be in favor of the decrease to three
 11 members, then the number of supervisors shall be so reduced as provided in
 12 section three hundred thirty-one point six (331.6) of the Code and section
 13 nine (9) of this Act."

1 SEC. 9. Section three hundred thirty-one point seven (331.7), Code
 2 1966, as amended by chapter one hundred four (104), section two (2), Acts
 3 of the Sixty-second General Assembly, is hereby repealed and the follow-
 4 ing enacted in lieu thereof:

5 "At the next general election following the one at which the proposition
 6 to reduce the number of members of the board to three was carried, such
 7 members shall be elected pursuant to the supervisor representation plan
 8 currently in effect in such county. One person shall be elected as member
 9 of the board for two years and two for four years.

10 The length of term for which any person is a candidate and the time
 11 when the term begins shall be indicated on the ballot."

1 SEC. 10. Chapter one hundred four (104), section one (1), Acts of the
 2 Sixty-second General Assembly, amending section thirty-nine point eighteen
 3 (39.18), Code 1966, is hereby amended by striking from line eight (8) the
 4 words "supervisor or".

1 SEC. 11. Sections thirty-nine point nineteen (39.19), thirty-nine point
 2 twenty (39.20), three hundred thirty-one point eight (331.8), three hundred
 3 thirty-one point nine (331.9), three hundred thirty-one point ten (331.10),

4 three hundred thirty-one point eleven (331.11), three hundred thirty-one
 5 point twenty-five (331.25), three hundred thirty-one point twenty-six (331.26),
 6 three hundred thirty-one point twenty-seven (331.27), three hundred thirty-
 7 one point twenty-eight (331.28), Code 1966, are hereby repealed.

Approved June 6, 1969.

CHAPTER 219

REPAIR OF COUNTY BUILDINGS

H. F. 334

AN ACT relating to the amount of money a county may spend to repair and remodel buildings owned by the county.

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

1 SECTION 1. Section three hundred forty-five point one (345.1), Code
 2 1966, is hereby amended by striking in line twenty-two (22) the word
 3 "twenty" and inserting in lieu thereof the word "fifty".

Approved May 22, 1969.

CHAPTER 220

COUNTY PUBLIC HOSPITALS

H. F. 624

AN ACT relating to county public hospitals.

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

1 SECTION 1. Section three hundred forty-seven point seven (347.7), Code
 2 1966, as amended by chapter three hundred (300), sections one (1) and
 3 three (3), Acts of the Sixty-second General Assembly, is hereby further
 4 amended by inserting at the end thereof the following:
 5 "No levy shall be made for the improvement, maintenance, or replace-
 6 ments of the hospital until the hospital has been constructed, staffed, and
 7 receiving patients."

1 SEC. 2. Section three hundred forty-seven point one (347.1), Code 1966,
 2 is hereby amended as follows:

3 1. By striking lines fourteen (14) and fifteen (15) and inserting in lieu
 4 thereof the words "such purpose."

5 2. By striking from lines twenty-three (23) and twenty-four (24) the
 6 words "provided for herein" and inserting in lieu thereof the words "as
 7 limited by the provisions of sections three hundred forty-seven point five
 8 (347.5) and three hundred forty-seven point seven (347.7) of the Code".

Approved June 6, 1969.

CHAPTER 221

CERTAIN COUNTY HOSPITALS

H. F. 745

AN ACT relating to secretaries and treasurers of certain county hospitals.

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

1 SECTION 1. Section three hundred forty-seven A point one (347A.1),
 2 Code 1966, is hereby amended as follows:
 3 1. By striking from lines forty-six (46) and forty-seven (47) the words
 4 "during the month of November" and inserting in lieu thereof the words
 5 "no later than December first".
 6 2. By striking from lines forty-eight (48) and forty-nine (49) the words
 7 "and a secretary. The county treasurer shall be ex officio".
 8 3. By striking from line fifty (50) the words "treasurer of the board of
 9 hospital trustees" and inserting in lieu thereof the following:
 10 " , secretary, and treasurer. The secretary and treasurer shall each file
 11 with the chairman of the board a surety bond in such penal sum as the
 12 board of trustees requires, with sureties to be approved by the board of
 13 trustees, for the use and benefit of the county hospital. The reasonable
 14 cost of the bonds shall be paid from the operating funds of the hospital.
 15 The secretary shall report to the county auditor and the county treasurer
 16 the names of the chairman, secretary, and treasurer of the board as soon
 17 as practicable after the appointment of each. The treasurer of the county
 18 hospital shall receive and disburse all funds. Warrants shall be drawn by
 19 the secretary and countersigned by the chairman of the board after the
 20 claim has been certified by the board. The treasurer of the county hospital
 21 shall keep an accurate account of all receipts and disbursements and shall
 22 register all orders drawn and reported to him by the secretary, showing the
 23 number, date, to whom drawn, the fund upon which drawn, the purpose,
 24 and amount. The secretary of the board of hospital trustees shall file with
 25 the board on or before the tenth day of each month, a complete statement
 26 of all receipts and disbursements from all funds during the preceding
 27 month, and also the balance remaining on hand in all funds at the close
 28 of the period covered by the statement. Before the third Monday of each
 29 month, the county treasurer shall give notice to the chairman of the board
 30 of hospital trustees of the amount of revenue collected for each fund of the
 31 hospital to the first day of that month, and the chairman shall draw his
 32 draft therefor countersigned by the secretary, upon the county treasurer,
 33 who shall pay such taxes to the treasurer of the hospital, only on such
 34 draft."

Approved June 5, 1969.

CHAPTER 222

HOSPITAL REVENUE BONDS

S. F. 88

AN ACT to amend section three hundred forty-seven A point two (347A.2), Code 1966, to increase the maximum interest rate for revenue bonds issued by certain counties for hospital purposes.

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

1 SECTION 1. Section three hundred forty-seven A point two (347A.2),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line fourteen (14) the word "five" and inserting in lieu
4 thereof the word "six".

5 2. By striking from line seventy-one (71) the word "five" and inserting
6 in lieu thereof the word "six".

1 SEC. 2. This Act, being deemed of immediate importance, shall be in
2 full force and effect from and after its passage and publication in the De-
3 corah Public-Opinion, a newspaper published at Decorah, Iowa, and in The
4 Ossian Bee, a newspaper published at Ossian, Iowa.

Approved February 7, 1969.

I hereby certify that the foregoing Act, Senate File 88, was published in The Ossian Bee, Ossian, Iowa, February 12, 1969 and in the Decorah Public-Opinion, Decorah, Iowa, February 10, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 223

URBANIZED AREA NEAR CITY

S. F. 39

AN ACT relating to incorporation of a municipality in an urbanized area within three miles of a city over fifteen thousand population.

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

1 SECTION 1. Section three hundred sixty-two point one (362.1), Code
2 1966, line eighteen (18), is amended by striking the word "No" and insert-
3 ing in lieu thereof the following:

4 "Except as provided in section three hundred sixty-two point thirty-one
5 (362.31) of the Code as amended no".

1 SEC. 2. Section three hundred sixty-two point thirty-one (362.31), Code
2 1966, is amended by adding at the end thereof the following:

3 "Said petition shall be acted upon by the city or town within one year
4 after filing. Whenever any such petition involves an urbanized area of at
5 least three hundred population which is contiguous to a city over fifteen
6 thousand population and the taxable value of that portion owned by the
7 petitioners represents over one-quarter of the total assessed value of the
8 area petitioned, and said petition is denied by the city, then the restriction
9 of section three hundred sixty-two point one (362.1) of the Code prohibiting
10 incorporation within an urbanized area shall be inapplicable to the area
11 petitioned for a period of five years from the date of denial of the petition."

Approved June 5, 1969.

CHAPTER 224

COMPENSATION OF CITY OFFICERS

S. F. 369

AN ACT relating to compensation of the mayor and councilmen.

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

1 SECTION 1. Section three hundred sixty-three point thirty-nine (363.39),
 2 Code 1966, as amended by chapter three hundred eleven (311), section
 3 four (4), Acts of the Sixty-second General Assembly, is hereby repealed
 4 and the following enacted in lieu thereof:

5 "The compensation of councilmen in cities and towns which are not
 6 under the commission form of municipal government or the council-man-
 7 ager form of municipal government by election, except as provided in sec-
 8 tion three hundred sixty-three A point four (363A.4), subsection two (2) of
 9 the Code, shall be fixed by ordinance and shall be paid in full for all serv-
 10 ices connected with their official duties."

1 SEC. 2. Section three hundred sixty-three A point four (363A.4), sub-
 2 section one (1), Code 1966, is hereby amended by striking from lines three
 3 (3) and four (4) the words ", whose compensation is not fixed by law".

1 SEC. 3. Section three hundred sixty-three B point nine (363B.9), Code
 2 1966, is hereby amended as follows:

- 3 1. By striking from line twelve (12) the word "Such".
- 4 2. By striking lines thirteen (13) through fifty-three (53), inclusive.

1 SEC. 4. Section three hundred sixty-three B point ten (363B.10),
 2 Code 1966, is hereby repealed.

1 SEC. 5. Section three hundred sixty-three C point two (363C.2), Code
 2 1966, is hereby amended by striking lines three (3) through twenty-two
 3 (22), inclusive, and inserting in lieu thereof the words "fixed by ordi-
 4 nance".

1 SEC. 6. Chapter three hundred eleven (311), section eight (8), Acts of
 2 the Sixty-second General Assembly, is hereby amended as follows:

- 3 1. By striking from line eight (8) the word "as" and inserting in lieu
 4 thereof a period.
- 5 2. By striking lines nine (9) through twelve (12).

1 SEC. 7. Section four hundred twenty point fourteen (420.14), Code
 2 1966, is hereby amended by striking everything after the word "ordinance"
 3 in line three (3) and inserting a period.

1 SEC. 8. Section four hundred twenty point fifteen (420.15), Code 1966,
 2 is hereby amended by striking in line three (3) and line four (4) the words
 3 "not to exceed ten thousand dollars per annum,".

Approved June 6, 1969.

CHAPTER 225

CIVIL SERVICE COMMISSION

H. F. 198

AN ACT relating to membership on the civil service commission.

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

1 SECTION 1. Section three hundred sixty-five point two (365.2), Code
2 1966, hereby is amended by adding the following: "Provided, this section
3 notwithstanding, when a human rights commission has been established by
4 any city, the director thereof shall ex officio be a member, without vote,
5 of the civil service commission."

Approved May 19, 1969.

CHAPTER 226

DEPUTY CITY CLERKS

S. F. 198

AN ACT relating to deputy city clerks.

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

1 SECTION 1. Chapter three hundred thirteen (313), Acts of the Sixty-
2 second General Assembly, section two (2), line two (2), is amended by add-
3 ing at the end thereof the words "of subsection one (1)".

Approved March 26, 1969.

CHAPTER 227

VETERANS' PREFERENCE

S. F. 146

AN ACT relating to veterans' preference.

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

1 SECTION 1. Section three hundred sixty-five point ten (365.10), Code
2 1966, is hereby amended by inserting in line ten (10) after the word "in-
3 clusive," the words "and the Viet Nam Conflict beginning August 5, 1964,".

Approved May 16, 1969.

CHAPTER 228

CIVIL SERVICE COMMISSION

H. F. 206

AN ACT relating to an appeal from a decision of a civil service commission.

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

1 SECTION 1. Section three hundred sixty-five point twenty-seven (365.27),
2 Code 1966, is hereby amended by striking lines eighteen (18) through twen-
3 ty-three (23), inclusive, and by inserting in lieu thereof the following:

4 "The city or any civil service employee shall have a right to appeal to
5 the district court from the final ruling or decision of the civil service com-
6 mission. The appeal shall be taken within thirty days from the filing of the
7 formal decision of the commission. The district court of the county in which
8 the city is located shall have full jurisdiction of the appeal and the said
9 appeal shall be a trial de novo as an equitable action in the district court.

10 The appeal to the district court shall be perfected by filing a notice of
11 appeal with the clerk of the district court within the time herein prescrib-
12 ed and by serving notice thereof on the secretary of the civil service com-
13 mission, from whose ruling or decision the appeal is taken.

14 In the event the ruling or decision appealed from is reversed by the
15 district court, the appellant, if it be an employee, shall then be reinstated
16 as of the date of the said suspension, demotion, or discharge and shall be en-
17 titled to compensation from the date of such suspension, demotion, or
18 discharge."

Approved May 19, 1969.

CHAPTER 229

CIVIL SERVICE EMPLOYEES

S. F. 159

AN ACT relating to civil service employees.

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

1 SECTION 1. Chapter three hundred fourteen (314), section three (3),
2 Acts of the Sixty-second General Assembly, amending section three hun-
3 dred sixty-five point twenty-nine, (365.29), Code 1966, is hereby amended
4 as follows:

5 1. By striking from line four (4) the word "partisan".

6 2. By striking from line five (5) the words "for remuneration".

1 SEC. 2. Section three hundred sixty-five point twenty-nine (365.29),
2 Code 1966, as amended by chapter three hundred fourteen (314), Acts of
3 the Sixty-second General Assembly, is further amended by adding the fol-
4 lowing:

5 "However, an employee who is a candidate for a non-partisan office not
6 related to his employment, shall not be required to take a leave of absence
7 if such employee refrains from campaigning while on duty as an employee."

Approved March 26, 1969.

CHAPTER 230

ELM TREES REPLACED

H. F. 183

AN ACT relating to the removal and replacement of diseased elm trees on public property, and authorizing cities and towns to issue general obligation bonds to cover the cost thereof.

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

1 SECTION 1. Section three hundred sixty-eight point thirty-two (368.32),
2 Code 1966, is amended by adding to the end thereof the following:

3 "Where the municipality bears all, or part, of the cost of removal and
4 replacement of trees on public property it is authorized to contract indebt-
5 edness and to issue general obligation bonds to provide funds to pay the
6 costs incurred. Taxes for the payment of said bonds shall be levied in ac-
7 cordance with chapter seventy-six (76) and said bonds shall be payable
8 through the debt service fund in not more than five years, and bear inter-
9 est at a rate not exceeding six percent per annum, and shall be of such
10 form as the city or town council shall by resolution provide. The indebted-
11 ness incurred for the purpose provided in this section shall not be consid-
12 ered an indebtedness incurred for general or ordinary purposes.

13 "This section shall be construed as granting additional power without
14 limiting the power already existing in cities and towns.

15 "The provisions of this section shall be applicable to all municipal cor-
16 porations regardless of form of government or manner of incorporation."

1 SEC. 2. The state nursery may furnish, at cost, nursery stock to the
2 municipalities for replacement of diseased elms removed from municipally
3 owned property.

Approved May 22, 1969.

CHAPTER 231

MUNICIPAL AMBULANCE SERVICE

S. F. 60

AN ACT to permit municipalities to make a charge for ambulance service.

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

1 SECTION 1. Section three hundred sixty-eight point seventy-four
2 (368.74), Code 1966, is hereby amended by adding the following sentence
3 thereto:

4 "They may by ordinance provide a schedule of fees to be charged the
5 users of such service."

Approved March 3, 1969.

CHAPTER 232

MUNICIPAL OFFICERS CONFLICT OF INTEREST

H. F. 736

AN ACT relating to powers and duties of municipal officers.

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

1 SECTION 1. Section three hundred sixty-eight A point twenty-two
2 (368A.22), Code 1966, is hereby amended by adding at the end thereof the
3 following new subsection:

4 "Any contract entered into in violation of this section is void."

1 SEC. 2. Chapter three hundred sixty-eight A (368A), Code 1966, is
2 hereby amended by adding thereto the following new section:

3 "No ordinance, resolution, or motion voted upon shall be invalid by
4 reason of conflict of interest in an officer of a municipality unless the vote
5 of such officer was decisive to the passage of such ordinance, resolution,
6 or motion. Where a specific majority or unanimous vote of a municipal body
7 is required by statute, such majority or vote shall be computed on the
8 basis of the number of officers not disqualified by reason of conflict of
9 interest. For the purposes of this section, the statement of any officer that he
10 declines to vote by reason of conflict of interest shall be conclusive and shall
11 be entered of record. However, a quorum of such public body shall be de-
12 termined as provided in section three hundred sixty-eight A point one
13 (368A.1)."

1 SEC. 3. This Act, being deemed of immediate importance, shall take
2 effect and be in force from and after its passage and publication in The
3 Burlington Hawk-Eye, a newspaper published in Burlington, Iowa, and
4 the Evening Democrat, a newspaper published in Ft. Madison, Iowa.

Approved April 14, 1969.

I hereby certify that the foregoing Act, House File 736, was published in The Burlington Hawk-Eye, Burlington, Iowa, April 17, 1969 and in the Evening Democrat, Ft. Madison, Iowa, April 18, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 233

MUNICIPAL CIVIC CENTERS

H. F. 361

AN ACT to amend chapter three hundred twenty-five (325), Acts of the Sixty-second General Assembly to authorize certain cities to acquire by purchase, lease or construction and to reconstruct, complete, equip, improve, repair, remodel, operate, control, maintain and manage civic centers and additions thereto; to acquire and improve property therefor; to levy taxes for the maintenance and operation thereof; to borrow money and issue bonds and to refund bonds and to levy taxes to pay bonds and interest thereon.

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

1 SECTION 1. Chapter three hundred twenty-five (325), section one (1),
2 Acts of the Sixty-second General Assembly, is hereby amended by striking
3 from line four (4) the word and figure "five (5)" and inserting in lieu thereof
4 the word "ten".

1 SEC. 2. Chapter three hundred twenty-five (325), section two (2), Acts
2 of the Sixty-second General Assembly, is hereby amended as follows:

3 1. By striking from line two (2) the words and figures "ninety thousand
4 (90,000)" and inserting in lieu thereof the words "fifty thousand".

5 2. By striking from line five (5) the words and figures "ninety thousand
6 (90,000)" and inserting in lieu thereof the words "fifty thousand".

1 SEC. 3. Chapter three hundred twenty-five (325), section three (3),
2 Acts of the Sixty-second General Assembly, is hereby amended by striking
3 from line two (2) the words and figures "ninety thousand (90,000)" and
4 inserting in lieu thereof the words "fifty thousand".

1 SEC. 4. Chapter three hundred twenty-five (325), section eleven (11),
2 Acts of the Sixty-second General Assembly, is hereby amended by striking
3 from line three (3) the words and figures "ninety thousand (90,000)" and
4 inserting in lieu thereof the words "fifty thousand".

1 SEC. 5. Chapter three hundred twenty-five (325), section one (1), Acts
2 of the Sixty-second General Assembly, is hereby amended by striking all
3 of said section following the word "uses" in line fifteen (15) thereof and in-
4 serting in lieu thereof a period.

1 SEC. 6. Chapter three hundred twenty-five (325), section one (1), Acts
2 of the Sixty-second General Assembly, is hereby amended by adding there-
3 to the following subsection four (4):

4 "4. 'Project' shall mean the acquisition by purchase or construction of
5 civic centers, additions thereto and facilities therefor, the reconstruction,
6 completion, equipment, improvement, repair or remodeling of civic centers,
7 additions thereto and facilities therefor, and the acquisition of property
8 therefor of every kind and description, whether real, personal or mixed, by
9 gift, purchase, lease, condemnation or otherwise and the improvement of
10 the same."

1 SEC. 7. Chapter three hundred twenty-five (325), section seven (7),
2 Acts of the Sixty-second General Assembly, is hereby amended by striking
3 from line six (6) thereof the words "restaurants, and retail shops,".

1 SEC. 8. Chapter three hundred twenty-five (325), section ten (10),
2 Acts of the Sixty-second General Assembly, is hereby amended by insert-
3 ing after the word "into" in line two (2) thereof the words "or bonds issued"
4 and inserting after the word "lease" in line four (4) thereof the words "or
5 the adoption of the resolution authorizing the issuance of such bonds", and
6 by renumbering said section as Section 13.

1 SEC. 9. Chapter three hundred twenty-five (325), Acts of the Sixty-
2 second General Assembly, is hereby amended by adding thereto the follow-
3 ing new sections as Sections 10, 11 and 12:

4 "Sec. 10. In addition to the powers otherwise conferred upon cities hav-
5 ing a population in excess of fifty thousand (50,000) as provided by this Act
6 and as an alternative to leasing civic centers from nonprofit corporations
7 as hereinbefore provided, such cities are hereby authorized to undertake
8 and carry out any project as hereinbefore defined, and the governing bodies
9 thereof are authorized to operate, control, maintain and manage civic cen-
10 ters and additions thereto and facilities therefor. To pay the cost of oper-
11 ating, maintaining and managing a civic center which is owned and oper-

12 ated by any such city, the city council thereof is authorized to levy an an-
 13 nual special tax not exceeding one-half mill per annum on all the taxable
 14 property in the city, said levy to be in addition to all other levies author-
 15 ized by law for similar purposes.

16 "Sec. 11. To pay all or any part of the cost of carrying out any project
 17 said cities are authorized to borrow money and to issue and sell general
 18 obligation bonds, and to refund bonds issued for any project or for refund-
 19 ing purposes at the same rate or rates, at a higher rate or rates, or at a lower
 20 rate or rates, and from time to time as often as the city council shall find
 21 it advisable and necessary so to do. The city council may provide for the
 22 retirement of the bonds at any time prior to maturity, and in such manner
 23 and upon payment of such premiums as it may determine in the resolution
 24 providing for the issuance of the bonds. It shall not be necessary to submit
 25 to the voters the proposition of issuing bonds for refunding purposes, but
 26 prior to the issuance of bonds for other purposes, the city council shall
 27 submit to the voters of the city the proposition of issuing the bonds, and
 28 in this connection the city council is hereby authorized to call a special
 29 election, on its own motion, at which the proposition shall be submitted
 30 to the voters. Notice of said election shall be published once each week for
 31 at least four (4) consecutive weeks in a newspaper published and having a
 32 general circulation in the city, which notice shall state the date of the elec-
 33 tion, the hours of opening and closing the polls and the precincts and poll-
 34 ing places, as well as the question to be submitted. The election shall be
 35 held on a date not less than five (5) nor more than twenty (20) days after
 36 the last publication of the notice. At such election the ballot shall be pre-
 37 pared and used in substantially the form for submitting special questions
 38 at general elections and the form of proposition shall be substantially as
 39 follows:

40 'Shall the city of _____, in the county of _____, State of
 41 Iowa, issue bonds in the amount of _____ for the purpose of
 42 _____?'

43 No such proposition shall be declared carried unless the vote in favor of the
 44 issuance of the bonds is equal to at least sixty (60) percent of the total
 45 vote cast for and against the proposition at the election. Before the issu-
 46 ance of bonds under this Act, the city council shall adopt a resolution pro-
 47 viding for the levy of annual taxes sufficient to pay maturing installments
 48 of the principal of and interest on said bonds in accordance with the pro-
 49 visions of chapter seventy-six (76) of the Code, and said bonds shall mature
 50 within a period not exceeding twenty (20) years from date of issue, shall
 51 bear interest at a rate or rates not exceeding six (6) percent per annum and
 52 shall be of such form as the city council shall by resolution provide, but
 53 the aggregate indebtedness of any such city shall not exceed five (5) percent
 54 of the actual value of the taxable property within the city as ascertained
 55 by the last preceding state and county tax lists.

56 Bonds issued pursuant to the provisions of this Act shall be sold by the
 57 city council in the manner prescribed by chapter seventy-five (75) of the
 58 Code; provided, however, that refunding bonds may either be sold and the
 59 proceeds thereof applied to the payment of the bonds being refunded, or
 60 the refunding bonds may be issued in exchange for and upon surrender and
 61 cancellation of the bonds being refunded.

62 "Sec. 12. The city council of any such city is authorized to apply for
 63 and accept federal aid or nonfederal gifts or grants of funds and to use the
 64 same to pay all or any part of the cost of carrying out any project, or of

65 operating and maintaining the same, or to pay principal of or interest on
 66 any bonds issued under the provisions of this Act. All bonds issued under
 67 the terms of this Act shall be exempt from taxation by the State of Iowa
 68 and the interest thereon shall be exempt from the state income tax."

1 SEC. 10. Chapter three hundred twenty-five (325), sections eleven (11)
 2 and twelve (12), Acts of the Sixty-second General Assembly, as amended
 3 hereby, are hereby renumbered as sections fourteen (14) and fifteen (15).

1 SEC. 11. This Act shall be construed as providing an alternative and
 2 independent method for carrying out any project, for the issuance and sale
 3 or exchange of bonds in connection therewith and for refunding bonds
 4 pertinent thereto, without reference to any other statute, and shall not be
 5 construed as an amendment of or subject to the provisions of any other
 6 law, and no other further proceedings in respect to the issuance or sale or
 7 exchange of bonds under this Act shall be required, except such as are
 8 prescribed by this Act, any provisions of other statutes of the state to the
 9 contrary notwithstanding.

Approved May 8, 1969.

CHAPTER 234

AUTHORITY OF TOWNS TO ISSUE BRIDGE BONDS

H. F. 186

AN ACT relating to the authority of towns with respect to public bridges, culverts, viaducts, underpasses, grade crossing separations and approaches thereto and authorizing towns to contract indebtedness and issue general obligation bonds therefor.

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

1 SECTION 1. Chapter three hundred eighty-one (381), Code 1966, is
 2 hereby amended by adding thereto the following new sections:

3 1. "Towns may by ordinance assume the care, supervision, and control
 4 of any public bridge, culvert, viaduct, underpass, grade crossing separation
 5 and approaches thereto, not constructed or maintained by any railroad
 6 company under the provisions of chapter three hundred eighty-seven (387),
 7 within their corporate limits. A town which has so assumed the care, super-
 8 vision and control of any such public bridge, culvert, viaduct, underpass,
 9 grade crossing separation and approaches thereto shall, with respect there-
 10 to, have all of the duties and powers of a city under the provisions of sec-
 11 tion three hundred eighty-one point one (381.1)."

12 2. "Towns shall have the power within their corporate limits to con-
 13 struct public bridges, culverts, viaducts, underpasses, grade crossing sepa-
 14 rations and approaches thereto and, with respect thereto, shall have all of
 15 the duties and powers of a city under the provisions of section three hun-
 16 dred eighty-one point one (381.1)."

1 SEC. 2. Section three hundred eighty-one point seven (381.7), Code
 2 1966, is hereby amended as follows:

3 1. By inserting in line one (1) after the word "Cities" the words "and
 4 towns".

5 2. By inserting in line twenty (20) after the word "city" the words "or
 6 town".

7 3. By inserting in line twenty-one (21) after the word "city" the words
8 "or town".

9 4. By inserting in line twenty-three (23) after the word "city" the words
10 "or town".

11 5. By inserting in line thirty-one (31) after the word "cities" the words
12 "and towns".

13 6. By inserting in line thirty-two (32) after the word "section" the words
14 and numbers "and section three hundred eighty-one point one (381.1)".

1 SEC. 3. Section three hundred forty-six point two (346.2), Code 1966,
2 is hereby amended by inserting in line ten (10) after the word "tax" the
3 following: ", nor on property within any town which has by ordinance as-
4 sumed the care, supervision, and control of any public bridge or which has
5 constructed a public bridge within its corporate limits".

1 SEC. 4. This Act, being deemed of immediate importance, shall take
2 effect and be in force from and after its passage and publication in The Tele-
3 graph-Herald, a newspaper published in Dubuque, Iowa, and in the Carroll
4 Daily Times-Herald, a newspaper published in Carroll, Iowa.

Approved March 28, 1969.

I hereby certify that the foregoing Act, House File 186, was published in The Telegraph-Herald, Dubuque, Iowa, April 2, 1969 and in the Carroll Daily Times-Herald, Carroll, Iowa, March 31, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 235

JITNEY BUSES

S. F. 193

AN ACT relating to regulation of jitney buses in cities and towns and the application of certain jitney-bus laws to motorbus lines in cities and towns.

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

1 SECTION 1. Chapter three hundred eighty-eight (388), Code 1966, is
2 repealed.

1 SEC. 2. Section three hundred twenty-five point twenty-seven (325.27),
2 Code 1966, is amended by striking from lines seven (7), eight (8) and nine
3 (9) the words "Nothing in this chapter shall be construed as repealing
4 chapter 388."

1 SEC. 3. Section three hundred eighty-six point two (386.2), Code 1966,
2 is amended by striking the last two paragraphs and re-enacting in lieu
3 thereof sections three hundred eighty-eight point five (388.5) to three hun-
4 dred eighty-eight point nine (388.9), inclusive of the chapter repealed by
5 this Act.

Approved April 7, 1969.

CHAPTER 236

JOINT EXERCISE OF GOVERNMENTAL POWERS

S. F. 482

AN ACT relating to joint exercise of governmental powers.

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

1 SECTION 1. Code 1966 is hereby amended by adding the following
2 new chapter:

3 "Section 1. **Scope of chapter.** This chapter is intended to provide a
4 means for the joint financing by public agencies of works or facilities enu-
5 merated in section three hundred ninety-four point one (394.1) of the Code.
6 The provisions of this chapter shall be deemed to apply to the acquisition,
7 construction, reconstruction, operation, repair, extension or improvement of
8 such works or facilities, by a separate administrative or legal entity created
9 pursuant to chapter twenty-eight E (28E) of the Code.

10 Sec. 2. **Definitions.** The terms 'public agency', 'state', and 'private agen-
11 cy' shall have the meanings prescribed by section twenty-eight E point two
12 (28E.2) of the Code. The term 'project' or 'projects' shall mean any works
13 or facilities referred to in section three hundred ninety-four point one (394.1)
14 of the Code and shall include all property real and personal, pertinent there-
15 to or connected with such project or projects, and the existing works or fa-
16 cilities, if any, to which such project or projects are an extension, addition,
17 betterment or improvement.

18 Sec. 3. **Revenue bonds.** An entity created to carry out an agreement
19 authorizing the joint exercise of those governmental powers enumerated in
20 section three hundred ninety-four point one (394.1) of the Code shall have
21 power to construct, acquire, repair, improve, expand, operate and maintain
22 a project or projects necessary to carry out the purposes of such agreement,
23 and to issue from time to time revenue bonds payable from the revenues der-
24 ived from such project or projects, or any combination of such projects, to
25 finance the cost or part of the cost of the acquisition, construction, recon-
26 struction, repair, extension or improvement of such project or projects,
27 including the acquisition for the purposes of such agreement, of any prop-
28 erty, real or personal or mixed therefor. The power of the entity to issue
29 revenue bonds shall not be exercised until authorized by resolution or or-
30 dinance duly adopted by each of the public agencies participating in such
31 agreement. Public agencies participating in such an agreement may not
32 withdraw or in any way terminate, amend, or modify in any manner to the
33 detriment of the bondholders said agreement if revenue bonds or obliga-
34 tions issued in anticipation of the issuance of said revenue bonds have been
35 issued and are then outstanding and unpaid as provided for herein. Any
36 revenue bonds for the payment and discharge of which, upon maturity or
37 upon redemption prior to maturity, provision has been made through the
38 setting apart in a reserve fund or special trust account created pursuant
39 to this chapter to insure the payment thereof, of moneys sufficient for that
40 purpose or through the irrevocable segregation for that purpose in a sinking
41 fund or other fund or trust account of moneys sufficient therefor, shall be
42 deemed to be no longer outstanding and unpaid within the meaning of any
43 provision of this chapter.

44 **Sec. 4. Use of proceeds: negotiability.** Revenue bonds may be is-
45 sued, as provided in section three (3) of this Act, to provide all or any part
46 of the funds required to finance the cost of the acquisition, construction,
47 reconstruction, repair, extension or improvement of any project or projects
48 or other purposes authorized under this chapter and such cost shall in-
49 clude, but shall not be limited to, administrative expenses, acquisition and
50 construction costs, engineering, fiscal or financial and legal expenses, surveys,
51 plans and specifications, interest during such construction, reconstruction,
52 repair, extension or improvement or acquisition and for one year after com-
53 pletion of such construction, reconstruction, repair, extension or improvement
54 or after acquisition of the project or projects, initial reserve funds, acquisi-
55 tion of real or personal property, including franchises, and such other
56 costs as are necessary and incidental to the construction, reconstruction,
57 repair, extension or improvement, or acquisition of such project or projects
58 and the financing thereof. Such an entity shall have the power to retain
59 and enter into agreements with engineers, fiscal agents, financial advisers,
60 attorneys, architects or other consultants or advisers for planning, super-
61 vision and financing of such project or projects upon such terms and con-
62 ditions as shall be deemed advisable and in the best interest of the entity.
63 Bonds issued under the provisions of this chapter are declared to be invest-
64 ment securities under the laws of the state of Iowa.

65 **Sec. 5. Source of payment: rates and charges, pledge of revenues.**
66 Such an entity shall have the power to pledge all or part of the net reve-
67 nues of a project or projects to the payment of the principal of and interest
68 on the bonds issued pursuant to this chapter and shall provide by resolu-
69 tion authorizing the issuance of said bonds that such net revenues of the
70 project or projects shall be set apart in a sinking fund for that purpose and
71 kept separate and distinct from all other revenues of the entity. The prin-
72 cipal of and interest on the bonds so issued shall be secured by a pledge of
73 such net revenues of the project or projects in the manner and to the ex-
74 tent provided in the resolution authorizing the issuance of said bonds.

75 Such an entity shall have the power to fix, establish and maintain such
76 rates, tolls, fees, rentals or other charges and collect the same from the
77 public agencies participating in the agreement or from private agencies or
78 persons for the payment of the services and facilities provided by said proj-
79 ect or projects. Such rates, tolls, fees, rentals or other charges shall be so
80 fixed, established and maintained and revised from time to time whenever
81 necessary as will always provide revenues sufficient to pay the cost of main-
82 taining, repairing and operating the project or projects, to pay the princi-
83 pal of and interest of the bonds then outstanding which are payable there-
84 from as the same become due and payable, to provide adequate and sufficient
85 reserves therefor, to provide for replacements, depreciations and necessary
86 extensions and enlargements and to provide a margin of safety for the mak-
87 ing of such payments and providing such reserves. Notwithstanding the
88 foregoing such an entity shall have the further right to pledge to the pay-
89 ment of the bonds issued pursuant to this chapter, in addition to the net
90 revenues of the project or projects pledged therefor, such other moneys
91 that it may have and which are lawfully available therefor.

92 In order to pay the rates, tolls, fees, rentals or other charges levied
93 against a public agency by an entity for the payment of the services and
94 facilities provided by a project or projects authorized by this chapter, pub-
95 lic agencies participating in such an agreement shall have the power by
96 ordinance to fix, establish and maintain, rates or other charges for the use

97 of and the services and facilities rendered by said project or projects.
98 Such rates or charges may be so fixed, established and maintained and re-
99 vised from time to time whenever necessary as will always provide such
100 public agencies with sufficient revenue to pay the rates, tolls, fees, rentals
101 or other charges levied against it by the entity for the payments of the
102 services and facilities provided by said project or projects. All such rates
103 or charges to be paid by the owners of real property, if not paid as by the
104 ordinance provided, when due, shall constitute a lien upon such real prop-
105 erty served by such project or projects, and shall be collected in the same
106 manner as general taxes.

107 **Sec. 6. Bonds not debts of the public agencies.** The principal of and
108 interest on the bonds issued by an entity under the provisions of this chap-
109 ter shall be payable solely from and secured by the net revenues of the
110 project or projects and from other funds of the entity lawfully available
111 therefor as provided in section five (5) of this Act and said bonds shall
112 not in any respect be a general obligation of any public agency participat-
113 ing in said entity nor shall the entity or any public agency participating
114 in said entity be in any manner liable by reason of such net revenues or
115 other funds being insufficient to pay said bonds. All bonds issued by the
116 entity shall contain a recital on their face that neither the payment of
117 the principal nor any part thereof nor any interest thereon constitutes a
118 debt, liability or obligation of any of the public agencies participating in
119 the agreement creating such entity or of the entity itself, except that the
120 entity shall be liable for the payment of such bonds from the net revenues
121 derived from the project or projects and from the other moneys lawfully
122 available therefor and pledged thereto pursuant to the provisions of the
123 resolution which authorized their issuance. Said bonds issued by the entity
124 shall be authorized by resolution which may be adopted at the same meet-
125 ing at which it was introduced by a majority of the members of the govern-
126 ing body of the entity. The terms, conditions and provisions for the author-
127 ization, issuance, sale, and security of said bonds and of the holders thereof
128 shall be set forth in said resolution.

129 **Sec. 7. Operation of project.** Such an entity shall operate, maintain
130 and preserve the project or projects in good repair and working order, and
131 shall operate the project or projects in an efficient and economical man-
132 ner, provided, however, that the entity may lease or rent the project or
133 projects or any part thereof, or otherwise provide for the operation of the
134 project or projects or any part thereof in such manner and upon such
135 terms as the governing body of the entity shall direct.

136 **Sec. 8. Details of revenue bonds.** Revenue bonds issued pursuant to
137 the provisions of this chapter shall bear interest at a rate or rates not ex-
138 ceeding six percentum per annum, may be in one or more series, may bear
139 such date or dates, may mature at such time or times not exceeding forty
140 years from their respective dates, may be payable in such medium of pay-
141 ment, at such place or places within the state, may carry such registration
142 privileges, may be subject to such terms of prior redemption, with or without
143 premium, may be executed in such manner, may contain such terms,
144 covenants and conditions, and may be in such form otherwise, as such
145 resolution or subsequent resolutions shall provide.

146 **Sec. 9. Issuance of bond anticipation notes.** Such an entity shall
147 have the power, at any time and from time to time after the issuance of
148 bonds thereof shall have been authorized, to borrow money for the pur-
149 poses for which such bonds are to be issued in anticipation of the receipt

150 of the proceeds of the sale of such bonds and within the authorized maxi-
151 mum amount of such bond issue. Any such loan shall be paid within three
152 years after the date of the initial loan. Bond anticipation notes shall be
153 issued for all moneys so borrowed under the provisions of this section, and
154 such notes may be renewed from time to time, but all such renewal notes
155 shall mature within the time above limited for the payment of the initial
156 loan. Such notes shall be authorized by resolution of the governing body
157 of the entity and shall be in such denomination or denominations, shall
158 bear interest at such rate or rates not exceeding the maximum rate per-
159 mitted by the resolution authorizing the issuance of the bonds, shall be in
160 such form and shall be executed in such manner, all as such entity shall
161 prescribe. If such notes shall be renewal notes, they may be exchanged
162 for notes then outstanding on such terms as the governing body of the
163 entity shall determine. The governing body of the entity may, in its dis-
164 cretion, retire any such notes from the revenues derived from the project
165 or projects or from such other moneys of the entity which are lawfully
166 available therefor or from a combination of each, in lieu of retiring them
167 by means of bond proceeds, provided, however, that before the retirement
168 of such notes by any means other than the issuance of bonds it shall amend
169 or repeal the resolution authorizing the issuance of the bonds in antic-
170 ipation of the proceeds of the sale of which such notes shall have been
171 issued so as to reduce the authorized amount of the bond issue by the
172 amount of the notes so retired. Such amendatory or repealing resolution
173 shall take effect upon its passage.

174 **Sec. 10. Refunding bonds.** Refunding bonds may be issued by an entity
175 in a principal amount sufficient to provide funds for the payment (including
176 premium, if any) of bonds issued by said entity pursuant to the provisions
177 of this chapter to be refunded thereby and the interest thereon and in addi-
178 tion for the payment of all expenses incident to the calling, retiring, or
179 paying of such outstanding bonds to be refunded, such refunding bonds
180 may also finance the construction of a project or projects authorized by
181 this Act or the improvement, addition, betterment or extension of an exist-
182 ing project or projects so authorized. Said refunding bonds shall not be
183 issued to refund the principal of and interest on any bonds to be refunded
184 unless such bonds mature or are redeemable under their terms within ten
185 years from the date of delivery of the refunding bonds. The proceeds of
186 said refunding bonds to be used for the payment of the principal of, interest
187 on and redemption premiums, if any, on said bonds to be refunded which
188 will not be due and payable immediately shall be deposited in trust for the
189 sole purpose of making such payments in a bank or trust company within
190 the state. Any moneys in such trust fund, prior to the date such funds will
191 be needed for the payment of such principal of, interest on and redemption
192 premiums, if any, of such outstanding bonds to be refunded, may be invest-
193 ed or reinvested as provided in the resolution authorizing said refunding
194 bonds. Refunding bonds shall be issued in the same manner and detail as
195 revenue bonds herein authorized.

196 **Sec. 11. Eminent domain.** Any public agency participating in an agree-
197 ment authorizing the joint exercise of governmental powers pursuant to
198 this Act may exercise its power of eminent domain to acquire interests in
199 property, under provisions of law then in effect and applicable to such pub-
200 lic agency, for the use of the entity created to carry out such agreement.
201 Any interests in property so acquired shall be deemed acquired for a public
202 purpose of the condemning public agency, and the payment of the costs

203 of such acquisition may be made pursuant to such agreement or to any
 204 separate agreement between or among said public agency and such entity
 205 or the other public agencies participating in such entity or any of them.
 206 Upon payment of such costs, any property so acquired shall be and become
 207 the property of the entity.”

Approved May 19, 1969.

CHAPTER 237

URBAN RENEWAL FUND AND BONDS

H. F. 562

AN ACT authorizing cities and towns to create an urban renewal fund from additional taxes produced by an urban renewal area, and to issue revenue bonds secured by and payable from such fund.

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

1 SECTION 1. Section four hundred three point nine (403.9), Code 1966,
 2 is hereby amended as follows:

3 1. By striking subsection one (1) and inserting in lieu thereof the fol-
 4 lowing:

5 “1. A municipality shall have power to periodically issue bonds in its
 6 discretion to pay the cost of carrying out the purposes and provisions of
 7 this chapter, including, but not limited to, the payment of principal and
 8 interest upon any advances for surveys and planning, and the payment
 9 of interest on bonds, herein authorized, not to exceed three years from the
 10 date the bonds are issued. The municipality shall have power to issue re-
 11 funding bonds for the payment or retirement of such bonds previously
 12 issued by it. Said bonds shall be payable solely from the income and pro-
 13 ceeds of the fund and portion of taxes referred to in subsection two (2) of
 14 section two (2) of this Act, and revenues and other funds of the municipal-
 15 ity derived from or held in connection with the undertaking and carrying
 16 out of urban renewal projects under this chapter. The municipality may
 17 pledge to the payment of the bonds the fund and portion of taxes referred
 18 to in subsection two (2) of section two (2) of this Act, and may further se-
 19 cure the bonds by a pledge of any loan, grant or contribution from the
 20 federal government or other source in aid of any urban renewal projects
 21 of the municipality under this chapter, or by a mortgage of any such urban
 22 renewal projects, or any part thereof, title which is vested in the munic-
 23 ipality.”

24 2. By striking from line seven (7) of subsection three (3) the word “six”
 25 and inserting in lieu thereof the word “seven”.

26 3. By striking subsection four (4) and inserting in lieu thereof the follow-
 27 ing:

28 “4. Such bonds may be sold at not less than par at public or private
 29 sale, or may be exchanged for other bonds on the basis of par.”

1 SEC. 2. Chapter four hundred three (403), Code 1966, is hereby amend-
 2 ed by adding thereto the following new section:

3 “A municipality may provide by ordinance that taxes levied on taxable
 4 property in an urban renewal project each year by or for the benefit of the

5 state, city or town, county, school district, or other taxing district after the
6 effective date of such ordinance, shall be divided as follows:

7 1. That portion of the taxes which would be produced by the rate upon
8 which the tax is levied each year by or for each of the taxing districts upon
9 the total sum of the assessed value of the taxable property in the urban
10 renewal project, as shown on the assessment roll used in connection with
11 the taxation of such property by such taxing district, last equalized prior
12 to the effective date of such ordinance, shall be allocated to and when col-
13 lected be paid into the fund for the respective taxing district as taxes by
14 or for said taxing district into which all other property taxes are paid. For
15 the purpose of allocating taxes levied by or for any taxing district which
16 did not include the territory in an urban renewal project on the effective
17 date of such ordinance, but to which such territory has been annexed or
18 otherwise included after such effective date, the assessment roll of the
19 county last equalized on the effective date of the ordinance shall be used
20 in determining the assessed valuation of the taxable property in the project
21 on the effective date; and

22 2. That portion of the taxes each year in excess of such amount shall be
23 allocated to and when collected be paid into a special fund of the munic-
24 ipality to pay the principal of and interest on loans, moneys advanced
25 to, or indebtedness, whether funded, refunded, assumed, or otherwise, in-
26 cluding bonds issued under the authority of section four hundred three
27 point nine (403.9), subsection one (1) of the Code, incurred by such mu-
28 nicipality to finance or refinance, in whole or in part, such redevelopment
29 project. Unless and until the total assessed valuation of the taxable prop-
30 erty in an urban renewal project exceeds the total assessed value of the tax-
31 able property in such project as shown by the last equalized assessment
32 roll referred to in subsection one (1) of this section, all of the taxes levied
33 and collected upon the taxable property in such urban renewal project
34 shall be paid into the funds for the respective taxing districts as taxes by
35 or for said taxing districts in the same manner as all other property taxes.
36 When such loans, advances, indebtedness, and bonds, if any, and interest
37 thereon, have been paid, all moneys thereafter received from taxes upon
38 the taxable property in such urban renewal project shall be paid into the
39 funds for the respective taxing districts in the same manner as taxes on
40 all other property.

41 3. The portion of taxes mentioned in subsection two (2) of this section
42 and the special fund into which they shall be paid, may be irrevocably
43 pledged by a municipality for the payment of the principal and interest on
44 loans, advances, bonds issued under the authority of section four hundred
45 three point nine (403.9), subsection one (1) of the Code, or indebtedness,
46 incurred by a municipality to finance or refinance, in whole or in part, the
47 urban renewal project.

48 4. As used in this section the word 'taxes' includes, but is not limited to,
49 all levies on an ad valorem basis upon land or real property."

Approved May 1, 1969.

CHAPTER 238

URBAN RENEWAL AND LOW-RENT HOUSING

H. F. 733

AN ACT relating to the urban-renewal law and the low-rent housing law and to legalize and validate certain actions under such laws.

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

1 SECTION 1. Section four hundred three point sixteen (403.16), Code
2 1966, is hereby amended as follows:

3 1. By inserting in line eight (8) after the first comma the words "as
4 hereinafter defined, whether".

5 2. By inserting in line twenty-one (21) after the second comma the words
6 "as hereinafter defined, whether".

7 3. By striking the period in line thirty-one (31) and inserting in lieu there-
8 of the following:

9 " , as the terms of such proscription are hereinafter defined. For the pur-
10 poses of this section the following definitions and standards of construction
11 shall apply:

12 1. 'Action affecting such property' shall include only that action direct-
13 ly and specifically affecting such property as a separate property but shall
14 not include any action, any benefits of which accrue to the public generally,
15 or which affects all or a substantial portion of the properties included or
16 planned to be included in such a project.

17 2. Employment by a public body, its agencies, or institutions or by any
18 other person having such an interest shall not be deemed an interest by
19 such employee or of any ownership or control by such employee of interests
20 of his employer. Such an employee may participate in an urban-renewal
21 project so long as any benefits of such participation accrue to the public
22 generally, such participation affects all or a substantial portion of the prop-
23 erties included or planned to be included in such a project, or such partic-
24 ipation promotes the public purposes of such project, and shall limit only
25 that participation by an employee which directly or specifically affects
26 property in which an employer of an employee has an interest.

27 3. The word 'participation' shall be deemed not to include discussion
28 or debate preliminary to a vote of a local governing body or agency upon
29 proposed ordinances or resolutions relating to such a project or any ab-
30 stention from such a vote.

31 4. The designation of a bank or trust company as depository, paying
32 agent, or agent for investment of funds shall not be deemed a matter of
33 interest or personal interest.

34 5. Stock ownership in a corporation having such an interest shall not be
35 deemed an indicia of an interest or of ownership or control by the person
36 owning such stocks when less than five percent of the outstanding stock of
37 the corporation is owned or controlled directly or indirectly by such person.

38 6. The word 'action' shall not be deemed to include resolutions advisory
39 to the local governing body or agency by any citizens group, board, body,
40 or commission designated to serve a purely advisory approving or recom-
41 mending function under this chapter.

42 7. The limitations of this section shall be construed to permit action
43 by a public official, commissioner, or employee where any benefits of such
44 action accrue to the public generally, such action affects all or a substan-

45 tial portion of the properties included or planned to be included in such a
 46 project, or such action promotes the public purposes of such project, and
 47 shall be construed to limit only that action by a public official, commis-
 48 sioner, or employee which directly or specifically affects property in which
 49 such official, commissioner, or employee has an interest or in which an
 50 employer of such official, commissioner, or employee has an interest.

51 8. No action of an official, employee of a municipality, board, or commis-
 52 sion prior to the effective date of this Act not judicially declared to be
 53 void as of such date shall be construed to be prohibited or disqualified pro-
 54 vided such action was in accord with the standards of this section as now
 55 amended. All actions which have been in accord with the standards of this
 56 section are hereby declared legal and valid."

57 4. By inserting in line forty-five (45) after the word "office" the follow-
 58 ing:

59 " , but no ordinance or resolution of a municipality or agency shall be
 60 invalid by reason of a vote or votes cast in violation of the standards of this
 61 section as now amended unless such vote or votes were decisive in the
 62 passage of such ordinance or resolution".

1 SEC. 2. Section four hundred three A point twenty-two (403A.22), Code
 2 1966, is hereby amended as follows:

3 1. By inserting in line seven (7) after the word "interest" the words
 4 " , as hereinafter defined, whether".

5 2. By inserting in line twenty-one (21) after the word "interest" the
 6 words " , as hereinafter defined, whether".

7 3. By striking from line thirty-one (31) the period and inserting in lieu
 8 thereof the following:

9 " , as the terms of such proscription are hereinafter defined. For the
 10 purposes of this section the following definitions and standards of construc-
 11 tion shall apply:

12 1. 'Action affecting such property' shall include only that action directly
 13 and specifically affecting such property as a separate property but shall
 14 not include any action of which any benefits accrue to the public generally,
 15 or which affects all or a substantial portion of the properties included or
 16 planned to be included in such a project.

17 2. Employment by a state public body, its agencies, and institutions or
 18 by any other person as defined in subsection sixteen (16) of section four
 19 hundred three point seventeen (403.17) of the Code, having such an interest
 20 shall not be deemed an interest by such employee or of any ownership or
 21 control by such employee of interests of his employer. Such an employee
 22 may participate in a low-rent housing project so long as any benefits of
 23 such participation accrue to the public generally, such participation affects
 24 all or a substantial portion of the properties included or planned to be in-
 25 cluded in such a project, or such participation promotes the public purposes
 26 of such project, and shall limit only that participation by an employee
 27 which directly or specifically affects property in which an employer of
 28 an employee has an interest.

29 3. The word 'participation' shall be deemed not to include discussion
 30 or debate preliminary to a vote by a local governing body or agency upon
 31 proposed ordinances or resolutions relating to such a project or any ab-
 32 stention from such a vote.

33 4. The designation of a bank or trust company as a depository, paying
 34 agent, or agent for investment of funds shall not be deemed a matter of
 35 interest or personal interest.

36 5. Stock ownership in a corporation having such an interest shall not be
 37 deemed an interest or of ownership or control by the person owning such
 38 stocks when less than five percent of the outstanding stock of the corpora-
 39 tion is owned or controlled directly or indirectly by such person.

40 6. The word 'action' shall not be deemed to include resolutions advisory
 41 to the local governing body or agency by any citizens group, board, body,
 42 or commission designated to serve a purely advisory function of approving
 43 or recommending under this chapter.

44 7. The limitations of this section shall be construed to permit action by
 45 a public official, commissioner, or employee where any benefits of such
 46 action accrue to the public generally, such action affects all or a substan-
 47 tial portion of the properties included or planned to be included in such a
 48 project, or such action promotes the public purposes of such project, and
 49 shall be construed to limit only that action by a public official, commis-
 50 sioner, or employee which directly or specifically affects property in which such
 51 official, commissioner, or employee has an interest or in which an employer
 52 of such official, commissioner, or employee has an interest.

53 8. No action of an official, employee of a municipality, or board or
 54 commission thereof antedating the effective date of this Act not judicially
 55 declared to be void as of such date shall be construed to be prohibited or
 56 disqualified so long as such action was in accord with the standards of
 57 this section as now amended and all actions which have been in accord
 58 with the standards of this section as now amended are hereby declared
 59 legal and valid."

60 4. By inserting in line thirty-three (33) after the word "office" the
 61 following:

62 " , but no ordinance or resolution of a municipality or agency shall be
 63 invalid by reason of a vote or votes cast in violation of the standards of
 64 this section as now amended unless such vote or votes were decisive in the
 65 passage of such ordinance or resolution".

1 SEC. 3. If any section, subsection, paragraph, sentence, clause, or
 2 phrase of this Act is for any reason held to be unconstitutional or invalid,
 3 such unconstitutionality or invalidity shall not affect the constitutionality
 4 or validity of the remaining portions of this Act. The general assembly
 5 hereby declares that it would have passed this Act and each section, sub-
 6 section, paragraph, sentence, clause, or phrase hereof, irrespective of wheth-
 7 er any one or more of the sections, subsections, paragraphs, sentences,
 8 clauses, or phrases be declared unconstitutional.

1 SEC. 4. This Act, being deemed of immediate importance, shall take
 2 effect and be in force from and after its publication in The Clinton Herald,
 3 a newspaper published in Clinton, Iowa, and the Ames Daily Tribune, a
 4 newspaper published in Ames, Iowa.

Approved April 16, 1969.

I hereby certify that the foregoing Act, House File 733, was published in The Clinton Herald, Clinton, Iowa, April 21, 1969 and in the Ames Daily Tribune, Ames, Iowa, April 18, 1969.
 MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 239

LOW RENT HOUSING PROJECTS

H. F. 196

AN ACT relating to the referendum for approval of low rent housing projects.

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

1 SECTION 1. Section four hundred three A point five (403A.5), Code
2 1966, is hereby amended by inserting in line twelve (12), before the word
3 "until", the words "for which the approval of the electors of the municipal-
4 ity is required by this chapter".

1 SEC. 2. Section four hundred three A point twenty-five (403A.25),
2 Code 1966, is hereby amended by inserting in line ten (10), after the word
3 "municipality", the words ", except as otherwise provided in this chapter".

1 SEC. 3. Chapter four hundred three A (403A), Code 1966, is hereby
2 amended by adding thereto the following new section:

3 "As an optional procedure, a municipality or low-rent housing agency
4 may proceed to exercise the powers granted by this chapter on its own
5 motion without an election, in the manner and subject to the limitations
6 prescribed by this section. Before adoption of the resolution to proceed,
7 the governing body of the municipality shall cause a notice of the proposed
8 resolution to be published at least once in a newspaper of general circula-
9 tion within the municipality, at least fifteen days prior to the meeting at
10 which it is proposed to take action on the resolution to proceed. The scope
11 of property acquisition for the low-rent housing project or projects shall be
12 specifically limited, by the resolution to proceed, to:

13 1. The use of dwelling units in existing structures to be leased from
14 private owners.

15 2. The construction or acquisition of dwelling units which are specifi-
16 cally designed for, and the occupancy of which is to be limited to, persons
17 who are sixty-two years of age or older, or who are physically handicapped,
18 together with their spouses, if married, during the period of being physically
19 handicapped and said project shall not be used for other rental or occu-
20 pancy except for such limited part or parcel used by the superintendent or
21 manager of such dwelling unit."

1 SEC. 4. Any provision of chapter four hundred three A (403A) of the
2 Code notwithstanding, no housing project shall be approved unless as a
3 condition at least ten percent of all rents and supplemental rental aid shall
4 be paid annually as taxes to the office of the treasurer in the respective
5 county in which said project is located, except as to the use of dwelling
6 units in existing structures leased from private owners.

Approved June 20, 1969.

CHAPTER 240

BONDS BY CITIES AND TOWNS

S. F. 152

AN ACT relating to the issuance of bonds by cities and towns.

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

1 SECTION 1. Section four hundred seven point three (407.3), Code
2 1966, is hereby amended by adding thereto the following new subsection:
3 "Constructing, purchasing, repairing, improving, remodeling, enlarging,
4 and equipping a building for use as a city or town hall, jail, police station,
5 fire station, or library, or any combination of said uses, and procuring a
6 site therefor."

1 SEC. 2. Section four hundred seven point nine (407.9), Code 1966, is
2 hereby amended by striking from lines two (2) and three (3) the words "on
3 a separate ballot, but more" and inserting in lieu thereof the following:
4 "as a separate proposition; provided however, that a proposition sub-
5 mitted pursuant to the provisions of section one (1) of this Act contemplating
6 any combination of the uses mentioned therein, shall be submitted as and
7 considered to be a separate and single proposition. More".

1 SEC. 3. Section four hundred seven point ten (407.10), Code 1966,
2 is hereby repealed and the following enacted in lieu thereof:
3 "If the vote in favor of any such proposition is equal to at least sixty
4 percent of the total vote cast for and against said proposition at said elec-
5 tion, said proposition shall be deemed carried and adopted, and the city or
6 town shall be authorized to contract the indebtedness and issue the bonds
7 and levy the tax as specified in said proposition."

1 SEC. 4. This Act being of immediate importance shall take effect and
2 be in force from and after its publication in The Cedar Rapids Gazette, a
3 newspaper published in Cedar Rapids, Iowa, and in The Marion Sentinel, a
4 newspaper published in Marion, Iowa.

Approved May 16, 1969.

I hereby certify that the foregoing Act, Senate File 152, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, May 22, 1969 and in The Marion Sentinel, Marion, Iowa, May 29, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 241

MUNICIPAL UTILITY RETIREMENT SYSTEM

H. F. 111

AN ACT relating to municipal utility retirement systems.

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

1 SECTION 1. Section four hundred twelve point one (412.1), Code 1966,
2 is hereby amended as follows:
3 1. By striking from line two (2) the word "city".

4 2. By striking from lines seven (7) and eight (8) the words "in cities
5 having a population of five thousand or more".

1 SEC. 2. Section four hundred twelve point two (412.2), subsection
2 three (3), Code 1966, is hereby amended by striking from line four (4) the
3 word "city".

1 SEC. 3. Section four hundred twelve point three (412.3), Code 1966, is
2 hereby amended by striking from line one (1) the word "city".

1 SEC. 4. Section four hundred twelve point four (412.4), Code 1966, is
2 hereby amended by striking from line one (1) the word "city".

1 SEC. 5. Section four hundred twelve point five (412.5), Code 1966, is
2 hereby amended by striking from line four (4) the words "light plants" and
3 inserting in lieu thereof the words "plants and systems".

Approved May 12, 1969.

CHAPTER 242

BOARD OF TAX REVIEW

H. F. 281

AN ACT relating to general powers of the state board of tax review.

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

1 SECTION 1. Chapter three hundred forty-two (342), section one (1),
2 Acts of the Sixty-second General Assembly, is hereby amended by adding
3 thereto the following new subsection:

4 "All of the provisions of section four hundred twenty-two point sixty-
5 three (422.63) of the Code, shall also be applicable to the state board of tax
6 review."

Approved May 19, 1969.

CHAPTER 243

IOWA INCOME TAX

H. F. 810

AN ACT relating to the Iowa income tax.

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

1 SECTION 1. Section four hundred twenty-two point five (422.5), Code
2 1966, as amended by chapter three hundred forty-eight (348), section
3 fourteen (14), Acts of the Sixty-second General Assembly, is hereby further
4 amended by inserting the following paragraph after line forty-four (44):

5 "However, no tax shall be imposed on any resident or nonresident
6 whose net income, as defined in section four hundred twenty-two point
7 seven (422.7) of the Code, is three thousand dollars or less; but in the

8 event that the payment of tax under this division would reduce the net
9 income to less than three thousand dollars, then the tax shall be reduced
10 to that amount which would result in allowing the taxpayer to retain a net
11 income of three thousand dollars. The preceding sentence does not apply
12 to estates or trusts. For the purpose of this paragraph, the entire net in-
13 come, including any part thereof not allocated to Iowa, shall be taken into
14 account. If the combined net income of a husband and wife exceeds three
15 thousand dollars, neither of them shall receive the benefit of this para-
16 graph, and it is immaterial whether they file a joint return or separate re-
17 turns. An unmarried child under twenty-one years of age who is a depend-
18 ent of his parent or parents as defined in section four hundred twenty-two
19 point twelve (422.12) of the Code, shall not receive the benefit of this para-
20 graph if such parent's net income exceeds three thousand dollars or if the
21 combined net income of such parents exceeds three thousand dollars."

1 SEC. 2. Section four hundred twenty-two point twelve (422.12), Code
2 1966, as amended by chapter three hundred forty-eight (348), section fifteen
3 (15), Acts of the Sixty-second General Assembly, is hereby further amend-
4 ed by striking subsections one (1) and two (2) and inserting in lieu thereof
5 the following:

6 "1. For a single individual, or a married person filing a separate return,
7 fifteen dollars.

8 2. For a head of household, or a husband and wife filing a joint return,
9 thirty dollars."

1 SEC. 3. Section four hundred twenty-two point thirteen (422.13), Code
2 1966, is hereby amended by striking subsections one (1) and two (2) and in-
3 serting in lieu thereof the following:

4 "1. Every resident of Iowa who is required to file a federal income tax
5 return under the Internal Revenue Code of 1954, or who has a net in-
6 come of one thousand dollars or more for the tax year from sources taxable
7 under this division, shall make and sign a return.

8 2. Every nonresident who is required to file a federal income tax re-
9 turn under the Internal Revenue Code of 1954 and who has a net income
10 of one thousand dollars or more for the tax year from sources taxable under
11 this division, shall make and sign a return."

1 SEC. 4. Section four hundred twenty-two point five (422.5), Code
2 1966, is hereby amended by adding the following new paragraph:

3 "A resident of Iowa who is on active duty in the armed forces of the
4 United States, as defined in Title 10, United States Code, Section 101, for
5 more than six months in any calendar or fiscal year, shall not include his
6 taxable income received from such service in computing the tax imposed by
7 this section for such calendar or fiscal year."

Approved June 7, 1969.

CHAPTER 244
SALES TAX REFUND

S. F. 286

AN ACT relating to sales tax refund.

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

1 SECTION 1. Section eighteen (18) of chapter three hundred forty-
2 eight (348), Acts of the Sixty-second General Assembly, is hereby repealed
3 and the following enacted in lieu thereof:

4 1. "Every eligible resident individual who files a tax return for the calen-
5 dar year 1968, or a return for a fiscal year beginning after January 1, 1968
6 but not later than December 31, 1968, shall be entitled to a sales tax refund
7 for said calendar or fiscal year with respect to himself and each of the per-
8 sons whom he is entitled to claim as a personal exemption on such return,
9 whether or not such resident individual is required to file a personal in-
10 come tax return or pay such tax. The amount of refund shall be computed
11 in accordance with the following table:

12 If the net income of the 13 resident individual is 14 15	The refund allowed to resident individual for himself and for each person for whom he is entitled to claim a personal ex- emption is:
16 Under \$1,000	\$12
17 Over \$1,000 but under \$2,000	11
18 Over \$2,000 but under \$2,500	10
19 Over \$2,500 but under \$3,000	9"

20 2. "No individual shall be eligible to claim the sales tax refund if such
21 individual has been claimed as a dependent on another resident individual's
22 Iowa personal income tax return."

23 3. "For the purposes of this Act the term 'resident individual' is defined
24 as a person who has resided in the state for the full taxable year. The term
25 'net income' shall have the same meaning as defined in section four hun-
26 dred twenty-two point seven (422.7) of the Code. The term 'personal
27 exemption' shall have the same meaning as defined in section four hundred
28 twenty-two point twelve (422.12) of the Code."

29 4. "The department of revenue shall make all rules and regulations with
30 respect to the refunds for this section including the manner and require-
31 ments for claiming credit for or refund of the amount thereof in the same
32 manner as state income tax refunds, and in accordance with the provisions
33 of sections four hundred twenty-two point sixteen (422.16) and four hun-
34 dred twenty-two point sixty-seven (422.67), of the Code."

35 5. This Act, being deemed of immediate importance, shall take effect
36 and be in force from and after its publication in the Auburn Enterprise,
37 a newspaper published in Auburn, Iowa, and in the Eldora Herald-Ledger,
38 a newspaper published in Eldora, Iowa.

Approved March 3, 1969.

I hereby certify that the foregoing Act, Senate File 286, was published in the Auburn Enterprise, Auburn, Iowa, March 13, 1969 and in the Eldora Herald-Ledger, Eldora, Iowa, March 11, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 245

SALES TAX ON GRAIN DRYING

H. F. 175

AN ACT relating to the sales tax on propane used in drying grain.

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

- 1 SECTION 1. Section four hundred twenty-two point forty-two (422.42),
 2 subsection three (3), Code 1966, is amended by inserting in line twenty-four
 3 (24) after the word "processing" the words, "including grain drying".

Approved May 19, 1969.

CHAPTER 246

SALES TAX

H. F. 226

AN ACT relating to the collection of sales tax on the cash difference between the retail sales price and the trade-in value in all transactions except in sales of vehicles subject to registration.

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

- 1 SECTION 1. Section four hundred twenty-two point forty-two (422.42),
 2 subsection six (6), Code 1966, is hereby repealed and the following enacted
 3 in lieu thereof:

4 "6. 'Gross receipts' means the total amount of the sales of retailers,
 5 valued in money, whether received in money or otherwise; provided how-
 6 ever,

7 a. That discounts for any purpose allowed and taken on sales shall not
 8 be included if excessive sales tax is not collected from the purchaser, nor
 9 shall the sale price of property returned by customers when the total sale
 10 price thereof is refunded either in cash or by credit.

11 b. That in all transactions in which tangible personal property is traded
 12 toward the purchase price of tangible personal property of greater value
 13 except the sale of vehicles subject to registration under the laws of this
 14 state, the gross receipts shall be only that portion of the purchase price rep-
 15 resented by the difference between the total purchase price of such tangible
 16 personal property of greater value and the amount of such tangible personal
 17 property traded."

1 SEC. 2. Section four hundred twenty-two point forty-five (422.45), sub-
 2 section four (4), Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "tangible personal property"
 4 and inserting in lieu thereof the words "vehicles subject to registration
 5 under the laws of this state".

6 2. By striking from lines three (3) and four (4) the words "of other
 7 property".

8 3. By striking from line seven (7) the words "tangible personal property"
 9 and inserting in lieu thereof the words "vehicles subject to registration
 10 under the laws of this state".

11 4. By striking from lines eleven (11) and twelve (12) the words "tangible
12 personal property" and inserting in lieu thereof the words "vehicles subject
13 to registration under the laws of this state".

14 5. By striking from line nineteen (19) the words "road tax fund" and in-
15 serting in lieu thereof the words "general fund, subject to the provisions
16 of section three hundred twelve point one (312.1) of the Code".

1 SEC. 3. Section four hundred twenty-two point forty-eight (422.48),
2 Code 1966, is hereby amended by inserting in line four (4) after the word
3 "charge" the words ", less trade-ins allowed and taken".

1 SEC. 4. Section four hundred twenty-three point one (423.1), subsection
2 three (3), Code 1966, is hereby amended by striking from lines four (4) and
3 five (5) the words "allowed and" and inserting in lieu thereof the words
4 "and except the sale of vehicles subject to registration under the laws of
5 this state, trade-in allowances".

1 SEC. 5. Chapter three hundred forty-eight (348), section nineteen (19),
2 Acts of the Sixty-second General Assembly, amending section four hundred
3 twenty-two point forty-two (422.42), Code 1966, is hereby amended by strik-
4 ing from lines twenty-one (21) through twenty-eight (28), inclusive, the
5 words:

6 "When services are made under conditional sales contract or under
7 other contract or agreement, wherein the payment of the principal sum
8 thereunder is extended over a period longer than sixty days from the date
9 of the contract or agreement, only such portion of the value of services
10 thereof shall be accounted, for the purpose of imposition of the tax imposed
11 by this division, as has actually been received by the taxpayer during the
12 quarterly period for which the tax imposed by this division is due and pay-
13 able."

1 SEC. 6. Section four hundred twenty-three point thirteen (423.13),
2 Code 1966, as amended by chapter three hundred forty-eight (348), sec-
3 tions forty (40) and forty-one (41), Acts of the Sixty-second General As-
4 sembly, is hereby further amended by striking from lines twenty-three
5 (23) through thirty-three (33), inclusive, the words:

6 " , provided that where such tangible personal property is sold under a
7 conditional sales contract, or under any other form of sale wherein the
8 payment of the principal sum, or a part thereof, is extended over a period
9 longer than sixty days from the date of the sale thereof, the retailer may
10 collect and remit each quarterly period that portion of the tax equal to
11 three percent of that portion of the purchase price actually received during
12 such quarterly period".

Approved June 17, 1969.

CHAPTER 247

SALES TAX ON SERVICES

S. F. 624

AN ACT relating to sales taxes imposed on services performed on tangible personal property delivered into interstate commerce or services used in processing tangible personal property which will ultimately be subject to the sales tax.

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

1 SECTION 1. Section four hundred twenty-two point forty-two (422.42),
2 Code 1966, as amended by chapter three hundred forty-eight (348), section
3 nineteen (19), Acts of the Sixty-second General Assembly, is hereby fur-
4 ther amended as follows:

5 1. By inserting in subsection three (3), line four (4), after the word "prop-
6 erty" the words "or taxable services, or for resale of tangible personal
7 property in connection with taxable services,".

8 2. By inserting in line thirteen (13) of subsection three (3) after the word
9 "steam" the words "or any taxable service".

1 SEC. 2. Chapter three hundred forty-eight (348), section nineteen (19),
2 Acts of the Sixty-second General Assembly, amending section four hundred
3 twenty-two point forty-two (422.42), Code 1966, is hereby amended as fol-
4 lows:

5 1. By inserting in line four (4) after the word "than" the words "services
6 performed on tangible personal property delivered into interstate commerce,
7 or services used in processing of tangible personal property for use in tax-
8 able retail sales or services,".

9 2. By inserting in line sixteen (16) after the word "state" the words
10 "except where such service is performed on tangible personal property de-
11 livered into interstate commerce or is used in processing of tangible personal
12 property for use in taxable retail sales or services".

1 SEC. 3. This Act, being deemed of immediate importance, shall be in
2 full force and effect from and after its passage and publication in The De-
3 Witt Observer, a newspaper published at DeWitt, Iowa, and in The Pioneer-
4 Republican, a newspaper published at Marengo, Iowa.

Approved May 1, 1969.

I hereby certify that the foregoing Act, Senate File 624, was published in The DeWitt Observer, DeWitt, Iowa, May 8, 1969 and in The Pioneer-Republican, Marengo, Iowa, May 8, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 248

CERTAIN SERVICE TAXES ABOLISHED

S. F. 619

AN ACT relating to use, sales, and service taxes on new construction, advertising, and the processing of meat, fish, fowl and vegetables and making allocations thereof.

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

1 SECTION 1. Chapter three hundred forty-eight (348), section twenty-
2 five (25), Acts of the Sixty-second General Assembly, amending section
3 four hundred twenty-two point forty-three (422.43), Code 1966, is hereby
4 amended as follows:

5 1. By striking from lines seventeen (17) and eighteen (18) the words
6 "meat, fish, and fowl processing;"

7 2. By striking from line nineteen (19) the words "newspaper, directories,
8 shopper's guides and news-"

9 3. By striking all of lines twenty (20) through twenty-three (23), inclu-
10 sive, and by striking from line twenty-four (24) the words "outdoor and
11 point-of-purchase performance advertising;"

12 4. By striking from line twenty-eight (28) the words "promotion and
13 direct mail;"

14 5. By striking from line twenty-eight (28) the words "sign painting;"

15 6. By inserting in line thirty-four (34) after the word "merchandise"
16 the words "other than processed meat, fish, fowl and vegetables".

1 SEC. 2. Chapter three hundred forty-eight (348), section twenty-five
2 (25), Acts of the Sixty-second General Assembly, amending section four
3 hundred twenty-two point forty-three (422.43), Code 1966, is hereby amend-
4 ed:

5 By striking from line thirty-five (35) the words "; buildings and struc-
6 tures erected for the improvement of realty".

1 SEC. 3. Any moneys collected by reason of the tax imposed upon the
2 sale of services rendered, furnished, or performed pursuant to chapter three
3 hundred forty-eight (348), Acts of the Sixty-second General Assembly, in
4 regard to meat, fish, fowl and vegetable processing; newspapers, directories,
5 shopper's guides and newspapers whether or not circulated free or without
6 charge to the public, magazine, radio, movie, and television advertising, to
7 include such advertisement and service rendered, furnished, or performed
8 by the state of Iowa, its boards and commissions or any installation thereof;
9 outdoor and point-of-purchase performance advertising; promotion and
10 direct mail; sign painting; and new construction, reconstruction, altera-
11 tion, expansion, remodeling or the services of a general building contractor,
12 architect or engineer when so engaged between October 1, 1967 and July 1,
13 1969 shall be divided into two (2) equal parts. The director of revenue shall
14 determine what portion of the taxes collected are to be allocated pursuant
15 to this Act. One part shall be paid into the general fund of the state of
16 Iowa and the other part shall be paid into a temporary emergency fund
17 to be known as the "Municipal Tax Relief Fund". However, the amount
18 paid into said municipal tax relief fund shall not exceed two million dol-
19 lars; and any amount in excess of two million dollars which would other-
20 wise be paid into said fund shall instead be paid into the general fund of
21 the state, except that an amount of two hundred thousand (200,000) dol-

22 lars shall be allocated to the division of planning in the governor's office be-
23 fore such moneys are paid into the general fund of the state.

1 SEC. 4. The state comptroller shall on the first day of January of the
2 year 1970 apportion among the incorporated cities and towns of the state,
3 in the ratio which the population of each city or town, as shown by the
4 latest available federal census, bears to the total population of all such cities
5 and towns in the state, the moneys allocated to the municipal tax relief
6 fund, and shall remit to the clerk of each such city or town the amount so
7 apportioned to such city or town, and said funds so remitted shall be sub-
8 ject to expenditure under the direction of the council of such incorporated
9 city or town for any lawful municipal purpose.

1 SEC. 5. In any case where a city or town has been incorporated since
2 the latest available federal census, the mayor and council shall certify to
3 the treasurer of state the actual population of such incorporated city or
4 town as of the date of incorporation and its apportionment of funds under
5 this Act shall be based upon such certification until the next federal cen-
6 sus enumeration. Any community which has dissolved its corporation
7 shall not receive any apportionment of funds under this Act after its dis-
8 solution.

1 SEC. 6. In any case where a city or town has annexed any territory
2 since the last federal census, the mayor and council shall certify to the
3 treasurer of state the actual population of such annexed territory as deter-
4 mined by the last federal census of said territory and the apportionment
5 of funds under this Act shall be based upon the population of said city
6 or town as modified by the certification of the population of the annexed
7 territory until the next federal census enumeration.

1 SEC. 7. In any case where two or more cities or towns have consoli-
2 dated, the apportionment of funds under this Act shall be based upon the
3 population of the city or town resulting from said consolidation and shall
4 be determined by combining the population of all cities and towns involved
5 in the consolidation as determined by the last federal census enumeration
6 for said consolidating city or town.

1 SEC. 8. Sections three (3) through seven (7) of this Act being temporary
2 in effect shall only be printed in the Acts of the Sixty-third General As-
3 sembly and shall not be part of the Code of Iowa.

1 SEC. 9. The tax on any services on or connected with new construc-
2 tion, reconstruction, alteration, expansion, remodeling, or the services of a
3 general building contractor, architect, or engineer contracted for after
4 June 1, 1969, shall be null and void.

1 SEC. 10.

2 1. The amount allocated to the division of planning in the governor's
3 office by section three (3) of this Act shall be used as follows:

4 *a.* To match local funds for special studies or research projects relating
5 to cities and towns, which study or project would be beneficial to the entire
6 state.

7 *b.* To provide funds to a particular city or town for a nonrecurring
8 need, for which no local or other state funds are available, or for which
9 other funds could be available.

10 2. The governor shall approve any allocation of funds provided for in
 11 this Act, and shall determine that such allocation is in the best interests
 12 of the state.

13 3. Any unencumbered balance remaining as of June 30, 1971, of the
 14 allocation of this Act shall revert to the general fund of the state as of
 15 June 30, 1971.

16 4. The division of state planning in the governor's office is hereby author-
 17 ized to obtain and accept federal grants to the state to be used in connec-
 18 tion with funds allocated in this Act and federal funds in addition thereto.

19 5. The division of state planning in the governor's office shall prepare
 20 and submit by March 1, 1971, a report on the allocation of funds provided
 21 in this Act to the next convened session of the General Assembly. Said re-
 22 port shall include any and all requests for funds submitted by the cities
 23 and towns, purpose of the request, and disposition of the request.

1 SEC. 11. Section four hundred twenty-two point forty-two (422.42),
 2 subsection five (5), Code 1966, as amended by chapter three hundred forty-
 3 two (342), section ninety-five (95), Acts of the Sixty-second General As-
 4 sembly, is hereby further amended by striking from line three (3) the words
 5 "or merchandise" and inserting in lieu thereof the words "merchandise,
 6 or taxable services".

1 SEC. 12. Section four hundred twenty-two point forty-eight (422.48),
 2 Code 1966, as amended by chapter three hundred forty-two (342), section
 3 ninety-eight (98), Acts of the Sixty-second General Assembly, is hereby
 4 further amended by inserting in line seven (7) after the word "paid," the
 5 words "or until the director assumes responsibility for collection of a tax
 6 on services, as provided in section four hundred twenty-two point forty-
 7 three (422.43) of the Code,".

1 SEC. 13. Section four hundred twenty-three point four (423.4), Code
 2 1966, as amended by chapter three hundred forty-eight (348), section thirty-
 3 seven (37), Acts of the Sixty-second General Assembly, is hereby further
 4 amended by adding the following new subsection:

5 "7. Advertisement and promotional material and matter, seed catalogs,
 6 envelopes for same, and other similar material temporarily stored in this
 7 state which are acquired outside of Iowa and which, subsequently to being
 8 brought into this state, are sent outside of Iowa, either singly or physically
 9 attached to other tangible personal property sent outside of Iowa."

Approved June 4, 1969.

CHAPTER 249

DISTRIBUTION OF REVENUE

H. F. 659

AN ACT to provide for the distribution of income, corporation, and sales taxes, and making an appropriation therefor.

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

1 SECTION 1. Section four hundred twenty-two point sixty-two (422.62),
2 Code 1966, as amended by chapter three hundred forty-eight (348), section
3 fifty (50), Acts of the Sixty-second General Assembly, is hereby repealed
4 and the following enacted in lieu thereof:

5 "1. All fees, taxes, interest, and penalties imposed under this chapter
6 shall be paid to the department of revenue in the form of remittances
7 payable to the state treasurer and the department of revenue shall trans-
8 mit each payment daily to the state treasurer.

9 2. The amount of the proceeds of the additional tax imposed by section
10 four hundred twenty-two point five (422.5), subsection six (6) of the Code,
11 shall be certified by the director to the state treasurer and the amount
12 thereof withdrawn and credited to a permanent fund hereby created in the
13 office of the state treasurer to be known as the 'moneys and credits tax
14 replacement fund'.

15 3. Annually on November first of each year, the state treasurer shall
16 transfer one million two hundred thousand dollars to the division of motor
17 vehicle registration of the department of public safety, for the purpose of
18 purchasing supplies and materials, and for the cost of manufacture of mo-
19 tor vehicle registration plates at the prison industries. If only one plate is
20 authorized by law, the amount transferred shall be eight hundred thousand
21 dollars. All motor vehicle registration plates shall be treated with a re-
22 flective material according to specifications prescribed by the commissioner
23 of public safety. On October thirty-first of each year, the unexpended bal-
24 ance of the funds transferred to the department of public safety for license*
25 plates shall be transferred to the road use tax fund.

26 4. Unless otherwise provided the fees, taxes, interest, and penalties
27 collected under this chapter shall, for the first three quarters of each fiscal
28 year, be credited to the general fund.

29 5. During the last quarter of each fiscal year an amount equal to ten
30 percent of the net receipts from two-thirds of the sales taxes collected un-
31 der division four (IV) of this chapter for the fiscal year, less the amount
32 transferred during such fiscal year for motor vehicle registration plates and,
33 for the biennium beginning July 1, 1969 and ending June 30, 1971 only, the
34 amount appropriated by the general assembly for drivers' training aid
35 under the provisions of chapter three hundred twenty-one (321) of the
36 Code, shall be transferred to the road use tax fund created by section three
37 hundred twelve point one (312.1) of the Code. The remainder shall be cred-
38 ited to the general fund."

1 SEC. 2. Section three hundred twelve point one (312.1), subsection
2 four (4), is hereby amended by striking from lines two (2), three (3), and
3 four (4) the words "equal to ten percent of the net revenues collected under
4 division four (IV) of said chapter" and inserting in lieu thereof the words
5 "as defined by section four hundred twenty-two point sixty-two (422.62)
6 of the Code".

*Registration.

1 SEC. 3. There is hereby appropriated from the general fund of the
 2 state to the department of public instruction for each year of the biennium
 3 beginning July 1, 1969 and ending June 30, 1971, the following amounts,
 4 or so much thereof as may be necessary, to be used for the purposes desig-
 5 nated:

6 1. DRIVERS' TRAINING

7 For drivers' training aid to such school districts of the state as quali-
 8 fy under provisions of chapter three hundred twenty-one (321) of the
 9 Code \$1,700,000.00

1 SEC. 4. Section three hundred twenty-one point one hundred ten
 2 (321.110), Code 1966, is amended by striking all of said section after the
 3 word "dollars" in line four (4) and inserting in lieu thereof the following:
 4 "the fee shall be arrived at by computing to the nearest even dollar."

Approved June 2, 1969.

CHAPTER 250

IMPOSITION OF USE TAX

S. F. 536

AN ACT relating to use tax.

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

1 SECTION 1. Section four hundred twenty-three point two (423.2),
 2 Code 1966, as amended by chapters three hundred forty-two (342) and three
 3 hundred forty-eight (348), Acts of the Sixty-second General Assembly, is
 4 hereby further amended by inserting in line nine (9) after the word "treas-
 5 urer" the words "or department of public safety".

1 SEC. 2. Section four hundred twenty-three point six (423.6), subsection
 2 one (1), Code 1966, is hereby amended by inserting in line three (3) after
 3 the word "treasurer" the words "or department of public safety".

1 SEC. 3. Section four hundred twenty-three point seven (423.7), Code
 2 1966, is hereby amended as follows:

3 1. By inserting in line four (4) after the word "treasurer" the words "or
 4 department of public safety".

5 2. By inserting in line nine (9) after the word "treasurer" the words "or
 6 department of public safety".

7 3. By inserting in line eighteen (18) before the word "shall" the words
 8 "or department of public safety".

Approved May 9, 1969.

CHAPTER 251

HOMESTEAD TAX CREDIT

H. F. 485

AN ACT relating to the homestead tax credit.

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

1 SECTION 1. Section four hundred twenty-five point eleven (425.11),
2 Code 1966, as amended by chapter three hundred fifty-six (356), section
3 forty-nine (49), Acts of the Sixty-second General Assembly, is hereby fur-
4 ther amended by striking from subsection one (1) all of paragraph *a* and
5 inserting in lieu thereof the following:

6 "The homestead must embrace the dwelling house in which the owner
7 is living at the time of filing the application, except as herein provided, and
8 said application must contain an affidavit of his intention to occupy said
9 dwelling house, in good faith, as a home for six months or more in the
10 year for which the credit is claimed.

11 When any person is inducted into active service under the selective
12 training and service Act of the United States or whose voluntary entry
13 into active service results in a credit on the quota of persons required for
14 service under the selective training and service Act, or who, being a mem-
15 ber of any component part of the military, naval, or air forces or nurse corps
16 of this state or nation, is called or ordered into active service, such person
17 shall be considered as occupying or living on the homestead during such
18 service and, where equitable or legal title of the homestead is in the spouse
19 of the person who is a member of or is inducted into the armed services of
20 the United States, the spouse shall be considered as occupying or living
21 on the homestead during such service.

22 When any person is confined in a nursing home, extended-care facility,
23 or hospital, such person shall be considered as occupying or living on a
24 homestead where such person is the owner of such homestead and such
25 person maintains such homestead and does not lease, rent, or otherwise
26 receive profits from other persons for the use thereof."

Approved May 19, 1969.

CHAPTER 252

TAX EXEMPTIONS AND CREDITS

S. F. 195

AN ACT relating to tax exemptions and credits.

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

1 SECTION 1. Section four hundred twenty-seven point one (427.1), Code
2 1966, subsection sixteen (16), is amended by striking lines one (1) to six (6),
3 inclusive.

1 SEC. 2. Section four hundred twenty-seven point one (427.1), Code
2 1966, subsection twenty-nine (29), line eight (8), is amended by striking the

3 figures "542.58" and inserting in lieu thereof the words and figures "five
4 hundred fifty-four point seven thousand two hundred one (554.7201), et seq."

1 SEC. 3. Section four hundred twenty-eight point sixteen (428.16), Code
2 1966, line ten (10), is amended by striking the figures "542.58" and inserting
3 in lieu thereof the words and figures "five hundred fifty-four point seven
4 thousand two hundred one (554.7201), et seq."

1 SEC. 4. Chapter three hundred fifty-six (356), Acts of the Sixty-second
2 General Assembly, section forty-seven (47), is amended by striking from
3 line three (3), the word and figures "thirty-eight (38)" and inserting in lieu
4 thereof the word and figures "thirty-nine (39)".

Approved May 14, 1969.

CHAPTER 253

SOLDIERS' TAX BENEFITS

S. F. 79

AN ACT relating to the extension of tax benefits to members of the armed forces on active military duty.

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

1 SECTION 1. Chapter three hundred fifty-one (351), Acts of the Sixty-
2 second General Assembly, is hereby amended by inserting in line six (6)
3 of section two (2) after the word "inclusive" the words ", as well as those
4 serving honorably on active military duty during the time of the Viet Nam
5 Conflict".

1 SEC. 2. This Act, being deemed of immediate importance, shall take
2 effect and be in full force from and after its publication in the Hampton
3 Chronicle, a newspaper published in Hampton, Iowa, and in The Brooklyn
4 Chronicle, a newspaper published in Brooklyn, Iowa.

Approved May 1, 1969.

I hereby certify that the foregoing Act, Senate File 79, was published in the Hampton Chronicle, Hampton, Iowa, May 8, 1969 and in The Brooklyn Chronicle, Brooklyn, Iowa, May 8, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 254

PERSONAL PROPERTY TAX CREDIT

H.F. 400

AN ACT relating to the personal property tax credit, and the affidavit required therefor.

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

1 SECTION 1. Chapter three hundred fifty-six (356), section forty-one (41),
2 Acts of the Sixty-second General Assembly, is hereby amended by adding
3 the following thereto:

4 "There is hereby granted a credit of not to exceed two thousand seven
5 hundred (2,700) dollars against the assessed value of tangible personal prop-
6 erty as defined in section thirty-nine (39), chapter three hundred fifty-six
7 (356), Acts of the Sixty-second General Assembly, owned by a person or bus-
8 iness enterprise.

9 For the purposes of this section:

10 1. 'Person' means an individual, partnership, joint venture, association,
11 corporation, trust, or estate.

12 2. 'Business enterprise' means a person engaged in business."

1 SEC. 2. Amend chapter three hundred fifty-six (356), section forty-two
2 (42), Acts of the Sixty-second General Assembly, by striking in line ten (10)
3 and line twenty-three (23) the figure "1967" and inserting in lieu thereof the
4 figure "1969".

1 SEC. 3. Chapter three hundred fifty-six (356), section forty-three (43),
2 Acts of the Sixty-second General Assembly, is amended by striking all of
3 lines one (1) through fifteen (15), inclusive and inserting in lieu thereof the
4 following new section:

5 "Sec. 43. No person or business enterprise in the state shall be allowed
6 a credit on personal property tax in excess of two thousand seven hundred
7 (2,700) dollars assessed valuation. Any person or business enterprise who
8 owns personal property subject to taxation in more than one county of the
9 state shall designate in reporting such property to the assessor for the pur-
10 pose of assessment as required in section thirty-nine (39) of this Act in
11 which counties of the state the property is located and may claim the entire
12 credit in one county or a proportionate part thereof in each county where the
13 property is situated, and in no case shall he claim more than the two
14 thousand seven hundred (2,700) dollars assessed value for all personal prop-
15 erty assessed in all counties.

16 Each year, on or before July first, the taxpayer shall deliver to the asses-
17 sessor an application for personal property tax credit and state by such affi-
18 davit or affidavits filed in each county where his personal property is situ-
19 ated, that he has not claimed a total personal property tax credit in all
20 counties in excess of a total of two thousand seven hundred (2,700) dollars
21 assessed valuation.

22 It shall be the duty of the assessor to examine claims for such credit
23 filed with him and recommend on each such claim the disallowance thereof
24 where it appears that an owner of tangible personal property has attempted
25 to divide the ownership thereof for purpose of obtaining additional credit
26 beyond the amount of two thousand seven hundred (2,700) dollars in a year.

27 If any person fails to make application for the credits provided for under
 28 this chapter as herein required, he shall be deemed to have waived the per-
 29 sonal property tax credit for the year in which he failed to make claim.
 30 Any person making a false affidavit for the purpose of obtaining the
 31 credit provided for in this section, or who knowingly receives such credit
 32 without being legally entitled thereto, or who makes claim for credit of
 33 more than two thousand seven hundred (2,700) dollars in the state shall
 34 be guilty of a misdemeanor and upon conviction thereof shall be fined not
 35 more than one hundred (100) dollars or imprisoned in the county jail for not
 36 more than thirty (30) days or be both so fined and imprisoned."

1 **SEC. 4.** Chapter three hundred fifty-six (356), section forty-four (44),
 2 Acts of the Sixty-second General Assembly, is amended by striking all of
 3 lines one (1) through eleven (11), inclusive and inserting in lieu there-
 4 of the following new section:

5 "Sec. 44. If personal property is owned separately by a husband and
 6 wife, they may divide the credit or one may take the entire credit, but in
 7 no case may a husband and wife receive a total credit of more than two
 8 thousand seven hundred (2,700) dollars unless husband, wife or minor
 9 children own farm units separately. If personal property is owned by sep-
 10 arate business enterprises and the business enterprises are controlled or
 11 owned by the same person, the separate business enterprises may divide
 12 the credit or one may take the entire credit, but in no case may separate
 13 business enterprises which are controlled or owned by the same person re-
 14 ceive a total exemption of more than two thousand seven hundred (2,700)
 15 dollars.

16 Business enterprises are controlled or owned by the same person if
 17 over fifty (50) percent of their assets or shares of stock are controlled or
 18 owned by the same person, or if they are in fact controlled and managed
 19 by the same person, regardless of how actual title to the assets or shares
 20 of stock are held. The assessor shall deliver the sworn affidavits to the coun-
 21 ty auditor by August first of each year."

1 **SEC. 5.** Chapter three hundred fifty-six (356), section forty-five (45),
 2 Acts of the Sixty-second General Assembly, is hereby amended by adding
 3 thereto the following:

4 "The department of revenue shall have the responsibility of auditing
 5 credits allowed in 1969 and each year thereafter in all counties in the state,
 6 and such audit shall be completed within eighteen months from July first of
 7 the year the claims were filed. A copy of the audit containing disallowed
 8 credits shall be sent to the county auditor, the county treasurer and state
 9 comptroller, and such individuals shall be directed to correct their books and
 10 records accordingly. The amount of such erroneous credit shall be charged
 11 to the county by the state comptroller. The director of revenue shall be
 12 authorized and directed to disallow any claim where the audit or investi-
 13 gation revealed that the claimant was not entitled to the credit claimed.
 14 Persons and business enterprises may appeal any disallowed personal prop-
 15 erty credit to the state board of tax review."

1 **SEC. 6.** Chapter three hundred fifty-six (356), section forty-eight (48),
 2 Acts of the Sixty-second General Assembly, is hereby amended by adding
 3 thereto the following:

4 "Any person making a false affidavit for the purpose of obtaining the
5 credit provided for in this section or who knowingly receives such credit
6 without being legally entitled thereto or makes claim for credit in more
7 than one county in the state shall be guilty of a misdemeanor, and upon
8 conviction thereof shall be fined not more than one hundred (100) dollars
9 or imprisoned in the county jail for not more than thirty (30) days or be
10 both fined and imprisoned. Jurisdiction shall be in each county in which an
11 affidavit has been filed."

1 SEC. 7. This Act, being deemed of immediate importance, shall be in
2 full force and effect from and after its passage and publication in The Clay-
3 ton County Register, a newspaper published at Elkader, Iowa, and in the
4 Hardin County Index, a newspaper published at Eldora, Iowa.

Approved May 14, 1969.

I hereby certify that the foregoing Act, House File 400, was published in The Clayton County Register, Elkader, Iowa, May 22, 1969 and in the Hardin County Index, Eldora, Iowa, May 23, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 255

VALUATION AND ASSESSMENT OF PROPERTY

H. F. 784

AN ACT relating to the valuation and assessment of real and personal property.

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

1 SECTION 1. Chapter three hundred fifty-four (354), section one (1),
2 Acts of the Sixty-second General Assembly, amending section four hundred
3 forty-one point twenty-one (441.21), Code 1966, is hereby amended as fol-
4 lows:

5 1. By striking lines nineteen (19) through twenty-six (26), inclusive, and
6 inserting in lieu thereof the following:

7 "be taken into consideration in arriving at its market value. In arriving
8 at market value, sale prices of property in abnormal transactions not re-
9 flecting market value shall not be taken into account; or shall be adjusted
10 to eliminate the effect of factors which distort market value, including but
11 not limited to sales to immediate family of the seller, foreclosure or other
12 forced sales, contract sales, discounted purchase transactions or purchase
13 of adjoining land or other land to be operated as a unit.

14 Actual value of property in one county shall be equalized as compared
15 with actual value of property in an adjoining county. If a variation of five
16 percent or more exists between the actual values of similar, closely adja-
17 cent property in adjoining counties in Iowa, the director of revenue shall
18 determine whether adequate reasons exist for such variation. If no such
19 reasons exist, the director of revenue shall direct assessors to make adjust-
20 ments in such actual values to reduce the variation to five percent or less.

21 In assessing and determining the actual value of agricultural property
22 fifty percent consideration shall be given to each of the following factors:

23 a. The productivity and net earning capacity determined on the basis
24 of the use for agricultural purposes capitalized at a rate representing a

25 fair return on the investment, such rate to be established by the state
26 board of tax review and applied uniformly among counties and among class-
27 es of property.

28 *b.* The fair and reasonable market value of such property as defined here-
29 in, but such market value shall be based only on its current use and not on
30 its potential value for other uses.

31 In counties or townships in which field work on a modern soil survey
32 has been completed since January 1, 1949, the assessor and the department
33 of revenue shall place emphasis upon the results of such survey in determin-
34 ing the productive and earning capacity of such agricultural property.

35 Notwithstanding any other provision of this section, the actual value of
36 any property shall not exceed its fair and reasonable market value.

37 The market value of an inventory or goods in bulk shall be their mar-
38 ket value as such inventory or goods in bulk, not their retail or unit price.
39 Such market value shall be fair and reasonable based on market value of
40 similar classes of property."

41 2. By inserting after the period in line forty-nine (49) the following:

42 "The assessor and department of revenue shall disclose at the written re-
43 quest of the taxpayer all information in any formula or method used to
44 determine the actual value of his property."

1 SEC. 2. Chapter three hundred fifty-four (354), section eight (8), Acts
2 of the Sixty-second General Assembly, amending section four hundred
3 twenty-eight point four (428.4), Code 1966, is hereby amended by striking
4 from line three (3) the figures "1968" and inserting in lieu thereof the figures
5 "1971".

1 SEC. 3. Section four hundred forty-one point forty-seven (441.47),
2 Code 1966, is hereby amended by adding thereto the following:

3 "The director shall order the equalization of the levels of assessment of
4 each class of property in the first and third year of the quadrennial
5 assessment period. For purposes of such value adjustments and before such
6 equalization the director shall adopt, with approval of the state board of
7 tax review and in the manner prescribed by chapter seventeen A (17A) of
8 the Code, such rules as may be necessary to determine the level of assess-
9 ment for each class of property in each county. The rules shall cover:
10 (a) the proposed use of the assessment-sales ratio study set out in subsec-
11 tion six (6) of section four hundred twenty-one point seventeen (421.17)
12 of the Code; (b) the proposed use of any state-wide income capitalization
13 studies; (c) the proposed use of other methods that would assist the direc-
14 tor in arriving at the accurate level of assessment of each class of property
15 in each assessing jurisdiction."

Approved June 21, 1969.

CHAPTER 256

CLERK OF BOARD OF REVIEW

H. F. 103

AN ACT relating to the clerk of the board of review.

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

- 1 SECTION 1. Section four hundred forty-one point thirty-three (441.33),
 2 Code 1966, is hereby amended by striking from lines twenty-seven (27)
 3 and twenty-eight (28) the words "The assessor shall be clerk of said board."
 4 and inserting in lieu thereof the following:
 5 "The board shall appoint a clerk who may be a member of such board
 6 or any other qualified person, except the assessor or any member of his
 7 staff."

Approved April 23, 1969.

CHAPTER 257

SCHOOL CENSUS

S. F. 185

AN ACT to correct a wrong reference in the school law.

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

- 1 SECTION 1. Chapter three hundred fifty-six (356), Acts of the Sixty-
 2 second General Assembly, section thirteen (13), lines seven (7) and eight
 3 (8), is amended by striking the words and figures "two hundred seventy-
 4 nine point twenty-two (279.22)" and inserting in lieu thereof the words and
 5 figures "two hundred ninety-one point nine (291.9)".

Approved April 14, 1969.

CHAPTER 258

FEDERAL AID TO SCHOOLS

S. F. 387

AN ACT relating to the effect of federal aid to schools upon state aid to schools.

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

- 1 SECTION 1. Chapter three hundred fifty-six (356), section fifteen (15),
 2 Acts of the Sixty-second General Assembly, is hereby amended by insert-
 3 ing in line eight (8), after the word "aids," the words "except federal aids
 4 paid in anticipation of or reimbursement for expenses caused by a federal
 5 activity in or near a school district which would otherwise need to be paid
 6 from local sources,".

Approved May 8, 1969.

CHAPTER 259

OLD-AGE ASSISTANCE RECIPIENTS

S. F. 375

AN ACT relating to tax sales of the property of deceased old-age assistance recipients.

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

1 SECTION 1. Section four hundred forty-six point thirty-eight (446.38),
 2 Code 1966, as amended by chapter three hundred fifty-seven (357), section
 3 two (2), Acts of the Sixty-second General Assembly, is hereby further
 4 amended by striking from line two (2) the words "four years" and inserting
 5 in lieu thereof the words "one year".

Approved May 8, 1969.

CHAPTER 260

DRAINAGE AND LEVEE DISTRICTS

H.F. 16

AN ACT relating to drainage and levee districts.

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

1 SECTION 1. Section seventy-four point two (74.2), Code 1966, is here-
 2 by amended by striking from line ten (10) the word "drainage,".

1 SEC. 2. Section three hundred fifty-nine point forty-six (359.46), Code
 2 1966, is hereby amended by striking from lines fourteen (14) and fifteen (15)
 3 the words ", or viewing or locating any ditch or drain,".

1 SEC. 3. Section three hundred fifty-nine point forty-seven (359.47),
 2 Code 1966, is hereby amended by striking therefrom all of subsection
 3 three (3).

1 SEC. 4. Section four hundred fifty-five point four (455.4), Code 1966,
 2 is hereby amended by striking all of such section after the period in line
 3 eighteen (18), and inserting in lieu thereof the following:

4 "The term 'engineer' and the term 'civil engineer', within the meaning
 5 of this chapter and chapters four hundred fifty-seven (457), four hundred
 6 sixty (460), four hundred sixty-one (461), four hundred sixty-five (465),
 7 and four hundred sixty-six (466) of the Code, shall mean a person registered
 8 as a professional engineer under the provisions of chapter one hundred
 9 fourteen (114) of the Code."

1 SEC. 5. Section four hundred fifty-five point twenty-one (455.21), Code
 2 1966, is hereby amended by inserting in line ten (10), after the word "per-
 3 son", the words "and to the clerk or recorder of each city or town".

1 SEC. 6. Section four hundred fifty-five point twenty-nine (455.29),
 2 Code 1966, is hereby amended by inserting after the period in line five (5)
 3 the following:

4 "The board may by purchase acquire the necessary lands required for
5 right-of-way for open ditches or other improvements in lieu of condemn-
6 ing said lands."

1 SEC. 7. Section four hundred fifty-five point forty-five (455.45), Code
2 1966, is hereby amended by striking from lines two (2) and three (3) the
3 words ", and the contracts for construction let,".

1 SEC. 8. Section four hundred fifty-five point forty-eight (455.48), Code
2 1966, is hereby repealed and the following enacted in lieu thereof:

3 "1. In fixing the percentages and assessments of benefits and apportion-
4 ment of costs of construction to lands benefited by lateral ditches and
5 drains as a part of the entire improvement to be made in a drainage dis-
6 trict, the commissioners shall ascertain and fix the percentage of benefits
7 and apportionment of costs to the lands benefited by such lateral ditches on
8 the same basis and in the same manner as if said lateral was, with its sub-
9 laterals, being constructed as a subdistrict as provided in this chapter, re-
10 porting separately:

11 a. The percentage of benefits and amount accruing to each forty-acre
12 tract or less on account of the construction of the main ditch, drain, or
13 watercourse including pumping plant, if any.

14 b. The percentage of benefits and amount accruing to each forty-acre
15 tract or less on account of the construction of such lateral improvement.

16 2. When there has been a repair or improvement to a lateral ditch or
17 drain as provided in section four hundred fifty-five point one hundred thirty-
18 five (455.135) and the lands benefited by the lateral have not been classified
19 as provided in this section, then the board may order a classification of
20 said lands and the commission shall ascertain and fix the percentage of
21 benefits and apportionment of costs to the lands benefited by such lateral
22 ditches or drains on the same basis and in the same manner as if said
23 lateral was with its sublaterals being constructed as a subdistrict as pro-
24 vided in this chapter. Whenever this procedure is followed for the classifica-
25 tion of any lateral ditch or drain in a given district, the board shall simul-
26 taneously follow the same procedure for the main drains and all other lat-
27 eral ditches or drains in the district which have not been classified as pre-
28 scribed in this section."

1 SEC. 9. Section four hundred fifty-five point fifty-one (455.51), Code
2 1966, is hereby amended as follows:

3 By inserting after the word "expense" in line seventeen (17) the words
4 ", or estimated costs or expense,".

1 SEC. 10. Section four hundred fifty-five point sixty-three (455.63),
2 Code 1966, is hereby amended by inserting after the word "any" in line ten
3 (10) the words "warrants against assessments,".

1 SEC. 11. Section four hundred fifty-five point sixty-four (455.64), Code
2 1966, is hereby amended as follows:

3 1. By striking from line two (2) the word "premises" and inserting in
4 lieu thereof the word "land".

5 2. By striking from line three (3) the word "twenty" and inserting in lieu
6 thereof the words "one hundred".

1 SEC. 12. Section four hundred fifty-five point seventy-seven (455.77),
2 Code 1966, is hereby amended by striking line one (1) and inserting in lieu
3 thereof the following:

4 "The board may provide by resolution for the payment of assessments
5 in not more than twenty annual installments with interest at not to exceed
6 five percent per annum. The board may issue warrants bearing interest at
7 the same rate, which warrants shall be numbered and state a maturity date
8 in which event they shall bear interest from the date of issuance without
9 being presented for payment and marked unpaid for want of funds. The
10 warrants may be sold by the board for cash in an amount not less than
11 the face value thereof, together with accrued interest, if any.

12 The board".

1 SEC. 13. Section four hundred fifty-five point eighty-one (455.81), Code
2 1966, is hereby amended by striking from line sixteen (16) the word
3 "twenty" and inserting in lieu thereof the words "one hundred".

1 SEC. 14. Section four hundred fifty-five point ninety-one (455.91),
2 Code 1966, is hereby amended by striking from line four (4) the word
3 "twenty" and inserting in lieu thereof the words "one hundred".

1 SEC. 15. Section four hundred fifty-five point one hundred eighteen
2 (455.118), Code 1966, is hereby amended by striking lines five (5) through
3 eleven (11), inclusive, and inserting in lieu thereof the following:

4 "road bridge upon, or ditch or drain crossing such road, the board of
5 supervisors shall move, build, or rebuild the same, paying the costs and ex-
6 penses thereof, including construction, maintenance, repair and improve-
7 ment costs, from the secondary road fund.

8 If the bridge or crossing be upon or across a primary or interstate road,
9 the".

1 SEC. 16. Section four hundred fifty-five point one hundred thirty-five
2 (455.135), Code 1966, is hereby amended as follows:

3 1. By inserting in line eight (8), after the word "repair", the words "as
4 provided herein".

5 2. By striking lines twenty-six (26) through thirty (30), inclusive, and
6 inserting in lieu thereof the following:

7 "be considered to be a repair. If the estimated cost of any repair exceeds
8 seventy-five percent of the original total cost of the district and subsequent
9 improvements therein, the board shall set".

10 3. By inserting in line thirty-five (35), after the word "repairs," the
11 word "and".

12 4. By inserting after the period in line forty (40) the words "The right
13 of remonstrance shall not apply to repairs as defined in this section."

14 5. By striking from line forty-three (43) the words "five hundred" and
15 inserting in lieu thereof the words "one thousand".

16 6. By striking lines forty-nine (49) and fifty (50) and inserting in lieu
17 thereof the following:

18 "fund or the weed fund from the fund of the drainage district thus bene-
19 fited."

20 7. By striking from line fifty-four (54) the word "drainage".

21 8. By striking from line sixty (60) the word "may" and inserting in lieu
22 thereof the word "shall".

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23 9. By striking lines sixty-six (66) through seventy-eight (78), inclusive,
24 and inserting in lieu thereof the words "before final action. If the estimated".

25 10. By striking from line eighty-two (82) the words "as defined in this
26 section".

27 11. By striking from lines ninety-one (91) and ninety-two (92) the words
28 "as defined in this section".

29 12. By striking line one hundred ten (110) and inserting in lieu thereof
30 the following:

31 "ceed as provided in section four hundred fifty-five point forty-five
32 (455.45).

33 In the event that the estimated cost of the improvements as contem-
34 plated in this section should exceed the original cost of the district plus
35 the cost of subsequent improvements in the district, a majority of the land-
36 owners, owning in the aggregate more than seventy percent of the total
37 land in said district, may file a written remonstrance against said improve-
38 ment, at or before the time fixed for hearing on said improvement, with the
39 county auditor, or auditors in case the district extends into more than one
40 county. If such remonstrance is filed, the board shall discontinue and dis-
41 miss all further proceedings on said improvement and charge the costs in-
42 curred to date for said proposed improvement to the district. Any inter-".

43 13. By striking lines one hundred thirty-six (136) through one hundred
44 forty-three (143), inclusive, and inserting in lieu thereof the following:

45 "chapter four hundred seventy-two (472). If additional right-of-way is
46 required for any repair or improvement under this section, the same may
47 be acquired in the same manner as provided for the acquisition of right-
48 of-way in the original establishment of a district, except that where notice
49 and hearing are not otherwise required under this section notice as pro-
50 vided in this chapter to owners, lienholder of record, and occupants of the
51 land from which right-of-way is to be acquired shall suffice.

52 7. In existing districts where the stream has by".

53 14. By striking lines one hundred fifty-five (155) through one hundred
54 eighty-four (184), inclusive.

55 15. By striking from line one hundred eighty-five (185) the numeral "9"
56 and inserting in lieu thereof the numeral "8".

57 16. By striking from lines one hundred eighty-nine (189) and one
58 hundred ninety (190) the words "an engineer", and inserting in lieu there-
59 of the words "a land surveyor".

60 17. By striking from lines one hundred ninety-two (192) and one hun-
61 dred ninety-three (193) the word "engineer" and inserting in lieu thereof
62 the words "land surveyor".

63 18. By striking line one hundred ninety-seven (197) and inserting in
64 lieu thereof the words "record and occupants of the lands traversed by
65 said right-of-way in".

66 19. By striking all of such section after the period in line one hundred
67 ninety-nine (199).

1 SEC. 17. Section four hundred fifty-five point one hundred thirty-
2 seven (455.137), Code 1966, is hereby amended as follows:

3 1. By inserting in line three (3), after the word "areas", the words
4 "and other flood and erosion control devices".

5 2. By striking from lines four (4) and five (5) the words "at such times
6 as outletting is retarded".

7 3. By inserting in line eleven (11), after the word "agreement," the words
8 "or by exercise of the right of eminent domain".

1 SEC. 18. Chapter four hundred fifty-five (455), Code 1966, is hereby
2 amended by inserting after section four hundred fifty-five point one hun-
3 dred ninety-six (455.196) the following new section:

4 "1. *a.* When a levee district shall have been located and finally estab-
5 lished; or

6 *b.* When the required proceedings have been taken to enlarge, extend,
7 strengthen, raise, relocate, reconstruct, or improve any existing levee; or

8 *c.* When the required proceedings have been held to annex additional
9 lands to said levee district or to exclude or eliminate lands from said levee
10 district; or

11 *d.* When a plan of the United States government for the construction
12 of any levee, or a portion of a levee, in said levee district, or for the enlarg-
13 ing, extending, strengthening, raising, relocating, reconstructing, or improv-
14 ing any existing levee, or a portion thereof, in accordance with any such
15 plan in said levee district, has been heretofore or hereafter adopted by such
16 levee district under the provisions of sections four hundred fifty-five point
17 two hundred one (455.201) to four hundred fifty-five point two hundred
18 sixteen (455.216) inclusive; or

19 *e.* When the board shall, as authorized by section four hundred fifty-
20 five point seventy-two (455.72), determine that the assessments of benefits
21 of said levee district against the lands in said levee district are generally
22 inequitable the board may by resolution, or if a petition is filed by more
23 than one-third of the owners, including corporations, of land within said
24 levee district and who in the aggregate own more than one-third of the
25 value of the land and land improvements in said levee district as the value
26 thereof is then shown by the general tax records of the county or counties
27 in which such land and land improvements are located, requesting the
28 board to do so, the board shall order the lands in said levee district and
29 the improvements on the land in said levee district classified or reclassified
30 in accordance with the assessed taxable value of said land and land improve-
31 ments as the same are then shown and as the same may be thereafter
32 shown by the assessment roll of the county or counties in which said land
33 and land improvements are located.

34 The assessed taxable value of any land, including land improvements
35 exempt from general taxation but subject to assessment for levee purposes,
36 shall be determined by the county assessor who shall make such determi-
37 nation in accordance with the rules of assessment applicable to adjacent
38 lands and without any additional compensation therefor.

39 2. If the board orders classification or reclassification of lands as author-
40 ized in subsection one (1) of this section, the board shall fix a time and
41 place for a hearing to be held upon the action of the board in ordering
42 such classification or reclassification, which hearing shall be held at the
43 county seat of the county having the largest acreage in said levee district.
44 The board shall cause notice of the time and place of such hearing to be
45 served by the county auditor or auditors upon each person whose name
46 appears as owner of lands or land improvements within the levee district
47 in the transfer books of the auditor's office in the county or counties in
48 which said levee district is located, naming him, and also upon the person
49 or persons in actual occupancy of any tract of land or land improvements
50 located in said levee district, without naming him. Such notice shall be for
51 the same time and served in the same manner as is provided for the estab-
52 lishment of a levee district, and such notice shall state:

53 *a.* The aggregate estimated costs and expenses which the board proposes
54 to assess under such classification or reclassification;

55 *b.* The total aggregate assessed taxable value of all lands and land im-
56 provements in said levee district;

57 *c.* That the said classification or reclassification of benefits will be based
58 on the assessed taxable value of all lands and improvements to lands locat-
59 ed in said levee district;

60 *d.* That each tract of land and each land improvement in said levee dis-
61 trict will be assessed for its pro rata share of said costs and expenses based
62 upon the ratio that the assessed value of each tract of land and the assessed
63 value of each land improvement bears to the total assessed taxable value
64 of all lands and all land improvements in said district; and

65 *e.* That all objections to said method of classification or reclassification
66 shall be in writing and filed with the auditor of the county in which said
67 land or land improvements are located before the time set for said hearing
68 or with the board of trustees of said district at or before the time set for
69 such hearing.

70 The notice need not show the amount of such costs and expenses to be
71 apportioned to each such owner or to any particular tract of land or land
72 improvement within such levee district.

73 3. If at or before the time set for said hearing as to such classification or
74 reclassification, there shall have been filed with the county auditor, or
75 auditors in case the district extends into more than one county, or with
76 said board, a remonstrance or remonstrances or objections to such method
77 of classification or reclassification signed by owners of land and land im-
78 provements in the levee district aggregating sixty percent of the total
79 assessed value of the lands plus land improvements in said district as
80 shown by the taxing records in said county or counties in which said dis-
81 trict is located, the board shall abandon the alternative method of classi-
82 fication or reclassification herein authorized. The board may then proceed
83 to classify the lands in said levee district as authorized under sections four
84 hundred fifty-five point forty-five (455.45) to four hundred fifty-five point
85 fifty-one (455.51) inclusive, or may proceed to reclassify the same as au-
86 thorized under section four hundred fifty-five point seventy-two (455.72)
87 unless said remonstrances and objections filed as above provided are filed
88 by a majority of the landowners in the levee district and these remon-
89 strants and objectors in the aggregate own seventy percent or more of the
90 acreage of lands in the levee district and, in writing, object to any reclassi-
91 fication of any kind, then the board shall not reclassify the lands within the
92 district under the provision of this section nor shall the same be reclassi-
93 fied under the provisions of section four hundred fifty-five point seventy-
94 two (455.72).

95 4. At the time fixed or at any adjourned hearing if the remonstrances
96 and objections filed at or before the hearing are not signed by sufficient
97 number of owners, or the owners signing such remonstrances and objections
98 do not meet the requirements hereinabove provided, then the board shall
99 fully consider all objections and remonstrances and shall make a determina-
100 tion as to whether or not the costs and expenses shall be assessed:

101 *a.* By the alternative method hereinabove set forth; or

102 *b.* As provided by sections four hundred fifty-five point forty-five (455.45)
103 to four hundred fifty-five point fifty-one (455.51), inclusive; or

104 *c.* That the land should be reclassified as provided in section four hun-
105 dred fifty-five point seventy-two (455.72); or

106 *d.* On the basis of a then existing classification of lands.

107 5. If the board shall determine that the cost and expenses shall be
108 assessed on the basis of assessed taxable value as hereinabove provided,
109 then such basis shall be used for all future assessments made for the pur-
110 poses of said levee district except if said assessed taxable value of lands and
111 land improvements in said levee district may be changed or revised by the
112 county assessor in the county or counties in which the same are located for
113 general tax purposes, then any such revision made in the assessed taxable
114 value by any such county assessor shall automatically constitute a revision
115 of the classification of such land or land improvements for future assess-
116 ments made by the board for the purpose of said levee district.

117 6. In lieu of the hearing provided for in the preceding subsections, the
118 board may, and if the petition of owners provided for in the preceding
119 subsections so asks, the board shall call for an election for the purpose of
120 determining the question of classification on the basis of assessed value of
121 lands and land improvements.

122 The question may be submitted at a regular election of the district or
123 at a special election called for that purpose. The provisions of sections
124 forty-nine point forty-three (49.43) through forty-nine point forty-nine
125 (49.49) and of chapter four hundred sixty-two (462) of the Code, insofar
126 as the same are applicable, shall govern all such elections, and the question
127 to be submitted shall be set forth in the notice of election.

128 If sixty percent of the votes cast be in favor of the proposed change in
129 assessment, it shall become effective for all future assessments as hereto-
130 fore provided in this section. If the question should fail, no new election on
131 the subject may be called for a period of one year.

132 7. When a levee district has been established and constructed, as an al-
133 ternative to the other methods prescribed by law, upon reclassification,
134 the levee district may adopt a method of classification and assessment
135 uniform as to all land in the district, including railroad land, public high-
136 ways and other public land and land exempt from general taxation, based
137 on the total amount to be assessed divided by the total acres within the
138 district. This method of classification and assessment may be adopted either
139 by hearing or by election and shall become effective as heretofore provided
140 in this section.

141 8. When a drainage district or drainage and levee district has been estab-
142 lished and constructed, and after the lands therein have been classified in
143 accordance with the provisions of sections four hundred fifty-five point
144 forty-six (455.46), four hundred fifty-five point forty-seven (455.47), and
145 four hundred fifty-five point forty-eight (455.48) or reclassified in accord-
146 ance with section four hundred fifty-five point seventy-two (455.72), the dis-
147 trict may adopt methods of assessment for maintenance, repair, and opera-
148 tion of said district uniform as to all land in the district in the same manner
149 and by the same procedures as prescribed in subsections one (1) through
150 seven (7) of this section. Provided, however, that only those lands drained
151 by respective mains and laterals shall be assessed for maintenance, repair,
152 and operation of said mains and laterals, and provided further that this
153 alternate method of assessment shall not be applied to making improvements
154 in the drainage system.

155 9. Following the adoption of any alternative method of classification or
156 assessment as provided in this section, the same shall continue in effect
157 until such time as the method is changed pursuant to this section or to
158 section four hundred fifty-five point seventy-two (455.72) of the Code.”

1 SEC. 19. Section four hundred fifty-five point two hundred twelve
2 (455.212), Code 1966, is hereby amended as follows:

3 1. By striking from line nine (9) the word "four" and inserting in lieu
4 thereof the words "not to exceed five".

5 2. By striking from line eleven (11) the word "four" and inserting in
6 lieu thereof the words "not to exceed five".

1 SEC. 20. Chapter four hundred fifty-five (455), Code 1966, is hereby
2 amended by adding thereto the following new section:

3 "Chapter seventy-four (74) of the Code shall be applicable to all war-
4 rants which are legally drawn on levee and drainage district funds and are
5 not paid for want of funds, except that such warrants shall bear interest
6 at not to exceed five percent per annum."

1 SEC. 21. Chapter four hundred fifty-five (455), Code 1966, is hereby
2 amended by adding thereto the following new section:

3 "As used in this section, person shall mean any individual or group of
4 individuals, corporation, firm, company, or association, except a railroad
5 company.

6 1. When any person proposes to construct a pipeline, electric transmis-
7 sion line, communication line, underground service line, or other similar
8 installations on, over, across, or beneath the right-of-way of any drainage
9 or levee district, such person shall, before beginning construction, obtain
10 from the drainage or levee district an easement to cross the district's right-
11 of-way. The governing body of the district may, as a condition of granting
12 such easement, attach thereto such conditions as they deem necessary.
13 When the necessary easement has been obtained, such person shall con-
14 struct the installation at his own expense and shall pay all costs of any
15 reconstruction, relocation, modification, or reinstallation of the drainage or
16 levee district's facility which may be necessary as a result of construction
17 of the installation for which the easement was granted.

18 2. After construction of the installation has been completed in accord-
19 ance with all conditions under which the easement is granted, the drain-
20 age or levee district shall maintain its facility at its own expense, and the
21 person who constructed the installation, or his successors in interest, shall
22 maintain the installation at his own expense. If the drainage or levee dis-
23 trict subsequently undertakes any maintenance, improvement, or recon-
24 struction of its facility which requires the modification, relocation, or re-
25 construction of the installation, the expense of such modification, reloca-
26 tion, or reconstruction shall be borne by the person who constructed the
27 installation or his successors in interest."

1 SEC. 22. Chapter four hundred fifty-five (455), Code 1966, is hereby
2 amended by adding thereto the following new section:

3 "All proceedings taken prior to July 1, 1968 purporting to establish or
4 reestablish a drainage or levee district or districts, or to enlarge or change
5 the boundaries of any drainage or levee district, and any assessments not
6 heretofore declared invalid by any court, are hereby legalized, validated,
7 and confirmed.

8 The foregoing shall not be construed to affect any litigation that may
9 be pending at the time this section becomes effective involving the estab-
10 lishment, reestablishment, enlargement, or change in boundaries or any
11 assessments of drainage or levee districts."

1 SEC. 23. Chapter four hundred fifty-five (455), Code 1966, is hereby
2 amended by adding thereto the following new section:

3 "Levee and drainage districts are empowered to enter into agreements
4 with the owners of lands lying outside of said districts, or with other levee
5 and drainage districts or municipalities, to provide levee protection or
6 drainage for such lands on such terms as the board may agree and subject
7 to the following terms and conditions:

8 1. The facilities of the district furnishing the service shall not be over-
9 burdened.

10 2. There shall be no additional cost to the district furnishing the service.

11 3. The agreement shall be in writing, be made a part of the drainage
12 records and shall include the following:

13 a. The description of the lands to be served;

14 b. The location of tile lines constructed or to be constructed;

15 c. The consideration to be paid to the district furnishing the service and
16 the classification of the lands to be served; and

17 d. Such other provisions as the board deems necessary."

1 SEC. 24. Section four hundred fifty-seven point two (457.2), Code 1966,
2 is hereby amended by striking lines five (5) through seven (7), inclusive,
3 and inserting in lieu thereof the words "point a commissioner and the joint
4 boards shall appoint a".

1 SEC. 25. Chapter four hundred fifty-seven (457), Code 1966, is hereby
2 amended by adding thereto the following new sections:

3 1. "A record of all proceedings of an intercounty levee or drainage dis-
4 trict shall be maintained by the auditor of each county in which a portion
5 of the district lies, as provided by sections four hundred fifty-five point one
6 hundred eighty-five (455.185) and four hundred fifty-five point one hundred
7 eighty-six (455.186), but the records in the office of the auditor of the coun-
8 ty having the largest acreage in the district shall be the official records of
9 said district."

10 2. "When an intercounty district has been finally established and origi-
11 nal construction completed and final settlement made with the contractor,
12 as provided by section four hundred fifty-seven point twenty-three (457.23),
13 the treasurer of the county having the largest acreage of the district shall
14 be the depository for all funds of the district and the treasurer of the other
15 counties in which the district is situated shall periodically, at least annual-
16 ly, pay over all district funds received within said period to the treasurer
17 of the county with the largest acreage, except that funds payable on im-
18 provement certificates or bonds shall be disbursed to the holders of the
19 certificates or bonds by the treasurer of the county in which the land en-
20 cumbered is located."

1 SEC. 26. Section four hundred fifty-nine point six (459.6), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line seven (7) the words "and parks" and inserting
4 in lieu thereof the words "parks, and other lands".

5 2. By striking from lines eight (8) and nine (9) the words "and the town-
6 ship trustees".

1 SEC. 27. Section four hundred fifty-nine point eight (459.8), Code 1966,
2 is hereby repealed and the following adopted in lieu thereof:

3 "If the board of supervisors of any county at any time finds that twenty-
4 five percent or more of the total area of any established drainage district
5 is located within the corporate limits of any city or town, that the dis-
6 trict's drains are wholly or partially constructed of sewer tile, and that the
7 district's drain or drains are needed or being used by the city or town for
8 storm sewer or drainage purposes, the board may by resolution transfer
9 to the city or town control of the entire drainage district, including the por-
10 tion outside the corporate limits of the city or town."

1 SEC. 28. Section four hundred fifty-nine point nine (459.9), Code 1966,
2 is hereby repealed and the following adopted in lieu thereof:

3 "When a county board of supervisors elects to transfer control of a
4 drainage district to a city or town, as provided in section four hundred fifty-
5 nine point eight (459.8), the resolution effecting the transfer shall state a
6 time not less than thirty nor more than ninety days after adoption of the
7 resolution when the transfer of control shall take effect. The resolution shall
8 be certified to the governing body of the city or town and a copy thereof
9 filed by the county auditor, who shall spread the same upon the records of
10 the drainage district."

1 SEC. 29. Section four hundred fifty-nine point ten (459.10), Code 1966,
2 is hereby repealed and the following adopted in lieu thereof:

3 "It shall be the duty of the governing body of any city or town to
4 accept control of and thereafter to administer a drainage district properly
5 transferred to the city or town, commencing on the date specified in the
6 resolution of the county board of supervisors certified to the governing
7 body as provided in section four hundred fifty-nine point nine (459.9),
8 or at such later date as may be agreed to by the county board upon re-
9 quest of the governing body."

1 SEC. 30. Section four hundred sixty-two point twelve (462.12), Code
2 1966, is hereby amended by striking from lines twelve (12) and thirteen
3 (13) the words "for benefits" and inserting in lieu thereof the words "under
4 the current classification".

1 SEC. 31. Section four hundred sixty-two point thirty-five (462.35),
2 Code 1966, is hereby amended by striking from lines two (2) and three (3)
3 the words "seven dollars" and inserting in lieu thereof the words "seven-
4 teen dollars and fifty cents".

1 SEC. 32. Section four hundred sixty-five point one (465.1), Code 1966,
2 is hereby amended as follows:

3 1. By striking from lines nine (9) and ten (10) the words "township clerk
4 of the township" and inserting in lieu thereof the words "auditor of the
5 county".

6 2. By adding thereto the following:

7 "The auditor shall collect a fee of one dollar for filing each application
8 for a ditch or drain."

1 SEC. 33. Section four hundred sixty-five point two (465.2), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line two (2) the word "clerk" and inserting in lieu
4 thereof the word "auditor".

5 2. By striking from lines four (4) and five (5) the words "township
6 trustees of his township" and inserting in lieu thereof the words "county
7 board of supervisors".

8 3. By striking from lines sixteen (16) and seventeen (17) the words
9 "township trustees" and inserting in lieu thereof the words "board of super-
10 visors".

1 SEC. 34. Section four hundred sixty-five point four (465.4), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line three (3) the word "trustees" and inserting in
4 lieu thereof the word "board".

5 2. By striking from line nine (9) the word "trustees" and inserting in lieu
6 thereof the word "board".

1 SEC. 35. Section four hundred sixty-five point five (465.5), Code 1966,
2 is hereby amended by striking from lines five (5) and six (6) the words
3 "township clerk" and inserting in lieu thereof the word "auditor".

1 SEC. 36. Section four hundred sixty-five point six (465.6), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line two (2) the word "trustees" and inserting in lieu
4 thereof the word "board".

5 2. By striking from line twelve (12) the word "trustees" and inserting in
6 lieu thereof the word "board".

1 SEC. 37. Section four hundred sixty-five point seven (465.7), Code 1966,
2 is hereby amended by striking from line two (2) the word "trustees" and
3 inserting in lieu thereof the word "supervisors".

1 SEC. 38. Section four hundred sixty-five point eight (465.8), Code 1966,
2 is hereby amended as follows:

3 1. By striking lines one (1) through four (4) and inserting in lieu thereof
4 the following:

5 "The board shall reduce its findings, decision, and determination to writ-
6 ing, which shall be filed with the auditor, who shall record it".

7 2. By striking from line five (5) the word "trustees" and inserting in
8 lieu thereof the word "board's".

9 3. By striking from line nine (9) the word "trustees" and inserting in
10 lieu thereof the word "board".

1 SEC. 39. Section four hundred sixty-five point nine (465.9), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line four (4) the word "clerk" and inserting in lieu
4 thereof the word "auditor".

5 2. By striking from line thirteen (13) the words "township clerk" and
6 inserting in lieu thereof the word "auditor".

1 SEC. 40. Section four hundred sixty-five point ten (465.10), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line two (2) the words "township clerk" and inserting
4 in lieu thereof the word "auditor".

5 2. By striking from line four (4) the word "trustees" and inserting in lieu
6 thereof the word "board".

1 SEC. 41. Section four hundred sixty-five point eleven (465.11), Code
2 1966, is hereby amended by striking from line nine (9) the word "trustees"
3 and inserting in lieu thereof the word "board".

1 SEC. 42. Section four hundred sixty-five point thirteen (465.13), Code
2 1966, is hereby amended as follows:

3 1. By striking from lines two (2) and three (3) the words "trustees and
4 clerk" and inserting in lieu thereof the words "board and auditor".

5 2. By striking from line five (5) the word "trustees" and inserting in
6 lieu thereof the word "board".

7 3. By striking from line six (6) the words "said trustees" and inserting in
8 lieu thereof the words "the board".

1 SEC. 43. Section four hundred sixty-five point fourteen (465.14), Code
2 1966, is hereby amended as follows:

3 1. By striking from line six (6) the word "trustees" and inserting in lieu
4 thereof the word "board".

5 2. By striking from line eight (8) the word "trustees" and inserting in
6 lieu thereof the word "board".

1 SEC. 44. Section four hundred sixty-five point fifteen (465.15), Code
2 1966, is hereby amended as follows:

3 1. By striking from line three (3) the word "trustees" and inserting in
4 lieu thereof the word "board".

5 2. By striking from line eight (8) the word "trustees" and inserting in
6 lieu thereof the word "board".

7 3. By striking from lines nine (9) and ten (10) the word "trustees" and
8 inserting in lieu thereof the word "board".

9 4. By striking from line twelve (12) the words "township clerk" and
10 inserting in lieu thereof the word "auditor".

11 5. By striking from line thirteen (13) the word "trustees" and inserting
12 in lieu thereof the word "board".

1 SEC. 45. Section four hundred sixty-five point sixteen (465.16), Code
2 1966, is hereby amended as follows:

3 1. By striking from line three (3) the words "township clerk" and insert-
4 ing in lieu thereof the word "auditor".

5 2. By striking from line eleven (11) the words "township clerk" and in-
6 serting in lieu thereof the word "auditor".

1 SEC. 46. Section four hundred sixty-five point seventeen (465.17), Code
2 1966, is hereby amended by striking from lines six (6) and seven (7) the words
3 "township clerk" and inserting in lieu thereof the word "auditor".

1 SEC. 47. Section four hundred sixty-five point eighteen (465.18), Code
2 1966, is hereby amended by striking from lines three (3) and four (4) the
3 words "said trustees" and inserting in lieu thereof the words "the county
4 board of supervisors".

1 SEC. 48. Section four hundred sixty-five point twenty (465.20), Code
2 1966, is hereby amended as follows:

3 1. By striking from lines seven (7) and eight (8) the words "township
4 trustees of the township" and inserting in lieu thereof the words "board
5 of supervisors of the county".

6 2. By striking from line fifteen (15) the word "trustees" and inserting in
7 lieu thereof the word "board".

1 SEC. 49. Section four hundred sixty-five point twenty-one (465.21), Code
2 1966, is hereby amended as follows:

3 1. By striking from line four (4) the word "townships" and inserting in
4 lieu thereof the word "counties".

5 2. By striking from line six (6) the words "board of trustees" and insert-
6 ing in lieu thereof the words "boards of supervisors".

7 3. By striking from lines six (6) and seven (7) the word "townships" and
8 inserting in lieu thereof the word "counties".

9 4. By striking all of line ten (10) and inserting in lieu thereof the words
10 "of the two counties."

1 SEC. 50. Section four hundred sixty-five point twenty-four (465.24),
2 Code 1966, is hereby amended by inserting after the word "located" in line
3 five (5) the following: ", provided any drainage system constructed after
4 July 1, 1969, shall be made a matter of record,".

1 SEC. 51. Section four hundred sixty-five point twenty-five (465.25),
2 Code 1966, is hereby amended as follows:

3 1. By striking from lines three (3) and four (4) the words "a scale not
4 larger than sixteen inches to one mile" and inserting in lieu thereof the
5 word "scale".

6 2. By striking all after line ten (10) and inserting in lieu thereof the fol-
7 lowing:

8 "by any landowner. Plats so offered for record shall be drawn to scale
9 on paper measuring eight and one-half by eleven inches, giving distances
10 in feet and indicating the size of tile used, length and location of tile lines
11 as installed with reference to government corners and subdivisions."

1 SEC. 52. Section four hundred sixty-five point twenty-six (465.26),
2 Code 1966, is hereby amended by striking all of such section after the word
3 "oath" in line twenty (20), and inserting in lieu thereof a period.

1 SEC. 53. Section four hundred sixty-five point thirty (465.30), Code
2 1966, is hereby amended as follows:

3 1. By striking from line seven (7) the word "trustees" and inserting in
4 lieu thereof the word "supervisors".

5 2. By striking from line eight (8) the word "trustees" and inserting in
6 lieu thereof the word "board".

7 3. By striking from line ten (10) the word "trustees" and inserting in lieu
8 thereof the word "board".

9 4. By striking from line sixteen (16) the word "trustees" and inserting
10 in lieu thereof the word "supervisors".

1 SEC. 54. Section four hundred sixty-five point thirty-one (465.31),
2 Code 1966, is hereby amended by striking all of lines six (6) through thir-
3 teen (13) and inserting in lieu thereof the words "as the board of super-
4 visors desires, the board by resolution".

1 SEC. 55. Section four hundred sixty-five point thirty-two (465.32), Code
2 1966, is hereby amended by striking from line two (2) the word "trustees"
3 and inserting in lieu thereof the words "board of supervisors".

1 SEC. 56. Section four hundred sixty-six point four (466.4), Code 1966,
2 is hereby amended by inserting in line six (6), after the word "land", the
3 words "and improvements".

1 SEC. 57. Section four hundred sixty-six point five (466.5), Code 1966, is
2 hereby amended as follows:

3 1. By inserting in line seven (7), after the word "lands," the word "im-
4 provements,".

5 2. By striking from line nine (9) the word "exceed" and inserting in lieu
6 thereof the word "exceeds".

7 3. By inserting in line eleven (11), after the word "installments", the
8 words "of twenty or less".

9 4. By striking from line fifteen (15) the word "ten" and inserting in lieu
10 thereof the word "twenty".

1 SEC. 58. Section four hundred sixty-six point seven (466.7), Code 1966,
2 is hereby amended as follows:

3 1. By inserting in line thirteen (13), after the word "lands", the words
4 "and improvements".

5 2. By inserting in line seventeen (17), after the word "work", the follow-
6 ing:

7 "except that if such work is of the kinds contemplated by section four
8 hundred fifty-five point one hundred thirty-five (455.135), and the cost
9 thereof is within the limitations of said section, or is of the kinds contem-
10 plated by section four hundred fifty-five point two hundred one (455.201),
11 and the cost thereof is within the limitations of said section, then the pro-
12 visions of section four hundred fifty-five point one hundred thirty-five
13 (455.135) or section four hundred fifty-five point two hundred one (455.201)
14 shall supersede the limitations of this section."

1 SEC. 59. The county board of supervisors of any county of this state
2 in which one or more drainage districts are established may by resolution
3 establish a board of county drainage administrators. All of the powers, du-
4 ties, and responsibilities now or hereafter conferred on county boards of
5 supervisors in chapters four hundred fifty-five (455), four hundred fifty-six
6 (456), four hundred fifty-seven (457), four hundred fifty-eight (458), four
7 hundred fifty-nine (459), four hundred sixty (460), four hundred sixty-one
8 (461), four hundred sixty-two (462), four hundred sixty-three (463), four hun-
9 dred sixty-four (464), four hundred sixty-five (465) as amended by this
10 Act, four hundred sixty-six (466), and four hundred sixty-seven (467) of
11 the Code shall thereupon be transferred to and thereafter exercised by the
12 board of county drainage administrators.

1 SEC. 60. When establishing a board of county drainage administra-
2 tors, the board of supervisors shall divide the county, along township lines,
3 into three drainage administrator areas of approximately equal territory.
4 The board of county drainage administrators shall consist of one resident
5 freeholder appointed by the county board of supervisors from each area,
6 and at least two of the administrators shall be agricultural landowners.
7 The members first appointed shall hold office for terms of one, two, and
8 three years respectively, as indicated and fixed by the county board of
9 supervisors. Thereafter, succeeding members shall be appointed for a term
10 of three years, except that vacancies occurring otherwise than by expiration
11 of a term shall be filled by appointment for the unexpired term. Any mem-
12 ber of the board of county drainage administrators who shall cease to have
13 any of the qualifications prescribed by this section shall thereupon be dis-
14 qualified as a member of the board and his office shall be deemed vacant.
15 Members of the board of county drainage administrators may be removed
16 by the county board of supervisors for cause, but every such removal shall
17 be by written order which shall be filed with the county auditor.

1 SEC. 61. The members of the board of county drainage administrators
2 shall each receive seventeen dollars and fifty cents per day for each day
3 actually devoted to the duties of their office, ten cents for every mile trav-
4 eled in going to and from meetings of, or other places of performing the
5 duties of, said board, and other actual and necessary expenses incurred in
6 the performance of their duties.

1 SEC. 62. The compensation and expenses of the county board of drain-
2 age administrators, for each day or portion thereof necessarily expended
3 in the transaction of the business of a drainage or levee district, shall be
4 paid out of the funds of the district served. The administrators shall file
5 with the auditor or auditors, as the case may be, itemized, verified state-
6 ments of their time devoted to the business of the district and the expenses
7 incurred. If the administrators transact business of more than one district
8 on a given day, they shall prorate their claims for compensation propor-
9 tionately among the districts served on that day, but in no case shall a
10 member of the board of county drainage administrators claim or receive a
11 sum in excess of seventeen dollars and fifty cents, plus actual and necessary
12 expenses, for a single day.

1 SEC. 63. Section four hundred sixty-six point four (466.4), Code 1966,
2 is hereby amended by striking in lines eight (8) and nine (9) the words
3 "that where the proposed improvement is for drainage only,".

1 SEC. 64. The state of Iowa, its agencies and subdivisions shall be
2 financially responsible for drainage and special assessments against land
3 which they own, or hold title to, within existing drainage districts.

1 SEC. 65. Nothing in this Act shall be construed to deny any drainage
2 or levee district the power to establish a board of trustees in the manner
3 provided by chapter four hundred sixty-two (462) of the Code.

Approved April 30, 1969.

CHAPTER 261

LEVEE AND DRAINAGE DISTRICTS

S. F. 181

AN ACT relating to levee and drainage districts.

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

1 SECTION 1. Chapter four hundred fifty-five (455), Code 1966, is hereby
2 amended by adding thereto the following:
3 "If it should develop that any type of public improvement, other than
4 the forces of nature, has caused such a change in the district as to effective-
5 ly sever and cut off some of the land in the district from other lands in the
6 district and from the improvements in the district in such a way as to de-
7 prive the land of any further benefits from the improvement, or in some
8 manner to divide the benefits that may be derived from two separated por-
9 tions of the improvement, then the board of supervisors or the board of
10 trustees in charge may upon notice to interested parties and hearing as
11 provided by this chapter for the original establishment of a district make

12 an order to remove lands so deprived of benefits from the district without
13 any reclassification, or may subdivide the district into two separate entities
14 if the public improvement splits the district into two separate units, each of
15 which may still derive some separate benefits from the separated portions
16 of the district.

17 If the public improvement is such as to leave two separate portions of
18 the improvement that are still operable and of benefit to the land on each
19 side of the division made by the public improvement, then the board may
20 divide the district into two separate units so that each may perform further
21 work on the improvements in their respective parts, but neither shall be
22 charged for work completed on the opposite side of the new improvement
23 that divides them and may only be charged for the work done in that por-
24 tion of the district remaining on their side of the division.

25 The same authority provided in this Act shall vest in the board of
26 supervisors or the board of trustees in the event a drainage district in
27 any manner relinquishes its control over any portion of its improvements
28 or its obligation to maintain same to another district and lands may be
29 removed from the district or the district may be divided as provided in this
30 Act.

31 The board may further in dividing the district award to each of the
32 separated portions of the district the improvement remaining in each por-
33 tion, determine the value of the improvement so remaining on each side
34 and secondly determine the contributions of the lands in the separated por-
35 tions to the improvements and the upkeep of the earlier district, and if
36 the contribution is proportionate neither side shall owe the other portion
37 of the district any money, but if contribution is disproportionate, the board
38 shall determine an equitable adjustment and the amount of payment re-
39 quired for one portion to pay to the other to buy the existing improvement.

40 If land is eliminated from any further benefits, there need not be any
41 reclassification and the board may remove the same from the district in
42 the same manner as if the land has been destroyed in whole by the erosion
43 of a river and spread any deficiency in assessment among the remaining
44 lands as provided by section four hundred fifty-five point fifty-six (455.56)
45 of the Code.

46 "Type of public improvement" for the purpose of this Act includes drain-
47 age or levee improvements or new highways."

1 SEC. 2. Section four hundred fifty-five point one hundred two (455.102),
2 Code 1966, is hereby amended by adding thereto the following:

3 "An exception to the conclusiveness of an assessment under this section
4 shall be in those cases where it has been determined under section one
5 (1) of this Act that land has later been deprived of benefits received by a
6 division of the district by some other improvement."

1 SEC. 3. Section four hundred fifty-six point one (456.1), Code 1966,
2 is hereby amended by adding thereto the following:

3 "Nothing in this section shall prevent the board from eliminating land
4 from a drainage district as permitted under section one (1) of this Act."

Approved June 5, 1969.

CHAPTER 262

WATER POLLUTION CONTROL

H. F. 598

AN ACT relating to water-pollution control.

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

1 SECTION 1. Section four hundred fifty-five B point four (455B.4),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the word "nine" and inserting in lieu
4 thereof the word "eleven".

5 2. By inserting in subsection five (5), line one (1), after the word "agri-
6 culture" the words ", or his deputy".

7 3. By striking from subsection six (6), line one (1), the word "Four" and
8 inserting in lieu thereof the word "Five".

9 4. By striking from subsection six (6), line five (5), the word "four" and
10 inserting in lieu thereof the word "five".

11 5. By striking from subsection six (6), line eight (8), the word "one"
12 and inserting in lieu thereof the word "two".

13 6. By adding the following new subsection:

14 "The director of the state soil conservation committee."

1 SEC. 2. Section four hundred fifty-five B point nine (455B.9), Code
2 1966, is hereby amended as follows:

3 1. By striking from subsection five (5) all of said subsection after the
4 word "be" in line two (2) and inserting in lieu thereof the words "submit-
5 ted to the state department of health for approval or disapproval."

6 2. By adding at the end thereof the following new subsection:

7 "The commission may cooperate with other agencies in the state
8 which concern themselves with agricultural operations to determine those
9 livestock and poultry operations in which potential pollution of the waters
10 of the state exists. Persons engaged in such livestock and poultry operations
11 prior to and including July 1, 1969 shall be notified by the commission where
12 potential pollution exists and shall be required to register with the com-
13 mission and provide such information relating to their operations as the
14 commission may reasonably require. Persons who intend to initiate such
15 livestock and poultry operations subsequent to July 1, 1969 shall be re-
16 quired to register with the commission before commencing such operations
17 and shall provide such information relating to their planned operations
18 as the commission may reasonably require. Except as otherwise provided
19 in section four hundred fifty-five B point twenty-five (455B.25) of the
20 Code, no such registrant shall be required to make application and obtain
21 a permit for disposal of waste water unless the commission determines that
22 the agricultural operations of such registrant are, in fact, polluting or may
23 reasonably pollute the waters of the state."

1 SEC. 3. Section four hundred fifty-five B point twelve (455B.12), Code
2 1966, is hereby amended by striking lines twelve (12) through twenty (20),
3 inclusive, and inserting in lieu thereof the words "the problem and, failing
4 to do so within a reasonable period of time, the commission shall then issue
5 an order fixing the time and place of hearing. Such hearing shall be public".

Approved June 7, 1969.

CHAPTER 263

SOIL CONSERVATION COMMISSIONERS

H. F. 210

AN ACT relating to increasing the number of commissioners elected to administer each soil conservation district in this state from three to five.

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

1 SECTION 1. Section four hundred sixty-seven A point five (467A.5),
2 Code 1966, is hereby amended as follows:

3 1. By striking from subsection three (3) lines seventeen (17) through thir-
4 ty (30), and inserting in lieu thereof the following:

5 "be given. Petitions nominating candidates for the office of commission-
6 er shall be filed with the state soil conservation committee at least ten
7 days prior to the date of the election, unless the committee extends the
8 time within which such petitions may be filed. No nominating petition shall
9 be accepted by the committee which contains the name of more than one
10 candidate for the office of commissioner, nor which is signed by fewer than
11 twenty-five landowners of the proposed district. No landowner may sign
12 more than five such petitions. The referendum and election".

13 2. By striking from subsection three (3), line fifty-one (51) the word
14 "three" and inserting in lieu thereof the word "five".

15 3. By striking from subsection six (6), line five (5) the word "three"
16 and inserting in lieu thereof the word "five".

17 4. By striking from subsection six (6), lines fourteen (14) through seven-
18 teen (17), inclusive, and inserting in lieu thereof the following:

19 "election, four years for the two commissioners receiving the second
20 and third highest number of votes in the election, and two years for the
21 commissioners receiving the fourth and fifth highest number of".

22 5. By striking from subsection six (6), line twenty-three (23), the word
23 "the" and inserting in lieu thereof the word "each".

24 6. By striking from subsection six (6), line thirty-six (36), and inserting in
25 lieu thereof the following:

26 "7. Each district shall, at the next regular biennial election of a commis-
27 sioner in that district after July 1, 1969, elect three commissioners whose
28 terms shall each begin at the expiration of the term of the commissioner
29 whose successor is to be elected at that election. The commissioner receiv-
30 ing the highest number of votes in such election shall serve a term of six
31 years, the commissioner receiving the second highest number of votes shall
32 serve a term of four years, and the commissioner receiving the third high-
33 est number of votes shall serve a term of two years.

34 8. The district shall be a body corporate upon".

35 7. By striking from subsection six (6), line thirty-eight (38), the word
36 "three" and inserting in lieu thereof the word "five".

37 8. By renumbering the succeeding subsections in accordance with the
38 foregoing amendment.

1 SEC. 2. Section four hundred sixty-seven A point six (467A.6), Code
2 1966, is hereby amended by striking lines two (2) through five (5) and in-
3 serting in lieu thereof the following:

4 "the district shall consist of five commissioners, elected as provided in
5 section four hundred sixty-seven A point five (467A.5), who shall be resi-

6 dents of the district and no more than one of whom shall be a resident of
 7 any one voting precinct established pursuant to chapter forty-nine (49) of
 8 the Code. No person shall be eligible to the office of commissioner who is
 9 a resident of a city or town not subject to the jurisdiction of the district,
 10 unless such person owns land in the district outside such city or town.
 11 The commissioners”.

Approved April 10, 1969.

CHAPTER 264

COUNTY EMINENT DOMAIN

H. F. 161

AN ACT extending the county's right of condemnation under eminent domain.

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

1 SECTION 1. Section four hundred seventy-one point four (471.4), sub-
 2 section one (1), Code 1966, is hereby amended by inserting in line three (3)
 3 after the word “jails” the words “or any other buildings or additions to
 4 buildings which the county has statutory power to erect, construct or make
 5 additions.”.

Approved May 22, 1969.

CHAPTER 265

COUNTY OPTIONS TO PURCHASE LAND

H. F. 145

AN ACT relating to granting to the counties the right to contract for options for the purchase of land.

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

1 SECTION 1. Section four hundred seventy-one point four (471.4), subsec-
 2 tion one (1), Code 1966, is amended by adding the following sentence:
 3 “Wherever the county has the right to take private property for public
 4 use, it also has the right to contract for options for the purchase of said
 5 land.”

1 SEC. 2. This Act, being deemed of immediate importance, shall be in
 2 full force and effect from and after its passage and publication in The Sioux
 3 City Journal, a newspaper published at Sioux City, Iowa, and in The Movable
 4 Record, a newspaper published at Movable, Iowa.

Approved May 19, 1969.

I hereby certify that the foregoing Act, House File 145, was published in The Sioux City Journal, Sioux City, Iowa, May 23, 1969 and in The Movable Record, Movable, Iowa, May 24, 1969.
 MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 266

LIENHOLDERS UNDER EMINENT DOMAIN

S.F. 330

AN ACT relating to eminent domain.

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

1 SECTION 1. Section four hundred seventy-two point eighteen (472.18),
2 Code 1966, is hereby amended by inserting in line five (5) before the word
3 "and" the word "lienholders,".

1 SEC. 2. In all condemnation proceedings pending on the effective
2 date of this Act under chapter four hundred seventy-two (472) of the
3 Code, wherein the property owner has served a proper notice of appeal on
4 the applicant for condemnation within the statutory period, but has fail-
5 ed to serve notice of appeal on a lienholder within the statutory period as
6 required by section four hundred seventy-two point eighteen (472.18) of the
7 Code, such failure shall not deprive the court of jurisdiction insofar as
8 the applicant is concerned, unless a lienholder can show prejudice
9 thereby, and in such instances the appeal, as it affects the applicant, is
10 legalized and validated.

1 SEC. 3. This Act, being deemed of immediate importance, shall take
2 effect after its passage, approval, and publication in the Marshalltown
3 Times-Republican, a newspaper published at Marshalltown, Iowa, and in
4 the Globe-Gazette, a newspaper published at Mason City, Iowa.

Approved May 14, 1969.

I hereby certify that the foregoing Act, Senate File 330, was published in the Marshalltown Times-Republican, Marshalltown, Iowa, May 17, 1969 and in the Globe-Gazette, Mason City, Iowa, May 19, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 267

IOWA ECONOMIC DEVELOPMENT ACT

S. F. 135

AN ACT relating to corporations organized pursuant to the Iowa Economic Development Act.

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

1 SECTION 1. Section four hundred ninety-six B point six (496B.6), Code
2 1966, is hereby amended as follows:

3 1. By striking line one (1) of subsection two (2), and inserting in lieu there-
4 of the words "To borrow money either from its members or pursuant to
5 lending arrangements entered into under the authority granted in subsec-
6 tion seven (7) of this section, or both from its members and pursuant to
7 said lending arrangements,".

8 2. By striking line thirteen (13) of subsection two (2), and inserting in
9 lieu thereof the words "such corporation, and for which loan or loans no
10 subordination agreement has been entered into between the respective loan
11 maker and the development corporation, shall be secured equally and".

12 3. By adding thereto the following new subsection:

13 "7. To enter into lending arrangements with state and federal agencies or
14 instrumentalities whereby the development corporation may participate in
15 lending operations or secure guarantees or qualify under applicable laws
16 to further state or federal lending programs by becoming a participant
17 therein."

1 SEC. 2. Section four hundred ninety-six B point nine (496B.9), sub-
2 section three (3), Code 1966, is hereby amended as follows:

3 1. By striking lines twenty-six (26) through thirty-three (33), inclusive,
4 and by inserting in lieu thereof the following:

5 "(4) Stock life insurance companies — one percent of capital and unas-
6 signed surplus.

7 (5) Mutual life insurance companies — one percent of the unassigned
8 surplus.

9 (6) All other insurance companies — one-tenth of one percent of the
10 assets."

11 2. By adding the following:

12 "Provided that the lending limit of any one member shall not exceed
13 two hundred and fifty thousand dollars."

1 SEC. 3. Section four hundred ninety-six B point thirteen (496B.13),
2 Code 1966, is hereby amended by striking from line three (3) the words
3 "nor more than eighteen".

1 SEC. 4. Section four hundred ninety-six B point eighteen (496B.18),
2 Code 1966, is hereby amended by striking lines one (1) and two (2), and
3 inserting in lieu thereof the following words "No provision of chapter five
4 hundred two (502) of the Code shall".

1 SEC. 5. This Act being deemed of immediate importance shall be in
2 full force and effect from and after its passage and publication in the Har-
3 din County Index, a newspaper published at Eldora, Iowa, and in the
4 Charles City Press, a newspaper published at Charles City, Iowa.

Approved March 28, 1969.

I hereby certify that the foregoing Act, Senate File 135, was published in the Hardin
County Index, Eldora, Iowa, April 4, 1969 and in the Charles City Press, Charles City, Iowa,
April 1, 1969.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 268

EXPENSES OF INSURANCE COMMISSIONER

S. F. 210

AN ACT relating to the expenses incurred by the insurance commissioner while in attendance
at meetings with insurance officials of other states.

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

1 SECTION 1. Section five hundred five point five (505.5), Code 1966, is
2 hereby amended as follows:

3 1. By striking the comma in line five (5) and inserting in lieu thereof a
4 period.

- 5 2. By striking lines six (6) through nine (9).
 6 3. By striking the word "annually." in line ten (10).

1 SEC. 2. This Act, being deemed of immediate importance, shall be in
 2 full force and effect from and after its passage and publication in the Ot-
 3 tumwa Courier, a newspaper published in Ottumwa, Iowa, and The Cedar
 4 Rapids Gazette, published at Cedar Rapids, Iowa.

Approved April 7, 1969.

I hereby certify that the foregoing Act, Senate File 210, was published in the Ottumwa Courier, Ottumwa, Iowa, April 10, 1969 and in The Cedar Rapids Gazette, Cedar Rapids, Iowa, April 9, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 269

INSURANCE EXAMINERS

S. F. 285

AN ACT relating to the compensation of insurance examiners.

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

1 SECTION 1. Section five hundred seven point four (507.4), Code 1966,
 2 is hereby amended as follows:

3 1. By striking from line eighteen (18) the words "per diem" and insert-
 4 ing in lieu thereof the word "salary".

5 2. By striking from lines nineteen (19) through twenty-one (21) the
 6 words "which shall be in such amount as not to exceed the aggregate sum
 7 of two hundred dollars per week".

8 3. By striking lines twenty-two (22) through twenty-eight (28), inclu-
 9 sive, and inserting in lieu thereof the words "the provisions of section five
 10 hundred five point fourteen (505.14) of the Code. Said compensation shall
 11 be".

1 SEC. 2. Section five hundred seven point six (507.6), Code 1966, is
 2 hereby amended by striking the remainder of such section after the word
 3 "examiner" in line eight (8) and inserting in lieu thereof a period.

1 SEC. 3. Section five hundred seven point eight (507.8), Code 1966, is
 2 hereby amended by striking lines one (1) through three (3), inclusive, and
 3 inserting in lieu thereof the words "The commissioner shall upon the com-
 4 pletion of an examination prepare an account of the costs incurred in per-
 5 forming and preparing the report of such examinations which shall be".

1 SEC. 4. Section five hundred seven point nine (507.9), Code 1966, is
 2 hereby amended by striking from line five (5) the words "as are other fees
 3 of his office".

Approved April 23, 1969.

CHAPTER 270

LIFE INSURANCE INVESTMENTS

H. F. 153

AN ACT relating to investment of funds of life insurance companies in urban real estate and personal property.

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

- 1 SECTION 1. Section five hundred eleven point eight (511.8), subsection
2 fourteen (14), Code 1966, is hereby amended by striking from lines two (2)
3 and three (3) the words "the continental limits of".

Approved April 10, 1969.

CHAPTER 271

OPTOMETRISTS

H. F. 227

AN ACT relating to the participation of optometrists in an optometric service plan.

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

- 1 SECTION 1. Chapter three hundred sixty-nine (369), Acts of the Sixty-
2 second General Assembly, amending chapter five hundred fourteen (514),
3 Code 1966, is hereby amended as follows:
4 1. By inserting in section one (1), line five (5), after the word "plan" the
5 words "or optometric service plan".
6 2. By inserting in section one (1), line six (6), after the word "pharma-
7 ceutical" the words "or optometric".
8 3. By inserting in section one (1), line nine (9), after the word "pharma-
9 ceutical" the words "or optometric".
10 4. By inserting in section two (2), line four (4), after the word "pharma-
11 ceutical" the words "or optometric".
12 5. By inserting in section three (3), line three (3), after the word "phar-
13 maceutical" the words "or optometric".
14 6. By inserting in section three (3), line five (5), after the word "pharma-
15 ceutical" the words "or optometric".
16 7. By inserting in section four (4), line four (4), after the word "pharma-
17 ceutical" the words "or optometric".
18 8. By inserting in section five (5), line four (4), after the word "pharma-
19 ceutical" the words "or optometric".
20 9. By inserting in section six (6), line four (4), after the word "service"
21 the following: ", or with participating optometrists for optometric service".
22 10. By inserting in section seven (7), line four (4), after the word "phar-
23 maceutical" the words "or optometric".
24 11. By inserting in section eight (8), line four (4), after the word "phar-
25 macy" the words "or optometrist".
26 12. By inserting in section eight (8), line five (5), after the word "phar-
27 maceutical" the words "or optometric".
28 13. By inserting in section nine (9), line five (5), after the word "phar-
29 maceutical" the words "or optometric".

30 14. By inserting in section nine (9), line eight (8), after the word "phar-
31 maceutical" the words "or optometric".

32 15. By inserting in section nine (9), line eleven (11), after the word "phar-
33 maceutical" the words "or optometric".

1 SEC. 2. Section five hundred fourteen point one (514.1), Code 1966,
2 is hereby amended by inserting in line two (2) after the figures "504" the
3 following: "or chapter five hundred four A (504A)".

1 SEC. 3. Section five hundred fourteen point two (514.2), Code 1966, is
2 hereby amended by inserting in line five (5) after the figures "504" the
3 following: "or chapter five hundred four A (504A)".

Approved June 5, 1969.

CHAPTER 272

RIOT REINSURANCE PROGRAM

H. F. 680

AN ACT relating to the state's share of the funding of the department of housing and urban development riot reinsurance program.

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

1 SECTION 1. As used in this Act, unless the context requires otherwise:

2 1. "The secretary" means the secretary of the United States department
3 of housing and urban development.

4 2. "Farm property" means the residence, personal effects, other farm
5 buildings and other personal property used in conjunction with a farming
6 operation.

7 3. "The Act" means Section 1223 of the Housing and Urban Develop-
8 ment Act of 1968, Public Law 90-448, 90th Congress approved August 1,
9 1968.

10 4. "The fund" or "fund" means the federal riot reinsurance reimburse-
11 ment fund referred to in this Act.

12 5. "Commissioner" means the commissioner of insurance.

1 SEC. 2. There is hereby created the federal riot reinsurance reimburse-
2 ment fund in the office of the treasurer of state which shall be operated
3 under the joint control of the director of revenue and the commissioner.
4 The fund shall consist of all payments made by insurers in accordance
5 with the provisions of this Act. The director of revenue shall have the
6 same power to enforce the collection of the assessments provided here-
7 under as any other obligation due the state.

1 SEC. 3. The commissioner shall reimburse the secretary in an amount
2 up to five percent of the aggregate property, except farm property insur-
3 ance premiums earned in this state during the calendar year immediately
4 preceding the calendar year with respect to which the secretary paid losses
5 on lines of insurance reinsured by him in this state during that year and
6 for which he claims reimbursement from the fund in accordance with the
7 Act.

1 SEC. 4. Whenever the secretary shall, in accordance with the Act,
2 present to the state a request for reimbursement under the Act, the com-
3 missioner shall immediately assess all insurers which, during the calendar
4 year with respect to which reimbursement is requested by the secretary,
5 were licensed to write and engaged in writing property insurance business,
6 including the property insurance components of multiperil policies on a di-
7 rect basis, in this state. The amount of each such insurer's assessment shall
8 be calculated by multiplying the amount of the reimbursement requested
9 by the secretary by a fraction the numerator of which is the insurer's
10 premium actually written in this state in that calendar year on habitation-
11 al and commercial property, except farm property, risks and the denomina-
12 tor of which is the aggregate premiums written by all licensed insurers on
13 such property risks. In no event shall any insurer's assessment be less than
14 one hundred dollars.

1 SEC. 5. The secretary shall be reimbursed up to the amount requested
2 by warrants issued against the fund by the state comptroller upon vouch-
3 ers approved by the director of revenue and the commissioner. If the
4 assessment produces a fund greater than the amount requested by the
5 secretary, the overage shall be placed in a special fund in the office of the
6 treasurer of state under the control of the commissioner and the director
7 of revenue and shall be applied to any subsequent requests by the secre-
8 tary for reimbursement of losses paid on lines of insurance reinsured by
9 him in this state in accordance with the Act.

10 In the event that the provisions of this Act and the assessments made
11 thereunder are no longer needed in order to effectuate the program for
12 which they were intended, the amounts remaining in the special fund
13 shall inure to the general fund of the state.

1 SEC. 6. In the event any insurer fails, by reason of insolvency, to
2 pay any assessment, the commissioner shall cause the reimbursement ratios
3 computed under section four (4) to be immediately recalculated excluding
4 therefrom the insolvent insurer, so that its assessment is in effect assumed
5 and redistributed among the remaining insurers.

1 SEC. 7. Insurers shall include in filings submitted pursuant to chapter
2 five hundred fifteen A (515A) of the Code, a factor, applicable to the line
3 or lines of insurance on which the assessment is levied, sufficient to re-
4 cover within not more than three (3) years after the date of assessment
5 any amounts so assessed under Section 4 of this Act during the preceding
6 calendar year together with the amount of costs and expenses reasonably
7 attributable to such assessment and recovery thereof.

Approved June 6, 1969.

CHAPTER 273

BANKING DEPARTMENT

S. F. 18

AN ACT relating to establishment, management, operation, and regulation of state banks in Iowa, and to the state superintendent of banking, state banking board, and state banking department.

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

Division I

GENERAL PROVISIONS

1 SECTION 101. **Short title.** This Act shall be known and may be cited
2 as the Iowa Banking Act of 1969.

1 SEC. 102. **Statement of intent.** The general assembly declares as
2 its purpose in adopting this Act to provide for:

3 1. The safe and sound conduct of the business of banking.

4 2. The conservation of the assets of state banks.

5 3. The maintenance of public confidence in state banks.

6 4. The protection of the interests of depositors, creditors, shareholders
7 and of the interest of the public in a sound and strong banking system.

8 5. The opportunity for state banks to be competitive with each other
9 and with banks existing under the laws of other states and the United
10 States.

11 6. The opportunity for state banks to effectively serve the convenience
12 and banking needs of their depositors, borrowers and other customers and
13 to participate in and promote the economic progress of Iowa and of the
14 United States.

15 7. The opportunity for the management of a state bank to exercise its
16 business judgment, in conducting the affairs of the state bank, to the ex-
17 tent compatible with, and subject to the purposes of this Act.

18 8. The delegation to the superintendent of adequate rule-making power
19 and administrative discretion, in order that the supervision and regulation
20 of state banks may be flexible and readily responsive to changes in eco-
21 nomic conditions and changes in banking and fiduciary practices.

22 9. The simplification and modernization of the law governing the busi-
23 ness of banking and the exercise of certain fiduciary powers.

1 SEC. 103. **Definitions.** As used in this Act, unless the context other-
2 wise requires, the term:

3 1. "Account" means any account with a state bank and includes a de-
4 mand, time or savings deposit account or any account for the payment of
5 money to a state bank.

6 2. "Agreement for the payment of money" means a monetary obligation,
7 other than an obligation in the form of an evidence of indebtedness or an
8 investment security; including, but not limited to, amounts payable on open
9 book accounts receivable and executory contracts and rentals payable un-
10 der leases of personal property.

11 3. "Articles of incorporation" means the original or restated articles of
12 incorporation and all amendments thereto and includes articles of merger.

13 4. "Assets" means all the property and rights of every kind of a state
14 bank.

15 5. "Bank" means any person engaged in the business of banking, author-
16 ized by law to receive deposits and subject to supervision by banking au-
17 thorities of the United States or of any state.

18 6. "Business of banking" means the business generally done by banks.

19 7. "Capital" means the sum of the par value of the preferred and com-
20 mon shares of a state bank issued and outstanding.

21 8. "Capital structure" means the capital, surplus, and undivided profits
22 of a state bank and shall include an amount equal to the sum of any capi-
23 tal notes and debentures issued and outstanding pursuant to section four
24 hundred four (404) of this Act.

25 9. "Customer" means any person having an account with a state bank.
26 For the purpose of this Act, a government or governmental body or entity
27 may be a customer.

28 10. "Evidence of indebtedness" means a note, draft or similar negotiable
29 or nonnegotiable instrument.

30 11. "Fiduciary" means an executor, administrator, guardian, conservator,
31 receiver, trustee or one acting in a similar capacity.

32 12. "Insolvent" means the inability of a state bank to pay its debts and
33 obligations as they become due in the ordinary course of its business.

34 13. "Insured bank" means a state bank the deposits of which are insured
35 in accordance with the provisions of the federal deposit insurance act.

36 14. "Municipal corporation" means an incorporated city or town.

37 15. "Person" means an individual, a corporation (domestic or foreign),
38 a partnership, an association, a trust or a fiduciary.

39 16. "Private bank" means an individual, partnership or other unincor-
40 porated association engaged in the business of banking to the extent pro-
41 vided for and limited by sections seventeen hundred one (1701) and seven-
42 teen hundred two (1702) of this Act and which was lawfully engaged in
43 the business of banking in this state prior to April 19, 1919.

44 17. "Shareholder" means one who is a holder of record of shares in a
45 state bank.

46 18. "Shares" means the units into which the proprietary interests in a
47 state bank are divided.

48 19. "State bank" means any bank incorporated pursuant to the provi-
49 sions of this Act after the effective date thereof and any "state bank" or
50 "savings bank" incorporated pursuant to the laws of this state and doing
51 business as such upon the effective date of this Act.

52 20. "Surplus" means the aggregate of the amount originally paid in as
53 required by subsection one (1) of section four hundred two (402) of this
54 Act, any amounts transferred to surplus pursuant to subsection two (2)
55 of section four hundred two (402) and any amounts subsequently designat-
56 ed as such by action of the board of directors of the state bank.

57 21. "Superintendent" means the superintendent of banking of this state.

58 22. "Undivided profits" means the accumulated undistributed net profits
59 of a state bank, including any residue from the fund established pursuant
60 to section four hundred three (403) of this Act, after:

61 a. Payment or provision for payment of taxes and expenses of operations.

62 b. Transfers to reserves allocated to a particular asset or class of assets.

63 c. Losses estimated or sustained on a particular asset or class of assets
64 in excess of the amount of reserves allocated therefor.

65 d. Transfers to surplus and capital.

66 e. Amounts declared as dividends to shareholders.

67 23. "Unincorporated area" means a village within which a state bank
68 or national bank has its principal place of business.

1 **SEC. 104. Rules of construction.** In the interpretation and con-
2 struction of this Act:

3 1. Transactions or acts validly entered into or performed before the
4 effective date of this Act and the rights, duties and interests flowing from
5 them remain valid thereafter and may be completed or terminated accord-
6 ing to their terms and as permitted by any statute repealed or amended by
7 this Act, as though such repeal or amendment had not occurred.

8 2. All individuals who, upon the effective date of this Act, hold any
9 office under a provision of law repealed by this Act, and which offices are
10 continued by this Act shall continue to hold such offices according to their
11 former tenure.

1 **SEC. 105. Effect on existing banks.**

2 1. The corporate existence of a state bank existing and operating on the
3 effective date of this Act shall not be affected by the enactment of this
4 Act.

5 2. All state banks shall be subject to the provisions and requirements
6 of this Act in every particular, and all national banks, now or hereafter
7 doing business in this state, shall be subject to the provisions of this Act,
8 to the extent applicable, from the effective date hereof.

1 **SEC. 106. Renewal of the corporate existence of an existing state
2 bank.**

3 1. The corporate existence of a state bank existing and operating on
4 the effective date of this Act, which expires subsequent to the effective
5 date of this Act, may be renewed prior to the expiration thereof, following
6 the affirmative vote of the holders of at least two-thirds of the shares en-
7 titled to vote thereon, at a meeting held for that purpose and called in
8 the manner required by section five hundred nine (509) of this Act and by
9 delivery to the superintendent of articles of incorporation in conformance
10 with the provisions of section three hundred two (302) of this Act together
11 with the applicable fees for the filing and recording of the articles of incor-
12 poration. If the superintendent finds that the articles of incorporation
13 satisfy the requirements of this section, he shall deliver them to the secre-
14 tary of state for filing and recording in his office. Following the receipt of
15 the articles of incorporation, the secretary of state shall proceed in accord-
16 ance with the provisions of section three hundred six (306) of this Act.

17 2. Sections three hundred three (303), three hundred four (304), three
18 hundred five (305), three hundred seven (307), three hundred eight (308),
19 and three hundred nine (309) of this Act shall not be applicable to a state
20 bank existing and operating on the effective date of this Act which renews
21 its corporate existence in accordance with subsection one (1) of this section.

22 3. The renewal of the corporate existence of a state bank pursuant to
23 this section shall not affect any right accrued or established, or any liability
24 or penalty incurred, under the laws of this state or of the United States,
25 prior to the issuance of a certificate of incorporation by the secretary of
26 state.

1 **SEC. 107. Persons authorized to engage in banking business.**

2 1. No person may lawfully engage in this state in the business of receiv-
3 ing money for deposit, transact the business of banking, or may lawfully
4 establish in this state a place of business for such purpose, except a state
5 bank which is subject to the provisions of this Act, a private bank to the

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6 extent provided for and limited by section seventeen hundred one (1701)
 7 and seventeen hundred two (1702) of this Act, and a national bank author-
 8 ized by the laws of the United States to engage in the business of receiving
 9 money for deposit.

10 2. No person doing business in this state shall use the words "bank"
 11 or "trust" or use any derivative, plural or compound of the words "bank",
 12 "banking", "banker" or "trust" in any manner which would tend to create
 13 the impression that such person is authorized to engage in the business of
 14 banking or to act in a fiduciary capacity, except a state bank authorized
 15 to do so by the provisions of this Act, or a national bank to the extent per-
 16 mitted by the laws of the United States, or, insofar as the word "bank" is
 17 concerned, a private bank to the extent provided for and limited by sec-
 18 tions seventeen hundred one (1701) and seventeen hundred two (1702) of
 19 this Act, or, insofar as the word "trust" is concerned, an individual per-
 20 missibly serving as a fiduciary in this state, pursuant to section six hun-
 21 dred thirty-three point sixty-three (633.63) of the Code, or, insofar as the
 22 words "trust" and "bank" are concerned, a nonresident corporate fiduciary
 23 permissibly serving as a fiduciary in this state pursuant to section six hun-
 24 dred thirty-three point sixty-four (633.64) of the Code.

1 **SEC. 108. Applicability of safe deposit provisions.** The provisions
 2 of sections eight hundred nine (809) through eight hundred twelve (812),
 3 inclusive, of this Act, shall apply, to the extent applicable, to any person
 4 engaged in this state in the business of leasing safe deposit boxes for the
 5 storage of property.

Division II

DEPARTMENT OF BANKING

1 **SEC. 201. Superintendent of banking.**

2 1. The governor shall, within sixty days following the convening of the
 3 regular session of the general assembly in 1973, and each four years there-
 4 after, appoint, with the approval of two-thirds of the members of the sen-
 5 ate, a superintendent of banking. Such appointee shall be selected solely
 6 with regard to his qualification and fitness to discharge the duties of his
 7 office, and no person shall be appointed who has not had at least five years
 8 executive experience in a state bank in this state.

9 2. The superintendent shall have his office at the seat of government.
 10 His regular term of office shall be four years from the first day of July of the
 11 year of his appointment.

1 **SEC. 202. Superintendent—salary.** The superintendent shall re-
 2 ceive a salary to be fixed by the state banking board. The superintendent
 3 shall be entitled to receive reimbursement for expenses incurred in the
 4 performance of his duties, subject to the provisions of section two hundred
 5 nine (209) of this Act.

1 **SEC. 203. Superintendent—vacancy.** A vacancy in the office of
 2 superintendent that may occur while the general assembly is not in session
 3 shall be filled by appointment by the governor, which appointment shall
 4 expire at the end of thirty days from the time the general assembly next
 5 convenes. Prior to the expiration of said thirty days the governor shall
 6 transmit to the senate for its confirmation an appointment for the unex-
 7 pired portion of the regular term. Vacancies occurring during a session of

8 the general assembly shall be filled as regular appointments are made and
9 before the end of said session, and for the unexpired portion of the regular
10 term.

1 **SEC. 204. Deputy superintendent of banking.**

2 1. The superintendent shall appoint a deputy superintendent of banking,
3 who shall assist the superintendent in the performance of his office and
4 who shall perform the duties of the superintendent during the absence or
5 the inability of the superintendent, and as directed by him.

6 2. The deputy superintendent shall be removable at the pleasure of the
7 superintendent. If the office of the superintendent becomes vacant, the
8 deputy superintendent shall have all the powers and duties of the super-
9 intendent until a new superintendent is appointed by the governor in ac-
10 cordance with the provisions of this Act.

11 3. The deputy superintendent shall receive a salary to be fixed by the
12 state banking board. The deputy superintendent shall be entitled to receive
13 reimbursement for expenses incurred in the performance of his duties, sub-
14 ject to the provisions of section two hundred nine (209) of this Act.

1 **SEC. 205. State banking board.**

2 1. The state banking board shall be composed of the superintendent,
3 who shall be ex officio a member and chairman and who shall have the
4 right to vote, and six other members, appointed by the governor, who shall
5 be chosen from various sections of the state. Provided, however, that in
6 no event shall more than five members of such board be engaged in the
7 business of banking in any executive capacity. In case of a vacancy in the
8 state banking board, other than one resulting from a vacancy in the office
9 of the superintendent, the governor shall appoint a new member to fill
10 such vacancy for the unexpired term.

11 2. The regular term of office of each member, other than the superin-
12 tendent, shall be contemporaneous with the regular term of office of the
13 superintendent as defined in subsection two (2) of section two hundred one
14 (201) of this Act, and each such member shall hold his office for such term
15 and until his successor shall have been appointed.

16 3. A member of the state banking board, other than the superintendent,
17 shall receive no salary but shall be allowed and paid the sum of forty dol-
18 lars per day for each day or any part thereof in which he is engaged in
19 the performance of his duties together with reimbursement for actual and
20 necessary expenses incurred by him in connection with such duties.

21 4. The state banking board shall act with the superintendent in an ad-
22 visory capacity concerning all matters pertaining to the conduct of the
23 administration of the provisions of this Act and shall perform such other
24 duties as are specifically provided for by the laws of this state.

25 5. The state banking board shall meet each month on such date and at
26 such place as the state banking board may designate, and shall meet at
27 such other times as the board may deem necessary, or when called by the
28 chairman of the board, or any two members thereof.

1 **SEC. 206. Department of banking.** The department of banking shall
2 be the office of the superintendent and shall consist of such employees
3 as are necessary for the discharge of such duties and responsibilities as are
4 imposed upon the superintendent by the laws of the state.

1 **SEC. 207. Expenses of the department of banking.** All expenses
2 required in the discharge of the duties and responsibilities imposed upon
3 the superintendent and the state banking board by the laws of this state
4 shall be paid from fees provided by such laws. All such fees shall be payable
5 to the superintendent. The superintendent shall pay all such fees and
6 other money received by him to the treasurer of state within the time
7 required by section twelve point ten (12.10) of the Code. The treasurer of
8 state shall hold such funds in an account in the name of the superintendent
9 for the payment of the expenses of the department of banking. Said fund
10 shall be subject at all times to the warrant of the state comptroller, drawn
11 upon written requisition of the superintendent or his designated representa-
12 tive, for the payment of all salaries and other expenses necessary to carry
13 out the duties of the department of banking. The superintendent may keep
14 on hand with the treasurer of state funds in excess of the current needs
15 of his office to the extent approved by the state banking board. No trans-
16 fers shall be made from the general fund of the state or any other fund
17 for the payment of the expenses of the department of banking and no
18 part of the funds held by the treasurer of state for the account of the
19 superintendent shall be transferred to the general fund of the state or any
20 other fund, except that such funds may be invested by the treasurer of state
21 and the income derived from such investments may be credited to the gen-
22 eral fund of the state.

23 The superintendent shall account for receipts and disbursements ac-
24 cording to the separate duties imposed upon him by any provisions of the
25 laws of this state and each separate duty shall be fiscally self-sustaining.

1 **SEC. 208. Assistants, examiners and other employees.** The super-
2 intendent may appoint such assistants, examiners and other employees
3 as he may deem necessary to the proper discharge of the duties imposed
4 upon him by the laws of this state. The merit system as established by
5 chapter ninety-five (95), Acts of the Sixty-second General Assembly, shall
6 apply to all employees of the department of banking, except the super-
7 intendent, deputy superintendent and one stenographer or secretary. The
8 salary of such stenographer or secretary shall be fixed by the state banking
9 board. Pay plans shall be established for employees subject to the merit
10 system, other than clerical, who examine the accounts and affairs of state
11 banks and who examine the accounts and affairs of other persons, subject to
12 supervision and regulation by the superintendent which are substantially
13 equivalent to those paid by the Federal Deposit Insurance Corporation
14 and other federal supervisory agencies in this area of the United States.

1 **SEC. 209. Expenses.** The superintendent, deputy superintendent,
2 assistants, examiners and other employees of the department of banking
3 shall be entitled to receive reimbursement for expenses incurred in the
4 performance of their duties. The superintendent, and when specifically
5 authorized by the superintendent, the deputy superintendent, assistants,
6 examiners and other employees of the department of banking, shall be
7 entitled to receive reimbursement for expenses incurred while attending
8 conventions, meetings, conferences, schools, or seminars relating to the per-
9 formance of their duties, and such expenses shall be paid by the treasurer
10 of state on warrants drawn by the state comptroller.

1 **SEC. 210. Insurance and surety bonds.** The superintendent shall
2 acquire good and sufficient bond in a company authorized to do business
3 in this state insuring the faithful performance of the deputy superintend-
4 ent, assistants, examiners, and all other employees of the department of
5 banking and insuring against any liability which may accrue in the case
6 of the loss of any property of a state bank, of a customer of a state bank
7 or of any other person, in the course of any examination, investigation,
8 or other function required or allowed by the laws of this state. The super-
9 intendent shall be bonded in accordance with the provisions of chapter
10 sixty-four (64) of the Code.

1 **SEC. 211. Prohibitions relating to superintendent, deputy super-**
2 **intendent, assistants and examiners.**

3 1. No sum of money or property, as a gift or loan, or otherwise, shall be
4 given or granted, directly or indirectly by a state bank, or by persons sub-
5 ject to chapters five hundred thirty-three (533), five hundred thirty-three B
6 (533B), five hundred thirty-six (536), five hundred thirty-six A (536A) of
7 the Code and chapter three hundred eighty (380), Acts of the Sixty-second
8 General Assembly, or any affiliate of a state bank or of such persons, or
9 any director, officer, employee, member, owner, or partner of a state bank
10 or of such persons, to the superintendent, deputy superintendent, an assist-
11 ant or examiner, nor shall the superintendent, deputy superintendent, and
12 assistant or examiner receive from a state bank or from persons subject to
13 chapters five hundred thirty-three (533), five hundred thirty-three B
14 (533B), five hundred thirty-six (536), five hundred thirty-six A (536A) of
15 the Code and chapter three hundred eighty (380), Acts of the Sixty-second
16 General Assembly, or any affiliate of a state bank or of such persons, or
17 any director, officer, employee, member, owner, or partner of a state bank or
18 of such persons, any sum of money or any property as a gift or loan, or
19 otherwise, either directly or indirectly.

20 2. The deputy superintendent, any assistant or examiner, shall not perform
21 any services for, nor be a shareholder, member, partner, owner, director,
22 officer or employee of any bank or private bank, or of persons subject to
23 chapters five hundred thirty-three (533), five hundred thirty-three B (533B),
24 five hundred thirty-six (536), five hundred thirty-six A (536A) of the Code
25 or chapter three hundred eighty (380), Acts of the Sixty-second General
26 Assembly, or of any affiliate of any bank, private bank or of any such per-
27 sons. A violation of this subsection shall constitute grounds for discharge
28 or suspension from employment or for reduction in rank or grade.

29 3. For the purposes of this section and section two hundred twelve
30 (212) of this Act, an affiliate of a person other than a state bank shall in-
31 clude any corporation, trust, estate, association or other similar organiza-
32 tion:

33 *a.* Of which such person, directly or indirectly, owns or controls either
34 a majority of the voting shares or more than fifty percent of the number of
35 shares voted for the election of its directors, trustees, or other individuals
36 exercising similar functions at the preceding election, or controls in any
37 manner the election of a majority of its directors, trustees or other indi-
38 viduals exercising similar functions.

39 *b.* Of which control is held, directly or indirectly, through share owner-
40 ship or in any other manner, by the shareholders of such person who own
41 or control either a majority of the shares of such person or more than fifty
42 percent of the number of shares voted for the election of directors of such

43 person at the preceding election or by trustees for the benefit of the share-
44 holders of any such person.

45 c. Of which a majority of its directors, trustees, or other individuals
46 exercising similar functions are directors of any one such person.

47 d. Which owns or controls, directly or indirectly, either a majority of
48 the voting shares of such person or more than fifty percent of the total
49 number of shares voted for the election of directors of such person at the
50 preceding election, or controls in any manner the election of a majority of
51 the directors of such person, or for the benefit of whose shareholders or
52 members all or substantially all of the outstanding voting shares of such
53 person is held by trustees.

54 4. The deputy superintendent or any assistant or examiner who is con-
55 victed of theft, burglary, robbery, larceny or embezzlement as a result of
56 a violation of the laws of this state or of the United States while holding
57 such position shall be immediately discharged from employment and shall
58 be forever disqualified from holding any position in the department of
59 banking.

1 **SEC. 212. Prohibition against disclosure.** An examiner shall not
2 disclose to any person, other than the superintendent, deputy superintend-
3 ent, and the person examined, the name of any shareholder, member, part-
4 ner, owner of, or borrower from, or disclose the nature of the collateral for
5 any loan by any state bank or persons subject to chapters five hundred
6 thirty-three (533), five hundred thirty-three B (533B), five hundred thirty-
7 six (536), five hundred thirty-six A (536A) of the Code and chapter three
8 hundred eighty (380), Acts of the Sixty-second General Assembly, or any
9 affiliate of any state bank or of any such persons, or any other informa-
10 tion relating to the business of any state bank or of any such persons,
11 or any affiliate of any state bank or of any such persons, except when or-
12 dered to do so by a court of competent jurisdiction and then only in those
13 instances referred to in subsections one (1), two (2), and three (3) of section
14 two hundred fifteen (215) of this Act.

1 **SEC. 213. Duties and powers of superintendent.** The superintend-
2 ent shall have general control, supervision and regulation of all state
3 banks and shall be charged with the administration and execution of the
4 laws of this state relating to banks and banking and with such other duties
5 and responsibilities as are imposed upon him by the laws of this state. The
6 superintendent shall have power to adopt and promulgate such rules and
7 regulations as in his opinion will be necessary to properly and effectively
8 carry out and enforce the provisions of this Act.

1 **SEC. 214. Subpoena—contempt.**
2 1. The superintendent, the deputy superintendent, and upon the
3 approval of the superintendent, any assistant or examiner shall have the
4 power to subpoena witnesses, to compel their attendance, to administer
5 an oath, to examine any person under oath and to require the production
6 of any relevant books or papers. Such examination may be conducted on
7 any subject relating to the duties imposed upon, or powers vested in, the
8 superintendent under the provisions of this Act.
9 2. Whenever any person subpoenaed pursuant to subsection one (1) of
10 this section neglects or refuses to obey the terms of such subpoena, to
11 produce books or papers or to give testimony, as required, the superintend-
12 ent may apply to the district court of Polk county for the enforcement of

13 such subpoena or the issuance of an order compelling such compliance as
14 the court may direct.

15 3. The refusal of any person to obey an order of the district court, issued
16 pursuant to subsection two (2) of this section, without reasonable cause,
17 shall be considered a contempt of that court.

1 SEC. 215. **Records of department of banking.** All records of the
2 department of banking shall be public records subject to the provisions
3 of chapter one hundred six (106), Acts of the Sixty-second General As-
4 sembly, except that all papers, documents, reports, reports of examinations
5 and other writings relating specifically to the supervision and regulation
6 of any state bank or other person by the superintendent pursuant to the
7 laws of this state shall not be public records and shall not be open for
8 examination or copying by the public or for examination or publication by
9 the news media.

10 The superintendent, deputy superintendent, assistants or examiners shall
11 not be subpoenaed in any cause or proceeding to give testimony concern-
12 ing information relating specifically to the supervision and regulation of
13 any state bank or other person by the superintendent pursuant to the laws
14 of this state, nor shall the records of the department of banking which re-
15 late specifically to the supervision and regulation of any such state bank
16 or other such person be offered in evidence in any court or subject to sub-
17 poena by any party except, where relevant:

18 1. In such actions or proceedings as are brought by the superintendent.

19 2. In any matter in which an interested and proper party seeks review
20 of a decision of the superintendent.

21 3. In any action or proceeding which arises out of the criminal provi-
22 sions of the laws of this state or the United States.

23 4. In any action brought as a shareholders derivative suit against a state
24 bank.

25 5. In any action brought to recover monies or to recover upon an in-
26 demnity bond for embezzlement, misappropriation or misuse of state bank
27 funds.

1 SEC. 216. **Annual report of superintendent.** The superintendent
2 shall make a report in writing annually to the governor in the manner and
3 within the time required by chapter seventeen (17) of the Code. A copy of
4 the report shall be furnished by the superintendent to each state bank.

5 In addition to the matters required by chapter seventeen (17) of the
6 Code, the annual report of the superintendent shall contain:

7 1. A summary of applications approved or denied by the superintendent
8 pursuant to this Act since his last previous report.

9 2. A summary of the assets, liabilities and capital structure of all state
10 banks as of June thirtieth of the year for which the report is made.

11 3. A statement of the receipts and disbursements of funds of the super-
12 intendent during the calendar year ending on the preceding December
13 thirty-first and of the funds on hand on such December thirty-first.

14 4. Such other information as the superintendent may deem appropriate
15 and advisable to fairly disclose the discharge of the duties imposed upon him
16 by this Act.

1 SEC. 217. **Examinations.**

2 1. The superintendent shall have power to make or cause to be made an
3 examination of every state bank whenever in his judgment such examina-

4 tion is necessary or advisable, but in no event less frequently than once
5 during each eighteen-month period. During the course of each examination
6 of a state bank, inquiry shall be made as to its financial condition, the
7 security afforded to those to whom it is obligated, the policies of its man-
8 agement, whether the requirements of law have been complied with in the
9 administration of its affairs, and such other matters as the superintendent
10 may prescribe. The superintendent shall also have power to make or cause
11 to be made such limited examinations at such times and with such fre-
12 quency as he may deem necessary and advisable to determine the condi-
13 tion of any state bank and whether any person has violated any of the
14 provisions of this Act.

15 2. The superintendent shall have power to make or cause to be made
16 an examination of any corporation in which the state bank owns shares
17 except corporations described in paragraphs *a* and *b* of subsection three
18 (3) of section nine hundred one (901) of this Act. The superintendent shall
19 also have power, upon application to and order of the district court of Polk
20 county, to make or cause to be made an examination of any person having
21 business transactions or a relationship with any state bank when such an
22 examination is deemed necessary and advisable in order to determine
23 whether the capital of the state bank is impaired or whether the safety
24 of its deposits has been imperilled. The fee for any such examination shall
25 be paid by the state bank.

26 3. To the extent necessary for the purpose of any examination provided
27 for by this section and section eleven hundred five (1105) of this Act, the
28 superintendent shall have the power to examine all relevant books, records,
29 accounts and documents and to compel the production of the same in the
30 manner prescribed by section two hundred fourteen (214) of this Act.

31 4. The superintendent may furnish to the federal deposit insurance cor-
32 poration and the federal reserve system, or to any official or supervising
33 examiner thereof, a copy of the report of any or all examinations made
34 of any state bank and of any affiliate of a state bank when the state bank
35 is a member of the federal reserve system or to the federal deposit insur-
36 ance corporation when the deposits of the state bank are insured by the
37 federal deposit insurance corporation.

38 5. A copy of the report of each examination of a state bank shall be
39 transmitted by the superintendent to the board of directors of the state
40 bank except to the extent that the report of any such examination may
41 be confidential to the superintendent, and each member of the board of
42 directors shall furnish to the superintendent, on forms to be supplied
43 by the superintendent, a statement that he has read the report of exami-
44 nation.

45 6. All reports of examinations, including any copies thereof, in the pos-
46 session of any person other than the superintendent or employee of the
47 department of banking, including any state bank or any agency to which
48 any report of such examination may be furnished under subsection four
49 (4) of this section, shall be confidential communications, shall not be sub-
50 ject to subpoena from such persons and shall not be published or made
51 public by such persons.

52 7. The report of examination of any affiliate or of any person examined
53 as provided for in subsection two (2) of this section shall not be transmit-
54 ted by the superintendent to any such affiliate or person or to any state
55 bank or to the board of directors of any state bank unless authorized or
56 requested by such affiliate or person.

1 **SEC. 218. Regulation and examination of services.**

2 1. A state bank may not cause to be performed, by contract or otherwise
3 any bank services [of a type referred to in section eight hundred four (804)
4 of this Act] for itself, whether on or off its premises, unless assurances
5 satisfactory to the superintendent are furnished to the superintendent by
6 both the state bank and the person performing such services that the per-
7 formance thereof will be subject to supervision, regulation, and examina-
8 tion by the superintendent to the same extent as if such services were be-
9 ing performed by the state bank itself on its own premises.

10 2. Any contract, to which a state bank is a party, for the performance of
11 bank services of a type referred to in section eight hundred four (804) of
12 this Act, shall be approved by the superintendent prior to its execution.

1 **SEC. 219. Fees for examinations.** A state bank, and any private
2 bank subject to examination, supervision, and regulation by the superin-
3 tendent, shall pay to the superintendent a fee, established by the state
4 banking board, based on the assets of the state bank or private bank, the
5 time required for the examination and the expenses incurred in the dis-
6 charge of the duties imposed upon the superintendent by this Act. Such
7 fee shall apply equally to all state banks and private banks subject to
8 examination, and may not be changed more frequently than annually
9 and when changed, shall be effective on January first of the year follow-
10 ing the year in which the change was approved.

11 The fee for examination of any affiliate of a state bank as provided for
12 in section eleven hundred five (1105) of this Act, and the examinations
13 provided for in subsection two (2) of section two hundred seventeen (217)
14 of this Act shall be established by the state banking board, based on the
15 time required for the examination and the expenses incurred in the dis-
16 charge of the duties imposed upon the superintendent by this Act.

17 Upon completion of each examination required or allowed by this Act,
18 the examiner in charge of such examination shall render a bill for such
19 fee, in duplicate, and shall deliver one copy thereof to the state bank or
20 private bank and one copy to the superintendent. Failure to pay the
21 amount of such fee to the superintendent within ten days after the date
22 of the close of each such examination shall subject the state bank or
23 private bank to an additional fee equal to five percent of the amount of
24 such fee for each day the payment is delinquent.

1 **SEC. 220. Reports to superintendent.**

2 1. A state bank shall render a full, clear, and accurate statement of its
3 condition to the superintendent, on forms to be supplied by the superin-
4 tendent, verified by the oath of an officer and attested by the signatures
5 of at least three of the directors, or verified by the oath of two of its officers
6 and attested by two of the directors. The superintendent may, in his dis-
7 cretion, use any form of statement of condition that is used by the federal
8 deposit insurance corporation or the federal reserve system.

9 2. The statement shall be transmitted to the superintendent within ten
10 days after the receipt of a request for the statement from the superin-
11 tendent. A statement shall be called for by the superintendent at least
12 three times each year.

13 3. Within twenty days after the date of the receipt of the request for
14 a statement of condition, the state bank shall cause the statement to be
15 published once in a newspaper of general circulation in the municipal cor-

16 poration or unincorporated area in which the state bank has its principal
 17 place of business, or if there is none, in a newspaper of general circulation
 18 published in the county, or in a county adjoining the county, in which the
 19 state bank has its principal place of business. Proof of such publication,
 20 by affidavit of the publisher of the newspaper in which it was made, shall
 21 be delivered to the superintendent and shall be conclusive evidence of the
 22 fact.

23 4. The superintendent shall also have power to call for special reports
 24 from a state bank whenever in his judgment the same are necessary in
 25 order to obtain a full and complete knowledge of its condition. Such reports
 26 shall be verified and attested in the same manner as required in subsection
 27 one (1) of this section.

1 **SEC. 221. Preservation of bank records — statute of limitations.**

2 1. A state bank shall not be required to preserve its records for a period
 3 longer than eleven years after the first day of January of the year follow-
 4 ing the time of the making or filing of such records, provided, however, that
 5 account records showing unpaid balances due to depositors shall not be
 6 destroyed. Film, photographic, photostatic, or other copies which accurate-
 7 ly reproduce all lines and markings on the original may be kept in lieu of
 8 any such original record.

9 2. All causes of action, other than actions for relief on the grounds of
 10 fraud or mistake, against a state bank based upon a claim or claims
 11 inconsistent with an entry or entries in a state bank record, made in the
 12 regular course of business, shall be deemed to have accrued, and shall
 13 accrue for the purpose of the statute of limitations one year after the date
 14 of such entry or entries. No action founded upon such a cause may be
 15 brought after the expiration of ten years from the date of such accrual.

16 3. The provisions of this section, insofar as applicable, shall apply to the
 17 records of a national bank.

1 **SEC. 222. Meetings of the board of directors called by superin-**
 2 **tendent.**

3 Whenever the superintendent deems it necessary and advisable
 4 he may cause a meeting of the board of directors of a state bank to be
 5 held in such manner and at such time and place as he may direct. Any re-
 6 port of an examination required or allowed by this Act, any conclusions
 7 drawn therefrom by the superintendent, any recommendations made by him
 8 relative thereto and any other matters concerning the operation and con-
 9 dition of the state bank may be presented to the board of directors by
 10 the superintendent. The state bank shall cause the recommendations of
 11 the superintendent to be recorded in the minutes of the board of di-
 12 rectors of the state bank.

13 Each member of the board of directors shall furnish to the superintend-
 14 ent a statement, on forms to be supplied by the superintendent, that he
 has read and is familiar with the recommendations of the superintendent.

1 **SEC. 223. Power of superintendent to issue orders.**

2 Whenever
 3 it shall appear to the superintendent that a state bank is engaging or has
 4 engaged, or the superintendent has reasonable cause to believe that the
 5 state bank is about to engage, in an unsafe or unsound practice in conduct-
 6 ing the business of such state bank, or is violating or has violated, or the
 7 superintendent has reasonable cause to believe that the state bank is about
 to violate, any provision of this Act or of any regulation adopted pursuant

8 to this Act, or any condition imposed in writing by the superintendent in
 9 connection with the approval of any matter required by this Act, or any
 10 written agreement entered into with the superintendent, the superintendent
 11 may issue and serve upon the state bank a notice containing a statement
 12 of the facts constituting the alleged violation or violations, or the unsafe
 13 or unsound practice or practices, and fixing a time and place at which a
 14 hearing will be held to determine whether an order to cease and desist
 15 therefrom should be issued to the state bank.

16 If the state bank fails to appear at the hearing it shall be deemed to
 17 have consented to the issuance of a cease and desist order. In the event of
 18 such consent, or if upon the record made at such hearing, the superintend-
 19 ent shall find that any violation or unsafe or unsound practice specified in
 20 the notice has been established, the superintendent may issue and serve
 21 upon the bank an order to cease and desist from any such violation or
 22 practice. Such order may require the state bank and its directors, officers
 23 and employees to cease and desist from any such violation or practice and,
 24 further, to take affirmative action to correct the conditions resulting from
 25 any such violation or practice.

26 Any order issued pursuant to this section shall become effective upon
 27 service thereof on the state bank and shall remain effective except to such
 28 extent that it is stayed, modified, terminated, or set aside by action of the
 29 superintendent or of the district court of the county in which the state bank
 30 has its principal place of business.

31 The superintendent may apply to the district court of the county in
 32 which the state bank has its principal place of business for the enforcement
 33 of any order pursuant to this section and such court shall have jurisdic-
 34 tion and power to order and require compliance therewith.

1 SEC. 224. **Grounds for management of state bank by superintend-**
 2 **ent.** The superintendent may take over the management of the property
 3 and business of a state bank whenever it appears to him that:

4 1. The state bank has violated its articles of incorporation or any law
 5 of this state.

6 2. The capital of the state bank is impaired.

7 3. The state bank is conducting its business in an unsafe or unsound
 8 manner.

9 4. The state bank is in such condition that it is unsound, unsafe or
 10 inexpedient for it to transact business.

11 5. The state bank has suspended or refused payment of its deposits or
 12 other liabilities contrary to the terms thereof.

13 6. The state bank refuses to make its records available to the superintend-
 14 ent for examination or otherwise refuses to make available, through an
 15 officer or employee having knowledge thereof, information required by the
 16 superintendent for the proper discharge of the duties of his office.

17 7. The state bank neglects or refuses to observe any order of the super-
 18 intendent made pursuant to the provisions of this Act, unless the enforce-
 19 ment of such order is stayed in a proceeding brought by the state bank.

20 8. The state bank has not transacted any business or performed any of
 21 the duties, contemplated by its authorization to do business, for a period
 22 of one year.

23 9. The state bank has failed to renew its corporate existence in the man-
 24 ner provided for in section one hundred six (106) of this Act within one
 25 hundred eighty days prior to the expiration thereof.

26 The superintendent shall thereafter manage the property and business
 27 of the state bank until such time as he may relinquish to the state bank
 28 the management thereof, upon such conditions as he may prescribe, or
 29 until its affairs be finally dissolved as provided in this Act.

1 **SEC. 225. Application to enjoin action of superintendent.**

2 1. Whenever a state bank deems itself aggrieved by an action of the
 3 superintendent taken pursuant to sections two hundred twenty-three (223)
 4 or two hundred twenty-four (224) of this Act, the state bank may apply
 5 to the district court of the county in which the state bank has its principal
 6 place of business to enjoin such action. The court, after citing the superin-
 7 tendent to show cause why such action should not be enjoined and after
 8 a hearing and a determination of the facts upon the merits, may dismiss
 9 such application or enjoin the superintendent from further action and
 10 direct him to surrender the management of the property and business to
 11 such state bank or to withdraw or modify any order issued by him.

12 2. An appeal from the judgment of the district court operates as a stay
 13 of the judgment. No bond need be given if the appeal be taken by the super-
 14 intendent, but if the appeal be taken by the state bank a bond shall be
 15 given as required by rule three hundred thirty-seven (337), rules of civil
 16 procedure.

1 **SEC. 226. Management of state bank by superintendent.** Upon

2 taking over the management of the property and business of a state bank,
 3 the superintendent shall have the authority to operate and direct the
 4 affairs of the state bank in its regular course of business. He shall also have
 5 the authority to collect such amounts due to the state bank and to do such
 6 other acts as are necessary or expedient to conduct the affairs of the state
 7 bank and conserve or protect its assets, property and business.

8 If upon taking over the management of the business and property of
 9 the state bank, the superintendent concludes that the state bank is in-
 10 solvent or should be dissolved for any other reason enumerated in section
 11 two hundred twenty-four (224) of this Act, he may immediately, or at any
 12 time within three years, order that the state bank cease to carry on its
 13 business and proceed to dissolve the affairs of the state bank in accordance
 14 with the provisions of this Act. If the superintendent has not caused the
 15 state bank to cease to carry on its business within three years of taking
 16 over the management of the property and business of the state bank, he
 17 shall relinquish the management thereof to the state bank.

18 The superintendent may appoint one or more special deputies as his
 19 agent or agents, with powers specified in the certificate of appointment,
 20 to assist him in the duty of management, conservation or dissolution and
 21 distribution of the business and property of a state bank.

22 The superintendent, during the period of his management of the proper-
 23 ty and business of the state bank, and prior to such time as he may apply
 24 to the district court for appointment as receiver, may require that he be
 25 reimbursed by the state bank to the extent of the expenses incurred by
 26 him in connection with such management.

Division III
INCORPORATION

1 **SEC. 301. Incorporators.** A state bank may be incorporated under
2 this Act by not less than five individuals over the age of twenty-one a
3 majority of whom shall be citizens of this state and all of whom shall be
4 citizens of the United States.

1 **SEC. 302. Articles of incorporation.** The articles of incorporation
2 of a state bank, in the form prescribed by the superintendent, shall set
3 forth the following:

4 1. The name of the state bank, that it is incorporated for the purpose
5 of conducting the business of banking, and that it is incorporated under
6 the provisions of this Act.

7 2. The location of its proposed or existing principal place of business
8 including the name of the county, municipal corporation or unincorporated
9 area.

10 3. The duration of the state bank which shall be perpetual.

11 4. The aggregate number of shares which the state bank shall have
12 authority to issue, and the par value of such shares; if such shares are to
13 be divided into classes, the number of shares of each class and a statement
14 of the par value of the shares of each class.

15 5. If there is to be a preferred class, a statement of the preferences,
16 voting rights, if any, limitations and relative rights in respect of the shares
17 of such class.

18 6. Any provision, permissible under section five hundred six (506) of this
19 Act, limiting or denying the shareholders the pre-emptive right to acquire
20 additional shares of the state bank.

21 7. Any provision, not inconsistent with law, which the incorporators
22 elect to set forth in the articles of incorporation for the regulation of the
23 internal affairs of the corporation, including any provision restricting the
24 transfer of shares and any provision which under this Act is required or
25 permitted to be set forth in the bylaws.

26 8. The number of directors constituting the initial board of directors and
27 the names and addresses of the persons who are to serve as directors until
28 the first annual meeting of shareholders or until their successors be elected
29 and qualify.

30 9. The name and address of each incorporator.

31 10. The specific and named day on which the annual meeting of share-
32 holders shall be held.

33 11. Any provision not inconsistent with law or the purposes for which
34 the state bank is organized, which the incorporators elect to set forth; or
35 any provision limiting any of the powers enumerated in this Act.

36 It shall not be necessary to set forth in the articles of incorporation
37 any of the corporate powers enumerated in this Act. The articles of incor-
38 poration shall be signed by all of the incorporators and acknowledged before
39 an officer authorized to take acknowledgements of deeds.

1 **SEC. 303. Application for approval.** The incorporators shall make
2 an application to the superintendent for approval of a proposed state bank
3 in the manner prescribed by the superintendent and shall deliver to the
4 superintendent, together with such application:

5 1. The articles of incorporation.

6 2. Applicable fees, payable to the secretary of state as specified in sec-
7 tion four hundred ninety-six A point one hundred twenty-four (496A.124)
8 of the Code, for the filing and recording of the articles of incorporation.
9 Within thirty (30) days after delivery of the foregoing items, the incor-
10 porators shall also deliver to the superintendent proof of publication of the
11 notice required by section three hundred four (304) of this Act by affidavit
12 of the publisher of the newspaper in which it was made.

1 SEC. 304. **Publication of notice.** The incorporators of a state bank
2 shall publish notice of their intention to deliver, or the delivery of, the
3 articles of incorporation to the superintendent, once each week for two
4 successive weeks in a newspaper of general circulation published in the
5 municipal corporation which is proposed as the principal place of business
6 of the state bank, or if there is none, a newspaper of general circulation
7 published in the county, or in a county adjoining the county, in which the
8 proposed state bank is to have its principal place of business. The first
9 publication of the notice shall appear prior to, or within seven days after,
10 the date of delivery of the articles of incorporation to the superintendent
11 and shall set forth:

- 12 1. The name of the proposed state bank.
- 13 2. A statement that it is to be incorporated under this Act.
- 14 3. The purpose or purposes of the state bank.
- 15 4. The names and addresses of the incorporators and of the members
16 of the initial board of directors as they appear, or will appear, in the arti-
17 cles of incorporation.
- 18 5. The date of the delivery of the articles of incorporation to the super-
19 intendent.

1 SEC. 305. **Approval by superintendent.** Upon receipt of an appli-
2 cation for approval of a state bank the superintendent shall conduct such
3 investigation as he deems necessary to ascertain whether:

- 4 1. The articles of incorporation and supporting items satisfy the re-
5 quirements of this Act.
- 6 2. The convenience and needs of the public will be served by the pro-
7 posed state bank.
- 8 3. The population density or other economic characteristics of the area
9 primarily to be served by the proposed state bank afford reasonable prom-
10 ise of adequate support for the state bank.
- 11 4. The character and fitness of the incorporators and of the members of
12 the initial board of directors are such as to command the confidence of the
13 community and to warrant the belief that the business of the proposed
14 state bank will be honestly and efficiently conducted.
- 15 5. The capital structure of the proposed state bank is adequate in rela-
16 tion to the amount of the anticipated business of the state bank and the
17 safety of prospective depositors.
- 18 6. The proposed state bank will have sufficient personnel with adequate
19 knowledge and experience to conduct the business of the state bank, and
20 to administer fiduciary accounts, if the state bank is to be authorized to
21 act in a fiduciary capacity.

22 Within one hundred eighty days after receipt of the application for ap-
23 proval together with the items referred to in subsections one (1) and two
24 (2) of section three hundred three (303) of this Act, the superintendent
25 shall make a determination whether to approve or disapprove the pending
26 application on the basis of his investigation. Within ninety days after the

27 second publication of the notice referred to in section three hundred four
28 (304) of this Act any person opposing the pending application shall file
29 written objections thereto with the superintendent. Following the expira-
30 tion of the period referred to in the previous sentence and prior to making
31 a determination on the pending application the superintendent shall, upon
32 adequate notice, afford all interested persons, including the incorporators,
33 an opportunity for a stenographically reported hearing during which such
34 persons shall be allowed to present evidence in support of, or in opposition
35 to, the pending application. If the superintendent approves the pending
36 application, he shall deliver the articles of incorporation, with his approval
37 indicated thereon, to the secretary of state and notify the incorporators, and
38 such other persons who requested in writing that they be notified, of such
39 approval. If the superintendent disapproves the pending application he shall
40 notify the incorporators of his action and the reason for his decision.

41 The decision of the superintendent shall be subject to review by the
42 district court of Polk county upon petition by any interested person within
43 thirty days after the superintendent notifies the incorporators of his de-
44 cision. The decision of the superintendent shall be upheld unless unsup-
45 ported by substantial evidence. In making this determination the court
46 shall review the whole record or such portions thereof as may be placed
47 in issue by any person. The court may award damages to the incorporators
48 if it finds that review is sought frivolously and in bad faith.

49 Before receiving the decision of the superintendent with respect to the
50 pending application the incorporators shall, upon notice, reimburse the
51 superintendent to the extent of the expenses incurred by him in connec-
52 tion with the application.

1 **SEC. 306. Issuance of certificate of incorporation.** The receipt
2 of the approved articles of incorporation of a state bank by the secretary
3 of state shall constitute filing thereof with that office. The secretary of
4 state shall record the articles of incorporation and forward a copy thereof
5 to the county recorder of the county in which the state bank is to have its
6 principal place of business who shall record same, all as required by section
7 four hundred ninety-six A point fifty-three (496A.53) of the Code. The sec-
8 retary of state upon the filing of such articles of incorporation shall issue a
9 certificate of incorporation and send the same to the incorporators.

1 **SEC. 307. Organizational meeting.** After the issuance of the cer-
2 tificate of incorporation of a state bank, an organizational meeting of the
3 board of directors named in the articles of incorporation shall be held at
4 the call of a majority of the incorporators for the purpose of adopting by-
5 laws, if any are to be adopted, electing officers and the transaction of such
6 other business as may properly come before the meeting. The incorporators
7 calling the meeting shall give at least three days' notice thereof by mail to
8 each director so named, which notice shall state the time and place of the
9 meeting.

1 **SEC. 308. Effect of certificate of incorporation; issuance of au-**
2 **thorization to do business.**

3 1. Upon the issuance of the certificate of incorporation of a state bank,
4 the corporate existence shall begin, unless the certificate in conformity
5 with a provision of the articles of incorporation provides that it shall begin
6 on a stated day in the future, in which event the corporate existence shall
7 without further action by either the incorporators or the secretary of state

8 begin on the day so stated. Such certificate of incorporation shall be con-
 9 clusive evidence of the fact that the state bank has been incorporated
 10 except as against the superintendent in a proceeding instituted by him to
 11 dissolve a state bank pursuant to section thirteen hundred two (1302) of
 12 this Act.

13 2. The state bank shall not accept deposits or transact any business
 14 except such business as is incident to commencement of business, or to the
 15 obtaining of subscriptions and payment for its shares until receipt
 16 of an authorization to do business from the superintendent. The superin-
 17 tendent shall issue an authorization to do business upon finding that the
 18 proposed state bank has complied with all the requirements of this Act
 19 precedent to commencing business and has submitted to the superintendent
 20 a statement under oath, in the manner designated by the superintendent,
 21 showing that the capital, surplus and undivided profits required by the
 22 superintendent in accordance with this Act have been fully paid in.

23 3. If a state bank transacts any business before receipt of an authoriza-
 24 tion to do business in violation of subsection two (2) of this section, the
 25 directors and officers who willfully authorized or participated in such ac-
 26 tion shall be severally liable for the debts and liabilities of the state bank
 27 incurred prior to the receipt of the authorization to do business.

1 **SEC. 309. Publication of authorization to do business.** A state
 2 bank shall cause to be published once within two weeks after the issuance
 3 by the superintendent of the authorization to do business, in a newspaper of
 4 general circulation published in the municipal corporation which is the
 5 principal place of business of the state bank, or if there is none, a news-
 6 paper of general circulation published in the county, or in a county adjoining
 7 the county, in which the state bank has its principal place of business,
 8 a notice which shall state:

9 1. The name of the state bank, the address of its principal place of busi-
 10 ness and the date of the issuance of the authorization to do business.

11 2. The names and addresses of the members of the initial board of di-
 12 rectors as designated in the articles of incorporation.

13 3. That the shareholders shall not be personally liable for the debts and
 14 obligations of the state bank.

15 Proof of such publication, by affidavit of the publisher of the newspaper
 16 in which it was made, shall be filed with the secretary of state and with the
 17 superintendent, and shall be conclusive evidence of the fact.

1 **SEC. 310. Name of state bank.**

2 1. The name of a state bank originally incorporated after the effective
 3 date of this Act shall include the word "bank" and the word "state" or
 4 "trust" in its name. If a state bank uses the word "trust" in its name, it
 5 must be authorized under this Act to act in a fiduciary capacity.

6 2. The provisions of this section shall not require any state bank, exist-
 7 ing and operating on the effective date of this Act, to add to, modify or
 8 otherwise change its corporate name, either on the effective date of this
 9 Act or upon renewal of its corporate existence pursuant to section one
 10 hundred six (106) of this Act.

11 3. If a state bank existing and operating on the effective date of this
 12 Act causes its corporate name to be changed, the name as changed shall
 13 comply with subsection one (1) of this section.

1 **SEC. 311. Commission for organizing state banks.** No person
2 shall, directly or indirectly, receive or contract to receive any commission
3 or bonus of any kind for organizing any state bank or for securing a sub-
4 scription to the original capital of any state bank or to any increase thereof;
5 provided that this section shall not be construed as prohibiting the pay-
6 ment of reasonable compensation for legal or accounting services in connec-
7 tion with organization.

1 **SEC. 312. Location of state bank.**

2 1. Every state bank originally incorporated pursuant to the provisions of
3 this Act shall have its principal place of business within the confines of
4 a municipal corporation. The existence of a state bank shall not, however,
5 be affected by the subsequent discontinuance of the municipal corporation
6 pursuant to the provisions of sections three hundred sixty-two point eleven
7 (362.11) to three hundred sixty-two point eighteen (362.18) of the Code,
8 inclusive. A state bank existing and operating on the effective date of this
9 Act, which does not have its principal place of business within the confines
10 of a municipal corporation, shall be allowed to renew its corporate exist-
11 ence pursuant to the provisions of section one hundred six (106) of this Act
12 without regard to this section.

13 2. A state bank may, with the prior written approval of the superintend-
14 ent, change the location of its principal place of business to a new loca-
15 tion. A change of location shall be limited to another location in the same
16 municipal corporation, to a location in a municipal corporation in the same
17 county or to a municipal corporation in counties surrounding and contig-
18 uous to or touching or cornering on the county in which the state bank
19 is located. If a state bank has its principal place of business in an unincor-
20 porated area, the superintendent may authorize a change of location of
21 its principal place of business to a new location within the same unincor-
22 porated area as well as to any location referred to in the preceding sentence.

1 **SEC. 313. Bylaws.** The initial bylaws, if any, of a state bank shall
2 be adopted by its board of directors. The power to alter, amend or repeal
3 bylaws or adopt new bylaws shall be vested in the board of directors unless
4 reserved to the shareholders by the articles of incorporation. The bylaws
5 may contain any provisions for the regulation and management of the affairs
6 of the state bank not inconsistent with law or the articles of incorporation.

Division IV

CAPITAL STRUCTURE

1 **SEC. 401. Minimum capital.**

2 1. The minimum capital of a state bank existing and operating on the
3 effective date of this Act shall be:

4 a. The amount required by subsection two (2) of this section; or
5 b. Such lesser amount as the state bank had on the effective date of
6 this Act but not less than the minimum amount required by law prior to
7 such effective date.

8 2. The minimum capital of a state bank originally incorporated pursuant
9 to the provisions of this Act shall not be less than one hundred thousand
10 dollars or such higher amount which the superintendent may deem neces-
11 sary in view of the deposit potential of the state bank and current banking
12 standards relating to total capital requirements.

1 **SEC. 402. Surplus.**

2 1. A state bank originally incorporated pursuant to the provisions of this
3 Act shall establish, prior to receiving an authorization to do business from
4 the superintendent, a paid in surplus as required by the superintendent,
5 in an amount not less than fifty percent of its capital.

6 2. If the surplus of a state bank is at any time less than the amount of
7 its capital, the state bank shall, until surplus is equal to such amount,
8 transfer to surplus an amount which is at least ten percent of the net
9 profits of the state bank for the period since the end of the last fiscal year
10 or for any shorter period since the last declaration of a dividend:

11 *a.* Prior to the declaration of any dividend, and

12 *b.* In any event, at the end of each fiscal year.

1 **SEC. 403. Undivided profits.** A state bank originally incorporated
2 pursuant to the provisions of this Act shall establish, prior to receiving an
3 authorization to do business from the superintendent, a fund to be denom-
4 inated undivided profits in an amount to be determined by the superin-
5 tendent, but in no event less than twenty percent of the capital required
6 by subsection two (2) of section four hundred one (401) of this Act. The
7 superintendent shall estimate the amount of initial expenses to be incurred
8 by the state bank in determining the amount of the fund required by this
9 section.

1 **SEC. 404. Capital notes and debentures.**

2 1. A state bank may, with the prior approval of the superintendent and
3 the affirmative vote of the holders of at least three-fourths of the shares
4 entitled to vote thereon, issue capital notes or debentures. The amounts,
5 maturities, rate of interest, relative rights with other creditors, and other
6 terms and conditions shall be set forth on the face of the capital notes or
7 debentures or in an attendant agreement, and all such terms and conditions
8 shall be subject to the prior approval of the superintendent provided that
9 all such capital notes and debentures shall be subordinated to the rights
10 of other persons to the extent provided for in section thirteen hundred
11 twelve (1312) of this Act. The aggregate amount of all capital notes and
12 debentures issued and outstanding pursuant to this section shall not ex-
13 ceed, at any one time, the capital and surplus of the state bank.

14 2. A state bank shall not make any payment of principal on any capital
15 notes or debentures without the prior approval of the superintendent nor
16 shall any payment of principal and interest be made on any such capital
17 or debentures by a state bank when its capital is impaired or which would
18 cause its capital to become impaired. Subject to the provisions of this sec-
19 tion a state bank may issue capital notes or debentures with provision for
20 installment or serial payment of capital notes or debentures according
21 to an established schedule which shall be approved by the superintendent
22 prior to issuance.

23 3. No state bank may issue capital notes or debentures within five years
24 after it is originally authorized to do business.

1 **SEC. 405. Increase or decrease of capital structure.**

2 1. A state bank may, with the approval of the superintendent, increase
3 its capital structure or effect an allocation of amounts within its capital
4 structure, by the use of any of the following methods:

5 *a.* Sale of authorized but unissued shares.

- 6 *b.* Transfer of surplus or undivided profits to capital for authorized but
7 unissued shares.
- 8 *c.* Transfer of undivided profits to surplus.
- 9 *d.* Authorization and issuance of common shares, preferred shares, or
10 capital notes or debentures as provided in section four hundred four (404)
11 of this Act.
- 12 2. Whenever it shall appear necessary to do so in the interest of the safe-
13 ty of the deposits of a state bank, the superintendent may require that the
14 capital structure of the state bank be increased by either of the methods
15 provided for in paragraphs *a* and *d* of subsection one (1) of this section.
- 16 3. Neither capital nor surplus shall be decreased except with the approval
17 of the superintendent.

Division V

SHARES, SHAREHOLDERS AND DIVIDENDS

- 1 SEC. 501. **Authorized shares.**
- 2 1. A state bank shall have the power to create and issue:
- 3 *a.* Common shares with par value, and
- 4 *b.* One or more classes of preferred shares, all of which shall be shares
5 with par value and any and all of which may be voting or nonvoting and
6 which may have such designations, preferences, limitations, and relative
7 rights as shall be stated in the articles of incorporation.
- 8 2. Without limiting the authority herein contained, a state bank, when
9 so provided in its articles of incorporation, may issue preferred shares:
- 10 *a.* Subject to the right of the state bank to redeem any of such shares
11 at the price fixed by the articles of incorporation for the redemption thereof.
- 12 *b.* Entitling the holders thereof to cumulative, noncumulative or parti-
13 tially cumulative dividends.
- 14 *c.* Having preference over common shares or any other classes of pre-
15 ferred shares as to the payment of dividends.
- 16 *d.* Having preference in the assets of the state bank over common shares
17 or any other class of preferred shares upon the voluntary or involuntary
18 dissolution of the state bank.
- 19 *e.* Convertible into shares of common or into shares of preferred of
20 another class except a class having prior or superior rights and preferences
21 as to dividends or distribution of assets upon dissolution.
- 22 Unless the articles of incorporation or bylaws otherwise provide, the
23 board of directors may, by resolution duly adopted and with the approval
24 of the superintendent as provided in section four hundred five (405) of this
25 Act, issue from time to time, in whole or in part, the shares authorized by
26 the articles of incorporation.
- 1 SEC. 502. **Certificates representing shares.** The shares of a state
2 bank shall be represented by certificates signed by such officers, employees
3 or agents as are authorized by the articles of incorporation or bylaws to
4 sign. If no contrary provisions are made in the articles of incorporation
5 or bylaws, such certificates shall be signed by the president or a vice-
6 president and the cashier or an assistant cashier of the state bank, and
7 may be sealed with the seal of the state bank or a facsimile thereof.
8 The signatures of the president or vice-president and the cashier or an
9 assistant cashier or other persons signing for the state bank upon a
10 certificate may be facsimiles if the certificate is countersigned by a trans-

11 fer agent, or registered by a registrar, other than the state bank itself or
 12 an employee of the state bank. In case any officer or other authorized
 13 person who has signed or whose facsimile signature has been placed upon
 14 such certificate for the state bank shall have ceased to be such officer or
 15 employee or agent before such certificate is issued, it may be issued by the
 16 state bank with the same effect as if he were such officer or employee or
 17 agent at the date of its issue. If a state bank is authorized to issue pre-
 18 ferred shares, every certificate issued by the state bank shall set forth
 19 upon the face or back of the certificate, or shall state that the state bank
 20 will furnish to any shareholder upon request and without charge, a full
 21 statement of the designations, preferences, limitations, and relative rights
 22 of such preferred shares.

23 Each certificate representing shares shall state upon the face thereof:

- 24 1. That the state bank is organized under the laws of this state.
- 25 2. The name of the person to whom issued.
- 26 3. The number and class of shares which such certificate represents.
- 27 4. The par value of each share represented by such certificate.
- 28 No certificate shall be issued for any share until such share is fully paid.

1 **SEC. 503. Consideration for shares.**

2 1. Except in the case of a distribution of shares authorized by section
 3 five hundred seventeen (517) of this Act or shares issued upon exchanges
 4 or conversion, common shares of a state bank may be issued only for cash
 5 in an amount which shall be at least:

6 *a.* In the case of the issuance of additional common shares of an exist-
 7 ing state bank, equal to the sum of the capital represented by the common
 8 shares and the surplus of the state bank divided by the number of common
 9 shares previously issued.

10 *b.* In the case of the issuance of common shares of a proposed state bank,
 11 the amount required to equal the sum of the capital, to be represented by
 12 the common shares, the surplus and the undivided profits, required by the
 13 superintendent as a condition precedent to the issuance of an authorization
 14 to do business, divided by the number of shares to be issued.

15 2. Preferred shares of a state bank may be issued only for cash and for
 16 an amount not less than that determined by the superintendent.

1 **SEC. 504. Subscriptions for shares.** A subscription for shares of
 2 a state bank to be incorporated pursuant to the provisions of this Act shall
 3 be irrevocable for a period of six months, or for such longer period as is
 4 provided for by the terms of the subscription agreement, unless all of the
 5 subscribers consent to the revocation of such subscription.

6 Unless otherwise provided in the subscription agreement, subscriptions
 7 for shares, whether made before or after incorporation of a state bank,
 8 shall be paid in full at such time as shall be determined by the board of
 9 directors.

10 The call for payment by the board of directors on subscriptions shall
 11 be uniform as to all shares of the same class.

1 **SEC. 505. Liability of shareholders and subscribers.**

2 1. A holder of shares of a state bank shall be under no obligation to the
 3 state bank or its creditors with respect to such shares. A subscriber to
 4 shares of a state bank shall be under no obligation to the state bank or its

5 creditors with respect to such shares other than the obligation to pay the
6 full consideration for such shares prior to their issuance.

7 2. An executor, administrator, conservator, guardian, trustee, assignee
8 for the benefit of creditors or receiver shall not be personally liable to
9 to the state bank as a holder of or subscriber to shares of a state bank but
10 the estate and funds in his hands shall be so liable.

11 3. No pledgee or other holder of shares as collateral security shall be
12 personally liable as a shareholder.

1 SEC. 506. **Shareholders pre-emptive rights.** The pre-emptive right
2 of a shareholder of common shares to acquire unissued common shares of
3 a state bank or preferred shares and capital notes or debentures of a state
4 bank which are convertible into common shares, shall not be limited or
5 denied, except as provided in section five hundred twenty (520) of this Act.
6 The pre-emptive right of holders of preferred shares to acquire unissued
7 shares of a state bank may be limited or denied to the extent provided in
8 the articles of incorporation or any amendment thereto. Any shares of a
9 state bank purchased and acquired by such state bank, and held by it dur-
10 ing the period permitted by this Act, shall not be entitled to pre-emptive
11 rights.

1 SEC. 507. **Owning or loaning on its own shares.** No state bank
2 shall make any loan or extension of credit on the security of the shares of
3 its own capital, or, except as provided in sections fourteen hundred six
4 (1406) and fourteen hundred seventeen (1417) of this Act, be the purchaser
5 or holder of any such shares, unless such security or purchase shall be
6 necessary to prevent loss upon a debt previously contracted in good faith,
7 and shares so purchased or acquired shall be sold at public or private sale
8 within one year from the time of their purchase or acquisition, unless the
9 time is extended by the superintendent. Any common shares of a state bank
10 purchased or acquired by the state bank pursuant to this Act, and sold
11 as directed by this Act, shall be subject to the minimum consideration re-
12 quirements of subsection one (1) of section five hundred three (503) of
13 this Act unless a lesser consideration is approved by the superintendent.
14 Any preferred shares of a state bank purchased or acquired by the state
15 bank pursuant to this Act, and sold as directed by this Act, shall be subject
16 to the consideration requirements of subsection two (2) of section five hun-
17 dred three (503) of this Act.

1 SEC. 508. **Meetings of shareholders.** Meetings of shareholders
2 may be held at such place, within this state, as may be provided in the
3 articles of incorporation or the bylaws, or as may be fixed from time to
4 time in accordance with the provisions thereof. In the absence of any such
5 provision, all meetings shall be held at the principal place of business of the
6 state bank. An annual meeting of the shareholders shall be held on the spe-
7 cific and named day as shall be provided in the articles of incorporation.
8 Failure to hold the annual meeting on the designated day shall not work a
9 forfeiture or dissolution of the state bank. Special meetings of the share-
10 holders may be called by the president, the board of directors, the holders
11 of not less than one-tenth of all the shares entitled to vote at the meeting,
12 or such other officers or persons as may be provided in the articles of in-
13 corporation or the bylaws.

1 **SEC. 509. Notice of shareholder meetings — waiver of notice**
2 **generally.**

3 1. Written or printed notice stating the place, day and hour of a meeting
4 of the shareholders and, in case of a special meeting, the purpose or pur-
5 poses for which the meeting is called, shall be delivered not less than ten
6 nor more than fifty days before the date of the meeting, either personally or
7 by mail, by or at the direction of the president, the cashier, or the officer
8 or persons calling the meeting, to each shareholder of record entitled to
9 vote at such meeting. If mailed, such notice shall be deemed to be deliv-
10 ered when deposited in the United States mail addressed to the sharehold-
11 er at his address as it appears on the stock transfer books of the state bank
12 with postage thereon prepaid.

13 2. Whenever any notice is required to be given to any shareholder
14 under the provisions of this Act or under the provisions of the articles of
15 incorporation or bylaws of the state bank, a waiver thereof in writing
16 signed by the person or persons entitled to such notice, whether before
17 or after the time stated therein, shall be equivalent to the giving of such
18 notice.

1 **SEC. 510. Closing of transfer books and fixing record date.** The
2 board of directors of a state bank shall cause adequate stock transfer books
3 to be maintained. For the purpose of determining shareholders entitled
4 to notice of or to vote at any meeting of shareholders or any adjournment
5 thereof, or entitled to receive payment of any dividend, or in order to make
6 a determination of shareholders for any other proper purpose, the board
7 of directors of a state bank may provide that the stock transfer books
8 shall be closed for a stated period but not to exceed, in any case, fifty
9 days. If the stock transfer books shall be closed for the purpose of deter-
10 mining shareholders entitled to notice of or to vote at a meeting of share-
11 holders, such books shall be closed for at least ten days immediately pre-
12 ceding such meeting. In lieu of closing the stock transfer books, the bylaws,
13 or in the absence of an applicable bylaw, the board of directors may fix, in
14 advance, a date as the record date for any such determination of sharehold-
15 ers, such date in any case to be not more than fifty days and, in case of a
16 meeting of shareholders, not less than ten days prior to the date on which
17 the particular action, requiring such determination of shareholders, is to
18 be taken. If the stock transfer books are not closed and no record date is
19 fixed for the determination of shareholders entitled to notice of or to vote
20 at a meeting of shareholders, or shareholders entitled to receive payment of
21 a dividend, the date on which notice of the meeting is mailed or the date
22 on which the resolution of the board of directors declaring such dividend
23 is adopted, as the case may be, shall be the record date for such determina-
24 tion of shareholders. When a determination of shareholders entitled to vote
25 at any meeting of shareholders has been made as provided in this section,
26 such determination shall apply to any adjournment thereof.

1 **SEC. 511. Voting list.** The officer or agent having charge of the
2 stock transfer books for shares of a state bank shall make, at least ten
3 days before each meeting of shareholders, a complete list of the sharehold-
4 ers entitled to vote at such meeting or any adjournment thereof, arranged
5 in alphabetical order, with the address of and the number of shares held
6 by each, which list, for a period of ten days prior to such meeting, shall be
7 kept on file at the principal place of business of the state bank and shall be

8 subject to inspection by any shareholder at any time during usual business
9 hours. Such list shall also be produced and kept open at the time and place
10 of the meeting and shall be subject to the inspection of any shareholder
11 during the whole time of the meeting. The original stock transfer books
12 shall be prima facie evidence as to who are the shareholders entitled to
13 examine such list or transfer books or to vote at any meeting of share-
14 holders. Failure to comply with the requirements of this section shall not
15 affect the validity of action taken at such meeting.

1 **SEC. 512. Quorum of shareholders.** Unless otherwise provided in
2 the articles of incorporation, a majority of the shares entitled to vote, rep-
3 resented in person or by proxy, shall constitute a quorum at a meeting of
4 shareholders. If a quorum is present, the affirmative vote of the majority of
5 the shares represented at the meeting and entitled to vote on the subject
6 matter shall be the act of the shareholders, unless the vote of a greater
7 number or voting by classes is required by the laws of this state or of the
8 United States or by the articles of incorporation or bylaws.

1 **SEC. 513. Voting of shares.** Each outstanding share shall be
2 entitled to one vote on each matter submitted to a vote at a meeting of
3 shareholders, except to the extent that the voting rights of the shares of
4 any preferred class, may be limited or denied by the articles of incorpora-
5 tion.

6 Shares of a state bank purchased or acquired by such state bank pur-
7 suant to this Act shall not be voted at any meeting and shall be excluded
8 in determining whether matters voted upon by the shareholders were
9 adopted by the requisite number of shares.

10 A shareholder may vote either in person or by proxy executed in writ-
11 ing by the shareholder or by his duly authorized attorney-in-fact. No proxy
12 shall be valid after eleven months from the date of its execution.

13 At each election for directors every shareholder entitled to vote at such
14 election shall have the right to vote, in person or by proxy, the number of
15 shares owned by him for as many individuals as there are directors to be
16 elected and for whose election he has a right to vote.

17 Shares standing in the name of another corporation, domestic or for-
18 eign, may be voted by such officer, agent or proxy as the bylaws of such
19 corporation may prescribe, or, in the absence of such provision, as the
20 board of directors of such corporation may determine.

21 Shares held by an administrator, executor, guardian or conservator
22 may be voted by him, either in person or by proxy, without a transfer of
23 such shares into his name. Except as provided in the following sentence,
24 shares standing in the name of a trustee may be voted by him, either in
25 person or by proxy, but no trustee shall be entitled to vote shares held by
26 him without a transfer of such shares into his name.

27 In an election of directors, a state bank may not vote its own shares
28 held by it as sole trustee unless under the terms of the trust the manner
29 in which such shares shall be voted may be determined by a donor or
30 beneficiary of the trust and unless such donor or beneficiary actually di-
31 rects how such shares shall be voted, provided, however, that shares held
32 in trust by a state bank pursuant to an instrument in effect prior to the
33 effective date of this Act, under the terms of which the manner in which
34 such shares shall be voted could not be determined by a donor or benefi-
35 ciary of the trust, may be voted in an election of directors of a state bank

36 upon petition filed by the state bank, to a court of competent jurisdiction,
37 and the appointment by such court of an individual to determine the man-
38 ner in which such shares shall be voted. When the shares of a state bank
39 are held by such state bank and one or more persons as trustees, such
40 shares may be voted by such other person or persons as trustees, in the
41 same manner as if he or they were the sole trustee. Whenever shares can-
42 not be voted by reason of being held by a state bank as sole trustee, such
43 shares shall be excluded in determining whether matters voted upon by
44 the shareholders were adopted by the requisite number of shares.

45 Unless otherwise provided by the governing instrument, shares which
46 are held jointly by any number of fiduciaries shall be voted in the manner
47 determined by the majority of such fiduciaries (excluding a trustee ineli-
48 gible by reason of the preceding paragraph) or if the fiduciaries are equally
49 divided on the manner of voting, any court of competent jurisdiction may,
50 upon petition filed by any of such fiduciaries or any beneficiary, appoint
51 an additional person to act with such fiduciaries in determining the manner
52 in which such shares shall be voted.

53 Unless otherwise provided by agreement, if persons holding shares joint-
54 ly or as tenants in common are unable to agree upon the manner in which
55 such shares shall be voted, the vote of such shares shall be divided among
56 such persons in proportion to their interest.

57 Shares standing in the name of a receiver may be voted by such receiv-
58 er, and shares held by or under the control of a receiver may be voted by
59 such receiver without the transfer thereof into his name if authority so to
60 do be contained in an appropriate order of the court by which such receiv-
61 er was appointed.

62 A shareholder whose shares are pledged shall be entitled to vote such
63 shares until the shares have been transferred into the name of the pledgee,
64 and thereafter the pledgee shall be entitled to vote the shares so trans-
65 ferred.

66 On and after the date on which written notice of redemption of pre-
67 ferred shares has been mailed to the holders thereof and a sum sufficient to
68 redeem such shares has been deposited in escrow with irrevocable instruc-
69 tion and authority to pay the redemption price to the holders thereof upon
70 surrender of certificates therefor, such shares shall not be entitled to vote
71 on any matter and shall not be deemed to be outstanding shares.

1 **SEC. 514. Voting trust.** Any number of shareholders of a state bank
2 may create a voting trust for the purpose of conferring upon a trustee or
3 trustees the right to vote or otherwise represent their shares, for a period
4 of not to exceed twenty years, by entering into a written voting trust
5 agreement specifying the terms and conditions of the voting trust, by depos-
6 iting a counterpart of the agreement with the state bank at its principal
7 place of business, by delivery of a copy thereof to the superintendent and
8 by transferring their shares to such trustee or trustees for the purposes
9 of the agreement. The counterpart of the voting trust agreement so de-
10 posited with the state bank shall be subject to examination for any proper
11 purpose during usual business hours by a shareholder of the state bank,
12 in person or by agent or attorney, or by any holder of a beneficial interest
13 in the voting trust, in person or by agent or attorney.

14 This section shall not affect the validity of any agreement, relative to
15 the voting of shares, in effect on the date of the enactment of this Act.

1 **SEC. 515. Lists — filing with superintendent.** Every state bank
2 shall cause to be kept a full and correct list of the names and addresses of
3 the officers, directors, and shareholders of the state bank, and the number
4 of shares held by each. The list shall be subject to public inspection during
5 usual business hours. If an affiliate, as defined in subsection four (4) of
6 section eleven hundred and one (1101) of this Act is a shareholder in a
7 state bank, such list shall include the names, addresses, and percentage of
8 ownership or interest in the affiliate of the shareholders, members or other
9 individuals possessing a beneficial interest in said affiliate.

10 A copy of the list as of the date of the adjournment of each annual
11 meeting of shareholders, in the form of an affidavit signed by the president
12 or cashier of the state bank, shall be transmitted to the superintendent
13 within ten days after such annual meeting.

1 **SEC. 516. Dividends.**

2 1. The board of directors of a state bank may, from time to time, declare,
3 and the state bank may pay, dividends on its outstanding shares subject
4 to the restrictions of this Act and to the restrictions, if any, in its articles
5 of incorporation. Dividends may be declared and paid only out of undivided
6 profits and may be paid in cash or property.

7 2. A dividend may not be declared or paid unless the transfer of net prof-
8 its to surplus required by section four hundred two (402) of this Act, has
9 been made prior to the declaration of the dividend.

1 **SEC. 517. Distribution of shares of state bank.**

2 1. The board of directors of a state bank may, subject to the provisions
3 of section four hundred five (405) of this Act, distribute pro rata to hold-
4 ers of common shares authorized but unissued common shares of the state
5 bank.

6 2. No distribution may be made in authorized but unissued shares of
7 the state bank unless:

8 *a.* There shall be transferred to capital an amount equal to the total par
9 value of the shares distributed, and

10 *b.* Immediately after the distribution, the surplus of the state bank
11 would be at least equal to fifty percent of its capital.

1 **SEC. 518. Redemption of preferred shares.**

2 1. By resolution of its board of directors and with the prior approval of
3 the superintendent, a state bank may redeem preferred shares. Any preferred
4 shares which are redeemable according to the terms of their issuance shall
5 be redeemed only in accordance with such terms. Preferred shares which
6 are redeemed shall be cancelled and shall not be reissued. Preferred shares
7 which are not redeemable according to the terms of their issuance shall
8 be redeemable only pro rata or by lot or by such other equitable method
9 as may be selected by the board of directors.

10 2. When preferred shares are redeemed by a state bank, the redemption
11 shall effect a cancellation of such shares, and a statement of cancellation
12 shall be filed as provided in this section. The filing of the statement of
13 cancellation shall constitute an amendment to the articles of incorporation
14 and shall reduce the number of preferred shares of the class so cancelled
15 which the state bank is authorized to issue by the number so cancelled.

16 The statement of cancellation shall be executed by the state bank by
17 its president or a vice-president and by its cashier or an assistant cashier,
18 and acknowledged by one of the officers signing such statement, and shall
19 set forth:

20 *a.* The name of the state bank and the effective date of its incorporation.

21 *b.* The number of preferred shares cancelled through redemption, item-
22 ized by classes.

23 *c.* The aggregate number of issued shares, itemized by classes, after giv-
24 ing effect to such cancellation.

25 *d.* The amount, expressed in dollars, of the stated capital of the state
26 bank after giving effect to such cancellation.

27 *e.* The number of shares which the state bank has authority to issue,
28 itemized by classes, after giving effect to such cancellation.

29 Such statement of cancellation, together with the applicable filing and
30 recording fees, shall be delivered to the superintendent who shall, if he
31 finds the statement of cancellation satisfies the requirements of this sec-
32 tion, deliver it to the secretary of state for filing and recording in his office
33 and the same shall be filed and recorded in the office of the county recorder.
34 The capital of the state bank shall be deemed reduced by the par value of
35 the shares so cancelled upon the effective date of such redemption.

1 **SEC. 519. Change of control — shares as security — reports.**

2 1. Whenever a change occurs in the ownership of the outstanding shares
3 of a state bank which will result in control or in a change in control of a
4 state bank, the president or cashier shall promptly report in writing such
5 facts to the superintendent upon obtaining knowledge thereof. As used in
6 this section, the term control means the power, directly or indirectly, to
7 elect the board of directors. If there is any doubt as to whether a change
8 in the ownership of the outstanding shares is sufficient to result in control
9 thereof, or to effect a change in the control thereof, such doubt shall be re-
10 solved in favor of reporting the facts to the superintendent.

11 2. Whenever twenty-five percent or more of the outstanding voting shares
12 of a state bank is used as security for any transaction, the person or persons
13 owning such shares shall promptly report such transaction to the superin-
14 tendent in writing.

15 3. The reports required by subsections one (1) and two (2) of this sec-
16 tion shall contain information (to the extent known by the person making
17 the report) relative to the number of shares involved, the names of the sell-
18 ers and purchasers (or transferors and transferees), the purchase price, the
19 name of the borrower, the amount, source, and terms of the loan, or other
20 transaction, the name of the bank issuing the shares used as security,
21 and the number of shares used as security.

22 4. The superintendent may require, at such times as he deems appropri-
23 ate, the submission of a financial statement from a shareholder or share-
24 holders of a state bank possessing, directly or indirectly, control of such
25 state bank.

1 **SEC. 520. Options for shares.** A state bank may authorize the
2 granting of options to officers and employees to purchase unissued, common
3 shares of the state bank in accordance with a plan approved by the super-
4 intendent provided the following steps are taken:

5 1. The plan is submitted to a vote of the shareholders at an annual meet-
6 ing or special meeting called for the purpose, the notice of the meeting
7 contains a complete description of the plan, and the plan receives the
8 affirmative vote of the holders of at least two-thirds of the shares entitled
9 to vote thereon.

10 2. The consideration per share shall be determined as of the date the
 11 options are granted and shall not be less than the sum of the capital repre-
 12 sented by common shares and the surplus of the state bank divided by
 13 the number of common shares issued and outstanding on such date, but
 14 in no case less than an amount approved by the superintendent.

15 3. Options to purchase shares shall have a termination date and shall not
 16 be transferable by the holder of the option during his lifetime. In the event
 17 that the option is to survive the death of the holder of the option, the op-
 18 tion shall terminate one year after the date of his death but may be exer-
 19 cised by his estate during that one year period.

20 4. Notice of the meeting shall describe the extent to which pre-emptive
 21 rights of shareholders are inapplicable to the issuance of shares under this
 22 section.

23 Upon approval by the shareholders the cashier shall reserve authorized
 24 but unissued shares for purposes of this section until the options are ex-
 25 exercised or expire.

26 Upon approval by the shareholders as provided in subsection one (1)
 27 of this section, the provisions of section five hundred six (506) of this Act
 28 inconsistent with this section shall be inapplicable.

Division VI DIRECTORS

1 SEC. 601. Board of directors.

2 1. The business and affairs of a state bank shall be managed by a board
 3 of five or more directors over the age of twenty-one, a majority of whom
 4 shall be citizens of this state and all of whom shall be citizens of the United
 5 States. No person shall be eligible to serve as a director of any state bank
 6 unless he is the owner, in his own right, free of any lien and encumbrance,
 7 of common shares in the state bank of which he is a director having a par
 8 value of not less than five hundred dollars.

9 2. The number of directors may be increased, or decreased to a number
 10 not less than five, by the shareholders at the annual meeting, or at a spe-
 11 cial meeting called for that purpose, but no decrease shall have the effect
 12 of shortening the term of an incumbent director.

1 SEC. 602. Board of directors — election. At the first annual meet-
 2 ing of shareholders and at each annual meeting thereafter the shareholders
 3 shall elect directors to hold office until the next succeeding annual meeting.
 4 Directors shall hold office for one year and until their successors have been
 5 elected and qualified, unless removed in accordance with provisions of sec-
 6 tion six hundred six (606) of this Act. When the shareholders increase the
 7 number of directors at an annual meeting or at a special meeting, they
 8 shall, at the same meeting or at a subsequent meeting, elect a director to
 9 fill each new directorship created.

1 SEC. 603. Vacancies. Unless otherwise provided in the articles of
 2 incorporation, the bylaws, or by action of the shareholders, any vacancy
 3 occurring in the board of directors may be filled by the affirmative vote of
 4 the majority of the directors then in office, even if less than a quorum of
 5 the board of directors. A director so elected shall be elected for the unex-
 6 pired term of his predecessor in office.

1 **SEC. 604. Duties and responsibilities.** The duties and responsibil-
2 ities of a director or of the board of directors shall include, but are not
3 limited to, the following:

- 4 1. Reasonably regular attendance at meetings of the board.
- 5 2. Employment of officer personnel, and determination of their compen-
6 sation.
- 7 3. Periodic review of the original records of the state bank, or compre-
8 hensive summaries thereof prepared by the officers of the state bank, per-
9 taining to loans, discounts, security interests and investments in bonds
10 and securities.
- 11 4. Utilization of a method to insure the safety of the funds of depositors
12 as provided for in section six hundred eight (608) of this Act.
- 13 5. Periodic review of the utilization of security measures for the protec-
14 tion of the state bank and the maintenance of reasonable insurance cover-
15 age.

16 Directors of a state bank shall discharge the duties of their position in
17 good faith and with that diligence, care and skill which ordinarily prudent
18 men would exercise under similar circumstances in like positions. The di-
19 rectors shall have a continuing responsibility to assure themselves that
20 the bank is being managed according to law and that the practices and pol-
21 icies adopted by the board are being implemented.

1 **SEC. 605. Liability of directors in certain cases.** In addition to
2 any other liabilities imposed by law upon directors of a state bank:

3 1. Directors of a state bank who vote for or assent to the declaration of
4 any dividend or other distribution of the assets of a state bank to its share-
5 holders in willful or negligent violation of the provisions of this Act or of
6 any restrictions contained in the articles of incorporation, shall be jointly
7 and severally liable to the state bank for the amount of such dividend
8 which is paid or the value of such assets which are distributed in excess of
9 the amount of such dividend or distribution which could have been paid
10 or distributed without a violation of the provisions of this Act or of the re-
11 strictions in the articles of incorporation.

12 2. The directors of a state bank who vote for or assent to any distribu-
13 tion of assets of a state bank to its shareholders during the dissolution of
14 the state bank without the payment and discharge of, or making adequate
15 provision for, all known debts, obligations, and liabilities of the state bank
16 shall be jointly and severally liable to the state bank for the value of such
17 assets which are distributed, to the extent that such debts, obligations and
18 liabilities of the state bank are not thereafter paid and discharged.

19 3. The directors of a state bank who, willfully or negligently, vote for
20 or assent to any loan or extension of credit resulting in an obligation, as
21 defined in subsection one (1) of section nine hundred four (904) of this Act,
22 to such state bank in violation of the provisions of this Act, shall be jointly
23 and severally liable to the state bank for the amount of any loss sustained
24 as a result of such obligation.

25 4. The directors of a state bank who, willfully or negligently, vote for
26 or assent to any investment of funds of the state bank in violation of the
27 provisions of this Act shall be jointly and severally liable to the state bank
28 for the amount of any loss sustained on such investment.

29 A director of a state bank who is present at a meeting of its board of
30 directors at which action on any matter is taken shall be presumed to have
31 assented to the action taken unless his dissent shall be entered in the min-

32 utes of the meeting or unless he shall file his written dissent to such action
33 with the individual acting as the secretary of the meeting before the ad-
34 journment thereof or shall forward such dissent by registered or certified
35 mail to the cashier of the state bank promptly after the adjournment of
36 the meeting. Such right to dissent shall not apply to a director who voted
37 in favor of such action.

38 A director shall not be liable under subsections one (1), two (2), three
39 (3), or four (4) of this section if he relied and acted in good faith upon in-
40 formation represented to him to be correct by an officer or officers of such
41 state bank or stated in a written report by a certified public accountant or
42 firm of such accountants. No director shall be deemed to be negligent
43 within the meaning of this section if he in good faith exercised that dili-
44 gence, care and skill which an ordinarily prudent man would exercise as
45 a director under similar circumstances.

46 Any director against whom a claim shall be asserted under or pursuant
47 to this section for the payment of a dividend or other distribution of assets
48 of a state bank and who shall be held liable thereon, shall be entitled to
49 contribution from the shareholders who accepted or received any such divi-
50 dend or assets, knowing such dividend or distribution to have been made
51 in violation of the provisions of this Act, in proportion to the amounts re-
52 ceived by them respectively. Further, any director against whom a claim
53 shall be asserted pursuant to this section for the payment of any liability
54 imposed by this section shall be entitled to contribution from any director
55 found to be similarly liable.

56 Whenever the superintendent deems it necessary he may require, after
57 affording an opportunity for a hearing upon adequate notice, that a direc-
58 tor or directors whom he reasonably believes to be liable to a state bank
59 pursuant to subsections one (1), two (2), three (3), or four (4) of this sec-
60 tion, to place in an escrow account in an insured bank located in this state,
61 as directed by the superintendent, an amount sufficient to discharge any
62 liability which may accrue pursuant to subsections one (1), two (2), three
63 (3), or four (4) of this section. The amount so deposited shall be paid over
64 to the state bank by the superintendent upon final determination of the
65 amount of such liability. Any portion of the escrow account which is not
66 necessary to meet such liability shall be repaid on a pro rata basis to the
67 directors who contributed to the fund.

68 Any action seeking to impose liability under this section, other than
69 liability for contribution, shall be commenced only within five years of
70 the action complained of and not thereafter.

1 **SEC. 606. Removal of directors.**

2 1. At a meeting of shareholders expressly called for that purpose, indi-
3 vidual directors or the entire board of directors may be removed, with or
4 without cause, by the affirmative vote of the holders of at least two-thirds
5 of the shares entitled to vote at an election of directors. The vacancies
6 created may be filled at the same meeting at which the removal proceed-
7 ings take place.

8 2. When, in the opinion of the superintendent any director of a state
9 bank shall have continued to violate any law relating to such state bank or
10 shall have continued unsafe or unsound practices in conducting the busi-
11 ness of such state bank, after having been warned by the superintendent
12 to discontinue or correct such violations of law or such unsafe or unsound
13 practices, the superintendent may cause notice to be served upon such di-

14 rector, to appear before the superintendent to show cause why he should
15 not be removed from office. A copy of such notice shall be sent to each di-
16 rector of the state bank affected, by registered or certified mail. If, after
17 granting the accused director a reasonable opportunity to be heard, the
18 superintendent finds that the director continued to violate any law relating
19 to such state bank or continued unsafe or unsound practices in conducting
20 the business of such state bank after having been warned by the super-
21 intendent to discontinue or correct such violations of law or such unsafe
22 or unsound practices, the superintendent, in his discretion, may order that
23 such director be removed from office. A copy of the order shall be served
24 upon such director and upon the state bank of which he is a director at
25 which time he shall cease to be a director of the state bank.

26 The decision of the superintendent shall be subject to review by the dis-
27 trict court of Polk county upon petition by the removed director within
28 thirty days after the superintendent notifies such director of his decision.
29 The decision of the superintendent shall be upheld unless unsupported
30 by substantial evidence. No action taken by a director prior to his removal
31 shall be subject to attack on the ground of his disqualification.

1 **SEC. 607. Meetings — waiver of notice — quorum.** The board of
2 directors shall hold at least one meeting each calendar month. A special
3 meeting may be called by the president, a vice-president, cashier or a di-
4 rector. Notice of a meeting shall be given to each director, either personally
5 or by mail, at least two days in advance of the meeting. Notice shall
6 not be required if the articles of incorporation, bylaws, or a resolution
7 of the board of directors provide for a regular monthly meeting date.

8 Attendance of a director at a meeting shall constitute a waiver of notice
9 of such meeting except where a director attends a meeting for the express
10 purpose of objecting to the transaction of any business because the meeting
11 is not lawfully called or convened.

12 Whenever any notice is required to be given to any director of a state
13 bank under the provisions of this Act or under the provisions of the articles
14 of incorporation or the bylaws of the state bank, a waiver thereof in writ-
15 ing, signed by the individual or individuals entitled to such notice, whether
16 before or after the time stated therein, shall be equivalent to the giving of
17 such notice.

18 A majority of the board of directors shall constitute a quorum for the
19 transaction of business unless a greater number is required by the articles
20 of incorporation or the bylaws. The act of the majority of the directors
21 present at a meeting at which a quorum is present shall be the act of the
22 board of directors, unless the act of a greater number is required by the
23 laws of this state or of the United States, the articles of incorporation or
24 the bylaws.

1 **SEC. 608. Examining by directors or auditing.** In addition to
2 any examination made by the superintendent or other supervisory agencies,
3 the board of directors shall employ at least one of the methods described in
4 this section.

5 1. An examining committee of not less than two members of the board
6 of directors, who are not officers, shall examine the condition of the state
7 bank at least once each six months, and submit a written report of each
8 examination to the board of directors, who shall record the report in their
9 minutes and deliver a copy of the report to the superintendent. The super-
10 intendent shall establish minimum standards for such examinations.

11 2. The board of directors may employ a certified public accountant or
12 a firm of such accountants to perform certain auditing functions for a
13 state bank during each year, according to generally accepted methods of
14 accounting practice. The superintendent may establish minimum standards
15 for such auditing functions. The report of the accountants shall be sub-
16 mitted to the board of directors, and a copy of the report shall be delivered
17 to the superintendent.

18 3. The board of directors may establish an autonomous internal audit
19 control system which shall be subject to approval of the superintendent.
20 The individual directing the internal audit control system shall submit to the
21 board of directors each quarter an interim report as to the degree of com-
22 pliance with the internal audit control system and shall express an opinion
23 as to the adequacy of the internal controls. A complete report shall be sub-
24 mitted annually to the board of directors, who shall record the report in
25 their minutes and deliver a copy of the report to the superintendent.

1 **SEC. 609. Executive and other committees.** If the articles of
2 incorporation or the bylaws so provide, the board of directors, by resolu-
3 tion adopted by a majority of the full board of directors, may designate from
4 among its members an executive committee and one or more other com-
5 mittees each of which, to the extent provided in such resolution or in the
6 articles of incorporation or the bylaws of the state bank shall have and
7 may exercise all the authority of the board of directors, but no such
8 committee shall have the authority of the board of directors in reference
9 to amending the articles of incorporation, adopting a plan of merger or
10 consolidation, recommending to the shareholders the sale, lease, exchange
11 or other disposition of all or substantially all the property and assets of
12 the state bank, recommending to the shareholders a voluntary dissolution
13 of the state bank or a revocation thereof, or amending the bylaws of the
14 state bank. The designation of any such committee and the delegation
15 thereto of authority shall not operate to relieve the board of directors,
16 or any member thereof, of any responsibility imposed by law.

1 **SEC. 610. Compensation of directors.** Subject to the approval of
2 the superintendent, the shareholders of a state bank shall fix the compen-
3 sation of directors for their services as members of the board of directors.
4 A director who is also a salaried officer or employee of the state bank of
5 which he is a director shall receive no additional compensation as director.
6 Directors may be reimbursed for reasonable expenses incurred in the per-
7 formance of their duties.

1 **SEC. 611. Oath of directors.** Each director of a state bank, before
2 acting as a director, shall take an oath that he will diligently, faithfully
3 and impartially perform the duties imposed upon him by law, that he will
4 not knowingly violate or willingly permit a violation of any of the provi-
5 sions of this Act, and that he meets the eligibility requirements of this Act.
6 The oath shall be signed by the director, acknowledged before an officer
7 authorized to take acknowledgements of deeds, and delivered to the super-
8 intendent.

1 **SEC. 612. Director dealing with state bank.**

2 1. The total obligations, as defined in subsection one (1) of section nine
3 hundred four (904) of this Act, of a director to a state bank of which he is
4 a director shall not exceed twenty percent of the capital and surplus of

5 the state bank except that the total obligations of a director to a state
6 bank of which he is a director shall not exceed forty percent of the capital
7 and surplus of the state bank if the amount by which such obligations
8 exceed twenty percent of the capital and surplus of the state bank
9 shall consist of obligations described in subparagraphs one (1), two (2),
10 and three (3) of paragraph *a* of subsection two (2) of section nine hundred
11 four (904) of this Act. A majority of the board of directors, voting in the
12 absence of the applying director, shall give its prior approval to any
13 obligation, as defined in subsection one (1) of section nine hundred
14 four (904) of this Act, of a director to the state bank of which he is a
15 director. The form of such approval shall be specified by the super-
16 intendent, and a copy recorded in the minutes of the board of direc-
17 tors.

18 2. A director shall not be permitted to receive any loan or extension
19 of credit or use any property of a state bank of which he is a director at a
20 a lower rate of interest or charge than the rate charged to other customers
21 under similar circumstances.

22 3. A director shall not be paid a higher rate of interest on deposits by a
23 state bank of which he is a director than the rate paid to any other custom-
24 er under similar circumstances.

25 4. A director shall not purchase or lease any assets from or sell or lease
26 any assets to a state bank of which he is a director except upon terms not
27 less favorable to the state bank than those offered to or by other persons.
28 All purchases or leases from and sales or leases to a director shall receive
29 the prior approval of a majority of the board of directors voting in the ab-
30 sence of the interested director.

31 5. For the purpose of this section, and section seven hundred six (706)
32 of this Act, any obligation, as defined in subsection one (1) of section nine
33 hundred four (904) of this Act, of the spouse (other than a spouse who is
34 separated from the director or officer under a decree of divorce or separate
35 maintenance) or minor children of a director or officer to the state bank in
36 which he is a director or officer shall be considered an obligation of such
37 director or officer.

1 **SEC. 613. Prohibitions applicable to directors.** No director of a
2 state bank shall:

3 1. Receive anything of value for procuring, or attempting to procure,
4 any loan or extension of credit resulting, or which would result, in an obli-
5 gation, as defined in subsection one (1) of section nine hundred four (904) of
6 this Act, to the state bank or for procuring, or attempting to procure, an
7 investment by the state bank, of which he is a director.

8 2. Overdraw his deposit account in the state bank.

1 **SEC. 614. Honorary and advisory directors.** The board of directors
2 of a state bank may appoint an individual as an honorary director, director
3 emeritus or member of an advisory board. An individual so appointed may
4 not vote at any meeting of the board of directors nor be counted in deter-
5 mining a quorum and shall not be charged with any responsibilities or be
6 subject to any liabilities imposed upon directors by this Act.

Division VII**OFFICERS AND EMPLOYEES**

1 **SEC. 701. Officers and employees.** A state bank shall have, as
2 officers, a president, one vice president and a cashier. As additional officers
3 the state bank may have a chairman, additional vice presidents, assistant
4 vice presidents, assistant cashiers and other officers as may be prescribed
5 by the articles of incorporation or the bylaws. Upon notice by the superin-
6 tendent, an individual who performs active executive or official duties for a
7 state bank may be treated as an officer for the purpose of this Act. A state
8 bank may have a chairman of the board of directors and one vice president
9 who, if they do not perform executive or official duties or receive a salary,
10 need not be treated as officers for the purpose of this Act. All officers shall
11 be elected by the board of directors. No more than two offices may be held
12 by the same individual. All other individuals employed by a state bank,
13 except directors who are not officers, shall be employees for the purpose of
14 this Act. The president of a state bank shall be a member of the board of
15 directors.

1 **SEC. 702. Officers — duties and liability.**

2 1. All officers of a state bank shall have such authority and perform such
3 duties in the management of the state bank as may be provided for in the
4 articles of incorporation or the bylaws, or as may be determined by a reso-
5 lution of the board of directors not inconsistent with the bylaws or the
6 articles of incorporation.

7 2. If an officer willfully or negligently submits any incorrect information
8 to a director or directors, and action by the board of directors contrary
9 to the provisions of this Act, or of any restrictions in the articles of in-
10 corporation, is taken in reliance thereon, the officer shall be liable to the
11 same extent as if he were a director voting for or assenting to such action,
12 as provided in section six hundred five (605) of this Act. An officer shall
13 also be liable to the extent of any loss sustained by the state bank as a
14 result of his willful or negligent violation of any provision of this Act.
15 The superintendent may require an officer or officers whom he reasonably
16 believes to be liable to a state bank pursuant to this section, to place in a
17 trust account an amount sufficient to discharge such liability in the man-
18 ner provided for in section six hundred five (605) of this Act. No officer
19 shall be deemed to be negligent within the meaning of this section if he
20 exercised that diligence, care and skill which an ordinarily prudent man
21 would exercise as an officer under similar circumstances.

1 **SEC. 703. Officers — employment and compensation.** The board
2 of directors may fix the tenure and provide for the reasonable compensa-
3 tion of officers. Upon approval by the board of directors, officers may be
4 reimbursed for reasonable expenses incurred by them in behalf of the
5 state bank.

6 Subject to the approval of the superintendent, and approval by the
7 shareholders at an annual or special meeting called for the purpose, the
8 board of directors of a state bank may adopt a pension or profit sharing
9 plan, or both, or other plan of deferred compensation, for both officers and
10 employees, to which the state bank may contribute.

1 **SEC. 704. Employee — employment and compensation.** Employ-
2 ees of a state bank may be employed by the president or his representative
3 who shall determine, subject to the approval of the board of directors,
4 their compensation and tenure. Employees may be reimbursed for reason-
5 able expenses incurred by them in behalf of the state bank, upon approval
6 of a designated officer.

1 **SEC. 705. Bonds of officers and employees.** The officers and em-
2 ployees of a state bank having the care, custody, or control of any funds or
3 securities for any state bank shall give a good and sufficient bond in a
4 company authorized to do business in this state indemnifying the state
5 bank against losses, which may be incurred by reason of any act or acts
6 of fraud, dishonesty, forgery, theft, larceny, embezzlement, wrongful ab-
7 straction, misapplication, misappropriation, or other unlawful act commit-
8 ted by such officer or employee directly or through connivance with oth-
9 ers, until all of his accounts with the state bank shall have been fully set-
10 tled and satisfied. The amounts and sureties shall be subject to the approval
11 of the board of directors. If the agent of a bonding company issuing a bond
12 under this section is an officer or employee of the state bank upon which
13 the bond was issued, the bond so issued shall contain a provision that the
14 bonding company shall not use, either as a grounds for rescission or as a de-
15 fense to liability under the terms and conditions of the bond, the knowledge
16 that the agent was so employed, whether or not he received any part of the
17 premium for such bond as a commission.

1 **SEC. 706. Officer dealing with state bank.**

2 1. An officer of a state bank may receive loans or extensions of credit from
3 a state bank of which he is an officer, resulting in obligations as defined in
4 subsection one (1) of section nine hundred four (904) of this Act, not exceed-
5 ing thirty thousand dollars if, at the time such obligation is incurred, it is
6 secured by a first lien on a dwelling which is expected, after the obligation
7 is incurred, to be owned by the officer and used by him as his residence,
8 and such other loans or extensions of credit which in aggregate do not at
9 any one time exceed five thousand dollars provided however, a state bank
10 shall not loan money or extend credit to an officer of such state bank, nor
11 shall an officer of a state bank receive a loan or extension of credit from
12 such state bank, exceeding the limitations imposed by this section or for a
13 purpose other than that authorized by this section, and, provided further,
14 such loans or extensions of credit shall not exceed an amount totalling
15 more than twenty percent of the capital and surplus of the state bank and
16 any such loan on real property shall comply with section nine hundred five
17 (905) of this Act. A majority of the board of directors, voting in the ab-
18 sence of the applying officer, whether or not he is also a director, shall give
19 its prior approval to any obligation of an officer to the state bank of
20 which he is an officer. The form of approval shall be specified by the super-
21 intendent, and a copy recorded in the minutes of the board of directors.

22 2. The provisions of subsections two (2), three (3), and four (4) of sec-
23 tion six hundred twelve (612) of this Act shall apply to officers.

24 3. If an individual is a director and an officer, he shall be subject to the
25 limitations of subsection one (1) of this section.

26 4. Whenever an officer of a state bank borrows from or otherwise be-
27 comes obligated to any person or persons other than the state bank of which
28 he is an officer, in a total amount equal to or exceeding twenty five* thou-

*According to enrolled Act.

29 sand dollars excluding such amounts as may be owing by him secured by a
 30 first lien on a dwelling which is used by him as his residence, the officer
 31 shall report in writing to the superintendent that he is so obligated. Upon
 32 the request of the superintendent, an officer of a state bank shall submit
 33 to the superintendent, a personal financial statement which shall show the
 34 names of all persons to whom the officer is obligated, the dates, terms, and
 35 amounts of each loan or other obligation, the security therefor, and the
 36 purpose for which the proceeds of such loans or other obligations have
 37 been or are to be used.

1 **SEC. 707. Removal of officers.**

2 1. Any officer may be removed by the board of directors whenever in
 3 its judgment the best interests of the state bank shall be served thereby,
 4 but such removal shall be without prejudice to the contract rights, if any,
 5 of the officer so removed. Election of an officer shall not of itself create
 6 contract rights.

7 2. Subsection two (2) of section six hundred six (606) of this Act, provid-
 8 ing for the removal of directors by the superintendent, shall have equal
 9 application to officers.

1 **SEC. 708. Report of change in officer personnel.** A state bank
 2 shall promptly notify the superintendent of any change in the names of
 3 individuals holding the offices of chairman, president, vice-president, and
 4 cashier.

1 **SEC. 709. Duty to make records available to superintendent.**
 2 The officers and employees of a state bank shall make all records of the
 3 state bank available to the superintendent for the purpose of examination
 4 or for any other reasonable purpose.

1 **SEC. 710. Prohibitions applicable to officers and employees.** No
 2 officer or employee of a state bank shall:

3 1. Receive anything of value for procuring, or attempting to procure,
 4 any loan or extension of credit resulting, or which would result, in an
 5 obligation, as defined in subsection one (1) of section nine hundred four
 6 (904) of this Act, to the state bank or for procuring, or attempting to pro-
 7 cure, an investment by the state bank, of which he is an officer or employee.

8 2. Overdraw his deposit account in the state bank.

9 3. Engage, directly or indirectly, in the sale of any kind of insur-
 10 ance, shares of stock, bonds or other securities, or real property, or procure
 11 or attempt to procure for a fee or other compensation, a loan or extension
 12 of credit for any person from a person other than the state bank of which
 13 he is an officer or employee, or act in any fiduciary capacity, unless author-
 14 ized to do so by the board of directors of the state bank which shall also
 15 determine the manner in which the profits, fees, or other compensation de-
 16 rived therefrom shall be distributed.

Division VIII

GENERAL BANKING POWERS

1 **SEC. 801. General powers.** A state bank, unless otherwise stated
 2 in its articles of incorporation, shall have power:

3 1. To have perpetual succession by its corporate name.

4 2. To sue and be sued, complain and defend, in its corporate name.

5 3. To have a corporate seal which may be altered at pleasure, and to
6 use the same by causing it, or a facsimile thereof, to be impressed or
7 affixed or in any other manner reproduced.

8 4. To purchase, take, receive, lease, or otherwise acquire, own, hold,
9 improve and use real or personal property, or an interest therein, in con-
10 nection with the exercise of any power granted in this Act.

11 5. To sell, convey, pledge, mortgage, grant a security interest, lease, ex-
12 change, transfer, and release from trust or mortgage or otherwise dispose of
13 all or any part of real or personal property, or an interest therein, in
14 connection with the exercise of any power granted in this Act.

15 6. To make and alter bylaws, not inconsistent with its articles of incor-
16 poration or with the laws of this state, for the administration and regula-
17 tion of the affairs of the state bank.

18 7. To make donations for the public welfare for religious, charitable, sci-
19 entific or educational or community development purposes.

20 8. To indemnify any director, officer or employee, a former director, officer
21 or employee of the state bank in the manner and in the instances author-
22 ized by subsections one (1), two (2), three (3), and four (4) of section two
23 (2), chapter three hundred sixty-three (363), Acts of the Sixty-second Gen-
24 eral Assembly.

25 9. To elect officers or appoint agents of the state bank and define their
26 duties and fix their compensation.

27 10. To cease its existence as a state bank in the manner provided for in
28 this Act.

29 11. To have and exercise all powers necessary and proper to effect any
30 or all of the purposes for which the state bank is organized.

31 12. To contract indebtedness and incur liabilities to effect any or all of
32 the purposes for which the state bank is organized, subject to the provisions
33 of this Act.

34 The powers granted in this section shall not be construed as limiting or
35 enlarging any grant of authority made elsewhere in this Act, or as a limita-
36 tion on the purposes for which a state bank may be incorporated.

1 **SEC. 802. Additional powers related to conduct of business of a**
2 **state bank.** A state bank shall have in addition to other powers granted
3 by this Act, and subject to the limitations and restrictions contained in this
4 Act:

5 1. The power to become a member of a clearing house association.

6 2. The power to become a member of the federal reserve system, to hold
7 shares of stock in a federal reserve bank, to take all actions incident to
8 maintenance of such membership and to exercise all powers not inconsistent
9 with the provisions of this Act conferred on member banks by the federal
10 reserve system.

11 3. The power to become an insured bank pursuant to the federal deposit
12 insurance act and to take all actions incident to maintenance of an in-
13 sured status thereunder.

14 4. The power to act as agent of the United States or of any instrumentality
15 or agency thereof for the sale or issue of bonds, notes or other obliga-
16 tions of the United States.

17 5. The power to buy and sell coin, currency and bullion.

18 6. All other powers incidental to the conduct of the business of banking.

1 **SEC. 803. Business property of state bank.**

2 1. A state bank shall have power to:

3 *a.* Acquire and hold, or lease as lessee, such personal property as is used,
4 or is to be used, in its operations.

5 *b.* Subject to the prior approval of the superintendent, acquire and hold,
6 or lease as lessee, only such real property as is used, or is to be used, wholly
7 or substantially, in its operations or acquired for future use.

8 *c.* Subject to the prior approval of the superintendent, acquire and hold
9 shares in a corporation engaged solely in holding or operating real property
10 used wholly or substantially by a state bank in its operations or acquired
11 for its future use and in a corporation organized solely for the purpose of
12 providing data processing services, as such services are defined in the first
13 sentence of section eight hundred four (804) of this Act.

14 *d.* Subject to the prior approval of the superintendent, invest in a bank
15 service corporation as defined by, and in accordance with, the laws of the
16 United States.

17 2. The book value of all real and personal property acquired and held
18 pursuant to this section, of all alterations to buildings on real property
19 owned or leased by a state bank, of all shares in corporations acquired pur-
20 suant to paragraphs *c* and *d* of subsection one (1) of this section, and of any
21 and all obligations of such corporations to the state bank, shall not exceed
22 twenty-five percent of the capital and surplus of the state bank or such
23 larger amount as may be approved by the superintendent.

24 3. Any real property which is held by a state bank pursuant to this sec-
25 tion and which it ceases to use for banking purposes, or is acquired for fu-
26 ture use but not used within a reasonable period of time, shall be sold or
27 disposed of by the state bank as directed by the superintendent.

1 **SEC. 804. Data processing services.** A state bank which owns or
2 leases equipment to perform such bank services as check and deposit sort-
3 ing and posting, computation and posting of interest and other credits and
4 charges, preparation and mailing of checks, statements, notices and similar
5 items, or other clerical, bookkeeping, accounting, statistical, or other sim-
6 ilar functions, may provide similarly related data processing services for
7 others whether or not engaged in the business of banking. If a state bank
8 holds shares in a corporation organized solely for the purpose of providing
9 data processing services, pursuant to the authority granted by paragraph *c*
10 of subsection one (1) of section eight hundred three (803) of this Act, other
11 than a bank service corporation as defined by the laws of the United
12 States, such corporation shall be authorized to perform services for the
13 state bank owning such interest and for others, whether or not engaged in
14 the business of banking.

1 **SEC. 805. Deposits.**

2 1. A state bank may receive money for deposit and may provide, by reso-
3 lution of the board of directors, for the payment of interest thereon in an
4 amount not inconsistent with the provisions of subsection two (2) of this
5 section and shall repay such deposit in accordance with the terms and con-
6 ditions of its acceptance.

7 2. A state bank shall not, directly or indirectly, by any device whatso-
8 ever, pay any interest on any demand deposit. The superintendent may
9 from time to time limit by general regulation, applicable to all state banks,
10 the rates of interest that may be paid by a state bank on time and savings

11 deposits. The superintendent may prescribe different rate limitations for
12 different classes of deposits, for deposits of different amounts or with differ-
13 ent maturities, or subject to different conditions regarding withdrawal or
14 repayment according to such reasonable basis as the superintendent may
15 deem desirable in the public interest. The superintendent shall by regula-
16 tion define what constitutes time, savings and demand deposits in a state
17 bank. Such regulations shall prohibit any state bank from paying any time
18 deposit before its maturity except upon such conditions and in accordance
19 with such regulations as may be prescribed by the superintendent and shall
20 prohibit any state bank from waiving any requirement of notice before
21 payment of any savings deposit except as to all savings deposits having
22 the same requirement.

23 3. The terms and conditions attending an agreement to pay interest on
24 deposits shall be furnished to each customer at the time of the acceptance
25 by the state bank of the initial deposit. No change made in the terms and
26 conditions attending an agreement to pay interest which adversely affects
27 the interest of a depositor shall be retroactively effective. Savings account
28 depositors and holders and payees of automatic renewal time certificates of
29 deposit shall be given reasonable notice of any change in the terms and
30 conditions attending an agreement to pay interest prior to the effective
31 date thereof.

32 4. A state bank may make such charges for the handling or custody of
33 deposits as may be fixed by its board of directors provided that a schedule of
34 such charges shall be furnished to the customer at the acceptance by the
35 state bank of the initial deposit. Any change in such charges shall be fur-
36 nished to the customer within a reasonable amount of time before the
37 effective date of such change.

38 5. A state bank shall not accept deposits or renew certificates of deposit
39 when insolvent.

40 6. Except as provided in section eight hundred seven (807) of this Act,
41 a state bank may receive deposits by or in the name of a minor and may
42 deal with a minor with respect to a deposit account without the consent of
43 a parent, guardian or conservator and with the same effect as though the
44 minor were an adult. Any action of the minor with respect to such deposit
45 account shall be binding on the minor with the same effect as though an
46 adult.

47 7. A state bank may receive deposits from a person acting as fiduciary
48 or in an official capacity which shall be payable to such person in such
49 capacity.

50 8. A state bank may receive deposits from a corporation, trust, estate,
51 association or other similar organization which shall be payable to any per-
52 son authorized by its board of directors or other persons exercising similar
53 functions.

1 **SEC. 806. Deposit in the names of two or more individuals.** When
2 a deposit shall be made in any state bank in the names of two individuals,
3 payable to either, or payable to either or the survivor, such deposit, includ-
4 ing interest, or any part thereof, may be paid to either of such individuals
5 whether the other be living or not, and the receipt or acquittance of the
6 person so paid shall be a valid and sufficient release and discharge to the
7 state bank for any payment so made.

1 **SEC. 807. Payment of deposited funds.** When any deposit shall
2 be made by any individual in trust for another, and no other or further
3 notice of the existence and terms of a legal and valid trust shall have been
4 given to the state bank, in the event of the death of the trustee, the same
5 or any part thereof, together with interest thereon, may be paid to the in-
6 dividual for whom the deposit was made, or to his or her legal representa-
7 tives; provided that the individual for whom the deposit was made, if a
8 minor, shall not draw the same during his or her minority without the con-
9 sent of the legal representatives of said trustee.

1 **SEC. 808. Adverse claims to deposits.**

2 1. A state bank shall not be required, in the absence of a court order
3 or indemnity required by this section, to recognize any claim to, or any
4 claim of authority to exercise control over, a deposit account made by a
5 person or persons other than:

6 *a.* The customer in whose name the account is held by the state bank.

7 *b.* An individual or group of individuals who are authorized to draw on
8 or control the account pursuant to certified corporate resolution or other
9 written arrangement with the customer, currently on file with the state
10 bank, which has not been revoked by valid corporate action in the case of a
11 corporation, or by a valid agreement or other valid action appropriate for
12 the form of legal organization of any other customer, of which the state
13 bank has received notice and which is not the subject of a dispute known to
14 the state bank as to its original validity. The deposit account records of a
15 state bank shall be presumptive evidence as to the identity of the customer
16 on whose behalf the money is held.

17 2. To require a state bank to recognize an adverse claim to, or adverse
18 claim of authority to control, a deposit account, whoever makes the claim
19 must either:

20 *a.* Obtain and serve on the state bank an appropriate court order or
21 judicial process directed to the state bank, restraining any action with re-
22 spect to the account until further order of such court or instructing the
23 state bank to pay the balance of the account, in whole or in part, as pro-
24 vided in the order or process; or

25 *b.* Deliver to the state bank a bond, in form and amount and with sure-
26 ties satisfactory to the state bank, indemnifying the state bank against any
27 liability, loss or expense which it might incur because of its recognition of
28 the adverse claim or because of its refusal by reason of such claim to honor
29 any check or other order of anyone described in paragraphs *a* and *b* of sub-
30 section one (1) of this section.

1 **SEC. 809. Authority to lease safe deposit boxes.**

2 1. A state bank may lease safe deposit boxes for the storage of property
3 on terms and conditions prescribed by it. Such terms and conditions shall
4 not bind any customer to whom the state bank does not give notice thereof
5 by delivery of a lease and agreement in writing containing such terms and
6 conditions. A state bank may limit its liability provided such limitations
7 are set forth in the lease and agreement in at least the same size and type
8 as the other substantive provisions of the contract.

9 2. The lease and agreement of a safe deposit box may provide that evi-
10 dence tending to prove that property was left in any such box upon the last
11 entry by the customer or his authorized agent, and that the same or any
12 part thereof was found missing upon subsequent entry, shall not be suffi-

13 cient to raise a presumption that the same was lost by any negligence or
 14 wrongdoing for which such state bank is responsible, or put upon the state
 15 bank the burden of proof that such alleged loss was not the fault of the
 16 state bank.

17 3. A state bank may lease a safe deposit box to a minor. A state bank
 18 may deal with a minor with respect to a safe deposit lease and agreement
 19 without the consent of a parent, guardian or conservator and with the
 20 same effect as though the minor were an adult. Any action of the minor
 21 with respect to such safe deposit lease and agreement shall be binding on
 22 the minor with the same effect as though an adult.

23 4. A state bank which has on file a power of attorney of a customer
 24 covering a safe deposit lease and agreement, which has not been revoked
 25 by the customer, shall incur no liability as a result of continuing to honor
 26 the provisions of the power of attorney in the event of the death or incom-
 27 petence of the donor of the power of attorney until it receives written no-
 28 tice of the death, or written notice of adjudication by a court of the incom-
 29 petence of the customer and the appointment of a guardian or conservator.

1 SEC. 810. **Search procedure on death.** A state bank shall permit
 2 the person named in a court order for the purpose or, if no order has been
 3 served upon the state bank, the spouse, a parent, an adult descendant or
 4 a person named as executor in a copy of a purported will produced by him,
 5 to open and examine the contents of a safe deposit box leased by a dece-
 6 dent, or to examine any property delivered by a decedent for safekeeping,
 7 in the presence of an officer of the state bank. The state bank shall, if
 8 requested by such person, and upon their receipt therefor, deliver:

9 1. Any writing purported to be a will of the decedent to the court hav-
 10 ing jurisdiction of the decedent's estate.

11 2. Any writing purported to be a deed to a burial plot, or to give burial
 12 instructions, to the person making the request for a search.

13 3. Any document purported to be an insurance policy on the life of the
 14 decedent to the beneficiary named therein. A state bank shall prepare and
 15 keep a list of any contents delivered pursuant to this section describing the
 16 nature of the property and the individual to whom delivered, and place a
 17 copy of the list in the safe deposit box from which such contents were re-
 18 moved.

1 SEC. 811. **Adverse claims to property in safe deposit and safe-
 2 keeping.**

3 1. A state bank shall not be required, in the absence of a court order
 4 or indemnity required by this section, to recognize any claim to, or claim of
 5 authority to exercise control over, property held in safe deposit or property
 6 held for safekeeping pursuant to section eight hundred thirteen (813) of
 7 this Act made by a person or persons other than:

8 a. The customer in whose name the property is held by the state bank.

9 b. An individual or group of individuals who are authorized to have
 10 access to the safe deposit box, or to the property held for safekeeping, pur-
 11 suant to a certified corporate resolution or other written arrangement with
 12 the customer, currently on file with the state bank, which has not been
 13 revoked by valid corporate action in the case of a corporation, or by a valid
 14 agreement or other valid action appropriate for the form of legal organiza-
 15 tion of any other customer, of which the state bank has received notice
 16 and which is not the subject of a dispute known to the state bank as to its

17 original validity. The safe deposit and safekeeping account records of a state
18 bank shall be presumptive evidence as to the identity of the customer on
19 whose behalf the money is held.

20 2. To require a state bank to recognize an adverse claim to, or adverse
21 claim of authority to control, property held in safe deposit or for safe-
22 keeping, whoever makes the claim must either:

23 *a.* Obtain and serve on the state bank an appropriate court order or ju-
24 dicial process directed to the state bank, restraining any action with respect
25 to the property until further order of such court or instructing the state
26 bank to deliver the property, in whole or in part, as provided in the order
27 or process; or

28 *b.* Deliver to the state bank a bond, in form and amount and with sure-
29 ties satisfactory to the state bank, indemnifying the state bank against any
30 liability, loss or expense which it might incur because of its recognition of
31 the adverse claim or because of its refusal to deliver the property to any
32 person described in paragraphs *a* and *b* of subsection one (1) of this section.

1 **SEC. 812. Remedies and proceedings for non-payment of rent on**
2 **safe deposit box.**

3 1. A state bank shall have a lien upon the contents of a safe deposit
4 box for past due rentals and any expense incurred in opening the safe
5 deposit box, replacement of the locks thereon, and of any sale made pur-
6 suant to this section. If the rental of any safe deposit box is not paid within
7 six months from the day it is due, at any time thereafter and while such
8 rental remains unpaid, the state bank shall mail a notice by certified or
9 registered mail to the customer at his last known address as shown upon
10 the records of the state bank, stating that if the amount due for such rent-
11 al is not paid on or before a specified day, which shall be at least thirty
12 days after the date of mailing such notice, the state bank will remove the
13 contents thereof and hold the same for the account of the customer.

14 2. If the rental for the safe deposit box has not been paid after the ex-
15 piration of the period specified in a notice mailed pursuant to subsection
16 one (1) of this section, the state bank may, in the presence of two of its
17 officers, cause the box to be opened and the contents removed. An inven-
18 tory of the contents of the safe deposit box shall be made by the two officers
19 present and the contents held by the state bank for the account of the
20 customer.

21 3. If the contents are not claimed within two years after their removal
22 from the safe deposit box, the state bank may proceed to sell so much of
23 the contents as is necessary to pay the past due rentals and the expense
24 incurred in opening the safe deposit box, replacement of the locks thereon
25 and the sale of the contents. The sale shall be held at the time and place
26 specified in a notice published prior to the sale once each week for two suc-
27 cessive weeks in a newspaper of general circulation published in the mu-
28 nicipal corporation or unincorporated area in which the state bank has its
29 principal place of business, or if there is none, a newspaper of general cir-
30 culation published in the county, or in a county adjoining the county, in
31 which the state bank has its principal place of business. A copy of the
32 notice so published shall be mailed to the customer at his last known ad-
33 dress as shown upon the records of the state bank. The notice shall contain
34 the name of the customer and need only describe the contents of the safe
35 deposit box in general terms. The contents of any number of safe deposit
36 boxes may be sold under one notice of sale and the cost thereof appor-

37 tioned ratably among the several safe deposit box customers involved. At
 38 the time and place designated in said notice the contents taken from each
 39 respective safe deposit box shall be sold separately to the highest bidder
 40 for cash and the proceeds of each sale applied to the rentals and expenses
 41 due to the state bank and the residue from any such sale shall be held by
 42 the state bank for the account of the customer or customers. Any amount
 43 so held as proceeds from such sale shall be credited with interest at the
 44 customary annual rate for savings accounts at said state bank, or in lieu
 45 thereof, at the customary rate of interest in the community where such
 46 proceeds are held. The crediting of interest shall not activate said account
 47 to avoid an abandonment as unclaimed property under chapter three hun-
 48 dred ninety-one (391), Acts of the Sixty-second General Assembly.

49 4. Notwithstanding any of the provisions of this section, shares, bonds,
 50 or other securities which, at the time of a sale pursuant to subsection three
 51 (3) of this section, are listed on any established stock exchange in the Unit-
 52 ed States, shall not be sold at public sale but may be sold through an es-
 53 tablished stock exchange. Upon the making of a sale of any such securities,
 54 an officer of the state bank shall execute and attach to the securities so
 55 sold an affidavit reciting facts showing that such securities were sold pur-
 56 suant to this section and that the state bank has complied with the provi-
 57 sions of this section. The affidavit shall constitute sufficient authority to
 58 any corporation whose shares are so sold or to any registrar or transfer
 59 agent of such corporation to cancel the certificates of shares so sold and
 60 to issue a new certificate or certificates representing such shares to the pur-
 61 chaser thereof, and to any registrar, trustee, or transfer agent of registered
 62 bonds or other securities, to register any such bonds or other securities in
 63 the name of the purchaser thereof.

64 5. The proceeds of any sale made pursuant to this section, after the pay-
 65 ment of any amounts with respect to which the state bank has a lien, any
 66 property which was not offered for sale and property which, although offered
 67 for sale, was not sold, shall be retained by the state bank until such time
 68 as the property is presumed abandoned according to the provisions of sec-
 69 tion two (2) of chapter three hundred ninety-one (391), Acts of the Sixty-
 70 second General Assembly, and shall thereafter be handled in accordance
 71 with the provisions of that chapter.

1 **SEC. 813. Authority to receive property for safekeeping.**

2 1. A state bank may accept property for safekeeping if, except in the
 3 case of night depositories, it issues a receipt therefor. A state bank accept-
 4 ing property for safekeeping shall purchase and maintain reasonable insur-
 5 ance coverage to insure against loss incurred in connection with the accept-
 6 ance of property for safekeeping. Property held for safekeeping shall not
 7 be commingled with the property of the state bank or the property of others.

8 2. A state bank shall have a lien upon any property held for safekeeping
 9 for past due charges for safekeeping and for expenses incurred in any sale
 10 made pursuant to this subsection. If the charge for the safekeeping of prop-
 11 erty is not paid within six months from the day it is due, at any time
 12 thereafter and while such charge remains unpaid, the state bank may mail
 13 a notice to the customer at his last known address as shown upon the
 14 records of the state bank, stating that if the amount due is not paid on or
 15 before a specified day, which shall be at least thirty days after the date of
 16 mailing such notice, the state bank will remove the property from safe-
 17 keeping and hold the same for the account of the customer. After the expi-

18 ration of the period specified in such notice, if the charge for safekeeping
19 has not been paid, the state bank may remove the property from safe-
20 keeping, cause the property to be inventoried and hold the same for the
21 account of the customer. If the property is not claimed within two years
22 after its removal from safekeeping the state bank may proceed to sell so
23 much thereof as is necessary to pay the charge which remains unpaid and
24 the expense incurred in making the sale in the manner provided for in sub-
25 sections three (3) and four (4) of section eight hundred twelve (812) of this
26 Act. The proceeds of any sale made pursuant to this section, after payment
27 of any amounts with respect to which the state bank has a lien, any proper-
28 ty which was not offered for sale and property which, although offered for
29 sale, was not sold, shall be retained by the state bank until such time as
30 the property is presumed abandoned according to the provisions of section
31 two (2) of chapter three hundred ninety-one (391), Acts of the Sixty-second
32 General Assembly, and shall thereafter be handled in accordance with the
33 provisions of that chapter.

1 **SEC. 814. Pledge of assets.** Pursuant to a resolution of its board of
2 directors, a state bank may pledge its assets for the following purposes,
3 and for no other purposes:

4 1. To secure deposits when a customer is required to obtain such security
5 by the laws of the United States, the laws of the state of Iowa, by the
6 terms of any interstate compact or by order of any court of competent
7 jurisdiction.

8 2. To secure money borrowed by the state bank, provided that capital
9 notes or debentures issued pursuant to section four hundred four (404)
10 of this Act shall not in any event be secured by a pledge of assets or other-
11 wise.

1 **SEC. 815. Deposits by a state bank.** A state bank may deposit its
2 funds in a depository which is selected by, or in a manner authorized by,
3 the directors of a state bank and which is authorized by law to receive
4 deposits and is subject to supervision by banking authorities of the United
5 States or of any state, and, with the prior approval of the superintendent,
6 in any other depository.

1 **SEC. 816. Cash reserve requirements.**

2 1. A state bank which is a member of the federal reserve system shall
3 maintain cash reserves in accordance with the requirements applicable to
4 a member bank under the laws of the United States.

5 2. A state bank which is not a member of the federal reserve system
6 shall maintain cash reserves against its deposits in amounts:

7 *a.* In the case of a state bank with its principal place of business in a
8 municipal corporation defined as a reserve city by the laws of the United
9 States, not less than ten percent of its demand deposits except that the su-
10 perintendent may on such basis as he may deem appropriate in view of the
11 character of the business transacted by such state bank, make applicable
12 the reserve requirement prescribed for banks not having their principal
13 place of business in such a reserve city.

14 *b.* In the case of a state bank not having its principal place of business
15 in a municipal corporation defined as a reserve city by the laws of the Unit-
16 ed States, not less than seven percent of its demand deposits.

17 *c.* In the case of any deposit other than a demand deposit, not less than
18 three percent.

19 3. A state bank, except a state bank which is a member of the federal
20 reserve system, shall determine the amount of its cash reserves required by
21 this section in accordance with a formula prescribed by the superintendent
22 by general regulation applicable to all such state banks.

23 4. The cash reserves required by this section of a state bank which is
24 not a member of the federal reserve system shall consist of United States
25 coin and currency on hand and funds on deposit in other banks, the depos-
26 its of which are insured by the federal deposit insurance corporation.

27 5. Whenever it shall appear necessary to do so in the interest of the de-
28 positors of a state bank, the superintendent may require that the state bank
29 maintain reserves exceeding the amount required by this section consist-
30 ing of such obligations of the United States as the superintendent shall
31 prescribe.

1 **SEC. 817. Deficiency in cash reserves.**

2 1. Whenever it appears that a state bank is not paying due regard to the
3 maintenance of its cash reserves as required by subsection two (2) of sec-
4 tion eight hundred sixteen (816) of this Act, the superintendent may re-
5 quire the state bank to submit periodic reports relating to its cash reserves
6 at such intervals as the superintendent may deem necessary.

7 2. If a state bank fails to maintain the cash reserves required by section
8 eight hundred sixteen (816) of this Act, the superintendent shall order the
9 state bank to restore its cash reserves and if it fails to do so within a rea-
10 sonable time, he may take over the management of the property and busi-
11 ness of the state bank as provided for in sections two hundred twenty-four
12 (224) and two hundred twenty-six (226) of this Act.

1 **SEC. 818. Indebtedness of state bank.** A state bank may borrow
2 money or otherwise contract indebtedness for necessary expenses in man-
3 aging and transacting its business, to maintain proper cash reserves, and
4 for other corporate purposes, provided, however, the superintendent may
5 prohibit or place restrictions upon money borrowed or other indebtedness
6 which would, in his judgment, constitute an unsafe or unsound practice
7 in view of the condition and circumstances of the state bank. Nothing con-
8 tained in this section shall limit the right of a state bank to issue capital
9 notes or debentures pursuant and subject to the provisions of section four
10 hundred four (404) of this Act.

1 **SEC. 819. Clearing checks at par.** Checks drawn on a state bank
2 shall be cleared at par by the state bank on which they are drawn. This
3 section shall not be applicable where checks are received by a bank as
4 special collection items.

1 **SEC. 820. Money received for transmission.**

2 1. A state bank shall have power to receive money for transmission.
3 Upon receiving money for transmission, a state bank shall give the customer
4 a receipt setting forth the date of receipt of the money, the amount of the
5 money in dollars and cents, and if the money is to be transmitted to a for-
6 eign country in the currency of such country, the amount of the money in
7 such currency.

8 2. In an action by a customer against a state bank for recovery of money
9 delivered for transmission, the burden of proof of delivery of the money in
10 accordance with the instructions of the customer shall be on the state bank
11 but an affidavit by an agent or depository of the state bank that the money

12 was delivered in accordance with the instructions of the customer and a
13 receipt for the money signed in the name of the recipient designated by
14 the customer shall be prima facie evidence of the delivery of the money in
15 accordance with the instructions of the customer.

Division IX

INVESTMENT AND LENDING POWERS

1 **SEC. 901. Investments.**

2 1. A state bank may invest without limitation for its own account in
3 the following bonds or securities:

4 *a.* Obligations of the United States and bonds and securities with respect
5 to which the payment of principal and interest is fully and unconditionally
6 guaranteed by the United States.

7 *b.* Obligations issued by any or all of the federal land banks, any or all
8 of the federal intermediate credit banks, any or all of the banks for cooper-
9 atives, and any or all of the federal home loan banks, organized under the
10 laws of the United States.

11 *c.* Obligations issued by the federal national mortgage association, under
12 the laws of the United States.

13 *d.* Any other bonds or securities which are the obligations of or the pay-
14 ment of principal and interest of which is fully and unconditionally guar-
15 anteed by a federal reserve bank or by any department, bureau, board,
16 commission, agency or establishment of the United States, or any corpo-
17 ration owned directly or indirectly by the United States.

18 *e.* General obligations of the state of Iowa and of political subdivisions
19 thereof.

20 2. A state bank may invest for its own account in other readily market-
21 able bonds or securities, with investment characteristics as defined by the
22 superintendent by general regulation applicable to all state banks, provid-
23 ed, however, that in no event shall the total amount of such bonds or se-
24 curities of any one issuer or obligor exceed twenty percent of the capital
25 and surplus of the state bank. No such bond or security shall be eligible
26 for investment by a state bank within this subsection if such bond or se-
27 curity shall have been in default either as to principal or interest at any
28 time within five years prior to the date of purchase.

29 3. A state bank shall not, directly or indirectly, invest for its own ac-
30 count in the shares of any corporation except:

31 *a.* Shares in a federal reserve bank.

32 *b.* Shares in the federal national mortgage association.

33 *c.* When approved by the superintendent, shares and obligations of a
34 corporation engaged solely in making loans for agricultural purposes eligi-
35 ble to discount or sell loans to a federal intermediate credit bank, common-
36 ly known as an agricultural credit corporation, in amounts not to exceed
37 twenty percent of the capital and surplus of the state bank.

38 *d.* Shares in a corporation which the state bank is authorized to acquire
39 and hold pursuant to subsections two (2) and three (3) of section eight
40 hundred three (803) of this Act.

41 *e.* Shares in an economic development corporation organized under chap-
42 ter four hundred ninety-six B (496B) of the Code to the extent authorized
43 by and subject to the limitations of such chapter.

44 *f.* When approved by the superintendent, shares of a small business in-
45 vestment company as defined by the laws of the United States, except that

46 in no event shall any such state bank hold shares in small business invest-
 47 ment companies in an amount aggregating more than two percent of its
 48 capital and surplus.

1 **SEC. 902. General lending powers of a state bank.**

2 1. A state bank may, subject to any applicable restrictions under other
 3 provisions of this Act, loan money, extend credit and discount or purchase
 4 evidences of indebtedness and agreements for the payment of money.

5 2. Nothing in this Act shall be deemed to permit a state bank to pur-
 6 chase a vendor's or vendee's interest in a real property sales contract, pro-
 7 vided, however, that a state bank may loan or extend credit on the secu-
 8 rity of such an interest.

1 **SEC. 903. Purchase and sale of drafts and bills of exchange.**

2 1. A state bank shall have power to accept drafts drawn upon it having
 3 not more than six months after sight to run, exclusive of days of grace:

4 *a.* Which grow out of transactions involving the importation or exporta-
 5 tion of goods.

6 *b.* Which grow out of transactions involving the domestic shipment of
 7 goods, provided documents of title are attached thereto at the time of accept-
 8 ance.

9 *c.* In which a security interest is perfected at the time of acceptance
 10 covering readily marketable staples.

11 2. A state bank shall not accept such drafts in an amount which exceeds
 12 at any time in the aggregate for all drawers fifty percent of its capital and
 13 surplus. The superintendent may authorize a state bank to accept drafts in
 14 an amount not exceeding at any time in the aggregate for all drawers one
 15 hundred percent of its capital and surplus but the aggregate of acceptance
 16 growing out of domestic transactions shall in no event exceed fifty percent
 17 of such capital and surplus.

18 3. A state bank may, with the prior approval of the superintendent, ac-
 19 cept drafts, having not more than three months after sight to run, drawn
 20 upon it by banks or bankers in foreign countries, or in dependencies or in-
 21 sular possessions of the United States, for the purpose of furnishing dollar
 22 exchange as required by the usages of trade where the drafts are drawn in
 23 an aggregate amount which shall not at any time exceed for all such ac-
 24 ceptance on behalf of a single bank or banker ten percent of capital and
 25 surplus, and for all such acceptances, fifty percent of capital and surplus.

1 **SEC. 904. Obligations of one customer.**

2 1. For the purpose of this section:

3 *a.* The term "obligations" means the amounts for the payment of which
 4 a customer is obligated, whether directly or indirectly, primarily or second-
 5 arily, to a state bank as a result of the exercise by the state bank of the
 6 powers conferred by section nine hundred two (902) of this Act.

7 *b.* Obligations of a customer include obligations of others to a state
 8 bank arising out of loans made by such state bank for the benefit of such
 9 customer.

10 *c.* Obligations of a customer who is a partner include the obligations of
 11 a partnership or other unincorporated association for which obligations the
 12 customer is liable.

13 *d.* Obligations of a customer which is a partnership include the obliga-
 14 tions of its partners who are liable for its obligations.

15 *e.* Obligations of a customer include the obligations of any and all cor-
16 porations in which such customer owns or controls more than fifty percent
17 of the shares entitled to vote.

18 *f.* Obligations of a customer which is a corporation include obligations
19 of a person, who is also a customer, and who owns more than fifty percent
20 of the shares entitled to vote of such corporation.

21 *g.* Obligations of a customer which is a corporation include the obliga-
22 tions of any other corporation when a person owns more than fifty percent
23 of the shares entitled to vote, of such corporations.

24 *h.* If the superintendent shall determine at any time that the interests
25 of a group of more than one customer, or any combination thereof, are so
26 interrelated that they should be considered as a unit for the purpose of
27 applying the limitations of this section, the total obligations of that group
28 of customers existing at any time shall be combined and deemed obligations
29 of one customer. A state bank shall not be deemed to have violated this
30 section solely by reason of the fact that the obligations of a group exceed
31 the limitations of this section at the time of a determination by the super-
32 intendent that the indebtedness of that group must be combined, but the
33 state bank shall, if required by the superintendent, dispose of the obligations
34 of the group in the amount in excess of the limitations of this section within
35 such reasonable time as shall be fixed by the superintendent.

36 2. The total obligations of any one customer to a state bank at any one
37 time, secured and unsecured, shall not exceed twenty percent of the capital
38 and surplus of the state bank except that:

39 *a.* The total obligations of any one customer to a state bank at any one
40 time, shall not exceed forty percent of the capital and surplus of the state
41 bank if at least all of the amount by which such obligations exceed twenty
42 percent of the capital and surplus of the state bank shall consist of any of
43 the following or any combination of the following:

44 (1) Obligations in the form of notes or drafts, secured by nonnegotiable
45 bills of lading, warehouse receipts or other documents transferring or secur-
46 ing title covering readily marketable nonperishable staples when such goods
47 are covered by insurance to the extent that insuring such goods is custom-
48 ary, and when the market value of such goods is not at any time less
49 than one hundred twenty percent of the face amount of such obligations.

50 (2) Obligations in the form of notes or drafts secured by nonnegotiable
51 bills of lading, warehouse receipts or other documents transferring or secur-
52 ing title covering readily marketable refrigerated or frozen staples when such
53 goods are fully covered by insurance and when the market value of such
54 goods is not at any time less than one hundred twenty percent of the face
55 amount of such obligations.

56 (3) Obligations in the form of notes or drafts secured by bills of
57 lading, bills of sale or security agreements covering feeder livestock
58 when the proceeds of such obligations shall have been given as pur-
59 chase money for all or part of the purchase price of such feeder live-
60 stock, but not to exceed the total purchase price thereof.

61 (4) Obligations of the customer as indorser, guarantor or accommo-
62 dation party for others, other than obligations as indorser of chattel
63 paper described in paragraph *b* of this subsection.

64 (5) Such other obligations to a state bank as may be prescribed by the
65 superintendent by regulations of general application to all state banks, or

66 *b.* The total obligations of any one customer to a state bank at any one
67 time shall not exceed sixty percent of the capital and surplus of the state

68 bank if at least all of the amount by which such obligations exceed twenty
69 percent of the capital and surplus of the state bank shall consist of obliga-
70 tions as indorser of negotiable chattel paper negotiated by indorsement with
71 recourse, or as unconditional guarantor of nonnegotiable chattel paper, or
72 as transferor of chattel paper indorsed without recourse subject to a repur-
73 chase agreement, or

74 c. The total obligations of any one customer to a state bank at any one
75 time shall not exceed the sum of twenty percent of the capital and surplus
76 and fifty percent of the capital of the state bank, if at least all of the
77 amount by which such obligations exceed twenty percent of the capital
78 and surplus of a state bank shall consist of obligations secured by a first
79 lien on farmland, or on single family or two family residences, subject to the
80 provisions of section nine hundred five (905) of this Act, except that the
81 amount so loaned shall not exceed fifty percent of the appraised value of
82 such real property, or

83 d. The total obligations of any one customer, who is an individual, to a
84 state bank at any one time shall not exceed forty percent of the capital
85 and surplus of the state bank if all of the amount by which such obliga-
86 tions exceed twenty percent of the capital and surplus of the state bank
87 consists of amounts owed by one or more corporations of which the custom-
88 er owns or controls more than fifty percent of the shares entitled to vote,
89 provided however, when this paragraph applies:

90 (1) The amounts owed by such customer shall not exceed twenty percent
91 of the capital and surplus of the state bank.

92 (2) The amounts owed by any one or all of such corporations shall not
93 exceed twenty percent of the capital and surplus of the state bank.

94 (3) The shares, assets and any liabilities of any such corporation shall
95 not be included in the financial statement of such customer or otherwise
96 relied upon as a basis for a loan to such customer.

97 (4) The assets of such customer shall not be relied upon as a basis
98 for a loan to any such corporation.

99 For the purposes of this paragraph, the term "amounts owed" means
100 the amounts for the payment of which such customer or any one or all
101 such corporations are obligated, whether directly or indirectly, primarily
102 or secondarily, to a state bank as a result of the exercise by the state bank
103 of the powers conferred by section nine hundred two (902) of this Act, but
104 determined without reference to paragraphs *e*, *f* and *g* of subsection one (1)
105 of this section.

106 3. The total obligations of any one customer to a state bank at any one
107 time for the purpose of applying the limitations of subsection two (2) of
108 this section shall include:

109 a. The aggregate rentals payable by the customer under leases of per-
110 sonal property by the state bank as lessor, except obligations secured by a
111 lease on property in situations described in the second sentence of para-
112 graph *h* of subsection four (4) of this section.

113 b. Obligations secured by real estate pursuant to section nine hundred
114 five (905) of this Act and installment obligations made pursuant to section
115 nine hundred six (906) of this Act, except to the extent any such obliga-
116 tions are secured, guaranteed, insured or covered by unconditional commit-
117 ments or agreements to purchase by the United States, veterans' adminis-
118 tration, federal housing administration, small business administration,
119 farmers home administration, a federal reserve bank, or other department,

120 bureau, board, commission, agency, or establishment of the United States,
121 or any corporation owned directly or indirectly by the United States.

122 *c.* Obligations of the customer by reason of acceptance by the state bank
123 of drafts of a type not described in subsection one (1) of section nine hundred
124 three (903) of this Act, to the extent that the state bank has acquired such
125 acceptances.

126 *d.* Obligations of the customer consisting of bonds and securities in which
127 the state bank has invested pursuant to subsection two (2) of section nine
128 hundred one (901) of this Act.

129 *e.* Amounts invested by a state bank for its own account pursuant to
130 paragraphs *c* and *f* of subsection three (3) of section nine hundred one
131 (901) of this Act in the shares and obligations of a corporation which is a
132 customer of the state bank.

133 *f.* Obligations of the customer as obligor pursuant to evidences of indebt-
134 edness and agreements for the payment of money acquired by purchase or
135 discount by the state bank.

136 *g.* All other obligations of the customer of the state bank, not otherwise
137 excluded by subsection four (4) of this section, whether direct or indirect,
138 primary or secondary, including overdrafts and liability for items paid by
139 the state bank against uncollected deposits of the customer.

140 4. The total obligations of any one customer to a state bank at any one
141 time for the purpose of applying the limitations of subsection two (2) of
142 this section shall not include:

143 *a.* Obligations of such customer as the drawer of drafts drawn in good
144 faith against actually existing values in connection with a sale of goods
145 which have been indorsed by such customer with recourse or which have
146 been accepted.

147 *b.* Obligations arising out of the discount of commercial paper actually
148 owned by the customer negotiating the same and indorsed by the customer
149 without recourse and which is not subject to repurchase by the customer.

150 *c.* Obligations drawn by the customer in good faith against actually exist-
151 ing values and secured by nonnegotiable bills of lading for goods in process
152 of shipment.

153 *d.* Obligations in the form of acceptances of other banks of the kind de-
154 scribed in subsection three (3) of section nine hundred three (903) of this
155 Act.

156 *e.* Obligations of the customer by reason of acceptances by the state
157 bank for the account of the customer pursuant to subsection one (1) of
158 section nine hundred three (903) of this Act.

159 *f.* Obligations of the customer which are fully secured by bonds and se-
160 curities of the kind in which a state bank is authorized to invest for its own
161 account without limitation under subsection one (1) of section nine hun-
162 dred one (901) of this Act.

163 *g.* Obligations of a customer which is a member bank of the federal re-
164 serve system to a state bank which is a member bank of the federal reserve
165 system for federal reserve funds borrowed.

166 *h.* Obligations of a federal reserve bank or of the United States, or of
167 any department, bureau, board, commission, agency, or establishment of the
168 United States, or of any corporation owned directly or indirectly by the
169 United States, or obligations of a customer to the extent that such obliga-
170 tions are secured or guaranteed or covered by unconditional commitments
171 or agreements to purchase by a federal reserve bank or by the United
172 States, or any department, bureau, board, commission, agency, or estab-

173 lishment of the United States, or any corporation owned directly or in-
 174 directly by the United States. An obligation of a customer secured by a
 175 lease on property under the terms of which the United States, or any
 176 department, bureau, board, commission, agency, or establishment of the
 177 United States, or any corporation owned directly or indirectly by the
 178 United States, or the state of Iowa, or any political subdivision thereof,
 179 is lessee and under the terms of which the aggregate rentals payable to
 180 the customer will be sufficient to satisfy the amount loaned shall be con-
 181 sidered to be an obligation secured or guaranteed in the manner provided
 182 for in this paragraph.

1 **SEC. 905. Loans on real property.**

2 1. A state bank may make permanent loans or combined construction
 3 and permanent loans, secured by liens on residential real property housing
 4 more than two families, and on real property consisting of farmland, indus-
 5 trial, manufacturing and commercial properties including a leasehold in
 6 such properties. Any such loan may be made in an amount not to exceed
 7 seventy-five percent of the appraised value of the property offered as secu-
 8 rity and for a term not longer than twenty years, provided that the loan is
 9 secured by an amortized mortgage, deed of trust or other such instrument
 10 under the terms of which the installment payments are sufficient to amor-
 11 tize the entire principal of the loan within a period of not more than twen-
 12 ty years. In the case of a combined construction and permanent loan made
 13 pursuant to this subsection, the amount of the loan shall not exceed sev-
 14 enty-five percent of the value of the property upon completion of the con-
 15 struction.

16 2. A state bank may make permanent loans or combined construction
 17 and permanent loans, secured by liens on residential real property consist-
 18 ing of single family or two family residences in amounts not to exceed:

19 *a.* Eighty percent of the appraised value of the real property offered as
 20 security and for a term not longer than twenty-five years, provided that
 21 the loan is secured by an amortized mortgage, deed of trust or other such
 22 instrument under the terms of which the installment payments are suffi-
 23 cient to amortize the entire principal of the loan within a period of not
 24 more than twenty-five years.

25 *b.* Ninety percent of the appraised value of the real property offered as
 26 security and for a term not longer than thirty years, provided that the
 27 loan is secured by an amortized mortgage, deed of trust or other such in-
 28 strument under the terms of which the installment payments are sufficient
 29 to amortize the entire principal of the loan within the period ending on
 30 the date of its maturity and provided further, that at least twenty percent
 31 of the loan is insured by a financially responsible private mortgage insur-
 32 ance company authorized to do business in this state.

33 *c.* In the case of a combined construction and permanent loan made
 34 pursuant to this subsection, the amount of the loan shall not exceed eighty
 35 or ninety percent, as the case may be, of the value of the property upon
 36 completion of the construction.

37 3. A state bank may make loans secured by liens on real property for
 38 the purpose of:

39 *a.* Financing the construction of single family and two family residences
 40 if the maturity of such loans shall not exceed one year from the date there-
 41 of.

42 *b.* Financing the construction of industrial, manufacturing or commer-
 43 cial buildings or residences housing more than two families if the maturity

44 of such loans shall not exceed two years from the date thereof and there
45 is an unconditional commitment by a financially responsible permanent
46 lender to advance the full amount of the loan of the state bank upon com-
47 pletion of the buildings.

48 c. Financing the acquisition and development of unimproved real prop-
49 erty if the maturity of any such loan does not exceed three years from
50 the date thereof and the amount of any such loan does not exceed one-
51 half of the cost of the real property acquired for development plus one-half
52 of the cost of development exclusive of the cost of construction of build-
53 ings.

54 4. Any loan made pursuant to this section shall be subject to the fol-
55 lowing requirements:

56 a. The terms of any such loan, except a loan made pursuant to subsec-
57 tion three (3) of this section, shall require substantially equal payments
58 of principal or principal and interest at successive intervals of not more
59 than one year. In the case of any such loan which shall constitute a com-
60 bined construction and permanent loan to finance farm buildings or single
61 family and two family residences, the initial payment on the loan may be
62 deferred for a period not to exceed one year from the date of the loan and,
63 in the case of a combined construction and permanent loan to finance
64 buildings or other improvements on industrial, manufacturing or commer-
65 cial properties or residential properties housing more than two families, the
66 initial payment on the loan may be deferred for a period not to exceed two
67 years from the date of the loan.

68 b. The loan shall be evidenced by a bond, note or other obligation and
69 secured by a lien in the form of a mortgage, deed of trust or other similar
70 instrument.

71 c. The lien shall be a first lien, unless all prior liens are held by the state
72 bank and the aggregate of all such loans by the state bank secured by
73 liens on the real property satisfies all other requirements of this section per-
74 taining to such loans, provided that, for the purpose of this paragraph a
75 mortgage, deed of trust or other similar instrument shall not be deemed
76 to be other than a first lien within the meaning of this paragraph by rea-
77 son of the existence of taxes or assessments that are not delinquent, instru-
78 ments creating or reserving mineral, oil, or timber rights, rights of way,
79 joint driveways, sewer rights, rights in walls or by reason of building restric-
80 tions or other like restrictive covenants, or when such real estate is subject
81 to lease in whole or in part whereby rents or profits are reserved to the
82 owner.

83 d. The value of the real property shall be determined by averaging the
84 appraisals of two qualified persons, selected in a manner authorized by the
85 board of directors, who are familiar with real property values in the vicin-
86 ity where the real property is located, and who inspect the real property and
87 state its value to the best of their judgment in a written report to be re-
88 tained by the state bank during the term of the loan.

89 e. Insurance against loss from fire on all buildings, which are included
90 in the appraised value, and against other hazards, issued by insurers, ac-
91 ceptable to the state bank, authorized to do business where the real prop-
92 erty is located, and in form and amount satisfactory to the state bank,
93 shall be maintained during the term of the loan by or at the expense of
94 the customer including the costs of any mortgage guaranty insurance re-
95 quired by the state bank except that the state bank may at its own ex-
96 pense maintain such insurance covering only its interest as lender.

- 97 *f.* The state bank shall obtain a written opinion by an attorney admitted
98 to practice in Iowa stating that the mortgage, deed of trust or similar in-
99 strument is a first lien on the real property.
- 100 *g.* Real property securing loans under this section shall be located in
101 this state or an adjoining state.
- 102 *h.* The customer shall pay all expenses in connection with the loan for
103 preparation and examination of abstracts, opinions or title insurance, ab-
104 stract certificates, and appraisal and recording fees.
- 105 *i.* The maturity date of a loan to a lessee on a leasehold shall occur
106 prior to the expiration of two-thirds of the time from the inception of the
107 lease to its expiration, including in such lease period the periods of time
108 for which the lessee may exercise an option to renew but in no event shall
109 the date of maturity be less than five years prior to such expiration date.
- 110 5. The restrictions and requirements of this section shall not apply to:
- 111 *a.* Loans guaranteed at least to the extent of twenty percent thereof,
112 or for which a written commitment for such guarantee has been issued, by
113 the veterans administration, under the laws of the United States.
- 114 *b.* Loans insured, or for which a written commitment to insure has been
115 issued, by the federal housing administration under the laws of the United
116 States.
- 117 *c.* Loans insured, or for which a written commitment to insure has been
118 issued, by the farmers home administration under the laws of the United
119 States.
- 120 *d.* Loans in which the small business administration participates, or has
121 agreed in writing to participate, on an immediate or deferred basis under
122 the laws of the United States.
- 123 *e.* Loans in connection with which a state bank takes a real property
124 mortgage, deed of trust or other such instrument, as security but as to
125 which it is relying for repayment:
- 126 (1) In the case of a loan made, with or without other security, for indus-
127 trial, manufacturing, commercial or agricultural purposes, on the operations
128 of the customer based primarily on the general credit of the customer and
129 projection of his operations.
- 130 (2) On an unconditional commitment by a financially responsible person
131 to advance the full amount of the loan or to provide funds for payment
132 thereof, within a period not to exceed three years from the date of the loan.
- 133 (3) On a financially responsible lessee of the real property provided
134 that the lease shall be assigned to the state bank and the lease by its terms
135 shall be sufficient to amortize the entire principal of the loan within a peri-
136 od of not more than twenty years.
- 137 (4) On collateral other than the real property.
- 138 (5) On a guaranty or an agreement by a financially responsible person,
139 other than a person engaged in the business of guaranteeing real property
140 loans, to take over or purchase the loan in the event of default.
- 141 *f.* Bonds and securities secured entirely or in part by real property, but
142 in which a state bank is authorized to invest for its own account under
143 section nine hundred one (901) of this Act.
- 144 6. A state bank may make a loan secured by a lien on an apartment con-
145 stituting a part of a condominium constructed or established pursuant to
146 the provisions of chapter four hundred ninety-nine B (499B) of the Code,
147 subject to the provisions of this section.

148 7. Any loan, evidence of indebtedness or agreement for the payment of
149 money secured by real property which is purchased by a state bank shall
150 conform to the provisions of this section.

151 8. Nothing contained in this section shall prevent any state bank from
152 accepting real property as security, or from taking secondary liens on real
153 property to secure debts previously contracted to it in good faith, or to
154 further secure a loan if such loan is otherwise secured, or to secure loans
155 made for improvements to the real property.

1 **SEC. 906. Installment loans by state banks.**

2 1. A state bank may contract for and receive on any loan which is evi-
3 denced by a written agreement for repayment in installments, a charge,
4 which shall include interest, determined in accordance with either of the
5 following methods:

6 *a.* At a rate not to exceed six dollars per annum upon each one hundred
7 dollars actually loaned to the customer. In addition to the amount actually
8 loaned, the charge may be included in the total amount of the loan. The
9 terms of any loan for which a charge is made pursuant to this paragraph
10 shall require substantially equal installments at successive intervals of not
11 more than one year in amounts sufficient to amortize the entire loan, in-
12 cluding charges, within a period of not more than five years provided, how-
13 ever, that the first installment may be deferred to not more than fifteen
14 months from the date of the loan.

15 *b.* At a rate not to exceed one percent per month computed on unpaid
16 principal balances. A state bank may receive such charge by crediting each
17 installment whenever received, first to the charge at the monthly rate con-
18 tracted for and the remainder to principal until the loan is fully paid, or
19 the state bank may compute the total charge which would be earned at
20 the monthly rate contracted for if the loan were repaid according to its
21 terms and each installment were applied first to the charge and then to
22 principal, and include such total charge in the total amount of the loan.
23 The terms of any loan for which a charge is made pursuant to this para-
24 graph shall require substantially equal installments at successive intervals
25 of not more than one month in amounts sufficient to amortize the entire
26 loan, including charges, within the period ending on the date of its matu-
27 rity which shall not exceed five years provided, however, that installments
28 may be deferred or omitted on a seasonal basis. If the total charge is includ-
29 ed in the total amount of the loan as provided for in this paragraph, a first
30 interval of not less than fifteen nor more than forty-five days may be
31 treated as a monthly interval.

32 2. If the charge determined in accordance with subsection one (1) of
33 this section is less than ten dollars, a state bank may contract and receive
34 a charge of not more than ten dollars, which charge shall be in lieu of any
35 charge determined in accordance with subsection one (1) of this section and
36 shall not be subject to refund as required by subsection five (5) of this
37 section.

38 3. No further amount shall be charged, contracted for or received, di-
39 rectly or indirectly, on or in connection with any loan subject to the pro-
40 visions of this section, except fees paid for filing documents in public offices
41 in connection with the loan, actual expenditures, including reasonable at-
42 torney's fees for proceedings to collect the loan, and the cost of a reason-
43 able amount of insurance of the kind customarily required, but not in ex-
44 cess of standard insurance rates.

45 4. When an installment is not paid when due, a state bank may collect
46 a single delinquency charge, in an amount not to exceed five percent of the
47 installment, for each installment in arrears for a period of more than ten
48 days, provided that the delinquency has not been caused by reason of accel-
49 eration or by reason of delinquency on a prior installment.

50 5. Any payment in cash made by a customer before maturity shall be
51 accepted by the state bank. When full payment of a loan subject to the pro-
52 visions of this section is made before maturity, whether by payment in
53 cash, renewal or otherwise, or whenever the maturity of the loan is accel-
54 erated, the customer shall receive from the state bank at the time the loan
55 is paid in full a refund of the unearned charge. The refund shall be so cal-
56 culated that the customer will not have paid a charge for the loan at a
57 greater rate when computed on actual unpaid principal balances than the
58 customer would have paid had the loan been permitted to run to its ma-
59 turity, and in no event shall the customer be required to pay in excess of
60 one percent per month interest on the actual unpaid principal balances.
61 All such refunds shall be made in accordance with a uniform refund sched-
62 ule calculated, prescribed and approved by the superintendent.

63 6. The total amount loaned to any one customer for which a charge
64 is made pursuant to this section shall not, at any one time, exceed ten
65 thousand dollars excluding charges permitted by this section. For any por-
66 tion of one or more loans to one customer in excess of ten thousand dollars,
67 the charge which the state bank may make shall be governed by law other
68 than this section. No state bank shall have outstanding loans subject to
69 this section in an aggregate amount exceeding twenty-five percent of its
70 total assets.

71 7. The provisions of this section, nor insofar as loans described in para-
72 graph *b* of this subsection are concerned, the provisions of any other sec-
73 tion of the laws of this state, shall not apply to loans, evidence of indebt-
74 edness or agreements for the payment of money which:

75 *a.* Are secured by first liens on real property.

76 *b.* Are real property improvement loans insured, all or in part, by the
77 federal housing administration under the laws of the United States.

78 *c.* Are the obligations of a customer which is a corporation.

79 *d.* Have been acquired by the state bank by purchase or discount from
80 the person owning the same.

1 **SEC. 907. Participations.** A state bank may purchase and may sell,
2 subject to the provisions of sections nine hundred one (901), nine hundred
3 four (904), nine hundred five (905), and nine hundred six (906) of this Act,
4 and to such regulations as the superintendent may prescribe, participations
5 in one or more evidences of indebtedness and agreements for the payment
6 of money, and pools of bonds, securities, evidences of indebtedness and
7 agreements for the payment of money.

1 **SEC. 908. Direct leasing.** A state bank shall have the power, sub-
2 ject to approval by the superintendent, to acquire, upon the specific re-
3 quest of and for the use of a customer, and lease, personal property pursu-
4 ant to a binding arrangement for the leasing of such property to the custom-
5 er upon terms requiring payment to the state bank, during the minimum
6 period of the lease, of rentals which in the aggregate will be at least equal
7 to the total expenditures by the state bank for, and in connection with,
8 the acquisition, ownership, maintenance and protection of the property.

1 **SEC. 909. Loans and investments by officer.** No loan or invest-
2 ment shall be made from the funds of any state bank, directly or indirectly,
3 except by an officer of the state bank who is authorized to do so by the
4 board of directors.

1 **SEC. 910. Property acquired to satisfy debts previously contract-**
2 **ed.** A state bank may acquire property of any kind to secure, protect or
3 satisfy a loan or investment previously made in good faith. Property ac-
4 quired pursuant to this section shall be held and disposed of subject to the
5 following conditions and limitations:

6 1. Shares in a corporation and other personal property, the acquisition
7 of which is not otherwise authorized by this Act, shall be sold or otherwise
8 disposed of within six months unless the time is extended by the superin-
9 tendent.

10 2. Real property purchased by a state bank at sales upon foreclosure
11 of mortgages or deeds of trust owned by it, or acquired upon judgments or
12 decrees obtained or rendered for debts due it, or such real property as shall
13 be conveyed to it in satisfaction of debts previously contracted in the course
14 of its business, or such real property as it may obtain by redemption as a
15 junior mortgagee or judgment creditor, shall be sold or otherwise disposed
16 of by the state bank within one year after title is vested in the state bank,
17 unless the time is extended by the superintendent.

1 **SEC. 911. Letters of credit.** A state bank shall have the power to
2 issue, advise and confirm letters of credit authorizing a beneficiary thereof
3 to draw on or demand payment of the state bank or its correspondent
4 banks.

1 **SEC. 912. Customer shall be free to obtain own insurance and**
2 **loan.** In any case in which any kind of insurance is required by the state
3 bank as a condition for lending money or in connection with any other trans-
4 action, the customer shall be free to obtain such insurance from a source
5 of his selection. In the case of a sale of shares of stock, bonds or other se-
6 curities or real property by an officer or employee which is authorized by
7 the board of directors of a state bank in the manner provided for in sub-
8 section three (3) of section seven hundred ten (710) of this Act, the pur-
9 chaser shall be free to obtain any loan for the purchase thereof from a
10 lender of his selection.

Division X

FIDUCIARY POWERS

1 **SEC. 1001. Power to act as fiduciary.** When approving a proposed
2 state bank, or at any time subsequent thereto upon amendment of its arti-
3 cles of incorporation, the superintendent may authorize a state bank to
4 act in a fiduciary capacity. In determining whether he shall authorize a
5 state bank to act in a fiduciary capacity, the superintendent may consider
6 any of the relevant criteria referred to in section three hundred five (305)
7 of this Act, and other appropriate facts and circumstances. In any fiduciary
8 capacity in which a state bank may act pursuant to this section, it shall
9 have all the rights and duties which an individual has in such capacity
10 under applicable law and under the terms upon which the state bank is

11 designated to act in such capacity. In authorizing a state bank to act in a
12 fiduciary capacity, the superintendent may limit such authorization to such
13 capacities as he deems appropriate.

1 **SEC. 1002. Actions required, permitted or prohibited in a fiduciary**
2 **capacity.** The following rules shall be applicable to a state bank acting in
3 the capacity of fiduciary:

4 1. A state bank shall segregate from its assets all property held as
5 fiduciary, other than items in the course of collection, and shall keep sep-
6 arate records of all such property for each account for which such property
7 is held.

8 2. Funds of a fiduciary account may be deposited in the state bank
9 which is acting as fiduciary, either as demand deposits, savings deposits or,
10 for a period not exceeding one year, in single maturity time deposits.

11 3. A state bank may provide any oath or affidavit required of the state
12 bank as fiduciary through an officer acting on behalf of the state bank.

13 4. A state bank shall not make a loan or extension of credit of any funds
14 held as fiduciary, directly or indirectly, to or for the benefit of a director,
15 officer or employee of the state bank or of an affiliate, a partnership or other
16 unincorporated association of which such director, officer or employee is a
17 partner or member, or a corporation in which such officer, director or em-
18 ployee has a controlling interest, except a loan specifically authorized by
19 the terms upon which the state bank was designated as fiduciary.

20 5. Unless otherwise authorized by the instrument creating the relation-
21 ship, court order or the laws of this state, a state bank, as fiduciary, shall
22 not, directly or indirectly, sell any asset to the state bank for its own ac-
23 count, or to an officer, director or employee, nor purchase from the state
24 bank, or an officer, director or employee, any asset or any security issued by
25 the state bank except, in the case of a state bank:

26 a. Investments in which a state bank may invest without limitation
27 pursuant to subsection one (1) of section nine hundred one (901) of this
28 Act,

29 b. Assets purchased by the state bank pursuant to an agreement where-
30 by the state bank is bound to sell, and the state bank as fiduciary is bound
31 to buy, at a date not more than one year from the date of acquisition by
32 the state bank, such assets at a price agreed upon at the time of acquisition
33 by the state bank, or

34 c. Any asset sold to the state bank for its own account or purchased in a
35 fiduciary capacity from the state bank with the prior approval of the super-
36 intendent.

1 **SEC. 1003. Removal of fiduciary powers.** If the superintendent at
2 any time concludes that a state bank authorized to act in a fiduciary capac-
3 ity is managing its accounts in an unsafe or unsound manner, or in a
4 manner in conflict with the provisions of this Act, and such state bank re-
5 fuses to correct such practices upon notice to do so, the superintendent
6 may forthwith direct that the state bank cease to act as a fiduciary and pro-
7 ceed to resign its fiduciary positions.

8 In such event the superintendent shall cause to be filed a petition in the
9 district court in which the state bank has its principal place of business
10 setting forth in general terms that the state bank is acting as fiduciary
11 with respect to certain property and that it is necessary and desirable that
12 successor fiduciaries be appointed. Upon the filing of the petition the court
13 shall enter an order requiring all persons interested in all such fiduciary

14 accounts to designate and take all necessary measures to appoint a suc-
15 cessor fiduciary within a time to be fixed by the order, or to show cause why
16 a successor fiduciary should not be appointed by the court. The court shall
17 also direct the state bank to mail a copy of the order to each living settlor
18 and each person known by the state bank to have a beneficial interest in
19 the fiduciary accounts with respect to which the state bank is fiduciary and
20 with respect to which it is being asked to resign its position. Such notice
21 shall be mailed to the last known address of each such settlor and person
22 having a beneficial interest as shown by the records of the state bank. The
23 court may also order publication of such order to the extent that it deems
24 necessary to protect the interests of absent or remote beneficiaries.

25 In any fiduciary account where those interested therein fail to cause a
26 successor fiduciary to be appointed prior to the time fixed in such order,
27 the court shall appoint a successor fiduciary. A successor fiduciary appoint-
28 ed in accordance with the terms of this section shall succeed to all the
29 rights, powers, titles, duties and responsibilities of the state bank, except
30 that he shall not exercise powers given in the instrument creating the pow-
31 ers that by its express terms are personal to the fiduciary therein designat-
32 ed and except claims or liabilities arising out of the management of the
33 fiduciary account prior to the date of the transfer.

1 **SEC. 1004. Voluntary relinquishment of fiduciary capacity.** A
2 state bank desiring to surrender its authorization to act in a fiduciary ca-
3 pacity, in order to relieve itself of the necessity of complying with the re-
4 quirements attendant to such capacity, shall file with the superintendent a
5 certified copy of a resolution signifying such intent. In such event the state
6 bank shall cause to be filed a petition in the district court in which the
7 state bank has its principal place of business setting forth in general terms
8 that the state bank is acting as fiduciary with respect to certain property and
9 that it desires to cease its fiduciary function and resign its fiduciary posi-
10 tions. Upon the filing of the petition the relinquishment of fiduciary capac-
11 ity and the appointment of a successor fiduciary or fiduciaries shall be
12 handled in the same manner and with the same effect as provided for in
13 section ten hundred three (1003) of this Act, dealing with the removal of
14 fiduciary powers.

15 After compliance with this section the state bank shall proceed to amend
16 its articles of incorporation, in accordance with the provisions of this Act,
17 in a manner to indicate that it is no longer authorized to act in a fiduciary
18 capacity. The superintendent shall approve the proposed amendment, in
19 the manner provided for in this Act, if he is satisfied that the state bank
20 has properly relieved itself of its fiduciary responsibilities.

1 **SEC. 1005. Trust companies on the effective date of this Act.**
2 Any trust company existing and operating on the effective date of this Act,
3 and which was authorized to act only as a trust company, may continue to
4 act only in a fiduciary capacity, according to the terms of its articles of
5 incorporation, after the effective date of this Act, and shall be, insofar as
6 applicable, subject to the provisions of this Act. Insofar as the use of the
7 word "trust" is concerned, the provisions of subsection two (2) of section
8 one hundred seven (107) of this Act shall not apply to a trust company
9 subject to this section.

Division XI
AFFILIATES

1 **SEC. 1101. Definitions.** For the purposes of this Act, an "affiliate"
2 of a state bank shall include any corporation, trust, estate, association, or
3 other similar organization:

4 1. Of which a state bank, directly or indirectly, owns or controls either
5 a majority of the voting shares or more than fifty percent of the number
6 of shares voted for the election of its directors, trustees, or other individuals
7 exercising similar functions at the preceding election, or controls in any
8 manner the election of a majority of its directors, trustees, or other individu-
9 als exercising similar functions.

10 2. Of which control is held, directly or indirectly, through share owner-
11 ship or in any other manner, by the shareholders of a state bank who own
12 or control either a majority of the shares of such state bank or more than
13 fifty percent of the number of shares voted for the election of directors of
14 such state bank at the preceding election, or by trustees for the benefit of
15 the shareholders of any such state bank.

16 3. Of which a majority of its directors, trustees, or other individuals
17 exercising similar functions are directors of any one state bank.

18 4. Which owns or controls, directly or indirectly, either a majority of
19 the voting shares of a state bank or more than fifty percent of the number
20 of shares voted for the election of directors of a state bank at the preced-
21 ing election, or controls in any manner the election of a majority of the di-
22 rectors of a state bank, or for the benefit of whose shareholders or members
23 all or substantially all of the outstanding voting shares of a state bank is
24 held by trustees.

25 5. Which is a bank holding company, as defined by the laws of the United
26 States, of which a state bank is a subsidiary, and any other subsidiary, as
27 defined by the laws of the United States, of a bank holding company.

1 **SEC. 1102. Loans and other transactions with affiliates.** No
2 state bank shall make any loan or any extension of credit to, or purchase
3 securities under repurchase agreement from, any of its affiliates, or invest
4 any of its funds in the shares, bonds, capital securities, or other obligations
5 of any such affiliate, or accept the shares, bonds, capital securities, or other
6 obligations of any such affiliate as collateral security for advances made to
7 any customer, if the aggregate amount of such loans, extensions of credit,
8 repurchase agreements, investments and advances against such collateral
9 security will exceed:

10 1. In the case of any one such affiliate, ten percent of the capital and sur-
11 plus of such state bank.

12 2. In the case of all such affiliates, twenty percent of the capital and
13 surplus of such state bank.

14 Within the foregoing limitations, each loan or extension of credit of
15 any kind or character to an affiliate shall be secured by collateral in the
16 form of shares of stock, bonds, capital securities or other such obligations
17 having a market value at the time of making the loan or extension of
18 credit of at least twenty percent more than the amount of the loan or ex-
19 tension of credit, or of at least ten percent more than the amount of the
20 loan or extension of credit if it is secured by obligations of any state, or
21 of any political subdivision or agency thereof.

22 A loan or extension of credit to a director, officer, clerk or other employee
 23 or any representative of any such affiliate shall be deemed a loan to the
 24 affiliate to the extent that the proceeds of such loan are used for the benefit
 25 of, or transferred to, the affiliate.

26 The provisions of this section shall not apply to loans or extensions of
 27 credit fully secured by obligations of the United States, or the federal inter-
 28 mediate credit banks, or the federal land banks, or the federal home loan
 29 banks, or obligations fully guaranteed by the United States as to principal
 30 and interest. The provisions of this section shall likewise not apply to in-
 31 debtedness of any affiliate for unpaid balances due a state bank on assets
 32 purchased from such bank.

33 For the purposes of this section, the term "extension of credit" and
 34 "extensions of credit" shall be deemed to include any purchase of securities,
 35 other assets or obligations under repurchase agreement, and the discount
 36 of promissory notes, bills of exchange, conditional sales contracts, or simi-
 37 lar paper, whether with or without recourse.

1 SEC. 1103. **Exceptions.** The provisions of section eleven hundred two
 2 (1102) of this Act shall not apply to any affiliate:

3 1. Engaged solely in holding or operating real estate used wholly or sub-
 4 stantially by the state bank in its operations or acquired for its future use.

5 2. Engaged solely in conducting a safe-deposit business or the business
 6 of an agricultural credit corporation eligible to discount loans with a fed-
 7 eral intermediate credit bank.

8 3. Engaged solely in holding obligations of the United States, the
 9 federal intermediate credit banks, the federal land banks, the federal home
 10 loan banks, or obligations fully guaranteed by the United States as to prin-
 11 cipal and interest.

12 4. Where the affiliate relationship has arisen as a result of shares acquired
 13 in satisfaction of a bona fide debt contracted prior to the date of the crea-
 14 tion of such relationship provided that such shares shall be sold at public
 15 or private sale within one year from the date of the creation of the relation-
 16 ship, unless the time is extended by the superintendent.

17 5. Where the affiliate relationship exists by reason of the ownership or
 18 control of any voting shares thereof by a state bank as executor, admin-
 19 istrator, trustee, receiver, agent, depository, or in any other fiduciary ca-
 20 pacity, except where such shares are held for the benefit of all or a major-
 21 ity of the shareholders of such state bank.

22 6. Which is a bank.

1 SEC. 1104. **Applicability of general loan limitations.** Any loan
 2 or extension of credit to an affiliate, and any investment in the shares,
 3 bonds, capital securities or other obligations of an affiliate, excepted by the
 4 provisions of section eleven hundred two (1102) of this Act from the re-
 5 quirements of that section, shall continue to be subject to the other provi-
 6 sions of this Act applicable to loans or extensions of credit by a state bank
 7 and investments by a state bank in shares, bonds, capital securities, or
 8 other such obligations.

1 SEC. 1105. **Examination of affiliates and reports.**

2 1. For the purpose of determining the condition of a state bank and in-
 3 formation concerning the state bank, the superintendent shall have the
 4 power to make or cause to be made an examination of any affiliate to the
 5 same extent as he may examine a state bank under this Act.

6 2. If the superintendent has reasonable cause to believe that any cor-
7 poration, trust, estate, association, or other similar organization is an
8 affiliate, he may require the organization to furnish such information as
9 may enable him to determine whether the organization is an affiliate:

1 **SEC. 1106. Fees paid to an affiliate.** In any case where an affiliate
2 has a contract or arrangement for management, financial advice, consulta-
3 tion, or other services which involves payment for these services by a state
4 bank to an affiliate, the superintendent shall have authority to determine
5 whether or not such fees are reasonable in relation to the services per-
6 formed, and if he determines they are unreasonable, to require that they
7 be reduced to a reasonable amount or eliminated.

Division XII

OFFICES

1 **SEC. 1201. General provision.**

2 No bank shall open or maintain a branch bank. A state bank may, sub-
3 ject to approval and regulation of the superintendent:

4 1. Establish bank offices for the sole and only purpose of receiving de-
5 posits and paying checks and performing such other clerical and routine
6 duties not inconsistent with this section, provided however, that a state
7 bank shall not establish any bank office beyond those counties surrounding
8 and contiguous to or touching or cornering on the county in which the
9 state bank is located nor in a municipal corporation, or in an unincorporat-
10 ed area, in which there is already an established state or national bank and
11 provided further, that no bank office shall be continued after a state bank
12 or national bank has actually commenced business, through the opening of
13 its principal place of business, within the municipal corporation where the
14 bank office is located.

15 2. Establish, for the convenience of its customers, not more than two
16 parking lot offices for servicing accounts, for receiving and paying depos-
17 its, issuing and cashing checks, drafts, money orders and travelers checks,
18 for the storage of supplies and noncurrent bank records, for safety deposits
19 of customers and for the performance of such other clerical and routine
20 duties not inconsistent with this section, provided however, that such park-
21 ing lot offices shall be located within the same municipal corporation as
22 the state bank, shall have adequate off-street parking area as determined
23 by the superintendent, and may be for the service of both drive-up and
24 pedestrian customers and provided further, that such a facility located in
25 the proximity of the state bank may be found by the superintendent to
26 be an integral part of the state bank operation, so as to permit the approval
27 of two parking lot offices elsewhere. The state bank shall supervise the
28 operation of the parking lot office but the executive and official business
29 of the state bank shall not be transacted at the parking lot office, no cur-
30 rent records shall be at a parking lot office, and all transactions of the
31 parking lot office shall be immediately transmitted to the state bank.

32 3. Nothing in this section shall prohibit national banks the privilege of
33 this section whenever they may be so authorized by federal law.

1 **SEC. 1202. Change of location.** Upon approval by the superintendent
2 a state bank may change the location of a bank office or a parking lot
3 office. No change shall be authorized by the superintendent to a location
4 other than that specified in section twelve hundred one (1201) of this Act.

1 **SEC. 1203. Cancellation of approval of offices.** Whenever an exam-
 2 ination by the superintendent or other supervisory agencies discloses that
 3 the operation of a bank office or parking lot office is being conducted in
 4 violation of section twelve hundred one (1201) of this Act, the superintend-
 5 ent may forthwith revoke the approval of the bank office or parking lot
 6 office.

Division XIII DISSOLUTION

1 **SEC. 1301. Voluntary dissolution prior to commencement of busi-**
 2 **ness.**

3 1. Subsequent to the issuance of the certificate of incorporation and
 4 prior to the issuance of the authorization to do business, a state bank
 5 which has not issued any shares may be voluntarily dissolved by its incor-
 6 porators. In such case the articles of dissolution shall be prepared and filed
 7 in the manner provided in section four hundred ninety-six A point seventy-
 8 nine (496A.79) of the Code. The articles of dissolution shall be delivered
 9 to the superintendent, together with the applicable filing and recording
 10 fees, who shall deliver the same to the secretary of state for filing and re-
 11 cording in the office of the county recorder.

12 2. A state bank which has issued its shares, whether or not it has re-
 13 ceived an authorization to do business, but which has not commenced any
 14 business for which an authorization is required, may propose to dissolve
 15 by the affirmative vote of the holders of at least three-fourths of the shares
 16 entitled to vote thereon. After obtaining the approval of the superintendent
 17 to dissolve under this section the state bank shall deliver to the superin-
 18 tendent articles of dissolution which shall be executed by two duly author-
 19 ized officers and which shall contain the date of incorporation, a statement
 20 that it has not transacted any business for which an authorization to do
 21 business is required, a statement that all liabilities of the state bank have
 22 been paid or provided for, a statement that all amounts received on account
 23 of capital, surplus and undivided profits, less any part thereof disbursed
 24 for necessary expenses, have been returned to the persons entitled thereto,
 25 and the number of shares entitled to vote on the dissolution and the num-
 26 ber of shares voted for or against it respectively. If the superintendent
 27 finds that the articles of dissolution satisfy the requirements of this Act,
 28 he shall deliver them to the secretary of state, with his written approval,
 29 and notify the state bank of his action.

1 **SEC. 1302. Involuntary dissolution prior to commencement of**
 2 **business.** Prior to the issuance of an authorization to do business,
 3 the superintendent may cause the dissolution of a state bank if there exists
 4 any reason why it should not have been incorporated under this Act or
 5 if an authorization to do business has not been issued within one year after
 6 the date of its incorporation, or such longer time as the superintendent
 7 may allow for satisfaction of conditions precedent to its issuance. After
 8 giving the state bank adequate notice and an opportunity for hearing, the
 9 superintendent shall certify the applicable facts by the filing of a state-
 10 ment with the secretary of state, who shall thereafter issue a certificate of
 11 dissolution. Upon the issuance of such certificate of dissolution by the sec-
 12 retary of state, the corporate existence of the state bank shall cease.

1 **SEC. 1303. Voluntary dissolution after commencement of business.**

2 1. A state bank which has commenced business may propose to voluntar-
3 ily dissolve upon the affirmative vote of the holders of at least three-fourths
4 of the shares entitled to vote thereon, adopting a plan of dissolution in-
5 volving both a provision for acquisition of its assets and assumption of its
6 liabilities by another state bank or national bank and a provision for con-
7 tinuance of its business if acquisition of its assets and assumption of its
8 liabilities is not effected, or any other plan of dissolution providing for full
9 payment of its liabilities.

10 2. Upon receipt of an application for approval of a plan of dissolution
11 the superintendent shall conduct such investigation as he may deem neces-
12 sary to determine whether the plan adequately protects the interests of de-
13 positors, other creditors and shareholders and, if the plan involves an ac-
14 quisition of assets and assumption of liabilities by another state bank, wheth-
15 er such acquisition and assumption would be consistent with adequate
16 and sound banking and in the public interest, on the basis of factors sub-
17 stantially similar to those set forth in paragraph *d* of subsection one (1)
18 of section fourteen hundred three (1403) of this Act. Within ninety days
19 after receipt of the application, the superintendent shall approve or dis-
20 approve the application on the basis of his investigation. Before receiving
21 the decision of the superintendent with respect to the pending applica-
22 tion, the applying state bank shall, upon notice, reimburse the superintend-
23 ent to the extent of the expenses incurred by him in connection with the
24 application. Thereafter the superintendent shall give to the applying state
25 bank written notice of his decision, and in the event of disapproval, a state-
26 ment of the reasons for his decision. The decision of the superintendent
27 shall be subject to review by the district court of Polk county upon petition
28 by any interested party within thirty days after the superintendent notifies
29 the applying bank of his decision. The decision of the superintendent shall
30 be upheld unless unsupported by substantial evidence.

31 3. When a state bank has proposed to dissolve by adopting a plan of
32 dissolution involving a provision for acquisition of its assets and assumption
33 of its liabilities by another state bank, it shall publish a notice of the pro-
34 posed transaction. The notice shall be published once each week for two
35 successive weeks in a newspaper of general circulation published in the
36 municipal corporation or unincorporated area in which the dissolving bank
37 has its principal place of business, and in the municipal corporation or un-
38 incorporated area in which the acquiring state bank has its principal place
39 of business, or if there is none, a newspaper of general circulation published
40 in the county or counties, or in a county adjoining the county or counties,
41 in which the dissolving bank and the acquiring bank have their principal
42 place of business. Such publication of notice shall be made within thirty
43 days after making application to the superintendent for approval of the
44 plan of dissolution, and proof of publication of the notice shall be deliv-
45 ered to the superintendent. The notice shall set forth the name of the dis-
46 solving state bank and of the acquiring state bank, the location and post
47 office address of the principal place of business of the dissolving state bank
48 and of the acquiring state bank and of each office to be maintained by the
49 acquiring state bank and a brief statement of the nature of the proposed
50 transaction. Prior to making a determination on the pending application the
51 superintendent shall, upon adequate notice, afford all interested parties
52 an opportunity for a stenographically reported hearing during which such
53 parties shall be allowed to present evidence in support of, or in opposition to,

54 the pending application. If the superintendent finds that he must act im-
55 mediately on the pending application in order to protect the interests of
56 depositors or the assets of the dissolving bank, he may proceed without
57 requiring publication of the notice and without providing for the hearing
58 referred to in this subsection.

1 **SEC. 1304. Voluntary dissolution — statement of intent to dis-**
2 **solve.**

3 1. Immediately upon the adoption and approval of a plan of dissolution
4 under section thirteen hundred three (1303) of this Act (or if the plan pro-
5 vides for continuance of the business of the state bank unless a purchase of
6 its assets and an assumption of its liabilities becomes effective, immediately
7 after such purchase and assumption becomes effective), the state bank shall
8 deliver to the superintendent a statement of intent to dissolve which shall
9 be signed by two of its duly authorized officers and which shall contain
10 the name of the state bank, the post office address of its principal place of
11 business, the name and address of its officers and directors, the number
12 of shares entitled to vote on the plan of dissolution and the number of
13 shares voted for or against the plan, respectively.

14 2. If the statement of intent to dissolve satisfies the requirements of
15 this section, the superintendent shall deliver the statement with his writ-
16 ten approval to the secretary of state who shall issue to the state bank an
17 approved copy of such statement. Upon the issuance of an approved copy
18 of the statement of intent to dissolve, the state bank shall cease to accept
19 deposits or carry on its business, except insofar as may be necessary for the
20 proper winding up thereof in accordance with the approved plan, but its
21 corporate existence shall continue until issuance of a certificate of dissolu-
22 tion pursuant to section thirteen hundred seven (1307) of this Act.

23 3. If the laws of the United States require approval by any federal
24 agency, the superintendent shall withhold delivery of the approved state-
25 ment of intent to dissolve until he receives notice of the decision of such
26 agency. If the final approval of the agency is not given, the superintendent
27 shall notify the applying state bank that the approval of the superintend-
28 ent has been rescinded for that reason.

1 **SEC. 1305. Voluntary dissolution proceedings — winding up.**

2 1. The board of directors shall have full power to wind up and settle
3 the affairs of a state bank in voluntary dissolution proceedings.

4 2. Within thirty days after the issuance by the secretary of state of an
5 approved copy of the statement of intent to dissolve, the state bank shall
6 give notice of its dissolution:

7 *a.* By mail to each depositor and creditor (except those as to whom the
8 liability of the state bank has been assumed by another state bank or
9 national bank pursuant to the plan), at their last address of record
10 as shown upon the books of the bank, including a statement of the amount
11 shown by the books of the state bank to be due to such depositor or credi-
12 tor and a demand that any claim for a greater amount be filed with
13 the state bank any time before a specified date at least ninety days after
14 the date of the notice.

15 *b.* By mail to each lessee of a safe-deposit box and each customer for
16 whom property is held in safekeeping (except those as to whom the liability
17 of the state bank has been assumed by another state bank or national
18 bank pursuant to the plan), at their last known address of record as shown
19 upon the books of the state bank, including a demand that all property

20 held in a safe-deposit box or held in safekeeping by the state bank be with-
21 drawn by the person entitled thereto before a specified date which is at
22 least ninety days after the date of the notice.

23 c. By mail to each person, at his last known address as shown upon the
24 books of the state bank, interested in funds held in a fiduciary account
25 or other representative capacity.

26 d. By a conspicuous posting at each office of the state bank.

27 e. By such publication as the superintendent may prescribe.

28 3. As soon after the issuance of an approved statement of intent to dis-
29 solve as feasible, the state bank shall resign all fiduciary appointments and
30 take such action as may be necessary to settle its fiduciary accounts.

31 4. All known depositors and creditors shall be paid promptly after the
32 date specified in the notice given under paragraph *a* of subsection two (2)
33 of this section. Unearned portions of rentals for safe-deposit boxes shall be
34 rebated to the lessees thereof.

35 5. Safe-deposit boxes, the contents of which have not been removed by
36 the owners after the date specified in the notice given under paragraph *b*
37 of subsection two (2) of this section, shall be opened under the supervision
38 of the superintendent and the contents placed in sealed packages which,
39 together with unclaimed property held by the state bank in safekeeping,
40 shall be transmitted to the treasurer of state. Amounts due to depositors
41 who are unknown, or who are under a disability and there is no person
42 legally competent to receive such amount, or who cannot be found after
43 the exercise of reasonable diligence, shall be transmitted to the treasurer
44 of state, together with a statement giving the name of the person, if known,
45 entitled to such amount, his last known address, the amount due such per-
46 son, and such other information about such person as the treasurer of
47 state may reasonably require. All property transmitted to the treasurer
48 of state pursuant to this subsection shall be treated as abandoned, retained
49 by the treasurer of state, and subject to claim, in the manner provided
50 for in sections fourteen (14) through twenty-one (21) of chapter three hun-
51 dred ninety-one (391), Acts of the Sixty-second General Assembly. All
52 amounts due creditors described in section four hundred ninety-six A point
53 one hundred one (496A.101) of the Code shall be deposited with the treas-
54 urer of state in accordance with the provisions of that section. Such amounts
55 shall be retained by the treasurer of state and subject to claim in the
56 manner provided for in said section four hundred ninety-six A point one
57 hundred one (496A.101).

58 6. Upon approval by the superintendent, assets remaining after the per-
59 formance of all obligations of the state bank under subsections three (3),
60 four (4), and five (5) of this section shall be distributed to its shareholders
61 according to their respective rights and preferences. Partial distributions to
62 shareholders may be made prior to such time only if, and to the extent,
63 approved by the superintendent. All amounts due shareholders described
64 in section four hundred ninety-six A point one hundred one (496A.101) of
65 the Code shall be deposited with the treasurer of state in accordance with
66 the provisions of that section. Such amounts shall be retained by the treas-
67 urer of state and subject to claim in the manner provided for in said section
68 four hundred ninety-six A point one hundred one (496A.101).

69 7. During the course of dissolution proceedings the state bank shall
70 make such reports as the superintendent may require, and shall continue
71 to be subject to the provisions of this Act, including those relating to exam-
72 ination of state banks, until completion of the dissolution of the state bank.

73 8. If at any time during the course of dissolution proceedings the super-
74 intendent finds that the assets of the state bank will not be sufficient to
75 discharge its obligations, he shall apply to the district court for appoint-
76 ment as receiver in the manner required by section thirteen hundred ten
77 (1310) of this Act, and the dissolution shall thereafter be treated as an
78 involuntary dissolution in accordance with the terms of that section and
79 sections thirteen hundred eleven (1311) and thirteen hundred twelve (1312)
80 of this Act.

1 **SEC. 1306. Revocation of voluntary dissolution proceedings.**

2 1. A state bank may, at any time prior to the issuance of the approved
3 copy of the statement of intent to dissolve by the secretary of state, re-
4 voke voluntary dissolution proceedings by consent of the shareholders in
5 the manner provided for in section four hundred ninety-six A point eighty-
6 five (496A.85) of the Code or by act of the state bank as provided for in sec-
7 tion four hundred ninety-six A point eighty-six (496A.86) of the Code, ex-
8 cept that the vote taken on the resolution referred to in subsection three
9 (3) of section four hundred ninety-six A point eighty-six (496A.86) shall be
10 adopted only upon the affirmative vote of the holders of at least three-
11 fourths of the shares entitled to vote thereon.

12 2. The statement of revocation of voluntary dissolution proceedings,
13 whether by consent of shareholders or by act of the state bank, shall be
14 delivered to the superintendent, together with the applicable filing and re-
15 cording fee, who shall, if he finds that they satisfy the requirements of this
16 section, deliver them to the secretary of state for filing and recording in
17 his office, and the same shall be filed and recorded in the office of the coun-
18 ty recorder.

1 **SEC. 1307. Articles of dissolution.**

2 1. If voluntary dissolution proceedings have not been revoked, then
3 when all debts, liabilities and obligations of the state bank have been paid
4 or otherwise discharged, or adequate provision has been made therefor,
5 and all of the remaining property and assets of the state bank have been
6 distributed to its shareholders, articles of dissolution shall be executed by
7 the state bank by its president or a vice president and by its cashier or
8 an assistant cashier, and verified by one of the officers signing such state-
9 ment, which shall set forth:

10 a. The name of the state bank.

11 b. That the secretary of state has theretofore filed a statement of in-
12 tent to dissolve the state bank, and the date on which such statement was
13 filed.

14 c. That all debts, obligations and liabilities of the state bank have been
15 paid or otherwise discharged or that adequate provision has been made
16 therefor.

17 d. That all the remaining property and assets of the corporation have
18 been distributed among its shareholders in accordance with their respec-
19 tive rights and interests.

20 e. That there are no suits pending against the corporation in any court,
21 or that adequate provision has been made for the satisfaction of any judg-
22 ment, order or decree which may be entered against it in any pending suit.

23 2. The articles of dissolution shall be delivered to the superintendent,
24 together with the applicable filing and recording fee, who shall, if he finds
25 that they satisfy the requirements of this section, deliver them to the sec-
26 retary of state for filing and recording in his office, and the same shall be
27 filed and recorded in the office of the county recorder.

1 **SEC. 1308. Certificate of dissolution.** The secretary of state upon
2 filing the articles of dissolution shall issue a certificate of dissolution, and
3 send the same to the representative of the dissolved state bank. Upon the
4 issuance of such certificate of dissolution the existence of the state bank
5 shall cease, except for the purpose of suits, other proceedings and appropri-
6 ate corporate action by shareholders, directors and officers as provided in
7 this Act.

1 **SEC. 1309. Becoming subject to chapter 496A.** In lieu of the dis-
2 solution procedure prescribed in sections thirteen hundred three (1303)
3 through thirteen hundred eight (1308) of this Act, a state bank may cease to
4 carry on the business of banking and, after compliance with the provisions
5 of this section, continue as a corporation subject to the provisions of
6 chapter four hundred ninety-six A (496A) of the Code.

7 1. A state bank which has commenced business may propose to voluntar-
8 ily cease to carry on the business of banking and become a corporation sub-
9 ject to the provisions of chapter four hundred ninety-six A (496A) upon the
10 affirmative vote of the holders of at least three-fourths of the shares en-
11 titled to vote thereon, adopting a plan involving both a provision for acqui-
12 sition of its assets and assumption of its liabilities by another state bank
13 or national bank and a provision for continuance of its business if acquisi-
14 tion of its assets and assumption of its liabilities is not effected, or any oth-
15 er plan providing for the cessation of banking business and the payment of
16 its liabilities.

17 2. The application to the superintendent for approval of a plan described
18 in subsection one (1) of this section shall be treated by him in the same man-
19 ner as an application for approval of a plan of dissolution under subsection
20 two (2) of section thirteen hundred three (1303) of this Act, and shall be
21 subject to the provisions of subsection three (3) of section thirteen hundred
22 three (1303).

23 3. Immediately upon adoption and approval of a plan to voluntarily cease
24 to carry on the business of banking and become a corporation subject to
25 the provisions of chapter four hundred ninety-six A (496A), the state bank
26 shall deliver to the superintendent a statement of its intent to cease to car-
27 ry on the business of banking and become a corporation subject to the pro-
28 visions of chapter four hundred ninety-six A (496A), which shall be signed
29 by two of its duly authorized officers and shall contain the name of the
30 state bank, the post office address of its principal place of business, the name
31 and address of its officers and directors, the number of shares entitled to
32 vote on the plan and the number of shares voted for or against the plan,
33 respectively, the nature of the business to be conducted by the corporation
34 under the provisions of chapter four hundred ninety-six A (496A), and the
35 general nature of the assets to be held by such corporation.

36 4. If the statement of intent to cease to carry on the business of banking
37 and become a corporation subject to the provisions of chapter four hundred
38 ninety-six A (496A) satisfies the requirements of this section, the superin-
39 tendent shall deliver the statement with his written approval to the secre-
40 tary of state who shall issue to the state bank an approved copy of such
41 statement. Upon the issuance of an approved copy of the statement of intent,
42 the state bank shall immediately surrender to the superintendent its author-
43 ization to do business as a bank and shall cease to accept deposits or carry
44 on the banking business except insofar as may be necessary for it to complete

45 the settlement of its affairs as a state bank in accordance with subsection
46 five (5) of this section.

47 5. The board of directors shall have full power to complete the settlement
48 of the affairs of the state bank. Within thirty days after the issuance of
49 an approved copy of the statement of intent to cease to carry on the busi-
50 ness of banking and become a corporation subject to the provisions of chap-
51 ter four hundred ninety-six A (496A), the state bank shall give notice of its
52 intent to persons described in subsection two (2) of section thirteen hun-
53 dred five (1305) of this Act and in the manner provided for in that sub-
54 section. In completing the settlement of its affairs as a state bank the state
55 bank shall also follow the procedure prescribed in subsections three (3),
56 four (4) and five (5) of section thirteen hundred five (1305).

57 6. Upon approval by the superintendent, assets remaining after the per-
58 formance of all obligations described in this section, except those which the
59 state bank wishes to retain when it becomes a corporation subject to the
60 provisions of chapter four hundred ninety-six A (496A), shall be distributed
61 to its shareholders according to their respective rights and preferences.

62 7. Upon completion of all the requirements of this section, the state
63 bank shall deliver to the superintendent articles of intent to be subject
64 to chapter four hundred ninety-six A (496A), together with the applicable
65 filing and recording fees, which shall set forth that the state bank has com-
66 plied with the provisions of this section, that it has ceased to carry on the
67 business of banking, and the information required by section four hundred
68 ninety-six A point forty-nine (496A.49) of the Code relative to the contents
69 of articles of incorporation under chapter four hundred ninety-six A (496A).
70 If the superintendent finds that the state bank has complied with the pro-
71 visions of this section and that the articles of intent to be subject to chap-
72 ter four hundred ninety-six A (496A) satisfy the requirements of this sec-
73 tion, he shall deliver them to the secretary of state for filing and recording
74 in his office, and the same shall be filed and recorded in the office of the
75 county recorder.

76 8. Upon the filing of the articles of intent to be subject to chapter four
77 hundred ninety-six A (496A), the state bank shall cease to be a state bank
78 subject to the provisions of this Act, and shall cease to have the powers of
79 a state bank subject to this Act and shall become a corporation subject
80 to the provisions of chapter four hundred ninety-six A (496A). The secre-
81 tary of state shall issue a certificate as to the filing of the articles of intent
82 to be subject to the provisions of chapter four hundred ninety-six A (496A),
83 and send the same to the corporation or its representative. The articles of
84 intent to be subject to chapter four hundred ninety-six A (496A) shall be
85 the articles of incorporation of the corporation. The provisions of chapter
86 four hundred ninety-six A (496A) becoming applicable to a corporation for-
87 merly doing business as a state bank shall not affect any right accrued or
88 established, or liability or penalty incurred under the provisions of this Act
89 prior to the filing with the secretary of state of the articles of intent to be
90 subject to chapter four hundred ninety-six A (496A).

91 9. A shareholder of a state bank who objects, in the manner prescribed
92 by section four hundred ninety-six A point seventy-eight (496A.78) of the
93 Code, to adoption by the state bank of a plan to cease to carry on the busi-
94 ness of banking and to continue as a corporation subject to the provisions
95 of chapter four hundred ninety-six A (496A), shall be entitled to the rights
96 and remedies of a dissenting shareholder provided for in that section.

97 10. A state bank may, at any time prior to the issuance of the approved
98 copy of the statement of intent to cease to carry on the business of banking
99 and become a corporation subject to the provisions of chapter four hun-
100 dred ninety-six A (496A), revoke such proceedings in the manner pre-
101 scribed by section thirteen hundred six (1306) of this Act.

1 SEC. 1310. **Involuntary dissolution after commencement of busi-**
2 **ness — superintendent as receiver.** In a situation in which the super-
3 intendent has required, in accordance with the provisions of section two
4 hundred twenty-six (226) of this Act, that the state bank cease to carry
5 on its business, he shall apply to the district court for the county in which
6 the state bank is located for appointment as receiver for the state bank.
7 The district court shall appoint the superintendent as receiver unless the
8 superintendent has tendered such appointment to the federal deposit in-
9 surance corporation as provided for in section thirteen hundred thirteen
10 (1313) of this Act, in which case the district court shall appoint the federal
11 deposit insurance corporation as receiver. The affairs of the state bank shall
12 thereafter be under the direction of the district court, and the assets
13 thereof shall be distributed in accordance with the provisions of section
14 thirteen hundred twelve (1312) of this Act. All amounts due creditors
15 and shareholders described in section four hundred ninety-six A point
16 one hundred one (496A.101) of the Code shall be deposited with the treas-
17 urer of state in accordance with the provisions of that section. Such
18 amounts shall be retained by the treasurer of state and subject to claim
19 in the manner provided for in section four hundred ninety-six A point
20 one hundred one (496A.101). Amounts due to depositors who are unknown,
21 or who are under a disability and there is no person legally competent to
22 receive such amount, or who cannot be found after the exercise of reason-
23 able diligence, shall be transmitted to the treasurer of state in the manner
24 required by subsection five (5) of section thirteen hundred five (1305) of
25 this Act. Such property shall be treated as abandoned, retained by the
26 treasurer of state, and subject to claim, in the manner provided for in
27 sections fourteen (14) through twenty-one (21) of chapter three hundred
28 ninety-one (391), Acts of the Sixty-second General Assembly. The attorney
29 general, or such assistants as shall be appointed by the court, shall repre-
30 sent the superintendent in all proceedings connected with such receivership.

1 SEC. 1311. **Involuntary dissolution after commencement of busi-**
2 **ness — receivership procedure.**

3 1. In all situations in which the superintendent has been named the re-
4 ceiver as provided in section thirteen hundred ten (1310) of this Act he
5 shall make a diligent effort to collect and realize on the assets of the state
6 bank, and make distribution of the proceeds from time to time to those
7 entitled thereto. The superintendent may execute assignments, releases
8 and satisfactions to effectuate sales and transfers as receiver or after the
9 receivership has terminated. Upon the order of the court in which the re-
10 ceivership is pending, the superintendent may sell or compound all bad
11 or doubtful debts, and, on a like order, may sell all the real and personal
12 property of such state bank, on such terms as the court shall direct.

13 2. All expenses of the receivership and dissolution shall be fixed by the
14 superintendent, subject to the approval of the district court, and shall be
15 paid out of the assets of the state bank.

16 3. At the termination of the receivership, the superintendent shall file
17 his final report containing the details of his actions therein, together with
18 such additional facts as the court may require.

19 4. Upon the submission and approval of the final report, the court shall
20 enter a decree dissolving the state bank whereupon the corporate existence
21 of the state bank shall cease. It shall be the duty of the clerk of such
22 court to cause certified copies of the decree to be filed with and recorded
23 by the secretary of state and the county recorder of the county in which
24 is located the state bank. No fee shall be charged by the secretary of state
25 or said county recorder for the filing or recording thereof.

1 **SEC. 1312. Distribution of assets upon insolvency.** In the dis-
2 tribution of the assets of a state bank which is dissolved under this Act,
3 or by any other method, the order of payment of the liabilities of the state
4 bank, in the event that its assets are insufficient to pay in full all its liabil-
5 ities for which claims are made, shall be:

6 1. The payment of costs and expenses of the administration of the dis-
7 solution.

8 2. The payment of claims which are given priority by applicable statutes
9 and, if the assets are insufficient for the payment in full of all such claims,
10 in the order provided by such statutes or, in the absence of contrary pro-
11 visions, pro rata.

12 3. Amounts due to depositors.

13 4. The payment of all other claims pro rata, exclusive of claims on
14 capital notes and debentures.

15 5. The payment of capital notes and debentures.

1 **SEC. 1313. Involuntary dissolution after commencement of busi-
2 ness — tender of receivership to F.D.I.C.**

3 1. When an insured state bank has ceased to carry on its business, the
4 superintendent may tender to the federal deposit insurance corporation the
5 appointment as receiver of the insured state bank. If the federal deposit
6 insurance corporation accepts the appointment as receiver, the rights of
7 depositors and other creditors of the insured state bank shall be determined
8 in accordance with the laws of this state.

9 2. The federal deposit insurance corporation as receiver shall possess all
10 the powers, rights and privileges given to the superintendent under section
11 thirteen hundred eleven (1311) of this Act, except insofar as that section
12 may be in conflict with the laws of the United States.

13 3. If the federal deposit insurance corporation pays or makes available
14 for payment the insured deposit liabilities of an insured state bank, the
15 federal deposit insurance corporation, whether or not it has become re-
16 ceiver, shall be subrogated by operation of law to all rights against such
17 insured state bank of the owners of such deposits in the same manner and
18 to the same extent as subrogation of the federal deposit insurance corpo-
19 ration is provided for in applicable federal law in the case of a national bank.

1 **SEC. 1314. Survival of rights and remedies after dissolution or
2 expiration — preservation of records.**

3 1. The dissolution of a state bank, or the expiration of its period of dura-
4 tion, shall not take away or impair any remedy available to or against
5 such state bank, its directors, officers, or shareholders, for any right or
6 claim existing, or any liability incurred prior to such dissolution or expira-

7 tion, if action or other proceeding thereon is commenced within two years
8 after the date of such dissolution or expiration. Any such action or pro-
9 ceeding by or against the state bank may be prosecuted or defended by the
10 state bank in its corporate name. The shareholders, directors and officers
11 shall have power to take such corporate or other action as shall be appro-
12 priate to protect such remedy, right or claim.

13 2. Subsequent to the dissolution of a state bank, other than through the
14 adoption of a plan involving a provision for acquisition of its assets and
15 assumption of its liabilities by another state or national bank, the super-
16 intendent shall assume custody of the records of the state bank and shall
17 retain them in accordance with the provisions of section two hundred
18 twenty-one (221) of this Act. The superintendent may make copies of such
19 records in accordance with the provisions of subsection one (1) of section
20 two hundred twenty-one (221) of this Act.

Division XIV

MERGER, CONSOLIDATION AND CONVERSION

1 SEC. 1401. Authority to merge or consolidate.

2 1. Upon compliance with the requirements of this Act, one or more
3 state banks or one or more national banks, or any combination of state
4 and national banks, may merge or consolidate into a national bank or,
5 with the approval of the superintendent, may merge into a state bank or
6 consolidate into a new state bank.

7 2. The authority of a state bank to merge or consolidate into a national
8 bank shall be subject to the condition that at the time of the transaction
9 the laws of the United States shall authorize a national bank located in
10 this state, without approval by the comptroller of the currency of the
11 United States, to merge or consolidate into a state bank under limitations
12 no more restrictive than those contained in this Act with respect to the
13 merger or consolidation of a state bank into a national bank.

1 SEC. 1402. Requirements for a merger or consolidation. The 2 requirements for a merger or consolidation which must be satisfied by the 3 parties thereto are:

4 1. The parties shall adopt a plan stating the method, terms and con-
5 ditions of the merger or consolidation, including the rights under the plan
6 of the shareholders of each of the parties, and an agreement concerning
7 the merger or consolidation.

8 2. In the case of a state bank which is a party to the plan, if the pro-
9 posed merger or consolidation will result in a state bank subject to this
10 Act, adoption of the plan by such state bank shall require the affirmative
11 vote of at least a majority of the directors and approval by the sharehold-
12 ers, in the manner and according to the procedures prescribed in section
13 four hundred ninety-six A point seventy (496A.70) of the Code, at a meet-
14 ing called in accordance with the terms of that section. In the case of a
15 national bank, or if the proposed merger or consolidation will result in a
16 national bank, adoption of the plan by each party thereto shall require
17 the affirmative vote of at least such directors and shareholders whose
18 affirmative vote thereon is required under the laws of the United States.
19 Subject to applicable requirements of the laws of the United States in a
20 case in which a national bank is a party to a plan, any modification of a

21 plan which has been adopted shall be made by any method provided
22 therein, or in the absence of such provision, by the same vote as required
23 for adoption.

24 3. If a proposed merger or consolidation will result in a state bank,
25 application for the required approval by the superintendent shall be made
26 in the manner prescribed by the superintendent. There shall also be deliv-
27 ered to the superintendent, when available:

28 *a.* Articles of merger or consolidation.

29 *b.* Applicable fees payable to the secretary of state, as specified in sec-
30 tion four hundred ninety-six A point one hundred twenty-four (496A.124)
31 of the Code, for the filing and recording of the articles of merger or consol-
32 idation.

33 *c.* If there is any modification of the plan at any time prior to the approv-
34 al by the superintendent under section fourteen hundred three (1403) of
35 this Act, an amendment of the application and, if necessary, of the articles
36 of merger or consolidation, signed in the same manner as the originals,
37 setting forth the modification of the plan, the method by which such modi-
38 fication was adopted and any related change in the provisions of the articles
39 of merger or consolidation.

40 *d.* Proof of publication of the notice required by subsection four (4) of
41 this section.

42 4. If a proposed merger or consolidation will result in a state bank, the
43 parties to the plan shall publish a notice of the proposed transaction in a
44 newspaper of general circulation published in a municipal corporation or
45 unincorporated area in which each party to the plan has its principal place
46 of business, and in the case of a consolidation, in which the resulting state
47 bank is to have its principal place of business, or if there is none, in a news-
48 paper of general circulation published in the county, or in a county ad-
49 joining the county, in which each party to the plan has its principal place
50 of business and, in the case of a consolidation, in which the resulting state
51 bank is to have its principal place of business. The notice shall be published
52 once each week for two successive weeks, within thirty days after making
53 application to the superintendent for approval of the plan. The notice
54 shall set forth the names of the parties to the plan and the resulting state
55 bank, the location and post office address of the principal place of business
56 of the resulting state bank and of each office to be maintained by the result-
57 ing state bank, the purpose or purposes of the resulting state bank, and the
58 date of delivery of the articles of merger and consolidation to the superin-
59 tendent.

60 5. The articles of merger or consolidation shall be signed by two duly
61 authorized officers of each party to the plan and shall contain:

62 *a.* The names of the parties to the plan, and of the resulting state bank.

63 *b.* The location and the post office address of the principal place of busi-
64 ness of each party to the plan, and of each additional office maintained by
65 the parties to the plan, and the location and post office address of the prin-
66 cipal place of business of the resulting state bank, and of each additional
67 office to be maintained by the resulting state bank.

68 *c.* The votes by which the plan was adopted, and the time and place of
69 each meeting in connection with such adoption.

70 *d.* The number of directors constituting the board of directors, and the
71 names and addresses of the persons who are to serve as directors until the
72 next annual meeting of the shareholders or until their successors be elect-
73 ed and qualify.

74 *e.* In the case of a merger, any amendment of the articles of incorporation
75 of the resulting state bank.

76 *f.* In the case of a consolidation, the provisions required in the articles of
77 incorporation of a state bank by subsections three (3), four (4), five (5),
78 six (6), seven (7), nine (9), and ten (10) of section three hundred two (302)
79 of this Act.

80 *g.* The plan of merger or consolidation.

81 6. If a proposed merger or consolidation will result in a national bank, a
82 state bank which is a party to the plan shall:

83 *a.* Notify the superintendent of the proposed merger or consolidation.

84 *b.* Provide such evidence of the adoption of the plan as the superintend-
85 ent may request.

86 *c.* Notify the superintendent of any abandonment or disapproval of the
87 plan.

88 *d.* File with the superintendent and with the secretary of state a cer-
89 tificate of approval of the merger or consolidation by the comptroller of the
90 currency of the United States.

91 *e.* Notify the superintendent of the date upon which such merger or
92 consolidation is to become effective.

1 **SEC. 1403. Approval of merger or consolidation by superintend-**
2 **ent.**

3 1. Upon receipt of an application for approval of a merger or consolida-
4 tion and of the supporting items required by subsection three (3) of section
5 fourteen hundred two (1402) of this Act, the superintendent shall conduct
6 such investigation as he deems necessary to ascertain whether:

7 *a.* The articles of merger or consolidation and supporting items satisfy
8 the requirements of this Act.

9 *b.* The plan and any modification thereof adequately protects the inter-
10 ests of depositors, other creditors and shareholders.

11 *c.* The requirements for a merger or consolidation under all applicable
12 laws have been satisfied and the resulting state bank would satisfy the re-
13 quirements of this Act with respect to it.

14 *d.* The merger or consolidation would be consistent with adequate and
15 sound banking and in the public interest on the basis of the financial his-
16 tory and condition of the parties to the plan, including the adequacy of
17 the capital structure of the resulting state bank, the character of the man-
18 agement of the resulting state bank, the potential effect of the merger or
19 consolidation on competition and the convenience and needs of the area
20 primarily to be served by the resulting state bank.

21 2. Within one hundred eighty days after receipt of the application, or
22 within an additional period of not more than sixty days after receipt of an
23 amendment of the application, the superintendent shall make a determina-
24 tion whether to approve or disapprove the application on the basis of his
25 investigation. The plan shall not be modified at any time after approval of
26 the application by the superintendent. Prior to making a determination on
27 the pending application the superintendent shall, upon adequate notice,
28 afford all interested persons an opportunity for a stenographically reported
29 hearing during which such persons shall be allowed to present evidence in
30 support of, or in opposition to, the pending application. If the superintend-
31 ent finds that he must act immediately on the pending application in order
32 to protect the interests of depositors or the assets of any party to the
33 plan, he may proceed without requiring publication of the notice and

34 without providing for the hearing referred to in this subsection. Before
35 receiving the decision of the superintendent with respect to the pending
36 application, the parties to the plan shall, upon notice, reimburse the super-
37 intendent to the extent of the expenses incurred by him in connection with
38 the application. Thereafter the superintendent shall give to the parties to
39 the plan written notice of his decision and, in the event of disapproval, a
40 statement of the reasons for his decision. The decision of the superintend-
41 ent shall be subject to review by the district court of Polk county upon pe-
42 tition by any interested person within thirty days after the superintendent
43 notifies the parties to the plan of his decision. The decision of the super-
44 intendent shall be upheld unless unsupported by substantial evidence.

1 **SEC. 1404. Procedure after approval by the superintendent —**
2 **issuance of certificate of merger or consolidation.** If the laws of the
3 United States require the approval of the merger or consolidation by any
4 federal agency, the superintendent shall, after his approval, retain the arti-
5 cles of merger or consolidation until he receives notice of the decision of
6 such agency. If the final approval of the agency is not given, the superin-
7 tendent shall notify the parties to the plan that the approval of the super-
8 intendent has been rescinded for that reason. If such agency gives its
9 approval, the superintendent shall deliver the articles of merger or consol-
10 idation, which his approval indicated thereon, to the secretary of state,
11 and shall notify the parties to the plan. The receipt of the approved articles
12 of merger or consolidation by the secretary of state shall constitute filing
13 thereof with that office. The secretary of state shall record the articles of
14 merger or consolidation in his office, and the same shall be filed and re-
15 corded in the office of the county recorder in each county in which the par-
16 ties to the plan had previously maintained a principal place of business and,
17 in the case of a consolidation, in the county in which the new state bank
18 is to maintain its principal place of business. On the date upon which the
19 merger or consolidation is effective the secretary of state shall issue a
20 certificate of merger or consolidation and send the same to the resulting
21 state bank and a copy thereof to the superintendent.

1 **SEC. 1405. Effect of merger or consolidation.**
2 1. The merger or consolidation shall be effective upon the filing of the
3 articles of merger or consolidation with the secretary of state, or at any
4 later date and time specified by the superintendent in writing on the arti-
5 cles of merger or consolidation. The certificate of merger or consolidation
6 shall be conclusive evidence of the performance of all conditions precedent
7 to the merger or consolidation, and of the existence or creation of the result-
8 ing state bank, except as against the state.
9 2. When a merger or consolidation becomes effective, the existence of
10 each party to the plan, except the resulting state bank, shall cease as a
11 separate entity but shall continue in, and the parties to the plan shall be,
12 a single corporation which shall be the resulting state bank and which shall
13 have all the property, rights, powers, duties and obligations of each party
14 to the plan, except that the resulting state bank shall have only the au-
15 thority to engage in such business and exercise such powers as it would
16 have, and shall be subject to the same prohibitions and limitations to
17 which it would be subject, upon original incorporation under this Act. A
18 resulting state bank may, however, engage in any business and exercise

19 any right that any party to the plan which was a state bank subject to
20 this Act could lawfully exercise or engage in immediately prior to the
21 merger or consolidation.

22 3. No liability of any party to the plan or of its shareholders, directors
23 or officers shall be affected, nor shall any lien on any property of a party to
24 the plan be impaired, by the merger or consolidation. Any claim existing or
25 action pending by or against any party to the plan may be prosecuted to
26 judgment as if the merger or consolidation had not taken place, or the re-
27 sulting state bank may be substituted in its place. The articles of incorpo-
28 ration of the resulting state bank shall be, in the case of a merger, the same
29 as its articles of incorporation prior to the merger with any change stated
30 in the articles of merger, and in the case of a consolidation, the provisions
31 stated in the articles of consolidation shall be deemed to be the original
32 articles of incorporation of the resulting state bank.

1 **SEC. 1406. Rights of dissenting shareholders.**

2 1. A shareholder of a state bank, which is a party to a proposed merger
3 or consolidation plan which will result in a state bank subject to this Act,
4 who objects to the plan in the manner prescribed by section four hundred
5 ninety-six A point seventy-eight (496A.78) of the Code, shall be entitled to
6 the rights and remedies of a dissenting shareholder as provided in that
7 section. Shares acquired by a state bank pursuant to payment of the agreed
8 value therefor or to payment of the judgment entered therefor, pursuant to
9 section four hundred ninety-six A point seventy-eight (496A.78), shall
10 be sold at public or private sale, within one year from the time of their
11 purchase or acquisition, unless the time is extended by the superintendent.

12 2. If a shareholder of a national bank which is a party to a proposed
13 merger or consolidation plan which will result in a state bank, or a share-
14 holder of a state bank which is a party to a plan which will result in a
15 national bank, shall object to the plan and shall comply with the require-
16 ments of the applicable laws of the United States, the resulting state bank
17 or national bank, as the case may be, shall be liable for the value of his
18 shares as determined in accordance with such laws of the United States.
19 Shares acquired by a state bank pursuant to this subsection shall be sold
20 at public or private sale within one year from the time of their purchase or
21 acquisition, unless the time is extended by the superintendent.

1 **SEC. 1407. Succession to fiduciary accounts and appointments —**
2 **application for appointment of new fiduciary.**

3 1. If a party to a plan of merger or consolidation was authorized to act
4 in a fiduciary capacity and if the resulting state or national bank is similar-
5 ly authorized, the resulting state or national bank shall be automatically
6 substituted by reason of the merger or consolidation as fiduciary of all
7 accounts held in that capacity by such party to the plan, without further
8 action and without any order or decree of any court or public officer, and
9 shall have all the rights and be subject to all the obligations of such party
10 as fiduciary.

11 2. No designation, nomination or appointment as fiduciary of a party
12 to a plan of merger or consolidation shall lapse by reason of the merger or
13 consolidation. The resulting state or national bank shall, if authorized to
14 act in a fiduciary capacity, be entitled to act as fiduciary pursuant to each
15 such designation, nomination or appointment to the same extent as the
16 party to the plan so named could have acted in the absence of the merger
17 or consolidation.

18 3. Any person with an interest in an account held in a fiduciary capacity
 19 by a party to a plan of merger or consolidation may, within sixty days after
 20 the effective date of the merger or consolidation, apply to the district court
 21 in the county in which the resulting state or national bank has its principal
 22 place of business, for the appointment of a new fiduciary to replace the re-
 23 sulting state or national bank on the ground that the merger or consolida-
 24 tion will adversely affect the administration of the fiduciary account. The
 25 court shall have the discretion to appoint a new fiduciary to replace the
 26 resulting state or national bank if it should find, upon hearing after notice
 27 to all interested parties, that the merger or consolidation will adversely
 28 affect the administration of the fiduciary account and that the appointment
 29 of a new fiduciary will be in the best interests of the beneficiaries of the
 30 fiduciary account. This provision shall be in addition to any other provi-
 31 sion of law governing the removal of fiduciaries and shall be subject to the
 32 terms upon which the party to the plan which held the fiduciary account
 33 was designated as fiduciary.

1 **SEC. 1408. Merger of corporation substantially owned by a state**
 2 **bank.** Any state bank owning at least ninety-five percent of the outstand-
 3 ing shares, of each class, of another corporation which it is authorized to
 4 own under the provisions of this Act, may merge such other corporation
 5 into itself without approval by a vote of the shareholders of either the state
 6 bank or the subsidiary corporation. The board of directors of the state bank
 7 shall approve a plan of merger, mail to shareholders of record of the subsidi-
 8 ary corporation and prepare and execute articles of merger in the manner
 9 provided for in section four hundred ninety-six A point seventy-two
 10 (496A.72) of the Code. The articles of merger, together with the applicable
 11 filing and recording fees, shall be delivered to the superintendent who shall,
 12 if he approves of the proposed merger and if he finds the articles of merger
 13 satisfy the requirements of this section, deliver them to the secretary of
 14 state for filing and recording in his office, and the same shall be filed in the
 15 office of the county recorder. The secretary of state upon filing the articles
 16 of merger shall issue a certificate of merger and send the same to the state
 17 bank and a copy thereof to the superintendent.

1 **SEC. 1409. Authority for conversion of national bank into state**
 2 **bank.** A national bank may, subject to the provisions of this Act, con-
 3 vert into a state bank upon authorization by and compliance with the laws
 4 of the United States, adoption of a plan of conversion by the affirmative vote
 5 of at least a majority of its directors and the holders of two-thirds of each
 6 class of its shares at a meeting held upon not less than ten days' notice to
 7 all shareholders, and upon approval of the superintendent.

1 **SEC. 1410. Application for approval by superintendent.** A nation-
 2 al bank shall make an application to the superintendent for approval of the
 3 conversion in a manner prescribed by the superintendent and shall deliver
 4 to the superintendent, when available:

- 5 1. Articles of conversion.
- 6 2. As soon as available, proof of publication of the notice required by
 7 section fourteen hundred twelve (1412) of this Act.
- 8 3. The applicable fee payable to the secretary of state, by reason of sub-
 9 section twenty (20) of section four hundred ninety-six A point one hundred
 10 twenty-four (496A.124) of the Code, for the filing and recording of the arti-
 11 cles of conversion.

1 **SEC. 1411. Articles of conversion.** The articles of conversion shall
 2 be signed by two duly authorized officers of the national bank and shall
 3 contain:

4 1. The name of the national bank and the name of the resulting state
 5 bank.

6 2. The location and post office address of its principal place of business
 7 and of each additional office, and the location and post office address of the
 8 principal place of business of the resulting state bank and of each addition-
 9 al office to be maintained by the resulting state bank.

10 3. The votes by which the plan of conversion was adopted and the time
 11 and place of each meeting in connection with the adoption.

12 4. The number of directors constituting the board of directors, and the
 13 names and addresses of the persons who are to serve as directors until the
 14 next annual meeting of shareholders or until successors be elected and
 15 qualify.

16 5. The provisions required in the articles of incorporation by subsections
 17 three (3), four (4), five (5), six (6), seven (7), nine (9), and ten (10) of section
 18 three hundred two (302) of this Act.

19 6. The plan of conversion.

1 **SEC. 1412. Publication of notice.** The national bank shall publish a
 2 notice of its intention to deliver, or the delivery of, the articles of conver-
 3 sion to the superintendent, once each week for two successive weeks in a
 4 newspaper of general circulation published in the municipal corporation or
 5 unincorporated area in which the national bank has its principal place of
 6 business, or if there is none, a newspaper of general circulation published
 7 in the county, or in a county adjoining the county, in which the national
 8 bank has its principal place of business. The notice shall appear prior to,
 9 or within seven days after, the date of delivery of the articles of conver-
 10 sion to the superintendent and shall set forth:

11 1. The name of the national bank and the name of the resulting state
 12 bank.

13 2. The location and post office address of its principal place of business.

14 3. A statement that articles of conversion are to be, or have been deliv-
 15 ered to the superintendent.

16 4. The purpose or purposes of the resulting state bank.

17 5. The date of delivery of the articles of conversion to the superintendent.

1 **SEC. 1413. Approval of conversion by superintendent.** Upon re-
 2 ceipt of an application for approval of a conversion the superintendent shall
 3 conduct such investigation as he may deem necessary to ascertain whether:

4 1. The articles of conversion and supporting items satisfy the require-
 5 ments of this Act.

6 2. The plan adequately protects the interests of depositors.

7 3. The requirements for a conversion under all applicable laws have been
 8 satisfied and the resulting state bank would satisfy the requirements of this
 9 Act applicable to it.

10 4. The resulting state bank will possess an adequate capital structure.

11 Within ninety days after receipt of the application the superintendent
 12 shall make a determination whether to approve or disapprove the pending
 13 application on the basis of his investigation. Before receiving the decision
 14 of the superintendent with respect to the pending application, the national
 15 bank shall, upon notice, reimburse the superintendent to the extent of

16 the expenses incurred by him in connection with the application. Thereaf-
17 ter, the superintendent shall give the national bank written notice of his
18 decision and, in the event of disapproval, a statement of the reasons for his
19 decision. If the superintendent approves the pending application, he shall
20 deliver the articles of conversion, with his approval indicated thereon, to the
21 secretary of state. The decision of the superintendent shall be subject to
22 review by the district court of Polk county upon petition by any interested
23 party within thirty days after the superintendent notifies the national bank
24 of his decision. The decision of the superintendent shall be upheld unless
25 unsupported by substantial evidence.

1 **SEC. 1414. Issuance of certificate of conversion.** The receipt of
2 the approved articles of conversion by the secretary of state shall consti-
3 tute filing thereof with that office. The secretary of state shall record the
4 articles of conversion in his office, and the same shall be filed and recorded
5 in the office of the county recorder in the county in which the resulting
6 state bank has its principal place of business. On the date upon which the
7 conversion is effective, the secretary of state shall issue a certificate of
8 conversion and send the same to the resulting state bank and a copy thereof
9 to the superintendent and the superintendent shall issue to the resulting
10 state bank an authorization to do business.

1 **SEC. 1415. Effect of filing of articles of conversion with secretary
2 of state and of certificate of conversion.**

3 1. The conversion shall be effective upon the filing of the articles of con-
4 version with the secretary of state, or at any later date and time specified
5 by the superintendent in writing on the articles of conversion. The certifi-
6 cate of conversion shall be conclusive evidence of the performance of all
7 conditions required by this Act for conversion of a national bank into a
8 state bank, except as against the state.

9 2. When a conversion becomes effective, the existence of the national
10 bank shall continue in the resulting state bank which shall have all the
11 property, rights, powers and duties of the national bank, except that the
12 resulting state bank shall have only the authority to engage in such busi-
13 ness and exercise such powers as it would have, and shall be subject to the
14 same prohibitions and limitations to which it would be subject, upon origi-
15 nal incorporation under this Act. The articles of incorporation of the re-
16 sulting state bank shall be the provisions stated in the articles of conver-
17 sion.

18 3. No liability of the national bank or of its shareholders, directors or
19 officers shall be affected, nor shall any lien on any property of the national
20 bank be impaired by the conversion. Any claim existing or action pending
21 by or against the national bank may be prosecuted to judgment as if the
22 conversion had not taken place, or the resulting state bank may be sub-
23 stituted in its place.

1 **SEC. 1416. Authority for conversion of state bank into national
2 bank.**

3 1. A state bank may convert into a national bank upon authorization
4 by and compliance with the laws of the United States, and adoption of a
5 plan of conversion by the affirmative vote of at least a majority of its di-
6 rectors and the holders of two-thirds of each class of its shares at a meet-
7 ing held upon not less than ten days' notice to all shareholders. The author-
8 ity of a state bank to convert into a national bank shall be subject to the

9 condition that at the time of the transaction, the laws of the United States
10 shall authorize a national bank located in this state, without approval by
11 the comptroller of the currency of the United States, to convert into a state
12 bank under limitations and conditions no more restrictive than those con-
13 tained in this section and section fourteen hundred seventeen (1417) of
14 this Act with respect to conversion of a state bank into a national bank.

15 2. A state bank which converts into a national bank shall notify the
16 superintendent of the proposed conversion, provide such evidence of the
17 adoption of the plan as the superintendent may request, notify the super-
18 intendent of any abandonment or disapproval of the plan, file with the
19 superintendent and with the secretary of state a certificate of the approval
20 of the conversion by the comptroller of the currency of the United States,
21 and the date upon which such conversion is to become effective.

1 SEC. 1417. **Rights of dissenting shareholder of converting state**
2 **or national bank.**

3 1. A shareholder of a state bank which converts into a national bank,
4 who votes against the plan of conversion or has given the state bank writ-
5 ten notice that he dissents from the plan, at or prior to the meeting at
6 which the plan is adopted in the manner prescribed by section fourteen
7 hundred sixteen (1416) of this Act, shall be entitled to receive in cash the
8 value of the shares held by him, if and when the conversion is consummat-
9 ed, upon written request made to the resulting national bank at any time
10 within thirty days after the consummation of the conversion, accompanied
11 by the surrender of his share certificates. The value of such shares shall
12 be determined as of the date of the shareholders' meeting at which the
13 conversion plan was adopted, by a committee of three persons, one to be
14 selected by unanimous vote of the dissenting shareholders entitled to re-
15 ceive the value of their shares, one by the directors of the resulting nation-
16 al bank, and the third by the two so chosen. The valuation agreed upon
17 by any two of three appraisers thus chosen shall govern. If the value so
18 fixed shall not be satisfactory to any dissenting shareholder who has re-
19 quested payment as provided herein, such shareholder may, within five
20 days after being notified of the appraised value of his shares, appeal to the
21 superintendent, who shall cause a reappraisal to be made, which shall be fi-
22 nal and binding as to the value of the shares of the appellant. If, within nine-
23 ty days from the date of consummation of the conversion, for any reason
24 one or more of the appraisers is not selected as herein provided, or the
25 appraisers fail to determine the value of such shares, the superintendent
26 shall, upon written request of any interested party, cause an appraisal to
27 be made which shall be final and binding on all parties. The expenses of
28 the superintendent in making the reappraisal, or the appraisal as the case
29 may be, shall be paid by the resulting national bank. The plan of conver-
30 sion shall provide the manner of disposing of the shares of the resulting
31 national bank not taken by the dissenting shareholders of the state bank.

32 2. If a shareholder of a national bank, which converts into a state bank,
33 shall object to the plan of conversion and shall comply with the require-
34 ments of applicable laws of the United States, the resulting state bank shall
35 be liable for the value of his shares as determined in accordance with such
36 laws of the United States. Shares acquired by a state bank pursuant to this
37 subsection shall be sold at public or private sale, within one year from the
38 time of purchase or acquisition, unless the time is extended by the super-
39 intendent.

1 **SEC. 1418. Succession to fiduciary accounts and appointments —**
 2 **application for appointment of new fiduciary.** The provisions of sec-
 3 tion fourteen hundred seven (1407) of this Act shall apply to a resulting
 4 state or national bank after a conversion with the same effect as though
 5 such state or national bank were a party to a plan of merger or consolida-
 6 tion, and the conversion were a merger or consolidation, within the provi-
 7 sions of that section.

1 **SEC. 1419. Offices of a resulting state bank.** If a merger, consoli-
 2 dation or conversion results in a state bank subject to the provisions of
 3 this Act, the resulting state bank shall, after the effective date of the merg-
 4 er, consolidation or conversion, be subject to all the provisions of sections
 5 twelve hundred one (1201), twelve hundred two (1202) and twelve hundred
 6 three (1203) of this Act relating to the bank offices and parking lot offices.

1 **SEC. 1420. Nonconforming assets of resulting state bank.** If a
 2 merger, consolidation or conversion results in a state bank subject to the
 3 provisions of this Act, and the resulting state bank has assets which do not
 4 conform with the provisions of this Act, the superintendent may allow the
 5 resulting state bank a reasonable time to conform with state law.

Division XV

AMENDMENT TO ARTICLES OF INCORPORATION

1 **SEC. 1501. Right to amend.** A state bank may, with the approval
 2 of the superintendent and in the manner provided in this Act, amend its
 3 articles of incorporation in order to make any change therein so long as
 4 its articles of incorporation as amended contain only such provisions as
 5 might be lawfully contained in the original articles of incorporation at the
 6 time of making such amendment.

1 **SEC. 1502. Procedure to amend.**
 2 1. An amendment of the articles of incorporation shall be proposed by
 3 adoption of a resolution by the board of directors, directing that it be sub-
 4 mitted to a vote at a meeting of shareholders called in the manner re-
 5 quired by section five hundred nine (509) of this Act.
 6 2. The resolution proposing an amendment or amendments shall contain
 7 the language of each amendment by setting forth in full the articles of in-
 8 corporation as they would be amended or any provision thereof as it would
 9 be amended or by setting forth in full any matter to be added to or deleted
 10 from the articles of incorporation. A copy of the resolution or a summary
 11 thereof shall be included with the notice of the meeting required for the
 12 vote of the shareholders.

13 3. Adoption of each amendment shall require the affirmative vote of the
 14 holders of a majority of the shares entitled to vote thereon and, if any class
 15 is entitled to vote thereon as a class, the affirmative vote of the holders of
 16 a majority of the shares of each class entitled to vote thereon as a class.

1 **SEC. 1503. Class voting on amendments.** The shareholders of the
 2 outstanding shares of a class shall be entitled to vote as a class upon a
 3 proposed amendment, whether or not entitled to vote thereon by the pro-
 4 visions of the articles of incorporation, if the amendment would:

5 1. Increase or decrease the aggregate number of authorized shares of
 6 such class.

- 7 2. Increase or decrease the par value of the shares of such class.
8 3. Effect an exchange, reclassification, or cancellation of all or part of
9 the shares of such class.
10 4. Effect an exchange, or create a right of exchange, of all or any part of
11 the shares of another class into the shares of such class.
12 5. Change the designations, preferences, limitations, or relative rights of
13 the shares of such class.
14 6. Change the shares of such class into the same or a different number
15 of shares of the same class or another class or classes.
16 7. Create a new class of shares having rights and preferences prior and
17 superior to the shares of such class, or increase the rights and preferences
18 of any class having rights and preferences prior or superior to the shares
19 of such class.
20 8. Divide the unissued shares of such class into series and fix and deter-
21 mine the designation of such series and the variations in the relative rights
22 and preferences between the shares of such series, or authorize the board
23 of directors to do so.
24 9. Limit or deny the existing preemptive rights, if any, of the shares of
25 such class.
26 10. Cancel or otherwise affect dividends on the shares of such class
27 which have accrued but have not been declared.

1 **SEC. 1504. Articles of amendment.**

- 2 1. Upon the adoption of an amendment, articles of amendment shall be
3 prepared on forms supplied by the superintendent, signed by two duly au-
4 thorized officers of the state bank and shall contain:
5 *a.* The name of the state bank.
6 *b.* The location and post office address of its principal place of business.
7 *c.* The amendment adopted, which shall be set forth in full.
8 *d.* The place, date and hour of the meeting of shareholders at which the
9 amendment was adopted, and the kind and period of notice given to the
10 shareholders.
11 *e.* The number of shares entitled to vote on the amendment, and if the
12 shares of any class are entitled to vote thereon as a class, the number of
13 shares of each class.
14 *f.* The number of shares voted for and against such amendment, re-
15 spectively, and if the shares of any class are entitled to vote thereon as a
16 class, the number of shares of each such class voted for and against such
17 amendment.
18 2. The articles of amendment shall be delivered to the superintendent
19 together with the applicable fees for the filing and recording of the articles
20 of amendment.

1 **SEC. 1505. Approval of articles of amendment.**

- 2 1. Upon receipt of the articles of amendment the superintendent shall
3 conduct such investigation as he may deem necessary to determine wheth-
4 er the articles of amendment satisfy the requirements of section fifteen
5 hundred four (1504) of this Act and whether the amendment, if effected,
6 will in any way prejudice the interests of the depositors of the state bank.
7 2. Within sixty days after receipt of the articles of amendment the
8 superintendent shall approve or disapprove the articles of amendment on
9 the basis of his investigation. If the superintendent shall approve the arti-
10 cles of amendment, he shall deliver them with his written approval to the

11 secretary of state and notify the state bank of his action. If the superin-
12 tendent shall disapprove the articles of amendment, he shall give written
13 notice to the state bank of his disapproval and a statement of the reasons
14 for his decision. The decision of the superintendent shall be subject to
15 review by the district court of Polk county upon petition by any interested
16 party within thirty days after the superintendent notifies the state bank of
17 his decision. The decision of the superintendent shall be upheld unless
18 unsupported by substantial evidence.

1 **SEC. 1506. Certificate of amendment — effect.**

2 1. The secretary of state shall record the articles of amendment in his
3 office, and the same shall be filed and recorded in the office of the county
4 recorder in the county in which the state bank has its principal place of
5 business. The secretary of state upon the filing of the articles of amend-
6 ment shall issue a certificate of amendment and send the same to the state
7 bank.

8 2. Upon the issuance of the certificate of amendment by the secretary
9 of state, the amendment shall become effective and the articles of incor-
10 poration shall be deemed to be amended accordingly. No amendment shall
11 affect the existing rights of persons other than shareholders, or any exist-
12 ing cause of action in favor of or against such state bank, or any pending
13 suit to which such state bank shall be a party, and, in the event the name
14 of the state bank shall be changed by amendment, no suit brought by or
15 against such state bank under its former name shall abate for that reason.

1 **SEC. 1507. Change of location of principal place of business.**

2 1. If a change in the location of the principal place of business of a
3 state bank is proposed and involves a change other than a change within
4 the municipal corporation or unincorporated area in which the state bank
5 has its principal place of business, application for the required approval of
6 the superintendent shall be made in the manner required by the superin-
7 tendent and subject to the provisions of this section. Any change in loca-
8 tion of the principal place of business of a state bank subject to this section
9 shall require amendment to the articles of incorporation in accordance with
10 the provisions of sections fifteen hundred two (1502), fifteen hundred four
11 (1504), and fifteen hundred six (1506) of this Act. A state bank seeking ap-
12 proval of a change of location pursuant to this subsection shall publish a
13 notice of the proposed change of location in a newspaper of general cir-
14 culation published in the municipal corporation or unincorporated area in
15 which the state bank has its principal place of business, or if there is none,
16 in a newspaper of general circulation published in the county, or in a
17 county adjoining the county, in which the state bank has its principal place
18 of business, and in the municipal corporation in which it seeks to establish
19 its principal place of business, or if there is none, in a newspaper of general
20 circulation published in the county, or in a county adjoining the county,
21 in which such municipal corporation is located. The notice shall be pub-
22 lished within thirty days after making application to the superintendent for
23 approval of the change in location. The notice shall set forth the name of
24 the state bank, the present location of its principal place of business, the
25 location to which it wishes to move its principal place of business and the
26 date upon which the state bank made application to the superintendent for
27 approval of the change.

28 2. Upon receipt of an application for approval of a change of location of
29 the principal place of business of a state bank pursuant to subsection one

30 (1) of this section, the superintendent shall conduct such investigation as
31 he deems necessary giving due consideration to factors substantially simi-
32 lar to those set forth in subsections two (2) through six (6) of section three
33 hundred five (305) of this Act. Within one hundred eighty days after re-
34 ceipt of the application, the superintendent shall make a determination
35 whether to approve or disapprove the application on the basis of his investi-
36 gation. Prior to making a determination on the pending application the
37 superintendent shall, upon adequate notice, afford all interested persons
38 an opportunity for a stenographically reported hearing during which such
39 persons shall be allowed to present evidence in support of, or in opposition
40 to, the pending application. Thereafter the superintendent shall give writ-
41 ten notice of his decision to the state bank and, in the event of disapproval,
42 a statement of the reasons for his decision. If the superintendent shall ap-
43 prove the change in location he shall deliver the articles of amendment to
44 the secretary of state. The decision of the superintendent shall be subject
45 to review by the district court of Polk county upon petition by any inter-
46 ested person within thirty days after the superintendent notifies the state
47 bank of his decision. The decision of the superintendent shall be upheld
48 unless unsupported by substantial evidence. Before receiving the decision of
49 the superintendent with respect to the pending application, the state bank
50 shall upon notice reimburse the superintendent to the extent of the ex-
51 penses incurred by him in connection with the application.

1 **SEC. 1508. Restatement of articles of incorporation.** A state
2 bank may at any time restate its articles of incorporation, which may be
3 amended by such restatement, so long as its articles of incorporation as so
4 restated contain only such provisions as might be lawfully contained in
5 original articles of incorporation at the time of making such restatement,
6 by the adoption of restated articles of incorporation, including any amend-
7 ments to its articles of incorporation to be made thereby, in the following
8 manner:

9 1. The board of directors shall adopt a resolution setting forth the pro-
10 posed restated articles of incorporation, which may include an amendment
11 or amendments to the articles of incorporation of the state bank to be
12 made thereby, and directing that such restated articles, including such
13 amendment or amendments, be submitted to a vote at a meeting of share-
14 holders, which may be either an annual meeting or a special meeting.

15 2. Written or printed notice setting forth the proposed restated articles
16 or a summary of the provisions thereof shall be given to each shareholder
17 of record entitled to vote thereon within the time and in the manner pro-
18 vided in section five hundred nine (509) of this Act. If the meeting be an
19 annual meeting, the proposed restated articles may be included in the no-
20 tice of such annual meeting. If the restated articles include an amendment
21 or amendments to the articles of incorporation to be made thereby, the
22 notice shall separately set forth such amendment or amendments or a
23 summary of the changes to be effected thereby.

24 3. At such meeting a vote of the shareholders entitled to vote thereon
25 shall be taken on the proposed restated articles. The proposed restated arti-
26 cles shall be adopted upon receiving the affirmative vote of the holders of a
27 majority of the shares entitled to vote thereon, unless such restated arti-
28 cles include an amendment to the articles of incorporation to be made there-
29 by which, if contained in a proposed amendment to articles of incorporation
30 to be made without restatement of the articles of incorporation, would en-

31 title a class of shares to vote as a class thereon, in which event the pro-
32 posed restated articles shall be adopted upon receiving the affirmative vote
33 of the holders of a majority of the shares of each class of shares entitled
34 to vote thereon as a class, and of the total shares entitled to vote thereon.

35 Upon such approval, restated articles of incorporation shall be executed
36 by the state bank by its president or vice-president and by its cashier or an
37 assistant cashier, and verified by one of the officers signing the same, and
38 shall set forth, as then stated in the articles of incorporation of the state
39 bank and, if the restated articles of incorporation included an amendment
40 or amendments to the articles of incorporation to be made thereby, as so
41 amended, the material and contents described in section three hundred two
42 (302) of this Act.

43 The restated articles of incorporation shall set forth also a statement that
44 they correctly set forth the provisions of the articles of incorporation as
45 theretofore or thereby amended, that they have been duly adopted as re-
46 quired by law and that they supersede the original articles of incorporation
47 and all amendments thereto.

48 The restated articles of incorporation shall be delivered to the superin-
49 tendent together with the applicable fees for the filing and recording of
50 the restated articles of incorporation. The superintendent shall conduct
51 such investigation and give his approval or disapproval, all as in the man-
52 ner provided for in section fifteen hundred five (1505) of this Act. If the
53 superintendent shall approve the restated articles of incorporation he
54 shall deliver them with his written approval to the secretary of state
55 for filing and recording in his office and the same shall be filed and re-
56 corded in the office of the county recorder. The secretary of state upon
57 filing the restated articles of incorporation shall issue a restated certifi-
58 cate of incorporation and send the same to the state bank or its repre-
59 sentative.

60 Upon the issuance of the restated certificate of incorporation by the sec-
61 retary of state, the restated articles of incorporation including any amend-
62 ment or amendments to the articles of incorporation made thereby, shall
63 become effective and shall supersede the original articles of incorporation
64 and all amendments thereto.

65 No amendment shall affect the existing rights of persons other than
66 shareholders, or any existing cause of action in favor of or against such
67 state bank, or any pending suit to which such state bank shall be a party;
68 and, in the event the corporate name shall be changed by amendment, no
69 suit brought by or against such state bank under its former name shall
70 abate for that reason.

Division XVI

PENAL

1 **SEC. 1601. Penalties and criminal provisions applicable to direc-**
2 **tors, officers and employees of state banks.**

3 1. A director, officer or employee of a state bank who willfully violates
4 any of the provisions of subsection four (4) of section six hundred twelve
5 (612), section six hundred thirteen (613), subsection two (2) of section seven
6 hundred six (706) [insofar as such subsection incorporates subsection four
7 (4) of section six hundred twelve (612)], or section seven hundred ten (710)
8 of this Act, shall be guilty of a misdemeanor and, upon conviction thereof,
9 shall be subject to imprisonment in the county jail for a period not exceed-

10 ing one year or a fine not exceeding one thousand dollars, or both, plus, in
11 the following circumstances, an additional fine or fines equal to:

12 *a.* The amount of money or the value of the property which he re-
13 ceived for procuring, or attempting to procure, a loan, extension of credit
14 or investment by the state bank, upon conviction of a violation of subsec-
15 tion one (1) of section six hundred thirteen (613), or of subsection one (1)
16 of section seven hundred ten (710) of this Act.

17 *b.* The amount by which his deposit account in the state bank is over-
18 drawn, upon conviction of a violation of subsection two (2) of section six
19 hundred thirteen (613), or of subsection two (2) of section seven hundred
20 ten (710) of this Act.

21 *c.* The amount of any profit which he receives on the transaction, upon
22 conviction of a violation of subsection four (4) of section six hundred twelve
23 (612), or of subsection two (2) of section seven hundred six (706) of this
24 Act, insofar as each applies to purchases from and sales to a state bank upon
25 terms more favorable to such director or officer than those offered to other
26 persons.

27 *d.* The amount of profit, fees or other compensation received, upon con-
28 viction of a violation of subsection three (3) of section seven hundred ten
29 (710) of this Act.

30 2. A director or officer who willfully makes or receives a loan in violation
31 of subsection one (1) of section six hundred twelve (612), or subsection one
32 (1) of section seven hundred six (706) of this Act, shall be guilty of a mis-
33 demeanor and, upon conviction thereof, shall be subject to imprisonment in
34 the county jail for a period not exceeding one year or a fine not exceeding
35 one thousand dollars, or both, plus an additional fine equal to that amount
36 of the loan in excess of the limitation imposed by such subsections, and
37 shall be forever disqualified from acting as a director or officer of any state
38 bank. For the purpose of this subsection, amounts which are treated as ob-
39 ligations of an officer or director pursuant to subsection five (5) of section
40 six hundred twelve (612) of this Act, shall be considered in determining
41 whether the loan or extension of credit is in violation of subsection one
42 (1) of section six hundred twelve (612) and subsection one (1) of section
43 seven hundred six (706) of this Act.

44 3. A director, officer or employee of a state bank who willfully makes or
45 receives a loan or extension of credit of funds held by the state bank as
46 fiduciary, in violation of subsection four (4) of section ten hundred two
47 (1002) of this Act, shall be guilty of a misdemeanor and, upon conviction
48 thereof, shall be subject to imprisonment in the county jail for a period not
49 exceeding one year or a fine not exceeding one thousand dollars, or both,
50 plus a further fine equal to the amount of the loan or extension of credit
51 made in violation of subsection four (4) of section ten hundred two (1002),
52 and shall be forever disqualified from acting as a director, officer or em-
53 ployee of any state bank.

54 4. A director, officer or employee of a state bank who willfully violates,
55 or participates in the violation of, section eight hundred fourteen (814), or
56 section eight hundred nineteen (819) of this Act, shall be guilty of a mis-
57 demeanor and, upon conviction thereof, shall be subject to imprisonment
58 in the county jail for a period not exceeding one year or a fine not exceed-
59 ing one thousand dollars, or both.

1 **SEC. 1602. Penalties applicable to state bank.** The superintendent
2 may impose a penalty on a state bank of up to one hundred dollars for
3 each day:

4 1. That its cash reserves are less than the amount required by section
5 eight hundred sixteen (816) of this Act.

6 2. That it holds investments for its own account in bonds or securities
7 in violation of section nine hundred one (901) of this Act.

8 3. On which it accepts and holds drafts in violation of section nine hun-
9 dred three (903) of this Act.

10 4. On which it has money loaned, credit extended or holds discounted
11 or purchased evidences of indebtedness or agreements for the payment of
12 money, in violation of sections nine hundred four (904), nine hundred five
13 (905), nine hundred six (906), or nine hundred seven (907) of this Act.

14 5. On which it has money loaned, invested or is otherwise in violation
15 of sections eleven hundred two (1102) or eleven hundred four (1104) of
16 this Act.

17 6. On which it publishes, disseminates or distributes any advertising
18 containing any false, misleading or deceptive statements concerning rates,
19 terms and conditions on which loans are made or deposits are received,
20 in violation of section sixteen hundred six (1606) of this Act.

1 **SEC. 1603. Engaging in business unlawfully.**

2 1. Any person who willfully engages in the business of receiving money
3 for deposit or transacts the business generally done by banks, or who will-
4 fully establishes a place of business for such purposes, in violation of sub-
5 section one (1) of section one hundred seven (107) of this Act, shall be
6 guilty of a misdemeanor and, upon conviction thereof, shall be subject to:

7 a. In the case of an individual, imprisonment in the county jail for a
8 period not exceeding one year, or a fine not exceeding one thousand dollars,
9 or both.

10 b. In the case of any other person, to a fine not exceeding five thousand
11 dollars.

12 2. The superintendent may impose a penalty on a state bank of up to
13 one hundred dollars for each day that it violates the provisions of section
14 twelve hundred one (1201) of this Act.

1 **SEC. 1604. Failure to file report or make statement.**

2 1. Any person whose duty it is to make statements or file reports as
3 may be required by this Act, and who willfully neglects or refuses to per-
4 form such duty, shall be guilty of a misdemeanor and, upon conviction
5 thereof, shall be subject to imprisonment in the county jail for a period
6 not exceeding one year or a fine not exceeding one thousand dollars.

7 2. A state bank which fails to furnish to the superintendent the state-
8 ment of condition required within the time required by this Act, or fails to
9 furnish him any report or other information he is legally authorized to re-
10 quest, within ten days of his request therefor, or within the time required
11 by this Act, shall pay to the superintendent a penalty of fifty dollars for
12 each day of delinquency, unless prior to such delinquency the superin-
13 tendent has extended the time within which the same may be filed.

14 3. Any officer or employee who violates section seven hundred nine (709)
15 of this Act shall be guilty of a misdemeanor and shall, upon conviction
16 thereof, be subject to imprisonment in the county jail for a period not to
17 exceed one year or a fine not exceeding one thousand dollars, or both.

1 **SEC. 1605. False statements, reports and fraudulent acts.**

2 1. Any director, officer or employee of a state bank who shall knowingly
3 subscribe or make any false statements or false entries in the books, records,
4 or memoranda of a state bank, or knowingly subscribe or exhibit false pa-
5 pers with intent to deceive any person authorized to examine its condition,
6 or shall knowingly subscribe or make false reports, or shall knowingly divert
7 the funds of the state bank to other purposes than those authorized by law,
8 or who commits any other act with intent to defraud the state bank or any
9 other person shall, upon conviction thereof, be subject to imprisonment in
10 the penitentiary for a period not exceeding five years or a fine not exceeding
11 ten thousand dollars, or both, and shall be forever disqualified from acting
12 as a director, officer or employee of any state bank.

13 2. Any officer or employee of a state bank who, with intent to defraud
14 the state bank or any other person, certifies any check when there are not
15 sufficient funds on hand available to the credit of the drawer of said check
16 to pay the same, or who issues any certificate of deposit when funds have
17 not been deposited equal to the amount of such certificate, or who, with
18 intent to defraud the state bank or any other person, draws any draft or
19 bill of exchange, makes any acceptance, or issues, puts forth or assigns
20 any note, debenture, bond or other obligation or instrument, or participates
21 in, or receives directly or indirectly any money, property or other benefit
22 from any transaction, loan, contract or other act of a state bank shall, upon
23 conviction thereof, be subject to imprisonment in the penitentiary for a peri-
24 od not exceeding five years, or a fine not exceeding ten thousand dollars, or
25 both, or be subject to imprisonment in the county jail for a period not ex-
26 ceeding one year, or a fine not exceeding one thousand dollars, or both, and
27 shall, in either event be forever disqualified from acting as an officer or em-
28 ployee of any state bank.

1 **SEC. 1606. Fraudulent advertising or notice.** A state bank shall
2 not publish, disseminate or distribute any advertising or notice containing
3 any false, misleading or deceptive statements concerning the rates, terms
4 or conditions on which loans are made or deposits are received, any charge
5 which the state bank is authorized to impose pursuant to this Act, or the
6 financial condition of the state bank. Any officer or employee of a state
7 bank who willfully violates the provisions of this section shall be guilty of
8 a misdemeanor and, upon conviction thereof, shall be subject to imprison-
9 ment in the county jail for a period not exceeding one year, or a fine not
10 exceeding one thousand dollars, or both.

1 **SEC. 1607. False statement for credit.** Any person who knowingly
2 makes or causes to be made, directly or indirectly, any false statement in
3 writing, or who procures, knowing that a false statement in writing has
4 been made concerning the financial condition or means or ability to pay of
5 such person, or any other person in which such person is interested or for
6 whom such person is acting, with the intent that such statement shall be
7 relied upon by a bank for the purpose of procuring the delivery of property,
8 the payment of cash or the receipt of credit in any form, for the benefit
9 of such person or of any other person in which such person is interested
10 or for whom such person is acting, shall be guilty of a misdemeanor and,
11 upon conviction thereof, shall be subject to imprisonment in the county
12 jail for a period not exceeding one year or a fine not exceeding one thousand
13 dollars, or both.

1 **SEC. 1608. Penalty for accepting deposits while insolvent.** If
2 a state bank shall accept any deposit or renew any certificate of deposit
3 in violation of subsection five (5) of section eight hundred five (805) of this
4 Act, any officer or employee knowing of such insolvency who willfully re-
5 ceives, accepts or renews or is accessory to or otherwise knowingly permits
6 such acceptance shall, upon conviction thereof, be subject to imprisonment
7 in the penitentiary for a period not exceeding ten years or a fine not ex-
8 ceeding ten thousand dollars, or both, or subject to imprisonment in the
9 county jail for a period not exceeding one year or a fine not exceeding one
10 thousand dollars, or both, and shall, in either event be forever disqualified
11 from acting as an officer or employee of any state bank.

1 **SEC. 1609. False statements concerning state banks.** Whoever
2 maliciously or with intent to deceive makes, publishes, utters, repeats, or
3 circulates any false statement concerning any state bank which imputes,
4 or tends to impute, insolvency, unsound financial condition or financial
5 embarrassment, or which may tend to cause or provoke, or aid in causing
6 or provoking, a general withdrawal of deposits from such state bank, or
7 which may otherwise injure or tend to injure the business or good will of
8 such state bank, shall be guilty of a misdemeanor and, upon conviction
9 thereof, shall be subject to imprisonment in the county jail for a period
10 not exceeding one year or a fine not exceeding one thousand dollars, or
11 both.

1 **SEC. 1610. Violation of prohibition against receiving a commission**
2 **for organizing a state bank.** Any person violating the provisions of
3 section three hundred eleven (311) of this Act shall be guilty of a misde-
4 meanor and shall upon conviction thereof be subject to imprisonment in
5 the county jail for a period not exceeding one year or a fine not exceeding
6 one thousand dollars, or both, plus an additional fine equal to twice the
7 amount of such commission or bonus.

1 **SEC. 1611. Offenses involving employees of department of bank-**
2 **ing.**

3 1. Any person violating the provisions of subsection one (1) of section
4 two hundred eleven (211) of this Act shall be guilty of a misdemeanor and
5 shall, upon conviction thereof, be subject to imprisonment in the county
6 jail for a period not exceeding one year or a fine not exceeding one thousand
7 dollars, or both, and shall be subject to a further fine of a sum equal to
8 the amount of the value of the property given or received or the money so
9 loaned or borrowed. The deputy superintendent, an assistant or examiner
10 convicted of a violation of such subsection shall be immediately discharged
11 from employment and shall be forever disqualified from holding any posi-
12 tion in the department of banking.

13 2. Any examiner violating the provision of section two hundred twelve
14 (212) of this Act shall be guilty of a misdemeanor and, upon conviction
15 thereof, shall be subject to imprisonment in the county jail for a period
16 not exceeding one year or a fine not exceeding one thousand dollars, or
17 both. Any examiner convicted of a violation of section two hundred twelve
18 (212) of this Act shall be immediately discharged from employment and
19 shall be forever disqualified from holding any position in the department
20 of banking.

Division XVII

PRIVATE BANKS

1 **SEC. 1701. Application of Act.** Nothing in this Act shall be con-
2 strued as affecting or in any way interfering* with any private bank or
3 private banker that was engaged in lawful business prior to April 19, 1919.

1 **SEC. 1702. Application for supervision — effect.**

2 1. A private bank may request of the superintendent that such private
3 bank be subject to examination and supervision pursuant to this Act and
4 to such rules and regulations as may be prescribed by the superintendent
5 applicable to state banks. The superintendent may adopt and promulgate
6 such regulations as he deems necessary for the supervision of private banks
7 which have applied for supervision in accordance with this section.

8 2. Subsequent to the receipt by the superintendent of a request as pro-
9 vided in subsection one (1) of this section, a private bank shall be subject
10 to examination and supervision in the same manner as a state bank and
11 shall thereafter remain subject to such examination and supervision. The
12 superintendent shall have power to take over the management of the prop-
13 erty and business of such private bank in the same manner as he may
14 take over the management of the property and business of a state bank
15 pursuant to this Act. In the event that a receiver is appointed for a private
16 bank which is subject to examination and supervision in the same manner
17 as a state bank, the superintendent shall be appointed as such receiver.

Division XVIII

EFFECTIVE DATE AND REPEALER

1 **SEC. 1801. Effective date.** This Act shall take effect and be in force
2 on and after January 1, 1970.

1 **SEC. 1802. Applicability of other chapters.** The provisions of
2 chapters four hundred ninety-one (491), four hundred ninety-two (492),
3 four hundred ninety-three (493), and four hundred ninety-six A (496A)
4 of the Code shall not apply to banks except insofar as is provided by this
5 Act.

1 **SEC. 1803.** Section sixty-four point six (64.6), Code 1966, subsection
2 nine (9), is amended by striking from line one (1) the word "twenty" and
3 inserting in lieu thereof the words "one hundred".

1 **SEC. 1804.** Section one hundred sixteen point nine (116.9), subsection
2 two (2), Code 1966, is amended as follows:

3 1. By striking from line five (5) the word "banking,".

4 2. By inserting in line seven (7) after the word "state", the words "or
5 a bank examiner employed by the department of banking of this state pur-
6 suant to section two hundred eight (208) of this Act".

1 **SEC. 1805.** Section two hundred forty-four point six (244.6), Code 1966,
2 is amended by striking from line three (3) the words "savings bank" and in-
3 serting in lieu thereof the words "state bank or national bank authorized
4 to do business in this state".

1 **SEC. 1806.** Section two hundred sixty-two point sixty-three (262.63),
2 Code 1966, is amended as follows:

*According to Enrolled Act.

3 1. By striking from lines two (2) and three (3) the words "bankers,
4 savings banks and institutions,".

5 2. By striking from line five (5) the words "a banking or" and inserting in
6 lieu thereof the word "an".

1 SEC. 1807. Section three hundred twenty-one A point twenty-five
2 (321A.25), Code 1966, subsection one (1), is amended by striking from line
3 six (6) the words "savings banks" and inserting in lieu thereof the words
4 "a state bank".

1 SEC. 1808. Section three hundred eighty-three point ten (383.10),
2 Code 1966, is amended by inserting in line eighty-nine (89) after the words
3 "trust company" the words "or bank having fiduciary powers".

1 SEC. 1809. Section three hundred eighty-three point sixteen (383.16),
2 Code 1966, is amended by inserting in lines thirty-six (36) and thirty-seven
3 (37) after the word "deposit" the words "state or".

1 SEC. 1810. Section four hundred three point six (403.6), Code 1966, sub-
2 section four (4), is amended by striking from line five (5) the words "sav-
3 ings banks" and inserting in lieu thereof the words "a state bank".

1 SEC. 1811. Section four hundred three point ten (403.10), Code 1966,
2 is amended as follows:

3 1. By striking from lines two (2) and three (3) the words "bankers, sav-
4 ings banks and institutions,".

5 2. By striking from lines five (5) and six (6) the words "a banking or"
6 and inserting in lieu thereof the word "an".

1 SEC. 1812. Section four hundred nineteen point four (419.4), Code
2 1966, subsection two (2), is amended as follows:

3 1. By striking from paragraph *f*, subparagraph six (6), line two (2), the
4 words "commercial banks;" and inserting in lieu thereof the words "banks
5 organized under the laws of any state or of the United States;".

6 2. By striking from paragraph *f*, subparagraph eight (8), lines one (1)
7 and two (2), the words "commercial banks;" and inserting in lieu thereof
8 the words "banks organized under the laws of any state or of the United
9 States;".

1 SEC. 1813. Section four hundred twenty-one point seventeen (421.17),
2 Code 1966, subsection seven (7), is amended as follows:

3 1. By striking from line eleven (11) the words "loan and".

4 2. By striking from line eighteen (18) the words "loan and".

5 3. By striking from line twenty (20) the words "loan and".

1 SEC. 1814. Section four hundred twenty-two point thirty-four (422.34),
2 Code 1966, subsection one (1), is amended by striking lines one (1) and two
3 (2) and inserting in lieu thereof the words "1. All state banks, as defined in
4 section one hundred three (103) of this Act, and all national and private
5 banks, credit unions, title insur-".

1 SEC. 1815. Section four hundred twenty-eight point twelve (428.12),
2 Code 1966, is amended as follows:

3 1. By striking from line seven (7) the words "or agency".

4 2. By striking from lines eleven (11) and twelve (12) the words "branch
5 business is done" and inserting in lieu thereof the words "bank office is
6 located".

1 SEC. 1816. Section four hundred twenty-nine point two (429.2), Code
2 1966, is amended by striking lines fifteen (15) and sixteen (16) and insert-
3 ing in lieu thereof the words "shares of stock of national banks, state banks
4 as defined in section one hundred three (103) of this Act, and trust com-
5 panies, and".

1 SEC. 1817. Section four hundred twenty-nine point nine (429.9), Code
2 1966, is amended by striking the comma at the end of line two (2) and all
3 of line three (3) and inserting in lieu thereof the words "bank as defined in
4 section one hundred three (103) of this Act, national bank, or trust".

1 SEC. 1818. Section four hundred thirty point two (430.2), Code 1966,
2 is amended as follows:

3 1. By striking line two (2) and inserting in lieu thereof the words "banks,
4 state banks as defined in section one hundred three (103) of this Act,".

5 2. By striking from line five (5) the words "loan and".

1 SEC. 1819. Section four hundred thirty point three (430.3), Code
2 1966, is amended by striking from lines two (2) and three (3) the words
3 "and state and savings banks and loan" and inserting in lieu thereof the
4 words "; state banks as defined in section one hundred three (103) of this
5 Act,".

6 Further amend said section by striking from lines four (4) and five (5)
7 the word "stockholders" and inserting in lieu thereof the word "share-
8 holders".

1 SEC. 1820. Section four hundred thirty point ten (430.10), Code 1966,
2 is amended by striking from lines six (6), seven (7), and eight (8) the words
3 "state, savings, national bank, and loan and trust company stock is" and
4 inserting in lieu thereof the words "shares of state banks, as defined in
5 section one hundred three (103) of this Act, national banks, and trust com-
6 panies are".

1 SEC. 1821. Section four hundred thirty A point two (430A.2), Code
2 1966, is amended by striking from lines ten (10) and eleven (11) the words
3 "regularly chartered".

1 SEC. 1822. Section four hundred fifty-three point one (453.1), Code
2 1966, as amended by chapter three hundred one (301), section three (3),
3 and chapter three hundred fifty-nine (359), section two (2), Acts of the Six-
4 ty-second General Assembly, is further amended by striking lines twenty-
5 five (25) and twenty-six (26) and inserting in lieu thereof the words "means
6 a bank or a private bank, as defined in section one hundred three (103) of
7 this Act."

1 SEC. 1823. Section four hundred fifty-four point seven (454.7), Code
2 1966, is amended as follows:

3 1. By striking lines ten (10) through sixteen (16), inclusive, and inserting
4 in lieu thereof the following:

5 "or merger with another bank or banks, or in any manner authorized by
6 the National Bank Conservation Act, and especially section two hundred
7 seven (207) of title II thereof, or".

8 2. By striking lines twenty (20) through twenty-five (25), inclusive, and
9 inserting in lieu thereof the following:

10 "ized in any manner authorized by the National Bank Conservation Act,
11 and especially section two hundred seven (207) of title II thereof,".

- 1 SEC. 1824. Section four hundred fifty-four point fourteen (454.14), Code
2 1966, is amended as follows:
3 1. By striking lines twelve (12) through twenty (20), inclusive, and in-
4 serting in lieu thereof the following:
5 “of the assets of another bank, or merger with another bank or banks, or
6 in any manner authorized by the National Bank Conservation Act and
7 especially section two hundred seven (207) of title II thereof, the state of
8 Iowa or any county, city.”
9 2. By striking lines thirty-two (32) through thirty-seven (37), inclusive,
10 and inserting in lieu thereof the words “by him. Unless”.
11 3. By striking from line forty-one (41) the word “both”.
12 4. By striking from lines forty-two (42) and forty-three (43) the words
13 “and that part represented by the trust certificate.”
- 1 SEC. 1825. Section four hundred ninety-one point twenty-four (491.24),
2 Code 1966, is amended by striking from lines four (4) and five (5) the
3 words “for the establishment and conduct of savings banks.”
- 1 SEC. 1826. Section four hundred ninety-one point thirty (491.30), Code
2 1966, is amended by striking from lines seven (7) and eight (8) the words
3 “for the establishment and conduct of savings banks.”
- 1 SEC. 1827. Section four hundred ninety-one point thirty-three (491.33),
2 Code 1966, is repealed.
- 1 SEC. 1828. Section four hundred ninety-one point thirty-four (491.34),
2 Code 1966, is repealed.
- 1 SEC. 1829. Section four hundred ninety-one point thirty-five (491.35),
2 Code 1966, is repealed.
- 1 SEC. 1830. Section four hundred ninety-one point thirty-seven (491.37),
2 Code 1966, is repealed.
- 1 SEC. 1831. Section four hundred ninety-two point six (492.6), Code
2 1966, is amended as follows:
3 1. By striking from line twelve (12) the words “banks or”.
4 2. By striking lines fifteen (15) through nineteen (19), inclusive, and
5 inserting in lieu thereof the word “Any”.
6 3. By striking from line twenty-five (25) the words “to the superintendent
7 of banking or”.
- 1 SEC. 1832. Section four hundred ninety-two point seven (492.7), Code
2 1966, is amended by striking from lines two (2) and three (3) the words
3 “, the superintendent of banking”.
- 1 SEC. 1833. Section four hundred ninety-three point one (493.1), Code
2 1966, is amended by striking from line four (4) the words “banks, savings”
3 and inserting in lieu thereof the word “state”.
- 1 SEC. 1834. Section four hundred ninety-four point four (494.4), Code
2 1966, is amended by striking from lines twenty-five (25) to twenty-seven
3 (27), inclusive, the words “or for the establishment and conduct of savings
4 banks.”
- 1 SEC. 1835. Section four hundred ninety-six point nineteen (496.19),
2 Code 1966, is amended by striking from line eight (8) the words “or loan”.

1 SEC. 1836. Section four hundred ninety-six B point two (496B.2), Code
2 1966, subsection two (2), is amended by striking from lines one (1) and two
3 (2) the words "banking institution, savings bank, cooperative".

1 SEC. 1837. Section four hundred ninety-six B point nine (496B.9), Code
2 1966, subsection three (3), paragraph *b*, is amended by striking all of sub-
3 paragraph three (3).

1 SEC. 1838. Section four hundred ninety-nine point seven (499.7), Code
2 1966, is amended by striking from subsection eight (8) all after the period
3 in line three (3).

1 SEC. 1839. Section five hundred fifteen point seventy-six (515.76), Code
2 1966, subsection two (2), is amended by striking from line twenty (20) the
3 word "of" and inserting in lieu thereof the words "or a bank having fiduciary
4 powers, located in".

1 SEC. 1840. Section five hundred twenty point nine (520.9), Code 1966, is
2 amended by inserting in line twenty-six (26), after the word "company",
3 the words "or bank having fiduciary powers".

1 SEC. 1841. Section five hundred twenty-three A point three (523A.3),
2 Code 1966, is repealed.

1 SEC. 1842. Chapter five hundred twenty-four (524), Code 1966, is re-
2 pealed.

1 SEC. 1843. Chapter five hundred twenty-five (525), Code 1966, is re-
2 pealed.

1 SEC. 1844. Chapter five hundred twenty-six (526), Code 1966, is re-
2 pealed.

1 SEC. 1845. Chapter five hundred twenty-seven (527), Code 1966, is re-
2 pealed.

1 SEC. 1846. Chapter five hundred twenty-eight (528), Code 1966, is re-
2 pealed.

1 SEC. 1847. Chapter five hundred twenty-eight A (528A), Code 1966, is
2 repealed.

1 SEC. 1848. Chapter five hundred twenty-eight B (528B), Code 1966, is
2 repealed.

1 SEC. 1849. Chapter five hundred twenty-nine (529), Code 1966, is re-
2 pealed.

1 SEC. 1850. Chapter five hundred thirty (530), Code 1966, is repealed.

1 SEC. 1851. Chapter five hundred thirty-one (531), Code 1966, is re-
2 pealed.

1 SEC. 1852. Chapter five hundred thirty-two (532), Code 1966, is re-
2 pealed.

1 SEC. 1853. Section five hundred thirty-three point four (533.4), Code
2 1966, subsection five (5), is amended by striking from lines one (1) and two
3 (2), the word "savings" and inserting in lieu thereof the word "state".

1 SEC. 1854. Section five hundred thirty-six point thirteen (536.13),
2 Code 1966, subsection one (1), paragraph *b*, is amended by striking from
3 the last line the word "commercial".

1 SEC. 1855. Section five hundred thirty-six point twenty (536.20), Code
2 1966, is amended by striking from line five (5) the words "savings banks,".

1 SEC. 1856. Section five hundred sixty-five A point one (565A.1), Code
2 1966, subsection fourteen (14), is amended by striking from line two (2) the
3 word "trust" and inserting in lieu thereof the word "fiduciary".

1 SEC. 1857. Section five hundred sixty-five A point two (565A.2), Code
2 1966, subsection one (1), paragraph *c*, is amended by striking from line
3 five (5) the word "trust" and inserting in lieu thereof the word "fiduciary".

1 SEC. 1858. Section six hundred eighty point eight (680.8), Code 1966,
2 is amended as follows:

3 1. By striking from line three (3) the words "savings banks, loan and"
4 and inserting in lieu thereof the words "as defined in section one hundred
5 five (105) of this Act,".

6 2. By striking from line five (5) the words "state banks, savings banks,
7 loan" and inserting in lieu thereof the words "such state banks".

1 SEC. 1859. Section six hundred eighty-two point twenty-three (682.23),
2 Code 1966, subsection fourteen (14), is amended by striking from line four
3 (4) the words "banking institution" and inserting in lieu thereof the word
4 "bank".

1 SEC. 1860. Section seven hundred eight point nine (708.9), Code 1966,
2 is amended as follows:

3 1. By striking from lines three (3) and four (4) the words "or banking
4 association".

5 2. By striking from lines five (5) and six (6) the words "or any banking
6 association".

7 3. By striking from lines ten (10) and eleven (11) the words "or banking
8 association".

Approved April 7, 1969.

CHAPTER 274

CREDIT UNIONS

S. F. 529

AN ACT relating to credit unions.

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

1 SECTION 1. Section five hundred thirty-three point four (533.4), sub-
2 section four (4), Code 1966, is hereby amended by striking the remainder
3 of such subsection after the word "banks" in line one (1) and inserting in
4 lieu thereof a period.

1 SEC. 2. Section five hundred thirty-three point four (533.4), Code 1966,
2 is hereby amended by striking all of subsection five (5) and inserting in lieu
3 thereof the following:

4 "Make investments in:

5 *a.* Time deposits in national banks and in state banks, the deposits of
6 which are insured by the federal deposit insurance corporation.

7 *b.* Obligations, participations, or other instruments of or issued by, or
8 fully guaranteed as to principal and interest by the United States govern-
9 ment or any agency thereof; or any trust or trusts established for investing
10 directly or collectively in the same.

11 *c.* General obligations of the state of Iowa and any subdivision thereof.

12 *d.* Paid up shares of savings and loan associations, the shares of which
13 are insured by the federal savings and loan insurance corporation.

14 *e.* Purchase of notes of liquidating credit unions with the approval of
15 the superintendent of banking.

16 *f.* Shares and deposits in other credit unions.

17 *g.* Capital shares, obligations, or preferred stock issues of any agency
18 or association organized either as a stock company, mutual association,
19 or membership corporation, provided the membership or stockholdings, as
20 the case may be, of such agency or association are confined or restricted to
21 credit unions or organizations of credit unions, and provided the purposes
22 for which such agency or association is organized are designed to provide
23 services to credit unions. However, the aggregate amount invested pursuant
24 to this subsection shall not exceed ten percent of the unimpaired legal re-
25 serve account of the credit union.

26 *h.* Any trust, or in any agency or association organized either as a stock
27 company, mutual association, or membership corporation in an amount not
28 to exceed twenty-five percent of the allocation to the legal reserve account
29 of the credit union during any fiscal year, such amount to be transferred
30 from the legal reserve account. However, the aggregate amount shall not
31 exceed twenty-five percent of the unimpaired legal reserve account of the
32 credit union, and such trust, company, agency, association, or member-
33 ship corporation shall be controlled by credit unions, by one or more associa-
34 tions of credit unions, or by any organization controlled by credit unions,
35 and the purposes of any such trust, company, agency, association, or mem-
36 bership corporation shall be designed to assist in establishing and main-
37 taining liquidity, solvency, or security in credit union operations.

Approved May 16, 1969.

CHAPTER 275

CREDIT UNIONS

S. F. 412

AN ACT relating to credit unions.

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

1 SECTION 1. Section five hundred thirty-three point eighteen (533.18),
 2 Code 1966, is hereby amended by striking from lines one (1) through three
 3 (3), inclusive, the words "Annually or semiannually, the board of directors
 4 may declare a dividend from net earnings" and inserting in lieu thereof the
 5 words "After transfers to required reserves, a credit union may declare a
 6 dividend from undivided earnings at the discretion of its board of directors
 7 and as its bylaws shall provide".

Approved June 5, 1969.

CHAPTER 276

SAVINGS AND LOAN ASSOCIATIONS

S. F. 140

AN ACT relating to savings and loan associations.

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

1 SECTION 1. Section five hundred thirty-four point nineteen (534.19),
 2 Code 1966, is hereby amended by adding the following new subsection:
 3 "A savings and loan association operating under this chapter may make
 4 the determination to operate in a manner similar to federally chartered
 5 savings and loan associations insofar as the use of the 'deposit' and 'inter-
 6 est' terminology is concerned and such other powers as have been author-
 7 ized for such federally chartered association under the Home Owners Loan
 8 Act of 1933 as amended to March 1, 1969 and specifically as amended by
 9 Public Law 90-448S-3496 and as permitted under Rules and Regulations
 10 of the Federal Home Loan Bank System and the Federal Savings and Loan
 11 Insurance Corporation, issued under such Act as amended to March 1, 1969
 12 and under such law to the extent that similar rules and regulations have
 13 been adopted by the supervisor of savings and loan associations and have
 14 been filed with the secretary of state. Any such additional powers shall
 15 not become effective until July 1, 1969. This paragraph is not intended to
 16 diminish nor restrict the powers otherwise granted to such associations by
 17 the laws of Iowa prior to the effective date of this Act, nor shall the adoption
 18 and filing of such rules or regulations by the supervisor in any way dimin-
 19 ish or restrict the rights of associations which do not make the above deter-
 20 mination and which do not desire to change their operation under the pro-
 21 visions above contained in this paragraph."

1 SEC. 2. Section five hundred thirty-four point eight (534.8), Code 1966,
 2 is hereby amended by adding the following new subsection:
 3 "Any association operating under this chapter shall have the power to
 4 indemnify any present or former director, officer or employee in the manner

5 and in the instances authorized in subsections one (1), two (2), three (3)
6 and four (4) of section two (2), chapter three hundred sixty-three (363),
7 Acts of the Sixty-second General Assembly.”

1 SEC. 3. Section five hundred thirty-four point nineteen (534.19), Code
2 1966, as amended by chapter three hundred eighty-two (382), section four
3 (4), Acts of the Sixty-second General Assembly is further amended as fol-
4 lows:

5 1. By adding to subsection seven (7) the following:

6 “Under ‘a’ and ‘c’ above, the association may purchase an interest in
7 loans which are insured as above set out from the United States or any
8 agency or instrumentality thereof which has any function of examining
9 or supervising of savings and loan associations; or the association may sell
10 any of its loans to the United States or any such agency or instrumentality
11 or to any broker or dealer registered with the securities and exchange com-
12 mission.”

13 2. By adding to subsection nine (9) the following:

14 “To service contracts for sale of real estate, provided that one of the
15 parties to said contract is a member of the servicing association and that
16 such association shall not undertake in connection with such servicing to
17 be responsible for more than bookkeeping or other perfunctory services in
18 connection herewith.”

19 3. By striking subsection sixteen (16) and inserting in lieu thereof the
20 following:

21 “*Urban renewal and public housing investments.* Any association shall
22 have the power to organize or purchase stock in a corporation for the pur-
23 pose of lending, owning or constructing property in urban renewal areas
24 or constructing property or making loans therein itself, so long as the total
25 investment of such association does not exceed five percent of the assets of
26 said association.”

27 4. By adding the following new subsection:

28 “*Business development credit corporation.* Any association whose general
29 reserve, surplus and undivided profits aggregate a sum in excess of five per-
30 centum of its withdrawable accounts is authorized to invest in, to lend to, or
31 to commit itself to lend to any business development credit corporation in-
32 corporated in the state in which the head office of such association is situat-
33 ed, but the aggregate amount of such investments, loans, and commitments,
34 of any such association outstanding at any time shall not exceed one-half
35 of one percentum of the total outstanding loans made by such association,
36 or two hundred fifty thousand dollars, whichever is the lesser.”

1 SEC. 4. Section five hundred thirty-four point twenty-one (534.21), Code
2 1966, is hereby amended by adding the following new subsection:

3 “*Loans on leasehold.* An association may also make loans on lease-
4 hold interests, under the same terms as above provided for other loans, if
5 said leasehold interest extends or is automatically renewable at the option
6 of the holder, or at the option of the association, for a period of at least
7 fifty years from the date the loan is executed but at least ten years beyond
8 the maturity date of the loan and provided further that, in event of de-
9 fault, the real estate described in such leasehold interest could be sub-
10 jected to the satisfaction of the debt with the same priority.”

1 SEC. 5. Section five hundred thirty-four point twenty-four (534.24),
2 subsection one (1), Code 1966, as amended by chapter three hundred eighty-

3 two (382), section six (6), Acts of the Sixty-second General Assembly, is
4 further amended as follows:

5 1. By striking from lines three (3) through six (6), inclusive, the words
6 and figures "in accordance with the provisions of section 5 of the Home
7 Owners' Loan Act of 1933 (12 U.S.C. §§1461-1468)," and inserting in lieu
8 thereof the words "or a federal savings association or other mutual savings
9 association authorized under the laws of the United States,".

10 2. By striking from lines eighty-seven (87) through eighty-nine (89), in-
11 clusive, the words and figures "under the provisions of the Home Owners'
12 Loan Act of 1933 (12 U.S.C. §§1461-1468)" and inserting in lieu thereof the
13 words "or a federal savings association or other mutual savings association
14 authorized under the laws of the United States".

15 3. By adding the following:

16 "For the purposes of this entire section, wherever reference is made to
17 'federal savings and loan association' it shall include any mutual or savings
18 association authorized and chartered under the laws of the United States."

1 SEC. 6. Section five hundred thirty-four point nineteen (534.19), sub-
2 section thirteen (13), Code 1966, is hereby amended by adding the following
3 thereto:

4 "In addition to the above unsecured or secured borrowing, an associa-
5 tion may issue such notes, bonds, debentures and other obligations or se-
6 curities, except capital stock, as are approved by the supervisor of savings
7 and loan associations, and if authorized by the regulations of the Federal
8 Home Loan Bank, as long as the total amount of funds borrowed under
9 this sentence shall not exceed five per cent of the withdrawable accounts
10 of the association and provided that such obligations and securities shall
11 be subject to the priority of the rights of the owners of the savings and
12 deposits of said association."

Approved April 14, 1969.

CHAPTER 277

INTEREST RATE ON MONEY

S. F. 279

AN ACT to amend section five hundred thirty-five point two (535.2), Code 1966, relating to the rate of interest to which parties may agree in writing.

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

1 SECTION 1. Section five hundred thirty-five point two (535.2), Code
2 1966, is hereby amended by striking the word "seven" in line five (5)
3 thereof and inserting in lieu thereof the word "nine".

4 Section five hundred thirty-five point two (535.2), Code 1966, is hereby
5 further amended by adding at the end of subsection one (1) the following:

6 "Excessive charges or premiums for credit life, accident or health insur-
7 ance written in connection with money loaned shall be included in the rate
8 of interest unless

9 (1) the coverage of the debtor by the insurance is not a factor in the ap-
10 proval by the creditor of the extension of credit, and this fact is clearly
11 disclosed in writing to the person applying for or obtaining the extension
12 of credit; and

13 (2) in order to obtain the insurance in connection with the extension
 14 of credit, the person to whom the credit is extended must give specific
 15 affirmative written indication of his desire to do so after written disclo-
 16 sure to him of the cost thereof.

17 The foregoing provision regarding excessive charges or premiums to be
 18 included in the rate of interest shall have application only to the original
 19 parties to an agreement and shall in no manner affect the negotiability of
 20 instruments or the rights of subsequent holders.

21 The insurance commissioner, after hearing where all interested parties
 22 shall be given an opportunity to be heard, shall approve a reasonable
 23 charge or premium for credit life and accident or health credit insurance.
 24 Such reasonable charge or premium shall allow a fair and reasonable re-
 25 turn or profit for the risk involved in providing such coverage."

1 SEC. 2. This Act, being deemed of immediate importance, shall take
 2 effect and be in force from and after its publication in The Times-Plain
 3 Dealer, a newspaper published in Cresco, Iowa, and in the Council Bluffs
 4 Nonpareil, a newspaper published in Council Bluffs, Iowa.

Approved April 4, 1969.

I hereby certify that the foregoing Act, Senate File 279, was published in The Times-Plain Dealer, Cresco, Iowa, April 9, 1969 and in the Council Bluffs Nonpareil, Council Bluffs, Iowa, April 9, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 278

ADMINISTRATION OF INDUSTRIAL LOAN LAW

S. F. 601

AN ACT to establish a permanent revolving fund for the office of the state auditor for payment of the costs incurred in the administration of the Iowa industrial loan law.

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

1 SECTION 1. Section five hundred thirty-six A point eleven (536A.11),
 2 Code 1966, is hereby amended as follows:

3 1. By striking from line thirty-six (36) the words "license fee after the
 4 state auditor has".

5 2. By striking lines thirty-seven (37) through forty-one (41), inclusive,
 6 and inserting in lieu thereof the following:

7 "investigation fee. If the cost of investigation exceeds the investigation
 8 fee, the excess cost shall be deducted from the license fee before any re-
 9 fund is made."

1 SEC. 2. Section five hundred thirty-six A point twelve (536A.12),
 2 Code 1966, is hereby amended by adding the following paragraph:

3 "The license fees provided in this section and the investigation and
 4 license fee provided for in section five hundred thirty-six A point seven
 5 (536A.7) of the Code, and the payment for the costs of examinations pro-
 6 vided for in section five hundred thirty-six A point fifteen (536A.15) shall
 7 constitute a revolving fund known as the 'industrial loan law revolving

8 fund.' From this fund shall be paid all expenses incurred in the administra-
 9 tion of this chapter. Any remainder in said fund at the end of each calendar
 10 year, exclusive of any license fees deposited for the succeeding year, shall
 11 revert to the general fund of the state."

Approved May 1, 1969.

CHAPTER 279

BUCKET SHOPS

S. F. 383

AN ACT relating to the prohibition of conducting, keeping, or maintaining bucket shops.

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

1 SECTION 1. A bucket shop within the meaning of this Act is defined
 2 to be a place wherein the proprietor or keeper thereof, or the agent or
 3 employee of such proprietor or keeper acting in his or its behalf, makes
 4 or offers to make pretended purchases or sales, or contracts of pretended
 5 purchases or sales, of shares of stock, investment securities or commodities
 6 without a bona fide transaction on a board of trade, exchange or market.

7 For the purposes of this Act, a bona fide transaction involving the pur-
 8 chase or redemption of shares of an investment company registered under
 9 the Federal Investment Company Act of 1940, such investment companies
 10 being commonly referred to as "mutual funds", shall be deemed a bona fide
 11 transaction on a board of trade, exchange or market.

1 SEC. 2. It shall be a public offense for any corporation, association,
 2 copartnership, person or persons, or agent to conduct, keep, maintain
 3 or cause to be conducted, kept or maintained, within this state, any bucket
 4 shop. Any corporation, person or persons, or agent whether acting individual-
 5 ly or as a member, or as an officer, agent, or employee of any corporation,
 6 association, or copartnership, who shall conduct, keep, maintain, or assist
 7 in the conducting, keeping or maintaining of any bucket shop within this
 8 state shall, upon conviction thereof, be fined in a sum not to exceed one
 9 thousand dollars or be imprisoned in the penitentiary not exceeding two
 10 years.

1 SEC. 3. Any person or persons who shall be convicted of a second
 2 offense under section two (2) of this Act, in addition to the penalty pre-
 3 scribed in section two (2) of this Act, may be both fined and imprisoned
 4 in the discretion of the court, and, if a corporation, it shall be liable to
 5 forfeiture of all its rights and privileges. The continuance of a bucket shop
 6 after the first conviction shall be deemed a second offense.

1 SEC. 4. Chapter five hundred fifty-two (552), Code 1966, is hereby re-
 2 pealed.

Approved June 5, 1969.

CHAPTER 280

UNSOLICITED GOODS, WARES AND MERCHANDISE

S. F. 74

AN ACT relating to unsolicited goods, wares, and merchandise.

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

1 SECTION 1. Unless otherwise agreed, where unsolicited goods are
 2 mailed to a person, he has a right to accept delivery of such goods as a gift
 3 only, and is not bound to return such goods to the sender. If such unsolicit-
 4 ed goods are either addressed to or intended for the recipient, he may use
 5 them or dispose of them in any manner without any obligation to the send-
 6 er, and in any action for goods sold and delivered, or in any action for the
 7 return of the goods, it shall be a complete defense that the goods were
 8 mailed voluntarily and that the defendant did not actually order or re-
 9 quest such goods, either orally or in writing.

Approved February 20, 1969.

CHAPTER 281

LAND TITLE TRANSACTIONS

S. F. 271

AN ACT relating to the conveyance of an interest in land, and defining marketable record title.

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

1 SECTION 1. As used in this Act:
 2 1. "Marketable record title" means a title of record, as indicated in sec-
 3 tion three (3) of this Act, which operates to extinguish such interests and
 4 claims, existing prior to the effective date of the root of title, as are stated
 5 in section five (5) of this Act.
 6 2. "Records" includes probate and other official public records, as well
 7 as records in the office of the county recorder.
 8 3. "Recording", when applied to the official public records of a probate
 9 or other court, includes filing.
 10 4. "Person dealing with the land" includes a purchaser of any estate or
 11 interest therein, a mortgagee, a levying or attaching creditor, a land con-
 12 tract vendee, or any other person, corporation, or entity seeking to acquire
 13 an estate or interest therein, or impose a lien thereon.
 14 5. "Root of title" means that conveyance or other title transaction or
 15 other link in the chain of title of a person, purporting to create the interest
 16 claimed by such person, upon which he relies as a basis for the marketabil-
 17 ity of his title, and which was the most recent to be recorded or estab-
 18 lished as of a date forty years prior to the time when marketability is being
 19 determined. The effective date of the "root of title" is the date on which it is
 20 recorded.
 21 6. "Title transaction" means any transaction affecting title to any inter-
 22 est in land, including title by will or descent, title by tax deed, or deed by
 23 trustee, referee, guardian, executor, administrator, master in chancery, sher-

24 iff, or any other form of deed, or decree of any court, as well as warranty
25 deed, quit claim deed, mortgage, or transfer or conveyance of any kind.

1 SEC. 2. This Act shall be liberally construed to effect the legislative
2 purpose of simplifying and facilitating land title transactions by allowing
3 persons to rely on a record chain of title as described in section three (3)
4 of this Act, subject only to such limitations as appear in section four (4)
5 of this Act.

1 SEC. 3. Any person who has an unbroken chain of title of record to
2 any interest in land for forty years or more, shall be deemed to have a
3 marketable record title to such interest as defined in section one (1) of
4 this Act, subject only to the matters stated in section four (4) of this Act.
5 A person shall be deemed to have such an unbroken chain of title when
6 the official public records disclose a conveyance or other title transaction,
7 of record not less than forty years at the time the marketability is to be
8 determined, which said conveyance or other title transaction purports to
9 create such interest, either in:

10 1. The person claiming such interest, or

11 2. Some other person from whom, by one or more conveyances or other
12 title transactions of record, such purported interest has become vested in
13 the person claiming such interest; with nothing appearing of record, in
14 either case, purporting to divest such claimant of such purported interest.

1 SEC. 4. Such marketable record title shall be subject to:

2 1. All interests and defects which are inherent in the muniments of
3 which such chain of record title is formed; provided however, that a general
4 reference in such muniments, or any of them, to easements, use restrictions
5 or other interests created prior to the root of title shall not be sufficient to
6 preserve them, unless specific identification be made therein of a recorded
7 title transaction which creates such easement, use restriction, or other
8 interest.

9 2. All interest preserved by the filing of proper notice or by possession
10 by the same owner continuously for a period of forty years or more, in
11 accordance with section six (6) of this Act.

12 3. The rights of any person arising from a period of adverse possession
13 or user, which was in whole or in part subsequent to the effective date
14 of the root of title.

15 4. Any interest arising out of a title transaction which has been re-
16 corded subsequent to the effective date of the root of title from which the
17 unbroken chain of title of record is started; provided such recording shall
18 not revive or give validity to any interest which has been extinguished prior
19 to the time of the recording by the operation of section five (5) of this Act.

20 5. The exceptions as stated and set forth in section eight (8) of this Act.

1 SEC. 5. Subject to the matters stated in section four (4) of this Act,
2 such marketable record title shall be held by its owner and shall be taken
3 by any person dealing with the land free and clear of all interests, claims
4 or charges whatsoever, the existence of which depends upon any act, trans-
5 action, event or omission that occurred prior to the effective date of the
6 root of title. All such interests, claims or charges, however denominated,
7 whether legal or equitable, present or future, whether such interest, claims
8 or charges are asserted by a person able to assert a claim on his own behalf

9 or under a disability, whether such person is within or without the state,
10 whether such person is natural or corporate, or is private or governmental,
11 are hereby declared to be null and void.

1 SEC. 6.

2 1. Any person claiming an interest in land may preserve and keep effec-
3 tive such interest by filing for record during the forty-year period imme-
4 diately following the effective date of the root of title of the person whose
5 record title would otherwise be marketable, a notice in writing duly verified
6 by oath or affirmation setting forth the nature of the claim. No disability or
7 lack of knowledge of any kind on the part of anyone shall suspend the run-
8 ning of said forty-year period. Such notice may be filed for record by the
9 claimant or by any other person acting on behalf of any claimant who is:

10 a. Under a disability,

11 b. Unable to assert a claim on his own behalf, or

12 c. One of a class, but whose identity cannot be established or is uncer-
13 tain at the time of filing such notice of claim for record.

14 2. If the same record owner of any possessory interest in land has been
15 in possession of such land continuously for a period of forty years or more,
16 during which period no title transaction with respect to such interest ap-
17 pears of record in his chain of title, and no notice has been filed by him or
18 on his behalf as provided in subsection one (1), and such possession contin-
19 ues to the time when marketability is being determined, such period of
20 possession shall be deemed equivalent to the filing of the notice immediately
21 preceding the termination of the forty-year period described in subsection
22 one (1).

1 SEC. 7. To be effective and to be entitled to record the notice above
2 referred to shall contain an accurate and full description of all land affect-
3 ed by such notice which description shall be set forth in particular terms
4 and not by general inclusions; but if said claim is founded upon a recorded
5 instrument, then the description in such notice may be the same as that
6 contained in such recorded instrument. Such notice shall be filed for record
7 in the office of the county recorder of the county or counties where the
8 land described therein is situated. The recorder of each county shall accept
9 all such notices presented to him which describe land located in the coun-
10 ty in which he serves and shall enter and record full copies thereof in the
11 same way that deeds and other instruments are recorded, and each re-
12 corder shall be entitled to charge the same fees for the recording thereof
13 as are charged for recording deeds. In indexing such notices in his office
14 each recorder shall enter such notices under the grantee indexes of deeds
15 in the names of the claimants appearing in such notices. Such notices
16 shall also be indexed under the description of the real estate involved in a
17 book set apart for that purpose to be known as the "claimant's book."

1 SEC. 8. This Act shall not be applied to bar any lessor or his successor
2 as a reversioner of his right to possession on the expiration of any lease;
3 or to bar or extinguish any easement or interest in the nature of an ease-
4 ment, the existence of which is apparent from or can be proved by physi-
5 cal evidence of its use; or to bar any right, title or interest of the United
6 States, by reason of failure to file the notice herein required.

1 SEC. 9. Nothing contained in this Act shall be construed to extend
2 the period for the bringing of an action or for the doing of any other re-

3 quired act under any statutes of limitations, nor, except as herein specifi-
 4 cally provided, to effect the operation of any statutes governing the effect
 5 of the recording or the failure to record any instrument affecting land. It
 6 is intended that nothing contained in this Act be interpreted to revive
 7 or extend the period of filing a claim or bringing an action that may be
 8 limited or barred by any other statute.

1 SEC. 10. If the forty-year period specified in this Act shall have expired
 2 prior to one year after July 1, 1969, such period shall be extended one year
 3 after July 1, 1969.

Approved May 14, 1969.

CHAPTER 282

MERGED AREA SCHOOLS LEGALIZED

S. F. 573

AN ACT to legalize and validate proceedings for the establishment, organization, formation,
 and changes in the boundaries of merged area school systems.

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

1 SECTION 1. All proceedings taken prior to January 1, 1969, purporting
 2 to provide for the establishment, organization, formation, and changes in
 3 the boundaries of merged areas under the provisions of chapter two hundred
 4 eighty A (280A), Code 1966, and not heretofore declared invalid by any
 5 court, are hereby legalized, validated, and confirmed.

1 SEC. 2. The foregoing shall not be construed to affect any litigation
 2 that may be pending at the time this Act becomes effective involving the
 3 establishment, organization, formation, or changes in the boundaries of any
 4 such merged area.

Approved May 22, 1969.

CHAPTER 283

SCHOOL DISTRICTS LEGALIZED

S. F. 675

AN ACT to legalize and validate proceedings providing for the organization of, reorganization of,
 attachment of territory to, enlargement of, or changes in boundaries of school corporations.

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

1 SECTION 1. All proceedings taken prior to January 1, 1969, purporting
 2 to provide for the organization of, reorganization of, attachment of terri-
 3 tory to, enlargement of, or change in boundaries of any school corporation
 4 in this state and not heretofore declared invalid by any court are hereby
 5 legalized, validated and confirmed.

1 SEC. 2. The foregoing shall not be construed to affect any litigation
2 that may be pending at the time this Act becomes effective, involving the
3 organization of, reorganization of, attachment of territory to, enlargement
4 of, or change in boundaries of any school corporation.

1 SEC. 3. This Act shall not apply to proceedings purporting to provide
2 for the attachment of territory to a school corporation pursuant to sec-
3 tion two hundred seventy-five point one (275.1), Code 1966, if such attach-
4 ment was disapproved by the state board of public instruction pursuant
5 to said section and was not subsequently approved by the state board of
6 public instruction prior to January 1, 1969.

Approved June 5, 1969.

CHAPTER 284

MARRIAGE LICENSES

S. F. 129

AN ACT relating to the issuance of marriage licenses.

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

1 SECTION 1. Section five hundred ninety-five point three (595.3), Code
2 1966, is hereby amended by striking from lines four (4) and five (5) the
3 words "of the county wherein the marriage is to be solemnized".

1 SEC. 2. Section five hundred ninety-five point thirteen (595.13), sub-
2 section two (2), Code 1966, is hereby amended by inserting in line two (2)
3 after the word "court" the words "who issued the marriage license".

1 SEC. 3. Section five hundred ninety-six point two (596.2), Code 1966, is
2 hereby amended by striking all of such section after the word "court" in
3 line thirteen (13) and inserting in lieu thereof the words "at the time appli-
4 cation for a license to marry is made. If the marriage ceremony is to take
5 place under the provisions of section five hundred ninety-five point seven-
6 teen (595.17) of the Code, the certificate required by this chapter shall be
7 filed in the office of the clerk of the court in the county in which such
8 marriage ceremony is to take place."

Approved May 1, 1969.

CHAPTER 285

ADOPTION CONSENT

S. F. 207

AN ACT to clarify adoption procedure by recognizing all courts which terminate parental rights.

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

1 SECTION 1. Chapter three hundred ninety-six (396), section one (1),
 2 Acts of the Sixty-second General Assembly, is amended by striking lines
 3 seven (7) through fifteen (15), inclusive, and inserting in lieu thereof the
 4 following:
 5 "If the relationship between a parent and a child has been terminated
 6 as provided in chapter two hundred thirty-two (232) of the Code or termi-
 7 nated under a law or court decision of another state, by final court order
 8 which is not then appealable, the consent of such parent shall not be neces-
 9 sary; and in lieu of the consent of such parent, consent to such adoption
 10 may be given by the person, department, agency, or institution to which
 11 guardianship of the child has been transferred or by the court terminating
 12 such parent-child relationship if the court has not transferred such guard-
 13 ianship."

Approved April 23, 1969.

CHAPTER 286

MUNICIPAL COURTS

H. F. 375

AN ACT relating to municipal courts.

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

1 SECTION 1. Section six hundred two point sixteen (602.16), Code 1966,
 2 is hereby amended by adding the following sentence at the end thereof:
 3 "Where a municipality with a municipal court extends into a second
 4 county, the territorial jurisdiction for both municipal and district court
 5 powers shall be extended only to the additional area within the corporate
 6 limits of the municipality within the second county. The second county is
 7 defined for purposes of this section as the county into which an affected
 8 city annexes additional territory after January 1, 1969."

Approved June 5, 1969.

CHAPTER 287

JURORS TO SUCCEEDING PANEL

H. F. 29

AN ACT to allow district or municipal court judges to place the name of a juror, excused from one panel, on a succeeding panel.

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

1 SECTION 1. Section six hundred two point thirty-eight (602.38), Code
2 1966, is hereby amended by inserting in line eight (8) after the word "there-
3 in" the following:

4 "or, at the discretion of the judge, a person excused from service on one
5 panel may be required to serve on the succeeding panel if the reason for his
6 being excused will not be present at such time".

1 SEC. 2. Section six hundred nine point forty-four (609.44), Code 1966,
2 as amended by section one hundred fifty-two (152) of chapter four hundred
3 (400), Acts of the Sixty-second General Assembly, is hereby further amend-
4 ed by inserting in line six (6) after the word "drawn" the following:

5 "or, at the discretion of the judge, a person excused from service on one
6 panel may be required to serve on the succeeding panel if the reason for his
7 being excused will not be present at such time".

Approved May 12, 1969.

CHAPTER 288

COURT RECORDS

S. F. 276

AN ACT relating to court records.

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

1 SECTION 1. The clerk of the district court may reproduce original rec-
2 ords of the court by any reasonably permanent legible means including,
3 but not limited to, reproduction by photographing, photostating, micro-
4 filming, and computer cards, with proper indexing of such reproduction.
5 When said records have been so reproduced, such reproduction shall have
6 the same authenticity, force, and effect as the original record.

1 SEC. 2. After the clerk has reproduced the original records, as author-
2 ized in section one (1) of this Act, and upon the application of the clerk, a
3 majority of the judges of the district court may order the clerk to destroy
4 the original records on file ten years or more, including, but not limited to,
5 dockets, journals, scrapbooks, files, and marriage license applications. Any
6 order of the court authorizing destruction of any of the records referred to
7 in this Act shall state what records are to be destroyed.

1 SEC. 3. The following may be destroyed by the clerk without prior
2 court order or reproduction of any kind:

3 1. All records including, but not limited to, dockets, journals, scrapbooks,
4 and files including court reporters' notes, forty years after final disposition

5 of the case. However, judgments, decrees, stipulations, records in criminal
6 proceedings, probate records, and orders of court shall not be destroyed un-
7 less they have been reproduced as provided in section one (1) of this Act.

8 2. All administrative records, after five years, including, but not limited
9 to, warrants, subpoenas, clerks' certificates, statements, praecipes, and depo-
10 sitions.

1 SEC. 4. For the purposes of this Act, "destruction" shall include the
2 transmission of such articles as referred to in the Act, which are of general
3 historical interest, to any recognized historical society or association.

Approved June 5, 1969

CHAPTER 289

COURT CLERKS

S. F. 590

AN ACT relating to the court clerks.

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

1 SECTION 1. Section six hundred six point eleven (606.11), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line one (1) the word "immediately".

4 2. By adding thereto the following:

5 "Such memorandum shall be made before the end of the next working
6 day."

Approved June 5, 1969.

CHAPTER 290

JURY PANELS

S. F. 563

AN ACT relating to jurors.

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

1 SECTION 1. Chapter four hundred (400), section one hundred forty-
2 three (143), Acts of the Sixty-second General Assembly, is hereby amended
3 by inserting in line eight (8) after the word "months" the following:

4 " , however, a judge of the district court may, in his discretion, require
5 that a new petit jury panel be drawn before the expiration of the periods
6 of service herein required. After an individual juror has served in two or
7 more trials the court shall on that juror's request discharge him from the
8 panel. A juror serves in a trial within this section when he has been sworn
9 as a juror for that trial whether or not the trial is completed to a verdict.
10 Jurors may be added to the panel as needed."

Approved June 5, 1969.

CHAPTER 291

PARENTS RESPONSIBLE FOR UNLAWFUL ACTS OF CHILDREN

H. F. 90

AN ACT relating to parental responsibility for actions of children.

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

1 SECTION 1. Chapter six hundred thirteen (613), Code 1966, is amend-
2 ed by adding the following sections:

3 1. The parent or parents of an unemancipated minor child under the
4 age of eighteen years shall be liable for actual damages to person or prop-
5 erty caused by unlawful acts of such child. However, a parent who is not
6 entitled to legal custody of the minor child at the time of the unlawful
7 act shall not be liable for such damages.

8 2. The legal obligation of the parent or parents of an unemancipated
9 minor child under the age of eighteen years to pay damages shall be limit-
10 ed as follows:

11 a. Not more than one thousand dollars for any one act.

12 b. Not more than two thousand dollars, payable to the same claim-
13 ant, for two or more acts.

14 3. The word "person" for the purpose of this Act shall include firm,
15 association, partnership or corporation.

16 4. When an action is brought on parental responsibility for acts of
17 their children, the parents shall be named as defendants therein and, in
18 addition, the minor child shall be named as a defendant. The filing of an
19 answer by the parents shall remove any requirement that a guardian ad
20 litem be required.

1 SEC. 2. Chapter six hundred twenty-four (624), Code 1966, is amend-
2 ed by adding the following section:

3 "The provisions of section one (1) of this Act shall not limit any
4 liability of any minor for his own acts and shall not limit any liability
5 imposed by the common law or by any other provision of the Code."

Approved May 1, 1969.

CHAPTER 292

GOOD SAMARITAN LAW

H. F. 39

AN ACT relating to emergency care or assistance.

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

1 SECTION 1. Any person, who in good faith renders emergency care or
2 assistance without compensation at the place of an emergency or accident,
3 shall not be liable for any civil damages for acts or omissions unless such
4 acts or omissions constitute recklessness.

Approved March 28, 1969.

CHAPTER 293

SHERIFFS' DEEDS AT EXECUTION SALE

S. F. 333

AN ACT relating to issuance of sheriffs' deeds to purchasers under special execution sale.

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

1 SECTION 1. Section six hundred twenty-six point ninety-five (626.95),
2 Code 1966, is hereby amended by inserting in line eight (8) after the words
3 "one year thereafter" the words "or such other time as may be specifically
4 provided for particular actions".

1 SEC. 2. Section six hundred twenty-six point ninety-eight (626.98), Code
2 1966, is hereby amended by striking from line three (3) the words "at the
3 end of the year" and inserting in lieu thereof the words "at the end of the
4 period for redemption provided by law for the particular action".

Approved May 1, 1969.

CHAPTER 294

PROBATE

S. F. 289

AN ACT relating to various changes in the probate law.

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

1 SECTION 1. Section six hundred thirty-three point sixty-three
2 (633.63), Code 1966, is repealed and the following enacted in lieu thereof:
3 **"Qualification of fiduciary — resident.**

4 1. Any natural person of full age, who is a resident of this state, is qual-
5 ified to serve as a fiduciary, except the following:

6 a. One who is a mental retardate, mentally ill, a chronic alcoholic,
7 or a spendthrift.

8 b. Any other person whom the court determines to be unsuitable.

9 2. Banks and trust companies organized under the laws of the United
10 States or of the state of Iowa and authorized to act in a fiduciary capacity
11 in Iowa."

1 SEC. 2. Section six hundred thirty-three point sixty-four (633.64),
2 Code 1966, is repealed and the following enacted in lieu thereof:

3 **"Qualification of fiduciary — nonresident.** The court may, upon
4 application, appoint the following nonresidents as fiduciaries:

5 1. *Natural persons.* A natural person who is a nonresident of this
6 state and who is otherwise qualified under the provisions of section six hun-
7 dred thirty-three point sixty-three (633.63), provided a resident fiduciary is
8 appointed to serve with such nonresident fiduciary; and provided further
9 that the court, for good cause shown, may appoint such nonresident fidu-
10 ciary to serve alone without the appointment of a resident fiduciary.

11 2. *Banks and trust companies.* Banks and trust companies organized
12 under the laws of the United States or of another state and authorized

13 to act in a fiduciary capacity in another state, if banks and trust compa-
 14 nies of this state are permitted to act as fiduciary under similar conditions
 15 in the state where such bank or trust company is located.”

1 SEC. 3. Chapter six hundred thirty-three (633), Code 1966, is amended
 2 by adding as a new section the following:

3 “633.71. **Legal effect of appointment.** By qualifying as fiduciary any
 4 person, resident or nonresident, submits himself to the jurisdiction of the
 5 court making the appointment of the fiduciary and, in addition, shall be
 6 deemed to agree that:

7 1. All property coming into his hands is subject to the jurisdiction of the
 8 court wherein is pending the proceedings in which he is serving, and

9 2. He is subject to all orders entered by the court in the proceedings
 10 in which he is serving and that notices served upon him with respect
 11 thereto in compliance with the procedure prescribed by the Code shall have
 12 the same force and effect as if such service had been personally made upon
 13 him within the state.

14 3. He shall be subject to the jurisdiction of the courts of this state in
 15 all actions and proceedings against him arising from or growing out of his
 16 fiduciary relationship and activities and that the service of process in such
 17 actions and proceedings may be made upon him by serving the original
 18 notice upon him outside this state and that such service shall have the same
 19 force and effect as though the service had been personally made upon the
 20 fiduciary within this state.

21 4. The clerk of the court in which is pending the proceedings in which
 22 the fiduciary is serving is the lawful attorney or resident agent of such non-
 23 resident fiduciary upon whom service of process may be made whether such
 24 process be an order of the court entered in the proceedings in which the fi-
 25 duciary is serving or an original notice of an action arising from or growing
 26 out of the fiduciary relationship and activities of the nonresident fiduciary.”

1 SEC. 4. Chapter six hundred thirty-three (633), Code 1966, is amend-
 2 ed by adding as a new section the following:

3 “633.72. **Manner of service.** Service of an original notice of an ac-
 4 tion or process upon a nonresident fiduciary as herein provided may be
 5 made upon such fiduciary either by:

6 1. Delivering four copies of said notice or of said process to the clerk of
 7 court wherein the proceedings in which such fiduciary is serving are pend-
 8 ing; or

9 2. Mailing four copies of said original notice or of said process by certified
 10 mail addressed to said clerk of court by his official title.

11 Upon receipt of said copies, such clerk of court shall immediately
 12 acknowledge and accept service thereof on behalf of the nonresident
 13 fiduciary by writing thereon or attaching thereto his written acknowledg-
 14 ment and acceptance of such service on behalf of such nonresident fidu-
 15 ciary, giving the date thereof.

16 The clerk of court shall forthwith:

17 1. File one copy in the action or proceedings to which it relates if pend-
 18 ing in the court of which he is clerk, or transmit such notice or process
 19 and his acknowledgment and acceptance of the service thereof by certified
 20 mail to the clerk of court in which the action or proceedings is pending.

21 2. Mail one copy of such original notice or process and a copy of his
 22 written acknowledgment and acceptance of service thereof by certified mail

23 to the nonresident fiduciary at the last address of such fiduciary as shown
24 by the records in the proceedings in which such fiduciary is serving.

25 3. Mail one copy of such original notice or process and a copy of his
26 written acknowledgment and acceptance of service thereof by certified mail
27 to the attorney of record for such fiduciary.

28 4. Retain a copy of such original notice or process for his files.

29 Said service upon the clerk of court as herein provided shall have the
30 same force and effect as if served upon the nonresident fiduciary personal-
31 ly within the state of Iowa on the date stated in said acknowledgment
32 and acceptance of such service by the clerk of court."

1 SEC. 5. Chapter six hundred thirty-three (633), Code 1966, is amended
2 by adding as a new section the following:

3 "633.103. **Certain corporate distributions.** In the absence of con-
4 trary provisions in the will or trust instrument, the following types of
5 corporate distributions shall be treated as follows:

6 1. Commencing with such distributions to shareholders of record on or
7 after July 1, 1969, corporate distributions of shares of the distributing cor-
8 poration, including distributions in the form of a share split or share divi-
9 dend, are principal. A right to subscribe to shares or other securities issued
10 by the distributing corporation accruing to shareholders on account of
11 their share ownership and the proceeds of any sale of the right are princi-
12 pal.

13 2. Distributions made from ordinary income by a regulated investment
14 company or by a trust qualifying and electing to be taxed under federal
15 law as a real estate investment trust are income. All other distributions
16 made by the company or trust, including distributions from capital gains,
17 depreciation, or depletion, whether in the form of cash or an option to take
18 new shares or cash or an option to purchase additional shares, are princi-
19 pal."

1 SEC. 6. Section six hundred thirty-three point one hundred seventy-
2 two (633.172), Code 1966, is amended by adding at the end thereof the fol-
3 lowing new subsection and renumbering the existing section as subsection
4 one (1).

5 "2. Unless otherwise required by the instrument creating the relation-
6 ship, or by order of court, a corporate fiduciary shall not be required to
7 provide any bond."

1 SEC. 7. Section six hundred thirty-three point two hundred twenty-
2 three (633.223), Code 1966, is repealed and the following enacted in lieu
3 thereof:

4 **"Effect of adoption.**

5 1. A lawfully adopted person and his heirs shall inherit from and through
6 the adoptive parents the same as a natural born child. The adoptive par-
7 ents and their heirs shall inherit from and through the adopted person
8 the same as though he were a natural born child.

9 2. A lawful adoption shall extinguish the right of inheritance on the part
10 of the adopted person from and through his natural parents, except that
11 the adopted person may also inherit from his natural parent or parents
12 in an intestate estate under the following circumstances:

13 a. When the adopted person has attained his majority at the time of
14 the adoption; or

15 *b.* When the adopted person is related to one or both of the adoptive
16 parents within the fourth degree of consanguinity.

17 3. A lawful adoption shall extinguish the right of inheritance of the nat-
18 ural parent or parents from and through the adopted person except that
19 the natural parent or parents may inherit from such adopted person in an
20 intestate estate under the following circumstances:

21 *a.* When the adopted person has attained his majority at the time of
22 the adoption, and the adoptive parents are deceased at the time of the
23 adopted person's death, or

24 *b.* When the adopted person is related to one or both of the adoptive
25 parents within the fourth degree of consanguinity.

1 SEC. 8. Section six hundred thirty-three point three hundred nine
2 (633.309), Code 1966, is amended as follows:

3 1. Strike from line one (1) the words "A petition" and insert in lieu there-
4 of the words "An action".

5 2. Strike from line two (2) the word "filed" and insert in lieu thereof
6 the word "commenced".

1 SEC. 9. Section six hundred thirty-three point three hundred forty-two
2 (633.342), Code 1966, is repealed and the following enacted in lieu thereof:

3 **"Appointment of temporary administrator pending administration.**

4 1. When, from any cause, probate of a will or administration cannot be
5 immediately granted, a temporary administrator may be appointed to col-
6 lect, manage, preserve and dispose of the property of the deceased, as the
7 court may prescribe, and no appeal from such appointment shall prevent
8 his proceeding in the discharge of his duties.

9 2. Such temporary administrator shall make and file an inventory of the
10 property of the deceased in the same manner as is required of personal rep-
11 resentative, and shall preserve such property from injury, and may do all
12 needful acts under the direction of the court, including the sale of property
13 and the payment of claims as directed by the court. Upon the granting of
14 administration, the powers of the temporary administrator shall cease, and
15 the administration of the estate shall be transferred to the personal repre-
16 sentative to whom letters are granted."

1 SEC. 10. Section six hundred thirty-three point three hundred forty-
2 three (633.343), Code 1966, is repealed and the following enacted in lieu
3 thereof:

4 **"Appointment of temporary administrator during administration.**

5 At any time during the administration of an estate, the court, for good
6 cause shown, may appoint a temporary administrator to carry out such
7 orders of the court as may be necessary for the proper administration of
8 such estate. No appeal from such appointment shall prevent the tempo-
9 rary administrator from proceeding in the discharge of his duties."

1 SEC. 11. Section six hundred thirty-three point three hundred eighty-
2 nine (633.389), Code 1966, is amended by adding at the end thereof the fol-
3 lowing:

4 "For the purposes of this section, the term 'all persons interested' shall
5 include only distributees in the estate and persons who have requested
6 notice as provided by this Code."

1 SEC. 12. Section six hundred thirty-three point four hundred seventy-
2 one (633.471), Code 1966, is repealed and the following enacted in lieu
3 thereof:

4 **"Right of retainer.** When a distributee of an estate is indebted to
5 the estate, or if a distributee takes as an heir of a deceased devisee indebted
6 to the estate, the amount of such indebtedness, if due, or the present worth
7 of the indebtedness, if not due, shall be treated as a setoff and retained by
8 the personal representative out of any testate or intestate property, real
9 or personal, of the estate to which such distributee is entitled. In intestate
10 estates, the personal representative shall have the same right of setoff and
11 retainer against an heir whose ancestor was indebted to the estate. The
12 right of setoff and retainer shall be prior and superior to the rights of judg-
13 ment creditors, heirs or assigns of such distributee and shall not be barred
14 by the statute of limitations, nor by a discharge in bankruptcy."

1 SEC. 13. Section six hundred thirty-three point four hundred ninety-
2 six (633.496), Code 1966, is amended as follows:

3 1. Strike from lines five (5) and six (6) the word "attestation" and insert
4 in lieu thereof the word "certificate".

5 2. Strike from line eight (8) the word "attestation" and insert in lieu
6 thereof the word "certificate".

Approved June 5, 1969.

CHAPTER 295

TERMS OF COURT

S. F. 187

AN ACT relating to terms of district court.

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

1 SECTION 1. Chapter four hundred (400), Acts of the Sixty-second Gen-
2 eral Assembly, is amended by striking sections two hundred twenty (220)
3 and two hundred twenty-one (221).

Approved March 28, 1969.

CHAPTER 296

FEDERAL INSURED LOANS

H. F. 697

AN ACT relating to federal insured loans.

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

1 SECTION 1. Section six hundred eighty-two point forty-five (682.45),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "and building and loan asso-
4 ciations," and inserting in lieu thereof the words ", building and loan asso-

5 ciations, trustees, guardians, executors, administrators, and other fiduciar-
6 ies, the state and its political subdivisions, and institutions and agencies
7 thereof, and all other persons, associations, and corporations”.

8 2. By inserting in line twenty (20) after the words “state, to” the fol-
9 lowing: “originate loans secured by real property or leasehold, as the
10 federal housing administrator insures or makes a commitment to insure
11 pursuant to title II of the national housing act, and may obtain such in-
12 surance and may”.

1 SEC. 2. This Act being deemed of immediate importance shall be in full
2 force and effect from and after its passage and publication in The Fairfield
3 Ledger, a newspaper published at Fairfield, Iowa, and in The American
4 Citizen, a newspaper published at Des Moines, Iowa.

Approved June 2, 1969.

I hereby certify that the foregoing Act, House File 697, was published in The Fairfield Ledger, Fairfield, Iowa, June 5, 1969, and in The American Citizen, Des Moines, Iowa, June 13, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 297

RULES OF CIVIL PROCEDURE

S. F. 287

AN ACT relating to the reporting of rules of civil procedure to the General Assembly.

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

1 SECTION 1. Section six hundred eighty-four point nineteen (684.19),
2 Code 1966, as amended by chapter eighty-three (83), section two (2), Acts
3 of the Sixty-second General Assembly, is hereby further amended by strik-
4 ing from line four (4) the word “a” and inserting in lieu thereof the word
5 “either”.

Approved April 23, 1969.

CHAPTER 298

SUPREME COURT JUDGES OFFICES

S. F. 157

AN ACT relating to the office of a supreme court judge.

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

1 SECTION 1. Section six hundred eighty-four point twenty-two (684.22),
2 Code 1966, is hereby repealed.

Approved May 8, 1969.

CHAPTER 299

FIREARMS

H. F. 568

AN ACT relating to the sale or transfer of firearms to residents of Iowa and adjacent states.

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

1 SECTION 1. A resident of Iowa not otherwise precluded by applicable
2 law, may purchase firearms, rifles, shotguns, ammunition, reloading com-
3 ponents, or firearms accessories in states contiguous to Iowa. This authori-
4 zation is enacted in conformance with Gun Control Act of 1968, 18 U.S.C.
5 section nine hundred twenty-two (922) (b) (3) (A). In the event that present-
6 ly enacted federal restrictions on the purchase of firearms, rifles, shotguns,
7 ammunition, reloading components, or firearms accessories are repealed by
8 the United States Congress or set aside by courts of competent jurisdiction,
9 this section shall in no way be interpreted to prohibit or restrict the pur-
10 chase of firearms, shotguns, rifles, ammunition, reloading components, or
11 firearms accessories by residents of Iowa otherwise competent to purchase
12 the same in contiguous or other states.

13 A dealer licensed in Iowa may sell or deliver a rifle or shotgun, and a
14 collector licensed in Iowa may sell or deliver a rifle or shotgun if it is a
15 curio or relic, to a resident of an adjacent state, if the purchaser's state of
16 residence permits such sale or delivery by law, the sale fully complies with
17 the legal conditions of Iowa and the adjacent state, and the purchaser
18 and licensee have, prior to the sale or delivery for sale of the rifle or shot-
19 gun, complied with all the requirements of the Federal Gun Control Act
20 of 1968.

Approved June 6, 1969.

CHAPTER 300

EXPLOSIVE OR INCENDIARY DEVICES

H. F. 159

AN ACT to prohibit the use, sale, or possession of explosive or incendiary devices, including "Molotov cocktails", and to provide penalties therefor.

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

1 SECTION 1. Chapter six hundred ninety-seven (697), Code 1966, is
2 hereby amended as follows:

3 1. By adding the following section:

4 As used in this Act, unless the context otherwise indicates:

5 a. "Explosive device" means any material, container containing a chem-
6 ical compound or mixture that is commonly used or intended for the pur-
7 pose of producing an explosion, that contains any oxidizing and combusti-
8 ble materials or other ingredients, in such proportions, quantities or pack-
9 ing that an ignition by fire, by friction, by concussion or by detonation of
10 any part of the compound or mixture may cause such a sudden genera-
11 tion of highly heated gases that the resultant gaseous pressures are capable
12 of producing destructive effects on contiguous objects.

13 *b.* "Incendiary device" means any inflammable material or container
14 containing an inflammable liquid or material whose ignition, by fire, fric-
15 tion, concussion, detonation, or other method is intended to produce de-
16 structive effects primarily through combustion rather than explosion.

17 *c.* "Molotov cocktail" means a breakable container containing an ex-
18 plosive or inflammable liquid or other substance, having a wick or similar
19 device capable of being ignited, and may be described as either an explosive
20 or incendiary device. A "molotov cocktail" is not intended to mean a de-
21 vice commercially manufactured primarily for the purpose of illumination
22 or other such uses.

23 2. By adding the following section:

24 It shall be unlawful for any person to receive, possess, sell, purchase,
25 or manufacture a bomb, bombshell, grenade, or incendiary or explosive de-
26 vice including but not limited to black powder bombs and molotov cock-
27 tails, or, with intent to assemble them, the materials which may be as-
28 sembled into any such device and any person violating any of the provi-
29 sions of this section shall be guilty of a felony and shall, upon conviction
30 thereof, be punished by a fine of not more than two thousand dollars or
31 by imprisonment in the penitentiary or men's or women's reformatory for
32 not more than five years, or by both such fine and imprisonment, or by
33 imprisonment in the county jail for not more than six months; provided,
34 however, that this section shall not apply to military and law-enforcement
35 agencies and their personnel, and persons, firms, or corporations engaged
36 in business, occupational or recreational use of commercial explosives,
37 fireworks, firearms, or ammunition when possession and use is otherwise
38 authorized or permitted by law. This Act shall have no application to the
39 possession or sale of rifle, pistol, or shotgun ammunition; nor shall it pro-
40 hibit the use, sale, or possession of primers, percussion caps, brass, powder,
41 and other components and supplies for hand loading or reloading rifle, pis-
42 tol, or shotgun ammunition or loading muzzle-loading arms, where the
43 same is for lawful purposes.

44 3. By striking lines five (5) through nine (9) of section six hundred ninety-
45 seven point one (697.1), Code 1966, and inserting in lieu thereof the words,
46 "where its combustion or explosion will or is likely to destroy the same, any
47 explosive or incendiary device or molotov cocktail, and by reason of the
48 combustion or explosion thereof any person is killed, he shall be guilty of
49 murder."

50 4. By striking lines one (1) through three (3) and the word "material"
51 from line four (4) of section six hundred ninety-seven point two (697.2),
52 Code 1966, and inserting in lieu thereof: "If any person willfully deposits
53 or throws any explosive or incendiary device or molotov cocktail".

54 5. By striking line eight (8) and the words "explosive material, by the ex-
55 plosion" in line nine (9) of section six hundred ninety-seven point three
56 (697.3), Code 1966, and inserting in lieu thereof, "explosive or incendiary
57 device or molotov cocktail, by the combustion or explosion".

58 6. By adding in line six (6) of section six hundred ninety-seven point four
59 (697.4), Code 1966, after the word "explosion" the words "or combustion".
60 Also amend section six hundred ninety-seven point four (697.4) by striking
61 from lines seven (7), eight (8) and nine (9) the words "dynamite, nitroglyc-
62 erin, giant powder, or other explosive material" and inserting in lieu
63 thereof the words "explosive or incendiary device or molotov cocktail".

Approved June 6, 1969.

CHAPTER 301

LEASED AND RENTED VEHICLES

S. F. 274

AN ACT relating to leased and rented vehicles offenses.

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

1 SECTION 1. Chapter four hundred fourteen (414), Acts of the Sixty-
2 second General Assembly, amending chapter seven hundred ten (710), Code
3 1966, is hereby repealed and the following enacted in lieu thereof:

4 1. "Whoever rents or leases any motor vehicle, as defined under section
5 three hundred twenty-one point one (321.1) of the Code, with intent to de-
6 fraud, alter, or attempt to alter the odometer or other instrument which
7 records the distance traveled by the vehicle, shall be punished by impris-
8 onment in the county jail for not less than six months and not more than
9 one year, or by fine not exceeding five hundred dollars, or both."

10 2. "Whoever, after renting a motor vehicle, as defined under section three
11 hundred twenty-one point one (321.1) of the Code, from any person or per-
12 sons under an agreement to pay for the use of such vehicle a sum of money
13 determinable either in whole or in part upon the distance such vehicle
14 travels during the period for which hired, removes, attempts to remove,
15 tampers with, or attempts to tamper with, or otherwise interferes with
16 any odometer or other mechanical device attached to said hired vehicle
17 for the purpose of registering the distance such vehicle travels, with the
18 intent to deceive the person or persons letting such vehicle or their lawful
19 agent as to the actual distance traveled thereby, shall be guilty of a mis-
20 demeanor and upon conviction shall be punished by imprisonment in the
21 county jail for not less than six months and not more than one year, or
22 by fine not exceeding five hundred dollars, or both."

23 3. "Whoever, after consenting to the use of a motor vehicle, as defined
24 under section three hundred twenty-one point one (321.1) of the Code,
25 under a written agreement to redeliver the same to the person letting such
26 vehicle or his agent, shall, with intent to defraud, abandon such vehicle
27 or willfully refuse or willfully neglect to redeliver such vehicle as agreed,
28 shall be guilty of a felony and punished by imprisonment in the peniten-
29 tiary for not more than one year or by fine not to exceed one thousand
30 dollars, or both. If the person letting the vehicle has performed all of his
31 obligations under the agreement, the failure to return the vehicle within
32 seventy-two hours of the time agreed shall be evidence of such abandon-
33 ment or willful refusal or willful neglect to redeliver such vehicle."

Approved April 18, 1969.

CHAPTER 302

FALSE DRAWING OR UTTERING OF CHECKS

S. F. 139

AN ACT relating to false drawing or uttering of checks.

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

1 SECTION 1. Section seven hundred thirteen point four (713.4), Code
 2 1966, is hereby repealed and the following enacted in lieu thereof:
 3 "As against the maker or drawer of a check, draft, or written order,
 4 payment of which is refused by the drawee because of insufficient funds of
 5 the maker or drawer or because the maker or drawer has no account with
 6 the drawee, the fact that payment of such check, draft, or written order has
 7 been refused by the drawee shall be prima facie evidence of intent to de-
 8 fraud and of knowingly not having an arrangement, understanding, or
 9 funds with such bank, person, or corporation sufficient to meet or pay the
 10 check, draft, or written order, provided such maker or drawer shall not
 11 have paid the holder thereof the amount due thereon within ten days
 12 after receiving written notice by certified mail or notice in the manner of
 13 serving an original notice that such check, draft, or written order has not
 14 been paid by the drawee."

Approved April 18, 1969.

CHAPTER 303

TRESPASS UPON PRIVATE LAKES OR POOLS

S. F. 213

AN ACT relating to trespass upon certain posted private property and prescribing a penalty therefor.

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

1 SECTION 1. No person shall trespass upon any posted private property
 2 without the consent of the owner or occupant thereof if the private proper-
 3 ty has a privately-owned pond, pool, lake, or water-filled pit upon it. This
 4 Act shall not apply to a person entering upon posted private property for
 5 the purpose of talking to, conducting business with, or performing services
 6 for the owner or occupant, or employees of the owner or occupant. No
 7 private property shall be considered posted for the purposes of this Act
 8 unless the posting is by a sign or signs in plain view, warning others not to
 9 trespass, and plainly displaying a number registered with the sheriff of the
 10 county. The sheriff of each county may assign a number to each owner or
 11 occupant who registers to post private property under this Act and shall
 12 keep a record of the numbers. No person shall tear down, remove or damage
 13 any sign lawfully posted in compliance with this Act, except with the con-
 14 sent of the owner or occupant of the posted property. Any person violating
 15 this Act shall be guilty of a misdemeanor and shall be punished by a fine
 16 not exceeding one hundred dollars or imprisoned in the county jail not ex-

17 ceeding thirty days. Chapter two hundred thirty-two (232) of the Code shall
 18 have no application in the prosecution of offenses committed by minors
 19 under this chapter.

Approved May 12, 1969.

CHAPTER 304

AMATEUR BOXING

S. F. 484

AN ACT relating to amateur boxing.

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

1 SECTION 1. Section seven hundred twenty-seven point five (727.5),
 2 Code 1966, is hereby amended by adding thereto the words "This section
 3 shall not apply to amateur boxing."

Approved April 23, 1969.

CHAPTER 305

ENFORCEMENT OFFICERS OF LIQUOR COMMISSION

H. F. 318

AN ACT vesting police powers and the status of peace officers upon agents, officers, and investigators of the enforcement division of the Iowa liquor control commission.

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

1 SECTION 1. Section seven hundred forty-eight point three (748.3), Code
 2 1966, is hereby amended as follows:

3 1. By inserting after subsection five (5) the following new subsection:
 4 "Agents, officers, and investigators of the enforcement division of the Iowa
 5 liquor control commission."

6 2. By renumbering the remaining subsection.

1 SEC. 2. This Act, being deemed of immediate importance, shall be
 2 in full force and effect from and after its publication in the Harlan Trib-
 3 une, a newspaper published at Harlan, Iowa, and in The Jefferson Bee,
 4 a newspaper published at Jefferson, Iowa.

Approved May 19, 1969.

I hereby certify that the foregoing Act, House File 318, was published in the Harlan Tribune, Harlan, Iowa, May 29, 1969 and in The Jefferson Bee, Jefferson, Iowa, May 26, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 306

SEARCH WARRANTS

S. F. 555

AN ACT relating to the issuance of search warrants.

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

1 SECTION 1. Section seven hundred fifty-one point three (751.3), Code
2 1966, is hereby amended as follows:

3 1. By striking from lines seven (7) and eight (8) the word "felony" and
4 inserting in lieu thereof the words "public offense".

5 2. By striking all of subsection nine (9) and inserting in lieu thereof the
6 following:

7 "For any other property relevant and material as evidence in a criminal
8 prosecution."

1 SEC. 2. Section seven hundred fifty-one point four (751.4), Code 1966,
2 is hereby amended by inserting in line sixteen (16) after the word, "proper-
3 ty" the following:

4 "If the magistrate thereafter issues the search warrant, he shall endorse
5 on the application the name and address of all persons upon whose sworn
6 testimony he relied to issue such warrant together with an abstract of such
7 witness' testimony. However, if the grounds for issuance is supplied by an
8 informant, the magistrate shall only identify the peace officer to whom
9 the information was given and that he finds that such informant had previ-
10 ously given reliable information."

Approved June 6, 1969.

CHAPTER 307

CLERK OF GRAND JURY

H. F. 173

AN ACT relating to the compensation of the clerk of the grand jury.

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

1 SECTION 1. Section seven hundred seventy point twenty-one (770.21),
2 Code 1966, is hereby amended as follows:

3 1. By striking from lines thirteen (13) and fourteen (14) the words "four
4 thousand five hundred" and inserting in lieu thereof the words "five thou-
5 sand four hundred".

6 2. By striking from lines eighteen (18) the words "four thousand nine
7 hundred" and inserting in lieu thereof the words "six thousand".

8 3. By striking from lines twenty-one (21) and twenty-two (22) the words
9 "seven thousand dollars" and inserting in lieu thereof the words "eight
10 thousand six hundred dollars".

Approved June 6, 1969.

CHAPTER 308

SEPARATION OF JURORS

H. F. 279

AN ACT relating to the separation of jurors in criminal cases.

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

1 SECTION 1. Section seven hundred eighty point nineteen (780.19),
2 Code 1966, is hereby repealed and the following enacted in lieu thereof:
3 "The jurors sworn to try an indictment, in the discretion of the court,
4 may be permitted to separate as in civil cases or may be kept together in
5 the charge of proper officers."

1 SEC. 2. Section seven hundred eighty point twenty (780.20), Code
2 1966, is hereby amended by striking from lines two (2) and three (3) the
3 words "during the adjournment of the court,".

Approved June 2, 1969.

SPECIAL AND LEGALIZING ACTS

SPECIAL AND LEGALIZING ACTS

CHAPTER 309

STATE LAND CONVEYANCE

S. F. 511

AN ACT to convey an interest in land in Page county.

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

1 SECTION 1. The governor is authorized to execute and deliver a quit-
2 claim deed, to be attested by the secretary of state, with the seal of
3 state, to D. C. Davison conveying from the state of Iowa to the said D. C.
4 Davison, present owner, the lands described as the fractional North one-
5 half of the North West one-half of Section 4, Township 69 North, Range
6 36 West of 5th Principal Meridian, Page County, Iowa, under color of title
7 given to the state by Act of Congress, June 2, 1864, Thirty-eighth Congress,
8 Session I, Chapter 103, Sec. 3 (United States Statutes at Large, Volume 13,
9 Page 96) captioned as follows:

10 An Act to Amend an Act entitled "An Act making a Grant of Lands to
11 the State of Iowa, in alternate Sections, to Aid in the Construction of cer-
12 tain Railroads in said State," approved May fifteen, eighteen hundred and
13 fifty-six.

Approved June 5, 1969.

CHAPTER 310

AUTHORITY TO SELL STATE REAL ESTATE AND DEMOLISH BUILDINGS

H. F. 40

AN ACT relating to providing authority to the executive council to sell real estate and demolish state buildings.

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

1 SECTION 1. The executive council shall have the authority to sell the
2 following described parcel of real estate to the city of Des Moines: East
3 Eleven (11) Feet of Lots 10 and 11, Block 22, Stewart's Addition and the
4 East Eleven (11) Feet of Lots 14 and 15, Block 23, Stewart's Addition, ex-
5 cept Triangular Piece in the N.E. corner of Lot 15, Block 23, Stewart's
6 Addition; said Triangular Piece measuring ten (10) Feet along the North
7 line and Twenty (20) feet along the East Line of said lot. Also, the East
8 Eleven (11) Feet of the East-West Alley in Block 22 Stewart's Addition
9 and the East Eleven (11) Feet of the East-West Alley in Block 23, Stew-
10 art's Addition and all that part of Capitol Avenue (being an 80 foot strip)
11 lying North of and adjacent to the North Line of the East Eleven (11) Feet
12 of Lot 11, Block 22, Stewart's Addition, all being in and forming a part of
13 the City of Des Moines, Polk County, Iowa.

14 The proceeds of such sale shall be deposited with the treasurer of state
15 and credited to the general fund of the state.

16 The executive council shall have the authority to demolish the buildings
17 known as the Kasson Building (Archives) and the Amos Hiatt Building.

1 SEC. 2. This Act, being deemed of immediate importance, shall take
2 effect and be in full force from and after its publication in The Woodbine
3 Twiner, a newspaper published in Woodbine, Iowa, and in the Mitchell
4 County Press-News, a newspaper published in Osage, Iowa.

Approved February 21, 1969.

I hereby certify that the foregoing Act, House File 40, was published in The Woodbine Twiner, Woodbine, Iowa, March 6, 1969 and in the Mitchell County Press-News, Osage, Iowa, March 6, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 311

BLACK HAWK COUNTY LEGALIZING ACT

H. F. 454

AN ACT relating to the legalizing of procedures followed in Black Hawk county in repairing the roof of the county home.

WHEREAS, the Black Hawk county home located in Black Hawk county, Iowa, developed a water leak in the roof of the county home during the summer of 1967; and

WHEREAS, the Black Hawk county board of supervisors engaged the Beck-Ericson Construction Company of Cedar Falls, Iowa, to repair the leak; and

WHEREAS, the damage to the said county home was shown to be much more extensive when a portion of the roof and coping on the walls was removed; and

WHEREAS, it was not possible to determine the extent of the said damage before the portions of the said roof and coping were removed incidental to the said repair; and due to the weather conditions and the removal of the portions of the roof and coping which exposed additional portions of the building to additional damage, it was not possible to advertise for bids for the said repairs in accordance with sections 332.7 and 332.8 of the 1966 Code of Iowa; and

WHEREAS, the cost of repairs was \$8,537.84.

NOW, THEREFORE:

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

1 SECTION 1. All proceedings of the Black Hawk County Board of Super-
2 visors of the County of Black Hawk, State of Iowa, taken in connection
3 with the repairs to the roof of the Black Hawk County Home completed in
4 the Summer of 1967 by the Beck-Ericson Construction Company of Cedar

5 Falls, Iowa, be and are hereby legalized, validated and confirmed and this
6 shall constitute full authority for the said Board of Supervisors to pay for
7 the said repairs.

1 SEC. 2. This Act being deemed of immediate importance shall be in full
2 force and effect from and after its passage and publication in the Waterloo
3 Daily Courier, a newspaper published in Waterloo, Iowa, and The Record,
4 a newspaper published in Cedar Falls, Iowa, all without expense to the
5 State of Iowa.

Approved May 12, 1969.

I hereby certify that the foregoing Act, House File 454, was published in the Waterloo Daily Courier, Waterloo, Iowa, May 22, 1969 and in The Record, Cedar Falls, Iowa, May 22, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 312

LINN COUNTY LEGALIZING ACT

H. F. 744

AN ACT to legalize and validate the proceedings of the board of supervisors of the county of Linn, State of Iowa, in the making of payments from the county poor fund under apparent authority of section 252.27 for the purpose of providing civil legal assistance and legal aid pursuant to a plan informally approved by the board of supervisors and operated in conjunction with the Linn county bar association.

WHEREAS, it appears from the records of the board of supervisors of the county of Linn, state of Iowa, that the board of supervisors has made three payments during the years 1967 and 1968 totaling \$18,000.00 from the county poor fund, acting in reliance upon powers granted under chapter 252 and, in particular, subsection 27 thereof, Code of Iowa, 1966, for the purpose of providing partial funding of a civil legal assistance and legal aid program that has been informally approved by said board of supervisors and operated in Linn county, Iowa for the benefit of the qualified residents of that county, and

WHEREAS, doubts have arisen concerning the validity of and legal authority for the making of said payments under said provisions of the Code, and it is deemed advisable to put such doubts and all others that might arise concerning the same forever at rest; NOW THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the Board of
2 Supervisors of the County of Linn, State of Iowa, preliminary to and in
3 connection with making payments during 1967 and 1968 in the total sum
4 of \$18,000.00 for the purpose of providing partial funding of the civil legal
5 assistance and legal aid program being operated in Linn County, Iowa, in
6 conjunction with the Linn County Bar Association, which payments were
7 made from the County Poor Fund under apparent authority of Chapter 252,
8 Code of Iowa, 1966, be and they are hereby legalized, validated and confirmed,
9 and said payments are hereby declared to have been legal, valid and bind-
10 ing obligations of said Board of Supervisors at the time approved and made
11 by them.

1 SEC. 2. This Act, being deemed of immediate importance, shall be in
 2 full force and effect from and after its passage, approval and publication in
 3 The Cedar Rapids Gazette, a newspaper published at Cedar Rapids, Iowa,
 4 and The Marion Sentinel, a newspaper published at Marion, Iowa, without
 5 expense to the State.

Approved May 12, 1969.

I hereby certify that the foregoing Act, House File 744, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, May 27, 1969 and in The Marion Sentinel, Marion, Iowa, May 29, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 313

POTTAWATTAMIE COUNTY LEGALIZING ACT

S. F. 347

AN ACT to legalize and validate the special election held in Pottawattamie county, Iowa on the 5th day of November, 1968 on the proposition of remodeling the present county home and build and equip an addition thereto.

WHEREAS, on the 1st day of October, 1968, the board of supervisors of Pottawattamie county, state of Iowa, called a special election in said county for November 5, 1968 on the following question:

Shall the county of Pottawattamie, in the state of Iowa remodel the present county home located at McClelland, Iowa, and build and equip an addition to said county home, located at McClelland, Iowa, at a total cost not to exceed \$70,000.00, and in order to pay the cost thereof to levy a tax in addition to all other taxes, for the year 1969, due and payable in 1970, on all taxable property within said county, not to exceed \$70,000.00 and not to exceed 1/4 of one per cent on the county taxable valuation, and

WHEREAS, at said election the proposition was approved by more than 60 per cent of the total votes cast for or against said proposition, and

WHEREAS, due to an oversight, notice of election was published only once, when the statute of the state of Iowa requires four separate publications of said special election and it is advisable to put any doubts of the sufficiency of said notice and any other doubts concerning said special election forever at rest; NOW THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the Board of Su-
 2 pervisors of Pottawattamie County, State of Iowa, pursuant to and in
 3 connection with the call of the special election held on November 5, 1968
 4 for the submission of the proposition to remodel, build and equip an addi-
 5 tion to the said county home located at McClelland, Iowa at a total cost not
 6 to exceed Seventy thousand Dollars and in order to pay the cost thereof,
 7 to levy a tax in addition to all other taxes for the year 1969 due and pay-
 8 able in 1970 on all taxable property within said county not to exceed
 9 Seventy thousand Dollars and not to exceed one-fourth of one per cent on

10 the county taxable valuation; including also the notice of election publi-
 11 cation of said election notice, the sufficiency of said election notice, the elec-
 12 tion ballot, the election staff and the adoption of said proposition at said
 13 election by the voters of Pottawattamie County, State of Iowa, are hereby
 14 legalized, validated and confirmed and shall constitute full authority by the
 15 Board of Supervisors of Pottawattamie County, State of Iowa to levy a
 16 tax not to exceed one-fourth of one per cent on the County taxable valu-
 17 ation, and in an amount not to exceed Seventy thousand Dollars, and that
 18 said election is hereby delcared to be legal and to constitute a valid and
 19 binding election.

1 SEC. 2. This act being deemed of immediate importance shall take
 2 effect and be in force from and after its publication in the Neola-Gazette
 3 Reporter, a newspaper published in Neola, Iowa, and in the Council Bluffs
 4 Nonpareil, a newspaper published in Council Bluffs, Iowa.

Approved April 14, 1969.

I hereby certify that the foregoing Act, Senate File 347, was published in the Neola Gazette-Reporter, Neola, Iowa, April 24, 1969 and in the Council Bluffs Nonpareil, Council Bluffs, Iowa, April 17, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 314

SCOTT COUNTY BONDS LEGALIZED

H. F. 800

AN ACT to legalize and validate the proceedings of the board of supervisors of Scott county, Iowa, authorizing and providing for the issuance of county conservation bonds of said county and for the levy of taxes to pay said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said county.

WHEREAS it appears from the records of the board of supervisors of Scott county, Iowa, that pursuant to a petition filed with said board of supervisors by the county conservation board of said county, said board of supervisors adopted a resolution on October 7, 1968, calling a special election to be held in said county on November 5, 1968, at which there was submitted to the voters of said county the proposition of issuing bonds of said county in the amount of one million dollars (\$1,000,000) for the purpose of acquiring land and developing the same for public museum, park, parkway, preserve, playground and other recreation and conservation purposes, and said proposition was duly submitted to the voters of said county at said special election; and

WHEREAS after canvassing the results of the election on the proposition of issuing said bonds it was found and determined that said proposition was approved by more than sixty-four (64) percent of the total number of votes cast for and against said proposition at said election, there being nineteen thousand six hundred forty-six (19,646) votes cast in favor of said proposition and ten thousand six hundred fifty-eight (10,658) votes cast against the same; and

WHEREAS in reliance upon the favorable vote cast at said election, and pursuant to the request of said county conservation board, the board of supervisors of said county has by resolution authorized and provided for the issuance of county conservation bonds to the amount and for the purpose aforesaid

and has made provision for the levy of taxes sufficient to pay said bonds and the interest thereon; and

WHEREAS doubts have arisen concerning the validity and legal sufficiency of said election and proceedings and provisions made for the issuance and payment of said bonds and it is deemed advisable to put such doubts and all others that might arise concerning the same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the board of super-
2 visors of Scott county, Iowa, preliminary to and in connection with the spe-
3 cial election held in said county on November 5, 1968, and providing for the
4 issuance of county conservation bonds of said county to the amount of one
5 million dollars (\$1,000,000) pursuant to said election and for the levy of
6 taxes sufficient to pay said bonds and interest thereon, are hereby legalized,
7 validated and confirmed and said county conservation bonds issued, sold
8 and delivered pursuant to and in accordance with said proceedings are
9 hereby declared to be legal and to constitute valid and binding obligations
10 of said county.

1 SEC. 2. This Act being deemed of immediate importance shall be in full
2 force and effect from and after its passage and publication in The Times-
3 Democrat, a newspaper published at Davenport, Iowa, and in the Bettend-
4 dorf News, a newspaper published at Bettendorf, Iowa, without expense to
5 the state.

Approved May 14, 1969.

I hereby certify that the foregoing Act, House File 800, was published in The Times-Democrat, Davenport, Iowa, May 23, 1969 and in the Bettendorf News, Bettendorf, Iowa, May 29, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 315

SCOTT COUNTY LEGALIZING ACT

H.F. 799

AN ACT to legalize and validate the proceedings taken for the creation, organization and establishment of the county conservation board of Scott county, Iowa, and all acts and proceedings taken by said board and its officials.

WHEREAS pursuant to statutory provisions now contained in chapter 111A of the Code of Iowa and an election held in said county on November 6, 1956, the board of supervisors of Scott county, Iowa, has heretofore created a county conservation board in and for said county, members of said conservation board have been appointed from time to time, officials thereof have been selected, various proceedings and official actions have been taken by the conservation board and its officials and taxes have been levied for county conservation purposes in said county for over ten years, and the existence of said county conservation board is of general public interest and vital to the carrying out of conservation activities within the county; and

WHEREAS doubts have arisen concerning the legal sufficiency of the proceedings taken for the creation of said county conservation board, the appointment of its officials and the proceedings and official actions taken by this board and its officials, and it is deemed advisable and necessary to put such doubts and all others that might arise concerning the same forever at rest; Now, THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken in connection
2 with the creation, organization and establishment of the county conserva-
3 tion board of Scott county, Iowa, and all acts and proceedings heretofore
4 taken by said board and its officials in carrying out their duties and respon-
5 sibilities are hereby legalized, validated and confirmed.

1 SEC. 2. This Act being deemed of immediate importance shall be in full
2 force and effect from and after its passage and publication in The Times-
3 Democrat, a newspaper published at Davenport, Iowa, and in the Bettend-
4 dorf News, a newspaper published at Bettendorf, Iowa, without expense to
5 the state.

Approved May 14, 1969.

I hereby certify that the foregoing Act, House File 799, was published in The Times-Democrat, Davenport, Iowa, May 23, 1969 and in the Bettendorf News, Bettendorf, Iowa, May 29, 1969.
MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 316

BUSSEY LEGALIZING ACT

H. F. 328

AN ACT to legalize and validate the proceedings of the town council of the town of Bussey, in the county of Marion, state of Iowa, in the calling of a special election on the proposition of extending, reconstructing and maintaining its municipal waterworks and contracting indebtedness for such purpose not in excess of forty-five thousand dollars (\$45,000), issuing bonds for such purpose not in excess of forty-five thousand dollars (\$45,000), and levying a tax annually upon the taxable property of said town not in excess of 16 mills per annum in payment of such bonds and the interest thereon, and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said town.

WHEREAS, it appears from the records of the town of Bussey, in the county of Marion, state of Iowa, that at a special election held in and for said town on November 27, 1968, the proposition of extending, reconstructing and maintaining its municipal waterworks and contracting indebtedness for such purpose not in excess of forty-five thousand dollars (\$45,000), and issuing bonds for such purpose not in excess of forty-five thousand dollars (\$45,000), and levying a tax annually upon the taxable property in said town not exceeding 16 mills per annum for the payment of such bonds and interest thereon was approved by a majority of more than sixty percent (60%) of the total number of votes cast for and against said proposition; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and proceedings and provisions made for the issuance and payment of said bonds and it is deemed advisable to put such doubts and all others that might arise concerning the same forever at rest;

NOW, THEREFORE:

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

1 SECTION 1. All proceedings heretofore taken by the Council of the
2 Town of Bussey, in the County of Marion, State of Iowa, preliminary to
3 and in connection with the calling of the special election held in said Town
4 on November 27, 1968, at which there was submitted the proposition of
5 extending, reconstructing and maintaining the municipal waterworks in
6 said Town and contracting indebtedness for such purpose not in excess of
7 Forty-five Thousand Dollars (\$45,000), and issuing bonds for such pur-
8 pose not in excess of Forty-five Thousand Dollars (\$45,000), and levying a
9 tax annually upon the taxable property in said Town not in excess of 16
10 mills per annum for the payment of such bonds and the interest thereon,
11 are hereby legalized, validated and confirmed, and said bonds, when issued,
12 sold and delivered pursuant to and in accordance with said proceedings are
13 hereby declared to be legal and to constitute valid and binding obligations
14 of said Town of Bussey.

1 SEC. 2. This Act being deemed of immediate importance, shall be in full
2 force and effect from and after its passage and publication in The Knox-
3 ville Journal, a newspaper published at Knoxville, Iowa, and in The Pella
4 Chronicle-Advertiser, a newspaper published at Pella, Iowa, without ex-
5 pense to the State.

Approved May 12, 1969.

I hereby certify that the foregoing Act, House File 328, was published in The Knoxville Journal, Knoxville, Iowa, June 10, 1969, and in The Pella Chronicle-Advertiser, Pella, Iowa, June 6, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 317

MITCHELLVILLE LEGALIZING ACT

H. F. 412

AN ACT to legalize and validate the proceedings of the town council of the town of Mitchellville, in the county of Polk, state of Iowa, in the calling of a special election on the proposition of constructing a combination town hall and fire station in said town and contracting indebtedness for such purpose not in excess of forty thousand dollars (\$40,000), issuing bonds for such purpose not in excess of forty thousand dollars (\$40,000), and levying a tax annually upon the taxable property of said town not in excess of three and four tenths (3.4) mills per annum in payment of such bonds and the interest thereon, and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said town.

WHEREAS, it appears from the records of the town of Mitchellville, in the county of Polk, state of Iowa, that at a special election held in and for said town on December 19, 1967, the proposition of constructing a combination town hall and fire station and contracting indebtedness for such purpose not in excess of forty thousand dollars (\$40,000), and issuing bonds for such purpose not in excess of forty thousand dollars (\$40,000), and levying a tax annually upon the taxable property in said town not exceeding three and four tenths (3.4) mills per annum for the payment of such bonds and interest thereon was approved by a majority of more than sixty per cent (60%) of the total number of votes cast for and against said proposition; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and proceedings and provisions made for the issuance and payment of said bonds and it is deemed advisable to put such doubts and all others that might arise concerning the same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. All proceedings heretofore taken by the council of the town
2 of Mitchellville, in the county of Polk, state of Iowa, preliminary to and
3 in connection with the calling of the special election held in said town on
4 December 19, 1967, at which there was submitted the proposition of con-
5 structing a combination town hall and fire station in said town and con-
6 tracting indebtedness for such purpose not in excess of forty thousand dol-
7 lars (\$40,000), and issuing bonds for such purpose not in excess of forty
8 thousand dollars (\$40,000), and levying a tax annually upon the taxable
9 property in said town not in excess of 3.4 mills per annum for the payment
10 of such bonds and the interest thereon, are hereby legalized, validated and
11 confirmed, and said bonds, when issued, sold and delivered pursuant to and
12 in accordance with said proceedings are hereby declared to be legal and to
13 constitute valid and binding obligations of said town of Mitchellville.

1 SEC. 2. This Act, being deemed of immediate importance, shall be in full
2 force and effect from and after its passage, approval and publication in The
3 Altoona Herald, a newspaper published at Altoona, Iowa, and The Iowa Fed-
4 erationist, a newspaper published at Des Moines, Iowa, without expense to
5 the state.

Approved May 12, 1969.

I hereby certify that the foregoing Act, House File 412, was published in The Altoona Herald, Altoona, Iowa, May 22, 1969 and in The Iowa Federationist, Des Moines, Iowa, May 23, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 318

PIERSON LEGALIZING ACT

H. F. 431

AN ACT to legalize and validate the proceedings of the town council of the town of Pierson, in the county of Woodbury, state of Iowa, authorizing and providing for the issuance of town hall and fire station bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said town.

WHEREAS, it appears from the records of the town of Pierson, in the county of Woodbury, state of Iowa, that a special election held in and for said town on January 6, 1969, the proposition of purchasing land and constructing a combined town hall and fire station and contracting indebtedness for such purposes not exceeding \$48,000 and issuing bonds for such purpose not exceeding \$48,000 and levying a tax annually upon the taxable property in said town not exceeding 11 mills per annum for the payment of such bonds and the interest thereon, was approved by more than 60% of the total number of votes cast for and against said proposition, and in reliance upon said election said town council thereafter by resolution authorized and provided for the issuance

of town hall and fire station bonds to the amount and for the purpose aforesaid and made provision for the levy of taxes to pay said bonds and the interest thereon; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and proceedings and provisions made for the issuance and payment of said bonds and it is deemed advisable to put such doubts and all others that might arise concerning the same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the Town Council
2 of the Town of Pierson, in the County of Woodbury, State of Iowa prelim-
3 inary to and in connection with the election on said bonds held in said
4 Town on January 6, 1969, and providing for the issuance and delivery of
5 Town Hall and Fire Station Bonds of said Town in the amount of \$48,000
6 pursuant to said election, and for the levy of taxes to pay said bonds and
7 the interest thereon, are hereby legalized, validated and confirmed and said
8 Town Hall and Fire Station Bonds issued, sold and delivered pursuant to
9 and in accordance with said proceedings are hereby declared to be legal
10 and to constitute the valid and binding obligations of said Town of Pier-
11 son.

1 SEC. 2. This Act being deemed of immediate importance, shall be in
2 full force and effect from and after its passage and publication in The
3 Pierson Press, a newspaper published at Pierson, Iowa, and in The Correc-
4 tionville News, a newspaper published at Correctionville, Iowa, without ex-
5 pense to the State.

Approved May 12, 1969.

I hereby certify that the foregoing Act, House File 431, was published in The Pierson Press, Pierson, Iowa, May 29, 1969 and in The Correctionville News, Correctionville, Iowa, May 29, 1969.
MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 319

RUNNELLS LEGALIZING ACT

H. F. 242

AN ACT to legalize and validate the proceedings of the town council of the town of Runnells, in the county of Polk, state of Iowa, in the calling of a special election on the proposition of constructing an elevated water storage tank in said town and contracting indebtedness for such purpose not in excess of twenty-five thousand dollars (\$25,000.00), issuing bonds for such purpose not in excess of twenty thousand dollars (\$20,000.00), and levying a tax annually upon the taxable property of said town not in excess of ten mills per annum in payment of such bonds and the interest thereon, and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said town.

WHEREAS, it appears from the records of the town of Runnells, in the county of Polk, state of Iowa, that at a special election held in and for said town on December 4, 1967, the proposition of constructing an elevated water storage tank and contracting indebtedness for such purpose not in excess of twenty-five thousand dollars (\$25,000.00), and issuing bonds for such purpose not in excess of twenty thousand dollars (\$20,000.00), and levying a tax annual-

ly upon the taxable property in said town not exceeding ten mills per annum for the payment of such bonds and interest thereon was approved by a majority of more than sixty per cent (60%) of the total number of votes cast for and against said proposition; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and proceedings and provisions made for the issuance and payment of said bonds and it is deemed advisable to put such doubts and all others that might arise concerning the same forever at rest; NOW, THEREFORE:

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

1 SECTION 1. All proceedings heretofore taken by the council of the town
2 of Runnells, in the county of Polk, state of Iowa, preliminary to and in con-
3 nection with the calling of the special election held in said town on Decem-
4 ber 4, 1967, at which there was submitted the proposition of constructing
5 an elevated water storage tank in said town and contracting indebtedness
6 for such purpose not in excess of twenty-five thousand dollars (\$25,000.00),
7 and issuing bonds for such purpose not in excess of twenty thousand dol-
8 lars (\$20,000.00), and levying a tax annually upon the taxable property in
9 said town not in excess of ten mills per annum for the payment of such
10 bonds and the interest thereon, are hereby legalized, validated and con-
11 firmed, and said bonds, when issued, sold and delivered pursuant to and in
12 accordance with said proceedings are hereby declared to be legal and to
13 constitute valid and binding obligations of said town of Runnells, Iowa.

1 SEC. 2. This Act, being deemed of immediate importance, shall be in
2 full force and effect from and after its passage, approval and publication in
3 The Altoona Herald, a newspaper published at Altoona, Iowa, and The
4 Iowa Federationist, a newspaper published at Des Moines, Iowa, without
5 expense to the State.

Approved April 23, 1969.

I hereby certify that the foregoing Act, House File 242, was published in The Altoona Herald, Altoona, Iowa, May 15, 1969 and in The Iowa Federationist, Des Moines, Iowa, May 16, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 320

MERGED AREA XI SCHOOL LEGALIZING ACT

H.F. 535

AN ACT to legalize and validate the proceedings of the board of directors of Area Community College Merged Area (education) XI and the board of directors of the Boone Community School District, in regard to the leasing and transfer of the Boone Junior College facilities for an extended term, and to authorize and direct said boards of directors to execute such lease agreement and to constitute it a valid and binding contractual obligation of the respective school districts.

WHEREAS, the board of directors of Area Community College Merged Area (education) XI in the counties of Boone, Dallas, Jasper, Madison, Marion, Polk, Story and Warren, state of Iowa, with the exclusion of the Bayard Community School District, state of Iowa, herein referred to as "Area XI", and the board of directors of the Boone Community School District hereinafter

referred to as "Boone school", did on the 27th day of March, 1968 enter into an agreement whereby Area XI would operate the Boone school's junior college for a period of one (1) year, pursuant to section 280A.26, Iowa Code 1966, and

WHEREAS, the agreement provided that both boards planned toward a transfer of ownership and operation of the Boone Junior College at the beginning of the school year following completion of the new junior college facilities, and that a committee composed of members of both boards would work out the financial details of the transfer of the facilities, and

WHEREAS, pursuant to said provision the boards of directors did come to a meeting of the minds that said provision would be complied with by Area XI entering into a written agreement with the Boone school to lease the Boone school's junior college facilities for a period of eighteen years commencing July 1, 1969 with annual rental payments to be in the following amounts:

\$77,587.91,	\$76,087.91,	\$74,587.91,
\$73,200.41,	\$86,865.41,	\$85,470.41,
\$88,997.91,	\$87,447.91,	\$85,897.97,
\$67,656.25,	\$66,056.25,	\$69,376.25,
\$72,521.25,	\$75,473.75,	\$73,328.75,
\$76,075.00,	\$73,712.50,	\$76,265.63,

and with a provision that at the expiration of the lease term the Boone school board of directors would transfer ownership of the junior college facility to Area XI, and

WHEREAS, the Boone school acted in reliance upon the provision contained in the agreement of March 27, 1968, and the meeting of the minds of the two boards in regard to the manner of giving effect to said provision, and

WHEREAS, prior to formal execution of the lease agreement, doubts arose concerning the validity of said agreement and the authority of the respective boards to enter into such an agreement, and it is deemed advisable to put such doubts to rest, and to confirm the actions of the boards and authorize them to enter into such lease agreement; NOW THEREFORE,

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

1 SECTION 1. All proceedings and actions of the Area XI Board of Direc-
 2 tors and Boone School Board of Directors in regard to the leasing of the
 3 Boone School's Junior College for an eighteen (18) year term, for the agreed
 4 upon annual rental payments, with the provision that the Boone School
 5 Board transfer ownership of said Junior College to the Area XI Board at
 6 the expiration of the lease term, are hereby ratified, confirmed, legalized and
 7 validated and the Boards are authorized and directed to execute such Lease
 8 Agreement which shall thereafter constitute a valid and binding contrac-
 9 tual obligation of the respective districts.

1 SEC. 2. This Act being deemed of immediate importance shall be in
 2 full force and effect from and after its publication in The Boone News-

3 Republican, a newspaper published at Boone, Iowa, and in The Evening
4 Sentinel, a newspaper published at Shenandoah, Iowa, all without expense
5 to the state of Iowa.

Approved May 14, 1969.

I hereby certify that the foregoing Act, House File 535, was published in The Boone News-Republican, Boone, Iowa, May 21, 1969, and in The Evening Sentinel, Shenandoah, Iowa, May 23, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 321

BONDURANT-FARRAR SCHOOL LEGALIZING ACT

H. F. 243

AN ACT to legalize and validate the proceedings of the board of directors of the Bondurant-Farrar Community School District, in the counties of Jasper and Polk, state of Iowa, in connection with an election for the issuance of school bonds and declaring the validity of said election and that bonds issued pursuant to and authorized thereby shall constitute valid and binding obligations of said school district.

WHEREAS, it appears from the records of the board of directors of the Bondurant-Farrar Community School District, in the counties of Jasper and Polk, state of Iowa, that at a special school election held in and for said school district on December 16, 1968, the proposition of issuing bonds of said school district in the amount of four hundred fifty thousand dollars for the purpose of remodeling an existing school building at Bondurant and building and furnishing an addition thereto, and remodeling an existing school building at Farrar, was approved by more than sixty per cent of the total number of votes cast for and against said proposition, and in reliance upon said election said board of directors proposes to authorize and provide for the issuance of school bonds to the amount and for the purpose aforesaid; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. All proceedings heretofore taken by the board of directors
2 of the Bondurant-Farrar Community School District, in the counties of
3 Jasper and Polk, State of Iowa, preliminary to and in connection with the
4 election on said bonds held in said School District on December 16, 1968,
5 and said election, are hereby legalized, validated and confirmed and school
6 bonds to be issued, sold and delivered pursuant to and by authority of said
7 election shall constitute valid and binding obligations of said School District.

1 SEC. 2. This Act, being of immediate importance, shall be in full force
2 and effect from and after its passage, approval and publication in The
3 Colfax Tribune, a newspaper published at Colfax, Iowa, and in The Altoona
4 Herald, a newspaper published at Altoona, Iowa, without expense to the
5 State.

Approved April 23, 1969.

I hereby certify that the foregoing Act, House File 243, was published in The Colfax Tribune, Colfax, Iowa, May 1, 1969 and in The Altoona Herald, Altoona, Iowa, May 1, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 322

CARSON-MACEDONIA SCHOOL LEGALIZING ACT

H. F. 335

AN ACT to legalize and validate the proceedings of the board of directors of the Carson-Macedonia Community School District, in the county of Pottawattamie, state of Iowa, authorizing the sale of certain real estate described as the West 138 feet of the East 204 feet of the North 155 feet of Out Lot 4 in the town of Macedonia, Pottawattamie county, Iowa, to Lawrence L. Wax and Gwyneth J. Wax, husband and wife.

WHEREAS, it appears from the records of the board of directors of the Carson-Macedonia Community School District, county of Pottawattamie, state of Iowa, that at a regular school election held in and for said school district on the 11th day of September, 1967, the proposition authorizing the board of directors to sell property owned by such district, and used as a faculty home in the town of Macedonia, Iowa, said site being legally described as:

The West 138 feet of the East 204 feet of the North 155 feet of Out Lot 4, town of Macedonia, Pottawattamie county, Iowa.

and to place the proceeds derived from said sale into the schoolhouse fund of said school district for use in connection with school building purposes, was submitted to and approved by a majority of the total number of votes cast for and against that proposition, and

WHEREAS, in reliance upon said election, said board of directors, thereafter by resolution and appropriate proceedings, sold the aforesaid property to Lawrence L. Wax and Gwyneth J. Wax, husband and wife, and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and subsequent proceedings of the directors of said community school district relative thereto, and it is deemed advisable to put such doubts and all others that might arise concerning the same forever at rest; Now THEREFORE,

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

1 SECTION 1. All proceedings heretofore taken by the board of directors
2 of the Carson-Macedonia Community School District in the County of
3 Pottawattamie, State of Iowa, in connection with, and the election by the
4 electors of such district for the sale of the following described property,
5 to wit:

6 The West 138 feet of the East 204 feet of the North 155 feet of Out
7 Lot 4 in the Town of Macedonia, Pottawattamie County, Iowa,
8 and the sale of such property by the Board of Directors of such district to
9 Lawrence L. Wax and Gwyneth J. Wax, husband and wife, are hereby legal-
10 ized, validated and confirmed, and the proceedings of said board of directors
11 relating thereto, are hereby declared to be legal and constitute the valid
12 and binding obligations of said school district.

1 SEC. 2. This Act, being deemed of immediate importance, shall be in
2 full force and effect from and after its passage and publication in The Oak-

3 land Acorn, a newspaper published at Oakland, Iowa, and in the Council
4 Bluffs Nonpareil, a newspaper published at Council Bluffs, Iowa, without
5 expense to the state.

Approved May 14, 1969.

I hereby certify that the foregoing Act, House File 335, was published in The Oakland Acorn, Oakland, Iowa, May 29, 1969 and in the Council Bluffs Nonpareil, Council Bluffs, Iowa, May 28, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 323

HARLAN SCHOOL LEGALIZING ACT

H. F. 203

AN ACT to legalize and validate the proceedings of the board of directors of the Harlan Community School District of Shelby and Harrison counties, state of Iowa, in connection with an election for the issuance of school bonds and declaring the validity of said election and that bonds issued pursuant to and authorized thereby shall constitute valid and binding obligations of said school district.

WHEREAS, it appears from the records of the board of directors of the Harlan Community School District, of Shelby and Harrison counties, state of Iowa, that at a special school election held in and for said school district on November 14, 1968, the proposition of issuing bonds of said school district in the amount of two million, two hundred fifty thousand dollars for the purpose of procuring a site, building and furnishing a high school building was approved by more than sixty percent of the total number of votes cast for and against said proposition, and in reliance upon said election said board of directors proposes to authorize and provide for the issuance of school bonds to the amount and for the purpose aforesaid; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the Board of
2 Directors of the Harlan Community School District, of Shelby and Harri-
3 son Counties, State of Iowa, preliminary to and in connection with the elec-
4 tion on said bonds held in said School District on November 14, 1968,
5 and said election are hereby legalized, validated and confirmed and school
6 bonds to be issued, sold and delivered pursuant to and by authority of said
7 election shall constitute valid and binding obligations of said School Dis-
8 trict.

1 SECTION 2. This Act being of immediate importance shall be in full
2 force and effect from and after its passage and publication in the Harlan
3 Tribune, a newspaper published at Harlan, Iowa, and the Logan Herald-
4 Observer, a newspaper published at Logan, Iowa, without expense to the
5 State.

Approved March 28, 1969.

I hereby certify that the foregoing Act, House File 203, was published in the Harlan Tribune, Harlan, Iowa, April 2, 1969, and in the Logan Herald-Observer, Logan, Iowa, April 3, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 324

MADRID SCHOOL LEGALIZING ACT

S. F. 59

AN ACT to legalize and validate the special election of the Madrid Community School District, in the counties of Boone, Polk and Dallas, state of Iowa, held on September 30, 1968, on the proposition of issuing school bonds in the sum of not to exceed \$755,000.00 for the purpose of building and furnishing a senior high school building and gymnasium and acquiring land therefor and for future school buildings.

WHEREAS, on the 23rd day of August, 1968, the board of directors of the Madrid Community School District, in the counties of Boone, Polk and Dallas, state of Iowa, called a special election of said district for September 30, 1968, on the following question:

“Shall the Madrid Community School District, in the counties of Boone, Polk and Dallas, state of Iowa, issue school bonds in the sum of not to exceed \$755,000.00 for the purpose of building and furnishing a senior high school building and gymnasium and acquiring land therefor and for future school buildings?”
and

WHEREAS, at said election the proposition was approved by more than sixty percent of the total votes cast for or against said proposition; and as, doubts have arisen concerning the validity and legal sufficiency of said election and it is advisable to put such doubts and all other doubts that might arise concerning such election forever at rest; NOW, THEREFORE,

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

1 SECTION 1. All proceedings heretofore taken by the Board of Directors
2 of the Madrid Community School District, in the Counties of Boone, Polk
3 and Dallas, State of Iowa, pursuant to and in connection with the call of
4 the special election held on September 30, 1968, for the submission of the
5 said proposition of issuing School Bonds of the sum of not to exceed
6 \$755,000.00 for the purpose of building and furnishing a senior high school
7 building and gymnasium and acquiring land therefor and for future school
8 buildings; including also the notice of election, the publication of said elec-
9 tion notice, the election ballot, the election staff, and the adoption of said
10 proposition at said election by the voters of said School District, are hereby
11 legalized, validated and confirmed, and shall constitute full authority by
12 the Board of Directors of said School District to issue and sell said bonds
13 for the aforesaid proposition authorized at said election in an amount not
14 to exceed \$755,000.00, and said bonds, when issued, shall constitute valid
15 and binding obligations of said School District.

1 SEC. 2. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication in The
3 Boone News-Republican, a newspaper published in Boone, Iowa, and The
4 Madrid Register-News, a newspaper published in Madrid, Iowa, all without
5 expense to the state of Iowa.

Approved March 3, 1969.

I hereby certify that the foregoing Act, Senate File 59, was published in The Boone News-Republican, Boone, Iowa, March 6, 1969 and in The Madrid Register-News, Madrid, Iowa, March 13, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

**JOINT RESOLUTIONS
AND
RULES OF CIVIL PROCEDURE**

JOINT RESOLUTIONS

CHAPTER 325

CONSTITUTIONAL AMENDMENT ON SINGLE MEMBER LEGISLATIVE DISTRICTS (Second time passed)

S. J. R. 2

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa to require that members of the General Assembly be elected from single member legislative districts.

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

1 SECTION 1. The following amendment to the Constitution of the State
2 of Iowa is hereby proposed:

3 Article three (III) of the Constitution of the State of Iowa is hereby
4 amended by adding thereto the following new section:

5 "Section 39. In establishing senatorial and representative districts,
6 the state shall be divided into as many senatorial districts as there are
7 members of the senate and into as many representative districts as there
8 are members of the house of representatives. One (1) senator shall be elect-
9 ed from each senatorial district and one (1) representative shall be elected
10 from each representative district."

1 SEC. 2. The foregoing proposed amendment, having been adopted and
2 agreed to by the Sixty-second General Assembly, thereafter duly pub-
3 lished, and now adopted and agreed to by the Sixty-third General Assembly
4 in this Joint Resolution, shall be submitted to the people of the State of
5 Iowa at the general election in November of the year nineteen hundred
6 seventy in the manner required by the Constitution of the State of Iowa
7 and the laws of the State of Iowa.

CHAPTER 326

CONSTITUTIONAL AMENDMENT ON QUALIFICATIONS OF ELECTORS (Second time passed)

S. J. R. 1

A JOINT RESOLUTION proposing a constitutional amendment relating to qualifications of electors.

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

1 SECTION 1. The following amendment to the Constitution of the State
2 of Iowa is hereby proposed:

3 Section one (1) of Article two (II) of the Constitution, as amended in
4 eighteen hundred sixty-eight (1868), is hereby repealed and the following
5 is hereby adopted in lieu thereof:

6 "Section 1. Every citizen of the United States of the age of twenty-
 7 one (21) years, who shall have been a resident of this State for such period
 8 of time as shall be provided by law and of the county in which he claims his
 9 vote for such period of time as shall be provided by law, shall be entitled to
 10 vote at all elections which are now or hereafter may be authorized by law.
 11 The General Assembly may provide by law for different periods of residence
 12 in order to vote for various officers or in order to vote in various elections.
 13 The required periods of residence shall not exceed six (6) months in this
 14 State and sixty (60) days in the county."

1 SEC. 2. The foregoing proposed amendment, having been adopted and
 2 agreed to by the Sixty-second General Assembly, thereafter duly pub-
 3 lished, and now adopted and agreed to by the Sixty-third General Assembly
 4 in this Joint Resolution, shall be submitted to the people of the State of
 5 Iowa at the general election in November of the year nineteen hundred
 6 seventy in the manner required by the Constitution of the State of Iowa
 7 and the laws of the State of Iowa.

CHAPTER 327

CONSTITUTIONAL AMENDMENT ON COUNTY ATTORNEY
 (Second time passed)

S. J. R. 3

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa
 repealing the section of the Constitution which provides for the office and election of the
 county attorney.

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

1 SECTION 1. The following amendment to the Constitution of the State
 2 of Iowa is hereby proposed:

3 Section thirteen (13) of Article five (V) of the Constitution of the State
 4 of Iowa as amended by Amendment four (4) of the Amendments of eighteen
 5 hundred eighty-four (1884) is hereby repealed.

1 SEC. 2. The foregoing proposed amendment, having been adopted and
 2 agreed to by the Sixty-second General Assembly, thereafter duly published,
 3 and now adopted and agreed to by the Sixty-third General Assembly in
 4 this Joint Resolution, shall be submitted to the people of the State of
 5 Iowa at the general election in November of the year nineteen hundred
 6 seventy in the manner required by the Constitution of the State of Iowa
 7 and the laws of the State of Iowa.

CHAPTER 328

COMMISSION ON LEGISLATIVE APPORTIONMENT

S. J. R. 5

A JOINT RESOLUTION to establish a commission to conduct a study of the apportionment of the General Assembly and to make recommendations to the General Assembly, and stating principles for the study and providing for legislative action.

WHEREAS, the Constitution of the state of Iowa provides that the state of Iowa shall be apportioned into senatorial and representative districts on the basis of population as shown by the most recent United States decennial census, with each district being of compact and contiguous territory, and

WHEREAS, the said Constitution further provides that the number of senators in the senate shall total not more than one-half the membership of the house of representatives, with the senate to be composed of not more than fifty and the house of representatives not more than one hundred members, and

WHEREAS, such senatorial and representative districts must be established by the General Assembly in conformance with the said Constitution and prior to the primary elections to be held in 1970, and

WHEREAS, it is desirable to expedite the establishment of such senatorial and representative districts and to allow the General Assembly to devote its time to other matters, NOW THEREFORE,

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

1 SECTION 1. An apportionment commission of fourteen members is
2 hereby created. No member of the commission shall also be a present mem-
3 ber of the general assembly. Within seven days after the effective date of
4 this Resolution, seven members shall be appointed by the state chairman of
5 the political party whose candidate for the office of governor received the
6 largest number of votes cast for that office in the last general election,
7 and seven members shall be appointed by the state chairman of the politi-
8 cal party whose candidate received the next largest number of votes cast
9 for that office in the last general election. In each case, the state chairman
10 shall appoint one member from each congressional district, who shall be
11 a resident of that district. If either state chairman fails to comply with this
12 section, the chief justice of the supreme court of Iowa shall immediately
13 make the appointments on behalf of the chairman. Any vacancy by reason
14 of the death or resignation of a member shall be filled in the same manner
15 as the original appointment.

1 SEC. 2. The commission shall organize, choose a chairman from its
2 membership and adopt rules for the conduct of its proceedings. The com-
3 mission may hold public hearings, consult with representatives of political
4 parties and groups, employ staff and retain expert technical assistants.
5 The commission shall have access to all public records. It shall have the
6 power of subpoena. All public officials in this state shall fully cooperate
7 with the commission and shall promptly furnish all information and assist-
8 ance requested by the commission.

9 It is the intent of the general assembly to provide by law for compensa-
10 tion of members in the amount of forty dollars for each day actually en-
11 gaged in the performance of their duties and reimbursement for their ac-

12 tual and necessary expenses. The existence of the commission shall termi-
13 nate upon April 2, 1969, except that the commission thereafter may cor-
14 rect any errors in its apportionment plan.

1 SEC. 3. On or before March 15, 1969 if possible, and in any event no
2 later than April 1, 1969, the commission shall file in the office of the sec-
3 retary of state an apportionment plan which shall be consistent with the
4 following principles:

5 a. There shall be one hundred representative districts and fifty senatorial
6 districts. Each district shall be a single-member district.

7 b. Both houses shall be apportioned on a population basis as shown by
8 the 1960 United States decennial census. Districts shall be of substantially
9 equal population and shall be of compact and contiguous territory, as re-
10 quired by the Constitution of the state of Iowa and the Constitution of
11 the United States.

12 c. Each senatorial district shall consist of two entire representative dis-
13 tricts.

14 d. No voting precinct shall be divided in forming a district.

15 e. District boundaries shall follow county boundaries wherever possible,
16 subject to constitutional requirements and the other principles stated in
17 this section.

18 f. Wherever possible, senators shall be permitted to complete the terms
19 for which they were elected. Any senator elected in 1968 for a four-year
20 term, and who is the only senator residing in his district under the appor-
21 tionment plan, shall be permitted to complete his term. If two or more
22 senators reside in the same senatorial district under the plan, that district
23 shall elect a senator in the 1970 elections and terms shall be shortened
24 where necessary to permit such election.

1 SEC. 4. The general assembly shall by statute, either adopt the appor-
2 tionment plan as submitted or as modified by the general assembly, or
3 adopt a plan of its own. Any plan adopted shall be applicable for the 1970
4 primary election, the 1970 general election and any special election to fill
5 any vacancy in the general assembly occurring after December 31, 1970.

1 SEC. 5. This Resolution being deemed of immediate importance shall
2 be in full force and effect from and after its passage and publication in the
3 Charles City Press, a newspaper published at Charles City, Iowa, and in
4 The Muscatine Journal, a newspaper published at Muscatine, Iowa.

I hereby certify that the foregoing resolution, Senate Joint Resolution 5, was published in
the Charles City Press, Charles City, Iowa, January 30, 1969 and in The Muscatine Journal,
Muscatine, Iowa, January 29, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 329

IOWA FAIR AND FOOD EXPOSITION

S. J. R. 24

A JOINT RESOLUTION to continue the "Iowa state fair and world food exposition study committee" established by the Sixty-first General Assembly, and to make an appropriation therefor.

WHEREAS, the citizens of Iowa have expressed interest in the state of Iowa serving as host for a world food exposition; and

WHEREAS, Iowa food producers, food processors, manufacturers of food processing, and related manufacturing and industry will benefit from a world food exposition; and

WHEREAS, the United States and the world could benefit from a properly planned and executed world food exposition; and

WHEREAS, the "Iowa state fair and world food exposition study committee" and expert resource persons studied during the Sixty-first and Sixty-second General Assembly interims the feasibility of Iowa hosting a world food exposition and have determined that a properly planned and executed world food exposition is feasible; NOW THEREFORE,

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

1 SECTION 1. The "Iowa State Fair and World Food Exposition Study
2 Committee" established by the Sixty-first General Assembly is hereby
3 continued, except that the members of the committee representing the
4 General Assembly shall, after the effective date of this Act, include
5 the president of the Senate, one senator appointed by him from a differ-
6 ent political party, the speaker of the House and one member of the House
7 appointed by him from the minority party.

1 SEC. 2. The committee is empowered to communicate with the feder-
2 al government and others and to indicate the desire of Iowa citizens
3 to cooperate with others, to communicate with private companies, public
4 organizations, and others indicating the reasons for and advantages of
5 having a world food exposition in Iowa. The committee is empowered to
6 explore methods of developing a world food exposition and to do those things
7 the committee deems advisable to sustain and increase interest in a world
8 food exposition.

1 SEC. 3. The committee shall make a progress report and recommenda-
2 tions to the second session of the Sixty-third General Assembly and to the
3 Sixty-fourth General Assembly. All recommendations to be accompanied
4 by bills, where necessary.

1 SEC. 4. There is hereby appropriated from any funds of the state not
2 otherwise appropriated the sum of two thousand five hundred (2,500) dol-
3 lars, or so much thereof as may be necessary to carry out the provisions of
4 this Act.

Approved May 19, 1969.

CHAPTER 330

IOWA CRIMINAL CODE STUDY

S. J. R. 18

A JOINT RESOLUTION directing a legislative study to review the Iowa criminal Code.

WHEREAS, many provisions of the Iowa criminal Code have remained unchanged since the nineteenth century; and

WHEREAS, provisions remain in the criminal Code which are unclear as to their meaning, have been declared unconstitutional by the United States supreme court, or are obsolete; and

WHEREAS, criminal justice cannot be attained unless supported by a modern criminal Code which strikes a reasonable balance between the rights of society and of the accused, encompasses modern learning of the causes of crime, provides adequate and clearly defined procedures, and deals effectively with sentencing and other post conviction problems; and

WHEREAS, the Iowa state bar association, the Iowa district judges association, the Iowa crime commission, and the law schools in Iowa, both at Drake University and the University of Iowa have recommended revision of the Iowa criminal Code; NOW THEREFORE,

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

1 SECTION 1. The legislative research committee or its successor is
2 directed to create a study committee as provided by law, which committee
3 shall include members of the appropriate standing committees of the House
4 of Representatives and the Senate, to conduct during the 1969-1971 legis-
5 lative interim a comprehensive study of the Iowa criminal code in order
6 to provide for a workable and effective system of criminal justice.

7 The study committee shall include nonlegislative members having spe-
8 cial knowledge in the fields of criminal law and procedure, law enforcement,
9 and justice. Staff assistance shall be provided by the legislative research
10 bureau, and additional staff may be employed as deemed necessary by the
11 legislative research committee or its successor.

12 A report of the study shall be prepared and submitted to members of
13 the Sixty-fourth General Assembly and shall be accompanied by legisla-
14 tive bill drafts designed to carry out the recommendations of the commit-
15 tee.

CHAPTER 331

CAPITOL GROUNDS EXTENSION

S. J. R. 30

A JOINT RESOLUTION to provide that the authority conferred on the executive council extends to and includes acquisition of property by gift, purchase, condemnation or otherwise.

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

1 SECTION 1. House Joint Resolution seventeen (17), codified as chapter
2 four hundred eighty-two (482), Acts of the Sixty-first General Assembly,
3 is hereby amended by striking from section four (4), line two (2), the words

4 "purchase, or secure options on," and inserting in lieu thereof the words
5 "acquire by gift, purchase, condemnation or otherwise, or secure options
6 on,".

1 SEC. 2. All actions and proceedings heretofore taken by the executive
2 council to acquire any and all parcels of real property included or described
3 in chapter four hundred eighty-two (482), section four (4), Acts of the
4 Sixty-first General Assembly, by gift, condemnation or otherwise are hereby
5 legalized and in all respects, ratified, adopted, and confirmed.

Approved June 3, 1969.

CHAPTER 332

HIGHWAY COMMISSION STUDY

S. J. R. 25

A JOINT RESOLUTION providing for a study of the state highway commission.

WHEREAS, questions have arisen concerning the land use policies of the Iowa state highway commission; and

WHEREAS, the makeup and organization of the highway commission should be studied; and

WHEREAS, the functioning of the highway commission and the employment policies thereof should be investigated; NOW THEREFORE,

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

1 SECTION 1. The legislative research committee or its successor is
2 directed to create a study committee as provided by law, which committee
3 shall include members of the appropriate standing committees of the House
4 of Representatives and Senate, to conduct during the 1969-1970 legislative
5 interim a comprehensive study of the Iowa highway commission relating
6 to its general operation, employment policies, and land use policies.

1 SEC. 2. Staff assistance shall be provided by the legislative research
2 bureau.

1 SEC. 3. A report of the study shall be prepared and submitted to
2 members of the Sixty-third General Assembly and shall be accompanied by
3 any legislative bill drafts designed to carry out the recommendations of
4 the committee.

Approved June 3, 1969.

CHAPTER 333

MUNICIPAL STATUTES STUDY COMMITTEE

H. J. R. 15

A JOINT RESOLUTION to create a special interim study committee on municipal statutes and to make an appropriation therefor.

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

1 SECTION 1. A twelve-member study committee is created to make a
2 comprehensive study of the statutes relating to municipal corporations.
3 The committee shall consist of three members of the cities and towns com-
4 mittee of the senate appointed by the president of the senate, three mem-
5 bers of the cities and towns committee of the house of representatives
6 appointed by the speaker of the house, one member of the legislative re-
7 search committee or its successor agency, and four municipal officials, at
8 least one of whom shall be a city attorney, and one citizen chosen by the
9 governor. The legislative members shall be chosen in each house on a bi-
10 partisan basis. However, the legislative research committee or its successor
11 agency shall select one of its members to serve on the committee. The
12 municipal members shall be chosen as follows: one from a town, one from
13 a city under ten thousand population, one from a city over ten thousand
14 and under fifty thousand population, and one from a city over fifty thou-
15 sand population. Should a vacancy occur on the committee, the person or
16 authority originally appointing the member whose position is vacant shall
17 appoint a successor.

1 SEC. 2. The committee shall organize by choosing officers and shall
2 adopt rules for conduct of its meetings. With the approval of the legislative
3 research committee or its successor agency, the committee is authorized
4 to employ a secretary and such other aids and employees as are necessary
5 to conduct its business and to fix their compensation. The committee may
6 hold public hearings and shall have access to all official records, may sub-
7 poena witnesses and compel the production of books, papers, or other docu-
8 ments pertaining to its investigation and study. Witnesses shall be entitled
9 to statutory witness fees and travel expense as audited and approved by
10 the committee. The committee may appoint subcommittees of its members
11 to hold hearings and conduct investigations in any part of the state. Any
12 member shall have the power to administer oaths.

1 SEC. 3. The committee shall review state statutes as they apply to
2 city and town government and shall recommend appropriate revisions
3 which will implement home rule and facilitate the solution of local prob-
4 lems by local initiative.

1 SEC. 4. The committee shall make such periodic progress reports of
2 the study to the legislative research committee or its successor agency as
3 may be required. The legislative research committee or its successor may
4 assign staff to the committee and shall coordinate staff assistance for the
5 committee. The committee shall make comprehensive recommendations to
6 the general assembly by way of code revision bills and other reports.

1 SEC. 5. The committee is authorized to use any existing facility of
2 state government and shall seek cooperation of municipal officials.

1 SEC. 6. Legislative members of the committee shall be reimbursed for
2 their actual and necessary expenses incurred in the discharge of their du-
3 ties and shall be paid their same per diem payments as when in regular
4 session for days actually engaged in committee work. The four municipal
5 officials and the citizen member of the committee may receive the same re-
6 imbursement for expenses incurred in the discharge of their duties as is
7 paid state employees for travel expenses.

1 SEC. 7. The report of the committee shall be submitted to the gover-
2 nor and to the general assembly members no later than thirty days after
3 convening of the general assembly in 1970, unless it is impossible to com-
4 plete the project by that date, but no later than thirty days after conven-
5 ing of the general assembly in 1971, and on making such report shall stand
6 discharged.

1 SEC. 8. There is hereby appropriated from the general fund of the
2 state the sum of twenty-five thousand (25,000) dollars or so much thereof
3 as may be necessary to carry out the provisions of this Act.

4 Compensation and expenses of employees of the committee shall be paid
5 in the manner determined by the committee. Per diem and expenses of
6 legislative members of the committee shall be paid in the same manner as
7 are per diem and expenses of the members of the Legislative Research
8 Committee or its successor agency.

1 SEC. 10.* This Act being deemed of immediate importance shall be in
2 full force and effect after its publication in the Ames Daily Tribune, a
3 newspaper published in Ames, Iowa, and in The Daily Gate City, a news-
4 paper published in Keokuk, Iowa.

Approved May 22, 1969.

I hereby certify that the foregoing resolution, House Joint Resolution 15, was published in
the Ames Daily Tribune, Ames, Iowa, May 27, 1969 and in The Daily Gate City, Keokuk, Iowa,
May 28, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

*According to enrolled resolution.

CHAPTER 334

KOREAN SERVICE BONDS

H. J. R. 19

A JOINT RESOLUTION regarding the fact that there is now sufficient security in the Korean veterans' bonus fund to retire all outstanding bonds plus interest as they become due; to provide for a trust fund to accomplish such retirement; and to authorize payment and early retirement of such bonds if voluntarily surrendered by a bondholder.

WHEREAS, there will be, after collection of the one mill tax levied for 1969 payable in 1970, sufficient funds in the Korean war service compensation fund and the Korean veterans' tax fund to retire all outstanding bonds as they become due plus accrued interest and the premium payment required if such bonds should be called, before maturity, in the future; and

WHEREAS, pursuant to section five (5), Article VII, Constitution of Iowa, a tax may be levied to pay a bonded indebtedness for so long as it is necessary to raise funds for the purpose of paying the interest on such debt as it falls due and discharge the principal of such debt.

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

1 SECTION 1. The treasurer of state shall, by August 1, 1969, direct the
2 department of revenue to cause to have the tax levied on moneys and
3 credits for the last and final time for the purpose of paying principal and
4 interest on the Korean veterans' bonus bonds, for 1969 taxes payable in
5 1970.

1 SEC. 2. The treasurer shall set up an account by entry on his books
2 of a sum sufficient to pay all outstanding bonds, accrued interest, and
3 premium payment required if such bonds, before maturity, in the future
4 are called, plus outstanding claims and expenses. This account shall be seg-
5 regated from the general fund and shall represent actual cash on hand.
6 Such cash may be invested and if so invested, interest shall accrue to the
7 general fund of the state. Any funds remaining after establishment of the
8 account, shall, in accordance with section thirty-five B point eleven (35B.11)
9 of the Code, be transferred to the general fund of the state. Thereafter all
10 payments of interest upon the outstanding bonds and all payments upon
11 the principal of such bonds as such payments become due shall be made
12 from this fund.

CHAPTER 335

RULES OF CIVIL PROCEDURE

IN THE MATTER OF
THE
RULES OF CIVIL PROCEDURE AND
RULES FOR COURT ADMINISTRATION

}
REPORT OF
SUPREME COURT

To the Sixty-third General Assembly of the State of Iowa:

1

I.

2 Pursuant to Sections 684.18 and 684.19, Code 1966, the Supreme Court
3 of Iowa has prescribed and hereby reports to the General Assembly the
4 following amendments to existing rules of civil procedure:

5 Rule 333 is amended to read:

6 **333. Amount in controversy.** Except where the action involves an
7 interest in real estate, no appeal shall be taken in any case where the
8 amount in controversy, as shown by the pleadings, is less than one thou-
9 sand dollars, unless the trial judge, within thirty days after the judgment or
10 order is entered, certifies that the cause is one in which appeal should
11 be allowed. The right of appeal is not affected by any remission of any
12 part of the verdict or judgment.

13 COMMENT: This increases the minimum amount in controversy from three
14 hundred to one thousand dollars in an action from which appeal will lie
15 where an interest in real estate is not involved and the trial judge does not
16 certify the cause is one in which an appeal should be allowed.

17 Rule 335 is amended to read:

18 **335. Time for Appeal.**

19 (a) Appeals to the supreme court must be taken within, and not after,
20 thirty days from the entry of the order, judgment or decree, unless a mo-
21 tion for new trial or judgment notwithstanding the verdict is filed as pro-
22 vided in Rule 247, and then within thirty days after the entry of the ruling
23 on such motion; provided however that where an application to the supreme
24 court or any justice thereof to grant an appeal under Rule 332 is made
25 within thirty days from the date of such ruling or decision any appeal al-
26 lowed upon such application shall be deemed timely taken.

27 Provided further that if the supreme court or any justice determines
28 that the order or decision from which application to appeal under Rule
29 332 is timely made is a final judgment or decision from which appeal would
30 lie under Rule 331 an appeal therefrom shall also be deemed timely taken
31 and perfected when the order making such determination is filed with the
32 clerk of the supreme court and the provisions of Rule 336 (b) and (c) shall
33 apply.

34 Provided however a cross-appeal may be taken within said thirty-day
35 period, or in any event within five days after the appeal is taken.

36 (b) No appeal from a judgment, ruling or order taken after it has actual-
37 ly been made by the trial court shall be held insufficient because the clerk

38 of the trial court has not recorded such judgment, ruling or order upon the
 39 court records at the time the appeal is taken, if it shall appear that such
 40 record has been made before appellant's proposed abstract on such appeal
 41 is filed with said clerk.

42 COMMENT: Rule 336 abolishes notices of appeal which have been allowed
 43 by the supreme court or taken from what is determined to be a final judg-
 44 ment under Rule 335 (a), so the clause in former Rule 335 as to such no-
 45 tices is here eliminated.

46 New clause (b) reinstates the substance of Section 12839 of the 1939
 47 Code which was inadvertently repealed in the Appendix to the Rules.

48 Rule 336 is amended to read:

49 **336. How taken.**

50 (a) Appeal other than those allowed by order under Rule 332 or Rule 335
 51 is taken and perfected by filing a notice with the clerk of the court where
 52 the order, judgment or decree was entered, signed by the appellant or his
 53 attorney. It shall specify the parties taking the appeal, and the decree,
 54 judgment, order or part thereof appealed from. The clerk shall forthwith
 55 mail or deliver a copy of such notice to the attorneys for all parties of rec-
 56 ord other than appellant, or to any such party who has no attorney of
 57 record, at his last known address. No failure of the clerk to mail or deliver
 58 any notice shall affect the validity of the appeal.

59 (b) Interlocutory appeal under Rule 332 shall be deemed taken and
 60 perfected when the order allowing it is filed with the clerk of the supreme
 61 court. No notice of such appeal is necessary. The time for any further pro-
 62 ceeding on such appeal which would run from the notice of appeal shall
 63 run from the date such order is so filed.

64 (c) The clerk of the supreme court shall promptly transmit a copy of
 65 such order to the attorneys of record and the clerk of the trial court; but
 66 no delay in so doing shall affect the validity of the appeal if the copy is
 67 filed before the abstract on such appeal is filed under Rule 340(a).

68 COMMENT: Notice of appeal for an interlocutory appeal or one determined
 69 to be from a final judgment or decision as provided in Rule 335(a) is abol-
 70 ished because the order allowing it gives ample notice to all interested par-
 71 ties. Filing the order with the trial court will sufficiently apprise that
 72 court of the appeal.

73 Time for some further proceedings which now runs from the notice of
 74 appeal will run from the supreme court order.

75

II.

76 The rules of court administration and amendments to certain rules
 77 of civil procedure to conform therewith, adopted by the supreme court
 78 under the provisions of Chapter 401, Laws of the Sixty-Second General
 79 Assembly, made effective January 1, 1968, are being reported pursuant to
 80 Section 684.19, Code 1966, as required by said Chapter 401, in order to
 81 make them effective after July 1, 1969. They are as follows:

82 **Rule 373. Purpose of Administrative Rules.** The purpose of all
83 rules for court administration shall be to provide for the administration
84 of justice in an orderly, efficient and effective manner, in accordance with
85 the highest standards of justice and judicial service.

86 **Rule 374. Supervision of Courts.** The supreme court, by and
87 through the chief justice, shall exercise supervisory and administrative con-
88 trol over all trial courts in the state, and over the judges and other per-
89 sonnel thereof, including but not limited to authority to make and issue
90 any order a chief judge may make under Rule 377, or to modify, amend
91 or revoke any such order or court schedule.

92 **Rule 375. Recall and Transfer of Judges.** The supreme court by
93 and through the chief justice may at any time order the recall of eligible
94 retired judges for active service, and the transfer of active judges and other
95 court personnel from one judicial district to another to provide a sufficient
96 number of judges to handle the judicial business in all districts promptly
97 and efficiently.

98 **Rule 376. Selection of Chief Judges.** Not later than December 15
99 in each odd numbered year the chief justice, with the approval of the su-
100 preme court, shall appoint from the district judges of each district one of
101 their number to serve as chief judge. The judge so appointed shall serve for
102 a two-year term and shall be eligible for reappointment. Vacancies in the
103 office of chief judge shall be filled in the same manner within 30 days after
104 the vacancy occurs. Provided if there is a vacant judgeship in a district, the
105 chief judge therein shall be appointed within 30 days after such vacancy
106 is filled by qualification of the appointee. During any period of vacancy the
107 judge of longest service in the district shall be the acting chief judge.

108 **Rule 377. Duties and Powers of Chief Judges.** In addition to their
109 ordinary judicial duties, chief judges shall exercise continuing administra-
110 tive supervision within their respective districts over all district courts,
111 judges, officials and employees thereof for the purposes stated in Rule 373.
112 They shall by order fix times and places of holding court and designate the
113 respective presiding judges; they shall supervise and direct the performance
114 of all administrative business of their district courts; they may conduct
115 judicial conferences of their district judges to consider, study and plan
116 for improvement of the administration of justice; and may make such ad-
117 ministrative orders as necessary. No chief judge shall at any time direct or
118 influence any judge in any ruling or decision in any proceeding or matter
119 whatsoever.

120 **Rule 378. Court and Trial Sessions.** Chief judges shall by order
121 provide for:

122 (a) A court session by a district judge at least once each week in each
123 county of the district, announced in advance in the form of a written or
124 printed schedule, provided that, if in the opinion of the chief judge more
125 efficient operations in the district will result, such court sessions may be at
126 different intervals than once each week.

127 (b) Additional sessions in each county for the trial of cases, and other
128 judicial matters, of such duration and frequency as will best serve to expedi-
129 tiously dispose of pending cases ready for trial, and other pending judicial
130 matters.

131 **Rule 379. Order Appointing Chief Judges.** The order appointing
 132 chief judges shall be filed with the clerk of the supreme court who shall
 133 mail certified copies to the clerk of each district court.

134 **Rule 380. Judicial Council.** There is hereby created a judicial
 135 council composed of all chief judges and the chief justice, or his designee,
 136 who shall be the chairman. The council shall convene* not less than twice
 137 each year at such times and places as the chairman shall order. The council
 138 shall consider all court administrative rules, directives and regulations for
 139 the achievement of the purposes stated in Rule 373 and may propose to the
 140 supreme court such rules as deemed appropriate.

141 **Rule 117. Motion days—disposition of motions.**

142 Amend paragraph (a) of Rule 117 by:

143 1. Striking the word “judges” from line one (1) and inserting in lieu there-
 144 of the words “chief judge”.

145 2. Striking the word “rule” from line two (2) and inserting in lieu there-
 146 of the word “order”.

147 3. Striking the word “ten” from line five (5) and inserting in lieu thereof
 148 the word “five”.

149 **Rule 181.2. Trial assignments.**

150 Amend paragraph (a) of Rule 181.2 by:

151 1. Striking the first sentence and substituting the following in lieu
 152 thereof:

153 “On each court day in each county or at such other times as the chief
 154 judge shall order the judges shall examine the pending criminal cases and
 155 those civil cases on the ready calendar list which have been certified by
 156 one of the parties for a period of twenty days and rule on all objections
 157 permitted under Rule 181. In the event an examination of the papers in
 158 the case discloses that a case is ready for trial and the matters certified in
 159 the ready certificates have been completed, he shall place the case on a
 160 trial list for disposition at the next trial session to be held in that county
 161 and direct that notice be given the attorneys of record that said case is
 162 subject to trial at any time thereafter. By oral or written agreement of
 163 the parties the chief judge may specially assign a case for trial on a day
 164 certain. Any judge presiding at a trial session may make such assignment
 165 for a day certain during the session.”

166 2. Striking from the last sentence of said paragraph (a) the words “in
 167 like manner”.

168 Further amend Rule 181.2 by striking all of paragraphs (b) and (c) and
 169 substituting the following:

170 “(b) The chief judge shall designate trial sessions in the various counties
 171 in the district at such times as the business in each county shall require and
 172 shall assign a judge to try such cases as are placed on the trial list or
 173 assigned for trial under the provisions of this rule. The designation of trial
 174 sessions shall be as long in advance as is compatible with a speedy and
 175 efficient administration of justice and a minimum of conflict with previous

*According to enrolled Rules.

176 commitments of time of parties, witnesses and attorneys. The chief judge
177 shall direct that notice of the trial session so designated shall be given to
178 attorneys of record in cases on the trial list.”

179 **Rule 215.1. Uniform rule for dismissal for want of prosecution.**

180 Amend the second paragraph of Rule 215.1 by striking the first two (2)
181 sentences and substituting the following in lieu thereof:

182 “All cases at law or in equity where the petition has been filed more
183 than one year prior to July 15 of any year shall be for trial at any time
184 prior to January 1 of the next succeeding year. The clerk shall prior to
185 August 15 of each year give notice to counsel of record as provided in
186 Rule 82 of:

- 187 (a) the docket number,
- 188 (b) the names of parties,
- 189 (c) counsel appearing,
- 190 (d) date of filing petition,

191 and the notice shall state that such case will be for trial and subject to dis-
192 missal if not tried prior to January 1 of the next succeeding year pursuant
193 to this rule.”

194 Further amend Rule 215.1 by striking the words “or term” from line
195 four (4) of the next to the last paragraph thereof.

196 **Rule 372. Rules by trial courts.**

197 Amend Rule 372 by inserting after the word “practice” in line four (4)
198 thereof the words “and administration”.

199

III.

200 Consideration of the unified court bill is of course a matter for determina-
201 tion of the General Assembly, not for this court. Without expressing ap-
202 proval or disapproval of any provision of the bill, the supreme court has
203 prescribed and reports to the General Assembly rules of civil procedure to be
204 effective in the event the Sixty-third General Assembly adopts the unified
205 court bill. These rules prescribing procedure for the handling of small claims
206 and amendments to certain existing rules to conform therewith, are as follows:

207

DIVISION XX

208

SMALL CLAIMS

209 **Rule 381. Commencement, Docket.** Civil actions in which the
210 amount in controversy in money or value is less than \$300, exclusive of
211 interest and costs, shall be known as small claims. All such actions shall
212 be commenced by the filing of an original notice with the clerk and by the
213 mailing by the clerk of a copy of same to each defendant at his last known
214 address, as stated in the original notice, by restricted, certified mail, return
215 receipt to the clerk requested. Instead of such mailing, the plaintiff may,
216 after filing the original notice with the clerk, cause a copy of same to be
217 served on all or some defendants in the manner provided in Division III
218 of these rules, whereupon Rules 48 and 49 shall be applicable as to the de-
219 fendants to be so served. The clerk shall maintain a book known as the

220 small claims docket, which shall contain as to small claims the matters
221 contained in the combination docket as to the regular civil actions.

222 **Rule 382. Original Notice.** The original notice must be mailed or
223 otherwise served not less than 10 nor more than 20 days prior to the hear-
224 ing date. The original notice and copies shall be signed by the plaintiff,
225 either in person or by attorney, and shall be in substantially the following
226 form:

227 **IN THE DISTRICT COURT OF IOWA**
228 **IN AND FOR _____ COUNTY**
229 _____
Plaintiff(s)
230 _____
Address of each plaintiff
231 vs. **SMALL CLAIM NO.** _____
232 _____
Defendant(s)
233 _____
Address of each defendant

234 **ORIGINAL NOTICE**
235 **TO THE ABOVE NAMED DEFENDANT(S):**
236 **YOU ARE HEREBY NOTIFIED** that the above named plaintiff(s) demands
237 of you _____
(1. If demand is for money, state amount; 2. If demand is for something
238 else, state briefly what is demanded and its value in money; 3. If both money and something
239 else are demanded, state both 1 and 2)
240 based on _____
(state briefly the basis for the demand, such as "rent")
241 and that unless you appear and defend before the above named court at
242 _____ * in _____ *, Iowa
(Place) (City or Town)
243 at _____ * o'clock _____ *. M. on _____ *, 19 ____ *.
(Date)
244 judgment will be rendered against you for the relief demanded, together
245 with interest and court costs.
246 *(To be completed by clerk)
247 _____
Plaintiff(s)

248 **Rule 383. Function of Clerk.** The clerk shall furnish forms for
249 original notice. At the time of filing, the clerk shall enter on the original
250 notice and copies to be served the file number and the time and place of
251 hearing, which shall be a time when small claims are scheduled to be heard
252 not less than 10 nor more than 20 days after the date on which the notice
253 will be mailed or otherwise served. The clerk shall mail a copy of the origi-
254 nal notice to each defendant by restricted, certified mail, return receipt to
255 the clerk requested, except for defendants whom the plaintiff wishes to
256 serve under Division III of these rules. The clerk shall inform plaintiff of
257 the time and place fixed for the hearing.

258 **Rule 384. Fees, Costs.** Fees and costs shall be one-half of fees and
259 costs in regular civil actions in district court.

260 **Rule 385. Pleadings.** Except as provided in Rules 382 and 386, there
261 shall be no written pleadings or motions unless the court in the interest of
262 justice requires them, in which event they shall be similar in form to the
263 original notice.

264 **Rule 386. Joinder, Counterclaim, Cross Claim, Intervention.**

265 (a) Division II of these rules and Rule 75 shall be applicable to small
266 claims actions, except that Rule 29 shall not apply to actions originating as
267 a small claims action.

268 (b) In small claims actions, if a party joins a small claim with one which
269 is not a small claim, the court shall (1) order the small claim to be heard
270 under this division and dismiss the other claim without prejudice, or (2) as
271 to parties who have appeared or are existing parties, either (a) order the
272 small claim to be heard under this division and the other claim to be tried
273 by regular procedure or (b) order both claims to be tried by regular pro-
274 cedure.

275 (c) In small claims actions, a counterclaim, cross claim, or intervention
276 in the amount of a small claim shall be in writing and similar in form to
277 the original notice, and shall be entitled Original Notice of Counterclaim,
278 of Cross Claim, or of Intervention, as the case may be. A copy shall be
279 filed for each existing party. New parties may be brought in without order
280 and shall be served with notice as provided in Rules 381 and 382; and if
281 notice is to be served by mail the clerk shall collect the cost of mailing be-
282 fore filing the pleading. The clerk shall furnish forms of such pleadings. No
283 counterclaim is necessary to assert an offset arising out of the subject of
284 the plaintiff's claim.

285 (d) In small claims actions, a counterclaim, cross claim, or intervention
286 in a greater amount than a small claim shall be in the form of a regular
287 pleading. A copy shall be filed for each existing party. New parties, when
288 permitted by order, may be brought in under Rule 34 and shall be given
289 notice under Division III of these rules. The court shall either (1) order
290 such counterclaim, cross claim, or intervention to be tried by regular pro-
291 cedure and the other claim to be heard under this division, or (2) order
292 the entire action to be tried by regular procedure.

293 (e) In regular actions, when a party joins a small claim with one which
294 is not a small claim, regular procedure shall apply to both unless the
295 court transfers the small claim to the small claims docket for hearing
296 under this division.

297 (f) In regular actions, a counterclaim, cross claim, or intervention
298 in the amount of a small claim shall be pleaded, tried, and determined by
299 regular procedure, unless the court transfers such small claim to the small
300 claims docket for hearing under this division.

301 (g) Pleadings which are not in correct form under this rule shall be or-
302 dered amended so as to be in correct form; but a small claim which is pro-
303 ceeding under this division need not be amended although in the form of a
304 regular pleading.

305 (h) Copies of any papers filed by the parties which are not required to
306 be served shall be mailed or delivered by the clerk as provided in Rule 82.

307 **Rule 387. Proof of Service.** At the time for hearing the court or clerk
308 shall first determine that proper notice has been given a party before pro-
309 ceeding further as to him unless he has appeared or is an existing party,
310 and also that the action is properly brought as a small claim.

311 **Rule 388. Default.** Unless good cause to the contrary appears, (1) if
312 the parties fail to appear at the time of hearing the claim shall be dis-
313 missed without prejudice by the court or clerk; (2) if the plaintiff fails to
314 appear but the defendant appears, the claim shall be dismissed with preju-
315 dice by the court or clerk; and (3) if the plaintiff appears but the defendant
316 fails to appear, judgment shall be rendered against the defendant by the
317 court, or by the clerk if the relief to be granted is readily ascertainable. The
318 filing by the plaintiff of a verified account, or an instrument in writing for
319 the payment of money with an affidavit the same is genuine, shall consti-
320 tute an appearance by plaintiff for the purpose of this rule. At the request
321 of either party, the court shall grant such party one continuance to a day
322 certain.

323 **Rule 389. Hearing.** The time for appearance shall be the time for
324 hearing, unless a continuance has been granted under Rule 388. The hear-
325 ing shall be to the court, shall be simple and informal, and shall be con-
326 ducted by the court itself, without regard to technicalities of procedure;
327 but the decision must be based on substantial evidence. The court shall
328 swear the parties and their witnesses, and examine them in such way as
329 to bring out the truth. The parties may participate, either personally or
330 by attorney. The court may continue the hearing from time to time if jus-
331 tice requires. The proceedings shall not be reported unless a party provides
332 a reporter at his own expense or the parties by agreement cause the pro-
333 ceedings to be electronically reported, but there shall be no delay for such
334 purpose.

335 **Rule 390. Judgment, Minutes.**

336 (a) The judgment shall be entered in a space on the original notice first
337 filed, and the clerk shall immediately enter the judgment in the small
338 claims docket and district court lien book, without recording. Such relief
339 shall be granted as is appropriate. The court may enter judgment for in-
340 stallment payments to be made directly by the party obligated to the party
341 entitled thereto; and in such event execution shall not issue as long as such
342 payments are made but execution shall issue for the full unpaid balance of
343 the judgment upon the filing of an affidavit of default. When entered on
344 the small claims docket and district court lien book, a small claims judg-
345 ment shall constitute a lien to the same extent as regular judgments
346 entered on the district court judgment docket and lien book; but if a small
347 claims judgment requires installment payments, it shall not be enforceable
348 or a lien until an affidavit of default is filed, whereupon it shall be enforce-
349 able and a lien for the full unpaid balance of the judgment.

350 (b) Unless the hearing is reported, minutes of the testimony of each
351 witness and of any stipulations of the parties shall likewise be entered on
352 the original notice first filed; and the exhibits or copies thereof shall be
353 attached to such original notice or be filed, until released by the court.

354 **Rule 391. Other Statutes and Rules.** Small claims shall be com-
355 menced, heard, and determined in accordance with this division. Other
356 statutes and rules relating to civil proceedings shall apply, but only insofar

357 as not inconsistent with this division. Small claims on file for 90 days and
 358 not determined shall be dismissed without prejudice at plaintiff's costs un-
 359 less prior thereto a party secures an order of continuance to a date certain
 360 after notice and hearing, upon a ground stated in Rule 215.1. All claims
 361 in probate in the amount of small claims shall be filed in the probate pro-
 362 ceedings as provided by the Iowa Probate Code. If a request for hearing is
 363 filed by the claimant as provided by the Iowa Probate Code, the court may
 364 transfer the contested claim to the small claims docket and the hearing
 365 thereon shall proceed as provided in this division. Any judgment entered in
 366 favor of the claimant shall have the effect of allowing the claim against the
 367 estate, but no execution shall issue on such judgment. Civil actions coming
 368 within this division but commenced as a regular action shall not be dis-
 369 missed, but shall be transferred to the small claims docket and proceed
 370 accordingly. Civil and probate actions not coming within this division but
 371 commenced hereunder shall be dismissed without prejudice except for de-
 372 fendants who have appeared, as to whom such actions shall be transferred
 373 to the combination or probate docket, as appropriate, and proceed ac-
 374 cordingly.

375 **Rule 121. Interrogatories — time — nature.**

376 Amend Rule 121 by striking from lines one (1) and two (2), Chapter
 377 475, Laws of the Sixty-Second General Assembly the words "actions in
 378 Justice Court or Class B actions in Municipal Court" and substituting the
 379 words, "small claims" in lieu thereof.

380 **Rule 181.2. Trial assignments.**

381 Amend Rule 181.2(a) by striking from line two (2) the words "and supe-
 382 rior"; and by striking the last sentence of said paragraph (a).

383 **Rule 309. The writ.**

384 Amend Rule 309 by striking from line three (3) the words "or a municipi-
 385 pal or superior court".

386 Rules 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, and 365 are
 387 annulled.

388 **Rule 372. Rules by trial courts.**

389 Amend Rule 372 by striking from lines one (1) and two (2) the words
 390 ", superior and municipal".

391 The rules for small claims procedure and amendments to existing rules
 392 appearing in this Part III of the report shall become effective on January 1,
 393 1971, if the bill for a unified trial court is enacted by the Sixty-Third Gen-
 394 eral Assembly, otherwise they shall be void and of no effect.*

395

Respectfully submitted,

396

SUPREME COURT OF IOWA

397

/s/ T. G. Garfield

398

CHIEF JUSTICE

399 Des Moines, Iowa

400 January 31st, 1969

*See certificates attached.

401

ACKNOWLEDGMENT

402 I, Carroll A. Lane, Secretary of the Senate of the State of Iowa, hereby
 403 acknowledge delivery to me on the 31st day of January, 1969 of the fore-
 404 going report of the Supreme Court of Iowa pertaining to Rules of Civil
 405 Procedure and Rules for Court Administration.

406

/s/ CARROLL A. LANE

407

Secretary of the Senate

408

Sixty-Third General Assembly

409

of the State of Iowa

410

ACKNOWLEDGMENT

411 I, William R. Kendirck*, Chief Clerk of the House of Representatives
 412 of the State of Iowa, hereby acknowledge delivery to me on the 31st day
 413 of January, 1969 of the foregoing report of the Supreme Court of Iowa per-
 414 taining to Rules of Civil Procedure and Rules for Court Administration.

415

/s/ WM. R. KENDRICK

416

Chief Clerk, House of Representatives

417

Sixty-Third General Assembly

418

of the State of Iowa

*According to enrolled Rules.

419

CERTIFICATE

420 I, Roger W. Jepsen, do hereby certify that I am the President of the
 421 Senate of the Sixty-third General Assembly of the State of Iowa; and I,
 422 Carroll A. Lane, do hereby certify that I am the Secretary of the Senate
 423 of the Sixty-third General Assembly of the State of Iowa, and we do here-
 424 by jointly certify that as such President and Secretary that on the 31st
 425 day of January, 1969, the Supreme Court of the State of Iowa reported to
 426 said Senate, and filed with it, the attached and foregoing modifications,
 427 amendments, revisions and additions to the Rules of Civil Procedure, here-
 428 tofore reported by said Supreme Court to the Fiftieth General Assembly of
 429 the State of Iowa;

430

431 THAT the date of making said report to the Sixty-third General As-
 432 sembly was within the twenty days subsequent to the convening of the
 regular session of the Sixty-third General Assembly;

433

434 THAT no other report pertaining to the Rules of Civil Procedure was
 made or filed by said Supreme Court with said Senate;

435

436 THAT an Act known as Senate File 565, pertaining to a unified trial
 437 court system, containing amendments to the attached and foregoing modi-
 438 fications, amendments, revisions and additions to the Rules of Civil Pro-
 439 cedure is pending on adjournment of the First Regular Session of the Sixty-
 third General Assembly.

LAWS OF THE SIXTY-THIRD G.A., FIRST SESSION

440 THAT no other or different changes, modifications, amendments, revi-
441 sions or additions to the Rules of Civil Procedure were made or enacted
442 at the First Regular Session of said Sixty-third General Assembly.

443 Signed this 23rd day of May, 1969, being the last legislative day of the
444 First Regular Session of the Sixty-third General Assembly.

445 /s/ ROGER W. JEPSEN
446 President of the Senate

447 /s/ CARROLL A. LANE
448 Secretary of the Senate

449 SENATE
450 Sixty-third General Assembly
451 of the State of Iowa

452 CERTIFICATE

453 I, William H. Harbor, do hereby certify that I am the Speaker of the
454 House of Representatives of the Sixty-third General Assembly of the State
455 of Iowa; and I, William R. Kendrick, do hereby certify that I am the Chief
456 Clerk of the House of Representatives of the Sixty-third General Assembly
457 of the State of Iowa, and we do hereby jointly certify that as such Speaker
458 and Chief Clerk that on the 31st day of January, 1969, the Supreme Court
459 of the State of Iowa reported to said House of Representatives, and filed
460 with it, the attached and foregoing modifications, amendments, revisions
461 and additions to the Rules of Civil Procedure, heretofore reported by said
462 Supreme Court to the Fiftieth General Assembly of the State of Iowa;

463 THAT the date of making said report to the Sixty-third General
464 Assembly was within the twenty days subsequent to the convening of the
465 regular session of the Sixty-third General Assembly;

466 THAT no other report pertaining to the Rules of Civil Procedure was
467 made or filed by said Supreme Court with said House of Representatives;

468 THAT an Act known as Senate File 565, pertaining to a unified trial
469 court system, containing amendments to the attached and foregoing modi-
470 fications, amendments, revisions and additions to the Rules of Civil Pro-
471 cedure is pending on adjournment of the First Regular Session of the Sixty-
472 third General Assembly.

473 THAT no other or different changes, modifications, amendments, revi-
474 sions or additions to the Rules of Civil Procedure were made or enacted
475 at the First Regular Session of said Sixty-third General Assembly.

476 Signed this 23rd day of May, 1969, being the last legislative day of the
477 First Regular Session of the Sixty-third General Assembly.

478 /s/ WILLIAM H. HARBOR
479 Speaker of the House

480 /s/ WM. R. KENDRICK
481 Chief Clerk of the House

482 HOUSE OF REPRESENTATIVES
483 Sixty-third General Assembly
484 of the State of Iowa

SENATE CONCURRENT RESOLUTION 44

WHEREAS, Section three (3) of Senate File five hundred thirty-seven (537) enacted by the Sixty-third General Assembly provides that the state board of regents shall prepare and submit to the general assembly for approval no later than seven (7) days after the passage of said Act by the general assembly a proposed ten-year building program for each institution of higher learning under the jurisdiction of said board, including an estimate of the maximum amount of bonds which the board expects to issue under the provisions of said Act during each year of the ensuing biennium; and

WHEREAS, the state board of regents prepared and, within seven (7) days after the passage of Senate File five hundred thirty-seven (537) by the general assembly, submitted to the Sixty-third General Assembly for approval such a proposed ten-year building program for each institution containing a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, together with an estimate of the cost of each of the buildings and facilities referred to therein and an estimate of the maximum amount of bonds which the board expects to issue under the provisions of said Act during each year of the ensuing biennium; NOW THEREFORE,

Be It Resolved by The Senate, The House Concurring, That the proposed ten-year building program submitted by the state board of regents for each institution of higher learning under its jurisdiction, including the estimate of the maximum amount of bonds which the board expects to issue under the provisions of Senate File five hundred thirty-seven (537) enacted by the Sixty-third General Assembly during each year of the biennium commencing July 1, 1969 and ending June 30, 1971, be and is hereby approved as submitted, to-wit:

STATE BOARD OF REGENTS' PROPOSED
TEN-YEAR BUILDING PROGRAM 1969-78

State University of Iowa

General university and health sciences (academic):

	estimated cost
Equipment expenses	\$ 6,500,000
Major remodeling projects	2,500,000
Other projects (including campus planning, campus improvements, minor remodeling, land purchases and leasing)	1,500,000
Basic science building — supplemental	2,041,000
Chemistry-botany addition	2,500,000
Education building	4,200,000
Nursing building	2,500,000
Dental science building — supplemental	1,284,000
Engineering building addition	2,000,000
Health sciences library	4,000,000
Hydraulics laboratory addition	400,000
Library — supplemental	860,000
Physical plant additions I, II	750,000
Psychopathic hospital research ward	250,000
Social science building	3,000,000

LAWS OF THE SIXTY-THIRD G.A., FIRST SESSION

Utilities additions and improvements	\$ 4,000,000
Health sciences (service):	
Equipment expenses	1,800,000
Utilities (chilled water plant)	500,000
General hospital remodeling	4,500,000
Hospital school remodeling	200,000
Psychopathic hospital remodeling	160,000
Total State University of Iowa	\$45,445,000

Iowa State University

	estimated cost
Equipment expenses (engineering building # 2, science building addition # 2, and veterinary medicine building I)	\$ 2,004,000
Major remodeling projects	2,000,000
Other projects (including campus improvements, minor remodeling, land purchases and leasing)	1,000,000
Campus planning	200,000
Agriculture experiment station buildings	600,000
Air conditioning improvements to existing buildings	1,000,000
Classroom and office building # 3	3,000,000
Continuing education building	3,500,000
Education building	2,450,000
Meats laboratory	1,100,000
Physical plant shops and stores buildings	1,500,000
Seed laboratory	862,000
Utilities additions and improvements (including distribution systems additions)	1,525,000
Veterinary medicine building II	8,000,000
Women's physical education building addition	2,700,000
Total Iowa State University	\$31,441,000

University of Northern Iowa

	estimated cost
Equipment expenses	\$ 1,000,000
Major remodeling projects	1,500,000
Other projects (including campus improvements, minor remodeling, and land purchases)	1,000,000
Campus planning	100,000
Art, speech and theater center I	1,000,000
Biological research and small animal building	400,000
Classroom and office building — Education	2,450,000
Classroom and office building # 2	2,400,000
Industrial arts and technology building	1,000,000
Library additions II	4,000,000
Utilities additions and improvements	1,500,000
Total University of Northern Iowa	\$16,350,000
TOTAL REGENTS' TEN-YEAR PROGRAM 1969-78	\$93,236,000

The maximum amount of bonds which the state board of regents expects to issue during the biennium commencing July 1, 1969 and ending June 30, 1971 under the provisions of Senate File five hundred thirty-seven (537) enacted by the Sixty-third General Assembly is estimated to be sixteen

million one hundred fourteen thousand dollars (\$16,114,000), of which the board expects to issue not more than two million two hundred twenty-eight thousand dollars (\$2,228,000) during the fiscal year commencing July 1, 1969 and the remaining unissued balance of the full sixteen million one hundred fourteen thousand dollars (\$16,114,000) during the fiscal year commencing July 1, 1970.

Adopted S. J. 1798; H. J. 1866.

SENATE CONCURRENT RESOLUTION 45

WHEREAS, section four (4) of Senate File five hundred thirty-seven (537) enacted by the Sixty-third General Assembly provides that the state board of regents after authorization by a constitutional majority of each house of the general assembly and approval by the governor may undertake and carry out at the institutions of higher learning under the jurisdiction of said board any project as defined in said Act; and

WHEREAS, Senate File five hundred thirty-seven (537) authorizes the state board of regents to borrow money and to issue and sell negotiable revenue bonds to pay all or any part of the cost of carrying out such projects at any institution payable solely from and secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution; and

WHEREAS, pursuant to the provisions of section three (3) of Senate File five hundred thirty-seven (537) the state board of regents prepared and submitted to the Sixty-third General Assembly for approval a proposed ten-year building program for each institution with an estimate of the maximum amount of bonds which the board expects to issue under the provisions of said Act during each year of the biennium commencing July 1, 1969 and ending June 30, 1971; and

WHEREAS, said ten-year building program was approved pursuant to the provisions of Senate Concurrent Resolution No. 44 adopted by each house of the Sixty-third General Assembly; and

WHEREAS, the projects contained in said building program are deemed necessary for the proper performance of the instructional, research and service functions of the institutions; and

WHEREAS, to further the educational objectives of the institutions the state board of regents requests authorization to undertake and carry out certain of said projects at this time and to finance the cost thereof by borrowing money and issuing negotiable bonds under the provisions of Senate File five hundred thirty-seven (537) in a total amount not to exceed sixteen million one hundred fourteen thousand dollars, the remaining cost thereof to be financed by capital appropriations or by federal or other funds lawfully available therefor; NOW THEREFORE,

Be It Resolved by The Senate, The House Concurring, That the state board of regents be and is hereby authorized to undertake and carry out the following projects and to pay all or any part of the cost of carrying out such

LAWS OF THE SIXTY-THIRD G.A., FIRST SESSION

projects by borrowing money and issuing negotiable revenue bonds under the provisions of Senate File five hundred thirty-seven (537) in a total amount not to exceed sixteen million one hundred fourteen thousand dollars:

State University of Iowa

Basic science building equipment
Dental science building supplemental construction and equipment
Library supplemental construction and equipment
Music building equipment
Nursing building equipment
Physics building II equipment
Power plant boiler construction and utilities improvements
Speech and hearing center equipment
Zoology building II equipment

Iowa State University

Engineering building #2 supplemental construction and equipment
Science building addition #2 supplemental construction and equipment
Veterinary medicine building and equipment

University of Northern Iowa

Biological research and small animal building construction
Classroom and office building (education) construction and equipment
Education center I equipment

Adopted S. J. 1799; H. J. 1868.

Approved June 20, 1969.

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44	143	210	268	494	202	626	134
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APPROVAL PENDING**

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RESOLUTIONS

SENATE CONCURRENT RESOLUTIONS

- SCR 1 Inauguration of Governor and Lieutenant Governor, joint committee named to make arrangements. Adopted, S. J. 9; H. J. 17, 24.
- SCR 2 Code of Iowa and Session Laws to legislature and staff and to certain members of the press. Adopted, S. J. 10; H. J. 18, 24.
- SCR 3 Bills and Journals to county auditors. Adopted, S. J. 10; H. J. 18, 24.
- SCR 4 Mobile homes and parks, committee to study statutes. Introduced, S. J. 56, 57.
- SCR 5 Educational agencies, committees comprised of legislators to study needs and report to General Assembly sixty days prior to next session. Introduced, S. J. 91, 92.
- SCR 6 Compensation of chaplains, officers and employees of the Sixty-third General Assembly. Adopted, S. J. 117, 130; H. J. 133, 150.
- SCR 7 Compensation of joint legislative employees of the General Assembly. Adopted, S. J. 125, 132; H. J. 135, 150.
- SCR 8 Pioneer Lawmakers invited to joint session, April 3, 1969. Adopted, S. J. 467; H. J. 533, 614.
- SCR 9 Littering and use of hazardous chemicals and drugs, Legislative committee to study problem and make recommendations to 1970 Session. Adopted, S. J. 219, 357; H. J. 433, 541.
- SCR 10 Military obligations fulfilled by serving on local police forces, Congress urged to amend selective service laws. Introduced, S. J. 291.
- SCR 11 Sex education, Public Instruction to review courses taught in public schools. Introduced, S. J. 353.
- SCR 12 Item veto by Governor, General Assembly reconvene thirty days after conclusion of session to reconsider items vetoed. Introduced, S. J. 360.
- SCR 13 Reapportionment on factors other than population, Dirksen amendment. Adopted, S. J. 375, 776; H. J. 883, 1344.
- SCR 14 Tax-sharing with states, Congress urged to inaugurate a program. Introduced, S. J. 439, 783; H. J. 884.
- SCR 15 Sales tax exemption on food, clothing and medicines, joint citizens land legislative committee to make recommendations to General Assembly. Introduced, S. J. 456.
- SCR 16 "Home rule" amendment, committee to study revision of statutes in order to properly implement. Introduced and withdrawn, S. J. 487, 1833.
- SCR 17 United States census, Congress requested to enact statute to insure persons are counted in their home residence. Introduced, S. J. 488.
- SCR 18 Drake University basketball team and coach Maury John, congratulations. Adopted, S. J. 607, 615; H. J. 677, 702.
- SCR 19 Dwight David Eisenhower, eulogy by General Assembly as to his life and philosophy. Adopted, S. J. 684, 685; H. J. 751, 752.
- SCR 20 Iowa State University wrestling team and coach, congratulations upon winning the National Collegiate Athletic Association tournament. Adopted, S. J. 700; H. J. 763.
- SCR 21 Dwight David Eisenhower, memorial services, April 2, 1969 on west steps of capitol. Adopted, S. J. 708, 709; H. J. 774.
- SCR 22 Korean bonds, not to be recalled. Lost, S. J. 731, 1698.
- SCR 23 Pioneer Lawmakers, listed in Iowa Official Register and listing of members of the General Assembly updated therein. Adopted, S. J. 947, 975, 1511; H. J. 1569, 1701.
- SCR 24 Honorable Dan W. Turner, expressions of sorrow over his death. Adopted, S. J. 959, 960; H. J. 1041.
- SCR 25 Criminal use of firearms, Senate File 175 recalled from the Governor for correction. Adopted, S. J. 1004; H. J. 1090.

RESOLUTIONS—Continued

- SCR 26 Board of Regents, authority to expand and improve medical facilities at the University of Iowa. Adopted, S. J. 1016, 1092, 1094; H. J. 1207, 1370.
- SCR 27 Permanent joint rules of the Sixty-third General Assembly. Adopted, S. J. 1049-1052, 1420, 1672; H. J. 1494-1497, 1577, 1824.
- SCR 28 Farm Advisory Council, appointed by Governor. Introduced, S. J. 1072.
- SCR 29 Law Day, U.S.A., observed May 1, 1969. Adopted, S. J. 1096, 1213; H. J. 1323, 1367.
- SCR 30 Job Corps Training Center at Clinton, Iowa, General Assembly urging evaluation of services rendered. Introduced, S. J. 1096.
- SCR 31 Sex education in schools, study to be conducted during 1969 legislative interim. Introduced, S. J. 1251.
- SCR 32 Tuition grants, Senate File 295, recalled from Governor for reconsideration. Introduced, S. J. 1251.
- SCR 33 State University administrators, encouraged by General Assembly to apply and enforce administrative and legal sanctions. Introduced, S. J. 1358, 1694; H. J. 1732.
- SCR 34 Collective bargaining by public employees. Introduced, S. J. 1424.
- SCR 35 Compensation of Secretary of Senate and Chief Clerk of House of Representatives, increased to forty-five dollars per diem. Adopted, S. J. 1496, 1694; H. J. 1733, 1775.
- SCR 36 Marketing of major agricultural commodities produced in Iowa, interim study. Introduced, S. J. 1536, 1693.
- SCR 37 Agricultural Conservation Program, legislature establishes high priority. Introduced, S. J. 1571.
- SCR 38 Room 24, reserved for use of Departmental Rules Review Committee and Budget and Financial Control Committee; also, details relevant to closing of session. Adopted, S. J. 1594, 1756; H. J. 1856.
- SCR 39 National Legislative Conference, Secretary of Senate and Chief Clerk of the House authorized to attend. Adopted, S. J. 1595, 1757; H. J. 1856.
- SCR 40 Interim expenses of Legislative Research and Services Committees. Adopted, S. J. 1595, 1757; H. J. 1856.
- SCR 41 Des Moines Register and Tribune Company censured and reprimanded. Introduced, S. J. 1642.
- SCR 42 State printing and printing costs of all departments, study to be conducted and findings reported to General Assembly. Adopted, S. J. 1643, 1701; H. J. 1737, 1931.
- SCR 43 Public utility laws, appropriate committees to study and report to General Assembly. Introduced, S. J. 1713, 1750.
- SCR 44 Board of Regents, ten-year building program approved. Adopted, S. J. 1713, 1798; H. J. 1863-65, 1866.
- SCR 45 Board of Regents, authorized to implement certain projects under the provisions of Senate File 537. Adopted, S. J. 1715, 1799; H. J. 1868. Approved by Governor, June 20, 1969.
- SCR 46 Tuition at state universities, Board of Regents requested to maintain reasonable rates. Introduced, S. J. 1785.
- SCR 47 Adjournment of the 1969 Session of the Sixty-third General Assembly. Adopted, S. J. 1912, 1926; H. J. 1959.

HOUSE CONCURRENT RESOLUTIONS

- HCR 1 Governor Fulton's message, joint convention, January 14, 1969, 1:30 P.M. Adopted, H. J. 9; S. J. 5, 8.
- HCR 2 Additional employees for work of the session. Adopted, H. J. 12; S. J. 6, 17.
- HCR 3 Criminal law, committee to study and make recommendations to Sixty-fourth General Assembly. Introduced, H. J. 24.
- HCR 4 Written or printed reports or communications from state departments intended for general distribution to legislators to be distributed under supervision of Sergeant of Arms. Introduced, H. J. 56.

RESOLUTIONS—Continued

- HCR 5 Mobile homes and parks statutes, committee to conduct study. Introduced, H. J. 57, 191.
- HCR 6 January recess. Adopted, H. J. 60; S. J. 58, 59.
- HCR 7 Iowa state fair and food exposition, study committee recommendations endorsed by General Assembly. Introduced, H. J. 93.
- HCR 8 Governor's budget message, joint convention, January 29, 1969. Adopted, H. J. 116, 117; S. J. 114, 115.
- HCR 9 Revenue sharing between state and local governments, committee to study and report to Sixty-fourth General Assembly. Introduced, H. J. 126.
- HCR 10 Annual budgeting, appropriations recommendations for fiscal year July 1, 1969 — June 30, 1970. Introduced, H. J. 126, 127.
- HCR 11 Honorable Guy M. Gillette, happy birthday wishes. Adopted, H. J. 153; S. J. 153, 159.
- HCR 12 Code revision, committees to study. Introduced, H. J. 162, 163.
- HCR 13 Joint convention, observing Abraham Lincoln's birthday. Adopted, H. J. 199, 200, 224; S. J. 209, 216.
- HCR 14 Spring recess, Friday, February 28, 1969 to Monday, March 10, 1969. Adopted H. J. 204, 460; S. J. 417, 421.
- HCR 15 Agricultural chemicals, possible health hazard, Iowa State University to conduct research, report to General Assembly 1970. Introduced, H. J. 223, 246; S. J. 228.
- HCR 16 Capital and credit available for agriculture, committee to study and make recommendations to General Assembly 1970. Introduced, H. J. 223, 307; S. J. 290, 291.
- HCR 17 Littering problem, Legislative Research Committee to continue study. Introduced, Withdrawn, H. J. 233, 541.
- HCR 18 Data chart on rotunda to be updated. Introduced, H. J. 357, 358; S. J. 600.
- HCR 19 Family farm preservation study. Introduced, H. J. 396, 1330.
- HCR 20 Joint memorial service, April 16, 1969, 7:30 P.M. Adopted, H. J. 466, 500; S. J. 453, 470.
- HCR 21 Eminent domain, interim study of statutes relating to use of rights. Adopted, H. J. 466, 556, 826, 1939; S. J. 797, 1855.
- HCR 22 Drake University basketball team and coach, best wishes and support extended. Adopted, H. J. 500, 501; S. J. 453, 454.
- HCR 23 Iowa Department of The American Legion, congratulations upon Golden Anniversary of their organization. Adopted, H. J. 512, 771; S. J. 717, 975.
- HCR 24 Executive council urged to allow local governmental participation in buying. Lost, H. J. 532, 1331.
- HCR 25 Youth in Government Program, support of General Assembly. Adopted, H. J. 702, 771; S. J. 718, 740.
- HCR 26 Vocational and technical education, program of accreditation. Introduced, H. J. 824, 1113; S. J. 1037.
- HCR 27 State-wide motor vehicle inspection study. Adopted, H. J. 762, 829, 1871; S. J. 779, 1805.
- HCR 28 Tax based on income, financing schools, study conducted during 1969 interim. Introduced, H. J. 941, 1371; S. J. 1301.
- HCR 29 "Medicaid" program, committee to review and study. Introduced, H. J. 990, 1701; S. J. 1637.
- HCR 30 Memorializing Congress to enact equitable legislation. Introduced, H. J. 1037.
- HCR 31 Handicapped persons, homes financed and operated by state. Introduced, H. J. 1189.
- HCR 32 Health and Social Services Departments, licensing and standards, definite plan formulated. Adopted, H. J. 1223, 1365; S. J. 1267, 1451.
- HCR 33 Collective bargaining by public employees. Adopted, H. J. 1253, 1389, 1555; S. J. 1495, 1860.
- HCR 34 Adjournment sine die. Introduced, H. J. 1376, 1410, 1438.
- HCR 35 Mobile homes and parks, committee to study statutes. Introduced, H. J. 1375, 1654; S. J. 1593, 1684.

RESOLUTIONS—Continued

- HCR 36 WOI Radio Station commended for live broadcast coverage of General Assembly. Adopted, H. J. 1441, 1701; S. J. 1637, 1671.
- HCR 37 Claims against state, report. Adopted, H. J. 1490, 1701, 1953; S. J. 1638, 1898.
- HCR 38 Election of U.S. President and Vice-President, Congress urged to abolish electoral college. Introduced, H. J. 1530.
- HCR 39 One Hundred Eighty-fifth Tactical Fighter Group, members commended. Adopted, H. J. 1644, 1654; S. J. 1593, 1616.
- HCR 40 Financial institutions, fair share contribution to revenue of state. Introduced, H. J. 1570, 1701; S. J. 1640, 1781.
- HCR 41 Agriculture department, study of its divisions and agencies. Introduced, H. J. 1604, 1654, 1672, 1717; S. J. 1911.
- HCR 42 Board of Regents, ten-year building program. Introduced, H. J. 1759.
- HCR 43 Board of Regents, authorized to implement certain projects under provisions of Senate File 537. Introduced, H. J. 1761.
- HCR 44 Democratic State Central Committee commended. Introduced, H. J. 1807.

SENATE RESOLUTIONS

- 1 Appointment of clerks for Lieutenant Governor and each Senator. Adopted, S. J. 9.
- 2 Sales tax, study committee to review feasibility of exempting certain items. Introduced, S. J. 409.
- 3 Senator and Mrs. Arthur E. Neu, congratulations upon birth of daughter. Adopted, S. J. 705.
- 4 State Capitol Building, centennial booklet. Adopted, S. J. 1536, 1583.
- 5 Secretary of Senate, interim expenses. Adopted, S. J. 1757.

HOUSE RESOLUTIONS

- 1 Opening prayer, committee to arrange for ministers. Adopted, H. J. 11.
- 2 Clerks, pages and clerical assistance, appointments. Adopted, H. J. 12.
- 3 Representative Ralph F. McCartney, extending sympathy in loss of his father. Adopted, H. J. 111.
- 4 "How a Bill Becomes a Law," printing of eleventh edition of booklet authorized. Adopted, H. J. 292, 307.
- 5 Ralph Lancaster, Sergeant-at-Arms, best wishes for speedy recovery. Adopted, H. J. 541.
- 6 Representative Robert E. Newton, extending sympathy in loss of his father. Adopted, H. J. 702.
- 7 Representative and Mrs. James T. Klein, congratulations upon birth of son. Adopted, H. J. 907, 914.
- 8 Treasurer of State, Maurice E. Baringer, extending sympathy in loss of his father. Adopted, H. J. 1002, 1041.
- 9 Mrs. Robert Dight, midwestern "Young Mother of the Year," congratulations extended. Adopted, H. J. 1175, 1186.

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