

State of Iowa

1970

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

SECOND REGULAR SESSION

OF THE

Sixty-third General Assembly

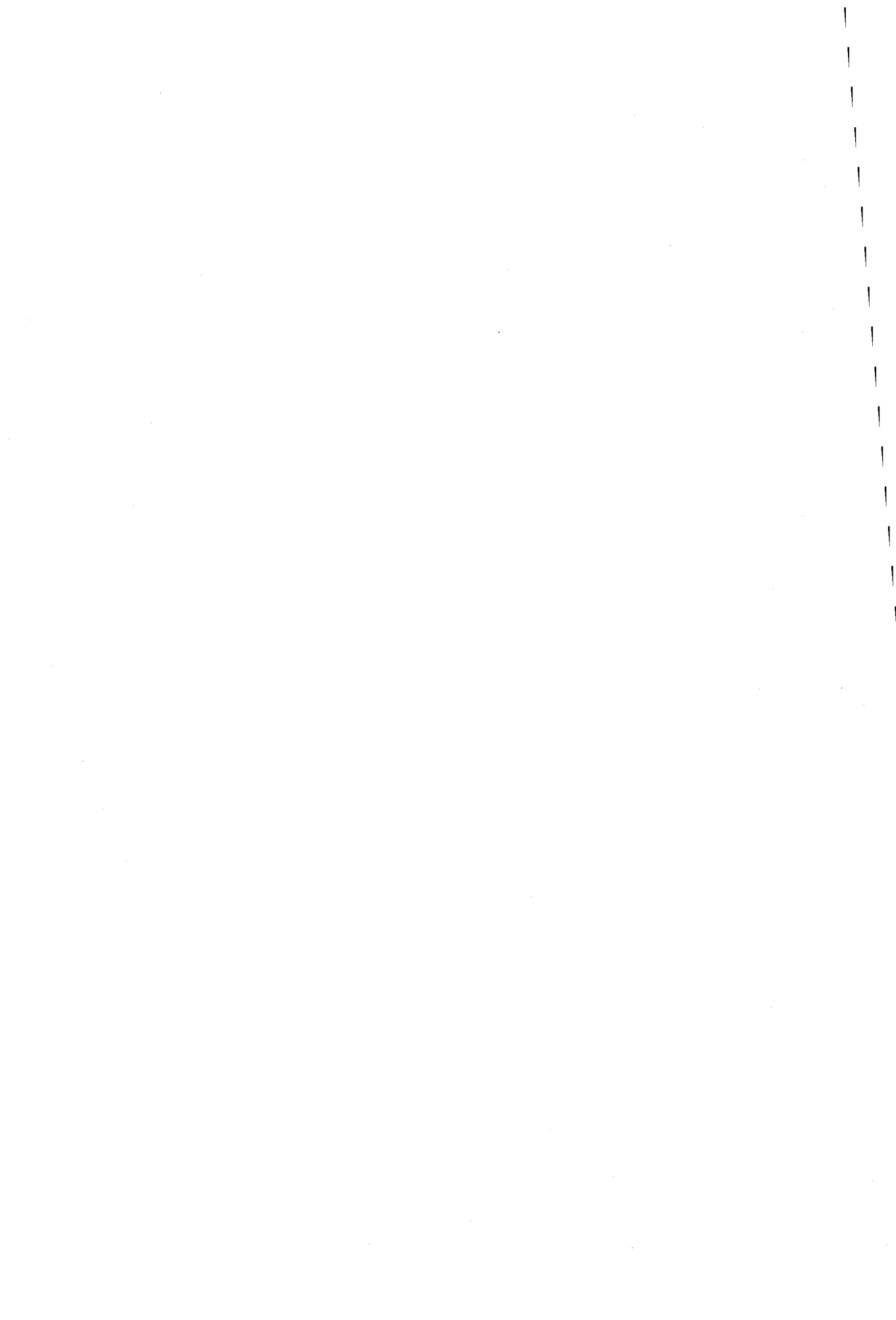
OF THE

STATE OF IOWA



WAYNE A. FAUPEL
CODE EDITOR

Published by the
STATE OF IOWA
Des Moines



Leaves
JAN 26 1971

CERTIFICATE

STATE OF IOWA
Office of Code Editor

I, Wayne A. Faupel, Editor 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 Second Regular Session of the Sixty-third General Assembly of the State of Iowa.

Wayne A. Faupel

June, 1970.

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.”

EDITOR'S NOTE

The Acts and Resolutions of the Second 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.

CONTENTS

State Roster	v
Statement of Condition of the Treasury	xxx
Appropriations	1
General Laws	11
Special and Legalizing Acts	409
Joint Resolutions	435
Rules of Civil Procedure	440
Tables	443

STATE OFFICERS

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 (Second Session) General Assembly in accordance with the requirements of Code section 14.10 (3), 1966 Code of Iowa, as amended.

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
Lorna L. Williams, Special Assistant	Polk
Henry L. Holst, Special Assistant (Highway)	Story
Elizabeth Nolan, Assistant	Johnson
David A. Elderkin, Assistant	Polk
Julian Garrett, Assistant	Polk
Harry M. Griger, Assistant	Polk
James Petersen, Assistant (Highway)	(Nebraska)
John Kiener, Assistant (Highway)	Winneshiek
Jerome Lundgren, Assistant (Highway)	Wright
Asher E. Schroeder, Assistant (Highway)	Woodbury
Clifford Peterson, Assistant	Polk
Bennett Cullison, Assistant	Shelby
Douglas R. Carlson, Assistant	Polk
Stephen Petosa, Assistant	Polk
John Adams, Assistant	Polk
John Beamer, Assistant	Webster
Roxanne Conlin, Assistant	Polk
G. Douglas Essy, Assistant	Polk
William W. Garretson, Assistant	Jefferson
James W. Hughes, Assistant	Polk
Michael J. Laughlin, Assistant	Polk

STATE OFFICERS—Continued

APPOINTIVE OFFICERS

Name and Office	City or Town from which originally chosen	Term Ending
ACCOUNTANCY BOARD		
Roger R. Cloutier, Chairman	Des Moines	June 30, 1971
Richard G. Peebler	Des Moines	June 30, 1970
Earl W. Druehl	Davenport	June 30, 1972

ADJUTANT GENERAL

Major General Joseph G. May	Des Moines	June 30, 1971
Brig. General Ronald R. Woodin	Des Moines	June 30, 1971

ADVISORY INVESTMENT BOARD

(Iowa Public Employees Retirement System)

Minnette Doderer	Iowa City	June 30, 1972
Dale K. DeKoster	Waterloo	June 30, 1973
William F. Poorman	Des Moines	June 30, 1971
Robert W. Coleman	Clinton	June 30, 1975
Senator James W. Griffin, Sr.	Council Bluffs	
Representative Leonard C. Andersen	Sioux City	

AERONAUTICS COMMISSION

Ray Nyemaster, Chairman	Des Moines	June 30, 1973
Glenn Miller, Airport Engineer	Des Moines	
Forest F. McDonald, Commissioner	Jefferson	June 30, 1971
Laurence A. Straley, Commissioner	Clinton	June 30, 1973
Norbert D. Baltes, Commissioner	Charles City	June 30, 1975
Bruce H. Van Druff, Commissioner	Red Oak	June 30, 1975
Frank Berlin, Director		

COMMISSION ON THE AGING

Mrs. Thelma Kass	Davenport	June 30, 1971
Robert D. Blue	Eagle Grove	June 30, 1971
Edward B. Jakubauskes	Ames	June 30, 1971
Rev. Clarence W. Tompkins	Fort Dodge	June 30, 1973
Dr. W. W. Morris	Iowa City	June 30, 1973
Rev. Fred E. Miller	Des Moines	June 30, 1973

Vacancy

Earl Nelson, Executive Secretary

House Members

Gordon Stokes	LeMars	June 30, 1971
Clair Strand	Grinnell	June 30, 1971
Tom Dougherty	Albia	June 30, 1973

Senate Members

Bass Van Gilst	Oskaloosa	June 30, 1973
Pearle DeHart	Ames	June 30, 1973
Charles K. Sullivan	Sioux City	June 30, 1971

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
Carl D. Smith	Marion	June 30, 1973
John H. Jebens	Davenport	June 30, 1973
Donald H. McLeod	Centerville	June 30, 1973

Vacancy

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
COMMISSION ON ALCOHOLISM		
Robert C. Hickle, Chairman	Waverly	June 30, 1973
Judge Ray Harrison	Des Moines	June 30, 1973
John C. McQueen, M.D.	Iowa City	June 30, 1971
Dr. Arnold M. Reeve	Des Moines	
Judge Louis Fautsch	Dubuque	June 30, 1971
Ross C. King	Clinton	June 30, 1971
Senator Vernon H. Kyhl	Parkersburg	June 30, 1971
Dr. K. George Shimoda	Marshalltown	June 30, 1973
Rev. Robert A. Roof	Cedar Falls	June 30, 1973

APPEAL BOARD

(Public Contracts and Bonds)

Maurice E. Baringer, Chairman	Treasurer of State
Lloyd R. Smith	Auditor 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

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

STATE ADVISORY COMMITTEE ON AREA SCHOOLS

Hugh Clarke	Des Moines	June 30, 1971
Casey Loss	Algona	June 30, 1971
Mrs. Eleanor Carris	Des Moines	June 30, 1971
Ralph P. Hofstad	Fort Dodge	June 30, 1971
Gordon Bennett	Ottumwa	June 30, 1973
Dr. Elwin D. Farwell	Decorah	June 30, 1973
Mrs. Jolly Ann Davidson	Clarinda	June 30, 1973
Ned Willis	Perry	June 30, 1973
Mrs. Irene Hood	Mount Ayr	June 30, 1973

ARMORY BOARD

(Appointed by the Armory Advisory Council)

Lt. General Frank P. Williams	Cedar Falls	
Major General Robert L. Gamrath	Fairfield	
Major General Joseph G. May, Chairman of the Board	Des Moines	At the pleasure of the Governor
Brig. General Joseph B. Flatt	Winterset	
Brig. General Roger W. Gilbert	Des Moines	
Brig. General Keith E. McWilliams	Des Moines	
W. K. Backman	Des Moines	
Richard W. Goewey	Des Moines	

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, 1972
Kathryn Graham	Sioux City	June 30, 1971
Marion C. Lichty	Waterloo	June 30, 1971
Raymond D. Reed	Ames	June 30, 1970
Helen Reppert	Des Moines	June 30, 1970
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
Himie Voxman	Iowa City	June 30, 1970
Dale Ball	Council Bluffs	June 30, 1971
Mrs. Julie McDonald	Davenport	June 30, 1972
Mrs. Lois Bliesman	Denison	June 30, 1972
Mrs. Shirley Drake	Muscatine	June 30, 1972
Donald J. Maiwurm	Fort Dodge	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	Batavia	
Joseph G. Knock	Creston	June 30, 1973
James W. Craven	Sanborn	June 30, 1973
John B. Rigler	Muscatine	June 30, 1973
Francis E. Price	Des Moines	June 30, 1973
Clifford H. Jordan	Cedar Rapids	June 30, 1973
Ed H. Spetman, Jr.	Council Bluffs	June 30, 1973

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, 1970
William S. Wimer	Des Moines	June 30, 1971
Mrs. Nell Bonnell	Fort Dodge	June 30, 1972
Kenneth Jernigan, Director		

IOWA BONUS BOARD

Lloyd R. Smith	Auditor of State
Maurice E. Baringer	Treasurer of State
Major General Joseph G. May	Adjutant General
Glen M. Dugger	Adjutant, American Legion
Ray J. Kauffman, Executive Secretary	

BUDGET AND FINANCIAL CONTROL

House Members

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

Senate Members

Quentin V. Anderson	Beaconsfield	June 30, 1971
Charles F. Balloun	Toledo	June 30, 1971
Francis L. Messerly	Cedar Falls	June 30, 1973

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
Lee Gaudineer	Des Moines	June 30, 1971
C. Joseph Coleman	Clare	June 30, 1973

CAPITOL PLANNING COMMISSION

Amos B. Emory	Des Moines	April 30, 1971
Mrs. Maurice Noun	Des Moines	April 30, 1971
William J. Wagner	Dallas Center	April 30, 1973

House Members

Fred B. Hanson	Osage	June 30, 1971
William Darrington	Persia	June 30, 1973

Senate Members

Hugh H. Clarke	Belmond	June 30, 1971
Stanley M. Heaberlin	Pleasantville	June 30, 1971

CAR DISPATCHER

Frank E. Johnson	Glenwood	At the pleasure of the Governor
------------------------	----------------	------------------------------------

GOVERNOR'S COMMISSION ON CHILDREN AND YOUTH

Earl O. Berge	Fort Dodge	Jan. 1, 1971
Donald Carver	DeWitt	Jan. 1, 1971
Mrs. Robert Day	Washington	Jan. 1, 1971
Ambrose Dollar	Audubon	Jan. 1, 1971
Mrs. Jack Elliott	Mount Ayr	Jan. 1, 1971
C. J. Gauger	Ames	Jan. 1, 1971
Mrs. David E. Gilchrist	Dubuque	Jan. 1, 1971
John Holtz	Davenport	Jan. 1, 1971
Professor Esther Hult	Cedar Falls	Jan. 1, 1971
Gerald M. Kinney	West Des Moines	Jan. 1, 1971
Jerry L. Larson	Harlan	Jan. 1, 1971
Barbara Marston	Des Moines	Jan. 1, 1971
Phil McDowell	Oskaloosa	Jan. 1, 1971
Earl Miller	Des Moines	Jan. 1, 1971
Max Noe	Des Moines	Jan. 1, 1971
Rev. Patrick J. Nooney	Ayrshire	Jan. 1, 1971
Mrs. Elizabeth Palmer	Des Moines	Jan. 1, 1971
Robert L. Parks	West Des Moines	Jan. 1, 1971
James Payne	Toledo	Jan. 1, 1971
Mrs. James Pellett	Atlantic	Jan. 1, 1971
Dr. Raymond H. Pugh	Des Moines	Jan. 1, 1971
Jim Riordan	Iowa City	Jan. 1, 1971
Mrs. W. A. Seidler	Des Moines	Jan. 1, 1971
Harold Templeman	Des Moines	Jan. 1, 1971
Major Dale M. Tollerud	Des Moines	Jan. 1, 1971
Dr. Edward Voldseth	Cedar Falls	Jan. 1, 1971
Miss Esther Whetstone	Ames	Jan. 1, 1971
Mrs. A. C. Westerhof	Carlisle	Jan. 1, 1971
Esther L. Immer	Des Moines	Lifetime honorary member

CIVIL DEFENSE ADVISORY COUNCIL

Lloyd L. Turner, Chairman	Waterloo	July 3, 1970
Richard C. Morgan, Vice-Chairman	Des Moines	July 3, 1972
F. O. Rosenberger	Sioux City	July 3, 1971
Edward W. Collins	Red Oak	July 3, 1971
Samuel F. Mazzioti	Oelwein	July 3, 1971
Floyd W. Nelson	Ames	July 3, 1972
I. Weir Sears, Jr.	Davenport	July 3, 1970
Rex R. Gross	Colo	July 3, 1970
Richard L. Grove	Barnum	July 3, 1972

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
CIVIL RIGHTS COMMISSION		
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
John E. Strothers	Waterloo	June 30, 1973
Madonna M. Skogstrom	Algona	June 30, 1973
Lafayette James Twyner	Davenport	June 30, 1973
Abe D. Clayman	Des Moines	June 30, 1973
Alvin Hayes, Jr., Executive Director		
CLERK OF THE SUPREME COURT		
G. K. Sappenfield	Des Moines	
CODE EDITOR		
Wayne A. Faupel	Clear Lake	At the pleasure of
Phyllis Barry, Assistant	Des Moines	the Supreme Court
COMMERCE COMMISSION		
Frank B. Means, Chairman	Manilla	June 30, 1971
Dick A. Witt	Des Moines	June 30, 1973
Kenneth Benda	Hartwick	June 30, 1975
Leo J. Steffen, Chief Counsel		
Ed B. Storey, Executive Secretary		
COMPREHENSIVE HEALTH PLANNING ADVISORY COUNCIL		
Robert G. White	Des Moines	
Gilbert Cranberg	Des Moines	At the pleasure
Keith L. Kirkpatrick	Des Moines	of the Governor
David H. Swanson	Centerville	
James D. Mahoney	Council Bluffs	
COMPTRROLLER		
Marvin R. Selden, Jr.	Des Moines	At the pleasure
		of the Governor
CONSERVATION COMMISSION		
Dr. Keith A. McNurlen, Chairman	Ames	June 30, 1971
Earl E. Jarvis, Vice-Chairman	Wilton Junction	June 30, 1971
Ed Weinheimer	Fontanelle	June 30, 1973
William E. Noble	Oelwein	June 30, 1973
James D. Bixler	Council Bluffs	June 30, 1975
Leslie L. Licklider	Cherokee	June 30, 1975
Joan Geisler	Dubuque	June 30, 1975
Fred A. Priewert, Director		
CONSERVATION OF OUTDOOR RESOURCES		
Mrs. Dorothy Baringer	West Des Moines	Jan. 1, 1971
Charles F. Balloun	Toledo	Jan. 1, 1971
Henry Bradshaw	West Des Moines	Jan. 1, 1971
Kenneth Benda	Hartwick	Jan. 1, 1971
Bernard Clausen	Cedar Falls	Jan. 1, 1971
Mrs. Helen Crabb	Jamaica	Jan. 1, 1971
Robert W. Dillon	Des Moines	Jan. 1, 1971
Alden J. Erskine	Sioux City	Jan. 1, 1971
Sherry Fisher	Des Moines	Jan. 1, 1971
Professor Arnold O. Haugen	Ames	Jan. 1, 1971
Earl Jarvis	Wilton Junction	Jan. 1, 1971
Keith Kirkpatrick	Des Moines	Jan. 1, 1971
Dr. George Knudson	Decorah	Jan. 1, 1971
Ervin J. J. Koos	Shelby	Jan. 1, 1971
Gene Kragenbrink	Des Moines	Jan. 1, 1971
Mrs. Ruby Kruse	Marshalltown	Jan. 1, 1971

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
Lawrence Ladin	Des Moines	Jan. 1, 1971
Dr. Robert I. Landers, Jr.	Ames	Jan. 1, 1971
Frank Mendell	Des Moines	Jan. 1, 1971
Mrs. H. J. Minglin	Auburn	Jan. 1, 1971
Dr. Robert Morris	Iowa City	Jan. 1, 1971
Clifford M. Naser	Fort Dodge	Jan. 1, 1971
Walter Otto	Sac City	Jan. 1, 1971
Addison Parker, Jr.	Des Moines	Jan. 1, 1971
Wendell Pellett	Atlantic	Jan. 1, 1971
Robert Russell	Iowa City	Jan. 1, 1971
Dan Sanderson	Estherville	Jan. 1, 1971
Dale Tieden	Elkader	Jan. 1, 1971
Ries Tuttle	Des Moines	Jan. 1, 1971
George A. Wilson, Jr.	Des Moines	Jan. 1, 1971
George Woods	Cresco	Jan. 1, 1971
Mike Zack	Mason City	Jan. 1, 1971

CRIME COMMISSION

George W. Orr, Director	Des Moines	Indefinite
Reynold P. Jurgensen	Clinton	Indefinite

DEPARTMENTAL RULES REVIEW COMMITTEE

House Members

Elizabeth Shaw	Davenport	April 30, 1973
Charles Grassley	New Hartford	April 30, 1971
Thomas 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

E. A. Hayes, Chairman	Mount Pleasant	June 30, 1970
Delmar Van Horn, Vice-Chairman	Jefferson	June 30, 1973
John P. Tinley	Shenandoah	June 30, 1972
Harold A. Goldman	Des Moines	June 30, 1970
Richard J. Cashman	Charles City	June 30, 1971
Robert A. Young, Sr.	Waterloo	June 30, 1973
Robert K. Beck	Centerville	June 30, 1973
James W. Callison	Des Moines	June 30, 1973
Frank W. Griffith	Sioux City	June 30, 1972
William W. Summerwill	Iowa City	June 30, 1973
Forrest J. Mitchell, Jr.	Grinnell	June 30, 1973
Chad A. Wymer, Director		

OFFICE OF ECONOMIC OPPORTUNITY

Robert F. Tyson, Director	Shenandoah	At the pleasure of the Governor
---------------------------	------------	------------------------------------

GOVERNOR'S EDUCATIONAL ADVISORY COMMITTEE

Albert A. Augustine	Des Moines	Until study is completed
John D. Baldrige	Chariton	
J. Harold Bragg	Marshalltown	
Robert K. Buck	Waukee	
John C. Buckner	Davenport	
Alvin F. Bull	Des Moines	
Sutherland Cook	Cedar Rapids	
Mrs. Terest Dieter	Des Moines	
Mrs. Mary Grefe	Des Moines	
Philip A. Hauan	LeMars	

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
Harris Hess	Coon Rapids	
Lindley Hoopes	Muscatine	
Bernard M. Jacobsen	Clinton	
Mrs. Barbara Johnson	Cedar Falls	
Angelo J. Kerper	Dubuque	
Max McCord	Indianola	
William W. Parker	Waterloo	
Jack W. Peters	Council Bluffs	
Herbert W. Pike	Whiting	
Mrs. Ruth Riessen	Hartley	
Carl G. Riggs	Tingley	
Mrs. Molly Samore	Sioux City	
Sharm Scheuerman	Iowa City	
Chester L. Sedore	Ottumwa	
Paul H. Seltz	Des Moines	
Richard L. Stebbings	Keokuk	
Mrs. Ellen Swanson	Mason City	
Clarence M. Updegraff, Jr.	Bettendorf	
Spencer Vanderlinden	Harlan	
Mrs. Alice Van Wert	Hampton	

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
John A. Montgomery, Executive Director		

EMPLOYMENT AGENCY LICENSING COMMISSION

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

GOVERNOR'S COMMITTEE ON EMPLOYMENT OF HANDICAPPED

Richard V. Hopkins, Chairman	Davenport	June 30, 1971
Nate Ruben, Vice-Chairman	Des Moines	June 30, 1971
Sophus R. Christensen	Des Moines	June 30, 1971
Earl G. Lynn	Des Moines	June 30, 1971
Hugh Doty	Mechanicsville	June 30, 1971
Boyd D. White	West Burlington	June 30, 1971
Donald P. McGinn	Sioux City	June 30, 1971
Howard J. Cloe	Des Moines	June 30, 1971
John E. Trabert	Des Moines	June 30, 1971
Harlan S. Miller, Jr.	Des Moines	June 30, 1971
Edward K. Kelley	Des Moines	June 30, 1970
Keith H. Dunton	Thornburg	June 30, 1970
Rolfe B. Karlsson	Des Moines	June 30, 1970
James W. Bethel	Des Moines	June 30, 1970
Edward F. McCartan	Des Moines	June 30, 1970
Merrill E. Hunt	Des Moines	June 30, 1970
William D. DeGravelles, Jr.	Des Moines	June 30, 1970
Earl E. Hoover	Spencer	June 30, 1970
Mrs. Ferne Bonomi	Des Moines	June 30, 1970
Hugh D. Clark	Des Moines	June 30, 1970
K. R. Ernst	Waterloo	June 30, 1970
Mrs. Carrol M. Ungs	Clear Lake	June 30, 1970
Mrs. Fran H. Lowder	Mason City	June 30, 1971
Sister Mary Miguel, R.S.M.	Council Bluffs	June 30, 1971
Rex McMahill	Woodward	June 30, 1971
James M. Boyer	Cedar Rapids	June 30, 1971

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
O. Lee Minear	Cedar Rapids	June 30, 1971
George T. Nickolas	Davenport	June 30, 1971
Paul G. Law	Des Moines	June 30, 1971
Richard J. Anderson	Dubuque	June 30, 1970
Lou Pomerantz	Des Moines	June 30, 1970
Mrs. Betty Lou McVay Varnum	Ames	June 30, 1970
Jerry Stence	St. Olaf	June 30, 1970
G. W. Eddings	Cedar Rapids	Ex Officio

Mrs. Evelynne M. Villines, Executive Secretary

EMPLOYMENT SAFETY COMMISSION

Myron (Mike) L. Lorenzen (Employers).....	Waterloo	June 30, 1975
R. C. Lacy (Employers).....	Bloomfield	June 30, 1971
Burdette B. Cochrane (Employees).....	Des Moines	June 30, 1971
Carl G. Dahl (Employees).....	Waterloo	June 30, 1971
William C. Leachman (Employers).....	Des Moines	June 30, 1973
Ray B. Lauterbach (Employers).....	Perry	June 30, 1975
Billy G. Aringdale (Employees).....	Davenport	June 30, 1973
Melvin Smith (Employees).....	Cedar Rapids	June 30, 1975

EMPLOYMENT SECURITY COMMISSION

J. W. Janssen	Hubbard	June 30, 1971
George A. Lundberg	Des Moines	June 30, 1975
James T. Klein	Lake Mills	June 30, 1973

ENGINEERING EXAMINERS

Henry M. Black, Chairman	Ames	June 30, 1973
Noel W. Willis, Vice-Chairman	Iowa City	June 30, 1971
Robert D. Reckert	Rock Rapids	June 30, 1971
Eldo W. Schornhorst, Jr.	Spencer	June 30, 1971
Robert S. Dunn	Cedar Rapids	June 30, 1973

West C. Wellman, Secretary

EXECUTIVE COUNCIL

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
Richard C. Turner	Attorney General

West C. Wellman, Secretary

FAIR BOARD

C. C. Wagler, President	Bloomfield
C. J. Matthiessen, Vice President	Monticello
Thomas N. Scott, Treasurer	Dallas Center
Kenneth R. Fulk, Secretary	Des Moines
Don Greiman	Garner
Charles F. Iles	Des Moines
Howard Waters	Danville
George E. Janssen	Eldora
W. L. Young	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

H. M. Duncan, Director

Columbus Junction

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
IOWA STATE FAIR AND WORLD FOOD EXPOSITION INTERIM COMMITTEE		

House Members

William H. Harbor, Speaker of the House
Vacancy

Senate Members

Roger W. Jepsen, President of the Senate
Robert S. Dodds Danville June 30, 1971

FIRE MARSHAL

Wilbur R. Johnson Ottumwa

FORT DODGE RIVERFRONT COMMISSION

John B. Simpson Fort Dodge

GEOLOGICAL BOARD

Robert D. Ray, Governor
Lloyd R. Smith, Auditor of State
Willard Boyd, President, State University of Iowa
W. Robert Parks, President, Iowa State University of Science and Technology
Herbert Hendriks, President, Iowa Academy of Science
Dr. Samuel J. Tuthill, Director

GEOLOGIST

Dr. Samuel J. Tuthill At the pleasure of the Geological 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. Whetstine, 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. Mullinex, B.S.	Cedar Rapids	June 30, 1970
P. J. Leehey, M.D.	Independence	June 30, 1971
Mrs. Meridean Maas	Liscomb	June 30, 1972
Dr. Harry C. Rasdal	Spencer	June 30, 1972

COMMISSIONER OF HEALTH

Dr. Arnold M. Reeve Des Moines June 30, 1973
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

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<i>Cosmetology Examiners</i>		
George R. Uhl	Cedar Rapids	June 30, 1972
Mrs. Margaret Holub	Central City	June 30, 1970
Richard C. Poindexter	Burlington	June 30, 1971
<i>Dental Examiners</i>		
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
<i>Embalmers Examiners</i>		
George F. Murdoch	Marion	June 30, 1972
Maurice J. Tierney	Dubuque	June 30, 1971
James A. Vander Ploeg	Sheldon	June 30, 1970
<i>Medical Examiners</i>		
Frank R. Peterson, M.D., Chairman	Cedar Rapids	June 30, 1972
John W. Billingsley, Vice-Chairman	Newton	June 30, 1970
Howard G. Ellis, M.D., Secretary	Des Moines	June 30, 1971
John K. MacGregor, M.D.	Mason City	June 30, 1973
Ronald K. Woods, D.O.	Des Moines	June 30, 1971
Roger B. Anderson, D.O.	Davenport	June 30, 1975
John M. Rhodes, M.D.	Pocahontas	June 30, 1975
Kenneth E. Lister, M.D.	Ottumwa	June 30, 1974
Ronald V. Saf, Executive Secretary		
<i>Optometry Examiners</i>		
K. O. McMaster, O.D.	Oelwein	June 30, 1971
Alfred L. Klein, O.D.	Spirit Lake	June 30, 1970
Dr. Harold R. Wilson	Forest City	June 30, 1972
<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
<i>Podiatry Examiners</i>		
W. L. Franson	Perry	June 30, 1971
Dr. Russell R. Shivley	Fort Madison	June 30, 1972
C. B. Dunshee	Oskaloosa	June 30, 1970

HIGHER EDUCATION FACILITIES COMMISSION

Bass Van Gilst	Oskaloosa	June 30, 1971
Dr. Lloyd Watkins	West Des Moines	June 30, 1971
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
Rudy Van Drie	Ames	
Paul F. Johnston	Des Moines	
Dr. Robert H. Kiser	Sioux City	
R. Wayne Richey	Des Moines	
Roy Wellborne, Director		

HIGHWAY COMMISSION

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

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
HISTORY AND ARCHIVES DEPARTMENT		
Jack W. Musgrove, Curator	Des Moines	
Joan Muyskens, Editor of Annals	Des Moines	
HISTORICAL SOCIETY (Board of Curators)		
Donald R. Murphy	Des Moines	June 30, 1970
Roy L. Krueger, Sr.	Keokuk	June 30, 1970
Ruth Hollingshead	Albia	June 30, 1970
Erwin D. Sias	Sioux City	June 30, 1970
Iver Christoffersen	Cedar Falls	June 30, 1970
Dr. Eugene Garbee	Fayette	June 30, 1970
J. Leo Connolly	Council Bluffs	June 30, 1970
L. Dale Ahern	Decorah	June 30, 1970
Don Dewaay	Rock Rapids	June 30, 1970
IOWA HOSPITAL AND OTHER HEALTH FACILITIES ADVISORY COUNCIL		
George Christensen	Marne	June 30, 1972
Elmer H. Den Herder	Sioux Center	June 30, 1970
Mrs. Don L. Dlugosch	Storm Lake	June 30, 1972
Roland B. Enos	Waterloo	June 30, 1971
Jack D. Fickel, M.D.	Red Oak	June 30, 1971
Mrs. June Goldman	Forest City	June 30, 1973
John E. Tyrrell, M.D.	Manchester	June 30, 1973
Howard W. Greiner	Wellman	June 30, 1972
Bernard M. Grahek	Cedar Rapids	June 30, 1973
Robert E. Roberts	West Des Moines	June 30, 1973
Mrs. Marjorie Field	Waterloo	June 30, 1971
Thomas J. Gilloon	Dyersville	June 30, 1970
K. E. Lister, M.D.	Ottumwa	June 30, 1972
Kenneth C. Thatcher	Cumming	June 30, 1971
Mrs. Marguerite Thomas, R.N.	Burlington	June 30, 1970
J. P. Trozig, M.D.	Akron	June 30, 1970
Mrs. Bernice Wolf	Mason City	June 30, 1970
Alan D. Hathaway, D.D.S.	Davenport	June 30, 1971
Mrs. Rita Kline	Sioux City	June 30, 1971
Charles Ingersoll	Des Moines	June 30, 1970
Richard G. Schrieber	Ottumwa	June 30, 1972
Jerry L. Starkweather	Norwalk	June 30, 1972
Clive Ayers, D.O.	Atlantic	June 30, 1971
Darrel W. Rensink	Sioux Center	June 30, 1973
Velma L. Bledsoe	Avoca	June 30, 1973
Emily A. Scheldorf	Manning	June 30, 1973
INDUSTRIAL COMMISSIONER		
Harry W. Dahl	Des Moines	June 30, 1973
INSURANCE COMMISSIONER		
Lorne R. Worthington	Lamoni	June 30, 1971
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

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
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

Serge Garrison, Secretary

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 H. Greiner	Ankeny	June 30, 1972
William W. Fall	Knoxville	June 30, 1972
John Stokes	Des Moines	June 30, 1971
Dr. Samuel Tuthill	Iowa City	June 30, 1970
Earl Jarvis	Wilton Junction	June 30, 1970
Frank W. Schaller	Ames	June 30, 1972

LAW ENFORCEMENT COUNCIL

Jack Hilsabeck	Audubon	Aug. 14, 1971
Frank O'Keefe	Sioux City	Aug. 14, 1973
George J. Matias	Cedar Rapids	Aug. 14, 1973
Donald M. Statton	Boone	Aug. 14, 1971
Warren Kruck	Boone	Aug. 14, 1971
David A. Elderkin	West Des Moines	Aug. 14, 1971
Paul C. Young	Omaha, Nebraska	Ex Officio
Jack M. Fulton	Cedar Rapids	Ex Officio

LAW EXAMINERS

Richard C. Turner, Attorney General, Chairman		
Frank R. Miller	Decorah	June 30, 1971
Jake S. More	Harlan	June 30, 1972
E. S. Tesdell, Jr.	Des Moines	June 30, 1972
Robert R. Eidsmoe	Sioux City	June 30, 1972
Wilbur R. Dull	Ottumwa	June 30, 1971

LEGISLATIVE COUNCIL

Senate Members

Roger W. Jepsen, President of the Senate		
Elmer F. Lange	Sac City	
James E. Briles	Corning	
Andrew G. Frommelt	Dubuque	
Eugene Marshall Hill	Newton	
Arthur A. Neu	Carroll	
George E. O'Malley	Des Moines	
Robert R. Rigler	New Hampton	
Clifton C. Lamborn	Maquoketa	

House Members

William H. Harbor, Speaker of the House		
Ralph F. McCartney	Charles City	
Dale M. Cochran	Eagle Grove	

These gentlemen will
serve as members of
this council until the
expiration of their
respective legislative
terms.

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
William J. Gannon	Mingo	
Charles P. Miller	Burlington	
Leroy S. Miller	Shenandoah	
Nathan F. Sorg	Marion	
Andrew Varley	Stuart	

LEGISLATIVE SERVICE BUREAU

Serge H. Garrison, Director	Des Moines	At the pleasure of the Legislative Council
-----------------------------------	------------	---

LEWIS AND CLARK TRAIL COMMITTEE

Edward Ruisch, Chairman	Sioux City
Emerson H. Schill	Sioux City
William E. Darrington	Persia
Sherry R. Fisher	Des Moines
Ed H. Spetman, Jr.	Council Bluffs
C. E. Hitchman	Blencoe
Alden J. Erskine	Sioux City
James H. Pullman, Jr.	Sidney
John F. Schmidt	Sioux City
Joseph A. Larkin	Council Bluffs
Dr. Leo G. Dick	Oakland
Eugene C. Gilson	Glenwood

LIBRARY BOARD OF TRUSTEES

Robert D. Ray, Governor	
C. Edwin Moore, Supreme Court Justice	
Paul F. Johnston, Superintendent of Public Instruction	
Jeanne A. Gee	Shenandoah June 30, 1974
Librarian, Law:	
Geraldine Dunham	Des Moines
Library, Traveling:	
Ernestine Grafton	Des Moines
Katherine M. Zastrow	Charles City June 30, 1973
Librarian, Medical:	
Mrs. Marion Samo	

LIBRARY

(Board of Trustees of State Traveling)

Helen Margaret Crabb, Chairman	Jamaica	June 30, 1972
Jeanne A. Gee	Shenandoah	June 30, 1974
Arie M. Verrips	Sioux City	June 30, 1970
William R. Sheridan	Keokuk	June 30, 1971
Katherine 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
Earl J. Baum, Executive Secretary		

GOVERNOR'S MANPOWER ADVISORY COMMITTEE

Charles Banks	Des Moines	Dec. 31, 1970
David Calister	Des Moines	Dec. 31, 1970
Francis I. Docken	Newton	Dec. 31, 1970
Mel A. Everingham	Ottumwa	Dec. 31, 1970
Harold E. Holmes	Des Moines	Dec. 31, 1970
Bertrand A. Jensen	Cedar Rapids	Dec. 31, 1970
Wallace F. McKee	Carlisle	Dec. 31, 1970
Mrs. Ruth E. Ratekin	Cedar Falls	Dec. 31, 1970
Wm. O. Schuermann	Des Moines	Dec. 31, 1970
Anthony Sinicropi	Iowa City	Dec. 31, 1970

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
MEDICAL ASSISTANCE ADVISORY COUNCIL		
Sue M. Reed	Des Moines	June 30, 1971

MENTAL HYGIENE COMMITTEE

Roy E. Warman	Ames	July 3, 1970
Dr. James D. Mahoney	Council Bluffs	July 3, 1970
Dr. Leroy K. Berryhill	Newton	July 3, 1970
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	June 30, 1972
Margaret G. Westerhof	Carlisle	June 30, 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, 1972
Robert W. Brindley, M.D.	Mason City	June 30, 1972
Dwight E. Barton	Adel	June 30, 1972
P. E. Huston	Iowa City	June 30, 1970
George W. Sutton, D.O.	Mount Pleasant	June 30, 1972
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, 1972
Conrad R. Wurtz, Ph.D.	Des Moines	June 30, 1972
Harold Bridges	Muscatine	June 30, 1972
Juliet Saxton	Des Moines	June 30, 1972
Frances C. Hines	Des Moines	June 30, 1970
Thomas C. Piekenbrock	Dubuque	June 30, 1971
Verne R. Kelly	Iowa City	June 30, 1972
Alvin Hayes, Jr.	Des Moines	June 30, 1972
Darrel Enszt	Ottumwa	June 30, 1972
Harry Gittins	Des Moines	June 30, 1972
Mrs. Margaret G. Westerhof	Carlisle	June 30, 1972
Herbert Nelson, M.D.	Iowa City	June 30, 1972
J. T. May, M.D.	Cherokee	June 30, 1972

MERIT EMPLOYMENT COMMISSION

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

MINE INSPECTOR

W. Dean Aubrey	Ottumwa
----------------------	---------

MUNICIPAL LAWS REVIEW STUDY COMMITTEE

Harold E. Gartner	Titonka	No later than 30 days after conven- ing of the General Assembly in 1971
Chester R. Lee	Clarinda	
Loren L. Hickerson	Iowa City	
Philip T. Riley	Des Moines	
Howard Bell	Ames	

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
STATE MINING BOARD		
Dr. John Lemish, Chairman	Ames	June 30, 1970
William J. Evans	Des Moines	June 30, 1970
Robert R. Welp	Fort Dodge	June 30, 1970
John Victor, Jr.	Fort Dodge	June 30, 1970
Leo T. Schuler	Des Moines	June 30, 1970

MISSISSIPPI RIVER PARKWAY PLANNING COMMISSION

Gary D. Engebretson	Decorah	June 30, 1973
A. Fred Berger, Sr.	Pleasant Valley	June 30, 1973
Richard Norpel	Bellevue	June 30, 1970
Stephen M. Delaney	Clinton	June 30, 1971
John McCormally	Burlington	June 30, 1971
George C. Aschom	Lansing	June 30, 1973
Ivan E. Dull	Dubuque	June 30, 1973
Charles B. Millham	Guttenberg	June 30, 1971
Harry G. McKee	Muscatine	June 30, 1973
Mrs. Carl Majors	Keokuk	June 30, 1971

NATURAL RESOURCES COUNCIL

Dr. Samuel J. Tuthill	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
Othie R. McMurry, Director	Ankeny	

BOARD OF NURSING

Sister Mary Brigid Condon, R.S.M.	Davenport	June 30, 1971
Virginia C. Turner	Waterloo	June 30, 1973
Sister Mary Suzanne Wickenkamp, C.H.M.	Ottumwa	June 30, 1970
Mrs. Sara J. Fishel, Chairman	Marion	June 30, 1974
Virginia R. Lawrence	Mason City	June 30, 1972

BOARD OF PAROLE

John E. Andrews, Chairman	Des Moines	June 30, 1971
George L. Paul	Brooklyn	June 30, 1973
Jack Bedell	Spirit Lake	June 30, 1975

PHARMACY EXAMINERS

Dwight E. Fry	Greenfield	June 30, 1972
Charles A. Hughes	Emmetsburg	June 30, 1971
Thomas W. Kenefick	Eagle Grove	June 30, 1970
Paul H. Crews, Secretary		

ADVISORY BOARD FOR PRESERVES

Edward T. Cawley	Dubuque	June 30, 1970
George E. Knudson	Decorah	June 30, 1970
Marshall McKusick	Iowa City	June 30, 1971
William J. Petersen	Iowa City	June 30, 1971
John D. Dodd	Ames	June 30, 1972
Sylvan T. Runkel	Des Moines	June 30, 1972

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
PRINTING BOARD		
Melvin D. Synhorst, Secretary of State		
Lloyd R. Smith, Auditor of State		
Richard C. Turner, Attorney General		
Lewis S. Kimer	Indianola	June 30, 1971
Reeves Hall	Independence	June 30, 1970
J C Moore, Superintendent	Winterset	
Carl Ball, Assistant Superintendent	Mystic	

PUBLIC INSTRUCTION

Nolden Gentry	Des Moines	Jan. 2, 1974
Mrs. Virgil Shepard	Allison	Jan. 2, 1976
Dr. James N. Walter	Ames	Jan. 2, 1972
Dr. Jack D. Fickel	Red Oak	Jan. 2, 1972
Mrs. Earl G. Sievers	Avoca	Jan. 2, 1972
Mrs. Richard Cole	Decorah	Jan. 2, 1974
John E. VanderLinden	Sibley	Jan. 2, 1976
T. J. Heronimus	Grundy Center	Jan. 2, 1976
Vacancy		

SUPERINTENDENT OF PUBLIC INSTRUCTION

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

COMMISSIONER OF PUBLIC SAFETY

Jack M. Fulton, Commissioner	Cedar Rapids	June 30, 1971
Charles Sinclair, Director of Motor Vehicle Registration	Clear Lake	
Robert D. Taha, Deputy	Des Moines	
Thomas A. Danaher, Assistant to the Commissioner		

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
Cecil R. Galvin, 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
R. Wayne Richey, Executive Secretary		
Paul V. Porter, Director of Research and Information		

RECIPROCITY BOARD

Robert Barry	Danbury
Robert M. Fulton	Des Moines
Kenneth Benda	Hartwick
Joy B. Fitzgerald, Executive Secretary	

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
REPORTER OF SUPREME COURT		
R. Hanson Lawton	Fort Madison	
DIRECTOR OF REVENUE		
William H. Forst, Director	Des Moines	At the pleasure of the Governor
SCHOOL BUDGET REVIEW COMMITTEE		
Harry Halgeson	Lake Mills	June 30, 1970
Stephen Garst	Coon Rapids	June 30, 1971
Earle G. Bellamy	Knoxville	June 30, 1972
SERVICEMEN'S BALLOT COMMISSION		
Churchill T. Williams	Oelwein	Dec. 31, 1971
Mrs. James Green	Dubuque	Dec. 31, 1971
Mrs. Herbert Reed	Panora	Dec. 31, 1971
Leo R. Hansen	Audubon	Dec. 31, 1971
COUNCIL ON SOCIAL SERVICES		
James N. Gillman, Commissioner	Marshalltown	
Fernice (Fritz) Robbins	Waterloo	June 30, 1971
David J. Albert	Sioux City	June 30, 1975
Mrs. Meredith U. Deevers	Bettendorf	June 30, 1973
David F. McCann	Council Bluffs	June 30, 1971
Lois M. Emanuel	Marion	June 30, 1973
DEPARTMENT OF SOIL CONSERVATION		
L. B. Liddy, Secretary of Agriculture		
Wilson Moon, Advisor to Committee	West Des Moines	
Fred Cherry, Chairman	Rowley	June 30, 1973
M. Wayne Casey	Peterson	June 30, 1971
Donald Johnson	Fairfield	June 30, 1971
George Annan	Clarinda	June 30, 1973
Wendell C. Pellett	Atlantic	June 30, 1975
Dr. Marvin A. Anderson	Ames	Ex Officio
Wm. H. Greiner, Director	Des Moines	
GOVERNOR'S COMMISSION ON STATUS OF WOMEN		
Linda L. Archibald	Des Moines	Jan. 1, 1971
Ralph R. Brown	Davenport	Jan. 1, 1971
Mrs. Shirley A. Clark	Waukon	Jan. 1, 1971
Jacqueline Day	Des Moines	Jan. 1, 1971
Mrs. Arlene H. Dayhoff	Cedar Rapids	Jan. 1, 1971
Mrs. Jesse N. Durden, Jr.	Des Moines	Jan. 1, 1971
Mrs. Beverly B. Everett	New Sharon	Jan. 1, 1971
Mrs. Dorothy M. Goettsch	Davenport	Jan. 1, 1971
Georgia R. Gohring	Marshalltown	Jan. 1, 1971
Phyllis M. Henderson	Des Moines	Jan. 1, 1971
Edgar Holden	Davenport	Jan. 1, 1971
Mavis L. Holmes	Cedar Falls	Jan. 1, 1971
Jeannie Hoosman	Cedar Falls	Jan. 1, 1971
Leone K. Hopson	Des Moines	Jan. 1, 1971
Mrs. Ruth S. Hoover	Newton	Jan. 1, 1971
Ernest Kossek	Cedar Rapids	Jan. 1, 1971
Hazel O. Larson	Des Moines	Jan. 1, 1971
Helen R. LeBaron	Ames	Jan. 1, 1971
Dr. Edwin C. Lewis	Ames	Jan. 1, 1971
J. Henry Lucken	LeMars	Jan. 1, 1971
George Lundberg	Des Moines	Jan. 1, 1971
Floyd Millen	Farmington	Jan. 1, 1971
Mrs. Evelyn M. Oujari	Cedar Rapids	Jan. 1, 1971

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
Betty M. Page	Waterloo	Jan. 1, 1971
Mrs. Walter Pedersen	Sioux City	Jan. 1, 1971
Miss Helen Reich	Iowa City	Jan. 1, 1971
Sister Madeleine Marie Schmidt	Ottumwa	Jan. 1, 1971
Robert F. Tyson	Des Moines	Jan. 1, 1971
Mrs. Evelyne Villines	Des Moines	Jan. 1, 1971
Mrs. Irving Weingart	Des Moines	Jan. 1, 1971
Mrs. George Wittgraf	Des Moines	Jan. 1, 1971

SUPERINTENDENT OF BUILDINGS AND GROUNDS

William F. Gall At the pleasure of the Executive Council

BOARD OF TAX REVIEW

Marvin Winick	Des Moines	June 30, 1971
L. L. Peirce	Newton	June 30, 1973
Edwin A. Hicklin	Wapello	June 30, 1975

UNIFORM STATE LAWS

George Lindeman	Waterloo	June 30, 1972
Allan Vestal	Iowa City	June 30, 1972
Richard F. Dole	Iowa City	June 30, 1972

VOTING MACHINE COMMITTEE

Susan E. Buell	Muscatine	Feb. 3, 1974
Ray E. Voelker	Oskaloosa	Feb. 3, 1974
Howard A. Snook	Newton	Feb. 3, 1974

WATCHMAKERS BOARD

James R. Williams	Storm Lake	June 30, 1970
Donald C. Spaight	Cedar Rapids	June 30, 1971
Willa J. Dickens	Iowa City	June 30, 1971
Kenneth Woldruff	Griswold	June 30, 1972
Delmar D. Conklin	Perry	June 30, 1972
Ray A. Wiley, Executive Secretary		

WATER POLLUTION CONTROL COMMISSION

Robert R. Buckmaster	Waterloo	June 30, 1975
Elvie L. Dreszen	Cushing	June 30, 1975
Leo M. Sweesy	Mason City	June 30, 1975
Robert L. Morris, Ph.D.	Iowa City	June 30, 1971
Lee Albaugh	Charles City	June 30, 1973
Carol B. Curtis	Newton	June 30, 1973

JUDICIAL DEPARTMENT

JUDICIAL DEPARTMENT

JUSTICES OF THE SUPREME COURT

(Justices listed according to seniority)

Name	Office Address	Term Ending
C. Edwin Moore, Chief Justice	Des Moines	June 30, 1973
Robert L. Larson	Iowa City	Dec. 31, 1974
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
Warren J. Rees	Anamosa	Dec. 31, 1970
Harvey Uhlenhopp	Hampton	Dec. 31, 1972

JUDGES OF THE DISTRICT COURT

(Judges listed according to seniority)

First Judicial District

J. R. Leary, C. J.	Fort Madison	June 30, 1971
William S. Cahill	Burlington	Dec. 31, 1974
Harlan W. Bainter	Mount Pleasant	Dec. 31, 1972

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. Stilwell, 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	Sigourney	June 30, 1971
Harold J. Fleck	Newton	June 30, 1971
L. R. Carson, C. J.	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
Harold D. Vietor, C. J.	Cedar Rapids	Dec. 31, 1972
J. Paul Naughton	Marengo	Dec. 31, 1972
Ansel J. Chapman	Iowa City	Dec. 31, 1970
Robert Osmundson	Iowa City	Dec. 31, 1972
Clinton E. Shaeffer	Cedar Rapids	Dec. 31, 1972
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		
E. J. Kelley	Ames	June 30, 1971
Paul E. Hellwege, C. J.	Boone	Dec. 31, 1972
Edward J. Flattery	Fort Dodge	Dec. 31, 1972
Mark McCormick	Fort Dodge	Dec. 31, 1970
Arthur F. Draheim, Jr.	Clarion	Dec. 31, 1972
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
Leroy H. Johnson	Red Oak	June 30, 1971
Harold L. Martin	Hamburg	Dec. 31, 1974
Paul H. Sulhoff	Council Bluffs	Dec. 31, 1970

JUDICIAL DEPARTMENT—Continued

Name	Office Address	Term Ending
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
Seventeenth Judicial District		
M. C. Farber, C. J.	Marshalltown	June 30, 1971
John W. Tobin	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 August Honsell, Jr.
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	Roger R. Halleck
Muscatine	Jack L. Burns
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	37	Farmer, Businessman	4	Decatur, Clarke, Ringgold, Wayne . . . . .	. . . . . 60, 60X, 61, 63(1)
Arbuckle, R. Dean	Jefferson	43	Proprietor	28	Boone, Greene . . . . .	. . . . . 63(1)
Balloun, Charles F.	Toledo	65	Farmer	25	Benton, Tama . . . . .	. . . . . 59, 60, 60X, 61, 62, 63(1)
†Bass, Earl G.	Malvern	54	Farmer	6	Page, Fremont, Mills . . . . .	. . . . . None
†Bortell, Glen E.	St. Charles	55	Operator of Youth Ranch	12	Madison, Adair, Cass . . . . .	. . . . . None
Briles, James E.	Corning	43	Auct., Real Estate	5	Adams, Montgomery, Taylor, Union . . . . .	. . . . . 56, 57, 58, 59, 60, 60X, 61, 62, 63(1)
†Brownlee, S. J.	Emmetsburg	43	Farm Management	45	Palo Alto, Emmet, Pocahontas . . . . .	. . . . . None
Clarke, Hugh H.	Belmond	51	Farmer	34	Hamilton, Wright . . . . .	. . . . . 62, 63(1)
Coleman, C. Joseph	Clare	46	Farmer	35	Webster . . . . .	. . . . . 57, 58, 59, 60, 60X, 61, 62, 63(1)
Conklin, W. Charlene	Waterloo	40	Housewife	32	Black Hawk (Sub. 3) . . . . .	. . . . . 62, 63(1)
Curran, Leigh R.	Mason City	63	Farmer, Businessman	42	Cerro Gordo . . . . .	. . . . . 59, 60, 60X, 62, 63(1)
†Davis, Wilson L.	Keokuk	52	Contractor, Engineer	1	Lee . . . . .	. . . . . None
DeHart, Pearle	Ames	71	Retired Tax Consult.	27	Story . . . . .	. . . . . 62, 63(1)
DeKoster, Lucas J.	Hull	51	Lawyer, Ins. Agent	49	Sioux, Lyon . . . . .	. . . . . 61, 62, 63(1)
Denman, William F.	Des Moines	44	Lawyer	20	Polk (Sub. 3) . . . . .	. . . . . 56, 59, 60, 60X, 61, 62, 63(1)
Dodds, Robert R.	Danville	45	Farmer	7	Des Moines . . . . .	. . . . . 57, 58, 59, 60, 60X, 61, 62, 63(1)
Doderer, Minnette Frerichs	Iowa City	46	Legislator	17	Johnson . . . . .	. . . . . 60, 60X, 61, 62, 63(1)
Erskine, Alden J.	Sioux City	68	Owner-Opr. Auto Maint. Business	37	Woodbury (Sub. 2) . . . . .	. . . . . 62, 63(1)
Frey, Thomas J.	Neola	68	Publisher	13	Pottawattamie (Sub. 1) . . . . .	. . . . . 54, 55, 56, 57, 62, 63(1)
Frommelt, Andrew G.	Dubuque	47	Ins., Real Estate	30	Dubuque (Sub. 2) . . . . .	. . . . . 55, 56, 57, 58, 59, 60, 60X, 61, 62, 63(1)
Gaudineer, Lee H., Jr.	Des Moines	37	Lawyer	20	Polk (Sub. 4) . . . . .	. . . . . 61, 62, 63(1)
Gilley, Floyd	Maynard	67	Retired Farmer	39	Fayette, Winneshiek . . . . .	. . . . . 63(1)
Glenn, Gene W.	Ottumwa	41	Lawyer	9	Wapello . . . . .	. . . . . 61, 62, 63(1)
Griffin, James W., Sr.	Council Bluffs	34	Insurance Executive	13	Pottawattamie (Sub. 2) . . . . .	. . . . . 63(1)
Hill, Eugene Marshall	Newton	56	Farmer	19	Jasper . . . . .	. . . . . 58, 59, 60, 60X, 61, 62, 63(1)
Hougen, Chester O.	Cedar Falls	62	Merchant, Lawyer	32	Black Hawk (Sub. 1) . . . . .	. . . . . 59, 60, 60X, 62, 63(1)
Keith, Wayne	Algona	61	Farmer	44	Kossuth, Humboldt . . . . .	. . . . . 63(1)
Klink, Leslie C.	Elkader	43	Farmer	38	Clayton, Allamakee . . . . .	. . . . . 63(1)
Kosek, Ernest	Cedar Rapids	62	Investment Banker	24	Linn (Sub. 2) . . . . .	. . . . . 52, 52X, 53, 54, 55, 56, 57, 62, 63(1)
Kyhl, Vernon H.	Parkersburg	61	Auto Dealer	41	Butler, Floyd, Mitchell . . . . .	. . . . . 60, 60X, 61, 62, 63(1)
Lamborn, Clifton C.	Maquoketa	50	Road Contractor	23	Jackson, Jones . . . . .	. . . . . 62, 63(1)

SENATORS IN THE GENERAL ASSEMBLY—Continued

Name	Address	Age	Occupation	Dis.	Counties Composing District	Former Legislative Service
Lange, Elmer F.	Sac City	52	Dairy Mfgr. Executive . . .	36	Calhoun, Ida, Sac	59, 60, 60X, 61, 62, 63(1)
Lavery, Charles O.	Indianola	53	Elevator, Farmer	11	Marion, Warren	63(1)
Leonard, J. Leslie	Linn Grove	64	Minister	46	Clay, Buena Vista	63(1)
Lucken, J. Henry	LeMars	73	Retired Farmer	47	Plymouth, Cherokee	52, 52X, 53, 54, 55, 56, 57, 58, 59, 60, 60X, 61, 62, 63(1)
McGill, Donald S.	Melrose	63	Farmer	3	Monroe, Lucas, Appanoose	61, 62, 63(1)
Messerly, Francis	Cedar Falls	55	Home Bldg. and Inv. Management	32	Black Hawk (Sub. 2)	59, 60, 60X, 61, 62, 63(1)
Mogged, Charles G.	Fairfield	37	Realtor	2	Van Buren, Davis, Jefferson	63(1)
Mowry, John L.	Marshalltown	63	Lawyer	26	Marshall	57, 58, 59, 60, 60X, 62, 63(1)
Neu, Arthur A.	Carroll	36	Lawyer	29	Carroll, Crawford	62, 63(1)
Nicholson, Edward E.	Davenport	65	Retired Businessman, Farm Owner-Oper	15	Scott (Sub. 2)	63(1)
Ollenburg, Herbert L.	Garner	58	Bank President	43	Winnebago, Hancock, Worth	63(1)
O'Malley, George E.	Des Moines	64	Lawyer	20	Polk (Sub. 2)	53, 54, 55, 56, 57, 58, 59, 60, 60X, 61, 62, 63(1)
†Orr, Joan	Grinnell	46	Legislator	18	Poweshiek, Iowa	None
Palmer, William D.	Des Moines	34	Ins. Sales and Mgmt.	20	Polk (Sub. 1)	61, 62, 63(1)
Parker, Kenneth L.	Lamont	65	Farmer	31	Buchanan, Delaware	59, 60, 60X, 63(1)
Potgeter, James A.	Steamboat Rock	39	Grain Dealer	33	Franklin, Grundy, Hardin	62, 63(1)
Potter, Ralph W.	Marion	49	Real Estate Broker	24	Linn (Sub. 1)	63(1)
†Rabedeaux, W. R.	Wilton Junction	50	Service Dir. & Publisher	14	Muscatine, Cedar	None
Reichardt, Wm. J.	Des Moines	39	Retail Clothing	20	Polk (Sub. 5)	61, 62, 63(1)
Rigler, Robert R.	New Hampton	46	Bank President	40	Bremer, Chickasaw, Howard	56, 57, 58, 59, 60, 60X, 61, 62, 63(1)
Schaben, James	Dunlap	43	Livestock Auction Mkt. Opr., Farmer	22	Harrison, Monona, Shelby	62, 63(1)
Shaff, Roger J.	Camanche	58	Farmer, Bank President	16	Clinton	62, 63(1)
Shirley, Alan	Perry	32	Lawyer	21	Dallas, Guthrie, Audubon	61, 62, 63(1)
Smith, Marvin W.	Paullina	68	Retired Farmer, Teacher	48	Dickinson, O'Brien, Osceola	57, 58, 59, 60, 60X, 61, 62, 63(1)
Stephens, Richard L.	Crawfordsville	65	Farmer, Stockman	8	Henry, Louisa, Washington	57, 58, 59, 60, 60X, 61, 62, 63(1)
Sullivan, Charles K.	Sioux City	60	Businessman	37	Woodbury (Sub. 1)	62, 63(1)
Thordsen, Harold A.	Davenport	60	Real Estate Broker	15	Scott (Sub. 1)	62, 63(1)
Van Gilst, Bass	Oskaloosa	58	Grain & Livestock Farming	10	Mahaska, Keokuk	61, 62, 63(1)
Walsh, John M.	Dubuque	29	Dept. Store Manager	30	Dubuque (Sub. 1)	62, 63(1)
Weimer, J. Donald	Cedar Rapids	50	Banker	24	Linn (Sub. 3)	63(1)

†Elected during interim to fill vacancy.

REPRESENTATIVES IN THE GENERAL ASSEMBLY

Name	Address	Age	Occupation	Counties Composing District	Former Legislative Service
Alt, Don D.	W. Des Moines.	53	Savings & Loan Exec.	Polk, Sub. 4.	63(1)
Andersen, Leonard C.	Sioux City.	58	Realtor, Insurance.	Woodbury, Sub. 1.	59, 60, 60X, 62, 63(1)
Baker, Donald E.	Boone.	39	Telephone Com. Rep.	Boone.	61, 62, 63(1)
Battles, Lynn, Sr.	Maquoketa.	59	Farmer, Cattleman.	Jackson.	62, 63(1)
Bennett, Vernon N.	Des Moines.	33	Union Vice-President.	Polk, Sub. 5.	62, 63(1)
Bergman, Irvin L.	Harris.	58	Farmer.	Lyon, Osceola.	62, 63(1)
Blouin, Michael T.	Dubuque.	24	Teacher.	Dubuque, Sub. 2.	63(1)
Brinck, Adrian B.	West Point.	56	Advertising Manager.	Lee, Sub. 1.	57, 61, 63(1)
Caffrey, James T.	Des Moines.	60	Production Worker.	Polk, Sub. 10.	61, 62, 63(1)
Camp, John.	Bryant.	54	Farm Management.	Clinton, Sub. 1.	58, 59, 60, 60X, 62, 63(1)
Campbell, Herbert L.	Washington.	58	Farmer.	Washington.	63(1)
Christensen, Perry L.	Kent.	37	Farmer.	Clarke, Union.	62, 63(1)
Cochran, Dale M.	Eagle Grove.	41	Farmer, Businessman.	Webster, Sub. 2.	61, 62, 63(1)
Corey, Dean O.	Morning Sun.	48	Nursing Home Director.	Louisa, Sub. 2.	63(1)
Crabb, Frank A.	Denison.	66	Farmer.	Crawford.	63(1)
Crosier, Dale T.	Cedar Rapids.	66	Salesman.	Linn, Sub. 5.	61, 63(1)
Cunningham, Ray C.	Ames.	76	Retired (YMCA).	Story, Sub. 2.	57, 58, 59, 60, 60X, 62, 63(1)
Darrington, William E.	Persia.	65	Farmer.	Harrison.	54, 55, 56, 57, 58, 59, 60, 60X, 63(1)
Den Herder, Elmer H.	Sioux Center.	61	Realtor.	Sioux.	57, 58, 59, 60, 60X, 61, 62, 63(1)
Dietz, Walter.	Walcott.	73	Retired.	Scott, Sub. 1.	47, 48, 49, 63(1)
Dooley, Andrew G.	Sioux City.	55	Pharmacist.	Woodbury, Sub. 3.	63(1)
Dougherty, Tom.	Albia.	59	Farmer.	Lucas, Monroe.	60X, 61, 63(1)
Doyle, Donald V.	Sioux City.	45	Lawyer.	Woodbury, Sub. 2.	57, 58, 61, 63(1)
Drake, Richard F.	Muscatine.	42	Farmer.	Louisa, Muscatine, Sub. 1.	63(1)
Duitscher, Lucile.	Clarion.	48	Housewife.	Wright.	None
Dunton, Keith.	Thornburg.	54	Farmer, Businessman.	Keokuk.	58, 59, 60, 60X, 61, 62, 63(1)
Edgington, Floyd P.	Sheffield.	70	Retired Farmer.	Franklin.	55, 56, 57, 58, 59, 60, 60X, 61, 62, 63(1)
Ellsworth, Theodore R.	Dubuque.	51	Insurance.	Dubuque, Sub. 3.	63(1)
Ewell, Vernon A.	Waterloo.	32	Teacher.	Black Hawk, Sub. 4.	63(1)
Fischer, Harold O.	Wellsburg.	52	Insurance, Realtor.	Grundy.	58, 59, 60, 60X, 61, 62, 63(1)
Fisher, C. Raymond.	Grand Junction.	62	Farmer.	Greene.	58, 59, 60, 60X, 61, 62, 63(1)
Franklin, A. June.	Des Moines.	39	Administrative Assistant.	Polk, Sub. 9.	62, 63(1)
Freeman, Dennis L.	Storm Lake.	30	Insurance Counselor.	Buena Vista.	63(1)
Freeman, Lester M.	Spirit Lake.	59	Resort Owner, Realtor.	Clay, Dickinson.	62, 63(1)
Gannon, William J.	Mingo.	32	Farmer.	Jasper, Sub. 1.	61, 62, 63(1)
Goode, Dewey E.	Bloomfield.	71	Retired.	Appanoose, Davis.	45, 45X, 46, 46X, 47, 48, 49, 50, 50X, 53, 54, 55, 56, 57, 59, 60, 60X, 63(1)

REPRESENTATIVES IN THE GENERAL ASSEMBLY—Continued

Name	Address	Age	Occupation	Counties Composing District	Former Legislative Service
Graham, J. Wesley	Ida Grove	67	Farm Manager	Ida, Sac	59, 60, 60X, 61, 62, 63(1)
Grassley, Charles E.	New Hartford	36	Farmer	Butler	58, 59, 60, 60X, 61, 62, 63(1)
Hamilton, Howard A.	Tipton	60	Insurance, Dist. Manager	Cedar	63(1)
Hansen, Willard R.	Cedar Falls	38	Insurance Executive	Black Hawk, Sub. 1	63(1)
Hanson, Fred B.	Osage	81	Secretary County Fair	Howard, Mitchell	59, 60, 60X, 62, 63(1)
Harbor, William H.	Henderson	49	Grain Elevator Owner	Fremont, Mills	56, 57, 58, 62, 63(1)
Hill, William	Marshalltown	39	Lawyer	Marshall, Sub. 1	62, 63(1)
Holden, Edgar H.	Davenport	55	Real Estate	Scott, Sub. 5	62, 63(1)
Huff, William H., III	Des Moines	32	Lawyer	Polk, Sub. 2	63(1)
Jesse, Norman G.	Des Moines	32	Lawyer	Polk, Sub. 6	63(1)
Johnson, Harvey W.	Exira	65	Farmer	Audubon	56, 58, 60, 60X, 62, 63(1)
Johnston, Joseph C.	Iowa City	31	Lawyer, Accountant	Johnson, Sub. 1	63(1)
Kehe, Luvern W.	Waverly	59	Contractor, Engineer	Bremer	63(1)
Kennedy, Gene V.	Dubuque	42	Insurance	Dubuque, Sub. 1	63(1)
Kennedy, Michael K.	New Hampton	30	Lawyer	Chickasaw	63(1)
Kitner, Art	Independence	50	Farmer	Buchanan	62, 63(1)
Kluever, Lester L.	Atlantic	49	Lawyer	Cass	57, 58, 59, 60, 60X, 61, 62, 63(1)
Knight, Harold	Humboldt	58	Dairy Bacteriologist	Humboldt, Pocahontas	62, 63(1)
Knoblauch, Charles E., Sr.	Carroll	47	Chamber of Comm. Exec.	Carroll	63(1)
Koch, Edgar J.	Sioux City	44	Insurance, Realtor	Woodbury, Sub. 4	62, 63(1)
Kreamer, Robert M.	Des Moines	28	Lawyer	Polk, Sub. 7	63(1)
Kruse, Walter W. P.	Sheldon	65	Farmer, Insurance	O'Brien	63(1)
Langland, Walter V.	Spring Grove, Minnesota	42	Farmer	Winneshiek	62, 63(1)
Lawson, Murray C.	Mason City	46	Printing Firm Owner	Cerro Gordo, Sub. 2	63(1)
Lippold, Donald L.	Waterloo	54	Educator	Black Hawk, Sub. 5	63(1)
Lipsky, Joan	Cedar Rapids	50	Housewife	Linn, Sub. 6	62, 63(1)
Logemann, Kenneth L.	Northwood	33	Farmer	Winnebago, Worth	None
Logue, Rayman D.	Marengo	49	Utility Employee	Iowa	63(1)
Mayberry, D. Vincent	Fort Dodge	53	Poultry Processor	Webster, Sub. 1	61, 62, 63(1)
McCartney, Ralph F.	Charles City	44	Lawyer	Floyd	62, 63(1)
McCormick, Harold C.	Manchester	59	Furniture Store Owner	Delaware	63(1)
McIntyre, Scott, Jr.	Cedar Rapids	36	Insurance Executive	Linn, Sub. 3	62, 63(1)
Mendenhall, John C.	New Albin	65	Retired	Allamakee	63(1)
Menefee, Maynard T.	Fayette	62	Farmer	Fayette	63(1)
Mezvinsky, Edward M.	Iowa City	32	Lawyer	Johnson, Sub. 2	63(1)
Middleswart, James I.	Indianola	57	Farmer	Warren	62, 63(1)
Millen, Floyd	Farmington	48	Pres. Gravel Company	Jefferson, Van Buren	60, 60X, 61, 62, 63(1)
Miller, Charles P.	Burlington	51	Chiropractor	Des Moines, Sub. 1	60, 60X, 61, 62, 63(1)
Miller, Elizabeth R.	Marshalltown	64	Housewife	Marshall, Sub. 2	63(1)
Miller, Leroy S.	Shenandoah	55	Implement Dealer	Page	60, 60X, 61, 62, 63(1)
Miller, Roy A.	Monticello	66	Retired	Jones	60, 60X, 62, 63(1)

GENERAL ASSEMBLY—Continued

REPRESENTATIVES IN THE GENERAL ASSEMBLY—Continued

Name	Address	Age	Occupation	Counties Composing District	Former Legislative Service
Milligan, George F.	Des Moines	35	Banking	Polk, Sub. 8	63(1)
Mohrfeld, Fred	Toledo	57	Retired	Tama	62, 63(1)
Nelson, Harold V.	Aurelia	70	Farmer	Cherokee	61, 62, 63(1)
Newton, Robert E.	Davenport	38	College Professor	Scott, Sub. 2	63(1)
Nielsen, Alfred	Defiance	68	Farmer	Shelby	60, 60X, 61, 62, 63(1)
Nolting, Fred W.	Waterloo	37	Union President	Black Hawk, Sub. 3	63(1)
O'Hearn, Trave E.	Davenport	31	Pres. Manufacturing Co.	Scott, Sub. 3	63(1)
Ossian, Conrad	Red Oak	69	Businessman, Farmer	Adams, Montgomery	57, 58, 59, 60, 60X, 61, 62, 63(1)
Pelton, Charles H.	Clinton	29	Lawyer	Clinton, Sub. 2	62, 63(1)
Perkins, Larry L.	Council Bluffs	32	Commercial Decorator	Pottawattamie, Sub. 3	63(1)
Peterson, Louis A.	Lawton	60	Farmer	Woodbury, Sub. 5	59, 60, 60X, 62, 63(1)
Pierson, George N.	Oskaloosa	65	Farmer	Mahaska	62, 63(1)
Poncy, Charles N.	Ottumwa	47	Maintenance Engineer	Wapello, Sub. 1	62, 63(1)
Priebe, Berl E.	Algona	51	Farmer	Kossuth	63(1)
Radl, Richard M.	Lisbon	58	Manufacturer	Linn, Sub. 2	61, 62, 63(1)
Renda, Thomas A.	Des Moines	32	Lawyer	Polk, Sub. 3	61, 62, 63(1)
Rex, Clyde	Ellsworth	47	Farmer	Hamilton	63(1)
Rodgers, Norman G.	Adel	42	Grocer	Dallas	63(1)
Roorda, Norman	Monroe	41	Farmer	Jasper, Sub. 2	62, 63(1)
Sanders, Leo I.	Estherville	75	Retired	Emmet, Palo Alto	62, 63(1)
Schmeiser, Lloyd F.	Burlington	48	Farmer	Des Moines, Sub. 2	63(1)
Schroeder, Laverne W.	McClelland	36	Farmer	Pottawattamie, Sub. 1	62, 63(1)
Shwartz, James H.	Ottumwa	41	Insurance	Wapello, Sub. 2	63(1)
Shaw, Elizabeth O.	Davenport	46	Lawyer, Housewife	Scott, Sub. 4	62, 63(1)
Shepherd, Stanley T.	Farmington	66	Retired Executive	Lee, Sub. 2	62, 63(1)
Skinner, Ed.	Altoona	33	Lawyer	Polk, Sub. 1	63(1)
Sorg, Nathan F.	Marion	59	Pharmacist	Linn, Sub. 1	62, 63(1)
Stokes, A. Gordon	LeMars	71	Farmer	Plymouth	59, 60, 60X, 61, 62, 63(1)
Strand, Clair	Grinnell	60	Retired	Poweshiek	62, 63(1)
Stroburg, Eldon L.	Blockton	42	Farmer	Taylor, Ringgold	63(1)
Stromer, Delwyn D.	Garner	39	Farmer	Hancock	62, 63(1)
Strothman, Charles F.	New London	68	Farmer	Henry	60, 60X, 61, 62, 63(1)
Tapscott, John E.	Des Moines	39	Insurance, Realtor	Polk, Sub. 11	62, 63(1)
Tieden, Dale L.	Elkader	47	Farmer	Clayton	61, 62, 63(1)
Van Drie, Rudy	Ames	38	Shopper Publisher	Story, Sub. 1	62, 63(1)
Van Nostrand, Maurice	Avoca	44	Editor, Grain Dealer	Pottawattamie, Sub. 2	60, 60X, 62, 63(1)
Van Roekel, Gerrit	Pella	70	Retired	Marion	62, 63(1)
Varley, Andrew	Stuart	35	Farmer	Adair, Madison	62, 63(1)
Voorhees, Donald E.	Waterloo	39	Insurance Underwriter	Black Hawk, Sub. 2	62, 63(1)
Walter, Richard H.	Council Bluffs	49	Theatrical Manager	Pottawattamie, Sub. 4	63(1)
Warren, Homer L.	Leon	65	Farmer	Decatur, Wayne	63(1)
Waugh, Jewell O.	Whiting	59	Farmer	Monona	62, 63(1)
Weichman, David E.	Newhall	48	Lawyer	Benton	59, 63(1)
Welden, Richard W.	Iowa Falls	61	Contractor	Hardin	62, 63(1)
Wells, James D.	Cedar Rapids	41	Food Co. Employee	Linn, Sub. 4	63(1)
Winkelman, William P.	Lohrville	36	Farmer, Businessman	Calhoun	60, 60X, 61, 62, 63(1)
Wolfe, Harold E.	Clear Lake	68	Retired	Cerro Gordo, Sub. 1	62, 63(1)

GENERAL ASSEMBLY—Continued

OFFICERS OF THE SIXTY-THIRD GENERAL ASSEMBLY, SECOND 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
Asst. 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 M. Reed Des Moines
Assistant Journal Clerk—Elizabeth A. Isaacson Des Moines
Secretary to Chief Clerk—Dolores Abels 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
General Clerk—Marjorie J. Boyenga Des Moines
Secretary to Speaker—Maryjo F. Welch Des Moines
Sergeant-at-Arms—Ralph A. Lancaster Des Moines
Asst. Sergeant-at-Arms—Clarence O. Anderson Des Moines
Bill Clerk—Phyllis J. Fraizer Des Moines
Assistant Bill Clerk—Nancy Johnson Des Moines
File Clerk—Madeline E. James Des Moines
Supply Clerk—Ann McCarty Des Moines
Chief Electrician—Elmer E. Pennington Des Moines
Assistant Electrician—Alfred Wierson Radcliffe
Control Board Operator—Mark A. Wampler Allerton
Assistant Voting Machine Operator—Paul L. Hastie Earlham
Postmaster—Laura J. Stokes LeMars

OFFICERS OF THE SENATE

President—Roger W. Jepsen Davenport
President Pro Tempore—Elmer F. Lange Sac City
Majority Floor Leader—Robert R. Rigler New Hampton
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
Asst. Secretary of the Senate—Ruth E. Fisher Des Moines
Legislative Counsel—Howard N. Sokol Sibley
Reading Clerk—Dan J. O'Brien Des Moines
Journal Clerk—Dorothy Nepstad Des Moines
Assistant Journal Clerk—Roberta Hickerson Des Moines
Engrossing Clerk—Ardith Martin Des Moines
Secretary to the Secretary—Sandra Moses Ankeny
Secretary to Legislative Counsel—Colleen Dillon Des Moines
Secretary to Lieutenant Governor—Joyce Johnson Davenport
Supply and Secretary's Clerk—Dorothy E. Hohnbaum Grimes
Assistant Clerk—K. Marie Thayer Ankeny
Payroll Clerk—Mary Ann Abbott Des Moines
General Clerk—Dione E. Jackson West Des Moines
Control Board Operator—William W. Crews Muscatine
Bill Clerk—R. K. Shawhan Des Moines
Assistant Bill Clerk—Nola Caryll Wilbur Indianola
File Clerk—Kevin Albright Sioux City
Sergeant-at-Arms—Romayne E. Huffman Carroll
Assistant Sergeant-at-Arms—John Nelson Jewell
Chief Doorkeeper—Byron Marshall Indianola
Postmistress—Mary D. Balloun Toledo

CONDITION OF STATE TREASURY

Receipts, Disbursements and Balances in the Several Funds
For Each Year of the Biennial Period Ending June 30, 1969.

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	\$ 394,803,897	\$ 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	<u>\$ 526,923,232</u>	<u>\$1,100,160,110</u>	<u>\$1,627,083,342</u>	<u>\$1,075,406,191</u>	<u>\$ 551,677,151</u>
Balance July 1, 1967				\$ 526,923,232	
Receipts and Transfers				1,100,160,110	
TOTAL				<u>\$1,627,083,342</u>	
Disbursements and Transfers				1,075,406,191	
Balance June 30, 1968				<u>\$ 551,677,151</u>	

Fiscal Year Ending June 30, 1969

	Balance July 1, 1968	Total Receipts and Transfers	Total Available	Total Warrants Redeemed Treasurer's Checks Issued and Transfers	Balance June 30, 1969
General Revenue	\$ 125,644,299	\$ 459,141,593	\$ 584,785,892	\$ 494,870,726	\$ 65,342,845
Transfers				84,572,321	
Trust Funds	83,960,935	213,560,025	379,463,692	262,154,013	117,309,679
Transfers		81,942,732			
Special Funds (Comptroller's Warrants) ..	328,905,729	425,539,134	754,444,863	395,783,373	355,991,496
Transfers				2,664,989	
Special Funds (Treasurer's Checks)	13,166,188	19,656,282	32,822,470	18,166,524	14,655,946
TOTALS	<u>\$ 551,677,151</u>	<u>\$1,199,839,766</u>	<u>\$1,751,516,917</u>	<u>\$1,198,216,951</u>	<u>\$ 553,299,966</u>
Balance July 1, 1968				\$ 551,677,151	
Receipts and Transfers				1,199,839,766	
TOTAL				<u>\$1,751,516,917</u>	
Disbursements and Transfers				1,198,216,951	
Balance June 30, 1969				<u>\$ 553,299,966</u>	

LAWS
OF THE
Second 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
TWELFTH DAY OF JANUARY, AND ENDED ON THE SIXTEENTH
DAY OF APRIL, A. D. 1970, IN THE ONE HUNDRED TWENTY-
FOURTH YEAR OF THE STATE.

APPROPRIATIONS

CHAPTER 1001

TOOLSBORO HISTORICAL SITE

H. F. 1040

AN ACT relating to the development and reconstruction of a historical site and making an appropriation therefor.

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

1 SECTION 1. There is hereby appropriated from the general fund
2 of the state to the state historical society the sum of ten thousand
3 (10,000) dollars, or so much thereof as may be necessary, for the
4 following purpose:

5 To develop and reconstruct a historical site in and around the town
6 of Toolsboro, Iowa, including the beautification of the mounds of the
7 Hopewell Mound Builders, the completion of the existing museum,
8 the recreation of an earthen fort, the development of the site of the
9 war council of the Blackhawk War, the development of the first
10 landfall of Joliet and Marquette, and the site of the naming of the
11 state of Iowa.

1 SEC. 2. Any unencumbered balance of the funds appropriated by
2 this Act remaining on July 1, 1973, shall revert to the general fund
3 of the state as provided in section eight point thirty-three (8.33) of
4 the Code.

Approved April 10, 1970.

CHAPTER 1002

COMMISSIONER OF HEALTH

S. F. 1275

AN ACT relating to the salary of the commissioner of health.

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

1 SECTION 1. Chapter twenty-eight (28), section two (2), Acts of
2 the Sixty-third General Assembly, First Session, is hereby amended
3 by striking lines two (2), and three (3) and inserting in lieu thereof
4 the following:

5 "health shall be at an annual rate of twenty-three thousand
6 (23,000) dollars from July 1, 1969 through February 28, 1970 and
7 at an annual rate of thirty thousand (30,000) dollars from March 1,
8 1970 through June 30, 1971."

1 SEC. 2. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publica-
3 tion in the Waterloo Daily Courier, a newspaper published at Water-
4 loo, Iowa, and The Spirit Lake Beacon, a newspaper published at
5 Spirit Lake, Iowa.

Approved April 24, 1970.

I hereby certify that the foregoing Act, Senate File 1275, was published in the Water-
loo Daily Courier, Waterloo, Iowa, May 4, 1970, and in The Spirit Lake Beacon, Spirit
Lake, Iowa, April 30, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1003

HIGHWAY COMMISSION ADMINISTRATION BUILDING

H. F. 1330

AN ACT relating to the construction of an administration building for the state high-
way commission.

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

1 SECTION 1. Chapter twenty-nine (29), section one (1), Acts of
2 the Sixty-third General Assembly, First Session, is hereby amended
3 as follows:

4 1. By striking from lines two (2) and three (3) the words and
5 figure "one million nine hundred seventy-three thousand (1,973,000)"
6 and inserting in lieu thereof the words and figure "two million one
7 hundred seventy-three thousand (2,173,000)".

8 2. By striking lines five (5) through ten (10), inclusive, and insert-
9 ing in lieu thereof the following:

10 "1. For the construction of an administration building consisting
11 of three floors and a basement not exceeding sixty-eight thousand
12 gross square feet with seventy-three percent thereof to be useable
13 floor space to be located on the real property presently occupied by the

14 state highway commission at Ames, Iowa, in an amount not exceeding
 15 two million one hundred thirty-three thousand (2,133,000) dollars.”
 16 3. By striking from line eighteen (18) the figure “1,973,000.00”
 17 and inserting in lieu thereof the figure “2,173,000.00”.

Approved April 10, 1970.

CHAPTER 1004

HIGHWAY COMMISSION CAPITAL IMPROVEMENTS

S. F. 1286

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. There is hereby appropriated from the primary road
 2 fund to the state highway commission the sum of three million seven
 3 hundred ninety-two thousand seven hundred (3,792,700) dollars, or
 4 so much thereof as may be necessary, to be used in the following
 5 manner:
 6 1. Land, construction, improvements, and
 7 repairs of maintenance facilities.....\$3,774,700
 8 2. Rest area storage buildings..... 18,000

9 Grand total of all appropriations for all
 10 purposes of this Act for the state highway
 11 commission\$3,792,700

1 SEC. 2. Commencing with the effective date of this Act, no rest
 2 areas or rest area buildings shall be established or constructed on an
 3 interstate highway at intervals of less than sixty miles. The five rest
 4 areas or rest area buildings under construction on the effective date
 5 of this Act shall be completed. Such five rest areas are located on
 6 interstate highway twenty-nine in Monona county, interstate highway
 7 twenty-nine in Harrison county, interstate highway thirty-five in
 8 Decatur county in the northbound lane, interstate highway thirty-five
 9 in Clarke county, and interstate highway eighty in Pottawattamie
 10 county. Rest area storage buildings authorized by this Act may be
 11 constructed at any existing rest area location.

1 SEC. 3. Reasonable maintenance and surveillance of rest area
 2 sites and buildings located thereon shall be provided by regular main-
 3 tenance employees of the state highway commission under the dis-
 4 trict maintenance engineer in the district where the rest areas are
 5 located within the limits of appropriations provided for such purpose.

1 SEC. 4. The state highway commission may obtain and accept any
 2 federal grants and funds to the state to be used in connection with the
 3 funds appropriated by this Act.

1 SEC. 5. Any unencumbered balance remaining as of June 30, 1973
2 of the appropriation made by this Act shall revert to the primary road
3 fund as of such date.

1 SEC. 6. When the state highway commission has approved a proj-
2 ect to be financed with funds authorized in this Act, a description of
3 said project and estimated cost shall be reported to the governor and
4 state comptroller for allocation of funds.

1 SEC. 7. This Act being deemed of immediate importance shall be in
2 full force and effect from and after its final approval and publication
3 in The Maquoketa Community Press, a newspaper published at Ma-
4 quoketa, Iowa, and the Hardin County Times, a newspaper published
5 at Iowa Falls, Iowa.

Approved April 8, 1970.

I hereby certify that the foregoing Act, Senate File 1286, was published in The Ma-
quoketa Community Press, Maquoketa, Iowa, April 14, 1970, and in the Hardin County
Times, Iowa Falls, Iowa, April 14, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1005

APPROPRIATION TO HIGHWAY COMMISSION

H. F. 1358

AN ACT making an appropriation to the state highway commission from the primary
road fund for the purpose of making payments for expenses incurred in admini-
stering the merit system.

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

1 SECTION 1. There is hereby appropriated to the state highway
2 commission from the primary road fund the sum of one hundred forty
3 thousand (140,000) dollars, or so much thereof as may be necessary,
4 for the fiscal biennium commencing July 1, 1969 and ending June 30,
5 1971, for the purpose of making payments to the Iowa merit employ-
6 ment department for expenses incurred in administering the merit
7 system on behalf of the state highway commission, as required by
8 chapter eighty (80), Acts of the Sixty-third General Assembly, First
9 Session.

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

Approved May 1, 1970.

CHAPTER 1006

APPROPRIATION FOR SOLDIERS' HOME

S. F. 1078

AN ACT to appropriate from the biennial appropriation of the department of social services for capital improvements at the Iowa soldiers' home at Marshalltown.

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

1 SECTION 1. There is hereby reappropriated from funds appropri-
2 ated to the department of social services by chapter fifty-five (55),
3 Acts of the Sixty-third General Assembly, First Session, the sum of
4 one hundred thirty-four thousand (134,000) dollars, or so much there-
5 of as may be necessary, to be used for air conditioning of the hospital
6 building at the Iowa soldiers' home, Marshalltown, Iowa.

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

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

Approved May 5, 1970.

CHAPTER 1007

APPROPRIATION TO HIGHER EDUCATION FACILITIES COMMISSION

S. F. 1202

AN ACT relating to the biennial appropriation of the higher education facilities commission.

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

1 SECTION 1. Chapter fifty-two (52), section one (1), Acts of the
2 Sixty-third General Assembly, First Session, is hereby amended by in-
3 serting on line six (6), after the period the following:

4 "Each year of the biennium beginning July 1, 1969, and ending July
5 1, 1971, the sum of thirty thousand (30,000) dollars, or so much there-
6 of as is necessary, may be used from the appropriation to pay ex-
7 penses and costs of administration of the tuition grant program."

1 SEC. 2. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publi-
3 cation in The O'Brien County Bell, a newspaper published at Prim-
4 ghar, Iowa and the Times-Democrat, a newspaper published at Daven-
5 port, Iowa.

Approved May 1, 1970.

I hereby certify that the foregoing Act, Senate File 1202, was published in The O'Brien County Bell, Primghar, Iowa, May 7, 1970, and in the Times-Democrat, Davenport, Iowa, May 7, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1008

SUPREME COURT APPROPRIATION

S. F. 1127

AN ACT relating to the appropriation to the supreme court made by the Sixty-third General Assembly, First Session.

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

1 SECTION 1. Amend chapter one (1), section one (1), subsection
2 thirty-six (36), Acts of the Sixty-third General Assembly, First Ses-
3 sion, by striking from lines two hundred sixteen (216) and two
4 hundred seventeen (217) the words and figures "fifty-five thousand
5 one hundred eighty-eight (55,188)" and inserting in lieu thereof the
6 words and figures "twenty-four thousand three hundred fifty-four
7 (24,354)".

Approved April 8, 1970.

CHAPTER 1009

MOISTURE MEASURING

H. F. 1365

AN ACT making an appropriation for use in employing personnel and other expenses for inspection of moisture-measuring devices.

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

1 SECTION 1. Chapter one hundred fifty-one (151), section eleven
2 (11), Acts of the Sixty-third General Assembly, First Session, is
3 hereby amended by inserting in line four (4) before the word "or"
4 the words "and in addition thereto for the fiscal year ending June 30,
5 1971 the sum of twenty thousand (20,000) dollars,".

Approved May 1, 1970.

CHAPTER 1010

TRANSFER OF APPROPRIATION FOR INSTITUTION AT ANAMOSA

S. F. 1060

AN ACT to transfer the unexpended and unencumbered balance of the capital appropriation made by the Sixty-second General Assembly for a new medium security institution for men at Anamosa, to be used to develop a regional detention facility at or near the existing men's reformatory at Anamosa and to supplement the appropriation made by the Sixty-third General Assembly, First Session, for the old age assistance program and to provide for reimbursement of the state by counties for a portion of the cost of operating said regional detention facility.

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

1 SECTION 1. All of the unexpended and unencumbered balance re-
2 maining of the funds for construction of a medium security institution

3 for men at Anamosa, appropriated by chapter three (3), section one
4 (1), subsection two (2), Acts of the Sixty-second General Assembly,
5 shall immediately be transferred and reappropriated as follows:

6 1. There is hereby appropriated to the department of social serv-
7 ices, bureau* of corrections, from the funds so transferred, fifty thou-
8 sand (50,000) dollars which may be used, together with such funds as
9 may be available from any other source, for remodeling and develop-
10 ing any portion of the existing men's reformatory at Anamosa for use
11 as a regional detention facility, or alternatively for developing on land
12 at said reformatory or on land now owned by the state in the imme-
13 diate vicinity thereof a regional detention facility. Such facility shall
14 be used for the incarceration and rehabilitation of persons serving
15 sentences in or sentenced to any state penal or correctional facility or
16 county jail in this state whose needs the commissioner of social serv-
17 ices or his designee concludes would best be met by the regional de-
18 tention facility. If the funds herein appropriated are insufficient to
19 develop such a facility by either of the procedures specified, the de-
20 partment of social services shall present detailed plans and specifi-
21 cations, together with an accurate estimate of the cost of developing
22 such a facility at or in the immediate vicinity of the Anamosa reform-
23 atory, to the First Session of the Sixty-fourth General Assembly.
24 Any unencumbered balance remaining on June 30, 1973, of the appro-
25 priation made by this subsection shall revert to the general fund of
26 the state on that date.

27 2. There is hereby appropriated to the department of social serv-
28 ices, bureau* of income maintenance, all of the unexpended and unen-
29 cumbered balance of the appropriation transferred by this Act, less
30 the amount appropriated by subsection one (1) of this section, to be
31 used to supplement the funds for the old age assistance program,
32 appropriated by chapter fifty-seven (57), section one (1), subsection
33 four (4), Acts of the Sixty-third General Assembly, First Session.
34 The funds transferred by this Act shall be available to the depart-
35 ment of social services, bureau of income maintenance, for use in pay-
36 ing old age assistance grants, from the effective date of this Act until
37 June 30, 1971. Any balance remaining on June 30, 1971, of the
38 amount transferred by this Act shall revert to the general fund of the
39 state in the manner provided in section eight point thirty-three (8.33)
40 of the Code.

1 SEC. 2. Each county from which a person sentenced to the county
2 jail is transferred to serve all or any part of such sentence in the re-
3 gional detention facility developed pursuant to section one (1), sub-
4 section one (1), of this Act, shall reimburse the department of social
5 services for the full cost of maintenance of such person in the facility.
6 The average daily cost of maintenance of an individual in the facility
7 shall be computed, and the respective counties shall be advised of the
8 amounts due the department of social services under this section and
9 shall remit such amounts, at the times and in the manner provided by
10 law for the support of patients of state mental health institutes. Such
11 amounts shall be deemed a charge the county is required to pay under
12 section three hundred fifty-six point fifteen (356.15) of the Code. The

*See 62GA, ch. 209, §8.

13 amounts so received by the department of social services from the re-
 14 spective counties may be used by the department to supplement appro-
 15 priated funds for the cost of operating the regional detention facility.

1 SEC. 3. This Act being deemed of immediate importance shall be
 2 in full force and effect from and after its final approval and publi-
 3 cation in The Paullina Times, a newspaper published at Paullina,
 4 Iowa, and Waterloo Daily Courier, a newspaper published at Water-
 5 loo, Iowa.

Approved May 1, 1970.

I hereby certify that the foregoing Act, Senate File 1060, was published in The Paul-
 lina Times, Paullina, Iowa, May 7, 1970, and in the Waterloo Daily Courier, Waterloo,
 Iowa, May 7, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1011

APPROPRIATION TO CAPITOL PLANNING COMMISSION

H. F. 1364

AN ACT to make appropriations to the appointive members of the capitol planning
 commission for per diem compensation for services rendered.

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 following named persons the amounts set opposite
 3 their respective names in full settlement of all per diem claims they
 4 may have against the state for services rendered as appointive mem-
 5 bers of the capitol planning commission in accordance with chapter
 6 eighteen A (18A) of the Code:
 7 William E. Darrington\$360.00
 8 Fred B. Hanson 360.00
 9 Hugh H. Clarke 320.00
 10 Stanley Heaberlin 320.00
 11 Mrs. Maurice Noun 400.00
 12 Amos Emery 400.00
 13 William Wagner 80.00

1 SEC. 2. The state comptroller is hereby authorized to issue his
 2 warrants to the persons named in this Act in the amounts stated, and
 3 the treasurer of state is hereby directed to pay the same from the gen-
 4 eral fund of the state 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
 3 growing out of the claims described.

1 SEC. 4. This Act being deemed of immediate importance shall be
 2 in full force and effect from and after its final approval and publica-

3 tion in The DeWitt Observer, a newspaper published at DeWitt, Iowa,
4 and the Iowa Falls Citizen, a newspaper published at Iowa Falls, Iowa.

Approved May 1, 1970.

I hereby certify that the foregoing Act, House File 1364, was published in The DeWitt Observer, DeWitt, Iowa, May 7, 1970, and in the Iowa Falls Citizen, Iowa Falls, Iowa, May 7, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1012

CLAIMS APPROPRIATIONS

H. F. 1366

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
2 of the state of Iowa to the following named persons and counties the
3 amount set opposite their respective names in full settlement of all
4 claims which they may have against the state of Iowa, to-wit:

5	Claimant	Claim No.	Nature of Claim	Amount
6	Raymond Heitshusen		Personal property	
7	Marengo, Iowa	346-64-25	tax credit	\$ 151.97
8	Bremer County		Personal property	
9	Waverly, Iowa	495-64-25	tax credit	70.58
10	Franklin County		Personal property	
11	Hampton, Iowa	533-64-25	tax credit	8,823.21
12	Calhoun County		Personal property	
13	Rockwell City, Iowa	592-64-25	tax credit	114.16
14	Winneshiek County		Personal property	
15	Decorah, Iowa	671-64-25	tax credit	196.08
16	Washington County		Personal property	
17	Washington, Iowa	769-64-25	tax credit	74.96
18	Jefferson County		Personal property	
19	Fairfield, Iowa	809-64-25	tax credit	225.05
20	Buena Vista County		Personal property	
21	Storm Lake, Iowa	866-64-25	tax credit	30.21
22	Cherokee County		Personal property	
23	Cherokee, Iowa	876-64-25	tax credit	171.82
24	Clayton County		Personal property	
25	Elkader, Iowa	935-64-25	tax credit	451.58
26	Linn County		Personal property	
27	Cedar Rapids, Iowa	958-64-25	tax credit	92.20
28	Adair County		Personal property	
29	Greenfield, Iowa	961-64-25	tax credit	900.00
30	Taylor County		Personal property	
31	Bedford, Iowa	1024-64-25	tax credit	310.28
32	Henry County		Personal property	
33	Mt. Pleasant, Iowa	1085-64-25	tax credit	77.96

	Claimant	Claim No.	Nature of Claim	Amount
34	James Middleswart		Attorney fees in	
35	Indianola, Iowa	473-64-25	election contest	\$ 463.90
36	Ervin A. Hutchinson		Attorney fees in	
37	Sioux City, Iowa	634-64-25	election contest	1,154.10
38	Willard M. Freed		Attorney fees in	
39	Iowa City, Iowa	1274-64-25	election contest	1,012.00
40	Richard Larsen		Attorney fees in	
41	Davenport, Iowa	1238-64-25	election contest	1,299.82
42			Underpayment of Fed.	
43	Iowa Employment		Soc. Sec. tax by Ia.	
44	Security Commission	532-64-25	Public Safety Dept.	56.10
45	Plymouth County		Personal property	
46	LeMars, Iowa	644-64-25	tax credit	1,113.55
47	Sioux County		Personal property	
48	Orange City, Iowa	441-64-25	tax credit	179.37
49	Cass County		Personal property	
50	Atlantic, Iowa	584-64-25	tax credit	40.60
51	Linn County		Personal property	
52	Cedar Rapids, Iowa	625-64-25	tax credit	8,699.35
53	Kossuth County		Personal property	
54	Algona, Iowa	907-64-25	tax credit	33.15
55	Lyon County		Personal property	
56	Rock Rapids, Iowa	500-64-25	tax credit	1,288.18
57	Harry H. Smith		Attorney fees in	
58	Sioux City, Iowa	1275-64-25	election contest	1,211.53
59	Board of Basic		Services furnished	
60	Science Examiners	657-63-25	state	3,718.39
61	George L. Norman		Attorney fees in	
62	Keokuk, Iowa		election contest	587.65
63	Joseph L. Phelan		Attorney fees in	
64	Fort Madison, Iowa		election contest	579.00
65	Margaret Stevenson		Attorney fees in	
66	Davenport, Iowa		election contest	1,347.00
67	Tama County		Personal property	
68	Toledo, Iowa	752-64-25	tax credit	121.29

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

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

Approved May 5, 1970.

GENERAL LAWS

GENERAL LAWS

CHAPTER 1013

LIEUTENANT GOVERNOR'S COMPENSATION

S. F. 1279

AN ACT relating to the compensation of the lieutenant governor.

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

1 SECTION 1. Chapter sixty-nine (69), section twelve (12), Acts
2 of the Sixty-third General Assembly, First Session, is hereby amended
3 as follows:

4 1. By inserting in subsection two (2), line twenty-three (23), after
5 the period the following sentence: "When a vacancy occurs and the
6 term of the lieutenant governor is not completed, the lieutenant gov-
7 ernor shall receive compensation of twice the per diem rate a senator
8 receives for the number of days which he served as president of the
9 senate."

10 2. By striking from subsection four (4), line thirty-four (34), the
11 words "or the lieutenant governor".

12 3. By striking from subsection four (4), lines thirty-four (34) and
13 thirty-five (35), the words "or the lieutenant governor".

Approved April 8, 1970.

CHAPTER 1014

SUPREME COURT OPINIONS

S. F. 1149

AN ACT relating to publication of the opinions of the supreme court.

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

1 SECTION 1. Section three point one (3.1), subsection three (3),
2 Code 1966, as amended by chapter sixty-nine (69), section forty-
3 eight (48), Acts of the Sixty-third General Assembly, First Session,
4 is further amended by striking from lines three (3) and four (4)
5 the words "reporter of the supreme court" and inserting in lieu
6 thereof the words "code editor".

1 SEC. 2. Section fourteen point three (14.3), Code 1966, as
2 amended by chapter sixty-nine (69), section fifty (50), Acts of the
3 Sixty-third General Assembly, First Session, is hereby amended as
4 follows:

5 1. By inserting in line two (2) after the word "Code" the words

6 “, or the court may appoint an editor,”.

7 2. By striking subsections three (3) and four (4).

1 SEC. 3. Section fourteen point six (14.6), Code 1966, is hereby
2 repealed and the following enacted in lieu thereof:

3 “The supreme court may publish reports of its official opinions,
4 or it may direct that publication of the opinions by a private publisher
5 shall be considered the official reports.”

1 SEC. 4. Sections fourteen point seven (14.7), fourteen point eight
2 (14.8), sixteen point twenty-six (16.26) and sixteen point twenty-
3 seven (16.27), Code 1966, are hereby repealed.

1 SEC. 5. Section sixteen point twenty-eight (16.28), Code 1966, is
2 repealed and the following enacted in lieu thereof:

3 “The supreme court shall cause to be furnished without charge
4 copies of any publication containing its official reports to the cham-
5 bers of each judge of the district court in each county and to such
6 other governmental agencies as the supreme court shall direct. The
7 reporter of the supreme court shall act as sales agent for any private
8 publication containing the official reports of the supreme court that
9 are thus distributed. Any commission received by the reporter act-
10 ing as such sales agent shall be placed in the general fund.”

1 SEC. 6. Section seventeen point twenty-four (17.24), Code 1966,
2 as amended by chapter sixty-nine (69), section sixty-five (65), Acts
3 of the Sixty-third General Assembly, First Session, is hereby re-
4 pealed.

1 SEC. 7. Section sixty-four point six (64.6), Code 1966, is hereby
2 amended by striking subsection twenty-four (24).

1 SEC. 8. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publica-
3 tion in the Lee Town News, a newspaper published at Des Moines,
4 Iowa, and in The Sioux Center News, a newspaper published at Sioux
5 Center, Iowa.

Approved March 20, 1970.

I hereby certify that the foregoing Act, Senate File 1149, was published in the Lee Town News, Des Moines, Iowa, April 2, 1970, and in The Sioux Center News, Sioux Center, Iowa, March 26, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1015

CRIMES PUNISHABLE BY DEATH

H. F. 1028

AN ACT relating to crimes punishable by death.

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

1 SECTION 1. Section seven point six (7.6), Code 1966, line three
2 (3), is amended by striking the words “by death or”.

Approved January 28, 1970.

CHAPTER 1016
HIGHWAY SAFETY PROGRAMS
S. F. 385

AN ACT relating to the highway safety programs.

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

- 1 SECTION 1. Chapter eighty-six (86)*, section one (1), Acts of the
2 Sixty-second General Assembly, amending chapter seven (7), Code
3 1966, is hereby amended by striking from lines eleven (11) and
4 twelve (12) the words "through the department of public safety or
5 through the highway commission or both," and by inserting in lieu
6 thereof the following:
7 " , either through his office or through one or more state depart-
8 ments or agencies designated by him or any combination of the fore-
9 going,".

Approved January 20, 1970.

*See amendment by 63GA, ch. 100, §2(3).

CHAPTER 1017
SALARIES OF APPOINTEES
S. F. 1086

AN ACT relating to the salaries of persons appointed to fill vacancies in a public office.

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

- 1 SECTION 1. The governor or other appointing authority may, when
2 appointing or employing any person for which a salary is specifically
3 provided by the appropriation bill, appoint a person to fill the vacancy
4 at a lesser salary than that provided by the appropriation bill.
- 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 Muscatine
3 Journal, a newspaper published in Muscatine, Iowa, and in the Times-
4 Democrat, a newspaper published in Davenport, Iowa.

Approved February 20, 1970.

I hereby certify that the foregoing Act, Senate File 1086, was published in The Muscatine Journal, Muscatine, Iowa, February 24, 1970, and in the Times-Democrat, Davenport, Iowa, February 26, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1018
PURCHASE OF REAL ESTATE BY STATE DEPARTMENTS
H. F. 595

AN ACT relating to the purchase of real estate by the state.

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

- 1 SECTION 1. Chapter eight (8), Code 1966, is hereby amended by
2 adding thereto the following new section:

3 "Purchases of real estate as provided by law may be made by a state
 4 department on written contracts providing for payment over a period
 5 of years but the obligations thereon shall not constitute a debt or
 6 charge against the state of Iowa nor against the funds of the depart-
 7 ment for which said purchases are made. Purchase payments shall be
 8 made from only capital funds appropriated for that purpose. All
 9 state-appropriated capital funds used for any one purchase contract
 10 shall be taken entirely from a single capital appropriation and shall be
 11 set aside for that purpose. In event of default, the only remedy of the
 12 seller shall be against the property itself in rem, pursuant to chapter
 13 six hundred fifty-four (654) of the Code. In no event shall a deficiency
 14 judgment be entered or enforced against the state or the department
 15 making the purchase. The provisions of chapter six hundred fifty-six
 16 (656) of the Code prescribing how a real estate contract may be for-
 17 feited shall, in no event, be applicable. In a foreclosure proceeding
 18 pursuant to this Act and chapter six hundred fifty-four (654) of the
 19 Code, the department making the purchase and the attorney general
 20 shall be the only defendants who need be named and such department
 21 and the attorney general may be served personally or by restricted
 22 certified mail. The department and the attorney general shall have
 23 thirty days from the date of completed service in which to appear."

Approved May 10, 1970.

CHAPTER 1019

STATE RADIO AND TELEVISION BOARD

S. F. 1168

AN ACT relating to the state educational radio and television facility board.

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

1 SECTION 1. Chapter eighty-eight (88), Acts of the Sixty-second
 2 General Assembly, is hereby amended by adding the following new
 3 section:
 4 "The state educational radio and television facility board may
 5 locate its administrative offices and production facilities outside the
 6 city of Des Moines, Iowa, and on land acquired by the board from the
 7 Area XI Community College at Ankeny, Iowa."

Approved April 14, 1970.

CHAPTER 1020

CODE OF IOWA

H. F. 1033

AN ACT relating to the publication of the Code.

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

1 SECTION 1. Section fourteen point three (14.3), Code 1966, sub-
 2 section two (2), as amended by Acts of the Sixty-third General As-

3 ssembly, First Session, chapter sixty-nine (69), is further amended by
4 striking from line two (2) the words "of the general assembly".

Approved January 28, 1970.

CHAPTER 1021

STATE PRINTING

H. F. 354

AN ACT relating to the state printing department and public printing.

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

1 SECTION 1. Section fifteen point seven (15.7), Code 1966, is here-
2 by amended as follows:

3 1. By striking lines one (1) and two (2) and inserting in lieu
4 thereof the words "As used in chapters fifteen (15), sixteen (16),
5 and seventeen (17), 'printing' means the reproduction of an image
6 from a printing surface made generally by a contact impression that
7 causes a transfer of ink or the reproduction of an impression by a
8 photographic process and".

9 2. By adding at the end thereof the following new paragraph:

10 "For the purposes of this chapter, the reproduction of ten or more
11 copies from one original on any convenience office copier located in the
12 city of Des Moines is printing and shall not be permitted without
13 the approval of the superintendent of printing."

1 SEC. 2. Section fifteen point twenty-nine (15.29), Code 1966, is
2 hereby amended by striking from line ten (10) the word "one" and
3 inserting in lieu thereof the word "two".

1 SEC. 3. Section fifteen point thirty-seven (15.37), Code 1966, as
2 amended by chapter ninety (90), section one (1), Acts of the Sixty-
3 second General Assembly, is hereby repealed and the following en-
4 acted in lieu thereof:

5 "All printing presses, except such presses owned by the auditor of
6 state and purchased pursuant to the provisions of chapter seventy-
7 three (73), Acts of the Sixty-third General Assembly, First Session,
8 and other printing equipment owned by the state and in the posses-
9 sion of any department, commission, agency, or board located in the
10 city of Des Moines shall be centralized in a state building in the city
11 of Des Moines under the control of the state printing board.

12 All office copiers and other duplicating equipment owned by or
13 in the possession of executive and judicial departments, commissions,
14 agencies, or boards located in the city of Des Moines shall be under
15 the jurisdiction of the state printing board. The board may lease
16 or purchase such duplicating machines as are necessary for each of
17 the departments with funds from the state printing board revolving
18 fund and assess the costs of operating such duplicating machines to
19 the appropriate department."

1 SEC. 4. Section fifteen point forty-two (15.42), Code 1966, is
2 hereby repealed.

1 SEC. 5. Section seventeen point three (17.3), Code 1966, as
 2 amended by chapter two hundred nine (209), section twenty-five (25),
 3 Acts of the Sixty-second General Assembly, and chapter sixty-nine
 4 (69), section sixty (60), Acts of the Sixty-third General Assembly,
 5 First Session, is hereby further amended by adding at the end thereof
 6 the following new paragraph:

7 "The officials and departments required by this section to file re-
 8 ports shall submit the reports on standardized forms furnished by
 9 the state comptroller. All officials and agencies submitting reports
 10 shall consult with the state comptroller and the director of the office
 11 of planning and programming, and shall devise standardized report
 12 forms for submission to the governor and members of the general
 13 assembly."

1 SEC. 6. Section seventeen point twenty (17.20), Code 1966, as
 2 amended by chapter three hundred forty-two (342), section ten (10),
 3 Acts of the Sixty-second General Assembly, is hereby amended by
 4 striking all of subsection four (4).

1 SEC. 7. Section seventeen point twenty-seven (17.27), Code 1966,
 2 is hereby amended by striking from line fourteen (14) the words
 3 "fifty cents" and inserting in lieu thereof the words "one dollar".

1 SEC. 8. Section fifteen point five (15.5), Code 1966, is hereby
 2 amended by striking from line two (2) the word "twenty" and insert-
 3 ing in lieu thereof the word "thirty".

Approved April 8, 1970.

CHAPTER 1022

COMMERCE COMMISSION REPORT

S. F. 1064

AN ACT relating to the annual report of the commerce commission.

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

1 SECTION 1. Section seventeen point ten (17.10), Code 1966, is
 2 hereby amended by adding thereto the following:

3 "The commission shall determine the manner in which such annual
 4 report shall be published."

Approved May 5, 1970.

CHAPTER 1023

ADMINISTRATIVE RULES OF STATE DEPARTMENTS

H. F. 163

AN ACT relating to administrative rules of departments of the state.

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

1 SECTION 1. Section seventeen A point one (17A.1), Code 1966, as
2 amended by chapter ninety-two (92), section one (1), Acts of the
3 Sixty-second General Assembly, is hereby further amended by adding
4 the following new subsection:

5 "No statute delegating rule-making power to an administrative
6 agency shall be construed to permit repeating or substantially para-
7 phrasing any statute in adopting any rule. However, a statute or a
8 part thereof may be included in a rule by reference."

1 SEC. 2. Section seventeen A point seven (17A.7), Code 1966, as
2 amended by chapter ninety-two (92), section seven (7), Acts of the
3 Sixty-second General Assembly, is hereby further amended as follows:

4 1. By striking from lines eleven (11) and twelve (12) the word
5 "receiving" and inserting in lieu thereof the words "submission of".
6 2. By adding to the end thereof the following:

7 "When an administrative department has rules under consideration
8 by the committee at any meeting, the department shall have a repre-
9 sentative in attendance."

1 SEC. 3. Section seventeen A point eight (17A.8), Code 1966, as
2 amended by chapter ninety-two (92), section eight (8), Acts of the
3 Sixty-second General Assembly, is hereby further amended by adding
4 to the end thereof the following:

5 "Any rules not filed with the secretary of state within sixty days
6 after the date of final action by the committee and after the date the
7 attorney general submits his advisory opinion, whichever date is
8 later, shall be void. All rules shall be submitted to the code editor
9 for examination before filing with the secretary of state."

1 SEC. 4. Chapter ninety-two (92), Acts of the Sixty-second General
2 Assembly, section five (5), amending section seventeen A point five
3 (17A.5), Code 1966, is hereby amended by inserting in line four (4)
4 after the word "copies" the words "with authorized signatures".

Approved March 26, 1970.

CHAPTER 1024

INCENTIVE AWARDS TO STATE EMPLOYEES

S. F. 475

AN ACT to provide for incentive awards to state employees who develop or participate in cost reduction plans or contribute to efficiency and economy in state government.

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

1 SECTION 1. The executive council, upon recommendation by an em-
2 ploying department, may authorize payment of a cash incentive

3 award to any employee who develops a practical plan for increased
4 efficiency, economy, or cost reduction for his department or for the
5 operations of the state government. An incentive award under this
6 Act shall not exceed one thousand dollars.

7 Wherever used in this Act, "department" includes any department,
8 agency, board, bureau, or commission of this state.

1 SEC. 2. Any department may adopt a cost reduction plan which
2 shall provide for a reduction in the number of employees or operating
3 costs of the department below the number or amount which would
4 otherwise be authorized. The executive council, upon recommenda-
5 tion by the department, may authorize payment of a cash incentive
6 award to each employee in the department who will be required to
7 perform additional duties or contribute additional effort as a result
8 of the cost reduction plan. The executive council shall authorize such
9 awards only if it determines that the cost reduction plan is in the
10 best interests of the state, and only if the estimated net savings due
11 to the cost reduction plan less the amount of the cash incentive award
12 revert to the general fund. The total amount of all awards under this
13 section with respect to any cost reduction plan shall not exceed one-
14 fourth of the estimated savings due to the cost reduction plan. The
15 amount of the award to each employee shall be approved by the ex-
16 ecutive council.

1 SEC. 3. Awards made pursuant to this Act shall be paid out of the
2 appropriated funds of the department employing the persons receiv-
3 ing the awards.

1 SEC. 4. Before authorizing an award under this Act, the executive
2 council shall submit the departmental recommendation to the comp-
3 troller and to the legislative fiscal director, each of whom shall submit
4 his independent evaluation within fifteen (15) days.

Approved January 23, 1970.

CHAPTER 1025

SCHOOLS, SCHOOL CORPORATIONS AND SCHOOL ELECTIONS

S. F. 1083

AN ACT to revise, update, and correct certain sections of the Code of Iowa relating to schools, school corporations, and school elections.

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

1 SECTION 1. Section twenty-three point one (23.1), Code 1966, is
2 hereby amended by striking from line ten (10) the word "district"
3 and inserting in lieu thereof the word "corporation".

1 SEC. 2. Section twenty-four point two (24.2), Code 1966, is hereby
2 amended as follows:

3 1. By striking from subsection one (1), line two (2), the word
4 "district" and inserting in lieu thereof the word "corporation".

5 2. By striking from subsection four (4), line five (5), the word
6 "districts" and inserting in lieu thereof the word "corporations".

1 SEC. 3. Section twenty-four point three (24.3), Code 1966, is here-
2 by amended by striking from subsection three (3), line four (4), the
3 word "districts" and inserting in lieu thereof the word "corporations".

1 SEC. 4. Section twenty-four point nine (24.9), Code 1966, is here-
2 by amended by striking from lines thirteen (13) and fourteen (14)
3 the words "rural independent districts, school townships, and".

1 SEC. 5. Section twenty-five point six (25.6), Code 1966, is hereby
2 amended by striking from line six (6) the word "districts" and in-
3 serting in lieu thereof the word "corporations".

1 SEC. 6. Section fifty-three point one (53.1), Code 1966, is hereby
2 amended by striking from lines five (5) and six (6) the words "com-
3 munity or independent town, city, or consolidated".

1 SEC. 7. Section fifty-three point three (53.3), Code 1966, is hereby
2 amended by striking from lines two (2) and three (3) the words
3 "community or independent city, town, and consolidated".

1 SEC. 8. Section seventy-five point one (75.1), Code 1966, is hereby
2 amended by striking from line three (3) the word "district" and in-
3 serting in lieu thereof the word "corporation".

1 SEC. 9. Section seventy-five point ten (75.10), Code 1966, is hereby
2 amended by striking from line five (5) the word "districts" and insert-
3 ing in lieu thereof the word "corporations".

1 SEC. 10. Section seventy-six point one (76.1), Code 1966, is here-
2 by amended by striking from line three (3) the word "districts" and
3 inserting in lieu thereof the word "corporations".

1 SEC. 11. Section eighty-five point two (85.2), Code 1966, is hereby
2 amended by striking from line two (2) the word "district" and insert-
3 ing in lieu thereof the word "corporation".

1 SEC. 12. Section eighty-five point sixty-one (85.61), Code 1966, as
2 amended by chapter one hundred fifteen (115), sections one (1) and
3 two (2), Acts of the Sixty-second General Assembly, and further
4 amended by chapter one hundred four (104), section one (1), Acts of
5 the Sixty-third General Assembly, First Session, is hereby further
6 amended by striking from subsection one (1), line three (3) the word
7 "district" and inserting in lieu thereof the word "corporation".

1 SEC. 13. Section one hundred point thirty-one (100.31), Code 1966,
2 is hereby amended by striking from lines twenty-four (24) and
3 twenty-five (25) the words "elementary or high".

1 SEC. 14. Section two hundred fifty-eight point five (258.5), Code
2 1966, is hereby amended as follows:

3 1. By striking from line two (2) the word "district" and inserting
4 in lieu thereof the word "corporation".

5 2. By striking from line ten (10) the word "district" and inserting
6 in lieu thereof the word "corporation".

7 3. By striking from line fourteen (14) the word "district" and in-
8 serting in lieu thereof the word "corporation".

9 4. By striking from line seventeen (17) the word "district" and
10 inserting in lieu thereof the word "corporation".

11 5. By striking from line twenty-two (22) the word "districts" and
12 inserting in lieu thereof the word "corporations".

1 SEC. 15. Section two hundred sixty-five point six (265.6), Code
2 1966, as amended by chapter one hundred eighty-two (182), section
3 one (1), Acts of the Sixty-third General Assembly, First Session, is
4 hereby further amended by striking lines five (5) through nine (9),
5 inclusive, and inserting in lieu thereof the following:

6 "aid to schools under chapter three hundred fifty-six (356), Acts of
7 the Sixty-second General Assembly, and aid to special education under
8 chapter two hundred eighty-one (281) of the Code. School districts
9 entering into contracts".

1 SEC. 16. Section two hundred seventy-three point two (273.2),
2 Code 1966, is hereby amended by striking all of such section after
3 the word "county" in line three (3), and inserting in lieu thereof a
4 period.

1 SEC. 17. Section two hundred seventy-three point four (273.4),
2 Code 1966, as amended by chapter one hundred eighty-three (183),
3 section two (2), Acts of the Sixty-third General Assembly, First Ses-
4 sion, is hereby further amended as follows:

5 1. By striking from lines twelve (12) and thirteen (13) the words
6 "in odd-numbered years".

7 2. By striking from line sixteen (16) the word "six" and insert-
8 ing in lieu thereof the word "three".

9 3. By striking from lines nineteen (19) and twenty (20) the words
10 "odd-numbered year" and inserting in lieu thereof the words "annual
11 school".

1 SEC. 18. Section two hundred seventy-three point nine (273.9),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line three (3) the words "odd-numbered".

4 2. By striking from line five (5) the words "two years" and in-
5 sserting in lieu thereof the words "one year".

1 SEC. 19. Section two hundred seventy-three point fifteen (273.15),
2 Code 1966, is hereby amended by striking lines one (1) through thir-
3 teen (13), inclusive, and inserting in lieu thereof the following:

4 "The county superintendent shall be the holder of a superintend-
5 ent's certificate and shall have had at least five years experience in
6 school administration or teaching."

1 SEC. 20. Section two hundred seventy-three point eighteen
2 (273.18), Code 1966, is hereby amended as follows:

3 1. By striking from subsection two (2), lines two (2) and three
4 (3), the word* "April in the odd-numbered year of each biennium,"
5 and inserting in lieu thereof the word "October".

6 2. By striking subsection eleven (11).

7 3. By striking from subsection twenty-eight (28), lines two (2)
8 and three (3) the words "school for the blind" and inserting in lieu
9 thereof the words "Iowa braille and sight-saving school".

10 4. By striking from subsection twenty-eight (28), line seven (7),
11 the word "superintendents" and inserting in lieu thereof the word
12 "superintendent".

*According to enrolled Act.

13 5. By striking from subsection twenty-eight (28), lines thirteen
14 (13) through fifteen (15), inclusive, and inserting in lieu thereof
15 the words "the department of social services all persons of school age
16 believed to be in need of the services of a state hospital-school for the
17 mentally retarded."

18 6. By striking subsection twenty-nine (29) and inserting in lieu
19 thereof the following:

20 "Maintain lists of teachers and substitute teachers whose certifi-
21 cates are registered in the county and who may be available for em-
22 ployment in the schools of the county school system."

1 SEC. 21. Section two hundred seventy-three point twenty-two
2 (273.22), Code 1966, as amended by chapter one hundred eighty-three
3 (183), section three (3), Acts of the Sixty-third General Assembly,
4 First Session, is hereby further amended as follows:

5 1. By striking from subsection five (5), lines twelve (12) and thir-
6 teen (13) the words "in odd-numbered years".

7 2. By striking from subsection five (5), line sixteen (16), the word
8 "six" and inserting in lieu thereof the word "three".

9 3. By striking from subsection five (5), lines nineteen (19) and
10 twenty (20) the words "odd-numbered year".

11 4. By striking from subsection six (6), line thirteen (13), the
12 words "odd-numbered".

13 5. By striking from subsection six (6), line fifteen (15), the words
14 "two years" and inserting in lieu thereof the words "one year".

15 6. By striking from subsection six (6), line sixteen (16), the word
16 "four" and inserting in lieu thereof the word "two".

1 SEC. 22. Section two hundred seventy-four point one (274.1), Code
2 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "now existing".

4 2. By striking from line three (3) the word "hereafter".

1 SEC. 23. Section two hundred seventy-four point three (274.3),
2 Code 1966, is hereby repealed.

1 SEC. 24. Section two hundred seventy-four point six (274.6), Code
2 1966, is hereby amended as follows:

3 1. By striking lines one (1) through ten (10), inclusive, and in-
4 serting in lieu thereof the words "school corporations shall be desig-
5 nated".

6 2. By striking lines sixteen (16) through nineteen (19), inclusive,
7 and inserting in lieu thereof the words "or, the consolidated".

1 SEC. 25. Section two hundred seventy-four point seven (274.7),
2 Code 1966, is hereby amended by striking all of such section after the
3 word "years" in line five (5), and inserting in lieu thereof a period.

1 SEC. 26. Section two hundred seventy-five point thirty-five
2 (275.35), Code 1966, is hereby amended by striking from line four
3 (4) of subsection two (2), the words "in each director district".

1 SEC. 27. Section two hundred seventy-seven point one (277.1),
2 Code 1966, is hereby amended as follows:

3 1. By striking from lines three (3) and four (4) the words "cor-

4 poration and in each subdistrict" and inserting in lieu thereof the
5 words "district for the election of officers of the district, merged area,
6 and county school system and".

7 2. By striking all of such section after the word "law" in line six
8 (6), and inserting in lieu thereof a period.

1 SEC. 28. Section two hundred seventy-seven point three (277.3),
2 Code 1966, is hereby amended by striking all of such section after the
3 period in line twenty-three (23).

1 SEC. 29. Section two hundred seventy-seven point four (277.4),
2 Code 1966, as amended by chapter one hundred eighty-six (186),
3 Acts of the Sixty-third General Assembly, First Session, is hereby
4 further amended as follows:

5 1. By striking from lines three (3) and four (4) the words "com-
6 munity or independent city, town, or consolidated" and inserting in
7 lieu thereof the word "school".

8 2. By striking from lines ten (10), eleven (11), twelve (12) and
9 thirteen (13) the words "city, community or independent districts
10 where the regular election is held biennially such petition shall be
11 signed by not less than fifty qualified electors of the district".

1 SEC. 30. Section two hundred seventy-seven point five (277.5),
2 Code 1966, is hereby amended as follows:

3 1. By striking lines one (1) through six (6) and inserting in lieu
4 thereof the words "Voting precincts shall be".

5 2. By striking lines nineteen (19) and twenty (20).

1 SEC. 31. Section two hundred seventy-seven point seven (277.7),
2 Code 1966, is hereby amended by striking lines six (6), seven (7), and
3 eight (8), inclusive.

1 SEC. 32. Section two hundred seventy-seven point eight (277.8),
2 Code 1966, is hereby amended by striking lines one (1), two (2), and
3 three (3), and inserting in lieu thereof the words "The secretary".

1 SEC. 33. Section two hundred seventy-seven point nine (277.9),
2 Code 1966, is hereby repealed and the following enacted in lieu thereof:
3 "In all school corporations where registration of voters is required
4 the polls shall open at seven o'clock a.m. and close at eight o'clock p.m.
5 In all other school corporations the polls shall open at twelve o'clock
6 m. and close at eight o'clock p.m. unless the board by resolution en-
7 tered in the minutes orders that the polls open at an earlier hour."

1 SEC. 34. Section two hundred seventy-seven point ten (277.10),
2 Code 1966, is hereby amended by striking all of such section after the
3 period in line nineteen (19).

1 SEC. 35. Section two hundred seventy-seven point twelve (277.12),
2 Code 1966, is hereby amended by striking from line six (6) the word
3 "subdistrict" and inserting in lieu thereof the words "director dis-
4 trict".

1 SEC. 36. Section two hundred seventy-seven point nineteen
2 (277.19), Code 1966, is hereby amended by striking lines eleven (11)
3 through twenty-two (22), inclusive.

1 SEC. 37. Section two hundred seventy-seven point twenty (277.20),
2 Code 1966, is hereby amended by striking from lines three (3), four
3 (4), and five (5), the words "and in each school township having an
4 even number of subdistricts".

1 SEC. 38. Section two hundred seventy-seven point twenty-one
2 (277.21), Code 1966, is hereby amended by striking from line three
3 (3) the word "subdistrict" and inserting in lieu thereof the words
4 "director district".

1 SEC. 39. Section two hundred seventy-seven point twenty-three
2 (277.23), Code 1966, is hereby amended by striking lines six (6)
3 through twenty (20), inclusive, and inserting in lieu thereof the
4 words "seven members; in all other districts the board shall consist
5 of five members."

1 SEC. 40. Section two hundred seventy-seven point twenty-four
2 (277.24), Code 1966, is hereby repealed.

1 SEC. 41. Section two hundred seventy-seven point twenty-eight
2 (277.28), Code 1966, is hereby amended as follows:

3 1. By striking from lines one (1) and two (2) the words "or sub-
4 director".

5 2. By striking from lines two (2) and three (3) the word "subdis-
6 trict" and inserting in lieu thereof the words "director district".

1 SEC. 42. Section two hundred seventy-seven point thirty-four
2 (277.34), Code 1966, is hereby amended by striking from lines six (6)
3 and seven (7) the words "in cities of the first class".

1 SEC. 43. Section two hundred seventy-eight point two (278.2),
2 Code 1966, is hereby amended by striking from lines two (2), three
3 (3) and four (4) the words "five voters of any school township or
4 rural independent or consolidated district, or of".

1 SEC. 44. Section two hundred seventy-nine point twenty-three
2 (279.23), Code 1966, is hereby repealed.

1 SEC. 45. Section two hundred seventy-nine point twenty-nine
2 (279.29), Code 1966, is hereby amended by striking from lines five (5)
3 and six (6) the words "school townships, rural or village independ-
4 ent districts, and in".

1 SEC. 46. Section two hundred seventy-nine point thirty (279.30),
2 Code 1966, is hereby amended by striking from lines three (3) and
3 four (4) the words "school township and the board of each community
4 or independent".

1 SEC. 47. Section two hundred seventy-nine point thirty-three
2 (279.33), Code 1966, is hereby amended by striking from line seven
3 (7) the word "first" and inserting in lieu thereof the word "second".

1 SEC. 48. Section two hundred eighty point twelve (280.12), Code
2 1966, is hereby repealed.

1 SEC. 49. Section two hundred eighty point fifteen (280.15), Code
2 1966, is hereby repealed.

1 SEC. 50. Section two hundred eighty-two point three (282.3),
2 Code 1966, is hereby amended as follows:

3 1. By striking all of subsections two (2) through five (5), inclusive.

4 2. By striking from subsection six (6), line one (1), the words
5 "On and after July 1, 1963 the" and inserting in lieu thereof the word
6 "The".

7 3. By striking from subsection seven (7), line one (1), the words
8 and figures "in subsections 2, 3, 4, 5, or 6" and inserting in lieu there-
9 of the words "herein provided".

1 SEC. 51. Section two hundred eighty-two point nineteen (282.19),
2 Code 1966, is hereby repealed.

1 SEC. 52. Section two hundred ninety-seven point four (297.4),
2 Code 1966, is hereby repealed.

1 SEC. 53. Section two hundred ninety-seven point seven (297.7),
2 Code 1966, is hereby repealed and the following enacted in lieu thereof:

3 "The provisions of sections twenty-three point two (23.2) and
4 twenty-three point eighteen (23.18) shall be applicable to the con-
5 struction or repair of school buildings. Before erecting any school
6 building at a cost of more than five thousand dollars, the board of
7 directors shall consult with the building consultant in the department
8 of public instruction as to the most approved plan for such building."

1 SEC. 54. Section two hundred ninety-eight point one (298.1), Code
2 1966, is hereby amended by striking all of such section after the
3 period in line seven (7).

1 SEC. 55. Section two hundred ninety-eight point two (298.2), Code
2 1966, is hereby repealed.

1 SEC. 56. Section two hundred ninety-eight point three (298.3),
2 Code 1966, is hereby repealed.

1 SEC. 57. Section two hundred ninety-eight point six (298.6), Code
2 1966, is hereby repealed.

1 SEC. 58. Section two hundred ninety-eight point ten (298.10),
2 Code 1966, is hereby repealed.

1 SEC. 59. Section two hundred ninety-eight point fourteen (298.14),
2 Code 1966, is hereby repealed.

1 SEC. 60. Section two hundred ninety-nine point ten (299.10), Code
2 1966, is hereby amended as follows:

3 1. By striking from lines four (4) and five (5) the words "who
4 may be the school nurse".

5 2. By striking all of such section after the word "board" in line
6 twelve (12) and inserting in lieu thereof a period.

1 SEC. 61. Section three hundred one point seven (301.7), Code 1966,
2 is hereby amended by inserting in line two (2), after the word "text-
3 books", the words "from a source other than the publisher and before
4 purchasing supplies".

1 SEC. 62. Section three hundred one point eight (301.8), Code 1966,
2 is hereby repealed and the following enacted in lieu thereof:

3 "Said board shall award the contract for such textbooks or supplies
4 to the lowest responsible bidder meeting the specifications set forth in
5 the notice to bidders or may reject any and all bids, or any part there-
6 of, and readvertise."

1 SEC. 63. Section three hundred one point nine (301.9), Code 1966,
2 is hereby repealed.

1 SEC. 64. Section three hundred one point fifteen (301.15), Code
2 1966, is hereby repealed.

1 SEC. 65. Section three hundred one point sixteen (301.16), Code
2 1966, is hereby repealed.

1 SEC. 66. Section three hundred one point seventeen (301.17), Code
2 1966, is hereby repealed.

1 SEC. 67. Section three hundred one point eighteen (301.18), Code
2 1966, is hereby repealed.

1 SEC. 68. Section three hundred one point twenty-one (301.21),
2 Code 1966, is hereby repealed.

1 SEC. 69. Section three hundred one point twenty-two (301.22),
2 Code 1966, is hereby repealed.

1 SEC. 70. Section three hundred one point twenty-three (301.23),
2 Code 1966, is hereby repealed.

1 SEC. 71. Section three hundred fifty-nine point two (359.2), Code
2 1966, is hereby repealed.

1 SEC. 72. Section four hundred nine point forty-six (409.46), Code
2 1966, is hereby repealed.

1 SEC. 73. Section four hundred nine point forty-seven (409.47),
2 Code 1966, is hereby repealed.

1 SEC. 74. Section four hundred twenty point one hundred eighty-
2 one (420.181), Code 1966, is hereby repealed.

1 SEC. 75. Section four hundred twenty-seven point one (427.1),
2 Code 1966, as amended by chapter three hundred forty-two (342),
3 section one hundred fifty-five (155), Acts of the Sixty-second General
4 Assembly, is hereby further amended by striking from subsection two
5 (2), line three (3) the word "district" and inserting in lieu thereof
6 the word "corporation".

1 SEC. 76. Section four hundred seventy-two point two (472.2),
2 Code 1966, is hereby amended by striking from subsection two (2),
3 line three (3) the word "district" and inserting in lieu thereof the
4 word "corporation".

1 SEC. 77. Where the term for an elective office has been changed
2 from six years to three years by provision of this Act, officers who
3 have been elected to six-year terms prior to the effective date of this
4 Act shall be entitled to serve out the term for which they were elected
5 and their successors shall be elected for three-year terms as the said

6 six-year terms expire. This section shall not be printed as a per-
7 manent part of the Code of Iowa.

1 SEC. 78. The terms of office of the directors of a county or merged
2 county school system that contains a population of two hundred fifty
3 thousand, or more, and a school corporation which contains a city
4 with a population of two hundred thousand, or more, shall be four
5 years. The election for such office shall be as prescribed by law in
6 each odd-numbered year. A board of five members shall have three
7 members elected at one election and two at the next election. A board
8 of seven members shall have four members elected at one election
9 and three at the next election. If, upon the expiration of normal
10 terms, there is elected more than the number prescribed at any elec-
11 tion, those elected shall select by lot the length of their terms, some for
12 four years and some for two years, so that the proper number of
13 directors will be elected at the next election and each subsequent
14 election thereafter.

Approved March 13, 1970.

CHAPTER 1026

CLAIMS AGAINST STATE

H. F. 1257

AN ACT relating to claims against the state.

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

1 SECTION 1. Section twenty-five point two (25.2), Code 1966, is
2 hereby amended by inserting in line thirteen (13) before the word
3 "and" the following:
4 "claims by any county or county official relating to the personal
5 property tax credit;"

Approved May 1, 1970.

CHAPTER 1027

NATIONAL GUARD CLAIMS

H. F. 615

AN ACT relating to liability of the state for claims incident to training, operation, or maintenance of the national guard while not in "active state service".

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

1 SECTION 1. Section twenty-five A point fourteen (25A.14), Code
2 1966, is hereby amended by adding the following new subsection:
3 "Any claim based upon damage to or loss or destruction of private
4 property, both real and personal, or personal injury or death, when
5 such damage, loss, destruction, injury or death occurred as an incident

6 to the training, operation, or maintenance of the national guard while
 7 not in "active state service" as defined in section twenty-nine A point
 8 one (29A.1), subsection five (5), of the Code."

Approved March 16, 1970.

CHAPTER 1028

INTERSTATE CO-OPERATION COMMISSION

S. F. 1221

AN ACT relating to members of the interstate cooperation commission.

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

1 SECTION 1. Section twenty-eight B point four (28B.4), Code 1966,
 2 is hereby amended as follows:

3 1. By inserting in line nine (9) after the word "and" the words
 4 "legislative members".

5 2. By striking lines ten (10) and eleven (11) and inserting in
 6 lieu thereof the following:

7 "a per diem of forty dollars for each day in which engaged in the
 8 performance of their duties, such per diem to be paid from funds
 9 appropriated by chapter sixty-nine (69), section fourteen (14), Acts
 10 of the Sixty-third General Assembly, First Session. Expenses of".

1 SEC. 2. The provisions of this Act shall be retroactive to July 1,
 2 1969.

Approved March 20, 1970.

CHAPTER 1029

IOWA NATIONAL GUARD

H. F. 609

AN ACT relating to the Iowa national guard.

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

1 SECTION 1. Section twenty-nine A point one (29A.1), Code 1966,
 2 is hereby amended as follows:

3 1. By striking subsection five (5) and inserting in lieu thereof the
 4 following:

5 "'Active state service' shall mean service on behalf of the state in
 6 case of public disaster, riot, tumult, breach of the peace, resistance of
 7 process, or whenever any of the foregoing is threatened, whenever
 8 called upon in aid of civil authorities, or under martial law, or at
 9 encampments ordered by state authority, or upon any other state duty
 10 requiring the entire time of the organization or person. Active state
 11 service does not include and shall not mean training or duty required
 12 or authorized under Title thirty-two (32), United States Code, sec-

13 tions five hundred two (502) through five hundred five (505), in-
 14 clusive, or any federal regulations duly promulgated thereunder; nor
 15 shall such service mean any other training or duty required or author-
 16 ized by federal laws and regulations.”

17 2. By striking subsection eleven (11) and inserting in lieu thereof
 18 the following:

19 “‘Advisory council’ shall mean a board composed of the eleven
 20 senior officers of the Iowa national guard, to include all federally
 21 recognized general officers, except those assigned to headquarters,
 22 Iowa national guard (army and air), and senior commanders of the
 23 Iowa national guard, of whom eight shall be officers of the Iowa army
 24 national guard and three shall be officers of the Iowa air national
 25 guard who command organizations with authorized strength of not
 26 less than two hundred personnel.”

Approved March 20, 1970.

CHAPTER 1030

EMINENT DOMAIN

S. F. 1135

AN ACT relating to the power of eminent domain.

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

1 SECTION 1. Section twenty-nine A point fifty-seven (29A.57), Code
 2 1966, as amended by chapter one hundred (100), section two (2),
 3 Acts of the Sixty-second General Assembly, is further amended by
 4 striking from line nineteen (19) the words “bequests or condemna-
 5 tion” and inserting in lieu thereof the words “or bequest”.

1 SEC. 2. Section thirty-seven point five (37.5), Code 1966, is hereby
 2 amended as follows:

3 1. By striking from lines five (5) and six (6) the words “or con-
 4 demn”.

5 2. By striking all of such section after the period in line seven (7).

1 SEC. 3. Section two hundred two point one (202.1), Code 1966, is
 2 hereby amended by striking from line nine (9) the word “, condem-
 3 nation”.

1 SEC. 4. Section three hundred ten point twenty-two (310.22),
 2 Code 1966, is hereby amended as follows:

3 1. By striking from line three (3) the word “may” and inserting
 4 in lieu thereof the word “shall”.

5 2. By striking all of such section after the period in line three (3).

1 SEC. 5. Chapter three hundred fifteen (315), Code 1966, is hereby
 2 repealed.

1 SEC. 6. Section three hundred fifty-eight B point twelve (358B.12),
 2 Code 1966, is hereby amended by striking from line three (3) the
 3 word “condemn” and inserting in lieu thereof the word “purchase”.

1 SEC. 7. Section four hundred sixty-eight point one (468.1), Code
2 1966, is hereby repealed.

1 SEC. 8. Chapter four hundred seventy (470), Code 1966, is hereby
2 repealed.

1 SEC. 9. Section four hundred seventy-one point four (471.4), Code
2 1966, as amended by chapter two hundred sixty-four (264), section
3 one (1), and chapter two hundred sixty-five (265), section one (1),
4 Acts of the Sixty-third General Assembly, First Session, is further
5 amended by striking subsections two (2) and three (3).

1 SEC. 10. Chapter four hundred seventy-two (472), Code 1966, is
2 amended by adding the following new section:

3 "Any utility or railroad subject to section four hundred seventy-
4 four point ten (474.10), chapter four hundred ninety (490), or
5 chapter four hundred ninety A (490A) of the Code, authorized by
6 law to acquire property by condemnation that does acquire the prop-
7 erty of any person who is displaced thereby after the effective date
8 of this Act shall pay to such person in addition to all other sums of
9 money required by law a displacement allowance in accordance with
10 and in the same manner as provided for acquisition for highway
11 projects in sections three (3) and four (4) and five (5) of Senate
12 File 1055,* Acts of the Sixty-third General Assembly, Second Session.
13 In the application of said sections to utilities and railroads the term
14 'commission' shall mean the Iowa state commerce commission. The
15 displacement allowance shall be paid in the manner provided in that
16 Act and pursuant to the rules and regulations promulgated by the
17 commission. Any person aggrieved by a determination as to eligibility
18 for a payment or the amount of such payment may, upon application,
19 have the matter reviewed by the commission. The decision of the
20 commission upon review shall be final as to all parties. Any utility
21 or railroad subject to this Act that proposes to acquire the property
22 of any person who will be displaced by such acquisition shall inform
23 such person of his right to receive a displacement allowance and, if
24 his entitlement thereto or the amount thereof is in dispute, his right
25 of appeal to the commission."

Approved April 2, 1970.

*Chapter 1138.

CHAPTER 1031

WAR ORPHANS EDUCATION

H. F. 499

AN ACT relating to the war orphans educational aid fund.

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

1 SECTION 1. Section thirty-five point nine (35.9), Code 1966, as
2 amended by chapter one hundred two (102), section one (1), Acts of
3 the Sixty-second General Assembly, is hereby further amended by
4 striking from line three (3) the word "three" and inserting in lieu

5 thereof the word "four".

1 SEC. 2. Section thirty-five point ten (35.10), Code 1966, is hereby
2 amended by striking from line seventeen (17) the word "three" and
3 inserting in lieu thereof the word "four".

1 SEC. 3. Section thirty-five point nine (35.9), Code 1966, as
2 amended by chapter one hundred two (102), section one (1), Acts of
3 the Sixty-second General Assembly, is hereby further amended by
4 inserting the following after line fourteen (14): "to include members
5 of the reserve components performing service or duties required or
6 authorized under chapter thirty-nine (39), United States Code and
7 Title thirty-two (32), United States Code, sections five hundred two
8 (502) through five hundred five (505), inclusive, and active state
9 service required or authorized under chapter twenty-nine A (29A),
10 Code 1966."

Approved May 1, 1970.

CHAPTER 1032

INTEREST RATES

S. F. 382

AN ACT relating to interest rates.

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

1 SECTION 1. Acts of the Sixty-third General Assembly, First Ses-
2 sion, chapter eighty-seven (87), is hereby amended as follows:
3 1. Section one (1), line three (3), by striking the word "six" and
4 inserting in lieu thereof the word "seven".
5 2. Section two (2), line three (3), by striking the word "six" and
6 inserting in lieu thereof the word "seven".
7 3. Section three (3), line three (3), by striking the word "six" and
8 inserting in lieu thereof the word "seven".
9 4. Section four (4), line three (3), by striking the word "six" and
10 inserting in lieu thereof the word "seven".
11 5. Section six (6), line three (3), by striking the word "six" and
12 inserting in lieu thereof the word "seven".
13 6. Section seven (7), line four (4), by striking the word "six" and
14 inserting in lieu thereof the word "seven".
15 7. Section eight (8), line three (3), by striking the word "six" and
16 inserting in lieu thereof the word "seven".
17 8. Section nine (9), line three (3), by striking the word "six" and
18 inserting in lieu thereof the word "seven".
19 9. Section ten (10), line three (3), by striking the word "six" and
20 inserting in lieu thereof the word "seven".
21 10. Section eleven (11), line three (3), by striking the word "six"
22 and inserting in lieu thereof the word "seven".
23 11. Section twelve (12), line three (3), by striking the word "six"
24 and inserting in lieu thereof the word "seven".
25 12. Section thirteen (13), line three (3), by striking the word "six"

- 26 and inserting in lieu thereof the word "seven".
 27 13. Section fifteen (15), line five (5), by striking the word "six"
 28 and inserting in lieu thereof the word "seven".
 29 14. Section sixteen (16), line three (3), by striking the word "six"
 30 and inserting in lieu thereof the word "seven".
 31 15. Section seventeen (17), line three (3), by striking the word
 32 "six" and inserting in lieu thereof the word "seven".
 33 16. Section eighteen (18), line three (3), by striking the word
 34 "six" and inserting in lieu thereof the word "seven".
 35 17. Section nineteen (19), line three (3), by striking the word
 36 "six" and inserting in lieu thereof the word "seven".
 37 18. Section twenty (20), line three (3), by striking the word "six"
 38 and inserting in lieu thereof the word "seven".
 39 19. Section twenty-four (24), line three (3), by striking the word
 40 "six" and inserting in lieu thereof the word "seven".
 41 20. Section twenty-seven (27), line three (3), by striking the word
 42 "six" and inserting in lieu thereof the word "seven".
 43 21. Section twenty-eight (28), line three (3), by striking the word
 44 "six" and inserting in lieu thereof the word "seven".
 45 22. Section thirty (30), line three (3), by striking the word "six"
 46 and inserting in lieu thereof the word "seven".
 47 23. Section thirty-one (31), line three (3), by striking the word
 48 "six" and inserting in lieu thereof the word "seven".
 49 24. Section thirty-two (32), line three (3), by striking the word
 50 "six" and inserting in lieu thereof the word "seven".
 51 25. Section thirty-three (33), line three (3), by striking the word
 52 "six" and inserting in lieu thereof the word "seven".
 53 26. Section thirty-four (34), line five (5), by striking the word
 54 "six" and inserting in lieu thereof the word "seven".
 55 27. Section thirty-five (35), line four (4), by striking the word
 56 "six" and inserting in lieu thereof the word "seven".
 57 28. Section thirty-six (36), line four (4), by striking the word
 58 "six" and inserting in lieu thereof the word "seven".
 59 29. Section thirty-seven (37), line four (4), by striking the word
 60 "six" and inserting in lieu thereof the word "seven".
 61 30. Section forty-one (41), line three (3), by striking the word
 62 "six" and inserting in lieu thereof the word "seven".
 63 31. Section fifty-nine (59), line three (3), by striking the word
 64 "six" and inserting in lieu thereof the word "seven".

1 SEC. 2. Acts of the Sixty-third General Assembly, First Session,
 2 chapter ninety-six (96), section three (3), line four (4), amending
 3 section three hundred ninety-one A point twenty-two (391A.22), Code
 4 1966, is hereby amended by striking the word "six" and inserting in
 5 lieu thereof the word "seven".

1 SEC. 3. Acts of the Sixty-third General Assembly, First Session,
 2 chapter two hundred thirty-six (236), line one hundred thirty-eight
 3 (138), is hereby amended by striking the word "six" and inserting in
 4 lieu thereof the word "seven".

1 SEC. 4. Acts of the Sixty-third General Assembly, First Session,
 2 chapter two hundred sixty (260), section twelve (12), amending sec-

3 tion four hundred fifty-five point seventy-seven (455.77), Code 1966,
4 is hereby amended by striking from line six (6), the word "five" and
5 inserting in lieu thereof the word "seven".

1 SEC. 5. Acts of the Sixty-third General Assembly, First Session,
2 chapter two hundred sixty (260), section nineteen (19), amending
3 section four hundred fifty-five point two hundred twelve (455.212),
4 Code 1966, is hereby amended as follows:

5 1. Line four (4), by striking the word "five" and inserting in lieu
6 thereof the word "seven".

7 2. Line six (6), by striking the word "five" and inserting in lieu
8 thereof the word "seven".

1 SEC. 6. Acts of the Sixty-third General Assembly, First Session,
2 chapter two hundred sixty (260), section twenty (20), amending
3 chapter four hundred fifty-five (455), Code 1966, is hereby amended
4 by striking from line six (6) the word "five" and inserting in lieu
5 thereof the word "seven".

1 SEC. 7. Section three hundred fifty-seven A point twelve
2 (357A.12), Code 1966, is hereby amended by striking from line six
3 (6) the word "five" and inserting in lieu thereof the word "seven".

1 SEC. 8. Section four hundred three A point thirteen (403A.13),
2 Code 1966, is hereby amended by striking from line six (6) the word
3 "six" and inserting in lieu thereof the word "seven".

1 SEC. 9. Section four hundred fifty-five point fifty-seven (455.57),
2 Code 1966, is hereby amended by striking from line seven (7) the
3 word "five" and inserting in lieu thereof the word "seven".

1 SEC. 10. Section four hundred fifty-five point sixty-four (455.64),
2 Code 1966, as amended by Acts of the Sixty-third General Assembly,
3 First Session, chapter two hundred sixty (260), section eleven (11),
4 is further amended as follows:

5 1. By striking from subsection one (1), line twelve (12), the word
6 "five" and by inserting in lieu thereof the word "seven".

7 2. By striking from subsection two (2), line five (5), the word
8 "five" and inserting in lieu thereof the word "seven".

1 SEC. 11. Section four hundred fifty-five point eighty-three
2 (455.83), Code 1966, is hereby amended as follows:

3 1. By striking from line eight (8), the word "five" and inserting in
4 lieu thereof the word "seven".

5 2. By striking from line fifteen (15), the word "five" and inserting
6 in lieu thereof the word "seven".

1 SEC. 12. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Jack-
3 son Sentinel, Maquoketa, Iowa, April 30, 1970, and in The Auburn Enter-
4 prise, a newspaper published in Maquoketa, Iowa, and in The
Auburn Enterprise, a newspaper published in Auburn, Iowa.

Approved April 24, 1970.

I hereby certify that the foregoing Act, Senate File 382, was published in the Jackson Sentinel, Maquoketa, Iowa, April 30, 1970, and in The Auburn Enterprise, Auburn, Iowa, May 7, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1033

EMERGENCY LEGISLATIVE SUCCESSION

H. F. 106

AN ACT relating to members of the General Assembly of the state of Iowa and repealing chapter thirty-eight B (38B), Code 1966.

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

1 SECTION 1. Chapter thirty-eight B (38B), Code 1966, is hereby re-
2 pealed.

Approved January 28, 1970.

CHAPTER 1034

NOMINATION AND ELECTION OF GENERAL ASSEMBLY

H. F. 1020

AN ACT pertaining to the nomination and election of members of the General Assembly.

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

1 SECTION 1. Section thirty-nine point three (39.3), Code 1966, is
2 hereby amended by striking lines sixteen (16) and seventeen (17)
3 and inserting the following in lieu thereof: "which a senator is to
4 be chosen)."

5 Further amend section thirty-nine point three (39.3), Code 1966,
6 by striking lines twenty (20) through twenty-four (24) and inserting
7 the following in lieu thereof: "In the representative district of (giv-
8 ing the number of each representative district in which a representa-
9 tive is to be chosen)."

1 SEC. 2. Section forty-three point fifteen (43.15), Code 1966, is
2 hereby amended by adding after the word "county" in line thirteen
3 (13) the following: ", representative or senatorial district for mem-
4 bers of the general assembly".

1 SEC. 3. Section forty-three point seventeen (43.17), Code 1966, is
2 hereby amended by adding after the word "county" in line eight (8)
3 "or legislative district".

1 SEC. 4. Section forty-three point twenty (43.20), Code 1966, is
2 hereby amended by striking from lines ten (10) and eleven (11) the
3 following: "senator or representative in the general assembly".

4 Further amend section forty-three point twenty (43.20), Code 1966,
5 by adding to subsection two (2) the following: "If for a representa-
6 tive in the general assembly, not less than fifty voters of the repre-
7 sentative district; and if for a senator in the general assembly, not
8 less than one hundred voters of the senatorial district."

1 SEC. 5. Section forty-three point forty-nine (43.49), Code 1966,
2 subsection one (1), is amended by adding after the word "county" in
3 line one (1) the words "in each precinct".

1 SEC. 6. Section forty-three point eighty-three (43.83), Code 1966,
2 lines four (4) through six (6), is amended by striking the words
3 "senator or representative in the general assembly for a district com-
4 posed of more than one county".

1 SEC. 7. Section forty-three point eighty-four (43.84), Code 1966,
2 is repealed and the following enacted in lieu thereof:

3 "There shall be a legislative representative central committee for
4 each legislative district, which committee shall be composed of the
5 same precinct members chosen for each county central committee and
6 who reside within that part of the county located within the legis-
7 lative district. A senate legislative central committee shall be com-
8 posed of the two legislative representative central committees from
9 the two representative districts comprising the senate district. The
10 precinct members of the legislative representative central committee
11 for the various parts of counties comprising the representative dis-
12 trict shall meet and organize by election of officers, on the next
13 Monday following their election at some convenient place within the
14 legislative district to be chosen by the state chairman.

15 The committee shall meet in convention on call of the chairman to:

16 (1) Make nominations of candidates to be voted on at a special
17 election and occasioned by a vacancy in the office of senator or repre-
18 sentative in the general assembly.

19 (2) Make nominations of candidates for the party to membership
20 in the general assembly when no candidate for such office has been
21 nominated at the preceding primary election by reason of the failure
22 of any candidate to receive the legally required number of votes cast
23 by such party therefor, if such convention is held following the pre-
24 ceding primary election.

25 (3) Make nominations for these offices where a nomination made
26 at a primary election has become vacant before the convening of the
27 convention if such convention is held following the primary election.

28 (4) Make nominations for such offices to fill vacancies occurring
29 too late to file nomination papers in the primary election if such con-
30 vention is held following the primary election."

1 SEC. 8. Section forty-three point fourteen (43.14), Code 1966, is
2 hereby amended by adding after the word "county" in line six (6)
3 "or legislative district".

1 SEC. 9. Section forty-three point ninety-seven (43.97), Code 1966,
2 subsection five (5), is amended by striking from lines two (2) and
3 three (3) the words "senatorial and congressional district composed
4 of more than one county" and inserting in lieu thereof the words
5 "congressional district".

1 SEC. 10. Section forty-three point seventy (43.70), Code 1966, is
2 amended by adding a new subsection:

3 "4. To the chairman of the legislative representative central com-
4 mittee or senate legislative central committee of said party and to
5 each county auditor in case of a representative or senator in the
6 general assembly."

1 SEC. 11. Section forty-three point one hundred two (43.102),
2 Code 1966, is amended by striking from line five (5) the words
3 "senatorial or".

1 SEC. 12. For the primary and general elections in the year 1970,
2 nomination papers and other election papers making reference to a
3 county in referring to a legislative district shall be construed to mean
4 the numbered district which has been assigned to the county or part
5 thereof which the candidate seeks to represent.

1 SEC. 13. This Act, being deemed of immediate importance, shall
 2 take effect, and be in force from and after its publication in the Davis
 3 County Republican, a newspaper published in Bloomfield, Iowa, and
 4 in the Ottumwa Courier, a newspaper published in Ottumwa, Iowa.

Approved February 12, 1970.

I hereby certify that the foregoing Act, House File 1020, was published in the Davis County Republican, Bloomfield, Iowa, February 17, 1970, and in the Ottumwa Courier, Ottumwa, Iowa, February 16, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1035

CLINTON COUNTY REPRESENTATIVE DISTRICTS

H. F. 1111

AN ACT relating to the composition of representative districts located within Clinton county.

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

1 SECTION 1. Chapter eighty-nine (89), section two (2), Acts of the
 2 Sixty-third General Assembly, First Session, is hereby amended by
 3 striking from lines eighteen (18) and nineteen (19) the words and
 4 figures "one thousand two hundred eighty-four (1284), Clinton city
 5 ordinances, adopted October 9, 1967" and inserting in lieu thereof the
 6 words and figures "one thousand three hundred eighty-five (1385),
 7 Clinton city ordinances, adopted August 25, 1969".

1 SEC. 2. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The Clin-
 3 ton Herald, a newspaper published in Clinton, Iowa, and in The De-
 4 Witt Observer, a newspaper published in DeWitt, Iowa.

Approved March 13, 1970.

I hereby certify that the foregoing Act, House File 1111, was published in The Clinton Herald, Clinton, Iowa, March 20, 1970, and in The DeWitt Observer, DeWitt, Iowa, March 19, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1036

ELECTION BALLOTS

S. F. 1162

AN ACT relating to certification of nominees whose names are to appear on the general election ballot, and to requests for and distribution of absentee ballots for primary and general elections.

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

1 SECTION 1. Section forty-three point seventy-three (43.73)*, Code
 2 1966, is hereby amended by striking from line one (1) the word "forty-

*See also ch. 1039, §11.

3 five" and inserting in lieu thereof the word "fifty-five".

1 SEC. 2. Section fifty-three point two (53.2), Code 1966, is hereby
2 amended by striking from line four (4) the word "twenty" and insert-
3 ing in lieu thereof the word "forty".

1 SEC. 3. Section fifty-three point thirty-nine (53.39), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line fifteen (15) the word "thirty" and in-
4 serting in lieu thereof the word "forty".

5 2. By striking from line eighteen (18) the word "thirty" and in-
6 serting in lieu thereof the word "forty".

1 SEC. 4. Section fifty-three point forty (53.40), Code 1966, as
2 amended by chapter ninety-four (94), Acts of the Sixty-third General
3 Assembly, First Session, is hereby further amended as follows:

4 1. By striking from line eleven (11) the word "fifty-five" and in-
5 serting in lieu thereof the word "seventy".

6 2. By striking from line thirty-seven (37) the word "thirtieth"
7 and inserting in lieu thereof the word "fortieth".

1 SEC. 5. Section fifty-three point forty-two (53.42), Code 1966,
2 is hereby amended by striking from line seven (7) the word "thirty"
3 and inserting in lieu thereof the word "forty".

Approved April 2, 1970.

CHAPTER 1037

VOTER REGISTRATION

H. F. 1097

AN ACT relating to voter registration.

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

1 SECTION 1. Section forty-eight point one (48.1), Code 1966, is
2 amended by inserting after the period in line six (6) the following:

3 "There is further created the office of commissioner of registration
4 in all counties that now or hereafter have a population of fifty thou-
5 sand or more. The county auditor of each such county is hereby con-
6 stituted the commissioner of registration in his county. The county
7 auditor shall register only those residents of his county who reside
8 outside of the corporate limits of all cities in his county with a popu-
9 lation of ten thousand or more. The city clerk of all cities with a
10 population of ten thousand or more shall register the residents of his
11 city."

1 SEC. 2. Section forty-eight point three (48.3), Code 1966, lines
2 one (1) and two (2), is amended by striking "From and after July 1,
3 1928," and inserting "In any such city or county".

1 SEC. 3. Section forty-eight point four (48.4), Code 1966, is
2 amended as follows:

3 1. Line three (3), after the word "city" add "or county".

4 2. Line twelve (12), after "council" add "or county board of super-
5 visors as the case may be".

6 3. Line eighteen (18), after "council" add "or board".

7 4. Line twenty-three (23), after "city" add "or county".

1 SEC. 4. Section forty-eight point ten (48.10), Code 1966, is
2 amended by striking all of lines one (1) to seven (7), inclusive, and
3 the words "such city." in line eight (8) and inserting in lieu thereof
4 "It is the mandatory duty of each local registrar and deputy registrar
5 of vital statistics to provide the commissioner of registration of his
6 city or county, as the case may be, with a certified list of the names
7 and last known addresses of all persons of legal age who have died in
8 his county. Such lists shall be delivered monthly by the tenth."

9 Further amend said section, lines thirteen (13) and fourteen (14),
10 by striking "health commissioner" and inserting "local registrar or
11 deputy registrar of vital statistics".

1 SEC. 5. Section forty-eight point eighteen (48.18), Code 1966, is
2 amended as follows:

3 1. Line five (5), after the third word "city" insert "and board of
4 supervisors".

5 2. Line six (6), after "city" insert "or county".

6 3. Line nine (9), after "council" insert "or board".

7 4. Next to the last line, after "council" insert "or board".

1 SEC. 6. Section forty-eight point twenty-one (48.21)*, Code 1966,
2 is amended as follows:

3 1. Line eleven (11), strike "act of 1927" and insert "law".

4 2. Line twenty-four (24), after "cities" insert "or counties".

5 3. Next to the last line, after "clerk" insert "or county auditor".

1 SEC. 7. Section forty-eight point twenty-two (48.22), Code 1966,
2 line two (2), after the second "any" insert "other".

1 SEC. 8. Section forty-eight point twenty-six (48.26), Code 1966,
2 line eight (8), is amended by inserting after "section." the following:
3 "In any county, where permanent registration applies, the county
4 auditor shall establish a permanent registration place in the office of
5 the auditor or elsewhere in the courthouse. The permanent registra-
6 tion place shall be open at all times when other county offices are open.
7 The permanent registration place shall also be open at least two even-
8 ings from five o'clock p.m. until eight o'clock p.m., and at least one
9 Saturday from eight o'clock a.m. until five o'clock p.m., during the
10 thirty-day period preceding any election for which registration is
11 required.

12 The county auditor shall further establish at least one branch regis-
13 tration place in every city, town, and township under his jurisdiction
14 that has a population of one thousand or more during the thirty-day
15 period prior to the closing of the election register for any election for
16 which registration is required. Such branch registration places shall
17 be open during the evening hours upon such days and upon such Sat-
18 urchdays as the auditor determines will be a convenience to the eligible
19 voter required to register pursuant to this chapter.

20 Any person who resides in a town or township in which a branch

*See also ch. 1039, §21.

21 registration place is not maintained, may register at the nearest
22 branch registration place or the permanent registration place.

23 The city clerk of a city where permanent registration applies shall
24 establish at points within such city a sufficient number of branch
25 registration places at least thirty days prior to the close of the election
26 register for any election for which registration is required. Such
27 branch registration places shall be open during the evening hours
28 upon such days and upon such Saturdays as the city clerk determines
29 will be a convenience to the eligible voter required to register pur-
30 suant to this chapter.

31 The county auditor and city clerk shall give notice of the places and
32 times such branch registration places will be open by publication in a
33 newspaper of general circulation within the respective county or city
34 at least one week prior to the first time such branch registration
35 places will be open."

1 SEC. 9. Any person voting in the primary election June 2, 1970,
2 shall be a permanently registered voter of any county where voter
3 registration is required under the provisions of chapter forty-eight
4 (48) of the Code.

1 SEC. 10. Section forty-seven point one (47.1), Code 1966, is
2 amended by striking all of the first paragraph and inserting in lieu
3 thereof the following:

4 "Any city having a population in excess of four thousand to and
5 including a population of ten thousand may, by ordinance, require the
6 registration of all voters. Also, any county may by resolution of the
7 board of supervisors require registration of voters in any township
8 having a population of fifteen hundred or more."

1 SEC. 11. Section four hundred forty-four point nine (444.9), Code
2 1966, is hereby amended by inserting after line twenty-two (22) the
3 following new subsection:

4 "For maintaining voter registration by the county auditor as re-
5 quired by chapter forty-eight (48) of the Code, but not to exceed the
6 annual anticipated cost thereof. The levy for this purpose shall be
7 only upon the taxable property outside the corporate limits of all
8 cities within the county which registers its own residents pursuant to
9 chapter forty-eight (48) of the Code. Any unexpended balance re-
10 maining shall not be transferred to any other county fund but shall
11 be utilized to diminish the levy for the next year. In order to comply
12 with chapter forty-eight (48) of the Code, for the year 1970 the board
13 of supervisors shall by resolution set the actual anticipated cost there-
14 of. Thereafter such an amount may be expended and the warrants
15 issued for such purpose shall be paid pursuant to section three hun-
16 dred thirty-four point five (334.5) of the Code. The funds necessary
17 to redeem such warrants shall be part of the levy for the next year."

Approved May 10, 1970.

CHAPTER 1038
ELECTION PRECINCTS
S. F. 1111

AN ACT relating to election precincts.

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

1 SECTION 1. Section forty-nine point four (49.4), Code 1966, is
2 hereby amended by adding thereto the following:

3 "No election precinct shall have a total population in excess of one-
4 tenth of one percent of the total population of the state, as shown by
5 the most recent federal decennial census, except that a civil township
6 may constitute a single election precinct if its total population is not
7 in excess of twelve-hundredths of one percent of the total population
8 of the state and the board of supervisors deems the division of such
9 township into two precincts impractical. Where a civil township, or
10 the portion of a civil township outside the corporate limits of any or
11 all cities and towns located wholly or partially within the boundaries
12 of such township, is divided into two or more election precincts, the
13 populations of each such precinct shall be as nearly equal as possible
14 within the limitations of availability of suitable polling places and of
15 reliable data on the populations of various parts of such township.
16 The board of supervisors shall make any changes necessary to comply
17 with this section not later than March fifteenth of each year immedi-
18 ately following a year in which the federal decennial census is taken,
19 unless the general assembly by joint resolution establishes a later date
20 for such compliance due to unavailability of necessary census data.
21 Any or all of the publications required by section forty-nine point
22 eleven (49.11) of the Code may be made after March fifteenth if
23 necessary."

1 SEC. 2. Section forty-nine point five (49.5), Code 1966, is hereby
2 amended by adding thereto the following:

3 "Election precincts shall be of as nearly equal population as possible
4 within the limitations of reliable data on the populations of various
5 parts of such city. No election precinct shall have a total population
6 in excess of one-tenth of one percent of the total population of the
7 state, as shown by the most recent federal decennial census, except
8 that:

9 1. A city whose total population permits may be divided into not
10 more than four precincts of as nearly equal population as possible,
11 none of which shall have a total population in excess of twelve-hun-
12 dredths of one percent of the total population of the state.

13 2. No city with a total population less than twelve-hundredths of
14 one percent of the total population of the state need be divided into
15 more than one precinct if the council deems such division impractical.

16 The council shall make any changes necessary to comply with this
17 section not later than March fifteenth of each year immediately fol-
18 lowing a year in which the federal decennial census is taken, unless
19 the general assembly by joint resolution establishes a later date for
20 such compliance due to unavailability of necessary census data. Any
21 or all of the publications required by section forty-nine point eleven
22 (49.11) of the Code may be made after March fifteenth if necessary."

1 SEC. 3. Section forty-nine point six (49.6), Code 1966, is hereby
2 amended as follows:
3 1. By inserting in line two (2) after the word "any" the words
4 "town or".
5 2. By adding thereto the following:
6 "No precinct so created shall have a total population in excess of
7 one-tenth of one percent of the total state population, as shown by
8 the most recent federal decennial census, except that if the entire
9 town or city and township are to constitute a single election precinct,
10 the total population shall not exceed twelve-hundredths of one percent
11 of the total state population."

1 SEC. 4. Section forty-nine point ten (49.10), Code 1966, is hereby
2 amended by adding thereto the following new subsection:
3 "The city council of any city in which precinct lines have been
4 changed to comply with section forty-nine point five (49.5) of the
5 Code, as amended by this Act, may fix the polling place for any pre-
6 cinct outside the boundaries of the precinct if there is no building or
7 facility within the precinct suitable and available for use as a polling
8 place. In so doing, the council shall fix the polling place at the point
9 nearest the precinct which is suitable and available for use as a polling
10 place and is reasonably accessible to voters of the precinct. No single
11 room or area of any building or facility shall be fixed as the polling
12 place for more than one precinct unless there are separate entrances
13 thereto each clearly marked on the days on which elections are held as
14 the entrance to the polling place of a particular precinct, and suitable
15 arrangements are made within such room or area to prevent direct
16 access from the polling place of any precinct to the polling place of
17 any other precinct. When the council has fixed such a polling place
18 for any precinct it shall remain the polling place at all subsequent
19 primary, general and special elections until the boundaries of the pre-
20 cinct are changed or the council fixes a new polling place, except that
21 the polling place shall be changed to a point within the boundaries of
22 the precinct at any time not less than sixty days before the next suc-
23 ceeding primary, general or special election that a building or facility
24 suitable for such use becomes available within the precinct."

Approved May 5, 1970.

CHAPTER 1039

RESIDENCY REQUIREMENTS FOR ELECTIONS

S. F. 665

AN ACT relating to residency requirements for elections; compensation and training of election workers; the use of voters' oaths; affidavits, and declarations; the qualification and certification of candidates of nonparty political organizations; voter registration; the use of serial numbers on applications for absentee ballots and ballot envelopes; absentee ballots for servicemen; the prohibition of the solicitation and notarization of absentee ballots by governmental employees; the time of election filings; calling district conventions after resignation of candidates; polling places; the resignation of candidates; and administration of the election laws by the secretary of state.

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

1 SECTION 1. For the purposes of any general election in which
2 votes are to be cast for the office of president of the United States or
3 electors for president, any resident of Iowa who has moved to another
4 state shall be presumed to be and remain a resident of Iowa and a
5 resident of the county and precinct of which he was a resident imme-
6 diately preceding such move, until he meets the residence require-
7 ments for electors in the place to which he has moved; but such pre-
8 sumption shall not continue for more than one year after such move.
9 However, if he is eligible to vote he shall be permitted to vote only
10 for the offices of president and vice-president of the United States or
11 electors for said offices. He shall vote by absentee ballot and shall
12 make an application indicating that he is eligible only for a presi-
13 dential and vice-presidential ballot. The secretary of state shall pre-
14 scribe the form of application and ballot. The county auditor shall
15 cause such applications and ballots to be printed and furnished.

1 SEC. 2. For the purposes of any general election or primary elec-
2 tion in which votes are to be cast for any state or federal office, any
3 resident of Iowa who has moved to a different county or precinct
4 within the state shall be presumed to be and remain a resident of the
5 county and precinct of which he was a resident immediately preceding
6 such move, until he meets the residence requirements for electors in
7 the place to which he has moved.

1 SEC. 3. For the purposes of any school election, any resident of
2 Iowa who remains a resident of the same school district but who has
3 moved to a different county or precinct shall be presumed to be and
4 remain a resident of the county and precinct of which he was a resi-
5 dent immediately preceding such move, until he meets the residence
6 requirements for electors in the place to which he has moved.

1 SEC. 4. For the purposes of any city or town election, any resi-
2 dent of Iowa who remains a resident of the same city or town but
3 who has moved to a different precinct shall be presumed to be and
4 remain a resident of the precinct of which he was a resident immedi-
5 ately preceding such move, until he meets the residence requirements
6 for electors in the place to which he has moved.

1 SEC. 5. For the purposes of any special election or other election
2 which is not governed by sections one (1) through four (4), inclusive,

3 of this Act, any resident of Iowa who remains a resident of the area
4 or territory within which such election is conducted but who has
5 moved to a different county or precinct shall be presumed to be and
6 remain a resident of the county and precinct of which he was a resi-
7 dent immediately preceding such move, until he meets the residence
8 requirements for electors in the place to which he has moved.

1 SEC. 6. The secretary of state shall prescribe reasonable rules
2 and regulations for the administration and implementation of the elec-
3 tion laws of this state. Chapter seventeen A (17A) of the Code shall
4 apply to the rules. All public officials and election workers shall com-
5 ply with and aid in the implementation of the rules.

1 SEC. 7. Section forty-three point thirty-two (43.32), Code 1966,
2 is hereby amended by striking from line five (5) the words "one dol-
3 lar" and inserting in lieu thereof the words "two dollars".

1 SEC. 8. Section forty-three point thirty-four (43.34), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line three (3) the word "candidates" and in-
4 serting in lieu thereof the word "voters".

5 2. By striking from lines three (3) and four (4) the words "for
6 the different offices".

1 SEC. 9. Section forty-three point forty-four (43.44), Code 1966,
2 is hereby amended by striking all of such section after the comma in
3 line nine (9) and inserting in lieu thereof the following:

4 "such person shall sign an affidavit which shall be in substantially
5 the following form:

6 CHANGE OF PARTY AFFILIATION

7 I do solemnly swear or affirm that I have in good faith changed my
8 party affiliation to and desire to be a member of the
9 party.

10
Signature of Voter

11
Address

12 Approved:

13
Judge or Clerk of Election

14 If such person signs the affidavit, he shall be given a ballot of such
15 political party and the clerks of the primary election shall change his
16 enrollment of party affiliation accordingly."

1 SEC. 10. Section forty-three point fifty-nine (43.59), subsection
2 two (2), Code 1966, is hereby amended by striking from line three (3)
3 the word "forty" and inserting in lieu thereof the word "sixty-five".

1 SEC. 11. Section forty-three point seventy-three (43.73)*, Code
2 1966, is hereby amended by striking from line one (1) the word
3 "forty-five" and inserting in lieu thereof the word "fifty-five".

1 SEC. 12. Section forty-three point one hundred one (43.101), sub-
2 section four (4), Code 1966, is hereby amended by striking from line
3 three (3) the word "forty" and inserting in lieu thereof the word
4 "sixty-five".

*See also ch. 1036, §1.

1 SEC. 13. Section forty-four point one (44.1), Code 1966, is hereby
2 amended as follows:

3 1. By striking from line thirteen (13) the word "fifty" and insert-
4 ing in lieu thereof the words "two hundred fifty".

5 2. By striking from line fourteen (14) the word "ten" and inserting
6 in lieu thereof the word "twenty-five".

1 SEC. 14. Section forty-four point three (44.3), Code 1966, is here-
2 by amended by adding at the end thereof the following new subsec-
3 tion:

4 "The name and address of each delegate or voter in attendance at
5 a convention or caucus where a nomination is made for a state elec-
6 tive office."

1 SEC. 15. Section forty-seven point nineteen (47.19), Code 1966, is
2 hereby repealed and the following enacted in lieu thereof:

3 "Each applicant for registration shall sign the following affidavit:

4 APPLICATION FOR REGISTRATION

5 I do solemnly swear or affirm that I am a resident of the
6 precinct, ward or township, city or town of
7, county of, Iowa.

8 I have been a resident of the state of Iowa for at least six months,
9 of said county for at least sixty days, and of said precinct for at least
10 ten days. I am lawfully eligible to vote in said state, county, and
11 precinct.

12 If applicant had a prior address outside this county the following
13 information is required: My prior address was in
14 county, state of

15 I am affiliated with the party.

16 Being duly sworn, I will fully and truly answer all questions asked
17 of me with regard to my name, place of residence, date and place of
18 birth, qualifications as a voter, and my right to register and vote
19 under the laws of this state.

20 I understand that any false statement in this declaration is a crim-
21 inal offense punishable as provided by law.

22
23 Signature of Applicant
.....
Address"

1 SEC. 16. Section forty-seven point twenty (47.20), Code 1966, is
2 hereby amended by striking from lines one (1) and two (2) the words
3 "administration of said oath" and inserting in lieu thereof the words
4 "signing of the affidavit".

1 SEC. 17. Section forty-seven point thirty-three (47.33), subsec-
2 tion five (5), Code 1966, is hereby amended by striking from line one
3 (1) the words "freeholder who is a".

1 SEC. 18. Section forty-seven point thirty-four (47.34), Code 1966,
2 is hereby amended by striking from lines three (3) and four (4) the
3 word "freeholder" and inserting in lieu thereof the words "registered
4 voter".

1 SEC. 19. Section forty-eight point eleven (48.11), Code 1966, is
2 hereby amended as follows:

3 1. By striking from line fourteen (14) the words "oath or".

4 2. By striking lines fifteen (15) through eighteen (18), inclusive,
5 and inserting in lieu thereof the following:

6 "APPLICATION FOR REGISTRATION
7 I do solemnly swear or affirm that I am a resident of the
8 precinct, ward or township, city or town of
9, county of, Iowa.
10 I have been a resident of the state of Iowa for at least six months, of
11 said county for at least sixty days, and of said precinct for at least
12 ten days. I am lawfully eligible to vote in said state, county, and
13 precinct.

14 If applicant had a prior address outside this county the following
15 information is required: My prior address was in
16 county, state of

17 I am affiliated with the party.

18 Being duly sworn, I will fully and truly answer all questions asked
19 of me with regard to my name, place of residence, date and place of
20 birth, qualifications as a voter, and my right to register and vote
21 under the laws of this state.

22 I understand that any false statement in this declaration is a crim-
23 inal offense punishable as provided by law.

24
Signature of Applicant
25
Address"

1 SEC. 20. Section forty-eight point fifteen (48.15), Code 1966, is
2 hereby amended by striking lines four (4) through eight (8), inclu-
3 sive, and inserting in lieu thereof the following:

4 "registration. The commissioner of registration shall immediately
5 give five days notice of a hearing by registered or certified mail to
6 the challenger and the person challenged. If the person challenged
7 fails to appear, his name shall be removed from the registration list.
8 However, if the person challenged notifies the commissioner prior to
9 the date set for the hearing that he is unable to appear on the date
10 specified, the commissioner may reschedule the hearing. At such hear-
11 ing the commissioner shall hear such evidence as he deems to have
12 probative value. The person challenged shall be required to sign an
13 affidavit as provided in section nineteen (19) of this Act and may
14 then be questioned concerning his voting residence and qualifications.
15 In all cases the commissioner shall decide the".

1 SEC. 21. Section forty-eight point twenty-one (48.21)*, Code 1966,
2 is hereby amended by striking lines one (1) through nineteen (19), in-
3 clusive, and inserting in lieu thereof the following:

4 "In municipalities having permanent registration for elections,
5 before any person desiring to vote receives a ballot from the judge
6 or is permitted to enter the voting machine, he shall sign a voter's
7 declaration of eligibility as provided in section forty-nine point sev-
8 enty-seven (49.77) of the Code as amended by section twenty-nine
9 (29) of this Act, except that the voter's declaration shall also include
10 the following statement:

11 'I am lawfully registered in said precinct and county under the

*See also ch. 1037, §6.

12 Iowa permanent registration law.'

13 The voter's declaration of eligibility shall constitute a certificate
14 of registration for the purposes of this chapter provided he has other-
15 wise complied with section forty-nine point seventy-eight (49.78)
16 of the Code."

1 SEC. 22. Section forty-eight point twenty-seven (48.27), Code
2 1966, is hereby repealed and the following enacted in lieu thereof:

3 "The commissioner of registration shall appoint at least six per-
4 sons for each ten thousand inhabitants, or major fraction thereof,
5 within his jurisdiction as mobile deputy registrars. An equal number
6 of these appointees shall be appointed from lists supplied for that
7 purpose from the county chairmen of the two political parties polling
8 the highest vote in the jurisdiction in the last preceding general elec-
9 tion. Said list of appointees as submitted to the commissioner of
10 registration shall be made available to the party chairmen of the
11 two parties receiving the highest votes at the preceding election for
12 secretary of state. Mobile deputy registrars are authorized to se-
13 cure registration of eligible voters anywhere in the jurisdiction of the
14 commissioner of registration and shall make such reports of new
15 registrations and changes as the commissioner of registration requests
16 and shall take an oath of office administered by the commissioner of
17 registration. Mobile deputy registrars shall be appointed before the
18 first of August preceding any general election and the appointments
19 shall expire when registration closes for that election. Mobile deputy
20 registrars shall serve without compensation from any source. The
21 commissioner of registration shall furnish to each mobile deputy reg-
22 istrar proper registration forms which shall be numbered and ac-
23 counted for by the mobile deputy registrar to the commissioner of
24 registration. There shall be provided on said form a space for the
25 signature of the mobile deputy registrar who shall sign same and iden-
26 tify himself with appropriate identity papers or badge provided by the
27 commissioner of registration in the presence of the voter and a copy of
28 said voter registration form shall be given to the voter as a receipt
29 of the fact that he is duly registered. The mobile deputy registrar
30 shall be a person of known good character who has reached the age
31 of majority and who is familiar with the registration laws of the state
32 and shall be trained by the commissioner of registration in a manner
33 he deems adequate. It shall be unlawful for any mobile deputy regis-
34 trar or any registrar to refuse to register any eligible voter and any
35 such refusal is a criminal offense punishable as provided by law. The
36 mobile deputy registrar must be a resident of the county wherein he
37 is appointed. It shall be the duty of the secretary of state to desig-
38 nate a suitable voter registration form for the purpose of this section.
39 A list of the persons registered under this section shall be made avail-
40 able weekly to the county chairman of each of the two major political
41 parties for the purpose of challenge."

1 SEC. 23. Section forty-nine point twenty (49.20), Code 1966, is
2 hereby amended as follows:

3 1. By striking from line two (2) the words "one dollar" and insert-
4 ing in lieu thereof the words "two dollars".

5 2. By striking from line four (4) the word "seven" and inserting
6 in lieu thereof the word "ten".

1 SEC. 24. Section forty-nine point twenty-one (49.21), Code 1966,
2 is hereby amended by adding at the end thereof the following new
3 paragraphs:

4 "Upon the application of the county auditor or the township trust-
5 ees, the authority which has control of any buildings or grounds sup-
6 ported by taxation under the laws of this state shall make available
7 the necessary space therein for the purpose of holding elections, with-
8 out charge for the use thereof.

9 Except as otherwise provided by law, the polling place in each pre-
10 cinct in the state shall be located in a central location if a building is
11 available. However, first consideration shall be given to the use of
12 public buildings supported by taxation."

1 SEC. 25. Section forty-nine point twenty-five (49.25), Code 1966,
2 is hereby amended as follows:

- 3 1. By striking all of subsections one (1) and two (2).
- 4 2. By striking from subsection six (6), line two (2), the word
5 "sixty" and inserting in lieu thereof the words "four hundred".
- 6 3. By consecutively renumbering the remaining subsections.

1 SEC. 26. Section forty-nine point twenty-seven (49.27), Code 1966,
2 is hereby amended by striking from lines eleven (11) and twelve (12)
3 the words "administer an oath to any person and to examine him
4 under oath" and inserting in lieu thereof the words "require any
5 person to sign an affidavit which shall be substantially in the form set
6 out in section twenty-nine (29) of this Act and such judges may ex-
7 amine such person".

1 SEC. 27. Section forty-nine point sixty-eight (49.68), Code 1966,
2 is hereby amended as follows:

- 3 1. By striking from line one (1) the words "attorney general" and
4 inserting in lieu thereof the words "secretary of state with the ap-
5 proval of the attorney general".
- 6 2. By striking from lines three (3) and four (4) the words ", and
7 deliver such instructions to the secretary of state".

1 SEC. 28. Section forty-nine point seventy-three (49.73), Code 1966,
2 is hereby amended as follows:

- 3 1. By striking from line three (3) the words "in the forenoon" and
4 inserting in lieu thereof the words "a.m."
- 5 2. By striking from line five (5) the words "in the forenoon" and
6 inserting in lieu thereof the words "a.m."
- 7 3. By striking from line nine (9) the words "in the evening." and
8 inserting in lieu thereof the words "p.m."

1 SEC. 29. Section forty-nine point seventy-seven (49.77), Code
2 1966, is hereby amended by striking all of such section after the word
3 "name" in line five (5) and inserting in lieu thereof the following:

4 "and address to the judges, and shall sign a voter's declaration
5 provided by the judges of the election, in substantially the following
6 form:

7 VOTER'S DECLARATION OF ELIGIBILITY

8 I do solemnly swear or affirm that I am a resident of the
9 precinct, ward or township, city or town of
10, county of, Iowa.

11 I have been a resident of the state of Iowa for at least six months,
 12 of said county for at least sixty days, and of said precinct for at
 13 least ten days. I am lawfully eligible to vote in said precinct and
 14 county in the election to be held on.....
 15, 19..... I have not voted and will not vote in any
 16 other precinct in said election.

17 (For primary election only:) I am affiliated with the
 18 party.

19 I understand that any false statement in this declaration is a crim-
 20 inal offense punishable as provided by law.

21
 Signature of Voter

22
 Address

23 Approved:

24
 Judge or Clerk of the Election

25 In precincts where the judges of the election are furnished compu-
 26 terized registration lists, the person desiring to vote, except a per-
 27 son legally blind, shall also provide some form of identification upon
 28 which the signature or mark of such person appears. If identification
 29 is established to the satisfaction of the judges of the election, the
 30 person may then be allowed to vote.

31 If the voter has no identification, his identity may be attested to
 32 by a judge of the election.

33 All voters' declarations may then be seen by the challengers of each
 34 political party, at the request of such challengers."

1 SEC. 30. Section forty-nine point seventy-eight (49.78), Code 1966,
 2 is hereby repealed and the following enacted in lieu thereof:

3 "In precincts where registration is required, if such name is found
 4 on the register of voters by the officer having charge thereof, the
 5 voter shall sign a voter's declaration as provided in sections forty-
 6 eight point twenty-one (48.21) and forty-nine point seventy-seven
 7 (49.77) of the Code and provided to the voters by the judges of the
 8 election. In precincts where the judges of the election are furnished
 9 with computerized voter registration lists, the person desiring to vote,
 10 except a person legally blind, shall then provide some form of identi-
 11 fication upon which the signature or mark of such person appears. If
 12 identification is established to the satisfaction of the judges of the
 13 election, the person may then be allowed to vote.

14 If the voter has no identification, his identity may be attested to
 15 by a judge of the election.

16 All voters' declarations may then be seen by the challengers of each
 17 political party, at the request of such challengers.

18 In precincts where chapter forty-eight (48) of the Code is applica-
 19 ble, if the name of the person desiring to vote is not found on the
 20 register of voters, his ballot shall not be received until he shall have
 21 complied with the law prescribing the manner and conditions of voting
 22 under sections forty-eight point eleven (48.11) and forty-eight point
 23 twelve (48.12) of the Code."

1 SEC. 31. Section forty-nine point eighty (49.80), Code 1966, is
 2 hereby amended by inserting in line three (3) after the comma the

3 words "require such person to sign an affidavit as set forth in section
4 twenty-nine (29) of this Act,".

1 SEC. 32. Section forty-nine point eighty-one (49.81), Code 1966,
2 is hereby amended by striking lines seven (7) through seventeen (17),
3 inclusive, and inserting in lieu thereof the following:

4 "The following affidavit and such person shall read and sign the
5 same:

6 I do solemnly swear or affirm that I am a citizen of the United
7 States, a resident of Iowa for six months, a resident of this county
8 for sixty days, and a resident of this precinct for ten days next pre-
9 ceding this election, and that I am at least twenty-one years of age,
10 and I have not voted in this election. I am lawfully eligible to vote
11 in Iowa and in this county and precinct.

12 I understand that any false statement in this declaration is a crimi-
13 nal offense punishable as provided by law.

Signature of Voter

Address

15
16 If such person signs the affidavit and is examined by the judges
17 concerning his qualifications, his vote shall then be received unless
18 further challenged."

1 SEC. 33. Section forty-nine point eighty-six (49.86), Code 1966,
2 is hereby amended by striking from lines three (3) and four (4) the
3 words "retiring from within the guardrail" and inserting in lieu there-
4 of the words "entering the voting booth".

1 SEC. 34. Section forty-nine point eighty-eight (49.88), Code 1966,
2 is hereby repealed and the following enacted in lieu thereof:

3 "No more than one person shall be allowed to occupy any voting
4 booth at any time. No person shall occupy such booth for more than
5 three minutes to cast his ballot in precincts using voting machines,
6 nor for more than three minutes in precincts using paper ballots.
7 Nothing in this section shall prohibit assistance to voters under sec-
8 tion forty-nine point ninety (49.90) of the Code."

1 SEC. 35. Section forty-nine point one hundred seventeen (49.117),
2 Code 1966, is hereby amended by striking from line five (5) the words
3 "fifty cents" and inserting in lieu thereof the words "two dollars".

1 SEC. 36. Chapter forty-nine (49), Code 1966, is hereby amended
2 by adding thereto the following new sections:

3 1. "The courthouse of each county shall remain open on election
4 day."

5 2. "It shall be the duty of the county auditor to conduct, not less
6 than seven days before each primary and general election, a training
7 course of not more than two hours for all election personnel. Such
8 personnel shall include judges, clerks, special police, constables, and
9 any other persons who will be employed in or around the polling places
10 on election day."

11 3. "All election personnel attending such training course shall be
12 paid for attending such course for a period not to exceed two hours.
13 The wages shall be two dollars per hour and payment for attendance

14 shall be made at the time that payment is made for duties performed
15 on election day."

16 4. "It shall be the duty of the secretary of state to provide a train-
17 ing manual and such additional materials as may be necessary to all
18 county auditors for conducting the training course by April 15, 1971."

19 5. "It shall be the duty of each county auditor or city or town
20 clerk to determine that all voting machines are operational and func-
21 tioning properly and that all materials necessary for the conduct of
22 the election are in his possession and are correct. Such auditor or
23 city or town clerk shall verify such facts on the forms provided by
24 the secretary of state and shall send such completed forms by regis-
25 tered mail to the secretary of state not less than forty-eight hours
26 before the election."

1 SEC. 37. Section fifty-two point seventeen (52.17), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line six (6) the words "and at least three feet
4 from the guardrail,".

5 2. By striking all of such section after the period in line seven (7).

1 SEC. 38. Section fifty-two point eighteen (52.18), Code 1966, is
2 hereby amended as follows:

3 1. By striking from line three (3) the words "pass within the
4 guardrail" and inserting in lieu thereof the words "enter the voting
5 machine booth".

6 2. By striking from lines five (5) and six (6) the words "pass with-
7 in the guardrail" and inserting in lieu thereof the words "enter the
8 voting machine booth".

9 3. By striking from lines twelve (12) and thirteen (13) the words
10 "one minute" and inserting in lieu thereof the words "three minutes".

1 SEC. 39. Section fifty-three point four (53.4), Code 1966, is hereby
2 amended by inserting at the end thereof the following:

3 "It shall be the duty of such auditor or clerk to keep a list of all
4 applications mailed. The list shall contain the name of the applicant,
5 the serial number on the application so mailed, and the date on which
6 such application was mailed."

1 SEC. 40. Section fifty-three point five (53.5), Code 1966, is hereby
2 amended by adding at the end thereof the following:

3 "All applications for absentee ballots shall have a serial number
4 affixed thereto."

1 SEC. 41. Section fifty-three point nine (53.9), Code 1966, is hereby
2 amended by adding at the end thereof the following new paragraph:

3 "Before mailing such official ballot or ballots, the auditor or clerk
4 shall record the number appearing on the ballot envelope."

1 SEC. 42. Section fifty-three point ten (53.10), Code 1966, is hereby
2 amended by adding at the end thereof the following:

3 "The auditor shall record the name of the applicant, along with the
4 serial number appearing on the application and ballot envelope, prior
5 to the time such application and ballot are mailed."

1 SEC. 43. Section fifty-three point eleven (53.11), Code 1966, is
2 hereby amended by adding at the end thereof the following:

3 "Such officer shall record the numbers appearing on the application
4 and ballot envelope along with the name of the qualified voter."

1 SEC. 44. Section fifty-three point twelve (53.12), Code 1966, is
2 hereby amended by inserting in line seven (7) after the word "title,"
3 the words "a serial number corresponding to such number appearing
4 on the application,".

1 SEC. 45. Section fifty-three point eighteen (53.18), Code 1966, is
2 hereby amended by inserting in line two (2) after the word "once"
3 the words "record the number appearing on the application and ballot
4 envelope and time of receipt of such ballot and".

1 SEC. 46. Section fifty-three point twenty (53.20), Code 1966, is
2 hereby amended by inserting in line three (3) after the word "once"
3 the words "record the number appearing on the application and ballot
4 envelope and the time of receipt of such ballot and".

1 SEC. 47. Section fifty-three point forty-five (53.45), Code 1966,
2 is hereby amended by striking from line nine (9) the word and figure
3 "March 15" and inserting in lieu thereof the words "February first".

1 SEC. 48. Section fifty-three point forty-nine (53.49), Code 1966,
2 is hereby amended by adding the following new paragraph:

3 "However, citizens of the United States temporarily residing out-
4 side the territorial limits of the United States and the District of
5 Columbia and their spouses and dependents when residing with or
6 accompanying them shall be accorded the privilege of absentee voting
7 in the same manner as members of the armed forces."

1 SEC. 49. Chapter fifty-three (53), Code 1966, is hereby amended
2 by adding the following new sections:

3 1. "All applications for an absentee ballot and all ballot envelopes
4 shall have a serial number affixed thereto. Such numbers shall be
5 affixed in such manner and in such place as prescribed by the secre-
6 tary of state. Such numbers shall be affixed when the applications
7 and ballot envelopes are printed."

8 2. "It shall be the duty of each auditor or city or town clerk to
9 keep on file, at all times, a list of all serial numbers appearing on the
10 applications and ballot envelopes received by such auditor or city
11 or town clerk. When such applications and ballot envelopes are mailed
12 or delivered, such auditor or city or town clerk shall record the name
13 of the absentee voter to whom such application and ballot envelope
14 is mailed or delivered and the date of such mailing or delivery. The
15 auditor or city or town clerk shall record the date of receipt of such
16 application and ballot envelope.

17 Such lists shall be public records open to inspection as provided by
18 law."

19 3. "It shall be unlawful for any employee of the state or any politi-
20 cal subdivision thereof to solicit any application or request for appli-
21 cation for an absentee ballot, or to administer an oath or take an
22 affidavit in connection with any absentee ballot. However, any such
23 employee may administer such oath and take such affidavit in con-
24 nection with an absentee ballot which is cast by the voter in person
25 in the office where such employee is employed in accordance with

26 section fifty-three point eleven (53.11) of the Code. This section shall
27 not apply to any elected official.”

28 4. “Wherever used in this Act or in chapter fifty-three (53) of the
29 Code, the words ‘absentee ballot’ include any ballot authorized by
30 chapter fifty-three (53) of the Code.”

1 SEC. 50. Chapter fifty-three (53), Code 1966, is hereby amended
2 by adding thereto the following new section:

3 “The county chairmen of the two political parties receiving the
4 highest number of votes cast in the last general election for secretary
5 of state may designate one person, each, to enter jointly, hospitals or
6 nursing homes to vote those individuals desiring to vote who have
7 entered the facility not more than five days prior to the date set for
8 the election. The county chairmen shall notify the county auditor of
9 the name and address of the person so designated, and the auditor
10 shall deliver ballots and ballot envelopes to the persons so designated
11 for which they shall sign a receipt and return all materials to the
12 auditor.

13 The persons so designated shall assist persons confined in hospitals
14 or nursing homes by providing ballots to the persons so confined and
15 receiving voted ballots in sealed envelopes for delivery to the county
16 auditor properly notarized. The persons so designated shall not in-
17 fluence any person to whom he delivers a ballot nor shall he know
18 how such ballot is marked unless witnessed by both representatives.”

1 SEC. 51. Section fifty-seven point one (57.1), Code 1966, is hereby
2 amended by inserting in line five (5) after the word “office,” the
3 words “to the office of senator or representative in Congress,”.

1 SEC. 52. Section fifty-nine point one (59.1), Code 1966, is hereby
2 repealed and the following enacted in lieu thereof:

3 “The contestant for a seat in either branch of the General Assem-
4 bly shall, prior to twenty days before the first day of the next session,
5 serve on the incumbent a statement of notice of contest which shall
6 allege a fact or facts, believed true by the contestant which, if true,
7 would alter the outcome of the election.”

1 SEC. 53. Section sixty point one (60.1), Code 1966, is hereby
2 amended by inserting in line three (3) after the word “electors” the
3 words “or for the office of senator or representative in Congress”.

4 Section sixty point one (60.1), Code 1966, is hereby further
5 amended by striking from line six (6) the words “not interested,”.

1 SEC. 54. Section sixty point six (60.6), Code 1966, is hereby
2 amended as follows:

3 1. By striking from lines three (3) and four (4) the words “of
4 presidential elector,”.

5 2. By striking from line ten (10) the words “as an elector”.

1 SEC. 55. Section three hundred sixty-three point twenty-one
2 (363.21), Code 1966, is hereby repealed.

1 SEC. 56. Chapter sixty (60), Code 1966, is hereby amended by
2 adding a new section as follows:

3 “The contestant shall file in the office of the clerk of the supreme

4 court a bond, with security to be approved by the clerk of the supreme
 5 court, in such amount as shall be set by the presiding judge of the
 6 court, conditional to pay all costs in case the election be confirmed or
 7 the contest dismissed. The presiding judge shall further set the date
 8 upon which the required bond shall be filed. If the required bond is
 9 not filed by the date set, the contest shall stand dismissed by opera-
 10 tion of law."

1 SEC. 57. Section forty-three point eighty-three (43.83), Code 1966,
 2 as amended by House File one thousand twenty (1020), passed by
 3 the Sixty-third General Assembly, Second Session, is hereby further
 4 amended by inserting in line seven (7) after the word "committee"
 5 the words "not less than twenty-five days prior to the date set for the
 6 special election. In the event the special election is to fill a vacancy
 7 in the General Assembly while it is in session or within forty-five
 8 days of the convening of any session, the time limit herein provided
 9 shall not apply."

1 SEC. 58. Section forty-three point eighty-seven (43.87), Code
 2 1966, is hereby amended by inserting at the end thereof the following
 3 new paragraph:

4 "Nominations occasioned by a vacancy in an office shall be filled not
 5 less than twenty-five days prior to the date set for the special election.
 6 In the event the special election is to fill a vacancy in the General
 7 Assembly while it is in session or within forty-five days of the con-
 8 vening of any session, the time limit herein provided shall not apply."

1 SEC. 59. Section forty-three point eighty-eight (43.88), Code 1966,
 2 is hereby amended as follows:

3 1. By striking from lines two (2) and three (3) the words "made
 4 in case of vacancies, and nominations".

5 2. By inserting at the end thereof the following new paragraph:
 6 "Nominations made to fill vacancies at a special election shall be
 7 certified to the proper official not less than twenty days prior to the
 8 date set for the special election. In the event the special election is
 9 to fill a vacancy in the General Assembly while it is in session or
 10 within forty-five days of the convening of any session, the time limit
 11 herein provided shall not apply."

1 SEC. 60. Section sixty-nine point fourteen (69.14), Code 1966, is
 2 hereby amended as follows:

3 1. By striking from line seven (7) the word "such".

4 2. By striking lines eight (8) and nine (9) and inserting in lieu
 5 thereof the words " , not later than five days from the date the vacancy
 6 exists, a special election, giving not less than forty days notice of such
 7 election. In the event the special election is to fill a vacancy in the
 8 General Assembly while it is in session or within forty-five days of
 9 the convening of any session, the time limit herein provided shall not
 10 apply and the governor shall order such special election at the earliest
 11 practical time, giving at least ten days notice thereof."

1 SEC. 61. House File one thousand twenty (1020)*, section seven
 2 (7), Acts of the Sixty-third General Assembly, Second Session, which
 3 repealed and reenacted section forty-three point eighty-four (43.84),

*Chapter 1034.

4 Code 1966, is hereby amended by inserting after the period at the
 5 end of the first numbered paragraph the following new sentences:
 6 "Nominations made to fill vacancies at a special election by the
 7 central committee shall be made not less than twenty-five days prior
 8 to the date set for the special election. In the event the special elec-
 9 tion is to fill a vacancy in the General Assembly while it is in session
 10 or within forty-five days of the convening of any session, the time
 11 limit herein provided shall not apply."

Approved May 11, 1970.

CHAPTER 1040
 ELECTION RETURNS
 S. F. 340

AN ACT relating to election returns.

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

- 1 SECTION 1. Section fifty point sixteen (50.16), Code 1966, is here-
 2 by amended as follows:
 3 1. By striking from line one (1) the words "A return" and insert-
 4 ing in lieu thereof the words "The tally list".
 5 2. By striking from lines two (2) and three (3) the words "words
 6 written at length" and inserting in lieu thereof the words "legibly
 7 printed numerals".
 8 3. By striking from line seven (7) the word "return" and inserting
 9 in lieu thereof the words "tally list".
 10 4. By striking from line seventeen (17) the word "return" and
 11 inserting in lieu thereof the words "tally list".
- 1 SEC. 2. Section fifty point seventeen (50.17), Code 1966, is here-
 2 by amended by striking from line three (3) the word "return" and
 3 inserting in lieu thereof the words "tally list".
- 1 SEC. 3. Section fifty point twenty (50.20), Code 1966, is hereby
 2 amended by striking from line five (5) the word "returns" and in-
 3 serting in lieu thereof the words "tally lists".
- 1 SEC. 4. Section fifty point twenty-one (50.21), Code 1966, is here-
 2 by amended by striking from line one (1) the word "returns" and
 3 inserting in lieu thereof the words "tally lists".
- 1 SEC. 5. Section fifty point twenty-three (50.23), is hereby amend-
 2 ed as follows:
 3 1. By striking from lines three (3) and four (4) the word "returns"
 4 and inserting in lieu thereof the words "tally lists".
 5 2. By striking from line five (5) the word "returns" and inserting
 6 in lieu thereof the words "tally lists".
- 1 SEC. 6. Section fifty point twenty-four (50.24), Code 1966, is
 2 hereby amended by striking from line four (4) the word "returns"
 3 and inserting in lieu thereof the words "tally lists".

1 SEC. 7. Section fifty point twenty-eight (50.28), Code 1966, is
2 hereby amended by striking from line three (3) the word "returns"
3 and inserting in lieu thereof the words "tally lists".

1 SEC. 8. Section fifty point thirty-eight (50.38), Code 1966, is
2 hereby amended as follows:

3 1. By striking from line four (4) the word "returns" and inserting
4 in lieu thereof the words "tally lists".

5 2. By striking from line eight (8) the word "returns" and inserting
6 in lieu thereof the words "tally lists".

1 SEC. 9. Section fifty point forty-five (50.45), Code 1966, is hereby
2 amended by striking from line one (1) the word "returns" and insert-
3 ing in lieu thereof the words "tally lists".

1 SEC. 10. Section fifty point forty-six (50.46), Code 1966, is hereby
2 amended as follows:

3 1. By striking from lines nine (9) and ten (10) the word "returns"
4 and inserting in lieu thereof the words "tally lists".

5 2. By striking from line thirteen (13) the word "returns" and in-
6 serting in lieu thereof the words "tally lists".

1 SEC. 11. Section fifty point forty-seven (50.47), Code 1966, is
2 hereby amended by striking from line two (2) the word "returns"
3 and inserting in lieu thereof the words "tally lists".

1 SEC. 12. Section fifty-two point twenty-three (52.23), Code 1966,
2 is hereby amended by striking from line eight (8) the word "return"
3 and inserting in lieu thereof the words "tally list".

Approved March 4, 1970.

CHAPTER 1041

MUNICIPAL OFFICERS RESIDENCY

S. F. 339

AN ACT to amend the residency requirements of municipal officers not elected by the voters.

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

1 SECTION 1. Section sixty-nine point two (69.2), Code 1966, is
2 hereby amended by adding to subsection three (3) the following
3 sentence:

4 "This subsection shall not apply to appointments authorized by
5 subsection seven (7) of section three hundred sixty-eight A point
6 one (368A.1) of the Code."

1 SEC. 2. * Section three hundred sixty-five point seventeen (365.17),
2 Code 1966, is hereby amended as follows:

3 1. By adding in line five (5) in subsection one (1) after the period
4 (.) the following:

5 "The requirements of being a resident of Iowa for at least one (1)
6 year, as provided in this subsection, shall not apply with respect to

*Repealed by 63GA, ch. 1181, §4.

7 appointment or employment in the fire or police department so long
 8 as the applicant is a resident of Iowa at the time such appointment or
 9 employment begins.”
 10 2. By striking all of lines four (4) and five (5) in subsection
 11 seven (7) and by inserting in lieu thereof the word, “The”.

Approved February 12, 1970.

CHAPTER 1042

APPOINTEES OF THE GOVERNOR

S. F. 400

AN ACT relating to the appointees of the governor.

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

1 SECTION 1. Chapter sixty-nine (69), Code 1966, is hereby amended
 2 by adding the following new section:

3 “Any person who has been appointed by the governor to any board
 4 under the laws of this state shall be deemed to have submitted his
 5 resignation from such office if either of the following events occurs:

6 1. He does not attend three or more consecutive regular meetings
 7 of such board. This paragraph does not apply unless the first and last
 8 of the consecutive meetings counted for this purpose are at least
 9 thirty days apart.

10 2. He attends less than one-half of the regular meetings of such
 11 board within any period of twelve calendar months beginning on July
 12 1 or January 1. This paragraph does not apply unless such board
 13 holds at least four regular meetings during such period. This para-
 14 graph applies only to such a period beginning on or after the date
 15 when he takes office as a member of such board.

16 If such person received no notice and had no knowledge of a regu-
 17 lar meeting and gives the governor his sworn statement to that effect
 18 within ten days after he learns of the meeting, such meeting shall not
 19 be counted for the purposes of this section.

20 The governor in his discretion may accept or reject such resigna-
 21 tion. If he accepts it, he shall notify such person, in writing, that his
 22 resignation is accepted pursuant to this Act. The governor shall then
 23 make another appointment to such office. Such appointment shall be
 24 made in the same manner and for the same term as in the case of other
 25 vacancies caused by resignation from such office.

26 As used in this section, ‘board’ includes any commission, committee,
 27 agency, or governmental body which has three or more members.”

Approved February 20, 1970.

CHAPTER 1043

WARRANTS FOR PUBLIC FUND DEFICIENCIES

H. F. 1322

AN ACT relating to the issuance of public warrants to cover deficiencies in a public fund.

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

1 SECTION 1. Chapter ninety-six (96), section one (1), Acts of the
2 Sixty-third General Assembly, First Session, amending section
3 seventy-four point one (74.1), Code 1966, is hereby amended by strik-
4 ing from line eight (8) the word "banks" and inserting in lieu thereof
5 the words "other business entity authorized by law to loan money".

1 SEC. 2. Section seventy-four point two (74.2), Code 1966, as
2 amended by chapter ninety-six (96), section two (2), and chapter
3 two hundred sixty (260), section one (1), Acts of the Sixty-third
4 General Assembly, First Session, is hereby further amended by
5 striking from line one (1) the word "When" and inserting in lieu
6 thereof the words "Except as provided in section three (3) of this
7 Act, when".

1 SEC. 3. Chapter seventy-four (74), Code 1966, is hereby amended
2 by adding at the end thereof the following new section:

3 "The treasurer of a school district shall sell the warrants at the
4 maximum rate of interest provided in section seventy-four point two
5 (74.2) of the Code or at a lower rate of interest.

6 Each bank or other business entity authorized by law to loan
7 money which refuses to purchase such warrants at the rate of interest
8 provided in this section or at a lower rate of interest, shall submit
9 a certificate of refusal to the treasurer of the school district.

10 If the treasurer of a school district is unable to sell the warrants at
11 the maximum rate of interest provided in this section or at a lower
12 rate of interest and receives at least two certificates of refusal, the
13 treasurer may offer the warrants for public sale, by publishing notice
14 of the sale for two consecutive weeks in a newspaper of general circu-
15 lation in the jurisdiction of the governing body issuing the warrants,
16 giving not less than ten days notice of the time and place of the sale.
17 The notice shall include a statement of the amount of the warrants
18 offered for sale.

19 Sealed bids may be received at any time up to the time all bids
20 are opened. The treasurer shall sell the warrants to the lowest
21 bidder, however, the treasurer may reject all bids and readvertise
22 the sale of such warrants pursuant to the provisions of this section.

23 This provision shall apply only to school districts whose anticipated
24 receipts allocable to the current budget are at least equal to their
25 legally approved budget for the current year."

Approved May 8, 1970.

CHAPTER 1044

PUBLIC BONDS

S. F. 1139

AN ACT relating to the issuance of public bonds.

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

1 SECTION 1. Section seventy-six point three (76.3), Code 1966, is
 2 hereby amended by adding at the end thereof the following new sen-
 3 tence:

4 "For the sole purpose of computing the amount of bonds which
 5 may be issued as a result of the application of any such tax limitation,
 6 all interest on the bonds in excess of that accruing in the first twelve
 7 months may be excluded from the first annual levy of taxes, so that
 8 the need for including more than one year's interest in the first annual
 9 levy of taxes to pay the bonds and interest shall not operate to fur-
 10 ther restrict the amount of bonds which may be issued, and in certify-
 11 ing the annual levies to the county auditor or auditors such first
 12 annual levy of taxes shall be sufficient to pay all principal of and inter-
 13 est on said bonds becoming due prior to the next succeeding annual
 14 levy and the full amount of such first annual levy shall be entered for
 15 collection by said auditor or auditors, as provided in this chapter."

1 SEC. 2. This Act being deemed of immediate importance shall be
 2 in full force and effect from and after its final approval and publica-
 3 tion in the Jackson Sentinel, a newspaper published in Maquoketa,
 4 Iowa, and in The Telegraph-Herald, a newspaper published in
 5 Dubuque, Iowa.

Approved March 13, 1970.

I hereby certify that the foregoing Act, Senate File 1139, was published in the Jack-
 son Sentinel, Maquoketa, Iowa, March 19, 1970, and in The Telegraph-Herald, Dubuque,
 Iowa, March 23, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1045

VACATIONS FOR STATE EMPLOYEES

H. F. 1197

AN ACT relating to vacations for state employees.

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

1 SECTION 1. Section seventy-nine point one (79.1), Code 1966, is
 2 hereby amended as follows:

3 1. By striking from line fourteen (14) the word "tenth" and in-
 4 serting in lieu thereof the word "fifth".

5 2. By striking from line sixteen (16) the word "tenth" and insert-
 6 ing in lieu thereof the word "fifth".

7 3. By striking from line sixteen (16) the word "fifteenth" and in-
 8 serting in lieu thereof the word "twelfth".

9 4. By striking from line eighteen (18) the word "fifteenth" and
10 inserting in lieu thereof the word "twelfth".

11 5. By striking from line thirty-nine (39) the word "two" and
12 inserting in lieu thereof the word "three".

13 6. By striking from line forty-one (41) the word "ninth" and in-
14 serting in lieu thereof the word "fifth".

15 7. By striking from lines forty-two (42) and forty-three (43) the
16 words "three and three-fourths" and inserting in lieu thereof the
17 words "five and one-fourth".

18 8. By striking from line forty-four (44) the words "through the
19 tenth" and inserting in lieu thereof the following: "during the sixth
20 through the twelfth and seven days pay for each completed calendar
21 quarter during the thirteenth".

Approved April 10, 1970.

CHAPTER 1046

HIGHWAY SAFETY PATROL

H. F. 1022

AN ACT to revise the section establishing the Iowa Highway Safety Patrol.

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

1 SECTION 1. Section eighty point four (80.4), Code 1966, as amend-
2 ed by chapter one hundred nine (109), section one (1), Acts of the
3 Sixty-second General Assembly and chapter ninety-eight (98), section
4 one (1), Acts of the Sixty-third General Assembly, First Session, is
5 repealed and the following enacted in lieu thereof:

6 "The Iowa highway safety patrol established in the department of
7 public safety shall consist of a complement of not to exceed four hun-
8 dred ten persons, not more than sixty percent of whom shall at any
9 time be members of the same political party. Said patrol shall be
10 under the direction of the commissioner."

Approved January 28, 1970.

CHAPTER 1047

DRUG LAW ENFORCEMENT

S. F. 238

AN ACT relating to the enforcement of laws and regulations regarding narcotic drugs, counterfeit drugs and depressants, and stimulant drugs.

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

1 SECTION 1. Chapter eighty (80), Code 1966, is amended by add-
2 ing the following sections thereto:

3 1. "The state department of public safety shall be primarily re-
4 sponsible for the enforcement of all laws and regulations relating to

5 narcotic drugs as defined in subsection ten (10) of section two hun-
6 dred four point one (204.1), Code 1966; counterfeit drugs as defined
7 in subsection five (5) of section one (1), chapter one hundred eighty-
8 nine (189), Acts of the Sixty-second General Assembly; and depres-
9 sant or stimulant drugs as defined in subsection six (6) of section
10 one (1), chapter one hundred eighty-nine (189), Acts of the Sixty-
11 second General Assembly; except for making accountability audits
12 of the supply and inventory of narcotic drugs and depressant or
13 stimulant drugs in the possession of pharmacists, doctors, hospitals,
14 rest homes, and nursing homes, as well as in the possession of any
15 and all other individuals or institutions authorized to have possession
16 of any narcotic drugs and depressant or stimulant drugs."

17 2. "All agents of the board of pharmacy examiners who, on the
18 effective date of this Act, are either engaged in the enforcement of
19 laws or regulations relating to narcotic drugs, counterfeit drugs and
20 depressant or stimulant drugs, except whose primary responsibility
21 is making accountability audits, are hereby transferred to and shall
22 be considered part of the department of public safety. Salary and
23 expenses for such transferred agents included in the budget of the
24 board of pharmacy examiners shall be transferred to the department
25 of public safety by the state comptroller upon the effective date of
26 the transfer."

27 3. "Such transferred agents shall not be subject to the require-
28 ments and conditions of employment as set forth in section eighty
29 point fifteen (80.15), Code 1966, as amended by chapter one hundred
30 eleven (111), Acts of the Sixty-second General Assembly. Such
31 transferred agents shall become members of the Iowa department
32 of public safety peace officers' retirement, accident and disability
33 system, shall receive any benefits from such system, and shall be
34 required to contribute to or pay any funds into such system."

35 "There is hereby appropriated from the general fund of the state
36 eleven thousand dollars, or as much as may be necessary, to the
37 department of public safety for the state's prior years contributions
38 to the peace officers' retirement system for the transferred agents.
39 Prior years' contributions shall include those years for which the
40 transferred agents were employed by the board of pharmacy exam-
41 iners. State funds contributed and employees' contributions to the
42 Iowa public employees' retirement system during the period of em-
43 ployment of the transferred agents by the board of pharmacy exam-
44 iners shall be transferred to the peace officers' retirement system
45 by the employment security commission on the effective date of this
46 Act. Contributions to be made by the transferred agents for prior
47 years to the peace officers' retirement system for the period of em-
48 ployment with the board of pharmacy examiners shall be computed
49 by the peace officers' retirement board as of the date of transfer.
50 The board, in making the computation for contributions, shall take
51 into effect the transfers of the employees' contribution from the Iowa
52 public employees' retirement system. The transferred agents shall
53 make payable to the peace officers' retirement system the amount so
54 computed by July 1, 1971."

55 4. "Except as provided in this section, from and after the effective
56 date of this Act, any additional individuals hired by the state depart-

57 ment of public safety for the purpose of enforcement of laws relating
58 to narcotic drugs, counterfeit drugs and depressant or stimulant
59 drugs shall be subject to the provisions of section eighty point fifteen
60 (80.15), Code 1966, as amended by chapter one hundred eleven
61 (111), Acts of the Sixty-second General Assembly, and such indi-
62 viduals shall be covered by the provisions of chapter ninety-seven A
63 (97A), Code 1966. They shall be entitled to receive the benefits pro-
64 vided in chapter ninety-seven A (97A), Code 1966, and will be
65 required to make such contributions and payments into the system
66 as are required by such chapter. However, if there is an individual
67 who is not able to meet the qualifications established by section
68 eighty point fifteen (80.15) or chapter ninety-seven A (97A) of the
69 Code, and he otherwise possesses experience and training which
70 qualifies him as a person capable of enforcing laws relating to nar-
71 cotic drugs, counterfeit drugs and depressant or stimulant drugs, he
72 may be hired by the commissioner of public safety notwithstanding."

73 5. "Nothing in this Act shall be construed as in any manner or
74 degree prohibiting a transferred agent from voluntarily submitting
75 himself to the provisions of section eighty point fifteen (80.15),
76 Code 1966, as amended by chapter one hundred eleven (111), Acts
77 of the Sixty-second General Assembly, and, if such transferred agent
78 satisfactorily meets the requirements of such section, he shall be
79 subject to all the general duties and responsibilities of other mem-
80 bers of the department of public safety and shall be entitled to all
81 benefits available to other members of the department of public
82 safety."

83 6. "The commissioner of public safety shall establish a division
84 of drug law enforcement and assign all enforcement functions and
85 personnel therefor to the division of drug law enforcement. The
86 commissioner shall assign other members of the department of public
87 safety to the division of drug law enforcement on a temporary basis
88 or for the purpose of special assignment. The division of drug law
89 enforcement and any other division of the department of public
90 safety may cooperate and coordinate their efforts in enforcing laws
91 relating to drugs and other laws which the department is charged
92 with enforcing."

93 7. "Every person required by law to keep records, and any carrier
94 maintaining records with respect to any shipment containing any
95 narcotic, counterfeit, depressant or stimulant drug shall, upon re-
96 quest of an authorized agent of the department of public safety,
97 designated by the commissioner of public safety, permit such agent
98 at reasonable times to have access to and copy such records. For the
99 purpose of examining and verifying such records authorized agents
100 of the department of public safety, designated by the commissioner
101 of public safety, may enter at reasonable times any place or vehicle
102 in which any narcotic, counterfeit, depressant or stimulant drug is
103 held, manufactured, dispensed, compounded, processed, sold, deliv-
104 ered, or otherwise disposed of and inspect such place or vehicle, and
105 the contents thereof. For the purpose of enforcing laws relating to
106 narcotic drugs, counterfeit drugs and depressant or stimulant drugs,
107 and upon good cause shown, personnel of the division of drug law
108 enforcement in the department of public safety shall be allowed to

109 inspect audits and records in the possession of the state board of
110 pharmacy examiners."

111 8. "Any authorized agent of the department of public safety desig-
112 nated to conduct examinations, investigations, or inspections and
113 enforce the laws relating to narcotic, depressant, stimulant or coun-
114 terfeit drugs shall have all the powers of other peace officers and
115 may arrest without warrant for offenses under this chapter com-
116 mitted in his presence or, in the case of a felony, if he has probable
117 cause to believe that the person arrested has committed or is com-
118 mitting such offense. Such officers shall have the same powers as
119 other peace officers to seize drugs or articles used in the manufacture
120 or sale of drugs which they have reasonable grounds to believe are
121 in violation of law. Such drugs or articles shall be subject to con-
122 demnation."

1 SEC. 2. Section two hundred four point nineteen (204.19), Code
2 1966, is hereby amended by striking subsection one (1) and insert-
3 ing in lieu thereof the following:

4 "It is hereby made the primary duty and responsibility of the state
5 department of public safety, and of the board and of all peace officers
6 within the state, and of all county attorneys, to enforce all provisions
7 of this chapter, except those specifically delegated, and to cooperate
8 with all agencies charged with the enforcement of the laws of the
9 United States, of this state, and of all other states relating to nar-
10 cotic drugs."

1 SEC. 3. Chapter one hundred eighty-nine (189), Acts of the
2 Sixty-second General Assembly, is hereby amended as follows:

3 1. Section twelve (12), line one (1), by inserting after the word
4 "board" the words "or the commissioner of the department of public
5 safety".

6 2. Section thirteen (13), line three (3), by inserting after the
7 word "board" the words "or the commissioner of the department of
8 public safety".

1 SEC. 4. Section eighty point nine (80.9), Code 1966, is hereby
2 amended by inserting in subsection one (1) after paragraph *f* a new
3 paragraph as follows:

4 "When engaged in the investigation and enforcement of laws re-
5 lating to narcotic, counterfeit, stimulant, and depressant drugs."

1 SEC. 5. Section one hundred eighty-nine point two (189.2), Code
2 1966, is hereby amended by striking from subsection one (1), lines
3 two (2), three (3), and four (4), the following: ", which shall be
4 executed and enforced by the pharmacy examiners".

5 Section one hundred eighty-nine point two (189.2), subsection one
6 (1), Code 1966, is hereby further amended by inserting in line two
7 (2) after the figures "203," the words and figures "two hundred
8 three A (203A),".

1 SEC. 6. Section ninety-seven A point one (97A.1), Code 1966, is
2 amended as follows:

3 1. Add to subsection two (2), line ten (10), after the figures
4 "80.15" the words "and the division of drug law enforcement in the

5 department of public safety except clerical workers”.

6 2. Add to subsection six (6), lines four (4) and five (5), after
7 the word “identification” the words “or division of drug law enforce-
8 ment”.

1 SEC. 7. Section ninety-seven A point three (97A.3), Code 1966,
2 subsection one (1), line nine (9), is amended by adding after the
3 word “safety” the words “or division of drug law enforcement in
4 said department”.

1 SEC. 8. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publica-
3 tion in *The Sheffield Press*, a newspaper published at Sheffield, Iowa,
4 and *The DeWitt Observer*, a newspaper published at DeWitt, Iowa.

Approved April 24, 1970.

I hereby certify that the foregoing Act, Senate File 238, was published in *The Sheffield Press*, Sheffield, Iowa, May 7, 1970, and in *The DeWitt Observer*, DeWitt, Iowa, April 30, 1970.

MELVIN D. SYNHORST, *Secretary of State*.

CHAPTER 1048

OFFICERS' TRAINING ACADEMY

S. F. 344

AN ACT relating to the law-enforcement officers' training academy and transfer of funds therefor, and pertaining to the powers of the police provided for under chapter eighteen (18) of the Code.

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

1 SECTION 1. Chapter one hundred twelve (112), section three (3),
2 Acts of the Sixty-second General Assembly, is hereby amended by
3 striking from lines two (2) and three (3) the words “division of the
4 department of public safety”.

1 SEC. 2. Chapter one hundred twelve (112), section five (5), Acts
2 of the Sixty-second General Assembly, is hereby amended by striking
3 from line two (2) the words “commissioner of public safety” and in-
4 serting in lieu thereof the words “office of the governor”.

1 SEC. 3. Chapter one hundred twelve (112), Acts of the Sixty-sec-
2 ond General Assembly, is hereby amended by adding to the end there-
3 of the following new section:

4 “The Iowa law-enforcement academy council shall submit to the
5 state comptroller, annually and in such form as required by chapter
6 eight (8) of the Code, estimates of its expenditure requirements.
7 Such estimates shall include the costs of administration, maintenance,
8 and operation, and the cost of any proposed capital improvements or
9 additional programs.”

1 SEC. 4. Chapter one hundred twelve (112), Acts of the Sixty-sec-
2 ond General Assembly, is hereby amended by inserting in section three

3 (3), line nine (9), after the word "state" the words "and all indi-
4 viduals, as determined by the council, who by the nature of their duties
5 may be required to perform the duties of a peace officer".

1 SEC. 5. The moneys appropriated to the department of public
2 safety by chapter forty-six (46), Acts of the Sixty-third General
3 Assembly, First Session, section one (1), subsection eight (8), for the
4 Iowa law-enforcement academy, not expended or encumbered are
5 hereby transferred and reappropriated to the office of the governor
6 for the same purpose during the fiscal year commencing July 1, 1970,
7 and the state comptroller is directed to allocate said appropriation
8 pursuant to chapter eight (8) of the Code.

1 SEC. 6. Section eighteen point two (18.2), Code 1966, is hereby
2 amended by adding to subsection four (4) thereof the following sen-
3 tence: "They shall exercise every power of police officers and, in par-
4 ticular, the power of arrest."

Approved May 5, 1970.

CHAPTER 1049

SURFACE MINING

H. F. 1220

AN ACT relating to the regulation of surface mining, and making surface mines as well as underground mines subject to safety regulation by the department of mines and minerals.

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

1 SECTION 1. Chapter one hundred fourteen (114), section seven
2 (7), Acts of the Sixty-second General Assembly, is hereby amended
3 by striking lines two (2), three (3), and four (4), and inserting in
4 lieu thereof the following:

5 "in surface mining or operation of an underground mine or mines,
6 as defined by chapter one hundred fourteen (114), section two (2),
7 Acts of the Sixty-second General Assembly, and by section eighty-two
8 point twenty-seven (82.27) of the Code as amended by this Act, with-
9 out first obtaining a license from the".

1 SEC. 2. Chapter one hundred fourteen (114), section thirteen (13),
2 Acts of the Sixty-second General Assembly, is hereby amended as
3 follows:

4 1. By inserting in line one (1) after the word "beginning" the words
5 "surface mining or".

6 2. By inserting after the period in line five (5) the following new
7 sentence:

8 "The registration fee shall be established by the department in an
9 amount equal to the cost of administering the registration provisions
10 of this Act, as estimated by the department."

1 SEC. 3. Chapter one hundred fourteen (114), section fourteen
2 (14), Acts of the Sixty-second General Assembly, is hereby amended

3 as follows:

4 1. By striking from line one (1) the word "Each" and inserting in
5 lieu thereof the word "The".

6 2. By striking lines three (3) through six (6), inclusive, and insert-
7 ing in lieu thereof the following:

8 "twenty-four (24) of chapter one hundred fourteen (114), Acts of
9 the Sixty-second General Assembly, if overburden is removed. After
10 ascertaining that the applicant".

1 SEC. 4. Chapter one hundred fourteen (114), section twenty-three
2 (23), is hereby amended by striking from line ten (10) the word
3 "each" and inserting in lieu thereof the word "an".

1 SEC. 5. Chapter one hundred fourteen (114), section thirty-two
2 (32), Acts of the Sixty-second General Assembly, is hereby amended
3 by inserting in line four (4) after the word "underground" the words
4 "or surface".

1 SEC. 6. A plan or rules and regulations setting health and safety
2 standards for surface mining within this state shall not be valid or
3 effective until approved by the governor after ascertaining that proper
4 funding for such a program is available and that such a program does
5 not duplicate a program provided by any federal agency.

Approved May 10, 1970.

CHAPTER 1050

WORKMEN'S COMPENSATION

S. F. 1317

AN ACT relating to disabled and retired firemen and policemen.

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

1 SECTION 1. Section eighty-five point one (85.1), subsection four
2 (4), Code 1966, is hereby amended by inserting in line six (6) after
3 the word "town" the words "under the provisions of chapter four hun-
4 dred eleven (411) of the Code".

Approved May 5, 1970.

CHAPTER 1051

WORKMEN'S COMPENSATION

S. F. 1281

AN ACT relating to workmen's compensation.

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

1 SECTION 1. Section eighty-five point one (85.1), Code 1966, is
2 hereby amended by striking subsection two (2) and inserting in lieu

3 thereof the following:

4 "Persons whose employment is purely casual and not for the purpose
5 of the employer's trade or business."

1 SEC. 2. Section eighty-five point three (85.3), Code 1966, is hereby
2 amended as follows:

3 1. Subsection one (1), by striking lines one (1) through three (3),
4 inclusive, and inserting in lieu thereof the following:

5 "Every employer, not specifically excepted by the provisions of this
6 chapter, shall provide, secure, and pay".

7 2. Subsection two (2), by striking line six (6) and lines one (1)
8 and two (2) of paragraph *a*, and inserting in lieu thereof the words
9 "subject to the jurisdiction of the".

10 3. Subsection two (2), paragraph *b*, by striking line one (1) and
11 inserting in lieu thereof the following:

12 "Such employer shall be deemed to have appointed the secretary of
13 state of this".

1 SEC. 3. Sections eighty-five point four (85.4) through eighty-five
2 point fifteen (85.15), inclusive, Code 1966, are hereby repealed.

1 SEC. 4. Section eighty-five point sixteen (85.16), Code 1966, is
2 hereby amended by adding thereto the following new subsection:

3 "By the willful act of a third party directed against the employee
4 for reasons personal to such employee."

1 SEC. 5. Sections eighty-five point seventeen (85.17) and eighty-
2 five point nineteen (85.19), Code 1966, are hereby repealed.

1 SEC. 6. Section eighty-five point twenty (85.20), Code 1966, is
2 hereby amended by striking the semicolon in line seven (7), and by
3 striking lines eight (8) through sixteen (16), inclusive, and inserting
4 in lieu thereof a period.

1 SEC. 7. Section eighty-five point twenty-one (85.21), Code 1966, is
2 hereby repealed.

1 SEC. 8. Section eighty-five point twenty-seven (85.27), Code 1966,
2 is hereby amended by inserting in line twenty-two (22) before the
3 words "and hospital" the word " , nursing,".

1 SEC. 9. Section eighty-five point twenty-eight (85.28), Code 1966,
2 is hereby amended by striking from line four (4) the words "five
3 hundred" and inserting in lieu thereof the words "one thousand".

1 SEC. 10. Section eighty-five point thirty-one (85.31), Code 1966, is
2 hereby amended as follows:

3 1. Subsection one (1), by striking from lines ten (10) and eleven
4 (11), the words "a total of fourteen thousand two hundred fifty dol-
5 lars" and inserting in lieu thereof the words "a weekly benefit amount,
6 rounded to the nearest dollar, equal to forty-six percent of the state
7 average weekly wage paid employees as determined by the Iowa em-
8 ployment security commission under the provisions of section ninety-
9 six point three (96.3) of the Code and in effect at the time of the
10 injury".

11 2. Subsection four (4), by striking from lines nine (9) and ten

12 (10), the words "a total of fourteen thousand two hundred fifty dol-
13 lars" and inserting in lieu thereof the words "a weekly benefit amount,
14 rounded to the nearest dollar, equal to forty-six percent of the state
15 average weekly wage paid employees as determined by the Iowa em-
16 ployment security commission under the provisions of section ninety-
17 six point three (96.3) of the Code and in effect at the time of the
18 injury".

1 SEC. 11. Section eighty-five point thirty-four (85.34), subsection
2 two (2), Code 1966, is hereby amended as follows:

3 1. By inserting in line ten (10) after the word "not" the words
4 "more than a weekly benefit amount, rounded to the nearest dollar,
5 equal to forty-six percent of the state average weekly wage paid em-
6 ployees as determined by the Iowa employment security commission
7 under the provisions of section ninety-six point three (96.3) of the
8 Code and in effect at the time of the injury, provided that no employee
9 shall receive as compensation".

10 2. Paragraph *a*, by striking from line two (2), the words "but not to
11 exceed a" and by striking lines three (3) and four (4) and inserting
12 in lieu thereof a period.

13 3. Paragraph *b*, by striking from line three (3), the words "but not
14 to exceed a" and by striking lines four (4) and five (5) and inserting
15 in lieu thereof a period.

16 4. Paragraph *c*, by striking from line two (2) the words "but not"
17 and by striking lines three (3) and four (4) and inserting in lieu
18 thereof a period.

19 5. Paragraph *d*, by striking from line two (2) the words "but not
20 to" and by striking lines three (3) and four (4), and inserting in lieu
21 thereof a period.

22 6. Paragraph *e*, by striking from line three (3) the words "but not
23 to exceed a total" and by striking line four (4) and inserting in lieu
24 thereof a period.

25 7. Paragraph *h*, by striking from line two (2) the words "but not
26 to exceed" and by striking line three (3) and inserting in lieu thereof
27 a period.

28 8. Paragraph *i*, by striking from line three (3) the words "but not
29 to exceed a total of seven" and by striking line four (4) and inserting
30 in lieu thereof a period.

31 9. Paragraph *l*, by striking lines three (3) and four (4) and insert-
32 ing in lieu thereof a period.

33 10. Paragraph *m*, by striking lines six (6) and seven (7) and in-
34 serting in lieu thereof a period.

35 11. Paragraph *n*, by striking from line two (2) the words "but not"
36 and by striking lines three (3) and four (4) and inserting in lieu
37 thereof a period.

38 12. Paragraph *o*, by striking from line five (5) the words "but not
39 to exceed" and by striking line six (6) and inserting in lieu thereof a
40 period.

41 13. Paragraph *p*, by striking lines three (3) and four (4) and in-
42 serting in lieu thereof a period.

43 14. Paragraph *q*, by striking from line three (3) the words "but
44 not" and by striking lines four (4) and five (5) and inserting in lieu
45 thereof a period.

46 15. Paragraph *r*, by striking from line two (2) the words "but not
47 to" and by striking lines three (3) through eight (8), inclusive, and
48 inserting in lieu thereof the following:

49 " , and for the loss of hearing in both ears, weekly compensation
50 during one hundred seventy-five weeks."

51 16. Paragraph *s*, by striking from line five (5) the words "but not
52 to exceed a" and by striking lines six (6) and seven (7) and insert-
53 ing in lieu thereof a period.

54 17. Paragraph *t*, by striking from line eight (8) the word "and"
55 and by striking lines nine (9) and ten (10) and inserting in lieu
56 thereof a period.

57 18. Paragraph *u*, by striking from line seven (7) the words " , but
58 not to" and by striking lines eight (8) through ten (10), inclusive,
59 and inserting in lieu thereof a period.

1 SEC. 12. Section eighty-five point thirty-four (85.34), subsection
2 three (3), Code 1966, is hereby amended as follows:

3 1. By inserting in line five (5) after the word "not" the words
4 "more than a weekly benefit amount, rounded to the nearest dollar,
5 equal to forty-six percent of the state average weekly wage paid
6 employees as determined by the Iowa employment security commis-
7 sion under the provisions of section ninety-six point three (96.3) of
8 the Code and in effect at the time of the injury provided that no
9 employee shall receive as compensation".

10 2. By striking from line thirteen (13) the words " , but in no event"
11 and by striking all of lines fourteen (14) through sixteen (16), in-
12 clusive, and inserting in lieu thereof a period.

1 SEC. 13. Section eighty-five point thirty-seven (85.37), Code 1966,
2 is hereby amended by striking lines seven (7) through nineteen (19),
3 inclusive, and inserting in lieu thereof the following:

4 "such healing period shall be upon the basis provided herein. The
5 weekly benefit amount payable to any employee for any one week shall
6 be, but shall not exceed an amount, rounded to the nearest dollar,
7 equal to fifty percent of the state average weekly wage paid employees
8 as determined by the Iowa employment security commission under
9 the provisions of section ninety-six point three (96.3), subsection
10 four (4) of the Code, and in effect at the time of the injury. Total
11 weekly compensation for any employee".

1 SEC. 14. Section eighty-five point forty-five (85.45), Code 1966, as
2 amended by chapter four hundred (400), section twelve (12), Acts of
3 the Sixty-second General Assembly, is hereby further amended as
4 follows:

5 1. By striking subsection two (2) of such section and renumbering
6 as required.

7 2. Subsection three (3), by striking from line two (2), the word
8 "court" and inserting in lieu thereof the words "industrial commis-
9 sioner".

1 SEC. 15. Section eighty-five point forty-six (85.46), Code 1966, as
2 amended by chapter four hundred (400), section thirteen (13), Acts
3 of the Sixty-second General Assembly, is hereby repealed and the fol-
4 lowing enacted in lieu thereof:

5 "A written petition for commutation may be made to the industrial
6 commissioner. Notice of the filing or presentation of such petition
7 shall be served upon the opposite party or parties as provided in sec-
8 tion eighty-six point thirty-six (86.36) of the Code."

1 SEC. 16. Section eighty-five point forty-seven (85.47), Code 1966,
2 is hereby amended by striking from line two (2) the word "court"
3 and inserting in lieu thereof the words "industrial commissioner".

1 SEC. 17. Section eighty-five point forty-eight (85.48), Code 1966,
2 is hereby amended by striking from line two (2) the word "court"
3 and inserting in lieu thereof the words "industrial commissioner".

1 SEC. 18. Section eighty-five point sixty-one (85.61), Code 1966,
2 is amended by striking paragraph *b* of subsection five (5), and relet-
3 tering the remaining paragraphs.

1 SEC. 19. Section eighty-six point one (86.1), Code 1966, is hereby
2 amended by adding thereto the following:

3 "Any such appointee must be a lawyer admitted to practice in this
4 state."

1 SEC. 20. Section eighty-six point two (86.2), Code 1966, is hereby
2 amended by inserting before the period in line five (5) the following:

3 ", and all such deputies must be lawyers admitted to practice in
4 this state".

1 SEC. 21. Section eighty-six point twenty (86.20), Code 1966, is
2 hereby amended by striking from lines eight (8) and nine (9) the
3 words "the rate of not to exceed ten cents for each one hundred words"
4 and inserting in lieu thereof the words "a reasonable rate to be deter-
5 mined by the commissioner".

1 SEC. 22. Section eighty-six point twenty-six (86.26), Code 1966, is
2 hereby amended by striking from line seven (7) the words "injury
3 occurred" and inserting in lieu thereof the words "hearing under sec-
4 tion eighty-six point seventeen (86.17) of the Code was held".

1 SEC. 23. Section eighty-six point thirty-three (86.33), Code 1966,
2 is hereby amended by striking lines four (4) through seven (7),
3 inclusive, and inserting in lieu thereof the word "court."

1 SEC. 24. Section eighty-seven point one (87.1), Code 1966, is
2 hereby amended as follows:

3 1. By striking from line nine (9) the word "insurance" and in-
4 serting in lieu thereof the word "industrial".

5 2. By striking from line fourteen (14) the words ", and in the",
6 and by striking lines fifteen (15) through eighteen (18), inclusive,
7 and inserting in lieu thereof a period.

1 SEC. 25. Section eighty-seven point twenty-one (87.21), Code 1966,
2 is hereby repealed and the following enacted in lieu thereof:

3 "Any employer, except an employer exempt as provided in section
4 eighty-five point one (85.1) of the Code, who has failed to insure
5 the employer's liability in one of the ways provided in this chapter,
6 unless relieved from carrying such insurance as provided in section
7 eighty-seven point eleven (87.11) of the Code, shall be liable to an

8 employee for a personal injury in the course of and arising out of
 9 such employment, and the employee may enforce such liability by an
 10 action at law for damages, or may collect compensation as provided
 11 in chapters eighty-five (85) and eighty-six (86) of the Code. In
 12 actions by the employee for damages under the terms of this section,
 13 the following rules shall apply:

14 1. It shall be presumed:

15 a. That the injury to the employee was the direct result and growing
 16 out of the negligence of the employer.

17 b. That such negligence was the proximate cause of the injury.

18 2. The burden of proof shall rest upon the employer to rebut the
 19 presumption of negligence, and the employer shall not be permitted
 20 to plead or rely upon any defense of the common law, including the
 21 defenses of contributory negligence, assumption of risk and the
 22 fellow servant rule."

1 SEC. 26. Sections eighty-seven point twenty-two (87.22) and
 2 eighty-seven point twenty-three (87.23), Code 1966, are hereby re-
 3 pealed.

1 SEC. 27. Section eighty-seven point twenty-four (87.24), Code
 2 1966, is hereby amended as follows:

3 1. By striking from line four (4) the words and figures "sections
 4 87.21, 87.22, and 87.23" and inserting in lieu thereof the words and
 5 figures "section eighty-seven point twenty-one (87.21) of the Code
 6 as reenacted by this Act".

7 2. By striking from line seventeen (17) the words and figures
 8 "sections 87.21, 87.22 and 87.23" and inserting in lieu thereof the
 9 words and figures "section eighty-seven point twenty-one (87.21) of
 10 the Code as reenacted by this Act".

1 SEC. 28. Section eighty-seven point twenty-six (87.26), Code 1966,
 2 is hereby amended by striking from lines fifteen (15) and sixteen
 3 (16) the words and figures "sections 87.21, 87.22, and 87.23" and in-
 4 serting in lieu thereof the words and figures "section eighty-seven
 5 point twenty-one (87.21) of the Code as reenacted by this Act".

1 SEC. 29. Chapter eighty-five (85), Code 1966, is hereby amended
 2 by adding the following new section:

3 "An employee who has sustained an injury resulting in permanent
 4 partial or permanent total disability, for which compensation is pay-
 5 able under this chapter, and who cannot return to gainful employment
 6 because of such disability, shall upon application to and approval by
 7 the industrial commissioner be entitled to a twenty dollar weekly
 8 payment from the employer in addition to any other benefit payments,
 9 during each full week in which he is actively participating in a voca-
 10 tional rehabilitation program recognized by the state board for voca-
 11 tional education. The industrial commissioner's approval of such ap-
 12 plication for payment may be given only after a careful evaluation of
 13 available facts, and after consultation with the employer or the em-
 14 ployer's representative. An appeal of the decision of the industrial
 15 commissioner may be taken to the district court as prescribed in
 16 section eighty-six point twenty-six (86.26) of the Code. Such addi-
 17 tional benefit payment shall be paid for a period not to exceed thirteen

18 consecutive weeks except that the industrial commissioner may extend
 19 the period of payment not to exceed an additional thirteen weeks if
 20 the circumstances indicate that a continuation of training will in fact
 21 accomplish rehabilitation.”

Approved April 6, 1970.

CHAPTER 1052

INDUSTRIAL COMMISSIONER

S. F. 83

AN ACT relating to the duties of the industrial commissioner.

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

1 SECTION 1. Section eighty-six point eight (86.8), Code 1966, is
 2 hereby amended as follows:
 3 1. By striking subsection three (3) and inserting in lieu thereof
 4 the following:
 5 “3. To prepare and publish statistical reports and analyses regard-
 6 ing the cost, occurrence and sources of employment injuries.”
 7 2. By adding thereto the following new subsection:
 8 “6. To provide a seal for the authentication of orders and records
 9 and for such other purposes as required.”

Approved April 13, 1970.

CHAPTER 1053

WORKMEN'S COMPENSATION DEPOSITIONS

S. F. 82

AN ACT to authorize the industrial commissioner to order the taking of depositions
 in workmen's compensation cases.

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

1 SECTION 1. Section eighty-six point twenty-one (86.21), Code
 2 1966, is hereby amended as follows:
 3 1. By striking lines six (6) through twelve (12) inclusive.
 4 2. By striking from line twenty-two (22) the words “clerk of the
 5 district court of the county”.
 6 3. By striking line twenty-three (23) and inserting in lieu thereof
 7 the words “industrial commissioner”.

Approved April 13, 1970.

CHAPTER 1054

CHILD LABOR

H. F. 1251

AN ACT relating to child labor.

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

1 SECTION 1. Chapter ninety-two (92), Code 1966, as amended by
2 chapter one hundred sixteen (116), section one (1), Acts of the Sixty-
3 second General Assembly, is hereby repealed and the following sec-
4 tions enacted in lieu thereof:

1 SEC. 2.

2 1. No person under ten years of age shall be employed or permitted
3 to work with or without compensation at any time within this state in
4 street occupations of peddling, bootblacking, the distribution or sale
5 of newspapers, magazines, periodicals, or circulars, nor in any other
6 occupations in any street or public place. The labor commissioner
7 shall, when ordered by a judge of the juvenile court, issue a work
8 permit as provided in this Act to a person under ten years of age.

9 2. No person under twelve years of age shall be employed or per-
10 mitted to work with or without compensation at any time within this
11 state in connection with migratory labor, except that the labor com-
12 missioner may upon sufficient showing by a judge of the juvenile
13 court, issue a work permit as provided in this Act to a person under
14 twelve years of age.

1 SEC. 3. No person between ten and sixteen years of age shall be
2 employed or permitted to work with or without compensation in con-
3 nection with any of the occupations mentioned in section two (2) of
4 this Act unless the worker complies with all the requirements for the
5 issuance of work permits. Upon compliance with the requirements of
6 this Act, such person shall be entitled to receive from the officer
7 authorized to issue work permits, a work permit which shall authorize
8 such person to engage in the occupations set forth in section two (2)
9 of this Act, at such time or times specified in the work permit, between
10 five o'clock a.m. and seven thirty o'clock p.m., except nine o'clock p.m.
11 June first through Labor Day; provided that nothing in this chapter
12 shall be construed to prohibit or restrict such persons being employed
13 or permitted to work without such work permit in or in connection
14 with the street occupations in cities and towns of less than ten thou-
15 sand population and in areas outside the corporate limits of any city
16 or town; in any city of ten thousand or more inhabitants such persons
17 shall comply with the requirements for the issuance of work permits
18 as described in this chapter except the filing of an employer's agree-
19 ment, but the school record so required shall certify only that the
20 person is regularly attending school and that the work in which he
21 wishes to engage will not interfere with his progress at school. Upon
22 compliance with these requirements such person shall be entitled to
23 receive from the officer authorized to issue work permits a street-
24 occupation permit or badge which shall authorize such person to
25 engage in the street occupations at such time or times specified in the
26 work permit between four o'clock a.m. and seven-thirty o'clock p.m.

27 each day the public schools of the city or district where such person
 28 resides are not in session, except that during the summer-school vaca-
 29 tion, such person may engage in such occupation until the hour of
 30 eight-thirty o'clock p.m.

31 All such permits or badges issued in the same calendar year shall
 32 be of the same color, which color shall be changed each year, and shall
 33 become void upon the first of January following their issuance. The
 34 requirements for keeping a file of permits and list of names provided
 35 for in section eleven (11) of this Act shall not apply to work in the
 36 street occupations as defined in subsection one (1) of section two (2)
 37 of this Act.

1 SEC. 4. No person under fourteen years of age shall be employed
 2 or permitted to work with or without compensation in any occupation,
 3 except in the street trade occupations or migratory labor occupations
 4 specified in section two (2) of this Act. Any migratory laborer twelve
 5 to fourteen years of age may not work prior to or during the regular
 6 school hours of any day of any private or public school which teaches
 7 general education subjects and which is available to such child.

1 SEC. 5. No person under sixteen years of age shall be employed or
 2 permitted to work with or without compensation in any occupation
 3 during regular school hours, except:

- 4 1. Those persons legally out of school, and such status is verified by
 5 the submission of written proof to the labor commissioner.
- 6 2. Those persons working in a supervised school-work program.
- 7 3. Those persons between the ages of fourteen and sixteen enrolled
 8 in school on a part-time basis and who are required to work as a part
 9 of their school training.
- 10 4. Fourteen and fifteen year old migrant laborers during any hours
 11 when summer school is in session.

1 SEC. 6. Persons fourteen and fifteen years of age may be employed
 2 or permitted to work in the following occupations:

- 3 1. Retail, food service, and gasoline service establishments.
- 4 2. Office and clerical work, including operation of office machines.
- 5 3. Cashiering, selling, modeling, art work, work in advertising de-
 6 partments, window trimming and comparative shopping.
- 7 4. Price marking and tagging by hand or by machine, assembling
 8 orders, packing and shelving.
- 9 5. Bagging and carrying out customers' orders.
- 10 6. Errand and delivery work by foot, bicycle, and public transpor-
 11 tation.
- 12 7. Clean-up work, including the use of vacuum cleaners and floor
 13 waxers, and maintenance of grounds.
- 14 8. Kitchen work and other work involved in preparing and serving
 15 food and beverages, including the operation of machines and devices
 16 used in the performance of such work, including but not limited to,
 17 dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake
 18 blenders, and coffee grinders.
- 19 9. Work in connection with motor vehicles and trucks if confined to
 20 the following:
 - 21 a. Dispensing gasoline and oil.
 - 22 b. Courtesy service.

- 23 *c.* Car cleaning, washing and polishing.
 24 Nothing in this subsection shall be construed to include work involving
 25 the use of pits, racks or lifting apparatus or involving the inflation of
 26 any tire mounted on a rim equipped with a removable retaining ring.
 27 10. Cleaning vegetables and fruits, and wrapping, sealing, labeling,
 28 weighing, pricing and stocking goods when performed in areas phys-
 29 ically separate from areas where meat is prepared, for sale and out-
 30 side freezers or meat coolers.
 31 11. Such other work as may be approved by the committee on child
 32 labor established by section twenty-two (22) of this Act.

- 1 SEC. 7. Persons fourteen and fifteen years of age may not be em-
 2 ployed in:
 3 1. Any manufacturing occupation.
 4 2. Any mining occupation.
 5 3. Processing occupations, except in a retail, food service, or gaso-
 6 line service establishment in those specific occupations expressly per-
 7 mitted under the provisions of section six (6) of this Act.
 8 4. Occupations requiring the performance of any duties in work-
 9 rooms or work places where goods are manufactured, mined, or other-
 10 wise processed, except to the extent expressly permitted in retail, food
 11 service, or gasoline service establishments under the provisions of
 12 section six (6) of this Act.
 13 5. Public messenger service.
 14 6. Operation or tending of hoisting apparatus or of any power-
 15 driven machinery, other than office machines and machines in retail,
 16 food service, and gasoline service establishments which are specified
 17 in section six (6) of this Act as machines which such minors may
 18 operate in such establishments.
 19 7. Any occupations found and declared to be hazardous by the com-
 20 mittee on child labor.
 21 8. Occupations in connection with the following, except office or
 22 sales work in connection with these occupations, not performed on
 23 transportation media or at the actual construction site:
 24 *a.* Transportation of persons or property by rail, highway, air, on
 25 water, pipeline, or other means.
 26 *b.* Warehousing and storage.
 27 *c.* Communications and public utilities.
 28 *d.* Construction, including repair.
 29 9. Any of the following occupations in a retail, food service, or
 30 gasoline service establishment:
 31 *a.* Work performed in or about boiler or engine rooms.
 32 *b.* Work in connection with maintenance or repair of the establish-
 33 ment, machines or equipment.
 34 *c.* Outside window washing that involves working from window
 35 sills, and all work requiring the use of ladders, scaffolds or their sub-
 36 stitutes.
 37 *d.* Cooking, except at soda fountains, lunch counters, snack bars, or
 38 cafeteria serving counters, and baking.
 39 *e.* Occupations which involve operating, setting up, adjusting,
 40 cleaning, oiling, or repairing power-driven food slicers and grinders,
 41 food choppers and cutters, and bakery-type mixers.
 42 *f.* Work in freezers and meat coolers and all work in preparation

43 of meats for sale, except wrapping, sealing, labeling, weighing, pric-
44 ing and stocking when performed in other areas.

45 *g.* Loading and unloading goods to and from trucks, railroad cars
46 or conveyors.

47 *h.* All occupations in warehouses except office and clerical work.

48 Nothing in this section shall be construed as prohibiting office,
49 errand or packaging work when done away from moving machinery.

1 SEC. 8. No person under sixteen years of age shall be employed
2 with or without compensation except as provided in section four (4)
3 of this Act before the hour of seven o'clock a.m. or after seven o'clock
4 p.m., except during the period from June first through Labor Day
5 when the hours may be extended to nine o'clock p.m. If such person
6 is employed for a period of five hours or more each day, an intermis-
7 sion of not less than thirty minutes shall be given. No such person
8 shall be employed for more than eight hours in one day, exclusive of
9 intermission, nor shall such person be employed for more than forty
10 hours in one week. The hours of work of persons under sixteen years
11 of age employed outside school hours shall not exceed four in one day
12 or twenty-eight in one week while school is in session.

1 SEC. 9. No person under eighteen years of age shall be employed
2 or permitted to work with or without compensation at any of the
3 following occupations or business establishments:

4 1. Occupations in or about plants or establishments manufacturing
5 or storing explosives or articles containing explosive components.

6 2. Occupations of motor vehicle driver and helper.

7 3. Logging occupations and occupations in the operation of any
8 sawmill, lath mill, shingle mill, or cooperage-stock mill.

9 4. Occupations involved in the operation of power-driven wood-
10 working machines.

11 5. Occupations involving exposure to radioactive substances and to
12 ionizing radiations.

13 6. Occupations involved in the operation of elevators and other
14 power-driven hoisting apparatus.

15 7. Occupations involved in the operation of power-driven metal
16 forming, punching, and shearing machines.

17 8. Occupations in connection with mining.

18 9. Occupations in or about slaughtering and meat packing estab-
19 lishments and rendering plants.

20 10. Occupations involved in the operation of certain power-driven
21 bakery machines.

22 11. Occupations involved in the operation of certain power-driven
23 paper products machines.

24 12. Occupations involved in the manufacture of brick, tile, and re-
25 lated products.

26 13. Occupations involved in the operation of circular saws, band
27 saws, and guillotine shears.

28 14. Occupations involved in wrecking, demolition, and shipbreaking
29 operations.

30 15. Occupations involved in roofing operations.

31 16. Excavation occupations.

32 17. In or about foundries; provided that office, shipping, and as-

- 33 assembly area employment shall not be prohibited by this Act.
34 18. Occupations involving the operation of laundry, dry cleaning,
35 or dyeing machinery.
36 19. Occupations involving exposure to lead fumes or its compounds,
37 or to dangerous or poisonous dyes or chemicals.
38 20. Occupations involving the transmission, distribution, or deliv-
39 ery of goods or messages between the hours of ten o'clock p.m. and
40 five o'clock a.m.
41 21. Occupations deemed by the committee on child labor to be haz-
42 ardous to life or limb.

- 1 SEC. 10. The provisions of section eleven (11) of this Act shall
2 not apply to pupils working under an instructor in a manual training
3 department in the public schools of the state or under an instructor
4 in a school shop, or industrial plant, or in a course of vocational edu-
5 cation approved by the board for vocational education, or to appren-
6 tices provided they are employed under all of the following conditions:
7 1. The apprentice is employed in a craft recognized as an appren-
8 ticeable trade.
9 2. The work of the apprentice in the occupations declared particu-
10 larly hazardous is incidental to his training.
11 3. Such work is intermittent and for short periods of time and is
12 under the direct and close supervision of a journeyman as a necessary
13 part of such apprentice training.
14 4. The apprentice is registered by the bureau of apprenticeship
15 and training of the United States department of labor as employed in
16 accordance with the standards established by that department.

- 1 SEC. 11. No person under sixteen years of age shall be employed
2 or permitted to work with or without compensation unless the person,
3 firm, or corporation employing such persons receives and keeps on file
4 accessible to any officer charged with the enforcement of this Act,
5 a work permit issued as hereinafter provided, and keeps a complete
6 list of the names and ages of all such persons under sixteen years of
7 age employed.
8 Certificates of age shall be issued for persons sixteen and seventeen
9 years of age and for all other persons eighteen and over upon request
10 of the person's prospective employer.

- 1 SEC. 12. A work permit, except for migrant laborers, shall be
2 issued only by the superintendent of schools or Iowa state employment
3 service division, or by a person authorized by said superintendent in
4 writing, or, where there is no superintendent of schools, by a person
5 authorized in writing by the local school board where such child re-
6 sides, upon the application of the parent, guardian, or custodian of the
7 child desiring such permit. The person authorized to issue work per-
8 mits shall not issue any such permit unless he has received, examined,
9 approved, and filed:
10 1. A written agreement from the person, firm, or corporation into
11 whose service the child under sixteen years of age is about to enter,
12 promising to give such child employment, describing the industry and
13 the work to be performed.
14 2. Evidence of age showing that the child is fourteen years old, or

15 more, which shall consist of one of the following proofs required in
16 the order herein designated:

17 *a.* A certified copy of the birth certificate filed according to law
18 with a registrar of vital statistics or other officer charged with the
19 duty of recording births.

20 *b.* A passport or a certified copy of a certificate of baptism showing
21 the date and place of birth and the place of baptism of such child.

22 *c.* A school census record.

23 *d.* In cases where none of the above named proofs are obtainable, a
24 certificate, signed by the local medical inspector of schools, or if there
25 be no such inspector, then by a physician appointed by the local board
26 of education, certifying that in his opinion the applicant for the work
27 permit is fourteen years of age or more.

1 SEC. 13. Every person, firm, or corporation employing migrant
2 laborers shall obtain and keep on file, accessible to any officer charged
3 with the enforcement of this Act, a special work permit, prior to the
4 employment of such migratory laborer. Special work permits for
5 migrant workers shall be issued by the superintendent of schools, or
6 his designee, nearest the temporary living quarters of the family, or
7 by the county director of social welfare or by the Iowa state employ-
8 ment service division, upon application of the parent or head of the
9 migrant family. The person authorized to issue such permits for
10 migratory workers shall not issue such permit until he has received,
11 examined, and approved one of the following as evidence of age: a
12 birth certificate, passport, baptism certificate, or school record. Appli-
13 cants under fourteen years of age must obtain a certificate from a
14 registered nurse or physician stating that the applicant for the work
15 permit has reached the normal development of a child of his age and
16 is in sufficiently sound health and physically able to perform the work
17 for which the permit is sought. One copy of the permit issued shall
18 be given to the employer to be kept on file for the length of employ-
19 ment and upon termination of employment shall be returned to the
20 labor commissioner. One copy of the permit shall be kept by the issu-
21 ing officer, and one copy forwarded to the commissioner, along with
22 the certificate of fitness of the persons under fourteen years of age.
23 The blank forms for the work permit for migratory workers shall be
24 formulated by the commissioner and furnished by him to the issuing
25 officer.

1 SEC. 14. The labor commissioner or the issuing officer may refuse
2 to grant a permit if, in his judgment, the best interests of the minor
3 would be served by such refusal and he shall keep a record of such
4 refusals, and the reasons therefor.

1 SEC. 15. Every work permit shall state the date of issuance, name,
2 sex, the date and place of birth, the residence of the child in whose
3 name it is issued, the color of hair and eyes, the height and weight,
4 the proof of age, the school grade completed, the name and location of
5 the establishment where the child is to be employed, the industry,
6 specified occupation, a brief description of duties for which the per-
7 mit is issued, that the papers required for its issuance have been duly
8 examined, approved, and filed, and that the person named therein has

9 personally appeared before the officer issuing the permit and has been
10 examined.

1 SEC. 16. A duplicate of every such work permit issued shall be
2 filled out and forwarded to the office of the labor commissioner within
3 one week after it is issued.

1 SEC. 17. The proper forms for the work permit, the employer's
2 agreement, the school record, certificate of age, and the physician's
3 certificate shall be formulated by the committee on child labor and
4 shall be furnished by the labor commissioner to the issuing authori-
5 ties.

1 SEC. 18. Nothing in this Act shall be construed to prohibit:

2 1. Any part-time, occasional, or volunteer work for nonprofit
3 organizations generally recognized as educational, charitable, reli-
4 gious, or community service in nature.

5 2. A child from working in or around any home before or after
6 school hours or during vacation periods, provided such work is not
7 related to or part of the business, trade, or profession of the em-
8 ployer.

9 3. Part-time work in agriculture, not including migratory labor.

10 4. A child from working in any occupation or business operated by
11 his parents.

1 SEC. 19. As used in this Act, the term "migratory labor" shall
2 include any person who customarily and repeatedly travels from state
3 to state for the purpose of obtaining seasonable employment.

1 SEC. 20. No parent, guardian, or other person, having under his
2 control any person under eighteen years of age, shall willfully permit
3 said person to work or be employed in violation of the provisions of
4 this Act.

5 No person shall willfully make, certify to, or cause to be made or
6 certified any statement, certificate, or other paper for the purpose of
7 procuring the employment of any person in violation of this Act.

8 No person shall make, file, execute, or deliver any statement, cer-
9 tificate, or other paper containing false statements for the purpose of
10 procuring employment of any person in violation of this Act.

11 No person, firm, or corporation, or any agent thereof shall willfully
12 conceal or permit a person to be employed in violation of this Act.

13 No person, firm, or corporation shall refuse to allow any authorized
14 persons to inspect the place of business or provide information neces-
15 sary to the enforcement of this Act.

1 SEC. 21. The parent, guardian, or person in charge of any migra-
2 tory worker or of any child who shall engage in any street occupation
3 in violation of any of the provisions of this Act shall be punished by a
4 fine of not less than twenty dollars nor more than fifty dollars.

5 Any person who furnishes or sells to any minor child any article of
6 any description when he knows or should have known that said minor
7 intends to sell in violation of the provisions of this Act, shall be pun-
8 ished by a fine or not less than twenty dollars nor more than one
9 hundred dollars.

10 Any other violation of this Act for which a penalty is not specifi-

11 cally provided, shall be punishable by a fine of not less than twenty
12 dollars nor more than one hundred dollars. Every day during which
13 any violation of this Act continues shall constitute a separate and dis-
14 tinct offense, and the employment of any person in violation of this
15 Act shall, with respect to each person so employed, constitute a sepa-
16 rate and distinct offense.

1 SEC. 22. There is hereby established a committee on child labor.
2 The committee shall consist of the labor commissioner who shall act
3 as chairman, the superintendent of public instruction or his designee,
4 a representative of the Iowa employment security commission selected
5 by the commission, and two persons representing the public and inter-
6 ested in child labor, to be appointed by the governor, without regard
7 to political affiliation. The public representatives shall serve for a
8 term of four years from July 1, 1970, and until their successors are
9 appointed and qualify. The governor shall fill any public member's
10 vacancy for any unexpired term. Public members shall receive com-
11 pensation for service on this committee as shall be provided by the
12 General Assembly.

13 The committee shall adopt rules of procedure for its meetings and
14 activities.

15 It shall be the duty of the committee to hold public hearings, to
16 formulate rules more specifically defining the occupations and equip-
17 ment permitted or prohibited herein, to determine occupations for
18 which work permits shall be required, and to issue general and special
19 orders prohibiting or allowing the employment of persons under
20 eighteen years of age in any place of employment hazardous to the
21 health, safety, and welfare of such persons as defined in this Act.

1 SEC. 23. It shall be the duty of the labor commissioner, his depu-
2 ties, inspectors, and assistants, to enforce the provisions of this Act.
3 It shall also be the duty of all mayors and police officers, town and city
4 marshals, sheriffs, and their deputies, school superintendents, school
5 truant and attendance officers, within their several jurisdictions, to
6 cooperate in the enforcement of such provisions and furnish the com-
7 missioner, his deputies and assistants all information coming to their
8 knowledge regarding any violations of such provisions. All such
9 officers and any person authorized in writing by any court of record
10 shall have authority to enter for purpose of investigation any of the
11 establishments and places mentioned in this Act and to freely question
12 any person therein as to any violations of such provisions.

13 It shall be the duty of county attorneys to investigate all com-
14 plaints made to them of violations of any such provisions, and to
15 prosecute all such cases of violation within their respective counties.

1 SEC. 24. Anyone under the age of nineteen and subject to this Act
2 employed in the street trades who sells or delivers the product or
3 service of another and who is designated in such capacity as an inde-
4 pendent contractor shall be provided participation, if he desires it at
5 group rate cost, in group insurance for medical, hospital, nursing and
6 doctor expenses incurred as a result of injuries sustained arising out
7 of and in the course of selling or delivering such product or service
8 by the person, firm or corporation whose product or service is so de-
9 livered.

1 SEC. 25. This Act being deemed of immediate importance shall be
 2 in full force and effect from and after its final approval and publica-
 3 tion in The Cedar Rapids Gazette, a newspaper published at Cedar
 4 Rapids, Iowa, and in The Muscatine Journal, a newspaper published
 5 at Muscatine, Iowa.

Approved April 17, 1970.

I hereby certify that the foregoing Act, House File 1251, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, April 23, 1970, and in The Muscatine Journal, Muscatine, Iowa, April 24, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1055

EMPLOYMENT SECURITY CONTINGENCY FUND

H. F. 788

AN ACT to establish a special employment security contingency fund consisting of interest and penalties collected on delinquent employment security contributions and reports.

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

1 SECTION 1. Section ninety-six point thirteen (96.13), Code 1966,
 2 is hereby amended by adding thereto the following new subsection:
 3 "3. *Special employment security contingency fund.* There is hereby
 4 created in the state treasury a special fund to be known as the special
 5 employment security contingency fund. All interest, fines, and pen-
 6 alties, regardless of when the same become payable, collected from
 7 employers under the provisions of section ninety-six point fourteen
 8 (96.14) of the Code subsequent to July 1, 1970, shall be paid into this
 9 fund. Said moneys shall not be expended or available for expenditure
 10 in any manner which would permit their substitution for federal funds
 11 which would in the absence of said moneys be available to finance ex-
 12 penditures for the administration of the employment security law.
 13 Nothing in this section shall prevent said moneys from being used as a
 14 revolving fund to cover expenditures for which federal funds have
 15 been duly requested but not yet received, subject to the charging of
 16 such expenditures against such funds when received. Said fund may
 17 be used for the payment of costs of administration which are found
 18 not to have been properly and validly chargeable against federal grants
 19 or other funds, received for or in the employment security administra-
 20 tion fund. The moneys in this fund are hereby specifically made avail-
 21 able to replace, within a reasonable time, any moneys received by this
 22 state in the form of grants from the federal government for adminis-
 23 trative expenses which because of any action or contingency have
 24 been expended for purposes other than, or in excess of, those necessary
 25 for the proper administration of the employment security law. All
 26 moneys in the special employment security contingency fund shall be
 27 deposited, administered, and disbursed in the same manner and under
 28 the same conditions and requirements as are provided by law for other
 29 special funds in the state treasury.

30 The treasurer of state shall be the custodian of said funds and shall
 31 give a separate and additional bond conditioned upon the faithful per-
 32 formance of his duties in connection with the special employment se-
 33 curity contingency fund in an amount and with such sureties as shall
 34 be fixed and approved by the governor. The premiums for such bonds
 35 shall be paid from the moneys in the special employment security con-
 36 tingency fund. All sums recovered on such bond for losses sustained
 37 by the special employment security contingency fund shall be deposited
 38 in the fund. Refunds of interest and penalties collected on or after
 39 July 1, 1970, pursuant to this chapter shall be paid only from this fund.

40 Balances to the credit of the special employment security contin-
 41 gency fund shall not lapse at any time but shall continuously be
 42 available to the commission for expenditures consistent herewith.
 43 However, if on July first of any year the balance in the special employ-
 44 ment security contingency fund exceeds fifty thousand dollars by ten
 45 thousand dollars or more, the treasurer of state shall promptly transfer
 46 the entire amount over fifty thousand dollars to the unemployment
 47 compensation fund established in section ninety-six point nine (96.9)
 48 of the Code, unless the commission determines that such transfer
 49 should not be made because of immediate obligations to be met from
 50 the fund."

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

3 1. By striking from subsection one (1), paragraph *a*, lines two (2)
 4 and three (3) the words "together with any interest thereon collected
 5 pursuant to section 96.14,".

6 2. By striking all of subsection one (1), paragraph *b*.

7 3. By striking from subsection two (2), paragraph *c*, line two (2),
 8 the word "fund" and inserting in lieu thereof the words "unemploy-
 9 ment compensation fund and all interest and penalties on delinquent
 10 contributions and reports".

11 4. By inserting in subsection two (2), paragraph *c*, line five (5),
 12 after the word "account" the words ", but the interest and penalties
 13 on delinquent contributions and reports shall not be deemed to be a
 14 part of the fund".

15 5. By inserting in subsection two (2), paragraph *c*, line five (5),
 16 after the word "Refunds" the words "of contributions".

17 6. By inserting in subsection two (2), paragraph *c*, line ten (10),
 18 after the word "account" the words ", except interest and penalties
 19 on delinquent contributions and reports,".

20 7. By inserting in subsection two (2), paragraph *c*, line nineteen
 21 (19), after the period the following:

22 "Interest and penalties on delinquent contributions and reports col-
 23 lected from employers shall be transferred from the clearing account
 24 to the special employment security contingency fund."

Approved March 26, 1970.

CHAPTER 1056

UNEMPLOYMENT CONTRIBUTIONS

S. F. 1273

AN ACT to authorize cooperation between this state and other states which extend a like comity in the collection of delinquent unemployment contributions, penalties, interest, and benefit overpayments.

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

1 SECTION 1. Section ninety-six point fourteen (96.14), subsection
2 three (3), Code 1966, is hereby amended by adding thereto the follow-
3 ing new paragraph:

4 "The courts of this state shall recognize and enforce liabilities for
5 unemployment contributions, penalties, interest and benefit overpay-
6 ments imposed by other states which extend a like comity to this state.
7 The commission is hereby empowered to sue in the courts of any other
8 jurisdiction which extends such comity to collect unemployment con-
9 tributions, penalties, interest and benefit overpayments due this state.
10 The officials of other states which, by statute or otherwise, extend a
11 like comity to this state may sue in the district court to collect for such
12 contributions, penalties, interest and benefit overpayments. In any
13 such case the chairman of the commission of this state, as agent for
14 and on behalf of any other state, may, through the attorney general,
15 institute and conduct such suit for such other state. Venue of such
16 proceedings shall be the same as for actions to collect delinquent con-
17 tributions, penalties, interest and benefit overpayments due under this
18 Act. A certificate by the secretary of any such state attesting the
19 authority of such official to collect the contributions, penalties, interest
20 and benefit overpayments, is conclusive evidence of such authority.
21 The requesting state shall pay the court costs."

Approved May 5, 1970.

CHAPTER 1057

IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM

H. F. 1176

AN ACT relating to the Iowa public employees' retirement system, wages covered and the payment of benefits under such system.

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

1 SECTION 1. Chapter one hundred twenty-one (121), Acts of the
2 Sixty-second General Assembly, is hereby amended as follows:
3 1. By striking from section nine (9), lines twenty-four (24) and
4 twenty-five (25), and inserting in lieu thereof the following:
5 "(3) For each calendar year from January 1, 1968, through De-
6 cember 31, 1970, wages not in excess of seven thousand dollars, and
7 for each calendar year from January 1, 1971, and thereafter, wages
8 not in excess of seven thousand eight hundred dollars."

1 SEC. 2. Chapter one hundred twenty-one (121), section fifteen
2 (15), Acts of the Sixty-second General Assembly, is hereby amended
3 as follows:

4 1. By striking lines three (3) through fifteen (15).

5 2. By striking from line sixteen (16) the word "wages;" and in-
6 serting in lieu thereof the following:

7 "Each member shall, upon retirement or after his normal retire-
8 ment date, be entitled to receive a monthly retirement allowance de-
9 termined under subsections one (1), two (2), and three (3) of this
10 section. Any retirement allowance which is in addition to the amount
11 being paid to retired members on July 1, 1970, shall become effective
12 with payments as of July 1, 1970. For members retiring on and after
13 July 1, 1970, the retirement allowance as determined herein shall
14 commence on the effective date of retirement.

15 1. For each active member retiring from employment with five or
16 more complete years of service, a formula benefit shall be determined.
17 The amount of the monthly formula benefit for each such active
18 member who retired on or after July 1, 1970, shall be equal to one-
19 twelfth of one and forty-five hundredths percent per year of member-
20 ship service multiplied by his average annual covered wages;"

21 3. By adding the following new paragraph after the period in line
22 twenty-five (25):

23 "For each member who retired and commenced receiving a retire-
24 ment allowance before July 1, 1970, the amount of regular monthly
25 retirement allowance he received for June, 1970, on account of mem-
26 bership service shall be increased in the same proportion as the in-
27 crease granted under subsection one (1) of section ninety-seven B
28 point forty-nine (97B.49) of the Code as amended, commencing July
29 1, 1970."

1 SEC. 3. Section ninety-seven B point forty-one (97B.41), Code
2 1966, is hereby amended by striking from subsection fifteen (15)
3 thereof lines three (3) and four (4) and inserting in lieu thereof the
4 following: "July 4, 1953."

1 SEC. 4. Chapter one hundred twenty-one (121), section nine (9),
2 Acts of the Sixty-second General Assembly, is hereby amended as
3 follows:

4 1. By adding to subsection one (1), paragraph *b*, the following
5 subparagraph:

6 "(5) If a member is employed by more than one employer during
7 a calendar year, the total amount of wages paid to him by his several
8 employers shall be included in determining the limitation on covered
9 wages as provided by paragraph *b*, subparagraph three (3), of this
10 section. If the amount of wages paid to a member by his several
11 employers during a calendar year exceeds the covered wage limit,
12 the amount of such excess shall not be subject to the contributions
13 required by section ninety-seven B point eleven (97B.11) of the
14 Code."

15 2. By adding to subsection three (3), paragraph *b*, the following
16 subparagraph:

17 "Employees hired for temporary employment of six months or
18 less duration."

1 SEC. 5. Chapter one hundred twenty-one (121), section fifteen
2 (15), Acts of the Sixty-second General Assembly, is hereby amended
3 as follows:

4 By striking from line forty-seven (47) the words and figures "two-
5 tenths (2/10)" and inserting in lieu thereof the words and figures
6 "three-tenths (3/10)".

1 SEC. 6. Section ninety-seven B point fifty-three (97B.53), Code
2 1966, as amended by chapter one hundred twenty-one (121), section
3 nineteen (19), Acts of the Sixty-second General Assembly, is hereby
4 amended by adding at the end thereof the following new subsection:

5 "If an employee hired to fill a permanent position terminates his
6 employment within six months from the date of employment, the
7 employer may file a claim with the commission for a refund of the
8 matching funds contributed to the commission by the employer for the
9 employee."

Approved March 20, 1970.

CHAPTER 1058

DISCRIMINATION BY SEX

H. F. 251

AN ACT relating to sex discrimination in employment, housing, and public accommodations.

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

1 SECTION 1. Section one hundred five A point five (105A.5), Code
2 1966, as amended by chapter one (1), section seven (7), Acts of the
3 Sixty-second General Assembly, is hereby further amended as follows:

4 1. By inserting in subsection five (5), line ten (10), after the word
5 "color," the word "sex,".

6 2. By inserting in subsection seven (7), line three (3), after the
7 word "color," the word "sex,".

1 SEC. 2. Section one hundred five A point six (105A.6), Code 1966,
2 is hereby amended as follows:

3 1. By inserting in subsection one (1), paragraph *a*, line two (2),
4 after the word "color," the word "sex,".

5 2. By inserting in subsection one (1), paragraph *a*, line six (6),
6 after the word "color," the word "sex,".

7 3. By inserting in subsection one (1), paragraph *b*, line four (4),
8 after the word "color," the word "sex,".

1 SEC. 3. Section one hundred five A point seven (105A.7), Code
2 1966, is hereby amended as follows:

3 1. By inserting in subsection one (1), paragraph *a*, line six (6),
4 after the word "color," the word "sex,".

5 2. By inserting in subsection one (1), paragraph *a*, line seven (7),
6 after the word "employee" the words " , unless based upon the nature
7 of the occupation".

8 3. By inserting in subsection one (1), paragraph *b*, line seven (7),
9 after the word "color," the word "sex,".

10 4. By inserting in subsection one (1), paragraph *c*, line six (6),
11 after the word "color," the word "sex,".

12 5. By inserting in subsection one (1), paragraph *c*, line eight (8),
13 after the word "membership" the words ", unless based upon the
14 nature of the occupation".

1 Sec. 4. Section one hundred five A point eight (105A.8), subsection
2 two (2), Code 1966, is hereby amended by inserting in line four (4)
3 after the word "color," the word "sex,".

1 Sec. 5. The provisions of this Act relating to discrimination be-
2 cause of sex shall not be construed to apply to any retirement plan or
3 benefit system of any employer unless such plan or system is a mere
4 subterfuge adopted for the purpose of evading the provisions of this
5 Act.

Approved April 10, 1970.

CHAPTER 1059

BOATING ON ARTIFICIAL LAKES

S. F. 588

AN ACT relating to boating on artificial lakes and impoundments.

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

1 SECTION 1. Section one hundred six point thirty-one (106.31),
2 Code 1966, is hereby amended as follows:

3 1. By striking all of subsection one (1) and inserting in lieu there-
4 of the following:

5 "No motor boats shall be permitted on any artificial lake under the
6 jurisdiction of the conservation commission except the following:

7 *a.* Boats equipped with one outboard battery operated electric
8 trolling motor of not more than one and one-half horsepower.

9 *b.* Boats equipped with outboard motors of not more than six
10 horsepower on all artificial lakes of more than one hundred acres in
11 size."

12 2. By adding at the end thereof the following new subsections:

13 1. "Upon construction of an artificial lake by any political subdivi-
14 sion of this state, such subdivision may, after publication in a news-
15 paper of general circulation in the subdivision, make formal applica-
16 tion to the commission for special rules and regulations relating to
17 the operation of watercraft on such lake, and shall set forth therein
18 the reasons which make such special rules and regulations necessary
19 or appropriate. The commission shall promulgate such special rules
20 and regulations as provided in this chapter, concerning the operation
21 of watercraft on a lake constructed and maintained by a subdivision
22 of this state. Such special rules and regulations may include the fol-
23 lowing:

- 24 a. Zoning by area and time to regulate navigation and other types
 25 of activity.
 26 b. Regulating the horsepower, size and type of watercraft.”
 27 2. “The commission may promulgate special rules and regulations
 28 concerning all activities on impoundments constructed by or in coop-
 29 eration with the federal government. Such rules and regulations may
 30 include the following:
 31 a. Zoning by area and time to regulate navigation and other types
 32 of activity.
 33 b. Regulating the horsepower, size and type of watercraft.”

Approved April 2, 1970.

CHAPTER 1060

GREEN VALLEY LAKE

H. F. 91

AN ACT to permit the conservation commission to promulgate, for experimental purposes, special rules relating to the operation of watercraft and other water-oriented activity on Green Valley Lake, near the city of Creston.

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

- 1 SECTION 1. Section one hundred six point thirty-one (106.31),
 2 Code 1966, is hereby amended by adding the following new subsection:
 3 “The conservation commission may, for experimental purposes,
 4 promulgate special rules to regulate operation of watercraft and other
 5 water-oriented activity on Green Valley Lake, near the city of Creston
 6 in Union county. Said special rules may include rules relating to:
 7 a. Zoning in regards to area, activity, boat speed, and time of day
 8 during which specified activities shall be permitted.
 9 b. Permissible horsepower, size, and type of watercraft which may
 10 be operated.
 11 c. Safety precautions and practices required.
 12 The conservation commission may at any time rescind any rules or
 13 regulations previously promulgated in accordance with this subsection.
 14 Subsection one (1) of this section shall not apply to said Green
 15 Valley Lake.”
- 1 SEC. 2. The conservation commission may at any time prohibit
 2 water skiing if it finds such activities to be damaging to the shoreline
 3 of Green Valley Lake.

Approved March 20, 1970.

CHAPTER 1061

SALARIES OF CONSERVATION OFFICERS

H. F. 1031

AN ACT relating to salaries of conservation officers as amended.

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

- 1 SECTION 1. Chapter fifteen (15), section three (3), Acts of the
 2 Sixty-third General Assembly, First Session, is amended by inserting
 3 at the end of line one (1) the following:
 4 "as amended by Acts of the Sixty-second General Assembly, chapter
 5 ten (10), section three (3)".

Approved January 28, 1970.

CHAPTER 1062

SCENIC RIVERS SYSTEM

H. F. 1341

AN ACT to create a scenic rivers system in this state.

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

- 1 SECTION 1. As used in this Act:
 2 1. "Commission" means the state conservation commission.
 3 2. "River" means a flowing body of water or a section, portion or
 4 tributary thereof, including streams, creeks, branches or small lakes.
 5 3. "Natural river" shall mean a river which has been designated
 6 by the commission for inclusion in the scenic rivers system.
- 1 SEC. 2. The commission may designate as a natural river area a
 2 part or parts of any river in this state which possesses outstanding
 3 water conservation, scenic, fish, wildlife, historic, or recreational
 4 values which should be preserved. The area shall include lands adja-
 5 cent to the river necessary to preserve, protect, and manage the nat-
 6 ural character of the river.
- 1 SEC. 3. Rivers qualifying for designation as natural rivers shall
 2 possess one or more of the values cited in section two (2) of this Act
 3 and shall be permanently managed for the preservation or enhance-
 4 ment of such values. Categories of natural rivers shall be defined and
 5 established by the commission.
- 1 SEC. 4. Prior to designating a river as a natural river, the com-
 2 mission shall conduct public hearings in the county seat of any county
 3 in which the natural river flows. Notice of such hearing shall be
 4 published at least twice, not less than seven days prior to such hear-
 5 ing, in a newspaper having general circulation in each county in which
 6 the river flows.
- 1 SEC. 5. The commission shall prepare and maintain a plan for the
 2 establishment, development, management, use, and administration of

3 natural river areas as a part of the comprehensive state plans for
 4 water management and outdoor recreation. The commission may coop-
 5 erate with federal agencies administering any federal program con-
 6 cerning natural river areas.

1 SEC. 6. The political subdivisions of this state may zone or other-
 2 wise establish controls on lands adjacent to designated natural
 3 rivers, where such lands are not already under public ownership or
 4 control, to afford protection adequate to realize the purposes for
 5 which the river is designated. The commission shall recommend guide-
 6 lines and standards for local zoning ordinances which will carry out
 7 the purposes of this Act. Upon adoption of a zoning ordinance which
 8 adequately protects the values of the river, such political subdivi-
 9 sion may request the assistance of the commission in obtaining com-
 10 pliance with the ordinance.

1 SEC. 7. This Act shall not preclude a component of the system from
 2 becoming a part of the national wild and scenic rivers system under
 3 the federal wild and scenic rivers act, 16 United States Code, sections
 4 twelve hundred seventy-one (1271) through twelve hundred eighty-
 5 seven (1287), inclusive. The commission may enter into written
 6 cooperative agreements for joint federal-state administration of rivers
 7 which may be designated under said federal act.

Approved May 5, 1970.

CHAPTER 1063

PROTECTION OF NONGAME BIRDS

S. F. 1138

AN ACT relating to the protection of nongame birds.

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

1 SECTION 1. Section one hundred nine point forty-two (109.42),
 2 Code 1966, is hereby amended as follows:

3 1. By inserting in line eight (8) after the word "blackbird," the
 4 word "and".

5 2. By striking from lines eight (8) and nine (9) the words ", sharp-
 6 shinned hawk, Cooper's hawk, and great horned owl".

Approved March 16, 1970.

CHAPTER 1064

CONSERVATION

S. F. 1079

AN ACT relating to conservation.

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

- 1 SECTION 1. Section one hundred nine point eighty-six (109.86),
 2 Code 1966, is hereby amended by striking from lines one (1) through
 3 three (3), inclusive, the words "The United States commissioner of
 4 fisheries, and his duly authorized agents," and inserting in lieu thereof
 5 the words "Authorized employees of the United States bureau of sport
 6 fisheries and wildlife".

Approved March 4, 1970.

CHAPTER 1065

FUR-BEARING ANIMALS

S. F. 359

AN ACT relating to seasons for taking of fur-bearing animals.

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

- 1 SECTION 1. Section one hundred nine point eighty-seven (109.87),
 2 Code 1966, is hereby amended as follows:
 3 1. By striking from lines four (4) and five (5) the words "of any
 4 of the following varieties".
 5 2. By striking from lines seven (7), eight (8), nine (9), and ten
 6 (10) the words "and embraced within the dates between September 1
 7 and March 1 both dates inclusive, specified for each variety and each
 8 locality, respectively".
 9 3. By striking the word "this" from line eighteen (18) and insert-
 10 ing after the word "section" the numbers "109.40".
 11 4. By striking all of lines nineteen (19) through thirty-five (35).

Approved February 13, 1970.

CHAPTER 1066

HUNTING FROM AIRCRAFT OR SNOWMOBILES

H. F. 1004

AN ACT relating to hunting from aircraft or 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, as amended by chapter one hundred twenty
 3 (120), section one (1), Acts of the Sixty-third General Assembly,
 4 First Session, is hereby further amended by striking from line three

5 (3) the words "kill, wound or attempt to kill or wound" and inserting
 6 in lieu thereof the words "kill or wound, attempt to kill or wound, or
 7 pursue".

Approved April 10, 1970.

CHAPTER 1067

COUNTY CONSERVATION BOARD

H. F. 1325

AN ACT relating to members of the county conservation board.

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

1 SECTION 1. Section one hundred eleven A point two (111A.2),
 2 Code 1966, is hereby amended by inserting in line thirty-five (35)
 3 after the comma the following:
 4 "if such cause be malfeasance, nonfeasance or disability or failure
 5 to participate in board activities as set forth by the rules of said
 6 conservation board."

Approved May 5, 1970.

CHAPTER 1068

LOCAL HISTORICAL SOCIETY AID

H. F. 663

AN ACT to provide aid for historical purposes.

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

1 SECTION 1. Section one hundred eleven A point four (111A.4),
 2 Code 1966, as amended by chapters one hundred forty-six (146) and
 3 one hundred forty-seven (147), Acts of the Sixty-second General As-
 4 sembly, is hereby further amended by adding thereto the following
 5 new subsection:
 6 "To appropriate from the county conservation fund created pur-
 7 suant to section one hundred eleven A point six (111A.6) of this
 8 chapter an amount, not to exceed two thousand dollars per annum, for
 9 the use of a local, nonprofit historical society, organized pursuant to
 10 chapter five hundred four (504) or chapter five hundred four A
 11 (504A) of the Code, for the purpose of collecting and preserving his-
 12 torical materials of the area, maintaining a historical library and col-
 13 lections, conducting historical studies and researches, issuing publi-
 14 cations, providing public lectures of historical interest, and otherwise
 15 disseminating a knowledge of the history of the area to the general
 16 public. If such appropriation is made, the historical society shall
 17 present to the county conservation board an annual report describing
 18 in detail its use of the funds appropriated."

1 SEC. 2. Section three hundred thirty-two point three (332.3), Code
 2 1966, as amended by chapters two hundred ninety-two (292) and two
 3 hundred ninety-three (293), Acts of the Sixty-second General Assem-
 4 bly, is hereby further amended by adding thereto the following new
 5 subsection:

6 "In counties which have not created a county conservation board
 7 pursuant to chapter one hundred eleven A (111A) of the Code, to
 8 appropriate from the general fund of the county an amount, not to
 9 exceed two thousand dollars per annum, for the use of a local, non-
 10 profit historical society, organized pursuant to chapter five hundred
 11 four (504) or chapter five hundred four A (504A) of the Code, for
 12 the purpose of collecting and preserving historical materials of the
 13 area, maintaining a historical library and collections, conducting his-
 14 torical studies and researches, issuing publications, providing public
 15 lectures of historical interest, and otherwise disseminating a knowl-
 16 edge of the history of the area to the general public. If such appropri-
 17 ation is made, the local historical society shall present to the county
 18 board of supervisors an annual report describing in detail its use of
 19 the funds appropriated."

Approved March 13, 1970.

CHAPTER 1069

CONSERVATION EASEMENTS

S. F. 410

AN ACT relating to the creation and acquisition of conservation easements by voluntary means.

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

1 SECTION 1. The state conservation commission, the Iowa natural
 2 resources council, any county conservation board, and any city or
 3 town or agency thereof may acquire by purchase, gift, contract, or
 4 other voluntary means, but not by eminent domain, conservation ease-
 5 ments in land to preserve scenic beauty, wildlife habitat, riparian
 6 lands, wet lands, or forests, promote outdoor recreation, or otherwise
 7 conserve for the benefit of the public the natural beauty, natural re-
 8 sources, and public recreation facilities of the state.

1 SEC. 2. "Conservation easement" means an easement in, servitude
 2 upon, restriction upon the use of, or other interest in land owned by
 3 another, created for any of the purposes set forth in section one (1)
 4 of this Act. A conservation easement shall be transferable to any
 5 other public body authorized to acquire conservation easements. A
 6 conservation easement shall be perpetual unless expressly limited to
 7 a lesser term, or unless released by the holder thereof, or unless
 8 change of circumstances shall render such easement no longer bene-
 9 ficial to the public. No comparative economic test shall be used to
 10 determine whether a conservation easement is beneficial to the public.

1 SEC. 3. Conservation easements shall be recorded as other instru-
 2 ments affecting real estate are recorded, and each public body acquir-

3 ing one or more conservation easements shall maintain a current
4 inventory thereof. Unrecorded and uninventoried conservation ease-
5 ments shall be deemed abandoned.

1 SEC. 4. A conservation easement shall clearly state its extent and
2 purpose.

1 SEC. 5. The powers accorded by this Act shall be in addition to,
2 and not in derogation of, all powers provided by law with respect
3 to the public bodies named in section one (1) of this Act.

Approved February 12, 1970.

CHAPTER 1070

COMPENSATION OF EXAMINING BOARDS

S. F. 58

AN ACT relating to the compensation for members of examining boards.

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

1 SECTION 1. Section one hundred fourteen point eight (114.8),
2 Code 1966, as amended by chapter one hundred fifty (150), section one
3 (1), Acts of the Sixty-second General Assembly, is hereby amended as
4 follows:

5 1. By striking lines one (1), two (2), and three (3) and inserting
6 in lieu thereof the words "Members of the board shall set their own
7 per diem compensation at a rate not exceeding forty dollars per day
8 for the".

9 2. By striking from line eight (8) the words "his duties" and insert-
10 ing in lieu thereof the words "their duties within the limits of their
11 available funds".

1 SEC. 2. Section one hundred fifteen point three (115.3), Code
2 1966, is hereby amended as follows:

3 1. By striking from lines three (3) and four (4) the words "receive
4 for their services only" and inserting in lieu thereof the words "set
5 their own per diem compensation at a rate not exceeding forty dollars
6 per day for each day actually engaged in the discharge of their duties,
7 and".

8 2. By inserting in line five (5) after the word "such" the words
9 "per diem and".

10 3. By inserting in line six (6) after the word "hereunder" the
11 words "within the limits of their available funds".

1 SEC. 3. Section one hundred sixteen point four (116.4), Code
2 1966, is hereby amended as follows:

3 1. By striking lines one (1), two (2), and three (3) and inserting in
4 lieu thereof the words "Members of the board of accountancy shall
5 set their own per diem compensation at a rate not exceeding forty
6 dollars per day for each day actually engaged in the discharge of their
7 duties, and the members".

8 2. By inserting in line six (6) after the word "duties" the words

9 "within the limits of their available funds".

10 3. By inserting in line six (6) after the words "for the" the words
11 "per diem and".

1 SEC. 4. Section one hundred seventeen point twelve (117.12),
2 Code 1966, is hereby amended as follows:

3 1. By striking lines one (1) through four (4), inclusive, and insert-
4 ing in lieu thereof the words "Members of the commission shall set
5 their own per diem compensation at a rate not exceeding forty dollars
6 per day for each day actually engaged in the discharge of their duties
7 and".

8 2. By striking from line five (5) the word "his" and inserting in
9 lieu thereof the word "their".

10 3. By striking from line six (6) the words "his office" and inserting
11 in lieu thereof the words "their office within the limits of the available
12 funds".

13 4. By striking lines seven (7), eight (8), and nine (9).

1 SEC. 5. Section one hundred eighteen point twelve (118.12), Code
2 1966, is hereby amended as follows:

3 1. By inserting in line two (2) after the word "shall" the words
4 "set their own per diem compensation at a rate not exceeding forty
5 dollars per day for each day actually engaged in the discharge of their
6 duties, and shall".

7 2. By striking from line seven (7) the word "from" and inserting
8 in lieu thereof the words "within the limits of the available".

1 SEC. 6. Section one hundred twenty point three (120.3), subsec-
2 tion two (2), Code 1966, as amended by House File 785, Acts of the
3 Sixty-third General Assembly, Second Session, is hereby amended as
4 follows:

5 1. By striking lines fifteen (15) through nineteen (19), inclusive,
6 and inserting in lieu thereof the following:

7 "times. Members of the board shall set their own per diem com-
8 pensation at a rate not exceeding forty dollars per day for each day
9 actually engaged in the discharge of their duties, and".

10 2. By striking from line twenty-one (21) the words "in attending
11 the meeting" and inserting in lieu thereof the words "within the
12 limits of their available funds".

1 SEC. 7. Section one hundred forty-six point eleven (146.11), Code
2 1966, is hereby amended as follows:

3 1. By striking line one (1).

4 2. By striking from line two (2) the word "member" and inserting
5 in lieu thereof the word "Members".

6 3. By striking from lines three (3) and four (4) the words "receive
7 fifteen" and inserting in lieu thereof the words "set their own per
8 diem compensation at a rate not exceeding forty".

9 4. By striking from line five (5) the word "his" and inserting in
10 lieu thereof the word "their".

11 5. By inserting in line eleven (11) after the word "examinations"
12 the words "within the limits of their available funds".

1 SEC. 8. Section one hundred forty-seven point twenty-four
2 (147.24), Code 1966, is hereby amended as follows:

- 3 1. By striking from line one (1) the words "Each member" and
 4 inserting in lieu thereof the word "Members".
 5 2. By striking from lines three (3) and four (4) the words "receive
 6 twenty-five" and inserting in lieu thereof the words "set their own
 7 per diem compensation at a rate not exceeding forty".
 8 3. By striking from line five (5) the word "his" and inserting in
 9 lieu thereof the word "their".
 10 4. By inserting in line twelve (12) after the word "examinations"
 11 the words ", within the limits of their available funds".

1 SEC. 9. Section one hundred sixty-nine point eighteen (169.18),
 2 Code 1966, is hereby amended as follows:

- 3 1. By striking from line one (1) the words "Each member" and
 4 inserting in lieu thereof the word "Members".
 5 2. By striking from lines three (3) and four (4) the words "receive
 6 twenty-five" and inserting in lieu thereof the words "set their own
 7 per diem compensation at a rate not exceeding forty".
 8 3. By striking from line five (5) the word "his" and inserting in
 9 lieu thereof the word "their".
 10 4. By inserting in line twelve (12) before the period the words
 11 "within the limits of their available funds".

1 SEC. 10. The provisions of this Act shall become effective July 1,
 2 1971.

1 SEC. 11. Section one hundred forty-seven point twenty-five
 2 (147.25), Code 1966, is hereby repealed.

Approved April 14, 1970.

CHAPTER 1071

ENGINEERS AND LAND SURVEYORS

H. F. 353

AN ACT relating to the renewal fees for certificates of registration of professional engineers and land surveyors.

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

1 SECTION 1. Section one hundred fourteen point eighteen (114.18),
 2 Code 1966, as amended by chapter one hundred fifty (150), section
 3 two (2), Acts of the Sixty-second General Assembly, is further
 4 amended as follows:

5 By striking from line twenty-one (21) the word "two" and insert-
 6 ing in lieu thereof the word "four".

Approved January 28, 1970.

CHAPTER 1072
ARCHITECTURAL EXAMINERS
H. F. 1171

AN ACT relating to the members of the board of architectural examiners.

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

1 SECTION 1. Section one hundred eighteen point one (118.1), Code
2 1966, is hereby amended by inserting in line ten (10) after the period
3 the following:

4 "Beginning July 1, 1971, the governor shall appoint one member to
5 the board for a two-year period and one member for a three-year pe-
6 riod. Beginning July 1, 1972, the governor shall appoint one member
7 to the board for a three-year period, one member for a four-year
8 period, and one member for a five-year period. The members shall
9 be chosen from various sections of the state."

Approved April 10, 1970.

CHAPTER 1073
WATCHMAKERS
H. F. 785

AN ACT relating to watchmakers and repairmen.

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

1 SECTION 1. Section one hundred twenty point three (120.3)*, sub-
2 section two (2), Code 1966, is hereby amended by striking from line
3 seventeen (17) the word "ten" and inserting in lieu thereof the word
4 "thirty".

1 SEC. 2. Section one hundred twenty point six (120.6), Code 1966,
2 is hereby amended by striking from line seven (7) the word "ten" and
3 inserting in lieu thereof the word "twenty".

1 SEC. 3. Section one hundred twenty point seven (120.7), Code
2 1966, is hereby amended by striking from line nineteen (19) the word
3 "five" and inserting in lieu thereof the word "ten".

1 SEC. 4. Section one hundred twenty point eight (120.8), Code
2 1966, is hereby amended as follows:

3 1. By striking from subsection two (2), line four (4) the word
4 "ten" and inserting in lieu thereof the word "fifteen".

5 2. By striking from subsection two (2), line twenty-one (21) the
6 word "ten" and inserting in lieu thereof the word "fifteen".

7 3. By striking from subsection three (3), line seven (7) the word
8 "five" and inserting in lieu thereof the word "ten".

9 4. By striking from subsection four (4), line eight (8) the word
10 "five" and inserting in lieu thereof the word "ten".

1 SEC. 5. Section one hundred twenty point nine (120.9), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line sixteen (16) the words "one dollar" and

*See also ch. 1070, §6.

- 4 inserting in lieu thereof the words "five dollars".
 5 2. By striking from lines eighteen (18) and nineteen (19) the
 6 words "one dollar" and inserting in lieu thereof the words "five
 7 dollars".
- 1 SEC. 6. Section one hundred twenty point eleven (120.11), Code
 2 1966, is hereby amended by striking from line five (5) the words "one
 3 dollar" and inserting in lieu thereof the words "two dollars".

Approved January 28, 1970.

CHAPTER 1074

RETAIL LICENSEE PRICES

S. F. 97

AN ACT relating to the filing of retail licensee prices.

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

- 1 SECTION 1. Section one hundred twenty-three point seventeen
 2 (123.17), subsection two (2), paragraph *f*, Code 1966, is hereby
 3 amended as follows:
 4 1. By striking from line eight (8) the word "Such".
 5 2. By striking lines nine (9), ten (10), and eleven (11).

Approved January 23, 1970.

CHAPTER 1075

SEALS ON LIQUOR CONTAINERS

S. F. 1122

AN ACT relating to seals on alcoholic liquor.

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

- 1 SECTION 1. Section one hundred twenty-three point twenty-four
 2 (123.24), Code 1966, is hereby amended by striking all of lines three
 3 (3) through fourteen (14), inclusive, and inserting in lieu thereof the
 4 following: "container with such identifying markers as shall be pre-
 5 scribed by the commission and affixed on the premises of a state ware-
 6 house or store and no such container shall be opened upon the premises
 7 of any state warehouse, store or special distributor. Possession of
 8 alcoholic liquors which do not carry identifying markers as shall be
 9 prescribed and affixed by the commission shall be considered a violation
 10 of this chapter."

Approved April 2, 1970.

CHAPTER 1076

COUNTY LIQUOR SALE OPTION

S. F. 87

AN ACT to repeal the county option provisions of chapter one hundred twenty-three (123), Code 1966.

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

- 1 SECTION 1. Section one hundred twenty-three point twenty-seven
- 2 (123.27), subsection seven (7), paragraph *e*, Code 1966, is hereby
- 3 amended by striking lines one (1) through eighty (80), inclusive.

Approved March 16, 1970.

CHAPTER 1077

LIQUOR CONTROL LICENSE FEES

H. F. 560

AN ACT to prohibit a refund of liquor control license fees while charges against the licensee are pending before the Iowa liquor control commission.

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) is hereby amended by inserting in line forty (40) after the
- 3 word "the" the word "commission,".

Approved January 28, 1970.

CHAPTER 1078

BEER PERMITS

S. F. 120

AN ACT relating to the surrender of beer permits.

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

- 1 SECTION 1. Section one hundred twenty-four point six (124.6),
- 2 Code 1966, as amended by chapter one hundred fifty-five (155), sec-
- 3 tion eight (8), Acts of the Sixty-second General Assembly, is hereby
- 4 further amended by striking from line sixteen (16) the words "class
- 5 'A' or 'B'".

Approved May 9, 1970.

CHAPTER 1079
HEALTH CARE FACILITIES
H. F. 1243

AN ACT relating to the definition, licensing, inspection, and regulation of health care facilities, and providing for adoption of rules, enforcement procedures, and penalties.

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

1 SECTION 1. Section one hundred thirty-five C point one (135C.1),
2 Code 1966, is hereby amended as follows:

3 1. By striking subsections one (1) and two (2) and inserting in
4 lieu thereof the following new subsections:

5 "1. 'Adult foster home' means any private dwelling or other suit-
6 able place providing for a period exceeding twenty-four consecutive
7 hours accommodation, board, and supervision, for which a charge is
8 made, to not more than two individuals, not related to the owner or
9 occupant of the dwelling or place within the third degree of consan-
10 guinity, who by reason of age, illness, disease, or physical or mental
11 infirmity are unable to sufficiently or properly care for themselves,
12 but who are essentially capable of managing their own affairs.

13 2. 'Boarding home' means any institution, place, building, or
14 agency providing for a period exceeding twenty-four consecutive hours
15 accommodation, board, and supervision to three or more individuals,
16 not related to the administrator or owner thereof within the third
17 degree of consanguinity, who by reason of age, illness, disease, or
18 physical or mental infirmity are unable to sufficiently or properly care
19 for themselves, but who are essentially capable of managing their own
20 affairs.

21 3. 'Custodial home' means any institution, place, building, or agency
22 providing for a period exceeding twenty-four consecutive hours accom-
23 modation, board, and personal assistance in feeding, dressing, and
24 other essential daily living activities to three or more individuals, not
25 related to the administrator or owner thereof within the third degree
26 of consanguinity, who by reason of age, illness, disease, or physical
27 or mental infirmity are unable to sufficiently or properly care for
28 themselves or manage their own affairs, but who do not require the
29 daily services of a registered or licensed practical nurse.

30 4. 'Basic nursing home'* means any institution, place, building, or
31 agency providing for a period exceeding twenty-four consecutive hours
32 accommodation, board, and personal care and treatment or simple
33 nursing care to three or more individuals, not related to the admini-
34 strator or owner thereof within the third degree of consanguinity,
35 who by reason of age, illness, disease, or physical or mental infirmity
36 require domiciliary care, simple nursing care, or occasional skilled
37 nursing care, but who do not require hospital or skilled nursing home
38 care.

39 5. 'Intermediate nursing home' means any institution, place, build-
40 ing, or agency providing for a period exceeding twenty-four consecu-
41 tive hours accommodation, board, and nursing care and supporting
42 services as directed by a physician to three or more individuals, not
43 related to the administrator or owner thereof within the third degree

*See chapter 1085.

44 of consanguinity, who by reason of age, illness, disease, or physical
 45 or mental infirmity require continuous nursing care and related medi-
 46 cal services, or occasional skilled nursing care, but who do not require
 47 hospital care.

48 6. 'Skilled nursing home' means any institution, place, building, or
 49 agency providing for a period exceeding twenty-four consecutive hours
 50 accommodation, board, and the health care services necessary for
 51 certification as a skilled nursing home under Title XIX of the United
 52 States Social Security Act (Title XLII, United States Code, sections
 53 1396 through 1396g), as amended to January 1, 1970, to three or more
 54 individuals not related to the administrator or owner thereof within
 55 the third degree of consanguinity.

56 7. 'Extended care facility' means any institution, place, building,
 57 or agency providing for a period exceeding twenty-four consecutive
 58 hours accommodation, board, and the health care services necessary
 59 for certification as an extended care facility under Title XVIII of the
 60 United States Social Security Act (Title XLII, United States Code,
 61 sections 1395 through 1395(l)), as amended to January 1, 1970, to
 62 three or more individuals not related to the administrator or owner
 63 thereof within the third degree of consanguinity.

64 8. 'Health care facility' or 'facility' means any adult foster home,
 65 boarding home, custodial home, basic nursing home, intermediate
 66 nursing home, skilled nursing home, or extended care facility.

67 9. 'Patient' means an individual admitted to a basic nursing home,
 68 intermediate nursing home, skilled nursing home, or extended care
 69 facility in the manner prescribed by section twenty-three (23) of
 70 this Act for care requiring, at a minimum, the daily services of a
 71 registered or licensed practical nurse.

72 10. 'Resident' means an individual admitted to a health care facil-
 73 ity in the manner prescribed by section twenty-three (23) of this Act,
 74 who does not require the daily services of a registered or licensed
 75 practical nurse. An employee of, or an individual related within the
 76 third degree of consanguinity to the administrator or owner of, a
 77 health care facility shall not be deemed a resident thereof for the pur-
 78 poses of this Act solely by reason of being provided living quarters
 79 within such facility.

80 11. 'Physician' means a person licensed to practice medicine and
 81 surgery, osteopathy and surgery or osteopathy under the laws of this
 82 state.

83 12. 'Commissioner' means the commissioner of public health ap-
 84 pointed pursuant to section one hundred thirty-five point two (135.2)
 85 of the Code.

86 13. 'Department' means the state department of health."

87 2. By renumbering the succeeding subsections.

1 SEC. 2. Section one hundred thirty-five C point two (135C.2), Code
 2 1966, is hereby amended as follows:

3 1. By striking from lines three (3) and four (4) the words "aged,
 4 infirm and convalescent persons" and inserting in lieu thereof the
 5 words "individuals who are aged or who, regardless of age, are infirm,
 6 convalescent, or mentally or physically dependent,"

7 2. By inserting in line seven (7) after the word "the" the word

8 "housing,"

9 3. By striking from line eight (8) the words "nursing homes and
10 custodial homes" and inserting in lieu thereof the words "health care
11 facilities".

12 4. By inserting in line ten (10) before the word "and" the word
13 ", renovation,".

14 5. By striking from lines ten (10) and eleven (11) the words "nurs-
15 ing homes and custodial homes" and inserting in lieu thereof the words
16 "health care facilities".

1 SEC. 3. Section one hundred thirty-five C point three (135C.3),
2 Code 1966, is hereby amended as follows:

3 1. By striking from lines one (1) and two (2) the words "An insti-
4 tution licensed as a nursing home" and inserting in lieu thereof the
5 words "Each facility licensed as an extended care facility, a skilled
6 nursing home, an intermediate nursing home, or a basic nursing
7 home,".

8 2. By striking all of such section after the period in line fifteen
9 (15) and inserting in lieu thereof the following:

10 "All admissions to extended care facilities, skilled nursing homes,
11 intermediate nursing homes, and basic nursing homes shall be based
12 on an order written by a physician certifying that the individual being
13 admitted requires no greater degree of nursing care than the facility
14 to which the admission is made is capable of providing."

1 SEC. 4. Section one hundred thirty-five C point four (135C.4),
2 Code 1966, is hereby amended as follows:

3 1. By striking from lines one (1) and two (2) the words "An insti-
4 tution licensed as a custodial home" and inserting in lieu thereof the
5 words "Each facility licensed as a custodial home or boarding home".

6 2. By striking all of such section after the period in line eight (8)
7 and inserting in lieu thereof the following:

8 "All admissions to custodial homes, boarding homes, or adult foster
9 homes shall be based on an order written by a physician certifying
10 that the individual being admitted does not require nursing care."

1 SEC. 5. Section one hundred thirty-five C point five (135C.5), Code
2 1966, is hereby repealed and the following enacted in lieu thereof:

3 "No other business or activity shall be carried on in a health care
4 facility, nor in the same physical structure with a health care facility
5 except as hereinafter provided, unless such business or activity is
6 directly related to or necessary for the operation of the health care
7 facility. No business or activity which is operated within the limita-
8 tions of this section shall interfere in any manner with the use of
9 the facility by the patients or residents, nor be disturbing to them.
10 Any part of such business or activity open to customers other than
11 patients or residents of the health care facility shall be physically
12 separated from the facility, and an entrance shall be provided for
13 such customers so that they do not pass through the health care fa-
14 cility in entering or leaving the area where such business or activity
15 is conducted."

1 SEC. 6. Section one hundred thirty-five C point six (135C.6), Code
2 1966, is hereby amended as follows:

3 1. By striking from lines one (1) and two (2) the words and figures
4 "After July 4, 1957, no" and inserting in lieu thereof the figure and
5 word "1. No".

6 2. By striking from line five (5) the words "nursing home or cus-
7 todial home" and inserting in lieu thereof the words "health care facil-
8 ity".

9 3. By striking from line six (6) the word "home" and inserting in
10 lieu thereof the word "facility".

11 4. By adding thereto the following new subsections:

12 "2. A health care facility suitable for separation and operation
13 with distinct parts may, where otherwise qualified in all respects, be
14 issued multiple licenses authorizing various parts of such facilities to
15 be operated as health care facilities of different license categories.

16 3. No change in a health care facility, its operation, program, or
17 services, of a degree or character affecting continuing licensability
18 shall be made without prior approval thereof by the department. The
19 department may by rule specify the types of changes which shall not
20 be made without its prior approval.

21 4. No department, agency, or officer of this state or of any of its
22 political subdivisions shall pay or approve for payment from public
23 funds any amount or amounts to a health care facility under any pro-
24 gram of state aid in connection with services provided or to be pro-
25 vided an actual or prospective patient or resident in a health care
26 facility, unless the facility has a current license issued by the depart-
27 ment and meets such other requirements as may be in effect pursuant
28 to law.

29 5. No health care facility established and operated in compliance
30 with law prior to the effective date of this Act shall be required to
31 change its corporate or business name by reason of the definitions pre-
32 scribed in section one hundred thirty-five C point one (135C.1) of the
33 Code, provided that no health care facility shall at any time represent
34 or hold out to the public or to any individual that it is licensed as, or
35 provides the services of, a health care facility of a type offering a
36 higher grade of care than such health care facility is licensed to pro-
37 vide. Any health care facility which, by virtue of this section, oper-
38 ates under a name not accurately descriptive of the type of license
39 which it holds shall clearly indicate in any printed advertisement,
40 letterhead, or similar material, the type of license which it has in
41 fact been issued. No health care facility established or renamed after
42 July 1, 1971 shall use any name indicating that it holds a higher type
43 of license than it has been issued."

1 SEC. 7. Section one hundred thirty-five C point seven (135C.7),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "state department of
4 health" and inserting in lieu thereof the word "department".

5 2. By striking from line four (4) the word "require" and inserting
6 in lieu thereof the word "include".

7 3. By striking from line four (4) the word "said".

8 4. By striking from lines nine (9) and ten (10) the words "license
9 fee, which shall be refunded" and inserting in lieu thereof the words
10 "annual license fee prescribed by this section, subject to refund".

11 5. By striking all of such section after the word "the" in line fifteen

- 12 (15) and inserting in lieu thereof the following:
 13 "health care facility, as follows:
 14 1. For extended care facilities, skilled nursing homes, intermediate
 15 nursing homes, and basic nursing homes having a total of:
 16 a. Ten beds or less, ten dollars.
 17 b. More than ten and not more than twenty-five beds, twenty dol-
 18 lars.
 19 c. More than twenty-five and not more than seventy-five beds, thirty
 20 dollars.
 21 d. More than seventy-five and not more than one hundred fifty beds,
 22 forty dollars.
 23 e. More than one hundred fifty beds, fifty dollars.
 24 2. For adult foster homes, boarding homes, and custodial homes,
 25 having a total of:
 26 a. Ten beds or less, five dollars.
 27 b. More than ten and not more than twenty-five beds, ten dollars.
 28 c. More than twenty-five and not more than seventy-five beds, fifteen
 29 dollars.
 30 d. More than seventy-five and not more than one hundred fifty beds,
 31 twenty dollars.
 32 e. More than one hundred fifty beds, twenty-five dollars."

- 1 SEC. 8. Section one hundred thirty-five C point eight (135C.8),
 2 Code 1966, is hereby amended as follows:
 3 1. By striking from lines one (1) and two (2) the words "nursing
 4 homes or custodial homes" and inserting in lieu thereof the words
 5 "health care facilities".
 6 2. By striking from lines six (6) and seven (7) the words "state
 7 department of health" and inserting in lieu thereof the words "depart-
 8 ment, obtained prior to the purchase of the facility involved".
 9 3. By inserting in line seventeen (17) after the word "license" the
 10 words "in accordance with regulations promulgated by the depart-
 11 ment. Health care facilities which have allowed their licenses to lapse
 12 through failure to make timely application for renewal of their licenses
 13 shall pay an additional fee of twenty-five percent of the annual license
 14 fee prescribed in section one hundred thirty-five C point seven (135C.7)
 15 of the Code".

- 1 SEC. 9. Section one hundred thirty-five C point nine (135C.9),
 2 Code 1966, is hereby amended as follows:
 3 1. By striking lines one (1) through twenty-three (23), inclusive,
 4 and inserting in lieu thereof the following:
 5 "The department shall not issue a health care facility license to any
 6 applicant until:
 7 1. The department has ascertained that the staff and equipment of
 8 the facility is adequate to provide the care and services required of
 9 a health care facility of the category for which the license is sought.
 10 Prior to the review and approval of plans and specifications for any
 11 new facility and initial licensing under a new licensee, a resume of
 12 the programs and services to be furnished and of the means available
 13 to the applicant for providing the same and for meeting requirements
 14 for staffing, equipment, and operation of the health care facility, with
 15 particular reference to the professional requirements for services to

16 be rendered, shall be submitted in writing to the department for
17 review and approval.

18 2. The facility has been inspected by the state fire marshal or his
19 deputy”.

20 2. By adding thereto the following:

21 “The rules, regulations and standards shall be substantially in keep-
22 ing with the latest generally recognized safety criteria for the facilities
23 covered, of which the applicable criteria recommended and published
24 from time to time by the national fire protection association shall be
25 prima facie evidence.”

1 SEC. 10. Section one hundred thirty-five C point ten (135C.10),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line one (1) the words “state department of
4 health” and inserting in lieu thereof the word “department”.

5 2. By striking line nine (9) and inserting in lieu thereof the words
6 “health care facility residents or patients.”

7 3. By striking from line eleven (11) the words “nursing home or
8 custodial home” and inserting in lieu thereof the words “health care
9 facility resident or”.

10 4. By striking from line fifteen (15) the word “home” and insert-
11 ing in lieu thereof the words “health care facility”.

12 5. By striking from lines eighteen (18) and nineteen (19) the
13 words “nursing home or custodial home” and inserting in lieu thereof
14 the words “health care facility”.

15 6. By striking from line twenty-one (21) the words “nursing home
16 or custodial home” and inserting in lieu thereof the words “health care
17 facility”.

18 7. By inserting in line twenty-five (25) after the word “obtain”
19 the words “or retain”.

20 8. By striking from line twenty-six (26) the word “or” and insert-
21 ing in lieu thereof a comma.

22 9. By inserting before the period in line twenty-seven (27) the
23 words “, or by submitting false information”.

24 10. By striking from lines thirty (30) and thirty-one (31) the
25 words “nursing home or custodial home” and inserting in lieu thereof
26 the words “health care facility”.

27 11. By striking from lines thirty-three (33) and thirty-four (34)
28 the words “nursing home and custodial home” and inserting in lieu
29 thereof the words “health care facility”.

1 SEC. 11. Section one hundred thirty-five C point eleven (135C.11),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line thirty-five (35) the word “said” and in-
4 serting in lieu thereof the word “the”.

5 2. By adding thereto the following:

6 “The commissioner may, with the advice and consent of the care
7 review committee established pursuant to section twenty-five (25) of
8 this Act, remove all residents and patients and suspend the license or
9 licenses of any health care facility, prior to a hearing, when he finds
10 that the health or safety of residents or patients of the health care
11 facility requires such action on an emergency basis.”

1 SEC. 12. Section one hundred thirty-five C point twelve (135C.12),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "of health".

4 2. By striking from line eleven (11) the words "nursing home or
5 custodial home" and inserting in lieu thereof the words "health care
6 facility".

7 3. By adding thereto the following:

8 "No health care facility shall be operated on a conditional license
9 for more than one year. The department, in evaluating corrections of
10 deficiencies in a facility, may determine what is satisfactory compli-
11 ance, provided that in so doing it shall employ established criteria
12 which shall be uniformly applied to all facilities of the same license
13 category."

1 SEC. 13. Section one hundred thirty-five C point thirteen
2 (135C.13), Code 1966, is hereby amended as follows:

3 1. By striking from line three (3) the words "of public health".

4 2. By striking from line eight (8) the word "home" and inserting
5 in lieu thereof the word "facility".

6 3. By striking from line nine (9) the word "home" and inserting
7 in lieu thereof the word "facility".

8 4. By inserting before the period in line twenty-five (25) the words
9 "except when the commissioner, with the advice and consent of the
10 care review committee established pursuant to section twenty-five (25)
11 of this Act, determines that the health, safety or welfare of the resi-
12 dents or patients of the facility are in immediate danger, in which
13 case he may order the immediate removal of such residents or pa-
14 tients".

1 SEC. 14. Section one hundred thirty-five C point fourteen
2 (135C.14), Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "of health shall adopt,"
4 and inserting in lieu thereof the words "may adopt by reference na-
5 tionally recognized standards and rules and regulations, or otherwise".

6 2. By striking from lines four (4) and five (5) the words "nurs-
7 ing homes and custodial homes" and inserting in lieu thereof the words
8 "health care facilities".

9 3. By inserting in line six (6) after the word "standards" the
10 words "shall be formulated in consultation with the commissioner of
11 social services or his designee, and".

12 4. By striking from line nine (9) the word "home" and inserting
13 in lieu thereof the word "facility".

14 5. By striking from line twenty-one (21) the semicolon, and insert-
15 ing in lieu thereof the words "and shall be in keeping with the latest
16 generally recognized safety criteria for the facilities covered of which
17 the applicable criteria recommended and published from time to time
18 by the national fire protection association shall be prima facie evi-
19 dence."

20 6. By striking from line twenty-five (25) the words "given to resi-
21 dents;" and inserting in lieu thereof the words "provided to residents
22 or patients."

23 7. By striking from line twenty-six (26) the word "home" and in-
24 serting in lieu thereof the word "facility".

25 8. By striking from line thirty (30) the word "residents;" and in-

- 26 serting in lieu thereof the words "residents or patients."
27 9. By inserting at the end of line thirty-one (31) the words "or
28 patient".
29 10. By striking from line thirty-four (34) the words "resident;
30 and" and inserting in lieu thereof the words "resident or patient."
31 11. By inserting in line thirty-six (36) after the word "resident"
32 the words "or patient".

1 SEC. 15. Section one hundred thirty-five C point fifteen (135C.15),
2 Code 1966, is hereby amended as follows:
3 1. By striking from lines one (1) and two (2) the words "nursing
4 home or custodial home" and inserting in lieu thereof the words
5 "health care facility".
6 2. By inserting in line three (3) before the word "promulgation"
7 the words "adoption or".
8 3. By striking the period from line eight (8) and inserting in lieu
9 thereof the following:
10 "as provided for by the department. Renovation of an existing
11 health care facility, not already in compliance with all applicable
12 standards, shall be permitted only if the fixtures and equipment to be
13 installed and the services to be provided in the renovated portion of
14 the facility will conform substantially to current operational stand-
15 ards. Construction of an addition to an existing health care facility
16 shall be permitted only if the design of the structure, the fixtures and
17 equipment to be installed, and the services to be provided in the addi-
18 tion will conform substantially to current construction and operational
19 standards."

1 SEC. 16. Section one hundred thirty-five C point sixteen (135C.16),
2 Code 1966, is hereby amended as follows:
3 1. By striking from lines one (1) and two (2) the words "state
4 department of health" and inserting in lieu thereof the word "depart-
5 ment".
6 2. By striking the period from line three (3) and inserting in lieu
7 thereof a comma.
8 3. By striking from line four (4) the words "The state department
9 of health" and inserting in lieu thereof the word "and".
10 4. By inserting in line seven (7) after the word "of" the words
11 "physical or functional".
12 5. By striking from line eleven (11) the words "state department
13 of health" and inserting in lieu thereof the word "department".
14 6. By striking from line sixteen (16) the words "of health" and
15 inserting in lieu thereof the words ", department of social services".
16 7. By striking from lines seventeen (17) and eighteen (18) the
17 words "nursing home or custodial home" and inserting in lieu thereof
18 the words "health care facility".
19 8. By striking from lines eighteen (18) and nineteen (19) the
20 words "or purported nursing home or custodial home".
21 9. By adding at the end thereof the following:
22 "If any such inspector has probable cause to believe that any institu-
23 tion, place, building, or agency not licensed as a health care facility is
24 in fact a health care facility as defined by this Act, and upon properly
25 identifying himself he is denied entry thereto for the purpose of mak-

26 ing an inspection, he may, with the assistance of the county attorney
 27 of the county in which the purported health care facility is located,
 28 apply to the district court for an order requiring the owner or occu-
 29 pant to permit entry and inspection of the premises to determine
 30 whether there have been any violations of this Act."

1 SEC. 17. Section one hundred thirty-five C point seventeen
 2 (135C.17), Code 1966, as amended by chapter two hundred nine
 3 (209), section thirty-seven (37), Acts of the Sixty-second General
 4 Assembly, is hereby further amended as follows:

5 1. By striking lines two (2) and three (3) and inserting in lieu
 6 thereof the following:
 7 "shall be the duty of the department of social services, state fire mar-
 8 shal, and the".

9 2. By striking from line five (5) the words "state department of
 10 health" and inserting in lieu thereof the word "department".

11 3. By striking all of such section after the word "any" in line nine
 12 (9) and inserting in lieu thereof the following:

13 "resident or patient of any health care facility."

1 SEC. 18. Section one hundred thirty-five C point eighteen
 2 (135C.18), Code 1966, is hereby amended by striking from lines one
 3 (1) and two (2) the words "state department of health may employ"
 4 and inserting in lieu thereof the words "department may employ,
 5 pursuant to chapter ninety-five (95), Acts of the Sixty-second General
 6 Assembly,".

1 SEC. 19. Section one hundred thirty-five C point nineteen
 2 (135C.19), Code 1966, is hereby amended as follows:

3 1. By striking from lines two (2) and three (3) the words "state
 4 department of health" and inserting in lieu thereof the word "depart-
 5 ment".

6 2. By striking from lines six (6) and seven (7) the words "nurs-
 7 ing homes or custodial homes" and inserting in lieu thereof the words
 8 "health care facilities without the written authorization of the licensee
 9 involved".

10 3. By inserting in line eight (8) after the word "or" the words "in
 11 the matter of".

1 SEC. 20. Section one hundred thirty-five C point twenty (135C.20),
 2 Code 1966, is hereby amended as follows:

3 1. By striking from lines (1) and two (2) the words "state depart-
 4 ment of health" and inserting in lieu thereof the word "department".

5 2. By striking from lines three (3) and four (4) the words "nurs-
 6 ing and custodial homes" and inserting in lieu thereof the words
 7 "health care facilities".

8 3. By striking all of such section after the word "of" in line eight
 9 (8) and inserting in lieu thereof the words "health care facilities, and
 10 publish for public distribution copies of the laws, standards, and rules
 11 and regulations pertaining to their operation."

1 SEC. 21. Section one hundred thirty-five C point twenty-one
 2 (135C.21), Code 1966, is hereby amended as follows:

3 1. By striking from lines two (2) and three (3) the words "nurs-

4 ing home or custodial home” and inserting in lieu thereof the words
5 “health care facility”.

6 2. By striking from line fourteen (14) the words “nursing home
7 or custodial home” and inserting in lieu thereof the words “health care
8 facility”.

1 SEC. 22. Section one hundred thirty-five C point twenty-two
2 (135C.22), Code 1966, as amended by chapter two hundred nine (209),
3 section thirty-eight (38), Acts of the Sixty-second General Assembly,
4 is hereby repealed and the following enacted in lieu thereof:

5 “The provisions of this chapter shall be applicable to institutions
6 operated by or under the control of the department of social services,
7 the state board of regents, or any other governmental unit.”

1 SEC. 23. No individual shall be admitted to or permitted to remain
2 in a health care facility as a patient or resident, except in accordance
3 with the requirements of this section.

4 1. Each patient or resident shall be covered by a contract executed
5 at the time of admission or prior thereto by the patient or resident,
6 or his legal representative, and the health care facility. Each party
7 to the contract shall be entitled to a duplicate original thereof, and
8 the health care facility shall keep on file all contracts which it has
9 with patients or residents and shall not destroy or otherwise dispose
10 of any such contract for at least one year after its expiration or such
11 longer period as the department may by rule require. Each such con-
12 tract shall expressly set forth:

13 a. The terms of the contract.

14 b. The services and accommodations to be provided by the health
15 care facility and the rates or charges therefor.

16 c. Specific descriptions of any duties and obligations of the parties
17 in addition to those required by operation of law.

18 d. Any other matters deemed appropriate by the parties to the con-
19 tract. No contract or any provision thereof shall be drawn or con-
20 strued so as to relieve any health care facility of any requirement or
21 obligation imposed upon it by this Act or any standards or rules in
22 force pursuant to this Act.

23 2. No health care facility shall knowingly admit or retain any
24 patient or resident:

25 a. Who is dangerous to himself or other patients or residents.

26 b. Who is in an active or acute stage of alcoholism, drug addiction,
27 mental illness, or communicable disease.

28 c. Whose condition or conduct is such that he would be unduly
29 disturbing to other patients or residents.

30 d. Who is in need of medical procedures, as determined by a physi-
31 cian, or services, as determined by the care review committee, which
32 cannot be carried out in the facility.

33 3. Except in emergencies, a patient or resident who is not essen-
34 tially capable of managing his own affairs shall be transferred out
35 of a health care facility or discharged for any reason only after prior
36 notification to the next of kin, legal representative, or agency acting
37 on the patient’s or resident’s behalf. When such next of kin, legal
38 representative, or agency cannot be reached or refuses to cooperate,
39 proper arrangements shall be made by the home for the welfare of the

40 patient or resident before his transfer or discharge.

41 4. No owner, administrator, employee, or representative of a health
42 care facility shall pay any commission, bonus, or gratuity in any form
43 whatsoever, directly or indirectly, to any person for patients or resi-
44 dents referred to such facility.

1 SEC. 24. The admission of a patient or resident to a health care
2 facility and his presence therein shall not in and of itself confer on
3 such facility, its owner, administrator, employees, or representatives
4 any authority to manage, use, or dispose of any property of the pa-
5 tient or resident, nor any authority or responsibility for the personal
6 affairs of the patient or resident, except as may be necessary for the
7 safety and orderly management of the facility and as required by this
8 section.

9 1. No health care facility, and no owner, administrator, employee
10 or representative thereof shall act as guardian, trustee or conservator
11 for any patient or resident of such facility, or any of such patient's
12 or resident's property, unless such patient or resident is related to
13 the person acting as guardian within the third degree of consanguinity.

14 2. A health care facility shall provide for the safekeeping of per-
15 sonal effects, funds and other property of its patients or residents,
16 provided that whenever necessary for the protection of valuables or
17 in order to avoid unreasonable responsibility therefor, the facility
18 may require that they be excluded or removed from the premises of
19 the facility and kept at some place not subject to the control of the
20 facility.

21 3. A health care facility shall keep complete and accurate records
22 of all funds and other effects and property of its patients or residents
23 received by it for safekeeping.

24 4. Any funds or other property belonging to or due a patient or
25 resident, or expendable for his account, which are received by a health
26 care facility shall be trust funds, shall be kept separate from the
27 funds and property of the facility and of its other patients or resi-
28 dents, or specifically credited to such patient or resident, and shall
29 be used or otherwise expended only for the account of the patient or
30 resident. Upon request the facility shall furnish the patient or resi-
31 dent, the guardian, trustee or conservator, if any, for any patient or
32 resident, or any governmental unit or private charitable agency con-
33 tributing funds or other property on account of any patient or resi-
34 dent, a complete and certified statement of all funds or other property
35 to which this subsection applies detailing the amounts and items
36 received, together with their sources and disposition.

1 Sec. 25. Each health care facility shall have a care review com-
2 mittee, established in accordance with the rules of the department,
3 which shall periodically review the needs of each individual patient
4 or resident of the facility. The composition of the care review com-
5 mittee shall be in accordance with rules of the department, which shall
6 in formulating such rules give consideration to the needs of patients
7 and residents of each license category of health care facility and the
8 services facilities of each category are authorized to render.

1 Sec. 26. The commissioner shall be notified within twenty-four
2 hours, by the most expeditious means available, of any accident caus-

3 ing major injury or death, and any fire or natural or other disaster
4 occurring in a health care facility.

1 SEC. 27. If the department's services are necessary in order to
2 assist another governmental unit to implement a federal program, the
3 department may accept in compensation for such services federal
4 funds initially available from the federal government to such other
5 governmental unit for such purpose. Any governmental unit is
6 authorized to transfer to the department for such services any fed-
7 eral funds available to such governmental unit, in accordance with
8 applicable federal laws and regulations.

1 SEC. 28. This Act shall take effect July 1, 1971. All nursing
2 home and custodial home licenses issued by the department pursuant
3 to chapter one hundred thirty-five C (135C), Code 1966, prior to July
4 1, 1971 shall continue in force, unless suspended or revoked pursuant
5 to law, until their normal expiration date.

1 Sec. 29. Section one hundred point one (100.1), Code 1966, is
2 hereby amended by striking from subsection four (4), paragraph *d*,
3 line four (4), the words "nursing homes" and inserting in lieu thereof
4 the words "health care facilities as defined in section one hundred
5 thirty-five C point one (135C.1) of the Code".

1 SEC. 30. Section one hundred point thirty-five (100.35), Code
2 1966, is hereby amended by striking from line six (6) the words "nurs-
3 ing homes, custodial homes" and inserting in lieu thereof the words
4 "health care facilities as defined in section one hundred thirty-five
5 C point one (135C.1) of the Code".

1 SEC. 31. Section one hundred three point one (103.1), Code 1966,
2 is hereby amended by striking from line three (3) the words "nursing
3 home" and inserting in lieu thereof the words "health care facility
4 as defined in section one hundred thirty-five C point one (135C.1) of
5 the Code".

1 SEC. 32. Section one hundred forty-eight A point three (148A.3),
2 Code 1966, is hereby amended by striking from subsection four (4),
3 line two (2), the words "nursing homes" and inserting in lieu thereof
4 the words "health care facilities as defined in section one hundred
5 thirty-five C point one (135C.1) of the Code".

1 SEC. 33. Section one hundred fifty-two point two (152.2), Code
2 1966, is hereby amended by striking from subsection five (5), line two
3 (2), the words "nursing homes" and inserting in lieu thereof the
4 words "health care facilities as defined in section one hundred thirty-
5 five C point one (135C.1) of the Code".

1 SEC. 34. Section two hundred twenty-nine point forty-three
2 (229.43), Code 1966, is hereby amended by striking from lines six (6)
3 and seven (7) the words "custodial or nursing homes" and inserting
4 in lieu thereof the words "any health care facility licensed under chap-
5 ter one hundred thirty-five C (135C) of the Code".

1 SEC. 35. Section two hundred thirty point thirty-two (230.32),
2 Code 1966, is hereby amended by striking from lines four (4) and five
3 (5) the words "a custodial or nursing home" and inserting in lieu

4 thereof the words "any health care facility licensed under chapter one
5 hundred thirty-five C (135C) of the Code".

1 SEC. 36. Section three hundred forty-seven point fourteen
2 (347.14), Code 1966, is hereby amended by striking from subsection
3 twelve (12), line one (1), the words "nursing home" and inserting in
4 lieu thereof the words "health care facility as defined in section one
5 hundred thirty-five C point one (135C.1) of the Code".

1 SEC. 37. Section three hundred forty-seven point twenty-six
2 (347.26), Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "nursing home" and
4 inserting in lieu thereof the words "health care facility as defined in
5 section one hundred thirty-five C point one (135C.1) of the Code".

6 2. By striking from line eight (8) the words "nursing homes" and
7 inserting in lieu thereof the words "such facilities".

8 3. By striking from line eleven (11) the words "nursing homes"
9 and inserting in lieu thereof the word "facilities".

1 SEC. 38. Section three hundred eighty point thirteen (380.13),
2 Code 1966, is hereby amended by striking from line five (5) the words
3 "nursing home" and inserting in lieu thereof the words "health care
4 facility".

1 SEC. 39. Chapter two hundred thirteen (213), section one (1),
2 Acts of the Sixty-second General Assembly, as amended by chapter
3 one hundred fifty-two (152), section thirty-nine (39), Acts of the
4 Sixty-third General Assembly, First Session, is hereby further
5 amended by striking from line four (4) the words "custodial and nurs-
6 ing home service" and inserting in lieu thereof the words "services in
7 a health care facility licensed under chapter one hundred thirty-five
8 C (135C) of the Code".

1 SEC. 40. Chapter two hundred thirteen (213), section two (2),
2 Acts of the Sixty-second General Assembly, as amended by chapter
3 one hundred fifty-two (152), section forty (40), Acts of the Sixty-
4 third General Assembly, First Session, is hereby further amended by
5 striking from line four (4) the words "custodial and nursing home
6 service" and inserting in lieu thereof the words "services in a health
7 care facility licensed under chapter one hundred thirty-five C (135C)
8 of the Code".

1 SEC. 41. Chapter two hundred thirteen (213), section three (3),
2 Acts of the Sixty-second General Assembly, as amended by chapter
3 one hundred fifty-two (152), section forty-one (41), Acts of the Sixty-
4 third General Assembly, First Session, is hereby further amended by
5 striking from line four (4) the words "custodial and nursing home
6 service" and inserting in lieu thereof the words "services in a health
7 care facility licensed under chapter one hundred thirty-five C (135C)
8 of the Code".

1 SEC. 42. Chapter two hundred thirteen (213), section four (4),
2 Acts of the Sixty-second General Assembly, as amended by chapter
3 one hundred fifty-two (152), section forty-two (42), Acts of the Sixty-
4 third General Assembly, First Session, is hereby further amended by
5 striking from line four (4) the words "custodial and nursing home

6 service" and inserting in lieu thereof the words "services in a health
7 care facility licensed under chapter one hundred thirty-five C (135C)
8 of the Code".

1 SEC. 43. Chapter three hundred seventeen (317), section one (1),
2 Acts of the Sixty-second General Assembly, is hereby amended by
3 striking from lines three (3) and four (4) the words "nursing home
4 or custodial home but only if a fully constructed and equipped nursing
5 home or custodial home" and inserting in lieu thereof the words "health
6 care facility which is or may be licensed under chapter one hundred
7 thirty-five C (135C) of the Code, but only if such health care facility
8 is fully constructed and equipped and".

1 SEC. 44. Chapter three hundred seventeen (317), section two (2),
2 Acts of the Sixty-second General Assembly, is hereby amended as
3 follows:

4 1. By striking line four (4) and inserting in lieu thereof the words
5 "or health care facility established as permitted by section three
6 hundred sixty-eight point twenty-seven (368.27) of the Code,".

7 2. By striking from line six (6) the words ", nursing home, or
8 custodial home" and inserting in lieu thereof the words "or health care
9 facility".

10 3. By striking from line eight (8) the words ", nursing home, or
11 custodial home" and inserting in lieu thereof the words "or health
12 care facility".

13 4. By striking from line ten (10) the words ", nursing home, or
14 custodial home" and inserting in lieu thereof the words "or health
15 care facility".

16 5. By striking from line twelve (12) the words ", nursing home,
17 or custodial home" and inserting in lieu thereof the words "or health
18 care facility".

19 6. By striking from line fourteen (14) the words ", nursing home,
20 or custodial home" and inserting in lieu thereof the words "or health
21 care facility".

1 SEC. 45. Chapter three hundred seventeen (317), section three
2 (3), Acts of the Sixty-second General Assembly, is hereby amended as
3 follows:

4 1. By striking from line four (4) the words ", nursing home, or
5 custodial home" and inserting in lieu thereof the words "or health care
6 facility".

7 2. By striking from line six (6) the words ", nursing homes, or
8 custodial homes" and inserting in lieu thereof the words "or health
9 care facilities".

1 SEC. 46. Chapter three hundred seventeen (317), Section four (4),
2 Acts of the Sixty-second General Assembly, is hereby amended by
3 striking from line three (3) the words ", nursing home, or custodial
4 home" and inserting in lieu thereof the words "or health care facility".

1 SEC. 47. Chapter three hundred seventeen (317), section five (5),
2 Acts of the Sixty-second General Assembly, is hereby amended by
3 striking from line three (3) the words "'nursing home' and 'custodial
4 home'" and inserting in lieu thereof the words "'health care facility'".

1 SEC. 48. Chapter three hundred seventeen (317), section six (6),
 2 Acts of the Sixty-second General Assembly, is hereby amended by
 3 striking from lines four (4) and five (5) the words “, a municipal
 4 nursing home, a municipal custodial home” and inserting in lieu
 5 thereof the words “or municipal health care facilities licensed under
 6 any of the categories established by section one hundred thirty-five
 7 C point one (135C.1) of the Code”.

Approved May 5, 1970.

CHAPTER 1080

TAXATION OF MOBILE HOMES

H. F. 1268

AN ACT relating to taxation of mobile homes, providing for allocation of the proceeds of such tax, and requiring that manufacturers and dealers notify the county treasurer of the sale and delivery of a mobile home.

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

1 SECTION 1. Section one hundred thirty-five D point twenty-two
 2 (135D.22), Code 1966, is hereby amended as follows:

3 1. By striking from line thirteen (13) the words “seven and one-
 4 half” and inserting in lieu thereof the word “ten”.

5 2. By inserting in line thirteen (13) after the word “cents” the
 6 words “, except that if the owner of a mobile home is sixty-five years
 7 of age or older and his net income as defined in section four hundred
 8 twenty-two point seven (422.7) of the Code, plus interest and divi-
 9 dends from federal securities and income from social security and
 10 other tax-exempt retirement or pension plans, when included with
 11 that of his spouse is less than thirty-five hundred dollars per year,
 12 the semiannual tax shall be computed by multiplying the number of
 13 square feet of floor space the mobile home contains when parked and
 14 in use by seven and one-half cents”.

1 SEC. 2. Section one hundred thirty-five D point twenty-five
 2 (135D.25), Code 1966, is hereby repealed and the following enacted
 3 in lieu thereof:

4 “Seventy-five percent of the tax and penalties collected under the
 5 provisions of section one hundred thirty-five D point twenty-four
 6 (135D.24) of the Code shall be allocated to the school fund of the
 7 district in which the mobile home is located, and the remaining twenty-
 8 five percent shall be allocated as prescribed by section four hundred
 9 forty-five point fifty-seven (445.57) of the Code, in the same manner
 10 as though they were the proceeds of taxes levied on real property at
 11 the same location as such mobile home; however, no allocation from
 12 the remaining twenty-five percent shall be made to the school fund.”

1 Sec. 3. Chapter one hundred thirty-five D (135D), Code 1966, is
 2 hereby amended by adding thereto the following new sections:

3 1. “Mobile home manufacturers and dealers shall, within ten days
 4 after any retail sale and delivery of a mobile home, notify the county

5 treasurer of the county in which the point of delivery is located of the
6 sale, the name of the purchaser, the point at which delivery to the pur-
7 chaser was made, and the serial number and exterior measurements
8 of the mobile home."

9 2. "If the owner of a mobile home is sixty-five years of age or older
10 and his net income as defined in section four hundred twenty-two
11 point seven (422.7) of the Code, plus interest and dividends from fed-
12 eral securities and income from social security and other tax-exempt
13 retirement or pension plans, when included with that of his spouse is
14 less than thirty-five hundred dollars per year, the owner may apply
15 for the lower tax rate.

16 The owner may qualify by filing a certified copy of his birth certifi-
17 cate or a delayed birth record and a copy of an Iowa income tax return
18 for the most recent taxable year with the county treasurer no later
19 than thirty days previous to the date the semiannual tax becomes due
20 and payable. The treasurer shall make a determination of eligibility of
21 the applicant to qualify for the lower tax rate and thereafter seal the
22 income tax return, and shall hold the information confidential, except
23 as it may be required as evidence to disallow the credit. The initial
24 filing of the certified copy of the birth certificate or a delayed birth
25 record shall waive this requirement for all future filings."

26 3. "Every manufacturer of a mobile home sold or offered for sale
27 within this state, either by the manufacturer, distributor, dealer, or
28 any other person, shall, not later than September first of each year,
29 file a statement in the office of the department of public safety show-
30 ing the various models manufactured by him, and the retail list price.
31 He shall also make the same report on subsequent new models manu-
32 factured. For the purposes of this chapter, the retail list price shall be
33 the suggested retail price f.o.b. the factory including the price of any
34 fixtures permanently installed in or attached to the mobile homes, less
35 the price of any household goods or furnishings."

36 4. "No mobile home shall be registered in this state unless the
37 manufacturer thereof has furnished to the department the statement
38 giving the retail list price of the mobile home except as otherwise
39 provided.

40 The department shall determine the retail list price on all makes and
41 models of mobile homes which are not now being furnished or where
42 the factory does not have records available to provide such retail list
43 price.

44 Any mobile home manufactured prior to January 1, 1955 shall have
45 a retail list price as determined by the department."

46 5. "The department shall prepare a report of all the different makes
47 and models of mobile homes, statements of which have been filed in the
48 office by the manufacturers, together with the retail list price."

49 6. "Every manufacturer of a new mobile home offered for sale in
50 this state by a manufacturer, distributor, dealer, or any other person
51 shall display a sticker on the mobile home. The sticker shall be eight
52 and one-half inches by eleven inches and shall be displayed on the
53 entrance to the mobile home. The sticker shall list the retail list price
54 f.o.b. the factory, the retail list price of all furniture in the mobile
55 home, any other costs which will be assessed to the purchaser such as
56 transportation, handling, or such other costs, and the annual tax pay-

57 able under chapter one hundred thirty-five D (135D) of the Code for
58 such mobile home. The sticker shall also state the number of square
59 feet of floor space in the mobile home."

1 SEC. 4. Every mobile home manufacturer shall, not later than Sep-
2 tember 1, 1970, file a sworn statement with the department of public
3 safety stating the various models manufactured by him after January
4 1, 1955 and the retail list price for and number of square feet of floor
5 space in each mobile home at the time such mobile home was offered
6 for sale.

Approved April 10, 1970.

CHAPTER 1081

VITAL STATISTICS

H. F. 199

AN ACT relating to vital statistics.

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

1 SECTION 1. Chapter one hundred forty-one (141), and chapter
2 one hundred forty-four (144), Code 1966, are hereby repealed and
3 sections two (2) through fifty-six (56) of this Act enacted in lieu
4 thereof.

1 SEC. 2. As used in this Act, unless the context otherwise requires:

2 1. "Board" means the state board of health.

3 2. "Department" means the state department of health.

4 3. "Division" means a division, within the department, for records
5 and statistics.

6 4. "State registrar" means the state registrar of vital statistics.

7 5. "Institution" means any establishment, public or private, which
8 provides inpatient medical, surgical, or diagnostic care or treatment,
9 or nursing, custodial, or domiciliary care to two or more unrelated
10 individuals, or to which persons are committed by law.

11 6. "Vital statistics" means records of births, deaths, fetal deaths,
12 adoptions, marriages, divorces, annulments, and data related thereto.

13 7. "System of vital statistics" includes the registration, collection,
14 preservation, amendment, and certification of vital statistics records,
15 and activities and records related thereto including the data proc-
16 essing, analysis, and publication of statistical data derived from such
17 records.

18 8. "Filing" means the presentation of a certificate, report, or other
19 record, provided for in this Act, of a birth, death, fetal death, adop-
20 tion, marriage, divorce, or annulment for registration by the division.

21 9. "Registration" means the acceptance by the division and the
22 incorporation in its official records of certificates, reports, or other
23 records, provided for in this Act, of births, deaths, fetal deaths, adop-
24 tions, marriages, divorces, or annulments.

25 10. "Live birth" means the complete expulsion or extraction from
26 its mother of a product of human conception, irrespective of the

27 duration of pregnancy, which, after such expulsion or extraction,
 28 breathes or shows any other evidence of life such as beating of the
 29 heart, pulsation of the umbilical cord, or definite movement of vol-
 30 untary muscles, whether or not the umbilical cord has been cut or
 31 the placenta is attached.

32 11. "Fetal death" means death prior to the complete expulsion or
 33 extraction from its mother of a product of human conception, irre-
 34 spective of the duration of pregnancy. Death is indicated by the fact
 35 that after expulsion or extraction the fetus does not breathe or
 36 show any other evidence of life such as beating of the heart, pulsa-
 37 tion of the umbilical cord, or definite movement of voluntary muscles.

38 12. "Dead body" means a lifeless human body or parts or bones
 39 of a body, if, from the state of the body, parts, or bones, it may reason-
 40 ably be concluded that death recently occurred.

41 13. "Final disposition" means the burial, interment, cremation,
 42 removal from the state, or other disposition of a dead body or fetus.

1 SEC. 3. There is hereby established in the department a division
 2 for records and statistics which shall install, maintain, and operate
 3 the system of vital statistics throughout the state. No system for
 4 the registration of births, deaths, fetal deaths, adoptions, marriages,
 5 divorces, and annulments, shall be maintained in the state or any of
 6 its political subdivisions other than the one provided for in this Act.
 7 Suitable quarters shall be provided for the division by the executive
 8 council at the seat of government. The quarters shall be properly
 9 equipped for the permanent and safe preservation of all official rec-
 10 ords made and returned under this Act.

1 SEC. 4. The department may adopt, amend, and repeal rules and
 2 regulations for the purpose of carrying out the provisions of this
 3 Act, in accordance with chapter seventeen A (17A) of the Code.

1 SEC. 5. The commissioner of public health shall be the state reg-
 2 istrar of vital statistics and shall carry out the provisions of this Act.

1 SEC. 6. The state registrar shall:

2 1. Administer and enforce this Act and the rules and regulations
 3 issued hereunder, and issue instructions for the efficient administra-
 4 tion of the statewide system of vital statistics and the division for
 5 records and statistics.

6 2. Direct and supervise the statewide system of vital statistics and
 7 the division for records and statistics and be custodian of its records.

8 3. Direct, supervise, and control the activities of local registrars
 9 and deputy local registrars, and the activities of clerks of the district
 10 court related to the operation of the vital statistics system and pro-
 11 vide registrars with necessary postage.

12 4. Prescribe, print, and distribute the forms required by this Act.

13 5. Prepare and publish annual reports of vital statistics of this
 14 state and other reports as may be required.

15 6. Delegate functions and duties vested in him to officers, employ-
 16 ees of the department, and to the local registrars as he deems neces-
 17 sary or expedient.

18 7. Provide, by regulations, for appropriate morbidity reporting.

1 SEC. 7. The state registrar shall from time to time establish reg-
2 istration districts throughout the state and may consolidate or sub-
3 divide districts to facilitate registration, provided that no district
4 shall contain less than one county.

1 SEC. 8. The county registrar, with the approval of the state reg-
2 istrar, shall appoint a local registrar and one or more deputy local
3 registrars of vital statistics for each registration district. Any local
4 and deputy local registrar appointed may be removed by the state
5 registrar for reasonable cause.

1 SEC. 9. The local registrar, with respect to his registration dis-
2 trict shall:

3 1. Administer and enforce the provisions of this Act and instruc-
4 tions, rules, and regulations issued by the department.

5 2. Require that certificates be completed and filed with the county
6 registrar.

7 3. Transmit the certificates, reports, or other returns filed with
8 him to the county registrar at least weekly, or more frequently when
9 directed by the county registrar.

10 4. Maintain records, make reports, and perform other duties re-
11 quired by the state registrar.

12 The deputy local registrar shall perform the duties of the local
13 registrar in the absence or incapacity of the local registrar and such
14 other duties as may be prescribed.

1 SEC. 10. The clerk of the district court shall be the county regis-
2 trar and with respect to his registration district shall:

3 1. Administer and enforce the provisions of this Act and the
4 rules, and regulations issued by the department, and exercise general
5 supervision over the local and deputy local registrars in his district.

6 2. Record and transmit the certificates, reports, or other returns
7 filed with him to the state registrar at least semimonthly, or more
8 frequently when directed by the state registrar.

1 SEC. 11. Each local registrar shall be paid fifty cents for each
2 certificate of birth, death, or fetal death registered by him and trans-
3 mitted to the county or state registrar. If no birth, death, or fetal
4 death is registered by him during any calendar month, the local reg-
5 istrar shall report such fact to the county registrar. No compensa-
6 tion shall be paid under this section to any full-time employee of a
7 state or local unit of government.

1 SEC. 12. The state registrar shall certify to the auditor of the
2 county, monthly, quarterly, semiannually or annually the number of
3 birth, death, and fetal death certificates registered by each local
4 registrar with the names of the local registrars and the amount due.
5 Upon such certification the fees due the local registrars shall be paid
6 by the auditor of the county out of the general fund of the county.

1 SEC. 13. In order to promote and maintain uniformity in the
2 system of vital statistics, the forms of certificates, reports, and other
3 returns, shall include as a minimum the items recommended by the
4 federal agency responsible for national vital statistics subject to
5 approval and modification by the department. Forms shall be fur-
6 nished by the department. The forms or other recording methods

7 used by county and local registrars to record copies of records made
8 under this Act shall be prescribed by the department.

1 SEC. 14. Certificates of births shall be filed as follows:

2 1. A certificate of birth for each live birth which occurs in this
3 state shall be filed with the local registrar of the district in which
4 the birth occurs within five days after the birth and shall be regis-
5 tered by the registrar if it has been completed and filed in accord-
6 ance with this Act; provided that when a birth occurs in a moving
7 conveyance, a birth certificate shall be filed in the district in which
8 the child was first removed from the conveyance.

9 2. When a birth occurs in an institution, the person in charge of
10 the institution or his designated representative shall obtain the per-
11 sonal data, prepare the certificate, secure the signatures required by
12 the certificate and file the certificate with the local registrar. The
13 physician in attendance shall certify to the facts of birth and provide
14 the medical information required by the certificate within three days
15 after the birth.

16 3. When a birth occurs outside an institution, the certificate shall
17 be prepared and filed by one of the following in the indicated order
18 of priority:

19 a. The physician in attendance at or immediately after the birth.

20 b. Any other person in attendance at or immediately after the
21 birth.

22 c. The father or the mother.

23 d. The person in charge of the premises where the birth occurred.

24 4. In the case of a child born out of wedlock, the certificate shall
25 be filed directly with the state registrar.

26 If the mother was married either at the time of conception or birth,
27 the name of the husband shall be entered on the certificate as the
28 father of the child unless paternity has been determined otherwise
29 by a court of competent jurisdiction, in which case the name of the
30 father as determined by the court shall be entered.

31 If the mother was not married either at the time of conception or
32 birth, the name of the father shall not be entered on the certificate
33 of birth without the written consent of the mother and the person
34 to be named as the father, unless a determination of paternity has
35 been made by a court of competent jurisdiction, in which case the
36 name of the father as determined by the court shall be entered.

1 SEC. 15. Whoever assumes the custody of a living infant of un-
2 known parentage shall report on a form and in the manner prescribed
3 by the state registrar within five days to the local registrar of the
4 district in which the child was found, the following information:

5 1. The date and place of finding.

6 2. The sex, color or race, and approximate age of child.

7 3. The name and address of the person or institution which has
8 assumed custody of the child.

9 4. The name given to the child by the custodian.

10 5. Other data required by the state registrar.

11 The place where the child was found shall be entered as the place
12 of birth and the date of birth shall be determined by approximation.
13 A report registered under this section shall constitute the certificate
14 of birth for the infant.

15 If the child is identified and a certificate of birth is found or ob-
16 tained, any report registered under this section shall be sealed and
17 filed and may be opened only by order of a court of competent juris-
18 diction or as provided by regulation.

1 SEC. 16. When the birth of a person born in this state has not
2 been registered, a certificate may be filed in accordance with regula-
3 tions. The certificate shall be registered subject to evidentiary require-
4 ments prescribed to substantiate the alleged facts of birth. Certifi-
5 cates of birth registered one year or more after the date of occurrence
6 shall be marked "delayed" and shall show on their face the date of
7 the delayed registration. A summary statement of the evidence sub-
8 mitted in support of the delayed registration shall be endorsed on
9 the certificate.

10 When an applicant does not submit the substantiating evidence
11 required for delayed registration or when the state registrar finds
12 reason to question the validity or adequacy of the evidence, the state
13 registrar shall not register the delayed certificate and shall advise
14 the applicant of the reasons for this action. The registration official
15 shall advise the applicant of his right of appeal to the district court.

16 The department may by regulation provide for the dismissal of
17 an application which is not actively prosecuted.

1 SEC. 17. When a death or marriage occurring in this state has
2 not been registered, a certificate may be filed in accordance with
3 regulations. Such certificate shall be registered subject to evidentiary
4 requirements prescribed to substantiate the alleged facts of death
5 or marriage. Certificates of death and marriage registered one year
6 or more after the date of occurrence shall be marked "delayed" and
7 shall show on their face the date of the delayed registration.

1 SEC. 18. If a delayed certificate of birth is rejected under the
2 provisions of section sixteen (16) of this Act, a petition may be filed
3 with the district court for an order establishing a record of the date
4 and place of the birth and the parentage of the person whose birth is
5 to be registered. The petition shall be made on a form prescribed and
6 furnished by the state registrar and shall allege:

7 1. That the person for whom a delayed certificate of birth is sought
8 was born in this state.

9 2. That no record of birth of such person can be found in the
10 office of the state or local custodian of birth records.

11 3. That diligent efforts by the petitioner have failed to obtain the
12 evidence required in accordance with section sixteen (16) of this Act.

13 4. That the state registrar has refused to register a delayed cer-
14 tificate of birth.

15 5. Such other allegations as may be required.

16 The petition shall be accompanied by a statement of the registra-
17 tion official made in accordance with section sixteen (16) of this Act
18 and all documentary evidence which was submitted to the registra-
19 tion official in support of such registration. The petition shall be
20 verified by the petitioner.

1 SEC. 19. The court shall fix a time and place for hearing the
2 petition and shall give the registration official who refused to register

3 the petitioner's delayed certificate of birth at least ten days' notice
4 of such hearing. If both persons to be named as parents are not a
5 party to the petition, such person or persons, if living, shall also be
6 given at least ten days' notice of the hearing. The court shall prescribe
7 the manner of such notice. Such official, or his authorized representa-
8 tive, may appear and testify in the proceeding.

9 If the court from the evidence presented finds that the person for
10 whom a delayed certificate of birth is sought was born in this state,
11 it shall make findings as the case may require and shall issue an
12 order on a form prescribed and furnished by the state registrar to
13 establish a record of birth. The order shall include the birth data to
14 be registered, a description of the evidence presented, and the date
15 of the court's action.

16 The clerks of the district court shall forward each order to the
17 state registrar not later than the tenth day of the calendar month
18 following the month in which it was entered. The order shall be
19 registered by the state registrar and shall constitute the record of
20 birth, from which copies may be issued in accordance with sections
21 forty-three (43) through forty-seven (47), inclusive, of this Act.

1 SEC. 20. For each adoption decreed by any court in this state,
2 the court shall require the preparation of a certificate of adoption on
3 a form prescribed and furnished by the state registrar. The certifi-
4 cate shall include a report of such facts as are necessary to locate
5 and identify the certificate of birth of the person adopted, provide
6 information necessary to establish a new certificate of birth of the
7 person adopted, and shall identify the order of adoption and be cer-
8 tified by the clerk of the court.

1 SEC. 21. Information in the possession of the petitioner necessary
2 to prepare the adoption report shall be furnished with the petition
3 for adoption by each petitioner for adoption or his attorney. The
4 social agency, welfare agency, or other person concerned shall supply
5 the court with such additional information in their possession as
6 necessary to complete the certificate. The provision of such informa-
7 tion shall be submitted to the court prior to the issuance of a final
8 decree in the matter by the court, unless found by the court to be
9 unavailable after diligent inquiry.

1 SEC. 22. Whenever an adoption decree is amended or annulled,
2 the clerk of the court shall prepare a certificate, which shall include
3 facts necessary to identify the original adoption report, and facts in
4 the adoption decree necessary to properly amend the birth record.

1 SEC. 23. Not later than the tenth day of each calendar month,
2 the clerk of the court shall forward to the state registrar certificates
3 of adoption, or amendment or annulment of adoption, entered in the
4 preceding month, together with such related reports as the state
5 registrar requires. The state registrar, upon receipt from a court
6 of a certificate of adoption, or amendment or annulment of adoption,
7 for a person born outside this state shall forward the certificate to
8 the appropriate registration authority in the state of birth.

1 SEC. 24. The state registrar shall establish a new certificate of
2 birth for a person born in this state, when he receives the following:

3 1. An adoption certificate as provided in section twenty (20) of
4 this Act, or a certified copy of the decree of adoption together with
5 the information necessary to identify the original certificate of birth
6 and to establish a new certificate of birth; except that a new cer-
7 tificate of birth shall not be established if so requested by the court
8 decreeing the adoption, the adoptive parents, or the adopted person.

9 2. A request that a new certificate be established and evidence
10 proving that the person for whom the new certificate is requested
11 has been legitimated, or that a court of competent jurisdiction has
12 determined the paternity of the person.

1 SEC. 25. When a new certificate of birth is established, the actual
2 place and date of birth shall be shown. The certificate shall be sub-
3 stituted for the original certificate of birth. Thereafter, the original
4 certificate and the evidence of adoption, paternity, or legitimation
5 shall not be subject to inspection except under order of a court of
6 competent jurisdiction or as provided by regulation for statistical
7 or administrative purposes, only. Upon receipt of notice of annul-
8 ment of adoption, the original certificate of birth shall be restored
9 to its place in the files and the new certificate and evidence shall not
10 be subject to inspection except upon order of a court of competent
11 jurisdiction.

1 SEC. 26. If no certificate of birth is on file for the person for
2 whom a new certificate is to be established, a delayed certificate of
3 birth shall be filed with the state registrar as provided in section
4 sixteen (16), or sections eighteen (18) and nineteen (19) of this
5 Act, before a new certificate of birth is established, except that when
6 the date and place of birth and parentage have been established in
7 the adoption proceedings, a delayed certificate shall not be required.

8 When a new certificate of birth is established by the state registrar,
9 all copies of the original certificate of birth in the custody of any
10 custodian of permanent local records in this state shall be sealed from
11 inspection or forwarded to the state registrar of vital statistics, as he
12 shall direct.

1 SEC. 27. A death certificate for each death which occurs in this
2 state shall be filed with the local registrar of the district in which the
3 death occurred within three days after the death and prior to final
4 disposition, and shall be registered by the registrar if it has been com-
5 pleted and filed in accordance with this Act. All information includ-
6 ing the certifying physician's name shall be typewritten.

7 If the place of death is unknown, a death certificate shall be filed in
8 the registration district in which a dead body is found within three
9 days after the body is found. If death occurs in a moving conveyance,
10 a death certificate shall be filed in the registration district in which
11 the dead body was first removed from the conveyance.

1 SEC. 28. The funeral director who first assumes custody of a dead
2 body shall file the death certificate. He shall obtain the personal data
3 from the next of kin or the best qualified person or source available
4 and shall obtain the medical certification of cause of death from the
5 person responsible for issuing and signing the certification. When a
6 person other than a funeral director assumes custody of a dead body,

7 the person shall be responsible for carrying out the provisions of
8 this section.

1 SEC. 29. The medical certification shall be completed and signed
2 within twenty-four hours after death by the physician in charge of
3 the patient's care for the illness or condition which resulted in death
4 except when inquiry is required by the county medical examiner.
5 When inquiry is required by the county medical examiner, the medical
6 examiner shall investigate the cause of death and shall complete and
7 sign the the medical certification within twenty-four hours after
8 taking charge of the case.

1 SEC. 30. A fetal death certificate for each fetal death which occurs
2 in this state after a gestation period of twenty completed weeks or
3 more shall be filed with the local registrar of the district in which the
4 delivery of the dead fetus occurred within three days after delivery
5 and prior to final disposition of the fetus and shall be registered if it
6 has been completed and filed in accordance with this Act.

7 If the place of delivery of a dead fetus is unknown, a fetal death
8 certificate shall be filed in the registration district in which a dead
9 fetus was found within three days after the fetus is found. If a fetal
10 death occurs in a moving conveyance, a fetal death certificate shall be
11 filed in the registration district in which the fetus was first removed
12 from the conveyance.

1 SEC. 31. The funeral director who first assumes custody of a
2 fetus shall file the fetal death certificate. In the absence of such a
3 person, the physician or other person in attendance at or after the
4 delivery shall file the certificate of fetal death. The person filing the
5 certificate shall obtain the personal data from the next of kin or the
6 best qualified person or source available and shall obtain the medical
7 certification of cause of death from the person responsible for issuing
8 and signing the certification. When a person other than a funeral
9 director assumes custody of a fetus, the person shall be responsible
10 for carrying out the provisions of this section.

1 SEC. 32. The medical certification shall be completed and signed
2 within twenty-four hours after delivery by the physician in attend-
3 ance at or after delivery except when inquiry is required by the
4 county medical examiner.

5 When a fetal death occurs without medical attendance upon the
6 mother at or after delivery or when inquiry is required by the county
7 medical examiner, the medical examiner shall investigate the cause
8 of fetal death and shall complete and sign the medical certification
9 within twenty-four hours after taking charge of the case.

1 SEC. 33. The funeral director who first assumes custody of a
2 dead body or fetus shall obtain a burial-transit permit prior to
3 final disposition of the body or fetus and within seventy-two hours
4 after death. When a person other than a funeral director assumes
5 custody of a dead body or fetus, the person shall be responsible for
6 securing the permit required in this section. A burial-transit per-
7 mit shall be issued by the local registrar of the district where the
8 certificate of death or fetal death was filed in accordance with the

9 requirements of sections twenty-seven (27) through thirty-two (32),
10 inclusive, of this Act.

1 SEC. 34. A burial-transit permit issued under the law of another
2 state which accompanies a dead body or fetus brought into this state
3 shall be authority for final disposition of the body or fetus in this
4 state.

1 SEC. 35. Disinterment of a dead body or fetus shall be allowed
2 for the purpose of autopsy or reburial only, and then only if accom-
3 plished by a licensed funeral director or embalmer. A permit for
4 such disinterment and, thereafter, reinterment shall be issued by
5 the state registrar according to rules and regulations adopted pur-
6 suant to chapter seventeen A (17A) of the Code or when ordered by
7 the district court of the county in which such body is buried. The
8 state registrar, without a court order, shall not issue a permit with-
9 out the consent of the surviving spouse or in case of such spouse's
10 absence, death, or incapacity, the next of kin. Disinterment for the
11 purpose of reburial may be allowed by court order only upon a show-
12 ing of substantial benefit to the public. Disinterment for the pur-
13 pose of autopsy or reburial by court order shall be allowed only when
14 reasonable cause is shown that someone is criminally or civilly re-
15 sponsible for such death, after hearing, upon reasonable notice pre-
16 scribed by the court to the surviving spouse or in his or her absence,
17 death, or incapacity, the next of kin. Due consideration shall be
18 given to the public health, the dead, and the feelings of relatives.

1 SEC. 36. The department may, by regulation and upon such con-
2 ditions as it may prescribe to assure compliance with the purposes
3 of this Act, provide for extension of the periods prescribed in sec-
4 tions twenty-seven (27), twenty-nine (29), thirty (30), thirty-two
5 (32), and thirty-three (33) of this Act for filing of death certificates,
6 fetal death certificates, medical certifications of cause of death and
7 for the obtaining of burial-transit permits in cases in which com-
8 pliance with the applicable prescribed period would result in undue
9 hardship.

10 Regulation of the department may provide for the issuance of a
11 burial-transit permit under section thirty-three (33) of this Act
12 prior to the filing of a complete certificate of death or fetal death
13 upon conditions designed to assure compliance with the purposes of
14 this Act in cases in which compliance with the requirement that the
15 complete certificate be filed prior to the issuance of the permit would
16 result in undue hardship.

1 SEC. 37. A certificate recording each marriage performed in this
2 state shall be filed with the state registrar. The clerk of the dis-
3 trict court shall prepare the certificate on the form furnished by the
4 state registrar upon the basis of information obtained from the
5 parties to be married, who shall attest to the information by their
6 signatures. The clerk of the district court in each county shall keep
7 a record book for marriages. The form of marriage record books
8 shall be uniform throughout the state and shall be prescribed by the
9 state department. Marriage record books shall be provided at county
10 expense. A properly indexed permanent record of marriage certifi-

11 cates upon microfilm, electronic computer, or data processing equip-
12 ment may be kept instead of marriage record books.

13 Every person who performs a marriage shall certify the fact of
14 marriage and return the certificate to the clerk of the district court
15 within fifteen days after the ceremony. The certificate shall be
16 signed by the witnesses to the ceremony and the person performing
17 the ceremony.

18 The clerk of the district court shall record and forward to the
19 state registrar on or before the tenth day of each calendar month
20 the original certificates of marriages filed with him during the pre-
21 ceding calendar month.

1 SEC. 38. For each divorce* or annulment of marriage granted by
2 any court in this state, a record shall be prepared by the clerk of
3 court or by the petitioner or his legal representative if directed by
4 the clerk and filed by the clerk of court with the state registrar.
5 The information necessary to prepare the report shall be furnished
6 with the petition, to the clerk of court by the petitioner or his legal
7 representative, on forms supplied by the state registrar.

8 The clerk of the district court in each county shall keep a record
9 book for divorces. The form of divorce record books shall be uniform
10 throughout the state and shall be prescribed by the state department.
11 Divorce record books shall be provided at county expense. A prop-
12 erly indexed record of divorces upon microfilm, electronic computer,
13 or data processing equipment may be kept instead of divorce record
14 books.

15 On or before the tenth day of each calendar month, the clerk of
16 court shall forward to the state registrar the record of each divorce
17 and annulment granted during the preceding calendar month and
18 such related reports as may be required by regulations issued under
19 this Act.

1 SEC. 39. To protect the integrity and accuracy of vital statistics
2 records, a certificate or record registered under this Act may be
3 amended only in accordance with this Act and regulations adopted
4 hereunder. A certificate that is amended under this section shall be
5 marked "amended" except as provided in section forty-one (41) of
6 this Act. The date of amendment and a summary description of the
7 evidence submitted in support of the amendment shall be endorsed
8 on or made a part of the record. The department shall prescribe
9 by regulation the conditions under which additions or minor correc-
10 tions shall be made to birth certificates within one year after the
11 date of birth without the certificate being marked "amended".

1 SEC. 40. Upon receipt of a certified copy of a court order from a
2 court of competent jurisdiction or certificate of the clerk of court
3 pursuant to chapter six hundred seventy-four (674) of the Code
4 changing the name of a person born in this state and upon request
5 of such person or his parent, guardian, or legal representative, the
6 state registrar shall amend the certificate of birth to reflect the new
7 name.

1 SEC. 41. Upon request and receipt of a sworn acknowledgment
2 of paternity of a child born out of wedlock signed by both parents,

*See ch. 1266.

3 the state registrar shall amend a certificate of birth to show paternity
4 if paternity is not shown on the birth certificate. Upon written re-
5 quest of the parents, the surname of the child may be changed on
6 the certificate to that of the father. Such certificate shall not be
7 marked "amended".

1 SEC. 42. When a certificate is amended under sections thirty-
2 nine (39) through forty-one (41), inclusive, of this Act, the state
3 registrar shall report the amendment to the custodian of any perma-
4 nent local records and such records shall be amended accordingly.

1 SEC. 43. To preserve original documents, the state registrar may
2 prepare typewritten, photographic, or other reproductions of original
3 records and files in his office. Such reproductions when certified by
4 him shall be accepted as the original record.

1 SEC. 44. To protect the integrity of vital statistics records, to in-
2 sure their proper use, and to insure the efficient and proper adminis-
3 tration of the vital statistics system kept by the state registrar,
4 access to vital statistics records kept by the state registrar shall be
5 limited to the state registrar and his employees, and then only for
6 administrative purposes. It shall be unlawful for the state registrar
7 to permit inspection of, or to disclose information contained in vital
8 statistics records, or to copy or permit to be copied all or part of
9 any such record except as authorized by regulation.

1 SEC. 45. The department may permit access to vital statistics by
2 professional genealogists and historians, and may authorize the dis-
3 closure of data contained in vital statistics records when deemed
4 essential for bona fide research purposes which are not for private
5 gain. Information in vital statistics records indicating that a birth
6 occurred out of wedlock shall not be disclosed except as provided by
7 regulation or upon order of a district court.

1 SEC. 46. The state registrar and the clerk of the district court
2 shall, upon written request from any applicant entitled to such rec-
3 ord, issue a certified copy of any certificate or record in his custody
4 or of a part thereof. Each copy issued shall show the date of regis-
5 tration; and copies issued from records marked "delayed", "amended",
6 or "court order" shall be similarly marked and show the effective date.
7 A certified copy of a certificate, or any part thereof, shall be con-
8 sidered for all purposes the same as the original and shall be prima
9 facie evidence of the facts therein stated, provided that the eviden-
10 tiary value of a certificate or record filed more than one year after
11 the event, or a record which has been amended, shall be determined
12 by the judicial or administrative body or official before whom the
13 certificate is offered as evidence.

14 The national division of vital statistics may be furnished copies
15 or data which it requires for national statistics, provided that the
16 state be reimbursed for the cost of furnishing data, and provided
17 further that data shall not be used for other than statistical purposes
18 by the national division of vital statistics unless so authorized by the
19 state registrar.

20 Federal, state, local, and other public or private agencies may,

21 upon written request, be furnished copies or data for statistical pur-
22 poses upon terms or conditions prescribed by the department.

23 No person shall prepare or issue any certificate which purports to
24 be an original, certified copy, or copy of a certificate of birth, death,
25 fetal death, or marriage except as authorized in this Act.

1 SEC. 47. A fee of two dollars per copy shall be collected for each
2 certified copy or short form certification of certificates or records,
3 or for a search of the files or records when no copy is made, or when
4 no record is found on file. Fees collected under this section shall
5 be deposited in the general fund.

1 SEC. 48. Every person in charge of an institution shall keep a
2 record of personal particulars and data concerning each person ad-
3 mitted or confined to the institution. This record shall include
4 information required by the standard certificate of birth, death, and
5 fetal death forms issued under the provisions of this Act. The record
6 shall be made at the time of admission from information provided
7 by such person, but when it cannot be so obtained, the same shall be
8 obtained from relatives or other persons acquainted with the facts.
9 The name and address of the person providing the information shall
10 be a part of the record.

1 SEC. 49. When a dead human body is released or disposed of by
2 an institution, the person in charge of the institution shall keep a
3 record showing the name of the deceased, date of death, name and
4 address of the person to whom the body is released, date of removal
5 from the institution, or if finally disposed of by the institution, the
6 date, place, and manner of disposition shall be recorded.

1 SEC. 50. A funeral director, embalmer, or other person who
2 removes from the place of death or transports or finally disposes of
3 a dead body or fetus, in addition to filing any certificate or other
4 form required by this Act, shall keep a record which shall identify
5 the body, and information pertaining to his receipt, removal, and
6 delivery of the body as prescribed by the department.

1 SEC. 51. Records maintained under sections forty-eight (48)
2 through fifty (50), inclusive, of this Act shall be retained for a
3 period of not less than ten years and shall be made available for
4 inspection by the state registrar or his representative upon demand.

1 SEC. 52. Any person having knowledge of the facts shall furnish
2 information he may possess regarding any birth, death, fetal death,
3 adoption, marriage, divorce, or annulment, upon demand of the state
4 registrar or his representative.

1 SEC. 53. Upon conviction of the following, punishment by a fine
2 of not more than one thousand dollars, or imprisonment for not more
3 than one year, or both such fine and imprisonment shall be inflicted
4 upon any person who:

5 1. Willfully and knowingly makes any false statement in a report,
6 record, or certificate required to be filed under this Act, or in an
7 application for an amendment thereof, or willfully and knowingly
8 supplies false information intending that such information be used
9 in the preparation of any such report, record, or certificate, or
10 amendment thereof.

11 2. Without lawful authority and with the intent to deceive, makes,
12 alters, amends, or mutilates any report, record, or certificate re-
13 quired to be filed under this Act or a certified copy of such report,
14 record, or certificate.

15 3. Willfully and knowingly uses or attempts to use or furnish to
16 another for use for any purpose of deception, any certificate, record,
17 report, or certified copy thereof so made, altered, amended, or muti-
18 lated.

19 4. Willfully, with the intent to deceive, uses or attempts to use
20 any certificate of birth or certified copy of a record of birth knowing
21 that such certificate or certified copy was issued upon a record
22 which is false in whole or in part or which relates to the birth of
23 another person.

24 5. Willfully and knowingly furnishes a certificate of birth or cer-
25 tified copy of a record of birth with the intention that it be used by
26 a person other than the person whose birth the record relates.

27 6. Disinterring a body in violation of section thirty-five (35) of
28 this Act.

1 SEC. 54. Upon conviction of the following, punishment by a fine
2 of not less than twenty-five dollars nor more than one hundred dollars,
3 or imprisonment in the county jail for not more than thirty days
4 shall be inflicted upon any person who:

5 1. Knowingly transports or accepts for transportation, interment,
6 or other disposition a dead body without an accompanying permit as
7 provided in this Act.

8 2. Refuses to provide information required by this Act.

9 3. Willfully violates any of the provisions of this Act or refuses
10 to perform any of the duties imposed upon him by this Act.

1 SEC. 55. The department shall report cases of alleged violations
2 to the proper county attorney, with a statement of the facts and cir-
3 cumstances, for such action as is appropriate.

1 SEC. 56. Upon request of the department, the attorney general
2 shall assist in the enforcement of the provisions of this Act.

1 SEC. 57. Section one hundred thirty-five point eleven (135.11),
2 subsection fourteen (14), Code 1966, is hereby amended by striking
3 from line three (3) the word and figures “, chapter 144”.

1 SEC. 58. Section three hundred thirty-nine point seven (339.7)*,
2 Code 1966, is hereby amended by striking from line nine (9) the word
3 and figures “chapter 141” and inserting in lieu thereof the word
4 “law”.

1 SEC. 59. Section three hundred thirty-nine point twelve (339.12)*,
2 Code 1966, is hereby amended by striking from lines thirty-two (32)
3 and thirty-three (33) the words and figures “according to the provi-
4 sions of chapters 141 and 144”.

1 SEC. 60. Section five hundred ninety-eight point three (598.3)**,
2 Code 1966, is hereby amended by inserting in line twelve (12) after
3 the semicolon the following: “such information as required by sec-
4 tion thirty-eight (38) of this Act”.

*Repealed by 63GA, ch. 1280, §23.

**Repealed by 63GA, ch. 1266, §1.

1 SEC. 61. Section six hundred point one (600.1), Code 1966, is
 2 hereby amended by striking in line thirty-four (34) the period and
 3 inserting in lieu thereof the following: “; and the information
 4 required pursuant to section twenty-one (21) of this Act or a state-
 5 ment that such information is not available after diligent inquiry.”

Approved April 8, 1970.

CHAPTER 1082

BASIC SCIENCES

H. F. 1032

AN ACT to clarify the basic science law.

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

1 SECTION 1. Section one hundred forty-six point five (146.5), Code
 2 1966, is repealed and the following enacted in lieu thereof:

3 “This chapter shall not be construed to apply to dentists, dental
 4 hygienists, nurses, pharmacists, physical therapists, optometrists,
 5 embalmers, podiatrists, barbers or cosmetologists practicing within
 6 the limits of their respective licenses or to Christian Science practi-
 7 tioners”.

1 SEC. 2. This Act shall not be construed to prejudice the rights of
 2 any person which may have accrued under the law herein repealed.

Approved January 28, 1970.

CHAPTER 1083

PRACTICE OF MEDICINE

S. F. 1319

AN ACT relating to licenses in the practice of medicine.

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, as amended by chapter one hundred thirty-eight (138),
 3 section one (1), and chapter one hundred thirty-nine (139), section
 4 one (1), Acts of the Sixty-third General Assembly, First Session, and
 5 further amended by Senate File 77, Acts of the Sixty-third General
 6 Assembly, Second Session, is hereby further amended by striking in
 7 line six (6) of subsection seven (7), the word “five” and inserting in
 8 lieu thereof the word “fifteen”.

Approved April 27, 1970.

CHAPTER 1084

PROFESSIONAL PRACTICES LICENSES

S. F. 77

AN ACT relating to licenses to practice medicine, osteopathic medicine and surgery and podiatry.

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

1 SECTION 1. Section one hundred forty-seven point eighty
2 (147.80),* subsection seven (7), Code 1966, as amended by chapter
3 one hundred thirty-eight (138), section one (1), and chapter one hun-
4 dred thirty-nine (139), section one (1), Acts of the Sixty-third Gen-
5 eral Assembly, First Session, is hereby further amended by striking
6 from line twenty-one (21) the word "five" and inserting in lieu there-
7 of the word "fifteen".

1 SEC. 2. Section one hundred forty-eight point five (148.5), Code
2 1966, as amended by section one (1) of chapter one hundred sixty-five
3 (165), Acts of the Sixty-second General Assembly, is hereby further
4 amended as follows:

5 1. By striking from line eighteen (18) the word "fifteen" and in-
6 serting in lieu thereof the word "twenty-five".

7 2. By striking from line twenty (20) the word "three" and insert-
8 ing in lieu thereof the word "five".

1 SEC. 3. Section one hundred forty-eight point ten (148.10), Code
2 1966, is hereby amended by striking lines twenty-five (25) through
3 twenty-eight (28), inclusive, and inserting in lieu thereof the follow-
4 ing:

5 "The temporary certificate shall be issued for one year and, at the
6 discretion of the medical examiners may be renewed, but no persons
7 shall be entitled to practice medicine and surgery or osteopathic
8 medicine and surgery in excess of three years while holding a tem-
9 porary certificate. The fee for this license shall be fifty dollars and
10 if extended beyond one year an annual renewal fee of fifty dollars
11 per year shall be required."

1 SEC. 4. Section one hundred fifty A point nine (150A.9), Code
2 1966, as amended by section two (2) of chapter one hundred sixty-
3 five (165), Acts of the Sixty-second General Assembly, is hereby
4 further amended as follows:

5 (1) By striking from line twenty-two (22) the word "fifteen" and
6 inserting in lieu thereof the word "twenty-five".

7 (2) By striking from line twenty-four (24) the word "three" and
8 inserting in lieu thereof the word "five".

Approved February 13, 1970.

*See also ch. 1083.

CHAPTER 1085

NURSING HOMES

S. F. 456

AN ACT relating to the licensing and registration of nursing home administrators.

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

1 SECTION 1. Chapter one hundred forty-seven (147), Code 1966, is
2 hereby amended by adding as a division the following sections of this
3 Act.

1 SEC. 2. **Definitions.** For the purposes of this Act, and as used
2 herein:

3 1. "Board" means the Iowa state board of examiners for nursing
4 home administrators hereinafter created.

5 2. "Nursing home administrator" means a person who administers,
6 manages, supervises, or is in general administrative charge of a
7 nursing home whether or not such individual has an ownership in-
8 terest in such home and whether or not his functions and duties are
9 shared with one or more individuals. A member of a board of di-
10 rectors, unless also serving in a supervisory or managerial capacity,
11 shall not be considered a nursing home administrator.

12 3. "Nursing home"* means any institution or facility, or part there-
13 of, defined as such for licensing purposes under state law or pursuant
14 to the rules and regulations for nursing homes established by the state
15 department of public health, whether proprietary or nonprofit, includ-
16 ing but not limited to, nursing homes owned or administered by the
17 federal or state government or an agency or political subdivisions
18 thereof.

1 SEC. 3. **Composition of the board.** There is hereby created a state
2 board of examiners for nursing home administrators which shall con-
3 sist of nine members appointed as follows:

4 1. Six members shall be nursing home administrators, one of whom
5 shall be an administrator of a nonproprietary nursing home, chosen
6 by the governor from lists of three or more persons nominated for
7 each such appointment by the respective professional nursing home
8 associations in the state.

9 2. One administrator of a hospital.

10 3. One physician and surgeon, or osteopathic physician and sur-
11 geon.

12 4. One pharmacist, registered nurse, or educator who has had
13 actual administrative experience in a nursing home equivalent to that
14 required of an applicant for a license.

15 In making the initial appointments under this Act, the governor
16 shall appoint three members to serve until June 30, 1971, three mem-
17 bers to serve until June 30, 1972, and three members, including at
18 least two of the nursing home administrators, to serve until June 30,
19 1973. Thereafter, all appointments to the board shall be for terms of
20 three years, except that vacancies shall be filled for the unexpired
21 portion of the term in which the vacancy exists. Any board member
22 may be removed by the governor for good cause after due no-
23 tice and hearing. Initial appointments of nursing home adminis-

*See chapter 1079.

24 trators to the board, after the effective date of this Act, shall be
25 limited to persons who are actually serving as nursing home admin-
26 istrators, as defined by this Act, and who have served in such capacity
27 for at least two years immediately preceding appointment to the board.
28 After such initial appointments have been made, no administrator
29 shall be eligible for appointment as a member unless licensed as a
30 nursing home administrator.

31 The board shall be within the state department of health for admin-
32 istrative purposes. The department shall furnish the board with the
33 necessary facilities and employees to perform the duties required by
34 this Act.

1 **SEC. 4. Qualifications for licensure.** The board shall have au-
2 thority to issue licenses to qualified persons as nursing home admin-
3 istrators, and shall establish qualification criteria for such nursing
4 home administrators. No license shall be issued to a person as a
5 nursing home administrator unless:

6 1. He is at least twenty-one years of age, of good moral character
7 and unless he is of sound mental health and physically able to per-
8 form the duties.

9 2. He has satisfactorily completed a course of instruction and train-
10 ing prescribed by the board, which course shall be so designed as to
11 content and so administered as to present sufficient knowledge of the
12 needs properly to be served by nursing homes; knowledge of the laws
13 governing the operation of nursing homes and the protection of the
14 interests of patients therein; and knowledge of the elements of good
15 nursing home administration; or have presented evidence satisfactory
16 to the board of sufficient education, training, or experience in the
17 foregoing fields to administer, supervise, and manage a nursing home.

18 3. He has passed an examination administered by the board and
19 designed to test for competence in the subject matter referred to in
20 subsection two (2) of this section.

21 Any person who, on the effective date of this Act, has actually
22 served as a nursing home administrator or has had equivalent experi-
23 ence in other health care facilities for at least two years preceding
24 such date, but who has not complied with subsections two (2) and
25 three (3) of this section, may be issued a temporary license upon pay-
26 ment of the required fee, but any such license shall expire no later
27 than June 30, 1972.

1 **SEC. 5. Licensing function.** The board shall license nursing home
2 administrators in accordance with rules and regulations issued, and
3 from time to time revised, by it. A nursing home administrator's
4 license shall not be transferable and shall be valid until surrendered
5 for cancellation or suspended or revoked for violation of this Act or
6 any other laws or regulations relating to the proper administration
7 and management of a nursing home. Any denial of issuance or re-
8 newal, suspension, or revocation under any section of this Act shall be
9 subject to review upon the timely request of the applicant or licensee
10 and pursuant to Iowa state procedures.

1 **SEC. 6. License fees.** Each person licensed as a nursing home ad-
2 ministrator shall be required to pay a license fee in an amount to be
3 fixed by the board, which fee shall not exceed thirty dollars per year.

4 Said license shall expire on the thirty-first day of December of the
5 year following its issuance, and shall be renewable annually and
6 upon payment of the license fee.

1 **SEC. 7. Fund created.** All fees collected under the provisions of
2 this Act shall be paid monthly to the treasurer of state who shall keep
3 the same in a special fund to be known as the state board of examiners
4 for nursing home administrators fund, which fund may be used and
5 expended by the board to pay the compensation and travel expenses
6 of members and employees of the board, and other expenses necessary
7 for the board to administer and carry out the provisions of this Act.

1 **SEC. 8. Organization of board.** The board shall elect from its mem-
2 bership a chairman, vice-chairman, and secretary-treasurer, and shall
3 adopt rules and regulations to govern its proceedings. Each member
4 shall receive, as compensation for his services, an amount agreed upon
5 by the board but not to exceed that of other state boards. All mem-
6 bers shall be allowed necessary travel expenses, as may be approved
7 by the board, which shall be payable in the same manner as travel
8 expenses of other state officials.

1 **SEC. 9. Exclusive jurisdiction of board.** The board shall have
2 authority to determine the qualifications, skill, and fitness of any
3 person to serve as an administrator of a nursing home under the
4 provisions of this Act, and the holder of a license under the provisions
5 of this Act shall be deemed qualified to serve as the administrator of
6 a nursing home.

1 **SEC. 10. Duties of the board.** The board shall have the duty and
2 responsibility to:

3 1. Develop, impose, and enforce standards which must be met by
4 individuals in order to receive a license as a nursing home admin-
5 istrator, which standards shall be designed to insure that nursing
6 home administrators will be individuals who are of good character
7 and are otherwise suitable, and who, by training or experience in
8 the field of institutional administration, are qualified to serve as nurs-
9 ing home administrators.

10 2. Develop and apply appropriate techniques, including examination
11 and investigations, for determining whether an individual meets such
12 standards.

13 3. Issue licenses to individuals who, after application of such tech-
14 niques, are found to have met such standards; and for cause and
15 after due notice and hearing, revoke or suspend licenses previously
16 issued by such board in any case where the individual holding such
17 license is found to have failed substantially to conform to the require-
18 ments of such standards.

19 The board may also accept the voluntary surrender of such license
20 without necessity of a hearing. In the event of the inability of the
21 regular administrator of a nursing home to perform his duties or
22 through death or other cause the nursing home is without a licensed
23 administrator, a provisional administrator may be appointed on a
24 temporary basis by the nursing home owner or owners, to perform
25 such duties for a period not to exceed six months.

26 4. Establish and carry out procedures designed to insure that in-

27 dividuals licensed as nursing home administrators will, during any
28 period that they serve as such, comply with the requirements of such
29 standards.

30 5. Receive, investigate, and take appropriate action with respect
31 to any charge or complaint filed with the board to the effect that any
32 individual licensed as a nursing home administrator has failed to
33 comply with the requirements of such standards. Such appropriate
34 action may include revocation of a license, if necessary, or placing
35 the licensee on probation for a period not exceeding six months, and
36 shall be taken only for cause after due notice and a hearing on the
37 charge or complaint.

38 6. Conduct a continuing study and investigation of nursing homes,
39 and administrators of nursing homes, in this state with a view to
40 the improvement of the standards imposed for the licensing of such
41 administrators and of procedures and methods for the enforcement
42 of such standards with respect to administrators of nursing homes
43 who have been licensed as such.

44 7. Conduct, or cause to be conducted, one or more courses of in-
45 struction and training sufficient to meet the requirements of this Act;
46 and make provisions for such courses and their accessibility to resi-
47 dents of this state unless it finds that there are, and approves, a
48 sufficient number of courses, which courses are conducted by others
49 within this state. In lieu thereof the board may approve courses con-
50 ducted within and without this state as sufficient to meet the educa-
51 tion and training requirements of this Act.

1 **SEC. 11. Renewal of license.** Every holder of a nursing home ad-
2 ministrators license shall renew it annually by making application to
3 the board, except that biennially the individual requesting renewal
4 shall submit evidence satisfactory to the board of continued education
5 in this field. Such renewals shall be granted as a matter of course
6 unless the board finds, after due notice and hearing, that the applicant
7 has acted or failed to act in accordance with the rules or in such a
8 manner or under such circumstances as would constitute grounds for
9 suspension or revocation of a license.

1 **SEC. 12. Reciprocity with other states.** The board may issue a
2 nursing home administrator's license, without examination, to any
3 person who holds a current license as a nursing home administrator
4 from another jurisdiction if reciprocal agreements are entered into
5 with another jurisdiction under sections one hundred forty-seven
6 point forty-five (147.45) through one hundred forty-seven point fifty-
7 four (147.54), inclusive, of the Code.

1 **SEC. 13.** If any provision of this Act is in conflict with the require-
2 ments of section 1908 of the United States Social Security Act (42
3 United States Code, section 1396g), relative to a state program for
4 licensing of administrators of nursing homes, and except for such
5 conflict the state would be entitled to receive contributions from the
6 United States for payment of assistance under the program established
7 pursuant to Title XIX of the United States Social Security Act (42
8 United States Code, sections 1396-1396g, inclusive), such provision
9 of this Act so in conflict with said statute of the United States shall
10 be considered as suspended and of no effect until sixty days after the

11 convening of the next regular session of the General Assembly after
12 such conflict is discovered.

1 **SEC. 14. Misdemeanor.** It shall be a misdemeanor for any person
2 to act or serve in the capacity of a nursing home administrator unless
3 he is the holder of a license as a nursing home administrator issued
4 in accordance with the provisions of this Act.

Approved May 5, 1970.

CHAPTER 1086

DEAD HUMAN BODIES

S. F. 1303

AN ACT relating to the inspection of places where dead human bodies are prepared for burial, or entombment and providing for a license fee and establishing a trust fund.

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

1 **SECTION 1.** Section one hundred fifty-six point ten (156.10), Code
2 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "have power to".

4 2. By striking from line six (6) the word "may" and inserting in
5 lieu thereof the word "shall".

6 3. By adding after line seven (7) the following paragraphs:

7 "An inspection fee for each place where dead human bodies are pre-
8 pared for burial shall be fifteen dollars per year, which shall be col-
9 lected by the commissioner of public health. The inspection fees col-
10 lected under this section shall be paid to the treasurer of state who
11 shall maintain a trust fund to be used only for paying the cost of in-
12 spection of such places.

13 For the fiscal year beginning July 1, 1970, and ending June 30,
14 1971, the number of inspections made at the direction of the commis-
15 sioner shall be the number which can be paid for from the trust fund."

Approved May 5, 1970.

CHAPTER 1087

STATE APIARIST

H. F. 555

AN ACT relating to the annual report of the state apiarist.

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

1 **SECTION 1.** Section one hundred sixty point thirteen (160.13),
2 Code 1966, is hereby amended by striking from line two (2) the word
3 "governor" and inserting in lieu thereof the words "secretary of
4 agriculture".

Approved February 20, 1970.

CHAPTER 1088
BOVINE BRUCELLOSIS

S. F. 1067

AN ACT relating to the identification of cattle for quarantine purposes for bovine brucellosis eradication.

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

1 SECTION 1. Chapter eight (8), section five (5), Acts of the Sixty-
2 third General Assembly, First Session, is hereby amended by striking
3 from lines nine (9), ten (10), and eleven (11), the words, "Such cattle
4 shall be individually identified by consecutively numbered metal ear
5 tags."

Approved May 5, 1970.

CHAPTER 1089
TRANSIENT LUNCH STANDS

H. F. 452

AN ACT relating to transient or movable lunch stands.

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

1 SECTION 1. Section one hundred seventy point five (170.5), Code
2 1966, is amended by adding a new subsection:
3 "For each vehicle from which food is sold directly to the public,
4 ten dollars per year."

Approved February 12, 1970.

CHAPTER 1090
STATE FAIR BOARD PRESIDENT

H. F. 1088

AN ACT relating to the term of office of the president of the state fair board.

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

1 SECTION 1. Section one hundred seventy-three point six (173.6),
2 Code 1966, is hereby amended by adding after the word "years" in line
3 five (5) the following:
4 " , plus any portion of a year in which he was first elected by the
5 board to fill a vacancy".

Approved March 16, 1970.

CHAPTER 1091

AGRICULTURAL EXTENSION DISTRICTS

S. F. 1097

AN ACT relating to county agricultural extension districts.

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

- 1 SECTION 1. Section one hundred seventy-six A point ten
 2 (176A.10), Code 1966, is hereby amended as follows:
 3 1. By inserting in line fourteen (14) after the word "valuation"
 4 the words ", except in districts having a population of less than forty
 5 thousand the tax levied shall not exceed three-fourths mill".
 6 2. By striking from line seventeen (17) the word "thirty" and in-
 7 serting in lieu thereof the word "forty".
 8 3. By striking from line eighteen (18) the word "fifty-five" and in-
 9 serting in lieu thereof the word "fifty".
 10 4. By striking from line nineteen (19) the word "twenty-five" and
 11 inserting in lieu thereof the word "thirty-three".
 12 5. By striking from lines twenty-one (21) and twenty-two (22) the
 13 words "of twenty thousand but not more than fifty-five" and inserting
 14 in lieu thereof the words "under fifty".
 15 6. By striking from lines twenty-two (22) through twenty-five
 16 (25), inclusive, the words "in excess of seventeen thousand five hun-
 17 dred dollars in districts having a population of not more than twenty
 18 thousand,".

Approved March 4, 1970.

CHAPTER 1092

EXCISE TAX ON CATTLE

H. F. 1233

AN ACT relating to the levy of an excise tax on cattle and veal calves sold for slaughter, and the collection and distribution of such taxes.

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

- 1 Chapter one hundred eighty-one (181), Code 1966, is hereby
 2 amended by adding thereto the following new sections:
 1 SECTION 1. As used in this chapter, unless the context requires
 2 otherwise:
 3 1. "First purchaser" means any person who buys cattle or veal
 4 calves for slaughter, in the first instance.
 5 2. "Producer" means every person who raises cattle or veal calves
 6 for slaughter or who feeds cattle or veal calves for slaughter or both.
 7 3. For the purposes of this Act, "executive committee" means two
 8 members appointed by the Iowa beef cattle producers association, two
 9 members appointed by the Iowa livestock feeders association, the sec-
 10 retary of agriculture, the dean of the college of agriculture of the
 11 Iowa state university of science and technology, and a member of the
 12 faculty of Iowa state university of science and technology engaged in

13 the teaching of animal husbandry designated by the dean of the col-
14 lege of agriculture.

1 SEC. 2. The executive committee shall engage in research and
2 education programs directed toward better and more efficient produc-
3 tion, marketing, and utilization of cattle and veal calves and products
4 made therefrom; provide methods and means including, but not lim-
5 ited to, public relations and other promotion techniques for the main-
6 tenance of present markets; make donations to nonprofit organizations
7 working toward the purposes of this section; assist in development of
8 new or larger markets both domestic and foreign for cattle and veal
9 calves and products made therefrom.

1 SEC. 3. The executive committee shall have power to authorize
2 its agents to enter at a reasonable time upon the premises of any
3 purchaser charged by this chapter with remitting to the committee the
4 excise tax, and to cause to be examined by such agent or agents, all
5 books, records, documents, and other instruments bearing upon the
6 amount of such excise tax; provided however, that the executive com-
7 mittee must first have reasonable grounds to believe that all such
8 excise taxes have not been remitted or fully accounted for, as herein
9 provided.

10 The executive committee is authorized to enter into arrangements
11 with persons purchasing cattle and veal calves for slaughter outside
12 of Iowa on the basis provided in Section 4 hereof, for remitting the
13 excise tax by such buyers.

1 SEC. 4. No excise tax shall be assessed or collected under the pro-
2 visions of this Act until the secretary of agriculture finds that the
3 assessment has been assented to by referendum vote. The secretary,
4 upon the request of any fifty beef producers, shall conduct an initial
5 referendum by written ballot to determine such assent, after giving
6 due notice of intention to conduct the referendum.

7 Notice of any referendum on the question of whether to initiate
8 or extend an excise tax shall be given by publication for a period of
9 not less than five days in a newspaper of general circulation in the
10 state and in such other newspapers as the secretary may prescribe.
11 No referendum shall be commenced prior to five days after the last day
12 of the period of publication. The notice of referendum shall set forth
13 the period and voting places for the referendum, and the amount of the
14 excise tax to be collected if the referendum is favorable.

1 SEC. 5. Each producer, upon signing a statement certifying that
2 he is a bona fide producer, as defined in this Act, shall be entitled to
3 one vote. At the close of the referendum period, the secretary of
4 agriculture shall count and tabulate the ballots filed during the ref-
5 erendum period. If the secretary finds that a majority of the total
6 number of producers voting favor the assessment, the excise tax pro-
7 vided in this Act shall be assessed and levied within ninety days.

8 The ballots shall constitute complete and conclusive evidence for
9 use in any finding made by the secretary under the provisions of this
10 Act. The secretary may prescribe additional procedures as necessary
11 to conduct a referendum.

12 Any assessment adopted following the initial referendum shall be-

13 come of no force or effect four years after its adoption, unless it is
14 extended for additional periods of four years by another referendum.
15 Ninety days prior to termination of the initial assessment period or
16 any extension period, the secretary shall cause notice to be published
17 in accordance with section four (4) of this Act, and a referendum on
18 the question of whether the excise tax should be extended for an ad-
19 ditional four-year period shall be conducted. If the secretary finds
20 that a majority of the total number of producers voting favor the
21 assessment, the excise tax shall continue to be levied for an additional
22 four years from the ending date of the preceding four-year period.
23 In the event of the failure of the initial referendum, a second
24 initial referendum may be called by producers within one hundred
25 eighty days after the secretary's determination on the first referen-
26 dum. In the event of failure of the second initial referendum to pass,
27 no further referendums shall be conducted.

1 SEC. 6. Upon determination by the secretary of agriculture that
2 assent to assessment has been given, there shall be assessed and levied
3 an excise tax of ten cents per head on all beef cattle and five cents
4 per head on all veal calves sold for slaughter. The tax shall be due
5 at or before the time animals are first sold for purposes of slaughter,
6 and shall be paid at a time the council may, by rule or regulation,
7 prescribe, but not later than the last day of the month following the
8 end of the prior reporting period in which animals are sold.

9 The tax shall be assessed and levied on any person selling beef cat-
10 tle or veal calves for slaughter, at the time of delivery of the animals
11 for sale, and shall be deducted by the first purchaser from the price
12 paid to the seller. The first purchaser, at the time of sale, shall make
13 and deliver to the producer separate invoices for each purchase,
14 showing the name and address of the producer and the first purchaser,
15 the number and kind of animals sold, and the date of sale.

1 SEC. 7. Any person from whom the excise tax herein is collected
2 may, by written application filed with the executive committee within
3 sixty days after its collection from him, have said amount remitted to
4 him by the executive committee. The executive committee shall fur-
5 nish uniform application for refund forms and envelopes properly ad-
6 dressed to the executive committee to each purchaser charged by this
7 chapter with remitting the excise tax in sufficient number to make
8 said refund forms and envelopes readily available to all producers. A
9 purchaser charged by this chapter with remitting the excise tax shall
10 display said application for refund forms and envelopes in a prominent
11 position in its place of business and make the same readily available
12 to all producers.

1 SEC. 8. All excise taxes imposed and levied under this chapter
2 shall be paid to and collected by the executive committee and deposited
3 with the treasurer of state in a separate cattle and veal calf fund
4 which is hereby created. From the moneys collected in accordance
5 with the provisions of this Act, the executive committee shall first pay
6 the costs of referendums held pursuant hereto; the costs of collection
7 of such excise tax, the expenses of its agents and expenses of officers
8 provided for in section one hundred eighty-one point five (181.5) of
9 the Code. At least thirty percent of the funds remaining thereafter

10 shall be remitted to the national livestock and meat board and the beef
11 industry council thereof, and at least ten percent of the remaining
12 funds shall be remitted to the Iowa beef cattle producers association
13 in such proportions as the committee may determine, for use by them
14 in a manner not inconsistent with Section 2 of this Act. The remain-
15 ing moneys received, with approval of a majority of the executive
16 committee, shall be expended as found necessary to carry out the pro-
17 visions and purposes of this Act. The cattle and veal calf fund shall
18 be subject at all times to warrants by the state comptroller, drawn
19 upon the written requisition of the chairman of the executive commit-
20 tee and attested to by its secretary, for the payment of all expendi-
21 tures of the committee, which shall, at no time, exceed the amount
22 deposited to the credit of such fund.

1 SEC. 9. Ninety (90) days prior to the termination of the initial
2 assessment period provided for herein, or any extension thereof, the
3 secretary of agriculture shall cause notice to be published in accord-
4 ance herewith of a referendum to be conducted on the question of
5 whether the excise tax provided for herein should be extended for an
6 additional four-year period.

7 Notice of any such referendum shall be given by the secretary by
8 publishing the same for a period of not less than five (5) days in a
9 newspaper of general circulation in the state and in such other news-
10 papers as the secretary may prescribe. The notice of referendum
11 shall set forth the period for voting and the voting places for the
12 referendum and the amount of the deduction pursuant to Section 6 of
13 this Act. No referendum shall be commenced prior to five days after
14 the last day of such period of publication.

1 SEC. 10. Each producer upon signing a statement certifying that
2 he is a bona fide producer, as defined in this Act, shall be entitled to
3 one vote. At the close of the referendum period, the secretary shall
4 count and tabulate the ballots filed during the referendum period.
5 If from such tabulation the secretary finds that a majority of the
6 total number of producers voting favor the assessment, the excise
7 tax provided for in Section 4 shall be levied and imposed for an addi-
8 tional four years from the end of the previous taxing period.

9 The ballots thus cast shall constitute complete and conclusive evi-
10 dence for use in any finding made by the secretary under the pro-
11 visions of this Act. The secretary may prescribe such additional pro-
12 cedures as may be necessary to conduct a referendum.

13 No assessment levied pursuant to this chapter shall continue after
14 forty-eight months from its initiation, unless it is extended for ad-
15 ditional periods of four years by referendum.

16 In the event of the failure of any referendum provided for herein
17 to pass, a subsequent referendum may be called by the secretary upon
18 petition to him therefor by at least one hundred producers within one
19 hundred eighty days after the secretary's determination that the prior
20 referendum has failed. In the event of failure to make such petition
21 within said period, or, the second consecutive failure of a referendum
22 to pass, no further referendum shall be conducted and the levy and
23 assessment herein created shall terminate and be of no further force
24 or effect.

1 SEC. 11. If any extension referendum fails to carry, moneys re-
2 maining in the cattle and veal calf fund shall continue to be expended
3 in accordance with the provisions of this Act until exhausted.

1 SEC. 12. Every producer, even though not a member thereof, shall
2 be entitled to vote in elections of persons to be directors of the Iowa
3 beef cattle producers association in the same manner as if he were a
4 member. Directors thus elected, shall elect from their number the
5 officers referred to in section one hundred eighty-one point one (181.1)
6 of the Code.

1 SEC. 13. All rules and regulations of the executive committee
2 heretofore or hereinafter promulgated shall be subject to the provi-
3 sions of chapter seventeen A (17A) of the Code.

1 SEC. 14. Any person who shall violate or assist in the violation of
2 any of the provisions of this Act shall be deemed guilty of a misde-
3 meanor.

Approved May 5, 1970.

CHAPTER 1093

BRANDING OF LIVESTOCK

S. F. 1163

AN ACT relating to the marking and branding of livestock.

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

1 SECTION 1. Chapter one hundred seventy-six (176), section four
2 (4), Acts of the Sixty-second General Assembly, amending section
3 one hundred eighty-seven point ten (187.10), Code 1966, is hereby
4 amended as follows:

5 1. By striking from lines five (5) and six (6) the words "a disinter-
6 ested veterinarian" and inserting in lieu thereof the words "an author-
7 ized person".

8 2. By striking from line seven (7) the words "the veterinarian's"
9 and inserting in lieu thereof the word "such".

10 3. By striking from lines eight (8) and nine (9) the words "which
11 cost shall be limited to ten (10) dollars per trip".

1 SEC. 2. Section one hundred eighty-seven point thirteen (187.13),
2 Code 1966, is hereby amended by inserting in line five (5) after the
3 period the following:

4 "It shall be the duty of the secretary to notify every owner of a
5 brand of record at least thirty days prior to the date of the renewal
6 period."

Approved March 20, 1970.

CHAPTER 1094

STANDARDS FOR FROZEN DESSERTS

S. F. 628

AN ACT to establish definitions and standards for frozen desserts.

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

1 SECTION 1. For the purpose of this Act:

2 1. "Vegetable fat frozen dessert" means the food prepared by
3 freezing, while stirring, a pasteurized mix composed of one or more
4 edible natural vegetable fats or oils derived from vegetable sources,
5 solids-not-fat, sugar or other sweeteners, one or more flavoring in-
6 gredients, and one or more stabilizers or emulsifiers or both. It
7 may also contain one or more egg ingredients, and one or more
8 caseinates.

9 2. "Mellorine" means the food prepared by freezing, while stirring,
10 a pasteurized mix composed of a blend of one or more edible natural
11 food fats or oils derived from vegetable sources with one or more
12 natural food fats or oils derived from animal sources, other than
13 milk fat, or consists entirely of one or more animal fats or oils, sol-
14 ids-not-fat, sugar or other sweeteners, one or more flavoring ingre-
15 dients, and one or more stabilizers or emulsifiers or both. It may
16 also contain one or more egg ingredients, and one or more caseinates.

17 3. "Imitation frozen dessert" means any frozen sweetened product
18 regardless of the name under which it is manufactured, sold or of-
19 fered for sale, and which is manufactured in a manner similar to the
20 process used in manufacturing ice cream, french ice cream, ice milk,
21 fruit sherbet, water ices, vegetable fat frozen dessert or mellorine,
22 quiescently frozen confection, and quiescently frozen dairy confection,
23 but which does not conform to the definition and standard of identity
24 established for any of the products defined in this or any other
25 statute or regulation promulgated under any other statute of this
26 state.

27 4. "Frozen dessert mix" means the pasteurized unfrozen liquid
28 or fluid combination of two or more ingredients permitted in a
29 frozen dessert with or without fruit, fruit juices, candy, baked goods
30 and confections, nut meats, or other harmless flavor or color or both.

31 5. "Dry powder mix" is the unfrozen combination of two or more
32 ingredients, which shall have been properly pasteurized if they are
33 derivatives of milk, dairy products, or eggs, which are permitted
34 in a frozen dessert before liquefying into a mix or the addition of
35 fruit, fruit juices, candy, baked goods and confections, nut meats, or
36 other harmless flavor or color or both.

37 6. "Frozen desserts" means ice cream, frozen custard, french ice
38 cream, french custard ice cream, artificially sweetened ice cream,
39 ice milk, fruit sherbet, water ice, quiescently frozen confection, quies-
40 cently frozen dairy confection, vegetable fat frozen dessert, frozen
41 confection, mellorine frozen dessert, imitation frozen desserts to-
42 gether with any liquid or dry mix used in such frozen desserts, and
43 any products which are similar in appearance, odor or taste to such
44 products, or are prepared or frozen as frozen desserts are custom-
45 arily prepared or frozen, whether made with dairy products or non-

- 46 dairy products.
- 47 7. "Food fats or oils" means edible natural fats derived from
48 vegetable sources, and includes milk fat, meat fat, and fat derived
49 from marine animals or fish. It is not necessary that such food fats
50 be hydrogenated. Harmless optional ingredients may be used, in
51 an amount not exceeding one-half of one percent of the weight of
52 the finished food, to prevent fat oxidation.
- 53 8. "Solids-not-fat" means:
- 54 a. Skim milk.
- 55 b. Concentrated skim milk.
- 56 c. Evaporated skim milk.
- 57 d. Condensed skim milk.
- 58 e. Super-heated condensed skim milk.
- 59 f. Sweetened condensed skim milk.
- 60 g. Nonfat dry milk.
- 61 h. Dry whey.
- 62 i. Concentrated whey.
- 63 j. Sweet cream buttermilk (whether fluid, condensed or dried).
- 64 Any of the foregoing products from which all or a portion of the
65 lactose has been removed after crystallization or the lactose has been
66 converted to simple sugars by hydrolysis.
- 67 9. "Sweetening ingredients" means:
- 68 a. Sugar (sucrose) or sugar syrup.
- 69 b. Dextrose.
- 70 c. Invert sugar (in paste or syrup form).
- 71 d. Corn syrup, dried corn syrup, glucose syrup, dried glucose
72 syrup.
- 73 e. Maple syrup, maple sugar.
- 74 f. Honey.
- 75 g. Brown sugar.
- 76 h. Malt syrup, maltose syrup, malt extract.
- 77 i. Dried malt syrup, dried maltose syrup, dried malt extract.
- 78 j. Refiner's syrup.
- 79 k. Molasses (other than blackstrap).
- 80 l. Lactose.
- 81 m. Fructose.
- 82 10. "Flavoring ingredients" means:
- 83 a. Ground spice, ground vanilla beans, infusion of coffee or tea,
84 or any natural food flavoring.
- 85 b. Any artificial food flavoring.
- 86 c. Chocolate or cocoa, which may be added as such or as a suspen-
87 sion in syrup, and which may contain disodium phosphate or sodium
88 citrate in such quantity that the finished vegetable fat frozen des-
89 sert or mellorine contains not more than zero point two percent by
90 weight of disodium phosphate or sodium citrate.
- 91 d. Mature fruit or the juice of mature fruit, either of which may
92 be fresh, frozen, canned, concentrated, or partially or wholly dried.
- 93 e. Nut meats, which may be roasted, cooked in an edible fat or
94 oil, or preserved in syrup, and which may be salted.
- 95 f. Malted milk.
- 96 g. Confectionery. For the purposes of this paragraph, the term
97 "confectionery" means candy, cakes, cookies, glaced fruits, and

- 98 variegating flavors.
- 99 *h.* Properly prepared and cooked cereal.
- 100 11. "Egg ingredients" means:
- 101 *a.* Liquid eggs.
- 102 *b.* Frozen eggs.
- 103 *c.* Dried eggs.
- 104 *d.* Egg yolks.
- 105 *e.* Frozen egg yolks.
- 106 *f.* Dried egg yolks. Any egg ingredient used shall be added to the
- 107 mix before it is pasteurized.
- 108 12. "Caseinates" means casein prepared by precipitation with
- 109 gums, ammonium caseinate, calcium caseinate, potassium caseinate,
- 110 and sodium caseinate. Caseinates in liquid or dry form, but free of
- 111 excess alkali may be added to a mix containing not less than eight
- 112 percent by weight of food fats, and not less than two point fifty-six
- 113 percent of protein.
- 114 13. "Stabilizers and emulsifiers" mean:
- 115 *a.* Agar-agar, algin (sodium alginate), calcium sulfate, gelatin,
- 116 gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum,
- 117 gum tragacanth, carrageenan, lecithin, psyllium seed husk, cellulose
- 118 gum and propylene glycol alginate. The total weight of the solids
- 119 of any such ingredient used singly or of any combination of two or
- 120 more such ingredients used (including any such ingredient and pec-
- 121 tin added separately to the fruit ingredient) is not more than zero
- 122 point five percent of the weight of the finished vegetable frozen fat
- 123 dessert or mellorine. Such ingredients may be added in admixture
- 124 with dextrin, propylene glycol or glycerin. Salts of carrageenan,
- 125 furcelleran, salts of furcelleran, and sodium carboxymethylcellulose.
- 126 *b.* Monoglycerides* or diglycerides or both of fat-forming fatty
- 127 acids. The total weight of such ingredients shall not be more than
- 128 zero point two percent of the weight of the finished mellorine. When
- 129 a preparation having over ninety percent of monoglycerides is used,
- 130 it may be preblended with edible fat in an amount not exceeding
- 131 twenty percent by weight of such blend and the total amount of such
- 132 blend used shall not exceed zero point two percent of the weight of
- 133 the finished vegetable fat frozen dessert or mellorine.
- 134 *c.* Polyoxyethylene-twenty sorbitan tristearate or polyoxyethylene-
- 135 twenty sorbitan monooleate or both, in an amount not exceeding
- 136 zero point one percent of the weight of the finished vegetable fat
- 137 frozen dessert or mellorine, and microcrystalline cellulose in a quan-
- 138 tity not to exceed one point five percent by weight of the finished
- 139 vegetable fat frozen dessert or mellorine.

1 SEC. 2. Vegetable fat frozen dessert or mellorine shall contain

2 not less than eight percent by weight of food fats and not less than

3 two point fifty-six percent of protein derived from solids-not-fat,

4 except when it contains one or more of the optional flavoring ingre-

5 dients as defined in this Act in which case it shall contain at least

6 six point four percent of food fats and at least two point zero five

7 percent of protein derived from solids-not-fat. Vegetable fat frozen

8 dessert or mellorine shall contain not less than one point six pounds

9 of total food solids per gallon and shall weigh not less than four

*According to enrolled Act.

10 point five pounds per gallon. Coloring and water may be added and
11 the mix may be seasoned with salt and be homogenized.

1 SEC. 3. Fruit used for flavoring may be whole, shredded, or com-
2 minuted; it may be sweetened, thickened with pectin or with one
3 or more of the stabilizers or emulsifiers named in section one (1) of
4 this Act, subject to the restriction on the total quantity of such
5 substances in vegetable fat frozen dessert or mellorine prescribed
6 in that section, and it may be acidulated with citric, ascorbic or
7 phosphoric acid. The fruit is prepared by the removal of pits,
8 seeds, skins, and cores, where such removal is usual in preparing
9 that kind of fruit for consumption as fresh fruits. In the case of
10 fruit or fruit juice from which part of the water is removed, the
11 substances contributing flavor volatilized during water removal may
12 be condensed and reincorporated in the concentrated fruit or fruit
13 juice. In the case of the citrus fruits the whole fruit, including the
14 peel but excluding the seeds, may be used, and in the case of citrus
15 juice or concentrated citrus juice, cold-pressed citrus oil may be
16 added in an amount not exceeding that which would have been ob-
17 tained if the peel from the whole fruit had been used. For the pur-
18 poses of this section, the flesh of the coconut shall be considered a
19 fruit.

1 SEC. 4. The secretary of agriculture may promulgate regulations
2 specifying the manner by which the characterizing flavor of the
3 frozen dessert shall be declared. The terms of such regulation shall
4 conform to those which are required in the case of the characteriz-
5 ing flavor declaration by statutes or regulations for ice cream.

1 SEC. 5. The name vegetable fat frozen dessert, mellorine, or imi-
2 tation frozen dessert shall appear on any label required by law or
3 departmental rules on packages or containers of such products, in
4 such type size and with such prominence as may be readily seen
5 and understood under normal conditions of purchase. Vegetable fat
6 frozen dessert, mellorine, or imitation frozen dessert may not be
7 designated by the use of the word "cream" or its phonetic equivalent.
8 Products made in accordance with this Act shall be labeled "vege-
9 table fat frozen dessert" when the food fat portion thereof contains
10 only vegetable fats or oils, and shall be labeled "mellorine" when
11 vegetable fats or oils are blended and in combination with animal
12 fats or oils (other than milk fat) or when the food portion contains
13 an animal fat or oil or a blend of animal fats or oils. The container
14 or wrapper shall bear labeling declaring all the ingredients therein
15 in the order of their decreasing predominance; whether any fat or
16 oil ingredient is hydrogenated or hardened, and the number of
17 United States Pharmacopeia units of vitamin A added if any is
18 present.

1 SEC. 6. The false and misleading advertising of vegetable fat
2 frozen dessert, mellorine, or imitation frozen dessert is prohibited.
3 An advertisement of these foods shall be deemed to be false and
4 misleading if in such advertisement representations are made or
5 suggested by statement, word, grade, designation, design, device,
6 symbol, sound, or any combination thereof, that such food is a dairy

7 product, except that nothing contained herein shall prevent a truth-
8 ful, accurate, and full statement in any such advertisement of all the
9 ingredients in such foods.

1 SEC. 7. Any imitation frozen dessert manufactured, sold, or of-
2 fered for sale in such manner that a label is required by law or de-
3 partmental rule shall be designated on such label as imitation frozen
4 dessert, however, any special frozen dietary dessert manufactured
5 and sold under the provisions of any law or regulation of this state,
6 shall not be considered an imitation frozen dessert for the purposes
7 of this section. A sign shall be posted in every retail establishment
8 where "vegetable fat frozen dessert", "mellorine" or "imitation
9 frozen dessert" is sold in other than factory-filled packages. This
10 sign shall state in letters of such size as to be visible and easily read
11 by the purchaser at the point of sale: (name of product) SOLD HERE.
12 Failure to comply with any of the provisions of this section shall
13 constitute misbranding and is hereby prohibited.

1 SEC. 8. The preparation, storage, packaging, labeling, sale, of-
2 fering for sale, serving, or dispensing of vegetable fat frozen des-
3 sert or mellorine, in violation of this Act is hereby prohibited. The
4 false and misleading advertising of vegetable fat frozen dessert or
5 mellorine, in violation of this Act, is hereby prohibited. Prepara-
6 tion of vegetable fat frozen dessert or mellorine in violation of sec-
7 tion twelve (12) of this Act is hereby prohibited.

1 SEC. 9. The secretary of agriculture shall administer and super-
2 vise the enforcement of this Act, prescribe rules and regulations to
3 carry out its purposes, provide for periodic inspections and investi-
4 gations as deemed necessary, receive and provide for the investiga-
5 tion of complaint, and provide for the institution and prosecution
6 of civil or criminal actions or both. The provisions of this Act and
7 the rules and regulations issued thereunder may be enforced by in-
8 junction in any court having jurisdiction to grant injunctive relief,
9 and adulterated or misbranded articles illegally held or otherwise
10 involved in a violation of this Act or of rules and regulations shall
11 be subject to seizure and disposition in accordance with an order
12 of court.

1 SEC. 10. No dry powder mix, as defined by this Act, shall be
2 required to be repasteurized after being liquefied.

1 SEC. 11. Section one hundred ninety point one (190.1), Code
2 1966, as amended by chapter one hundred eighty-one (181), section
3 one (1), and chapter one hundred eighty-two (182), section one
4 (1), Acts of the Sixty-second General Assembly, is hereby further
5 amended as follows:

6 1. By striking from subsection thirty-three (33), line seventeen
7 (17), the words "one hundred" and inserting in lieu thereof the
8 word "fifty".

9 2. By striking from subsection thirty-five (35) lines fifty-four
10 (54) through seventy-four (74), inclusive.

1 SEC. 12. Chapter one hundred ninety (190), Code 1966, is hereby
2 amended by adding the following new section:

3	"Frozen desserts and the pasteurized dairy ingredients used in		
4	the manufacture thereof, shall comply with the following standards:		
5	Milk, cream, and fluid	Temperature	Storage at 45°
6	dairy ingredient		Fahrenheit
7		Bacterial limit	50,000 per milliliter
8		Coliform limit	10 per milliliter
9	Frozen dessert mixes,	Temperature	Storage at 45°
10	frozen desserts (plain)		Fahrenheit
11		Bacterial limit	50,000 per gram
12		Coliform limit	10 per gram
13	Dry dairy ingredient	Extra grade or better as defined	
14		by U. S. Standards for grades for	
15		the particular product.	
16	Dry powder mix	Bacterial limit	50,000 per gram
17		Coliform limit	10 per gram
18	The bacteria count and coliform determination shall not exceed this		
19	standard in three out of the last five consecutive samples taken by		
20	the regulatory agency.		
21	This section shall not preclude holding mix at a higher temperature		
22	for a short period of time immediately prior to freezing where appli-		
23	cable to the particular manufacturing or processing practices.		
24	This section shall not apply to sterilized mix in hermetically		
25	sealed containers.		
26	The coliform determination for bulky flavored frozen desserts		
27	shall not be more than twenty per gram."		

1 SEC. 13. Chapter one hundred ninety (190), Code 1966, is hereby
2 amended by adding thereto the following new section:

3 "Notwithstanding any other labeling provision of the Code, frozen
4 dessert of any kind or flavor may be dispensed and sold at retail in
5 edible containers or as a part of any food preparation intended for
6 consumption without further preparation, including but not limited
7 to the preparations commonly termed milk shakes, malted milks, sun-
8 daes, and floats."

Approved March 20, 1970.

CHAPTER 1095

MILK FOR MANUFACTURING

H. F. 404

AN ACT relating to milk used for manufacturing purposes.

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

1 SECTION 1. Chapter one hundred ninety-four (194), Code 1966,
2 is hereby amended as follows:

3 1. By striking section one hundred ninety-four point six (194.6),
4 Code 1966, as amended by chapter one hundred forty-seven (147),

5 section three (3), Acts of the Sixty-third General Assembly, First
6 Session, and inserting in lieu thereof the following:
7 "At least once every thirty days an estimate of the bacterial quality
8 shall be made of each producer's milk by use of a standard plate count
9 or an equivalent plate counting procedure in an officially designated
10 laboratory.

11 For the purpose of quality improvement and payment, the follow-
12 ing classifications of milk for bacterial estimate shall be applicable:

13 Bacterial Estimate	Standard Plate Count
14 Classification	or Equivalent
15 Class 1	Not over 500,000 per
16	Milliliter
17 Class 2	Not over 3,000,000 per
18	Milliliter
19 Undergrade	Over 3,000,000 per
20	Milliliter."

21 2. By striking from line four (4) of section one hundred ninety-
22 four point seven (194.7), Code 1966, the word "and" from the place
23 where it appears the second time and inserting in lieu thereof the
24 word "or".

25 3. By striking from line five (5) of section one hundred ninety-
26 four point eight (194.8), Code 1966, the words "class 3 or in" and
27 the word "ten" and by inserting in lieu of the word "ten" the word
28 "three".

29 4. By striking from line five (5) of section one hundred ninety-
30 four point nine (194.9), Code 1966, the word "ten" and inserting in
31 lieu thereof the word "three".

1 SEC. 2. The provisions of this Act shall go into effect on July 1,
2 1971.

Approved April 10, 1970.

CHAPTER 1096

CHEMICAL TECHNOLOGY REVIEW BOARD

H. F. 1198

AN ACT relating to the sale and use of agricultural chemicals, creating a chemical technology review board and making an appropriation therefor.

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

1 SECTION 1. There is hereby created within the department of
2 agriculture a chemical technology review board. The board shall con-
3 sist of the secretary of agriculture, the commissioner of public health,
4 the director of the Iowa natural resources council, the chairman of
5 the state soil conservation committee, the chief executive of the
6 league of Iowa municipalities, the state conservation director, and the
7 dean, college of agriculture of Iowa state university of science and
8 technology, or their designees, a representative of a firm in Iowa
9 actively engaged in the manufacture or formulation of agricultural

10 chemicals, and a farmer experienced in the application of agricultural
11 chemicals to be appointed by the governor. The public representa-
12 tives shall serve for terms of four years beginning July 1, 1970 and
13 until their successors are appointed and qualify. The governor shall
14 fill any public member's vacancy for an unexpired term. Public mem-
15 bers shall receive thirty dollars per day and actual expenses for serv-
16 ice on this review board. The compensation and expenses shall be
17 paid from the general fund.

1 SEC. 2. The chemical technology review board shall collect, analyze,
2 and interpret information relating to agricultural chemicals and their
3 use. The board shall coordinate the regulation and information re-
4 sponsibilities of state agencies on matters relating to the sale and
5 use of agricultural chemicals. It shall adopt rules relating to the
6 sale, use and disuse of agricultural chemicals. The board shall con-
7 sider the toxicity, hazard, effectiveness and public need for the agri-
8 cultural chemicals, and the availability of less toxic or less hazardous
9 agricultural chemicals and substances or other means of control. The
10 rules promulgated by the board shall be subject to the provisions of
11 chapter seventeen A (17A) of the Code.

12 As used in this Act, the term "agricultural chemical" means a
13 pesticide as defined in section two hundred six point two (206.2), sub-
14 section one (1), of the Code and also means any feed or soil additive,
15 other than a pesticide, which is designed for and used to promote the
16 growth of plants or animals.

1 SEC. 3. An advisory committee to the chemical technology review
2 board is hereby created. The advisory committee shall consist of the
3 following:

4 1. The dean, college of veterinary medicine, Iowa state university
5 of science and technology, or his designee;

6 2. The dean, college of medicine, university of Iowa, or his designee;

7 3. An entomologist, botanist, geneticist, and an agronomist ap-
8 pointed by the dean, college of agriculture, Iowa state university of
9 science and technology;

10 4. The technical secretary, Iowa air pollution control commission,
11 or its successor agency;

12 5. The technical secretary, Iowa water pollution control commission,
13 or its successor agency; and

14 6. Two ecologists, one appointed by the president, Iowa state uni-
15 versity of science and technology, and one appointed by the president,
16 university of Iowa.

17 Appointive members of the advisory committee shall serve terms
18 of four years. The advisory committee shall assist the chemical tech-
19 nology review board in obtaining scientific data and coordinating agri-
20 cultural chemical regulatory, enforcement, research, and educational
21 functions of the state. The advisory committee shall recommend
22 rules regarding the sale, use, or disuse of agricultural chemicals to
23 the review board.

24 The advisory committee shall adopt rules relating to its organiza-
25 tional structure, procedures, and meetings under the general super-
26 vision of the review board.

1 SEC. 4. The chemical technology review board shall make an an-
 2 nual report to the governor and the general assembly, which report
 3 shall contain information relating to the use of agricultural chemicals
 4 and the protection of the health and well-being of people and the
 5 protection of fish, domestic animals, wildlife, plants, soil, air, and
 6 water. Such report shall contain all recommendations of the review
 7 board and include recommendations for legislative and administra-
 8 tive action.

1 SEC. 5. The chemical technology review board shall organize an-
 2 nually during the month of July by electing a chairman and vice chair-
 3 man. Meetings shall be held at the call of the chairman or at the
 4 request of a majority of the members of the board. The meeting
 5 room, secretarial or clerical staff, and necessary office supplies and
 6 equipment shall be arranged or provided by the department of agri-
 7 culture. The board may meet at such places as deemed necessary for
 8 the expedient performance of its responsibilities.

1 SEC. 6. The members of the chemical technology review board,
 2 its employees, and members of the advisory committee shall be reim-
 3 bursed for all actual and necessary expenses incurred by them in the
 4 discharge of their official duties.

1 SEC. 7. Chapter two hundred six (206), Code 1966, is amended
 2 as follows:

3 1. By striking from section two hundred six point four (206.4),
 4 subsection one (1), all of line seven (7) after the period, lines eight
 5 (8) through thirteen (13), inclusive, and all of line fourteen (14)
 6 before the word "All".

7 2. By striking from section two hundred six point four (206.4),
 8 subsection five (5), all of line eleven (11) after the word "correc-
 9 tions" and inserting in lieu thereof a period and by striking lines
 10 twelve (12) through twenty-nine (29), inclusive.

11 3. By striking from section two hundred six point six (206.6), sub-
 12 section one (1), and inserting in lieu thereof the following:

13 "1. The secretary shall, with the approval or at the direction of
 14 the chemical technology review board and after a public hearing fol-
 15 lowing due notice:

16 a. Declare as a pest any form of plant or animal life or virus which
 17 is unduly injurious to plants, man, domestic animals, articles, or sub-
 18 stances.

19 b. Specify the conditions under which containers of pesticides may
 20 be transported, stored, or disposed.

21 c. Determine the proper use of pesticides, including their formula-
 22 tions, and the times and methods of application and other conditions
 23 of use.

24 d. Require that all veterinarians licensed and practicing veterinary
 25 medicine in the state promptly report any case of domestic livestock
 26 poisoning or suspected poisoning to the secretary and the veterinary
 27 medical diagnostic laboratory at Iowa state university of science and
 28 technology."

29 4. By striking from section two hundred six point six (206.6), sub-
 30 sections four (4) and five (5).

31 5. By adding a new section to read as follows:

32 "The rules and regulations promulgated under the provisions of
 33 this chapter shall not be effective until approved by the chemical
 34 technology review board and submitted to the departmental rules re-
 35 view committee as provided in chapter seventeen A (17A) of the
 36 Code."

37 6. By striking from section two hundred six point three (206.3),
 38 Code 1966, all of lines forty (40) through fifty (50) and inserting
 39 in lieu thereof the following:

40 "(5) The date of manufacture of products found by the chemical
 41 technology review board to be subject to deterioration because of
 42 age."

1 SEC. 8. There is hereby appropriated from the general fund of the
 2 state, for the fiscal year beginning July 1, 1970 and ending June 30,
 3 1971, the sum of ten thousand (10,000) dollars, or so much thereof as
 4 may be necessary, for the payment of actual and necessary expenses
 5 of the members of the chemical technology review board, its employees
 6 and the advisory committee and for defraying other expenses relating
 7 to the responsibilities of said board.

Approved May 10, 1970.

CHAPTER 1097

MENTAL HEALTH COMPACT

H. F. 282

AN ACT to insert in the Code the full text of the interstate compact on mental health,
 to which Iowa is presently a party state.

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

1 SECTION 1. Section two hundred eighteen A point one (218A.1),
 2 Code 1966, is hereby repealed and the following enacted in lieu
 3 thereof:

4 "The interstate compact on mental health is hereby enacted into
 5 law and entered into by this state with all other states legally join-
 6 ing therein in the form substantially as follows:

7 The contracting states solemnly agree that:

8 ARTICLE I

9 The party states find that the proper and expeditious treatment
 10 of the mentally ill and mentally deficient can be facilitated by co-
 11 operative action, to the benefit of the patients, their families, and
 12 society as a whole. Further, the party states find that the necessity
 13 of and desirability for furnishing such care and treatment bears no
 14 primary relation to the residence or citizenship of the patient but
 15 that, on the contrary, the controlling factors of community safety
 16 and humanitarianism require that facilities and services be made
 17 available for all who are in need of them. Consequently, it is the pur-
 18 pose of this compact and of the party states to provide the necessary
 19 legal basis for the institutionalization or other appropriate care and
 20 treatment of the mentally ill and mentally deficient under a system
 21 that recognizes the paramount importance of patient welfare and to

22 establish the responsibilities of the party states in terms of such
23 welfare.

24 ARTICLE II

25 As used in this compact:

26 (a) "Sending state" shall mean a party state from which a patient
27 is transported pursuant to the provisions of the compact or from
28 which it is contemplated that a patient may be so sent.

29 (b) "Receiving state" shall mean a party state to which a patient
30 is transported pursuant to the provisions of the compact or to which
31 it is contemplated that a patient may be so sent.

32 (c) "Institution" shall mean any hospital or other facility main-
33 tained by a party state or political subdivision thereof for the care
34 and treatment of mental illness or mental deficiency.

35 (d) "Patient" shall mean any person subject to or eligible as
36 determined by the laws of the sending state, for institutionalization
37 or other care, treatment, or supervision pursuant to the provisions
38 of this compact.

39 (e) "After-care" shall mean care, treatment and services provided a
40 patient, as defined herein, on convalescent status or conditional release.

41 (f) "Mental illness" shall mean mental disease to such extent
42 that a person so afflicted requires care and treatment for his own
43 welfare, or the welfare of others, or of the community.

44 (g) "Mental deficiency" shall mean mental deficiency as defined
45 by appropriate clinical authorities to such extent that a person so
46 afflicted is incapable of managing himself and his affairs, but shall
47 not include mental illness as defined herein.

48 (h) "State" shall mean any state, territory or possession of
49 the United States, the District of Columbia, and the Commonwealth
50 of Puerto Rico.

51 ARTICLE III

52 (a) Whenever a person physically present in any party state shall
53 be in need of institutionalization by reason of mental illness or men-
54 tal deficiency, he shall be eligible for care and treatment in an in-
55 stitution in that state irrespective of his residence, settlement or
56 citizenship qualifications.

57 (b) The provisions of paragraph (a) of this article to the con-
58 trary notwithstanding, any patient may be transferred to an insti-
59 tution in another state whenever there are factors based upon clin-
60 ical determinations indicating that the care and treatment of said
61 patient would be facilitated or improved thereby. Any such insti-
62 tutionalization may be for the entire period of care and treatment or
63 for any portion or portions thereof. The factors referred to in this
64 paragraph shall include the patient's full record with due regard for
65 the location of the patient's family, character of the illness and
66 probable duration thereof, and such other factors as shall be con-
67 sidered appropriate.

68 (c) No state shall be obliged to receive any patient pursuant
69 to the provisions of paragraph (b) of this article unless the sending
70 state has given advance notice of its intention to send the patient;
71 furnished all available medical and other pertinent records concern-
72 ing the patient; given the qualified medical or other appropriate
73 clinical authorities of the receiving state an opportunity to examine
74 the patient if said authorities so wish; and unless the receiving state

75 shall agree to accept the patient.

76 (d) In the event that the laws of the receiving state establish
77 a system of priorities for the admission of patients, an interstate
78 patient under this compact shall receive the same priority as a local
79 patient and shall be taken in the same order and at the same time
80 that he would be taken if he were a local patient.

81 (e) Pursuant to this compact, the determination as to the suitable
82 place of institutionalization for a patient may be reviewed at any
83 time and such further transfer of the patient may be made as seems
84 likely to be in the best interest of the patient.

85 ARTICLE IV

86 (a) Whenever, pursuant to the laws of the state in which a patient
87 is physically present, it shall be determined that the patient should
88 receive after-care or supervision, such care or supervision may be
89 provided in a receiving state. If the medical or other appropriate
90 clinical authorities having responsibility for the care and treatment
91 of the patient in the sending state shall have reason to believe that
92 after-care in another state would be in the best interest of the patient
93 and would not jeopardize the public safety, they shall request the
94 appropriate authorities in the receiving state to investigate the de-
95 sirability of affording the patient such after-care in said receiving
96 state, and such investigation shall be made with all reasonable speed.
97 The request for investigation shall be accompanied by complete in-
98 formation concerning the patient's intended place of residence and
99 the identity of the person in whose charge it is proposed to place the
100 patient, the complete medical history of the patient, and such other
101 documents as may be pertinent.

102 (b) If the medical or other appropriate clinical authorities having
103 responsibility for the care and treatment of the patient in the send-
104 ing state and the appropriate authorities in the receiving state find
105 that the best interest of the patient would be served thereby, and
106 if the public safety would not be jeopardized thereby, the patient may
107 receive after-care or supervision in the receiving state.

108 (c) In supervising, treating, or caring for a patient on after-
109 care pursuant to the terms of this article, a receiving state shall
110 employ the same standards of visitation, examination, care, and
111 treatment that it employs for similar local patients.

112 ARTICLE V

113 Whenever a dangerous or potentially dangerous patient escapes
114 from an institution in any party state, that state shall promptly no-
115 tify all appropriate authorities within and without the jurisdiction of
116 the escape in a manner reasonably calculated to facilitate the speedy
117 apprehension of the escapee. Immediately upon the apprehension
118 and identification of any such dangerous or potentially dangerous
119 patient, he shall be detained in the state where found pending dis-
120 position in accordance with law.

121 ARTICLE VI

122 The duly accredited officers of any state party to this compact,
123 upon the establishment of their authority and the identity of the
124 patient, shall be permitted to transport any patient being moved
125 pursuant to this compact through any and all states party to this
126 compact, without interference.

ARTICLE VII

127
128 (a) No person shall be deemed a patient of more than one institu-
129 tion at any given time. Completion of transfer of any patient to an
130 institution in a receiving state shall have the effect of making the
131 person a patient of the institution in the receiving state.

132 (b) The sending state shall pay all costs of and incidental to
133 the transportation of any patient pursuant to this compact, but any
134 two or more party states may, by making a specific agreement for
135 that purpose, arrange for a different allocation of costs as among
136 themselves.

137 (c) No provision of this compact shall be construed to alter or
138 affect any internal relationships among the departments, agencies
139 and officers of and in the government of a party state, or between a
140 a party state and its subdivisions, as to the payment of costs, or
141 responsibilities therefor.

142 (d) Nothing in this compact shall be construed to prevent any
143 party state or subdivision thereof from asserting any right against
144 any person, agency or other entity in regard to costs for which such
145 party state or subdivision thereof may be responsible pursuant to any
146 provision of this compact.

147 (e) Nothing in this compact shall be construed to invalidate any
148 reciprocal agreement between a party state and a non-party state
149 relating to institutionalization, care or treatment of the mentally
150 ill or mentally deficient, or any statutory authority pursuant to
151 which such agreements may be made.

ARTICLE VIII

152 (a) Nothing in this compact shall be construed to abridge, dimin-
153 ish, or in any way impair the rights, duties, and responsibilities of
154 any patient's guardian on his own behalf or in respect of any patient
155 for whom he may serve, except that where the transfer of any patient
156 to another jurisdiction makes advisable the appointment of a supple-
157 mental or substitute guardian, any court of competent jurisdiction
158 in the receiving state may make such supplemental or substitute
159 appointment and the court which appointed the previous guardian
160 shall upon being duly advised of the new appointment, and upon
161 the satisfactory completion of such accounting and other acts as
162 such court may by law require, relieve the previous guardian of
163 power and responsibility to whatever extent shall be appropriate
164 in the circumstances; provided, however, that in the case of any
165 patient having settlement in the sending state, the court of competent
166 jurisdiction in the sending state shall have the sole discretion to
167 relieve a guardian appointed by it or continue his power and respon-
168 sibility, whichever it shall deem advisable. The court in the receiving
169 state may, in its discretion, confirm or reappoint the person or
170 persons previously serving as guardian in the sending state in lieu
171 of making a supplemental or substitute appointment.

172 (b) The term "guardian" as used in paragraph (a) of this article
173 shall include any guardian, trustee, legal committee, conservator,
174 or other person or agency however denominated who is charged by
175 law with power to act for or responsibility for the person or
176 property of a patient.
177

178

ARTICLE IX

179

180

181

182

183

184

185

186

187

188

189

190

191

(a) No provision of this compact except Article V shall apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge, or whose institutionalization is due to the commission of an offense for which, in the absence of mental illness or mental deficiency, said person would be subject to incarceration in a penal or correctional institution.

186

187

188

189

190

191

(b) To every extent possible, it shall be the policy of states party to this compact that no patient shall be placed or detained in any prison, jail or lockup, but such patient shall, with all expedition, be taken to a suitable institutional facility for mental illness or mental deficiency.

192

ARTICLE X

193

194

195

196

197

198

199

200

(a) Each party state shall appoint a "compact administrator" who, on behalf of his state, shall act as general coordinator of activities under the compact in his state and who shall receive copies of all reports, correspondence, and other documents relating to any patient processed under the compact by his state either in the capacity of sending or receiving state. The compact administrator or his duly designated representative shall be the official with whom other party states shall deal in any matter relating to the compact or any patient processed thereunder.

201

202

203

204

(b) The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact.

205

ARTICLE XI

206

207

208

209

210

211

212

213

The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities, or institutional care and treatment in the fields of mental illness or mental deficiency. No such supplementary agreement shall be construed so as to relieve any party state of any obligation which it otherwise would have under other provisions of this compact.

214

ARTICLE XII

215

216

217

218

This compact shall enter into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with any and all states legally joining therein.

219

ARTICLE XIII

220

221

222

223

224

225

226

227

228

(a) A state party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect one year after notice thereof has been communicated officially and in writing to the governors and compact administrators of all other party states. However, the withdrawal of any state shall not change the status of any patient who has been sent to said state or sent out of said state pursuant to the provisions of the compact.

(b) Withdrawal from any agreement permitted by Article VII(b) as to costs or from any supplementary agreement made pursuant to Article XI shall be in accordance with the terms of such agreement.

229

ARTICLE XIV

230

231

232

233

234

235

236

237

238

239

240

241

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters."

Approved February 20, 1970.

CHAPTER 1098

IOWA SOLDIERS HOME

H. F. 129

AN ACT relating to admission of widows and wives of members 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 four (219.4), Code
2 1966, is hereby amended by striking in lines three (3) and four (4)
3 the words "ten years" and inserting in lieu thereof the words "one
4 year".

1 SEC. 2. Section two hundred nineteen point five (219.5), Code
2 1966, is hereby amended as follows:

3 1. By striking in lines ten (10) and eleven (11) the words "ten
4 years" and inserting in lieu thereof the words "one year".

5 2. By striking in line seventeen (17) the word "ten" and inserting
6 in lieu thereof the word "three".

Approved February 2, 1970.

CHAPTER 1099

TREATMENT FOR DRUG ADDICTION

S. F. 1276

AN ACT relating to encouraging persons to seek treatment for drug addiction or dependency.

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

1 SECTION 1. For the purposes of this Act, unless the context clearly
2 indicates a contrary intent:

3 1. "Medical practitioner" means a physician and surgeon or osteo-

4 pathic physician and surgeon licensed to practice medicine in this
5 state.

6 2. "Hospital" means a public or private hospital licensed pursuant
7 to the laws of this state or any employee, agent, or representative
8 thereof. "Hospital" includes a public agency or a nonprofit agency
9 or corporation providing treatment or rehabilitation services and any
10 employee, agent, or representative thereof, if the commissioner of
11 public health has previously approved the program of treatment or
12 rehabilitation services offered by such public agency, nonprofit agency
13 or corporation.

14 3. "Drug" means a narcotic drug as defined in section two hundred
15 four point one (204.1), subsection ten (10) of the Code, and a depres-
16 sant or stimulant drug as defined in chapter one hundred eighty-nine
17 (189), section one (1), subsection six (6), Acts of the Sixty-second
18 General Assembly. For the purpose of this Act the provisions hereof
19 shall be applicable to the treatment and rehabilitation of those who
20 are users of glue by means of inhalation, commonly known as glue
21 sniffing.

1 SEC. 2. A person may request treatment and rehabilitation for
2 addiction or dependency to any drug as defined in section one (1) of
3 this Act, from a medical practitioner or a hospital and such medical
4 practitioner or any employee or person acting under his direction or
5 supervision, or any hospital shall not report or disclose the name of
6 such person or the fact that treatment was requested or has been
7 undertaken to any law enforcement officer or agency; nor shall such
8 information be admissible as evidence in any court, grand jury, or
9 administrative proceeding unless authorized by the person seeking
10 treatment. A medical practitioner or hospital may undertake the
11 treatment and rehabilitation of such person or refer such person to
12 another medical practitioner or hospital for such purpose. If the
13 person seeking such treatment or rehabilitation is a minor, the fact
14 that such minor sought treatment or rehabilitation for such drug
15 addiction or dependency, or that he is receiving such treatment or
16 rehabilitation service, shall not be reported or disclosed to the parents
17 or legal guardian of such minor without his consent, and such minor
18 may give legal consent to receive such treatment and rehabilitation.

1 SEC. 3. A person seeking treatment or rehabilitation for drug
2 addiction or dependency shall first be examined and evaluated by a
3 medical practitioner. Such medical practitioner shall prescribe a
4 proper course of treatment and medication, if needed. The treating
5 medical practitioner may further prescribe a course of treatment or re-
6 habilitation and authorize another medical practitioner or hospital to
7 provide the prescribed treatment or rehabilitation services. Treatment
8 or rehabilitation services may be provided to a person individually or
9 in a group. Any hospital providing or engaging in such treatment or
10 rehabilitation shall not report or disclose to a law enforcement officer
11 or agency the name of any person receiving or engaging in such treat-
12 ment or rehabilitation; nor shall any person receiving or participating
13 in such treatment or rehabilitation report or disclose the name of any
14 other person engaged in or receiving such treatment or rehabilitation
15 or that such program is in existence, to a law enforcement officer or

16 agency. Such information shall not be admitted in evidence in any
17 court, grand jury, or administrative proceeding. However, any person
18 engaged in or receiving such treatment or rehabilitation may author-
19 ize the disclosure of his name and individual participation.

1 SEC. 4. A medical practitioner may use any drug or medicine
2 which shall be authorized or released by a federal agency or authority
3 with jurisdiction to so act, to treat a person addicted to or dependent
4 on drugs as an inpatient or outpatient or to maintain such person for
5 a reasonable period of time until proper treatment or rehabilitation
6 for such addiction or dependency can be obtained.

1 SEC. 5. Every medical practitioner or hospital that provides
2 treatment or rehabilitation services to a person addicted to or de-
3 pendent upon drugs, shall each quarter of every year, commencing
4 October 1, 1970, make a statistical report to the commissioner of
5 public health in such form and manner as the commissioner shall
6 prescribe for each such person treated or to whom rehabilitation serv-
7 ices were provided during the preceding quarter. The form of the
8 report prescribed shall be furnished by the commissioner of health
9 and be so designated that a carbon copy will be available which shall
10 be sent quarterly to the narcotics law enforcement division of the
11 state, such report not to include doctors signature. The name or
12 address of any person treated or to whom rehabilitation services were
13 provided shall not be reported. Such report shall include the number
14 of persons treated or to whom rehabilitation services were provided;
15 the county of such person's legal settlement; the age of such person;
16 the medication prescribed, if any; number of such persons treated as
17 inpatients and the number treated as outpatients; the number treated
18 who had received previous treatment or rehabilitation services; the
19 number of such persons who maintained their employment while re-
20 ceiving treatment or rehabilitation services; the number of such per-
21 sons who themselves or their family received public assistance during
22 such treatment or rehabilitation and the type of public assistance
23 received; and any other data required by the commissioner. If treat-
24 ment or rehabilitation services are provided to a person by a hospital,
25 public agency, nonprofit agency or corporation, such hospital, agency
26 or nonprofit corporation shall coordinate with the treating medical
27 practitioner so that the statistical reports required in this section
28 shall not duplicate one another. The commissioner shall cause all such
29 reports to be compiled into quarterly reports which shall be a public
30 record. The names and addresses of the reporting medical practi-
31 tioners or hospitals shall not be a public record unless authorized by
32 the person or entity filing the report.

1 SEC. 6. Section two hundred four point one (204.1), Code 1966,
2 subsection nine (9), is amended by inserting in line one (1) after the
3 word "means" the word "sale,".

1 SEC. 7. Any person who violates any provision of this Act shall,
2 upon conviction, be fined not exceeding one hundred dollars, or im-
3 prisoned in the county jail not exceeding thirty days.

Approved May 5, 1970.

CHAPTER 1100

COMMITMENT OF NEGLECTED CHILDREN

S. F. 356

AN ACT to provide that the authority for the commitment of neglected, dependent, and delinquent children shall lie with the department of social services.

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

1 SECTION 1. Section two hundred thirty-two point thirty-three
2 (232.33), Code 1966, as amended by chapter two hundred three (203),
3 section seven (7), and chapter two hundred nine (209), section two
4 hundred seven (207), Acts of the Sixty-second General Assembly, is
5 hereby further amended by striking subsection four (4) and insert-
6 ing in lieu thereof the words "Commit the child to the commissioner
7 of social services or his designee for placement."

1 SEC. 2. Section two hundred thirty-two point thirty-four (232.34),
2 Code 1966, as amended by chapter two hundred three (203), section
3 eight (8), and chapter two hundred nine (209), section two hundred
4 eight (208), Acts of the Sixty-second General Assembly, is hereby
5 further amended by striking subsection four (4) and inserting in
6 lieu thereof the words "Commit the child to the commissioner of
7 social services or his designee for placement."

1 SEC. 3. Section two hundred thirty-two point forty-eight (232.48),
2 Code 1966, is hereby amended as follows:

3 1. By striking subsection one (1), as amended by chapter two
4 hundred nine (209), section two hundred ten (210), Acts of the Sixty-
5 second General Assembly, and inserting in lieu thereof the words
6 "The county department of social welfare or the commissioner of
7 social services or his designee."

8 2. By striking subsection four (4) and inserting in lieu thereof the
9 words "The commissioner of social services or his designee for place-
10 ment."

Approved April 13, 1970.

CHAPTER 1101

ALLOWANCE TO DISCHARGED PRISONERS

H. F. 1146

AN ACT relating to a cash allowance paid to prisoners upon discharge.

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

1 SECTION 1. Section two hundred forty-six point forty-four
2 (246.44), Code 1966, as amended by chapter two hundred sixteen
3 (216), section one (1), Acts of the Sixty-second General Assembly, is
4 further amended as follows:

5 1. By striking from line six (6) the word "fifty" and inserting in
6 lieu thereof the words "one hundred".

7 2. By inserting in line ten (10) after the period the following:

8 "The warden may retain up to one half of the cash allowance so
9 determined and remit it to the prisoner within twenty-one days after
10 his discharge."

Approved April 10, 1970.

CHAPTER 1102

MEDICAL ASSISTANCE

H. F. 1346

AN ACT relating to the furnishing of medical care and services to individuals and families whose income and resources are insufficient to meet the cost of necessary medical care and services.

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

1 SECTION 1. Chapter two hundred twenty-three (223), section three
2 (3), Acts of the Sixty-second General Assembly, as amended by chap-
3 ter two hundred nine (209), section four hundred eighteen (418), Acts
4 of the Sixty-second General Assembly, and further amended by chap-
5 ter one hundred fifty-two (152), section fifty-two (52), Acts of the
6 Sixty-third General Assembly, First Session, is hereby further amend-
7 ed as follows:

8 1. By inserting after subsection one (1) the following new subsection:
9 "2. The term 'commissioner' shall mean the commissioner of the
10 department of social services."

11 2. By renumbering the succeeding subsections accordingly.

12 3. By adding thereto the following new subsections:

13 "5. 'Medical assistance' shall mean payment of all or part of the
14 costs of the care and services enumerated in Title XIX, United States
15 Social Security Act, section 1905(a), paragraphs (1) through (5), in-
16 clusive [Title XLII, United States Code, section 1396d(a), paragraphs
17 (1) through (5), inclusive], as amended to January 1, 1970.

18 6. 'Additional medical assistance' shall mean payment of all or
19 part of the costs of any or all of the care and services enumerated in
20 Title XIX, United States Social Security Act, section 1905(a), para-
21 graphs (6), (7), and (9) through (15), inclusive [Title XLII, United
22 States Code, section 1396d(a), paragraphs (6), (7), and (9) through
23 (15), inclusive], as amended to January 1, 1970."

1 SEC. 2. Chapter two hundred twenty-three (223), section four (4),
2 Acts of the Sixty-second General Assembly, is hereby amended as
3 follows:

4 1. By striking lines one (1) through nine (9), inclusive, and in-
5 serting in lieu thereof the following:

6 "The extent of and the limitations upon eligibility for assistance
7 under this chapter shall be as prescribed by this section, and by laws
8 appropriating funds therefor.

9 1. Medical assistance shall be provided to, or on behalf of, any
10 individual or family residing in the state of Iowa, including those resi-
11 dents who are temporarily absent from the state, to whom the state is
12 required to make such assistance available, by Title XIX, United

13 States Social Security Act, section 1902 [Title XLII, United States
14 Code, section 1396a], as amended to January 1, 1970, and by the
15 regulations and directives issued pursuant thereto, as a minimum con-
16 dition of federal financial participation in the program of assistance
17 provided under this chapter, and who have no spouse or parent re-
18 sponsible under the law of this state and found by the county board
19 to be able to provide him or them with needed medical care and
20 services.

21 2. Medical assistance may also, within the limits of available funds
22 and in accordance with section five (5), subsections one (1) and two
23 (2), of this chapter, be provided to, or on behalf of, other individuals
24 and families who are not excluded under subsection four (4) of this
25 section four (4) of said chapter two hundred twenty-three (223) as
26 amended by this Act and whose incomes and resources are insufficient
27 to meet the cost of necessary medical care and services, and who have
28 no spouse or parent responsible under the law of this state and found
29 by the county board to be able to provide him or them with such neces-
30 sary medical care and services, in accordance with the following order
31 of priorities:

32 a. Individuals and families whose incomes and resources are such
33 that they are eligible for old age assistance, aid to dependent children,
34 aid to the disabled, or aid to the blind, but who are not actually re-
35 ceiving such public assistance.

36 b. Children under twenty-one years of age whose incomes and re-
37 sources are comparable to those receiving aid to dependent children.

38 c. Individuals sixty-five years of age or older who are patients
39 in institutions for mental diseases.

40 d. Individuals and families whose incomes and resources make them
41 ineligible for old age assistance, aid to dependent children, aid to the
42 disabled, or aid to the blind.

43 3. Additional medical assistance may, within the limits of avail-
44 able funds and in accordance with section five (5), subsections one (1)
45 and two (2), of this chapter, be provided to, or on behalf of, either:

46 a. Only those individuals and families described in subsection one
47 (1) of this section; or

48 b. Those individuals and families described in both subsection one
49 (1) and subsection two (2) of this section.

50 4. No assistance shall be granted under this chapter to:"

51 2. By striking from line ten (10) the figure "1" and inserting in
52 lieu thereof the letter "a".

53 3. By striking from line nineteen (19) the figure "2" and insert-
54 ing in lieu thereof the letter "b".

1 SEC. 3. Chapter two hundred twenty-three (223), section five (5),
2 Acts of the Sixty-second General Assembly, as amended by chapter
3 two hundred nine (209), section four hundred nineteen (419), Acts
4 of the Sixty-second General Assembly, and further amended by chap-
5 ter one hundred fifty-two (152), section fifty-three (53), Acts of the
6 Sixty-third General Assembly, First Session, is hereby further amend-
7 ed as follows:

8 1. By striking lines one (1) through twenty-four (24), inclusive,
9 and inserting in lieu thereof the following new sentences and sub-
10 sections:

11 "The commissioner shall be responsible for the effective and impar-
12 tial administration of this chapter and shall, in accordance with the
13 standards and priorities established by this chapter, by applicable fed-
14 eral law, particularly Title XIX of the United States Social Security
15 Act [Title XLII, United States Code, sections 1396 through 1396g], as
16 amended to January 1, 1970, by the regulations and directives issued
17 pursuant thereto, and by the state plan approved in accordance there-
18 with, make rules and regulations, establish policies, and prescribe
19 procedures to implement this chapter. Without limiting the generality
20 of the foregoing delegation of authority, the commissioner is hereby
21 specifically empowered and directed to:

22 1. Determine the greatest amount, duration, and scope of assistance
23 which may be provided, and the broadest range of eligible individuals
24 to whom assistance may effectively be provided, under this chapter
25 within the limitations of available funds. In so doing, he shall at least
26 every six months evaluate the scope of the program currently being
27 provided under this chapter, project the probable cost of continuing a
28 like program, compare such probable cost with the remaining balance
29 of the state appropriation made for payment of assistance under this
30 chapter during the current appropriation period, and expand or cur-
31 tail the program accordingly; provided that in no event shall the scope
32 of the program be less than payment of all costs of the care and
33 services to which reference is made in section three (3), subsection
34 five (5) of said chapter two hundred twenty-three (223) as amended
35 by this Act, which are provided to the individuals and families de-
36 scribed in section four (4), subsection one (1) of said chapter two
37 hundred twenty-three (223) as amended by this Act. After each
38 evaluation of the scope of the program, the commissioner shall report
39 his conclusions and his action thereon to the general assembly through
40 the legislative council or in such other manner as the general assembly
41 may by resolution direct.

42 2. Have authority to determine, when available funds permit expan-
43 sion of the program provided under this chapter beyond the minimum
44 scope required by subsection one (1) of this section of this Act, wheth-
45 er priority shall be given to providing additional medical assistance
46 to the individuals and families described in section four (4), subsec-
47 tion one (1) of said chapter two hundred twenty-three (223) as
48 amended by this Act, or to providing medical assistance to some or all
49 of the individuals and families described in section four (4), subsection
50 two (2) of said chapter two hundred twenty-three (223) as amended
51 by this Act, unless the general assembly has by law made such deter-
52 mination.

53 3. Have authority to provide for payment under this chapter of as-
54 sistance rendered to any applicant prior to the date his application is
55 filed.

56 4. Have authority to contract with any corporation or corporations,
57 authorized to engage in this state in insuring groups or individuals for
58 all or part of the cost of medical, hospital, or other health care or with
59 any corporation or corporations maintaining and operating a medical,
60 hospital, or health service prepayment plan or plans under the pro-
61 visions of chapter five hundred fourteen (514) of the Code, for any or
62 all of the benefits to which any recipients are entitled under this chap-

63 ter to be provided by such corporation or corporations on a prepaid
64 individual or group basis.”

65 2. By renumbering the succeeding subsections of section five (5)
66 in accordance with the foregoing amendment.

67 3. By inserting in line forty-nine (49) after the word “Associa-
68 tion” the words “Iowa Ophthalmic Dispensers, Inc. (opticians)”.

69 4. By striking from lines fifty-four (54) and fifty-five (55) the
70 words “one public representative appointed by the governor, each for
71 a period of two years”, and inserting in lieu thereof the following:

72 “each for a term of two years; four public representatives, two of
73 whom shall be appointed each year by the governor for terms of two
74 years each and none of whom shall be members of, or practitioners of
75 or have a pecuniary interest in any of the professions or businesses
76 represented by, any of the several professional groups and associations
77 specifically represented on the council under this subsection”.

78 5. By striking from line sixty-three (63) the word “representative”
79 and inserting in lieu thereof the word “representatives”.

1 SEC. 4. In making the first appointments of public representatives
2 to the medical assistance advisory council after the effective date of
3 this Act, the governor shall appoint two such representatives for terms
4 of two years each and two for terms of one year each. Thereafter, all
5 such appointments shall be made for terms of two years.

1 SEC. 5. Section five hundred nine point one (509.1), Code 1966,
2 is hereby amended by adding thereto the following new subsection:

3 “A policy issued to the department of social services, which shall
4 be deemed the policyholder, to insure eligible persons for medical
5 assistance, or for both medical assistance and additional medical assis-
6 tance, as defined by chapter two hundred twenty-three (223), Acts of
7 the Sixty-second General Assembly, as amended by this Act or as here-
8 after amended.”

1 SEC. 6. Section five hundred fourteen point one (514.1), Code 1966,
2 as amended by chapter three hundred sixty-nine (369), section one
3 (1), Acts of the Sixty-second General Assembly, and further amended
4 by chapter two hundred seventy-one (271), sections one (1) and two
5 (2), Acts of the Sixty-third General Assembly, First Session, is hereby
6 further amended by adding thereto the following new sentence:

7 “For the purposes of chapter five hundred fourteen (514) of the
8 Code, the term ‘subscriber’ shall include any person eligible for medi-
9 cal assistance or additional medical assistance as defined under chapter
10 two hundred twenty-three (223), Acts of the Sixty-second General
11 Assembly, as amended by this Act or as hereafter amended, with re-
12 spect to whom the department of social services has entered into a
13 contract with any firm operating under said chapter five hundred
14 fourteen (514).”

Approved May 5, 1970.

CHAPTER 1103*
MEDICAL ASSISTANCE
H. F. 1036

AN ACT to correct an erroneous reference in the medical assistance Act of the Sixty-second General Assembly.

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

- 1 SECTION 1. Chapter two hundred twenty-three (223), Acts of the
- 2 Sixty-second General Assembly, section five (5) is amended by strik-
- 3 ing from line three (3) the word "board" and inserting in lieu thereof
- 4 the word "department".

Approved January 28, 1970.

*Repealed by chapter 1102, §3.

CHAPTER 1104
NEEDY MEDICAL ASSISTANCE
S. F. 1081

AN ACT to change the requirement for third-party medical assistance from a mandatory requirement to a permissive requirement.

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

- 1 SECTION 1. Chapter two hundred twenty-three (223), section
- 2 five (5), Acts of the Sixty-second General Assembly, is hereby
- 3 amended by striking from line twenty-five (25) the word "Shall" and
- 4 inserting in lieu thereof the word "May". Further amend said
- 5 section by striking from line twenty-nine (29) the second use of
- 6 the word "shall" and inserting in lieu thereof the word "may".

Approved February 12, 1970.

CHAPTER 1105
PRIVATE SCHOOL ADVISORY COMMITTEE
S. F. 1291

AN ACT to establish a private school advisory committee.

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

- 1 SECTION 1. Chapter two hundred fifty-seven (257), Code 1966, is
- 2 hereby amended by adding at the end thereof the following new
- 3 section:
- 4 "There is hereby established a private school advisory committee
- 5 which shall consist of five members, to be appointed by the governor,
- 6 each of them shall be a citizen of the United States and a resident of
- 7 the state of Iowa. The term of the members shall be four years. The
- 8 duties of the committee shall be to advise the state board of public
- 9 instruction on matters affecting private schools, including but not

10 limited to the establishment of standards for teacher certification and
 11 the establishment of standards for, and approval of, all private schools.
 12 Notice of meetings of the state board of public instruction shall be
 13 sent by the state board to members of the committee. Committee
 14 members shall receive no compensation or expenses from public funds."

Approved April 13, 1970.

CHAPTER 1106

SUPERINTENDENT OF PUBLIC INSTRUCTION

H. F. 1359

AN ACT to provide flexibility in the selection of position titles for members of the professional staff of the superintendent of public instruction.

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

1 SECTION 1. Section two hundred fifty-seven point twenty-two
 2 (257.22), Code 1966, as amended by chapter two hundred forty-four
 3 (244), section twenty-eight (28), Acts of the Sixty-second General
 4 Assembly, is hereby repealed and the following enacted in lieu thereof:
 5 "The state superintendent shall appoint a deputy state superintend-
 6 ent, subject to the approval of the state board, whose qualifications
 7 shall be the same as required for the state superintendent and whose
 8 duties shall be fixed by such superintendent. In the absence or in-
 9 ability of the state superintendent, the deputy state superintendent
 10 shall perform his duties."

1 SEC. 2. Section two hundred fifty-seven point twenty-four
 2 (257.24), Code 1966, as amended by chapter thirty-eight (38), section
 3 six (6), Acts of the Sixty-third General Assembly, First Session, is
 4 further amended by striking from lines three (3) through seven (7)
 5 the words "The salaries of the assistant or assistants provided for
 6 in section 257.22 shall be fixed by the state board but not to exceed
 7 eighty* percent of the salary of the superintendent." and inserting in
 8 lieu thereof the following: "The salary of the deputy state superin-
 9 tendent shall be fixed by the state board, however, such salary and
 10 the salary of any other employee of the department of public instruc-
 11 tion shall not exceed eighty-five percent of the salary of the state
 12 superintendent."

1 SEC. 3. Chapter two hundred forty-four (244), section eighteen
 2 (18), Acts of the Sixty-second General Assembly, is hereby repealed.

1 SEC. 4. Section two hundred eighty-five point six (285.6), Code
 2 1966, is hereby amended by striking from lines eleven (11) and twelve
 3 (12) the words "the director and his assistants" and inserting in lieu
 4 thereof the words "said personnel".

Approved May 5, 1970.

*According to enrolled Act.

CHAPTER 1107
PHYSICAL EDUCATION
S. F. 1311

AN ACT relating to organized athletics and courses in physical education.

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

1 SECTION 1. Section two hundred fifty-seven point twenty-five
2 (257.25), subsection six (6), paragraph *g*, Code 1966, is hereby
3 amended by inserting in line three (3) after the word "pupil" the fol-
4 lowing:

5 " , except that any pupil participating in an organized and super-
6 vised high school athletic program which requires at least as much
7 time of participation per week as such one-eighth unit may be excused
8 from the physical education course during the time of his participation
9 in such athletic program".

1 SEC. 2. Section two hundred eighty point thirteen (280.13), Code
2 1966, is hereby amended by striking from lines two (2) and three (3)
3 the words "exclusive of interscholastic athletics,".

Approved May 5, 1970.

CHAPTER 1108
SCHOOL STANDARDS
H. F. 1338

AN ACT relating to school standards.

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

1 SECTION 1. Section two hundred fifty-seven point twenty-five
2 (257.25), Code 1966, is amended by adding the following new sub-
3 section:

4 "The board or governing body of each school or school district
5 shall provide such principals as it finds necessary to provide effective
6 supervision and administration for each school and its faculty and
7 student body."

1 SEC. 2. Section two hundred fifty-seven point twenty-five
2 (257.25), Code 1966, is further amended by adding the following new
3 subsection:

4 "Any two or more school districts may jointly employ and share
5 the services of any school personnel, or acquire and share the use
6 of classrooms, laboratories, equipment, and facilities."

1 SEC. 3. Section two hundred fifty-seven point twenty-six (257.26),
2 Code 1966, is hereby amended by striking subsection one (1).

1 SEC. 4. Section two hundred fifty-seven point twenty-five (257.25),
2 subsection six (6), Code 1966, is amended by adding after line six-
3 teen (16) the following:

4 "However, the units of foreign language may be taught in alternate

5 years, provided there is no break in the progression of instruction
6 from one year to the next.”

Approved April 10, 1970.

CHAPTER 1109

LIBRARIANS AND COUNSELORS

H. F. 204

AN ACT relating to librarians and guidance counselors for junior and senior high schools.

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

1 SECTION 1. Section two hundred fifty-seven point twenty-five
2 (257.25), subsection eight (8), Code 1966, as amended by chapter two
3 hundred twenty-eight (228), Acts of the Sixty-second General As-
4 sembly, is hereby further amended as follows:

5 1. Paragraph *a*, subparagraph one (1), is hereby repealed and
6 the following enacted in lieu thereof:

7 “The librarian may be employed on a part-time or full-time basis,
8 or may devote only part time to library service activities, according
9 to the needs of the school and the availability of library personnel,
10 as determined by the local board. The state board shall recommend
11 standards based upon the number of students in attendance, the nature
12 of the academic curriculum, and other appropriate factors.”

13 2. Paragraph *b* is hereby repealed and the following enacted in
14 lieu thereof:

15 “A qualified guidance counselor and other pupil personnel services.
16 The guidance counselor may be employed on a part-time or full-
17 time basis, or may devote only part time to counseling services, accord-
18 ing to the needs of the school and the availability of guidance person-
19 nel, as determined by the local board. The state board shall recommend
20 standards based upon the number of students in attendance and other
21 appropriate factors. Other members of the noninstructional profes-
22 sional staff, including but not limited to physicians, dentists, nurses,
23 school psychologists, speech therapists, and other specialists, may
24 also be employed or shared by one or more schools. The guidance
25 counselor shall meet the certification and approval standards of the
26 department of public instruction and noninstructional staff members
27 shall meet the professional practice requirements of this state relating
28 to their special services.”

Approved April 2, 1970.

CHAPTER 1110

SERVICES TO NONPUBLIC SCHOOLS

S. F. 1293

AN ACT to provide auxiliary educational services to students attending nonpublic schools.

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

1 SECTION 1. Section two hundred fifty-seven point twenty-six
2 (257.26), Code 1966, is hereby amended by adding thereto the follow-
3 ing: "School districts and county school systems may when available
4 make special education services and materials enumerated in this
5 chapter available to pupils attending nonpublic schools in the same
6 manner and to the same extent that they are provided to public school
7 students in the school district or county."

Approved April 29, 1970.

CHAPTER 1111

STUDENT TEACHERS

H. F. 1279

AN ACT to authorize student teaching and to establish the status and authority of student teachers.

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

1 SECTION 1. Chapter two hundred sixty (260), Code 1966, is hereby
2 amended by adding thereto the following section:
3 "Whenever the conditions prescribed by the board of educational
4 examiners for issuance of any type or class of certificate provide that
5 the applicant shall have completed work in student teaching it shall
6 be lawful for any accredited college or university located within the
7 state of Iowa and states conterminous with Iowa and offering a pro-
8 gram or programs of teacher education approved by said board of
9 educational examiners of Iowa or states conterminous with Iowa
10 to enter into a written contract with any approved school district or
11 private school, under such terms and conditions as may be agreed
12 upon by such contracting parties. Students actually engaged under
13 the terms of such contract, shall be entitled to the same protection,
14 under the provisions of chapter four hundred five (405), section
15 eight (8), Acts of the Sixty-second General Assembly, as is afforded
16 by said section to officers and employees of the school district, during
17 the time they are so assigned."

1 SEC. 2. Section two hundred seventy-seven point four (277.4),
2 Code 1966, as amended by the Sixty-third General Assembly, Second
3 Session, is further amended by striking from lines nine (9) and ten
4 (10) the words " , except that in".

Approved May 9, 1970.

CHAPTER 1112

HIGHER EDUCATION FACILITIES COMMISSION

H. F. 1037

AN ACT relating to the legislative members of the higher education facilities commission.

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

1 SECTION 1. Section two hundred sixty-one point one (261.1), Code
2 1966, is amended by striking from subsection four (4) as amended
3 by Acts of the Sixty-second General Assembly, chapter two hundred
4 thirty-two (232), section one (1), subsection one (1), the words "A
5 member of the senate to be appointed by the lieutenant governor who
6 shall serve for a term of two years. Any appointment prior to June
7 30, 1967 shall terminate on that date and any member appointed for
8 a term thereafter, except to fill a vacancy, shall be for four (4) years."
9 and inserting in lieu thereof the words "A member of the senate to
10 be appointed by the president of the senate for a term of four years
11 beginning on July 1 of the year of appointment."

12 Further amend said section by striking from subsection five (5) as
13 amended by chapter two hundred thirty-two (232), section one (1),
14 subsection two (2), the words "A member of the house of representa-
15 tives to be appointed by the speaker of the house who shall serve for
16 a term of two years. Any appointment prior to June 30, 1969 shall
17 terminate on that date and any member appointed for a term there-
18 after, except to fill a vacancy, shall serve for four (4) years." and
19 inserting in lieu thereof the words "A member of the house of repre-
20 sentatives to be appointed by the speaker of the house for a term of
21 four years beginning on July 1 of the year of appointment."

1 SEC. 2. This Act shall not operate to shorten the term of any
2 member serving on the date of its enactment.

Approved January 28, 1970.

CHAPTER 1113

INVESTMENT OF INSTITUTIONAL FUNDS

S. F. 1156

AN ACT relating to the investment of funds belonging to state board of regents institutions.

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

1 SECTION 1. Section two hundred sixty-two point fourteen (262.14),
2 Code 1966, is hereby amended by striking subsection three (3) and in-
3 serting in lieu thereof the following:

4 "Any portion of said funds may be invested in bonds or other evi-
5 dences of indebtedness issued, assumed or guaranteed by the United
6 States of America or by any agency or instrumentality of the United
7 States; also in bonds of this state, and of counties, cities, and school
8 districts in Iowa."

Approved March 4, 1970.

CHAPTER 1114

SCHOOL REORGANIZATION

H. F. 1192

AN ACT relating to school reorganization.

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

- 1 SECTION 1. Section two hundred seventy-five point one (275.1),
 2 Code 1966, is hereby amended by adding thereto the following:
 3 "If any area is attached or annexed to a school district as provided
 4 in this section, a division and equalization of assets and liabilities
 5 shall be made in the same manner as provided in sections two hundred
 6 seventy-five point twenty-nine (275.29) through two hundred seventy-
 7 five point thirty-one (275.31), inclusive, of the Code for the reorgani-
 8 zation of districts."

Approved April 2, 1970.

CHAPTER 1115

TEACHERS' CONTRACTS

H. F. 427

AN ACT relating to the uniform issuance and return of teachers' contracts.

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

- 1 SECTION 1. Section two hundred seventy-nine point thirteen
 2 (279.13), Code 1966, as amended by chapter two hundred forty
 3 (240), Acts of the Sixty-second General Assembly, is hereby further
 4 amended by striking in line sixty-three (63) the period after the
 5 word "provided" and adding the following: ", however, no contract
 6 shall be tendered by the employing board to a teacher under its juris-
 7 diction prior to March first, nor be required to be signed by the
 8 teacher and returned to the board in less than twenty-one days after
 9 being tendered."

Approved February 12, 1970.

CHAPTER 1116

SECONDARY SCHOOL CURRICULUM

H. F. 1309

AN ACT relating to required secondary school curriculum.

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

- 1 SECTION 1. Section two hundred eighty point eight (280.8), Code
 2 1966, is hereby repealed and the following enacted in lieu thereof:
 3 "All schools offering instruction in grades nine through twelve shall

4 offer, and all students shall be required to take, a minimum of two
 5 semesters of American history which shall include the history and
 6 contributions of minority racial and ethnic groups, and one semester
 7 of the governments of Iowa and the United States, as part of the
 8 requirement for graduation. In addition, such schools shall offer, as
 9 an elective course, at least one semester in social problems or eco-
 10 nomics, or a combination thereof."

1 SEC. 2. This Act shall be effective July 1, 1972.

Approved May 5, 1970.

CHAPTER 1117

SCHOOL EYE SAFETY EQUIPMENT

H. F. 1188

AN ACT relating to required eye safety equipment used in schools.

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

1 SECTION 1. Section two hundred eighty point twenty (280.20),
 2 Code 1966, as amended by chapter one hundred eighty-eight (188),
 3 section one (1), Acts of the Sixty-third General Assembly, First Ses-
 4 sion, is further amended as follows:

5 1. By striking from line two (2) the word "school" and inserting
 6 in lieu thereof the words "or private school, or college or university".

7 2. By inserting in line twenty-five (25) after the period the fol-
 8 lowing sentence:

9 "Visitors to such shops and laboratories shall be furnished with
 10 and required to wear the necessary safety devices while such programs
 11 are in progress."

12 3. By inserting in line thirty-four (34) after the word "education"
 13 the words "or governing agency".

14 4. By striking lines forty-five (45), forty-six (46), forty-seven
 15 (47), and forty-eight (48), inclusive, and inserting in lieu thereof
 16 the words "American National Standard Z87.1-1968, Practice for Oc-
 17 cupational and Educational Eye and Face Protection promulgated by
 18 the American National Standards Institute, Inc."

Approved May 1, 1970.

CHAPTER 1118

MERGED SCHOOL AREAS

H. F. 333

AN ACT requiring all counties to become part of a merged area.

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

1 SECTION 1. Section two hundred eighty A point one (280A.1),
 2 Code 1966, is amended by inserting at the end thereof the following

3 new paragraph:

4 "It is further declared to be the policy of the state that all of the
5 area of the state shall be in a merged area by July 1, 1971. If any area
6 of this state is not within one of the existing merged areas of this
7 state by April 1, 1971, or is not included in a plan pending before the
8 state board of public instruction under the provisions of this chapter
9 on or before that date, the state board of public instruction shall
10 attach all such areas to an existing merged area or shall form such
11 areas into new merged areas. Such attachment or formation shall be-
12 come effective by resolution of the board, and by filing notice, if
13 applicable, with the secretary of the school board of the merged
14 areas to which such area is to be attached. Any area included in a
15 merged area plan filed with the state board on or before April 1,
16 1971, and not becoming a part of a merged area because of the sub-
17 sequent failure of the plan, shall be attached to an existing merged
18 area by the state board of public instruction. The state board shall,
19 where possible, carry out the provisions of this Act by July 1, 1971,
20 but may defer action as may be necessary. The state board in carrying
21 out the provisions of this Act shall investigate the desires of the resi-
22 dents of the area affected, and obtain the advice and recommendation
23 of the advisory committee. All actions made by the state board shall
24 be accomplished by resolution of the board. Such resolution shall be
25 adopted by roll call vote entered in the minutes of the board and the
26 action of the board shall be final.

27 At any time before April 1, 1971, any school district not included
28 in a merged area may join any adjacent merged area in the following
29 manner:

30 The school district board of directors shall publish notice of the
31 proposal to join a specific adjacent merged area, in a newspaper of
32 general circulation within the school district. The notice shall be
33 published at least twice, no oftener than once a week.

34 The school district shall become part of the adjacent merged area,
35 as proposed in the notice, thirty days after second publication of the
36 notice, unless a petition requesting an election on the proposal and
37 signed by electors equal to ten percent of those voting in the last
38 regular school election in the district is filed with the school board.

39 If such a petition is filed, the school board shall submit the question
40 of whether the district shall join the adjacent merged area as pro-
41 posed, or shall join another adjacent merged area, at the next regular
42 school election, or at a special election. If a special election is called,
43 notice shall be published at least three times, no oftener than once a
44 week, in a newspaper of general circulation within the district.

45 Upon receiving notification from a school board that it is proceeding
46 under the above provisions to join an adjacent merged area, the state
47 board shall stay its attachment proceedings until the procedures are
48 completed. If a majority of those voting favor joining any adjacent
49 merged area, the state board shall proceed to attach the district to
50 that merged area."

1 SEC. 2. Chapter two hundred eighty A (280A) of the Code, is
2 hereby amended by adding the following new section:

3 "Any merged area may combine with any adjacent merged area
4 after a favorable vote by the electors of each of the areas involved. If

5 the boards of directors of two or more merged areas agree to a com-
 6 bination, the question shall be submitted to the electors of each area
 7 at a special election to be held on the same day in each area. The
 8 special election shall not be held within thirty days of any general
 9 election. Prior to the special election, the board of each merged area
 10 shall publish notice of the election at least three times, no oftener than
 11 once a week, in one or more newspapers of general circulation within
 12 the merged area.

13 If the vote is favorable in each merged area, the boards of each
 14 area shall proceed to transfer the assets, liabilities, and facilities of
 15 the areas to the combined merged area, and shall serve as the acting
 16 board of the combined merged area until a new board of directors is
 17 elected. The acting board shall submit to the state board a plan for
 18 redistricting the combined merged area, and upon receiving approval
 19 from the state board, shall provide for the election of a director from
 20 each new district at the next regular school election. The directors
 21 elected from each new district shall determine their terms by lot as
 22 provided in section two hundred eighty A point twelve (280A.12) of
 23 the Code. Election of directors for the combined merged area shall
 24 follow the procedures established for election of directors of a merged
 25 area. A combined merged area shall be subject to all provisions of law
 26 and regulations governing merged areas."

1 SEC. 3. Chapter two hundred eighty A (280A), Code 1966, is
 2 amended by adding the following new section:

3 "Any merged area shall provide an area vocational school attend-
 4 ance center within a county of the merged area which contains a city
 5 of fifty thousand population or more as determined by the most recent
 6 federal decennial census."

Approved April 10, 1970.

CHAPTER 1119

SCHOOL LUNCH PROVISIONS

S. F. 645

AN ACT to accept the provisions of the national school lunch act and the national Child Nutrition Act of 1966.

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

1 SECTION 1. The provisions of the Acts of Congress known as the
 2 national school lunch Act and the child nutrition Act of 1966, found
 3 in 42 U.S. Code 1751-1785, and the benefit of all funds appropriated
 4 under said Acts, are hereby accepted by the state of Iowa.

1 SEC. 2. This Act being deemed of immediate importance shall be
 2 in full force and effect from and after its final approval and publica-
 3 tion in *The Sac Sun*, a newspaper published at Sac City, Iowa, and the
 4 *Iowa City Press-Citizen*, a newspaper published at Iowa City, Iowa.

Approved April 2, 1970.

I hereby certify that the foregoing Act, Senate File 645, was published in *The Sac Sun*, Sac City, Iowa, April 8, 1970, and in the *Iowa City Press-Citizen*, Iowa City, Iowa, April 8, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1120

SCHOOL BONDS

H. F. 1052

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. Chapter one hundred ninety-two (192), section one
2 (1), Acts of the Sixty-third General Assembly, First Session, amend-
3 ing section two hundred ninety-six point one (296.1), Code 1966, is
4 hereby amended by striking in line three (3) the word "six" and in-
5 serting in lieu thereof the word "seven".

1 SEC. 2. Chapter one hundred ninety-two (192), section two (2),
2 Acts of the Sixty-third General Assembly, First Session, amending
3 section two hundred ninety-eight point twenty-two (298.22), Code
4 1966, is hereby amended by striking in line three (3) the word "six"
5 and inserting in lieu thereof the word "seven".

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 Sioux City
3 Journal, a newspaper published in Sioux City, Iowa, and in The Rein-
4 beck Courier, Inc., a newspaper published in Reinbeck, Iowa.

Approved March 4, 1970.

I hereby certify that the foregoing Act, House File 1052, was published in The Sioux City Journal, Sioux City, Iowa, March 9, 1970, and in The Reinbeck Courier, Inc., Reinbeck, Iowa, March 12, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1121

SCHOOLHOUSE REVERSION

H. F. 443

AN ACT relating to reversion of schoolhouse sites.

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

1 SECTION 1. Section two hundred ninety-seven point fifteen
2 (297.15), Code 1966, is hereby amended as follows:

3 1. By striking all of lines one (1) through three (3), inclusive, and
4 inserting in lieu thereof the following:

5 "Any real estate, owned by a school corporation, containing less
6 than two acres, situated wholly outside of a city or town, and not".

7 2. By adding the following thereto:

8 "Any such schoolhouse site containing two or more acres shall be
9 subject to the law as otherwise provided."

10 3. By striking lines five (5), six (6) and seven (7) and inserting in
11 lieu thereof the following words:

12 "schoolhouse site shall revert to the then".

Approved April 10, 1970.

CHAPTER 1122

MERGED AREAS SCHOOL INDEBTEDNESS

S. F. 1159

AN ACT relating to the maximum amounts authorized to be levied for principal and interest of bonded indebtedness of certain school corporations that have entered into leases with merged area school corporations.

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

1 SECTION 1. Section two hundred ninety-eight point eighteen
2 (298.18), Code 1966, as amended by chapter two hundred forty-seven
3 (247), sections one (1), two (2), and three (3), Acts of the Sixty-
4 second General Assembly, is hereby further amended by adding the
5 following:

6 "Provided further that if a school corporation leases a building or
7 property, which has been used as a junior college by such corporation,
8 to a merged area school corporation operating or proposing to oper-
9 ate an area community college, the annual amounts certified as herein
10 provided by such leasing school corporation for payment of interest
11 and principal due on lawful bonded indebtedness incurred by such
12 leasing school corporation for purchasing, building, furnishing, re-
13 constructing, repairing, improving or remodeling the building leased
14 or acquiring or adding to the site of such property leased, to the ex-
15 tent of the respective annual rent the school corporation will receive
16 under such lease, shall not be considered as a part of the total amount
17 estimated and certified for the purposes of determining if such amount
18 exceeds any millage limitation contained in this section."

1 SEC. 2. This Act being deemed of immediate importance shall take
2 effect and be in force from and after its final approval* and publica-
3 tion in The Boone News-Republican, a newspaper published in Boone,
4 Iowa, and in The Jefferson Bee, a newspaper published in Jefferson,
5 Iowa.

Approved March 13, 1970.

I hereby certify that the foregoing Act, Senate File 1159, was published in The Boone News-Republican, Boone, Iowa, March 18, 1970, and in The Jefferson Bee, Jefferson, Iowa, March 23, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

*According to enrolled Act.

CHAPTER 1123

SCHOOL BOND TAXES

S. F. 1140

AN ACT relating to school bond taxes.

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

1 SECTION 1. Section two hundred ninety-eight point eighteen
2 (298.18), Code 1966, as amended by chapter two hundred forty-seven

3 (247), Acts of the Sixty-second General Assembly, is hereby further
4 amended as follows:

5 1. By striking from line sixteen (16) the words "Provided that
6 when".

7 2. By striking lines seventeen (17) through thirty-four (34), in-
8 clusive, and inserting in lieu thereof the following:

9 "For the sole purpose of computing the amount of bonds which may
10 be issued as a result of the application of any millage limitation re-
11 ferred to in this section, all interest on the bonds in excess of that
12 accruing in the first twelve months may be excluded from the first an-
13 nual levy of taxes, so that the need for including more than one year's
14 interest in the first annual levy of taxes to pay the bonds and inter-
15 est shall not operate to further restrict the amount of bonds which
16 may be issued, and in certifying the annual levies to the county audi-
17 tor or auditors such first annual levy of taxes shall be sufficient to pay
18 all principal of and interest on said bonds becoming due prior to the
19 next succeeding annual levy and the full amount of such first annual
20 levy shall be entered for collection by said auditor or auditors, as
21 provided in chapter seventy-six (76) of the Code."

1 SEC. 2. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publi-
3 cation in the Jackson Sentinel, a newspaper published in Maquoketa,
4 Iowa, and in The Telegraph-Herald, a newspaper published in
5 Dubuque, Iowa.

Approved March 13, 1970.

I hereby certify that the foregoing Act, Senate File 1140, was published in the Jack-
son Sentinel, Maquoketa, Iowa, March 19, 1970, and in The Telegraph-Herald, Dubuque,
Iowa, March 23, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1124

ARCHAEOLOGIST

S. F. 1225

AN ACT relating to the state archaeologist.

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

1 SECTION 1. Section three hundred five A point one (305A.1), Code
2 1966, line four (4), is amended by striking the words "sociology and".

Approved April 10, 1970.

CHAPTER 1125

ALTERNATE ACCESS TO HIGHWAYS

S. F. 1157

AN ACT relating to closed highways and to the purchase or condemnation of property rights for establishment of an alternative access.

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

1 SECTION 1. Chapter three hundred six (306), Code 1966, is hereby
2 amended by adding the following new section:

3 "The board or commission having jurisdiction and control over any
4 highway in the state, or the chief engineer of said board or commis-
5 sion when delegated by such board or commission, may temporarily
6 close sections of a highway by formal resolution entered upon the
7 minutes of such board or commission when reasonably necessary
8 because of construction, reconstruction, maintenance or natural dis-
9 aster and shall cause to be erected 'road closed—enter at your own
10 risk' signs and partial or total barricades in the roadway at each end
11 of the closed highway section and on the closed highway where that
12 highway is intersected by other highways if such intersection remains
13 open. The board or commission having jurisdiction over a section of
14 highway closed in accordance with the provisions of this Act, or the
15 persons or contractors employed to carry out the construction, recon-
16 struction, or maintenance of the closed section of highway, shall not
17 be liable for any damages to any vehicle that enters the closed section
18 of highway or the contents of such vehicle or for any injuries to any
19 person that enters the closed section of highway, unless the damages
20 are caused by gross negligence of the board, commission or contractor.

21 Nothing herein shall be construed to prohibit or deny any person
22 from gaining lawful access to his property or residence, nor shall it
23 change or limit liability to such persons."

1 SEC. 2. Section three hundred six point thirteen (306.13), Code
2 1966, is hereby amended by inserting in line sixteen (16) after the
3 period the following:

4 "Whenever such board or commission condemns or purchases prop-
5 erty rights or otherwise denies direct access to a road or highway from
6 abutting property, the board or commission shall establish and main-
7 tain an alternative access facility to an alternate road or highway to
8 the extent that said access facility shall connect with any lane or
9 driveway in existence at the time of the condemnation or purchase, or
10 if none exists after condemnation, then said access facility shall con-
11 nect at another place as agreed to by the parties. The alternative access
12 facility so constructed shall meet the minimum standards for local
13 secondary roads with all-weather surfacing and shall be maintained in
14 the same manner and to the same extent. Compensation for any prop-
15 erty rights taken in the establishment of any alternative access shall
16 be paid as in any other purchase or condemnation of property."

1 SEC. 3. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publica-
3 tion in the Ames Daily Tribune, a newspaper published at Ames, Iowa,

4 and the Charles City Press, a newspaper published at Charles City,
5 Iowa.

Approved April 6, 1970.

I hereby certify that the foregoing Act, Senate File 1157, was published in the Ames Daily Tribune, Ames, Iowa, April 9, 1970, and in the Charles City Press, Charles City, Iowa, April 13, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1126

CLASSIFICATION OF HIGHWAYS

H. F. 394

AN ACT relating to classification of highways.

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

1 SECTION 1. Sections three hundred six point one (306.1), three
2 hundred six point two (306.2), and three hundred six point three
3 (306.3), Code 1966, are hereby repealed.

1 SEC. 2.

2 1. **Classification of roads and streets.*** The roads and streets of the
3 state are hereby classified into the following systems: the freeway-
4 expressway system, the arterial system, the arterial connector sys-
5 tem, the trunk system, the trunk collector system, the area service
6 system, the municipal arterial system, the municipal collector system,
7 the municipal service system, and the state park and institutional
8 road system. The terms road and street as used in this Act mean
9 the entire width between property lines of every way or place of
10 whatever nature when any part thereof is open to the use of the
11 public, as a matter of right, for purposes of vehicular traffic.

12 2. **Definition of road and street systems.*** The following words and
13 phrases relating to roads and streets shall have the following mean-
14 ings:

15 a. The freeway-expressway system shall consist of those roads
16 connecting and serving the major urban and regional areas of the
17 state with high volume, long-distance traffic movements, and gen-
18 erally connecting with like roads of adjacent states. The national
19 system of interstate and defense highways shall be a part of the
20 freeway-expressway system. The freeway-expressway system, in-
21 cluding the national interstate and defense highway mileage, shall
22 not exceed three thousand miles.

23 b. The arterial system shall consist of those roads which connect
24 the freeway-expressway system with the arterial connector system, or
25 which serve long-distance movements of traffic, or which serve as
26 collectors of long-distance traffic from other systems to the freeway-
27 expressway system. The arterial system shall not exceed three
28 thousand five hundred miles.

*Amended by ch. 1127.

29 c. The arterial connector system shall consist of those roads pro-
30 viding service for short-distance intrastate and interstate traffic, or
31 providing connections between highways classified as arterial or
32 freeway-expressway.

33 d. The trunk system shall consist of those intracounty and inter-
34 county roads which serve principal traffic generating areas, and
35 connect such areas to other trunk roads and roads on the arterial
36 or freeway-expressway system. The trunk system shall not exceed
37 fifteen thousand miles and shall include, but not be limited to, the
38 major federal aid secondary roads of the state.

39 e. The trunk collector system shall consist of those roads providing
40 service for short-distance intracounty and intercounty traffic, or
41 providing connections between roads classified as trunk and area
42 service. The trunk collector system shall not exceed twenty thousand
43 miles. The trunk collector system and the trunk system shall consti-
44 tute the farm-to-market road system of the state.

45 f. The area service system shall consist of all other rural roads
46 not otherwise classified.

47 g. The municipal arterial system shall consist of those streets
48 within municipalities, not included in other classifications, which con-
49 nect principal traffic generating areas or connect such areas with
50 other systems. The municipal arterial system shall not exceed fifteen
51 percent of the entire street mileage under jurisdiction of a municipi-
52 lity, except that municipalities under two thousand population may
53 exceed said limitation.

54 h. The municipal collector system shall consist of those streets
55 within municipalities that collect traffic from the municipal service
56 system and connect to other systems. The municipal collector system
57 shall not exceed twenty percent of the entire street mileage under
58 jurisdiction of the municipality, except that municipalities under
59 two thousand population may exceed said limitation.

60 i. The municipal service system shall consist of those streets within
61 municipalities primarily providing access to property.

62 j. The state park and institutional road system shall consist of
63 those roads located wholly within the boundaries of state-owned lands
64 and operated as parks or institutions.

1 SEC. 3. Jurisdiction and control.

2 1. The state highway commission shall have jurisdiction and con-
3 trol of the freeway-expressway system, the arterial system, and the
4 arterial connector system. Said systems shall comprise the primary
5 road system of this state. Said systems shall not exceed a total
6 mileage of ten thousand miles as measured along the center line of
7 the right of way and including frontage roads parallel to the driving
8 lanes.

9 2. The county boards of supervisors shall have jurisdiction and
10 control of the trunk system, the trunk collector system, the area
11 service system, and the land access system within their respective
12 counties. Said systems shall comprise the secondary road system of
13 this state.

14 3.*The governing body of municipalities shall have jurisdiction
15 and control of the municipal arterial system, the municipal collector

*Amended by ch. 1127.

16 system, and the municipal service system. Said systems shall com-
17 prise the municipal street system of this state.

18 4. The board or commission in control of any state park or institu-
19 tion shall have jurisdiction and control of the state park and insti-
20 tutional roads within their respective park or institution. However,
21 the state conservation commission shall have concurrent jurisdiction
22 with either the state highway commission or the county board of
23 supervisors concerning any state park road which is an extension of
24 a primary or secondary road which both enters and exits from a
25 state park at separate points. The state highway commission and the
26 board of supervisors may expend moneys available for such roads
27 in the same manner as they expend funds on other roads over which
28 they exercise jurisdiction and control. The governmental units exer-
29 cising concurrent jurisdiction may enter into agreements concerning
30 construction or maintenance of such roads and the allocation of
31 costs, but in the absence of such agreement the conservation com-
32 mission shall have exclusive jurisdiction and control of said roads.

1 SEC. 4. Adequate mileage shall be included within municipalities,
2 state parks and institutions to provide for the continuity of the pri-
3 mary road systems and the county trunk systems. Such mileage shall
4 be included in the total mileage of the particular primary or secondary
5 road system and shall also be listed separately as an extension of such
6 primary or secondary road system.

7 The state highway commission may reallocate mileage within the
8 systems under its jurisdiction. The board of supervisors or the gov-
9 erning body of municipalities may alter the classification of roads
10 under their jurisdiction with the approval of the functional classifica-
11 tion board as provided in section five (5) of this Act.

1 SEC. 5. A functional classification board shall be appointed for
2 each county and shall operate under procedural rules and regulations
3 promulgated by the state highway commission under the provisions
4 of chapter seventeen A (17A) of the Code. Said board shall consist of
5 three members to be appointed as follows: The state highway com-
6 mission shall appoint one member from the staff of the state highway
7 commission, the county board of supervisors shall appoint one member
8 which shall be either the county engineer or one of its own members,
9 and the third member shall be a municipal official from within the
10 county who shall be appointed by a majority of the mayors of the cities
11 and towns of the county. The mayors shall meet at the call of the chair-
12 man of the county board of supervisors who shall act as chairman
13 of the meeting without vote. In the event the mayors cannot agree
14 to and appoint this member within thirty days after the call of the
15 meeting by the chairman, the two members previously appointed shall
16 select the third member. The board shall serve without additional
17 compensation and shall:

18 1. Classify each segment of each rural public road and each municipi-
19 pal street in the county in accordance with the classifications found
20 in section two (2) of this Act.

21 2. Establish continuity between the systems within the county and
22 with the systems of adjacent counties.

23 3. File a copy of the proposed road classification in the office of
24 county engineer for public information and hold a public hearing

25 before final approval of any road classification action. Notice of the
26 date, the time, and the place of such hearing, and the filing of such
27 proposed road classification for public information shall be published
28 in an official newspaper in general circulation throughout the affected
29 area at least twenty days prior to the established date of the hearing.

30 4. Report the selected classifications to the state highway commis-
31 sion. The state highway commission shall review the reports of the
32 county classification boards and may:

33 a. Alter the classification of roads coinciding with or crossing
34 county lines to provide continuity of the various county systems.

35 b. Reduce mileage of roads classified in the trunk system or trunk
36 collector system to assure equitable distribution among the counties
37 of the total mileage of such systems.

1 SEC. 6. If the function of any road or street has been altered by
2 new construction or by reconstruction or relocation, or if a new road
3 or street has been constructed, the functional classification board shall
4 reclassify said roads or streets within one year. If the functional
5 classification board does not classify any road or street as provided
6 herein, the state highway commission shall make the classification.

1 SEC. 7. When a change of jurisdiction occurs as a result of the
2 classification or reclassification of a road or street, the unit of gov-
3 ernment having jurisdiction shall, prior to such change of jurisdic-
4 tion, place the road or street and any structures thereon in good
5 repair sufficient for the traffic thereon.

1 SEC. 8. The functional classification board of each county shall
2 submit its initial classification report, including appropriate maps,
3 to the state highway commission not later than January 1, 1971.

4 The state highway commission, in consultation with an advisory
5 committee, shall establish uniform design and maintenance guide-
6 lines for the respective classification systems. The advisory commit-
7 tee shall consist of two state senators appointed by the president
8 of the senate, two state representatives appointed by the speaker of
9 the house of representatives, two supervisors appointed by the Iowa
10 State Association of County Supervisors, two engineers appointed by
11 the Iowa County Engineers Association, and four persons appointed
12 by the League of Iowa Municipalities. Two of the four appointed
13 by the League of Iowa Municipalities shall be licensed professional
14 engineers.

15 Upon receipt of the initial reports of the county functional classifi-
16 cation boards, the state highway commission, in consultation with the
17 advisory committee, shall conduct a study to determine the estimated
18 costs of administration, engineering, construction, and maintenance
19 of the respective classification systems, based on the uniform design
20 and maintenance guidelines.

21 Not later than September 1, 1971, the state highway commission
22 shall submit a completed study of the classifications, selected guidelines
23 and estimated costs to the legislative council for referral to the stand-
24 ing committees on transportation of the senate and house of represen-
25 tatives.

1 SEC. 9. Nothing in this Act shall be construed to provide for or
2 permit the transfer of any road or street of this state from the

3 jurisdiction under whose control said road or street is on January
 4 1, 1970, except that a transfer may be made as provided in section
 5 three hundred thirteen point two (313.2) of the Code or because of
 6 a change in the corporate limits of a city or town. Roads or streets
 7 established after January 1, 1970, shall be under the jurisdiction of
 8 the establishing authority.

Approved February 12, 1970.

CHAPTER 1127

JURISDICTION OVER ROADS AND HIGHWAYS

H. F. 1103

AN ACT relating to the jurisdiction over roads and highways, to the budget of the state highway commission and to the expenditure of funds deposited in the primary road fund.

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

1 SECTION 1. Section three hundred thirteen point five (313.5),
 2 Code 1966, is hereby repealed and the following enacted in lieu
 3 thereof:

4 The highway commission shall submit to the comptroller, as pro-
 5 vided by chapter eight (8) of the Code, a detailed estimate of the
 6 amount required by the highway commission during each succeeding
 7 biennium for the support of the commission and for engineering and
 8 administration of highway work and maintenance of the primary
 9 road system. Such estimate shall be in the same general form and
 10 detail as is required by chapter eight (8) of the Code and chapter
 11 eight (8) shall apply to the budgeting, appropriation, and expenditure
 12 of funds in the primary road fund in the same manner as such
 13 chapter applies to other departments.

14 The provisions of chapter eight (8) shall apply except that the
 15 provisions of section eight point thirty-nine (8.39) of the Code shall
 16 not apply to funds appropriated to the commission under section three
 17 hundred thirteen point four (313.4) of the Code, however, the first
 18 paragraph of section eight point thirty-nine (8.39) of the Code shall
 19 apply to appropriations for support of the commission and for en-
 20 gineering and administration of highway work and maintenance
 21 of the primary road system.

22 Any contingent fund appropriated to the highway commission from
 23 the primary road fund shall be subject to the following conditions:

24 1. A written statement from the state comptroller shall be ob-
 25 tained, recommending expenditures from the fund for the purposes
 26 requested by the highway commission.

27 2. The comptroller and the governor shall determine that the ex-
 28 penditures contemplated are in the best interest of the state, and
 29 that the purpose or project for which funds are requested was not
 30 presented to the general assembly by way of a bill and which failed
 31 to become enacted into law.

1 SEC. 2. House File three hundred ninety-four (394), Acts of the
2 Sixty-third General Assembly, Second Session, is hereby amended as
3 follows:

4 1. By striking from section two (2), subsection one (1), the words
5 "Classification of roads and streets. The roads and streets of the
6 state are hereby classified into the following systems" and inserting
7 in lieu thereof the following:

8 "Functional classification of roads and streets. For the purpose
9 of functionally classifying the roads and streets of this state to co-
10 operate with the United States department of transportation, as re-
11 quired by section seventeen (17), public law 90-495, and for no other
12 purpose, the roads and streets of this state are hereby classified into
13 the following systems".

14 2. By striking from section two (2), subsection two (2), the words
15 "Definition of road and street systems. The following words and
16 phrases relating to roads and streets shall have the following mean-
17 ings" and inserting in lieu thereof the following:

18 "Definitions of road and street systems. For the purpose of func-
19 tionally classifying the roads and streets of this state to cooperate
20 with the United States department of transportation, as required by
21 section seventeen (17), public law 90-495, and for no other purpose,
22 the following words and phrases relating to roads and streets shall
23 have the following meanings".

24 3. By striking section three (3).

1 SEC. 3. Chapter three hundred six (306), Code 1966, is hereby
2 amended by adding the following sections:

3 (1). The highways of the state are hereby classified into four sys-
4 tems, to wit: the primary road system, the institutional road system,
5 the secondary road system, and the state park road system.

6 The secondary road system is subdivided into farm-to-market roads
7 and local secondary roads.

8 (2). The following words and phrases when used in this chapter
9 or in any chapter of the Code relating to highways shall respectively
10 have the following meaning:

11 1. The term "primary roads" or "primary road system" shall in-
12 clude those main market roads and highway traffic arteries, outside
13 of cities and towns, which have been designated as primary roads
14 under section three hundred thirteen point two (313.2) of the Code
15 or which may hereafter be so designated as the law may provide.

16 2. The term "institutional roads" shall include those highways,
17 either inside or outside of cities and towns, upon land belonging to
18 the state at any state institution.

19 3. The term "secondary roads" or "secondary road system" shall
20 include all public highways, outside of cities and towns, except pri-
21 mary roads and state park and institutional roads.

22 4. The term "farm-to-market roads" or "farm-to-market road sys-
23 tem" shall include those main secondary roads which have been
24 designated as farm-to-market roads under section three hundred ten
25 point ten (310.10) of the Code or which may hereafter be so desig-
26 nated as the law may provide.

27 5. The term "local secondary roads" or "local secondary road sys-
28 tem" shall include all those secondary roads which are not now, or

29 may not hereafter be, included in the farm-to-market road system.

30 6. The term "state park roads" shall include all those highways
31 and roads, either inside or outside of cities and towns, upon land be-
32 longing to the state at any state park.

33 7. The term "interstate roads" or "interstate road system" shall
34 include those roads of the primary road system that are designated or
35 will be designated by the secretary of commerce of the United States
36 government as the "National System of Interstate and Defense High-
37 ways" in Iowa.

38 (3). Jurisdiction and control over the highways of the state are
39 hereby vested in and imposed on (1) the state highway commission
40 as to primary roads; (2) the county board of supervisors as to second-
41 ary roads within their respective counties; and (3) the board or com-
42 mission in control of any state park or institution as to any state
43 park or institutional road at such state park or state institution.
44 However, as to any state park road which is an extension of either a
45 primary or secondary highway which both enters and exits from the
46 state park at separate points, the state highway commission in
47 the case of a primary road, and the county board of supervisors in the
48 case of secondary roads, shall have concurrent jurisdiction with the
49 state conservation commission over such roads, and the state highway
50 commission in the case of a primary road and the board of super-
51 visors in the case of a secondary road, may expend the moneys avail-
52 able for such roads in the same manner as they expend such funds on
53 other roads over which they exercise jurisdiction and control. The
54 parties exercising concurrent jurisdiction shall enter into agreements
55 with each other as to the kind and type of construction, reconstruction
56 and repair and the division of cost thereof, but in the absence of such
57 agreement the jurisdiction and control of said road shall remain
58 under the conservation commission. Provided, however, that the
59 Iowa state highway commission, in the case of a primary highway
60 extension, and the board of supervisors in the case of a secondary
61 highway extension, shall perform maintenance on said road in the
62 same manner as performed on a highway of a like type of surface or
63 construction.

Approved April 9, 1970.

CHAPTER 1128
STATE PARK ROADS
S. F. 337

AN ACT relating to state park roads.

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

1 SECTION 1. Section three hundred six point two (306.2)*, sub-
2 section six (6), Code 1966, is hereby amended by inserting in line
3 five (5) after the word "park" the words "or land licensed to the
4 state from federal agencies for state park purposes".

Approved February 12, 1970.

*Repealed by ch. 1126, §1.

CHAPTER 1129

SPECIAL ASSESSMENTS ON HIGHWAY COMMISSION

H. F. 805

AN ACT to authorize the state highway commission to pay all special assessments on land under its jurisdiction and to provide that such land be assessed in the same manner as private property and to authorize the Iowa executive council to pay all special assessments on land owned by the state which is not under the jurisdiction and control of the state highway commission, and to provide that such land be assessed in the same manner as private property.

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

1 SECTION 1. Section three hundred seven point ten (307.10), Code
2 1966, is hereby repealed and the following enacted in lieu thereof:

3 "Municipalities and counties may assess the cost of a public im-
4 provement when such improvement benefits property owned by the
5 state and under the jurisdiction and control of the state highway com-
6 mission. The commission shall pay from the primary road fund such
7 portion of the cost of the improvement as would be legally assessable
8 against the land if privately owned.

9 Assessments against property under the jurisdiction of the state
10 highway commission shall be made in the same manner as those made
11 against private property, except that the municipality or county mak-
12 ing the assessment shall cause a copy of the public notice of hearing
13 to be mailed to the commission by restricted certified mail.

14 Assessments against property owned by the state and not under the
15 jurisdiction and control of the state highway commission shall be made
16 in the same manner as those made against private property and pay-
17 ment thereof shall be made by the executive council from any funds of
18 the state not otherwise appropriated."

1 SEC. 2. Section three hundred thirteen point four (313.4), Code
2 1966, as amended by chapter two hundred fifty-four (254), section one
3 (1), Acts of the Sixty-second General Assembly, is further amended
4 by striking from line eighteen (18) the words "road improvement".

1 SEC. 3. Section three hundred ninety-one A point twenty-one
2 (391A.21), Code 1966, is hereby amended by adding thereto the fol-
3 lowing:

4 "The first three paragraphs of this section shall not apply to lands
5 under the jurisdiction and control of the state highway commission."

Approved March 4, 1970.

CHAPTER 1130

RECREATIONAL BIKEWAYS

H. F. 139

AN ACT relating to the establishment of recreational bikeways.

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

1 SECTION 1. The state conservation commission, in consultation
2 with the highway commission, is hereby authorized to establish recre-

3 ational bikeways within this state for the use, enjoyment, and partic-
 4 ipation of the public in non-motorized bicycling. The routes estab-
 5 lished for such bikeways shall be designed to maximize the safety of
 6 cyclists and motorists and may utilize secondary roads when the
 7 normal flow of motor vehicle traffic will not be hindered, as well as
 8 other infrequently traveled roads, streets, parkways, and appropriate
 9 thoroughfares. Such bikeways shall be routed, wherever possible, to
 10 allow the enjoyment of scenic views and points of historical interest,
 11 and may connect state parks and other recreational areas throughout
 12 the state.

13 Bikeway routes shall be clearly marked with appropriate signs to
 14 guide cyclists and to alert motorists. Such signs shall be placed at
 15 intervals and designed in such form as prescribed by the conservation
 16 commission in consultation with the highway commission.

17 The conservation commission is hereby authorized to cooperate
 18 with county conservation boards, boards of supervisors, city or town
 19 councils, or any private organizations interested in the establishment
 20 of bikeways, and may consult with such groups in the planning of
 21 appropriate bikeway routes and related activities.

1 SEC. 2. The state conservation commission may accept in the
 2 name of the state funds contributed by such groups; and such funds
 3 shall be used exclusively in the establishment of bikeways as herein
 4 provided. Additional funds as may be necessary in purchasing signs
 5 and otherwise carrying out the provisions of this Act may be ex-
 6 pended by the conservation commission if authorized by the general
 7 assembly pursuant to appropriations for such purposes; and the com-
 8 mission shall be authorized to accept and expend federal funds made
 9 available for the purposes of aiding in the implementation of this
 10 Act.

Approved April 11, 1970.

CHAPTER 1131
 COUNTY ENGINEERS
 S. F. 1104

AN ACT relating to the mileage and expenses of county engineers.

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

1 SECTION 1. Section three hundred nine point twenty (309.20),
 2 Code 1966, is hereby repealed and the following enacted in lieu thereof:
 3 "County engineers and their assistants shall file an itemized and
 4 verified account with the board of supervisors for the reimbursement
 5 of all expenses incurred. Mileage may be claimed as provided in
 6 section seventy-nine point nine (79.9) of the Code.

7 All mileage payments made at the rate of ten cents per mile to
 8 county engineers or their assistants after June 30, 1965, are hereby
 9 declared legal and valid."

Approved April 10, 1970.

CHAPTER 1132

JOINT COUNTY ROADS

S. F. 1069

AN ACT relating to roads under the jurisdiction of boards of supervisors.

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

1 SECTION 1. Section three hundred nine point sixty-eight (309.68),
2 Code 1966, is hereby amended by adding the following new subsec-
3 tion:

4 "Make joint agreements for the location, construction, and mainte-
5 nance of roads under their jurisdiction wholly within one county to
6 provide road access to lands in an adjoining county, when such loca-
7 tion provides the most economical and practical method of providing
8 such road access. The expense of constructing and maintaining such
9 a road shall be equitably shared by the counties in such proportion as
10 the boards may determine."

1 SEC. 2. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the LeMars
3 Daily Sentinel, a newspaper published in LeMars, Iowa, and in The
4 Merville Record, a newspaper published in Merville, Iowa.

Approved February 12, 1970.

I hereby certify that the foregoing Act, Senate File 1069, was published in the LeMars Daily Sentinel, LeMars, Iowa, February 19, 1970, and in The Merville Record, Merville, Iowa, February 19, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1133

ROADSIDE PARKS

S. F. 33

AN ACT relating to roadside parks.

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

1 SECTION 1. Section three hundred thirteen point two (313.2),
2 Code 1966, is amended by inserting after the word "commission" in
3 line forty-one (41), the words " , either alone or in cooperation with
4 any county,".

1 SEC. 2. Section three hundred thirteen point two (313.2), Code
2 1966, is further amended by striking from line forty-six (46) through
3 line forty-nine (49), inclusive, the words " , provided, however, that
4 the upkeep and maintenance of said roadside parks and parking areas
5 shall involve only minor maintenance expense" and inserting in lieu
6 thereof the following sentence: "The commission may furnish neces-
7 sary maintenance."

Approved January 23, 1970.

CHAPTER 1134

EMERGENCY HIGHWAY REPAIR

H. F. 807

AN ACT relating to the emergency repair, restoration, or reconstruction of highways.

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

- 1 SECTION 1. Section three hundred thirteen point ten (313.10),
 2 Code 1966, is hereby amended by adding thereto the following:
 3 "The state highway commission may contract for the emergency
 4 repair, restoration, or reconstruction of a highway or bridge without
 5 advertising for bids under the following conditions:
 6 1. The emergency was caused by an unforeseen event causing the
 7 failure of a highway, bridge, or other highway structure so that the
 8 highway is unserviceable, or where immediate action is necessary to
 9 prevent further damage or loss;
 10 2. The commission solicits written bids from three or more con-
 11 tractors engaged in the type of work needed; and
 12 3. The necessary work can be done for less than thirty thousand
 13 dollars."

Approved February 2, 1970.

CHAPTER 1135

APPROPRIATION TO HIGHWAY COMMISSION

H. F. 1357

AN ACT to appropriate funds from the primary road fund to the state highway commission for payment of claims arising out of activities of 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
 2 fund to the state highway commission a sum sufficient for the purpose
 3 of paying any award or judgment to a claimant under chapters twenty-
 4 five (25) and twenty-five A (25A) of the Code on a claim arising out
 5 of activities of the state highway commission when such an award
 6 cannot be charged to a current appropriation.
- 1 SEC. 2. This Act being deemed of immediate importance shall be in
 2 full force and effect from and after its final approval and publication
 3 in The DeWitt Observer, a newspaper published at DeWitt, Iowa, and
 4 the Hampton Chronicle, a newspaper published at Hampton, Iowa.

Approved May 1, 1970.

I hereby certify that the foregoing Act, House File 1357, was published in The DeWitt Observer, DeWitt, Iowa, May 7, 1970, and in the Hampton Chronicle, Hampton, Iowa, May 7, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1136
INTERSTATE BRIDGES

H. F. 1138

AN ACT relating to limitations on the use of the primary highway fund in constructing and maintaining interstate bridges.

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

1 SECTION 1. Chapter two hundred fifty-five (255), section seven
2 (7), Acts of the Sixty-second General Assembly, is hereby amended
3 by striking lines twenty-four (24) through thirty-seven (37), inclu-
4 sive, and inserting in lieu thereof the following:

5 "In addition, if the commission in its discretion determines that the
6 construction of a toll bridge cannot be financed entirely through reve-
7 nue bonds and that the construction of such toll bridge is necessary,
8 the commission may advance funds from the primary highway fund
9 to pay for that part of the construction cost, including the cost of
10 approaches and all incidental costs, which is not paid out of the pro-
11 ceeds of revenue bonds. However, said funds advanced from the pri-
12 mary highway fund shall be used only to pay the construction cost,
13 including the cost of approaches and all incidental costs, with respect
14 to that part of the bridge which is or will be located within the state
15 of Iowa. After all revenue bonds and interest thereon issued and sold
16 pursuant to this Act and payable from the tolls and revenues of said
17 bridge have been fully paid and redeemed or funds sufficient to pay
18 said bonds and interest, including premium, if any, have been set aside
19 and pledged for that purpose, then such amount advanced from the
20 primary road fund shall be repaid to the primary road fund from the
21 tolls and revenues of said bridge before said bridge is made a toll
22 free bridge under the provisions of this Act."

1 SEC. 2. Chapter two hundred fifty-five (255), section twelve (12),
2 Acts of the Sixty-second General Assembly, is hereby amended by
3 striking lines fifty (50) through fifty-four (54), inclusive, and insert-
4 ing in lieu thereof the following:

5 "The commission is authorized and empowered to spend from an-
6 nual primary road fund receipts sufficient moneys to pay the cost of
7 operation, maintenance, insurance, collection of tolls and accounting
8 therefor and all other charges incidental to the operation and mainte-
9 nance of any toll bridge administered under the provisions of this
10 Act. However, said annual primary road fund receipts shall be used
11 only to pay such costs and charges with respect to that part of the
12 bridge which is located within the state of Iowa."

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 Muscatine
3 Journal, a newspaper published in Muscatine, Iowa, and in the Times-
4 Democrat, a newspaper published in Davenport, Iowa.

Approved February 20, 1970.

I hereby certify that the foregoing Act, House File 1138, was published in The Muscatine Journal, Muscatine, Iowa, February 24, 1970, and in the Times-Democrat, Davenport, Iowa, February 26, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1137

HIGHWAY CONSTRUCTION

S. F. 534

AN ACT relating to highway construction.

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

- 1 SECTION 1. Chapter two hundred fifty-nine (259), section one (1),
 2 Acts of the Sixty-second General Assembly, is hereby amended by
 3 striking all of line seven (7) after the word "project," and all of lines
 4 eight (8) through fourteen (14), inclusive, and inserting in lieu
 5 thereof the following:
 6 "adequate provision shall be made by agreement with the land-
 7 owner for the restoration of the borrow pit area, either by removal and
 8 replacement of a minimum of eight inches of top soil, or by fertilizing,
 9 mulching, reseeding or other appropriate measures to provide vegeta-
 10 tive cover or prevent erosion."

Approved April 8, 1970.

CHAPTER 1138

RELOCATION PAYMENTS ON HIGHWAY PROJECTS

S. F. 1055

AN ACT to provide a relocation advisory assistance program and relocation payments to persons displaced by highway projects.

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

- 1 SECTION 1. As used in this Act:
 2 1. "Person" means:
 3 a. Any individual, partnership, corporation, or association which
 4 is the owner of a business;
 5 b. Any owner, part owner, tenant, or sharecropper who operates
 6 a farm;
 7 c. An individual who is the head of a family; or
 8 d. An individual not a member of a family.
 9 2. "Family" means two or more individuals living together in the
 10 same dwelling unit who are related to each other by blood, marriage,
 11 adoption, or legal guardianship.
 12 3. "Displaced person" means any person who moves from real prop-
 13 erty on or after the effective date of this Act as a result of the acqui-
 14 sition or reasonable expectation of acquisition of such real property,
 15 which is subsequently acquired, in whole or in part, for a highway
 16 project.
 17 4. "Business" means any lawful activity conducted primarily:
 18 a. For the purchase and resale, manufacture, processing, or market-
 19 ing of products, commodities, or any other personal property;
 20 b. For the sale of services to the public; or
 21 c. By a nonprofit organization.
 22 5. "Farm operation" means any activity conducted solely or pri-

23 marily for the production of one or more agricultural products or
24 commodities for sale and home use, and customarily producing such
25 products or commodities in sufficient quantity to be capable of con-
26 tributing materially to the operator's support.

27 6. "Federal agency" means any department, agency, or instrumen-
28 tality in the executive branch of the federal government and any
29 corporation wholly owned by the federal government.

30 7. "Commission" means the state highway commission.

31 8. "Highway project" means any federal-aid street or highway
32 project requiring the purchase or condemnation of private property
33 for public use.

1 SEC. 2. The commission shall provide a relocation advisory assist-
2 ance program, including measures, facilities, or services necessary or
3 appropriate in order to:

4 1. Determine the needs of displaced persons for relocation assist-
5 ance;

6 2. Assure that within a reasonable period of time prior to displace-
7 ment there will be available, to the extent that can reasonably be
8 accomplished, in areas not generally less desirable in regard to public
9 utilities and public and commercial facilities and at rents or prices
10 within the financial means of families and individuals displaced, hous-
11 ing meeting the standards established by the commission for decent,
12 safe, and sanitary dwellings, equal in number to the number of, and
13 available to, displaced families and individuals and reasonably acces-
14 sible to their places of employment;

15 3. Assist owners of displaced businesses and displaced farm opera-
16 tions in obtaining and becoming established in suitable locations;
17 and

18 4. Supply information concerning the federal housing administra-
19 tion home acquisition program of the national housing act, title twelve
20 (12), section one thousand seven hundred fifteen l (1715l), subsection
21 d, paragraph two (2), United States Code, the small business disaster
22 loan program of the small business act, title fifteen (15), section six
23 hundred thirty-six (636), paragraph b, subsection three (3), United
24 States Code, and other state or federal programs offering assistance
25 to displaced persons.

1 SEC. 3.

2 1. Upon application approved by the commission, a person displaced
3 by any highway project may elect to receive actual reasonable ex-
4 penses in moving himself, his family, his business, or his farm opera-
5 tion, including personal property.

6 2. Any displaced person who moves from a dwelling who elects to
7 accept the payments authorized by this subsection in lieu of the pay-
8 ments authorized by subsection one (1) of this section may receive:

9 a. A moving expense allowance, determined according to a schedule
10 established by the commission, not to exceed two hundred dollars;
11 and

12 b. A dislocation allowance of one hundred dollars.

13 3. Any displaced person who moves or discontinues his business or
14 farm operation who elects to accept the payment authorized by this
15 subsection in lieu of the payment authorized by subsection one (1) of
16 this section, may receive a fixed relocation payment in an amount

17 equal to the average annual net earnings of the business or farm oper-
18 ation, or five thousand dollars, whichever is the lesser. In the case of
19 a business, no payment shall be made under this subsection unless
20 the commission determines that the business cannot be relocated with-
21 out a substantial loss of its existing patronage, and is not part of a
22 commercial enterprise having at least one other establishment, not
23 being acquired for a highway project, which is engaged in the same
24 or similar business. For purposes of this subsection "average annual
25 net earnings" means one-half of any net earnings of the business or
26 farm operation, before federal, state, and local income taxes, during
27 the two taxable years immediately preceding the taxable year in which
28 the business or farm operation moves from the real property acquired
29 for a highway project, and includes any compensation paid by the
30 business or farm operation to the owner, his spouse, or his dependents
31 during such two-year period.

1 SEC. 4.

2 1. In addition to amounts otherwise authorized by this Act, the
3 commission shall make a payment to the owner of real property ac-
4 quired for a highway project which is improved by a single family,
5 two-family, or three-family dwelling actually owned and occupied by
6 the owner for not less than one year prior to the initiation of negotia-
7 tions for the acquisition of the property. Payment, not to exceed five
8 thousand dollars, shall be the amount which, added to the acquisition
9 payment, equals the average price required for a comparable dwelling
10 determined, in accordance with standards established by the commis-
11 sion, to be a decent, safe, and sanitary dwelling adequate to accommo-
12 date the displaced owner, reasonably accessible to public services and
13 places of employment, and available on the private market. Payment
14 shall be made only to a displaced owner who purchases and occupies
15 a dwelling within one year subsequent to the date on which he is
16 required to move from the dwelling acquired for the highway project.
17 No payment is required if the owner-occupant receives a payment re-
18 quired by the law of condemnation which is determined by the com-
19 mission to have substantially the same purpose and effect as this sec-
20 tion.

21 2. In addition to amounts otherwise authorized by this Act, the
22 commission shall make a payment to any individual or family dis-
23 placed from any dwelling not eligible to receive a payment under sub-
24 section one (1) of this section, if the dwelling was actually and law-
25 fully occupied by such individual or family for not less than ninety
26 days prior to the initiation of negotiations for acquisition of such
27 property. Such payment, not to exceed one thousand five hundred dol-
28 lars, shall be the amount which is necessary to enable the person to
29 lease or rent for a period of not to exceed two years, or to make the
30 down payment on the purchase of a decent, safe, and sanitary dwell-
31 ing adequate to accommodate such individual or family in areas not
32 generally less desirable in regard to public utilities and public and
33 commercial facilities.

1 SEC. 5. In addition to amounts otherwise authorized by this Act,
2 the commission shall reimburse the owner of real property acquired
3 for a highway project for reasonable and necessary expenses incurred
4 for recording fees, transfer taxes, and similar expenses incidental to

5 conveying such property; penalty costs for prepayment of any mort-
 6 gage entered into in good faith encumbering such real property if
 7 such mortgage is on record or has been filed for record under appli-
 8 cable state law on the date of final approval by the commission of the
 9 location of such project; and the pro rata portion of real property
 10 taxes paid which are allocable to a period subsequent to the date of
 11 vesting of title in the state, or the effective date of the possession of
 12 such real property by the state, whichever is earlier.

1 SEC. 6. Payments and expenditures under the provisions of this
 2 Act are incident to and arise out of the construction, maintenance,
 3 and supervision of public highways and streets, and, in the case of
 4 any federal-aid highway project, may be made by the commission from
 5 the primary road fund and funds made available by the federal gov-
 6 ernment for the purpose of carrying out the provisions of this Act.
 7 Payments made under authority of section eleven (11) of this Act
 8 may be made from the primary road fund in case of a primary road
 9 project only, and in other cases may be made from the secondary road
 10 fund or from appropriate funds under control of a political subdivi-
 11 sion.

1 SEC. 7. The commission may do all things necessary to carry out
 2 the provisions of this Act and to secure federal grants to make the
 3 payments required by this Act, but the absence of federal aid to make
 4 such payments shall not discharge the obligation to make the pay-
 5 ments.

1 SEC. 8. Nothing in this Act shall be construed to create any addi-
 2 tional element of damage in any condemnation proceedings for high-
 3 way projects, and in order to prevent unjust enrichment or a dupli-
 4 cation of payments to any condemnee, the courts of this state, when
 5 determining just compensation in condemnation proceedings, shall not
 6 allow any damages which duplicate any of the benefits provided under
 7 the provisions of this Act.

1 SEC. 9. The commission may make rules and regulations necessary
 2 to effect the provisions of this Act and to assure:

3 1. The payments authorized by this Act are fair and reasonable
 4 and as uniform as practicable;

5 2. A displaced person who makes proper application for a payment
 6 authorized by this Act is paid promptly after a move or, in hardship
 7 cases, is paid in advance; and

8 3. Any person aggrieved by a determination as to eligibility for a
 9 payment authorized by this Act, or the amount of a payment, may
 10 have his application reviewed by the commission.

11 All rules shall be subject to the provisions of chapter seventeen
 12 A (17A) of the Code.

1 SEC. 10. Section four hundred seventy-two point fourteen (472.14),
 2 Code 1966, is hereby amended as follows:

3 1. By striking lines seven (7) through fourteen (14), inclusive.

4 2. By striking from line fifteen (15) the words "condemnation
 5 and appropriation." and inserting in lieu thereof the following:

6 "sheriff. At the request of the condemnor or the condemnee, the

7 commission shall divide the damages into parts to indicate the value
8 of any dwelling, the value of the land and improvements other than
9 a dwelling, and the value of any additional damages.”

10 3. By inserting in line thirty-two (32) after the comma the words
11 “except moving expenses paid or required to be paid under relocation
12 assistance programs.”.

1 SEC. 11. The commission or any political subdivision, may provide
2 all or a part of the programs and payments authorized under sections
3 two (2) through five (5) of this Act, inclusive, to persons displaced
4 by any street or highway project which is financed in whole or in
5 part by the state or the political subdivision, which is not a federal-
6 aid project, and which requires the purchase or condemnation of pri-
7 vate property for public use. To the extent that a program or pay-
8 ment is provided under this section, it shall be provided on a uniform
9 basis to all persons so displaced. The commission shall make rules
10 and regulations to assure reasonable standards, which need not con-
11 form to federal rules and guidelines, for programs and payments pro-
12 vided under this section.

1 SEC. 12. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in The Tele-
3 graph-Herald a newspaper published at Dubuque, Iowa, and The Cas-
4 cade Pioneer-Advertiser a newspaper published at Cascade, Iowa.

Approved March 12, 1970.

I hereby certify that the foregoing Act, Senate File 1055, was published in The Tele-
graph-Herald, Dubuque, Iowa, March 18, 1970, and in The Cascade Pioneer-Advertiser,
Cascade, Iowa, March 19, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1139

REGISTRATION AND OPERATION OF MOTOR VEHICLES

S. F. 1013

AN ACT relating to the registration and operation of motor vehicles.

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

1 SECTION 1. Section three hundred twenty-one point eighteen
2 (321.18), Code 1966, subsection one (1), line five (5), is amended by
3 striking the words and figures “sections 321.53 and 321.56” and in-
4 serting in lieu thereof the following:

5 “section three hundred twenty-one point fifty-three (321.53) and
6 chapter three hundred twenty-six (326)”.

1 SEC. 2. Section three hundred twenty-one point forty (321.40),
2 Code 1966, is amended by striking all of the last paragraph.

1 SEC. 3. Section three hundred twenty-one point one hundred
2 ninety-six (321.196), Code 1966, line two (2), is amended by striking
3 the following: “issued after July 5, 1948”.

4 Further amend said section, line eighteen (18), by striking the fol-
5 lowing: "made after July 5, 1948".

1 SEC. 4. Section three hundred twenty-one point one hundred
2 ninety-seven (321.197), Code 1966, line six (6), is amended by strik-
3 ing the words "Any chauffeur's" and by striking all of lines seven
4 (7) to eleven (11), inclusive.

5 Further amend said section, line eighteen (18), by striking the fol-
6 lowing:

7 "made after January 1, 1950,".

1 SEC. 5. Section three hundred twenty-one point one hundred
2 ninety-eight (321.198), Code 1966, lines eight (8) and nine (9), is
3 amended by striking the following: "subsequent to September 19,
4 1940,".

1 SEC. 6. Section three hundred twenty-one point two hundred ten
2 (321.210), Code 1966, line thirty-six (36), is amended by striking
3 the following:

4 "From and after July 4, 1959,".

5 Further amend said section, line fifty-one (51), by striking the
6 following:

7 "From and after July 4, 1959,".

Approved February 5, 1970.

CHAPTER 1140

MOTOR VEHICLES OF NONRESIDENTS

S. F. 643

AN ACT relating to the registration of motor vehicles by a nonresident.

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

1 SECTION 1. Section three hundred twenty-one point fifty-five
2 (321.55), Code 1966, is hereby amended as follows:

3 1. By adding in line one (1) after the word "nonresident" the
4 words "owner or operator".

5 2. By adding in line five (5) after the word "temporary," the words
6 "not exceeding ninety days,".

7 3. By striking from line seven (7) the words "owning and" and
8 inserting in lieu thereof the words "owning or".

Approved March 13, 1970.

CHAPTER 1141

MOTOR VEHICLE REGISTRATION FEE

S. F. 1011

AN ACT relating to a minimum motor vehicle registration fee.

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

1 SECTION 1. Chapter one hundred ninety-seven (197), section two
 2 (2), Acts of the Sixty-third General Assembly, First Session, is
 3 amended by inserting in line twenty-one (21) after the word "dollar"
 4 the words ", except that any such fee so computed shall not be less
 5 than five dollars,".

1 SEC. 2. Chapter one hundred ninety-seven (197), section four
 2 (4), Acts of the Sixty-third General Assembly, First Session, is
 3 hereby amended by inserting in line five (5) before the period the
 4 following: ", except that no refund shall be allowed and paid if the
 5 unused portion of the fee is less than five dollars".

Approved February 12, 1970.

CHAPTER 1142

MOTOR VEHICLE FEES

H. F. 1367

AN ACT relating to motor vehicle fees.

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

1 SECTION 1. House File 1, section thirty-five (35), Acts of the
 2 Sixty-third General Assembly, Second Session, is hereby amended by
 3 inserting after subsection three (3) the following new subsection:
 4 "By striking from line fourteen (14) the word "April" and insert-
 5 ing in lieu thereof the word "February".

Approved May 5, 1970.

CHAPTER 1143

FARM WAGON REGISTRATIONS

S. F. 220

An ACT relating to farm wagon licensing.*

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

1 SECTION 1. Section three hundred twenty-one point one hundred
 2 twenty-three (321.123), Code 1966, is hereby amended as follows:
 3 1. By striking from lines eight (8) and nine (9) the words "and

*According to enrolled Act.

4 wagon box trailers subject to a registration fee of five dollars or
5 less".

6 2. By striking from subsection one (1), lines two (2), three (3),
7 and four (4).

8 3. By inserting in line two (2) after the word "except" the words
9 "farm trailers and".

1 SEC. 2. Section three hundred twenty-one point three hundred ten
2 (321.310), Code 1966, is hereby amended as follows:

3 1. By striking from lines fourteen (14) and fifteen (15) the words
4 "when registered under the provisions of section 321.123".

5 2. By striking from lines twenty-four (24) and twenty-five (25)
6 the words "when registered under the provisions of section 321.123".

Approved March 4, 1970.

CHAPTER 1144

DRIVER EDUCATION INSTRUCTORS

H. F. 277

AN ACT relating to driver education instructors.

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

1 SECTION 1. Section three hundred twenty-one point one hundred
2 eighty (321.180), Code 1966, as amended by chapter two hundred
3 seventy-two (272), section one (1), Acts of the Sixty-second General
4 Assembly, is hereby repealed and the following enacted in lieu
5 thereof:

6 "Any person who is at least fourteen years of age and who, except
7 for his lack of instructions in operating a motor vehicle, would other-
8 wise be qualified to obtain an operator's license, shall upon meeting
9 the requirements of section three hundred twenty-one point one hun-
10 dred eighty-six (321.186) other than driving demonstration, and
11 upon paying the required fee, be issued a temporary instruction per-
12 mit by the department, entitling the permittee while having such per-
13 mit in his immediate possession to drive a motor vehicle upon the
14 highways for a period of two years from the date of issuance when
15 accompanied by a licensed operator or chauffeur who is at least
16 twenty-one years of age, or an approved driver education instructor,
17 or a prospective driver education instructor who is enrolled in and
18 has been specifically designated by a teacher education institution
19 with a safety education program approved by the department of
20 public instruction, and who is actually occupying a seat beside the
21 drivers; except that any instruction permit issued to a person who is
22 less than sixteen years of age shall entitle such permittee to drive
23 a motor vehicle upon the highways only when accompanied by a
24 parent or guardian, or an approved driver education instructor, or a
25 prospective driver education instructor, who is enrolled in and has
26 been specifically designated by a teacher education institution with
27 a safety education program approved by the department of public
28 instruction, or by any person who is twenty-five years of age or more

29 if written permission is granted by the parent or guardian, who is
 30 a holder of a valid operator's or a chauffeur's license, and who is actu-
 31 ally occupying a seat beside the driver."

Approved May 5, 1970.

CHAPTER 1145
 DRIVER LICENSE FEES

S. F. 1181

AN ACT relating to driver license fees and their renewal.

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

1 SECTION 1. Section three hundred twenty-one point one hundred
 2 ninety-one (321.191), Code 1966, is repealed and the following en-
 3 acted in lieu thereof:

4 "The fee for an operator's license shall be five dollars if issued for
 5 a period of two years, and ten dollars if issued for a period of four
 6 years. The fee for a chauffeur's license shall be ten dollars if issued
 7 for a period of two years, and twenty dollars if issued for a period of
 8 four years. The fee for an instruction permit shall be three dollars
 9 and for a temporary driver's permit, five dollars."

1 SEC. 2. Section three hundred twenty-one point one hundred
 2 ninety-six (321.196), Code 1966, as amended by chapter two hundred
 3 seventy-three (273), section two (2), Acts of the Sixty-second Gen-
 4 eral Assembly, and Senate File one thousand thirteen (1013), en-
 5 acted by the Sixty-third General Assembly, Second Session, is hereby
 6 further amended as follows:

7 1. By inserting in line one (1) before the word "Each" the follow-
 8 ing sentence: "Prior to July 1, 1975, the commissioner shall issue,
 9 under rules formulated by him, operator's licenses valid for two or
 10 four years."

11 2. By inserting in line two (2) after the word "license" the words
 12 "issued after July 1, 1975,".

13 3. By striking from line three (3) the word "two" and inserting in
 14 lieu thereof the word "four".

15 4. By inserting in line four (4) before the comma the following:
 16 "if the licensee is between the age of twenty-one and sixty-five years
 17 on the date of issuance of the license, otherwise for a period of two
 18 years".

19 5. By inserting after the period in line fourteen (14) the following
 20 new sentence: "Applicants whose licenses are restricted due to vision
 21 or other physical deficiencies may be required to renew their licenses
 22 every two years."

1 SEC. 3. Section three hundred twenty-one point one hundred nine-
 2 ty-seven (321.197), Code 1966, as amended by Senate File one thousand
 3 thirteen (1013), enacted by the Sixty-third General Assembly, Second
 4 Session, is hereby amended as follows:

5 1. By striking in line two (2) the word "years" and inserting in

6 lieu thereof the following words "or four years at the option of the
7 applicant".

8 2. By inserting in line three (3) after the period the following new
9 sentence: "However, if the licensee is sixty-five years of age or older
10 on the date of issuance of the license, such license shall be issued to
11 be valid for two years."

1 SEC. 4. Section three hundred twenty-one point one hundred
2 eighty-four (321.184), Code 1966, is hereby amended by striking lines
3 five (5) through eleven (11), inclusive, and inserting in lieu thereof
4 the words "shall contain the verified consent and confirmation of ap-
5 plicant's birthday by both the father and mother of applicant, or the
6 parent having custody in the event of the legal separation or the
7 death of one parent; if neither parent is living, the guardian or other
8 person having custody, or the employer, of such minor may consent.
9 Officers and employees of the department are hereby authorized to
10 administer such oaths without charge."

1 SEC. 5. Any person under the age of eighteen who is not attending
2 a public or private school in which an approved driver's education
3 course is offered or available, shall not be required to complete an
4 approved driver's education course prior to being entitled to receive a
5 one-year probationary operator's license from the department of pub-
6 lic safety.

1 SEC. 6. Any person who re-enters any private or public school
2 prior to age eighteen shall be required to attend an approved driver's
3 education course.

Approved May 5, 1970.

CHAPTER 1146

MILITARY SERVICE EXEMPTION BENEFITS

S. F. 440

AN ACT relating to the granting of military service exemption benefits to dependents.

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

1 SECTION 1. Section three hundred twenty-one point one hundred
2 ninety-eight (321.198), Code 1966, is hereby amended by adding at
3 the end of said section the following:

4 "The provisions of this section shall also apply to the spouse and
5 children or ward of such military personnel when such spouse, children
6 or ward are living with the above described military personnel out-
7 side of the state of Iowa and provided that such extension of license
8 does not exceed five years."

Approved March 16, 1970.

CHAPTER 1147

COPIES OF RECORD IN MOTOR VEHICLE ACCIDENT REPORTS

S. F. 1152

AN ACT relating to copies of an enforcement officer's report of a motor vehicle accident.

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

- 1 SECTION 1. Chapter two hundred seventy-six (276), Acts of the
- 2 Sixty-second General Assembly, section one (1), line twenty (20),
- 3 is amended by striking the words and figure "of one (1) dollar for"
- 4 and inserting in lieu thereof the words "of two dollars for".

Approved April 10, 1970.

CHAPTER 1148

MOTORCYCLE OPERATION

H. F. 1027

AN ACT relating to the penalty for certain offenses in operation of motorcycles.

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

- 1 SECTION 1. Chapter two hundred four (204), Acts of the Sixty-
- 2 third General Assembly, First Session, is amended by adding a new
- 3 section as follows:
- 4 "Sec. 13. This Act is an amendment to chapter three hundred
- 5 twenty-one (321) of the Code."

Approved January 16, 1970.

CHAPTER 1149

THREE-LANE HIGHWAYS

H. F. 1005

AN ACT relating to the operation of motor vehicles in cities and towns and roadways marked for three lanes of traffic.

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

- 1 SECTION 1. Section three hundred twenty-one point two hundred
- 2 ninety-seven (321.297), Code 1966, is hereby amended by striking
- 3 from line three (3) the words "at all times" and inserting in line
- 4 four (4) before the period the words "unless otherwise provided by
- 5 law".

- 1 SEC. 2. Section three hundred twenty-one point three hundred six
- 2 (321.306), Code 1966, is hereby amended by adding thereto the follow-
- 3 ing: "A portion of a highway provided with a lane for slow-moving
- 4 vehicles does not become a roadway marked for three lanes of traffic."

Approved April 2, 1970.

CHAPTER 1150

MOTOR VEHICLES AT AND BETWEEN INTERSECTIONS

H. F. 1277

AN ACT relating to motor vehicles approaching, entering and turning at and between intersections.

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

1 SECTION 1. Section three hundred twenty-one point three hundred
2 nineteen (321.319), Code 1966, is hereby amended by striking lines
3 one (1) through five (5), inclusive, and inserting in lieu thereof the
4 following:

5 "When two vehicles enter an intersection from different highways
6 or public streets at approximately the same time, the driver of the
7 vehicle on the left shall yield the right-of-way to the vehicle on the
8 right."

1 SEC. 2. Section three hundred twenty-one point two hundred
2 thirty-six (321.236), subsection nine (9), Code 1966, is hereby
3 amended by inserting in line two (2) after the word "at" the words
4 "and between".

Approved March 26, 1970.

CHAPTER 1151

FLASHING LIGHTS ON SCHOOL BUSES

H. F. 1023

AN ACT relating to flashing lights on 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-two (321.372), Code 1966, subsection three (3), as amended
3 by Acts of the Sixty-second General Assembly, chapter two hundred
4 eighty (280) and Acts of the Sixty-third General Assembly, First
5 Session, chapter two hundred six (206), is further amended by strik-
6 ing from line twelve (12) the first word "flashing".

Approved January 16, 1970.

CHAPTER 1152

STUDED TIRES

H. F. 352

AN ACT relating to the use of studded tires.

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

1 SECTION 1. Chapter two hundred eighty-four (284), section one
2 (1), Acts of the Sixty-second General Assembly, amending section
3 three hundred twenty-one point four hundred forty-two (321.442),

4 Code 1966, is hereby amended by striking from lines thirteen (13)
5 and fourteen (14) the words "to April 1 of each year" and inserting
6 in lieu thereof the words "of each year to April first of the following
7 year".

Approved January 28, 1970.

CHAPTER 1153

MOTOR VEHICLE WEIGHT AND LOAD RESTRICTIONS

H. F. 767

AN ACT relating to temporary restrictions on the weight and load of motor vehicles, and to provide penalties for violation of such temporary restrictions.

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

1 SECTION 1. Section three hundred twenty-one point four hundred
2 seventy-one (321.471), Code 1966, is hereby amended by adding there-
3 to the following:

4 "Any person who violates the provisions of such ordinance or resolu-
5 tion shall be punished by a fine as provided in the schedule for gross
6 or group of axles weight violations in section three hundred twenty-
7 one point four hundred sixty-three (321.463) of the Code. The viola-
8 tion shall be that weight in excess of the maximum weight established
9 by the ordinance or resolution, and the fine shall be imposed accord-
10 ingly. Local authorities may issue special permits, during periods
11 such restrictions are in effect, to permit limited operation of vehicles
12 upon specified routes with loads in excess of any restrictions imposed
13 under this section, but not in excess of load restrictions imposed by
14 any other provision of this chapter, and such authorities shall issue
15 such permits upon a showing that there is a need to move to market
16 farm produce of the type subject to rapid spoilage and loss of value."

1 SEC. 2. Section three hundred twenty-one point four hundred
2 seventy-four (321.474), Code 1966, is hereby amended by adding
3 thereto the following:

4 "Any person who violates the provisions of such resolution shall
5 be punished by a fine as provided in the schedule for gross or group
6 of axles weight violations in section three hundred twenty-one point
7 four hundred sixty-three (321.463) of the Code. The violation shall
8 be that weight in excess of the maximum weight established by the
9 resolution, and the fine shall be imposed accordingly. The highway
10 commission may issue special permits, during periods such restric-
11 tions are in effect, to permit limited operation of vehicles upon speci-
12 fied routes with loads in excess of any restrictions imposed under this
13 section, but not in excess of load restrictions imposed by any other
14 provision of this chapter. The highway commission shall issue special
15 permits in accordance with the foregoing to trucks moving farm pro-
16 duce, which decays and loses its value if not speedily put to its in-
17 tended use, to market upon a showing to the highway commission
18 that there is a requirement for trucking such produce."

Approved May 10, 1970.

CHAPTER 1154

COPIES OF MOTOR VEHICLE RECORDS

S. F. 1153

AN ACT relating to certifying copies of the driving record of persons subject to the motor vehicle financial responsibility law.

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

- 1 SECTION 1. Section three hundred twenty-one A point three
- 2 (321A.3), Code 1966, lines eleven (11) and twelve (12), is hereby
- 3 amended by striking the words "of one dollar" and inserting in lieu
- 4 thereof the words "of two dollars".

Approved April 10, 1970.

CHAPTER 1155

CHEMICAL TESTS FOR INTOXICATION

H. F. 1187

AN ACT relating to the administration of chemical tests for determining intoxication.

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

- 1 SECTION 1. Section three hundred twenty-one B point two
- 2 (321B.2), Code 1966, is hereby amended by adding thereto the follow-
- 3 ing new subsection:
- 4 "Any other law enforcement officer who has satisfactorily completed
- 5 an approved course relating to motor vehicle operators under the
- 6 influence of alcoholic beverages at the Iowa law enforcement academy
- 7 or a law-enforcement training program approved by the department
- 8 of public safety."

Approved May 1, 1970.

CHAPTER 1156

MOVEMENT OF OVERSIZE VEHICLES

S. F. 489

AN ACT relating to the movement of vehicles and loads of excess size and weight.

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

- 1 SECTION 1. Chapter two hundred eighty-five (285), Acts of the
- 2 Sixty-second General Assembly, section two (2), is amended by adding
- 3 at the end thereof the following:
- 4 "Permits issued by local authorities shall designate the days when
- 5 and routes upon which loads may be moved within the county on other
- 6 than primary roads."

1 SEC. 2. Chapter two hundred eighty-five (285), Acts of the Sixty-
 2 second General Assembly, section nine (9), lines ten (10) and eleven
 3 (11), is amended by striking the words "as prescribed in section three
 4 hundred twenty-one point four hundred fifty-six (321.456) of the
 5 Code" and inserting in lieu thereof the words "of thirteen feet, ten
 6 inches".

1 SEC. 3. Chapter two hundred eighty-five (285), Acts of the Sixty-
 2 second General Assembly, section fourteen (14), line two (2), is
 3 amended by striking the words "at the discretion of the issuing
 4 authority".

1 SEC. 4. Chapter two hundred eighty-five (285), Acts of the Sixty-
 2 second General Assembly, is amended by adding an additional section
 3 as follows:

4 "Any operator of an escort vehicle, serving as an escort in the
 5 movement of vehicles and loads of excess size and weight under per-
 6 mits as required by this chapter shall have a valid operator's or chauff-
 7 eur's license."

1 SEC. 5. Chapter two hundred eighty-five (285), Acts of the Sixty-
 2 second General Assembly, section three (3), line four (4), is amended
 3 by striking after the word "issue" the words "single trip".

Approved February 20, 1970.

CHAPTER 1157

MOVEMENT OF OVERWIDTH VEHICLES

S. F. 328

AN ACT relating to statutes restricting the movement of overwidth vehicles and their application to urban transit systems.

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

1 SECTION 1. Chapter two hundred eighty-five (285), Acts of the
 2 Sixty-second General Assembly, repealing sections three hundred
 3 twenty-one point four hundred sixty-seven (321.467) through three
 4 hundred twenty-one point four hundred seventy (321.470), Code 1966,
 5 is hereby amended by adding at the end of section twelve (12) thereof
 6 the following:

7 "Such restrictions shall not be applicable to urban transit systems
 8 as defined in section three hundred eighty-six C point one (386C.1)
 9 of the Code."

Approved February 12, 1970.

CHAPTER 1158

SNOWMOBILES

H. F. 77

AN ACT relating to snowmobiles.

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

1 SECTION 1.

2 1. "Snowmobile" means any self-propelled vehicle weighing less
3 than one thousand pounds which utilizes wheels with pneumatic tires
4 and is designed to operate on land or water or is equipped with sled-
5 type runners or skis, an endless belt-type tread, or any combination
6 thereof and is designed for travel upon snow, land, or ice.

7 2. "Commission" means the state conservation commission.

1 SEC. 2. The commission is hereby vested with the power to adopt
2 rules and regulations for the:

3 1. Registration of snowmobiles,

4 2. Use of snowmobiles insofar as game and fish resources are af-
5 fected, and

6 3. Use of snowmobiles on public lands under the jurisdiction of the
7 commission.

8 The commissioner of public safety may adopt rules and regulations
9 not inconsistent herewith regulating the use of snowmobiles on streets
10 and highways, except that cities and towns may regulate their use on
11 streets under the jurisdiction of cities and towns within their respec-
12 tive corporate limits.

1 SEC. 3. Every snowmobile used on public streets, highways, land,
2 or ice of this state shall be currently registered and numbered. No
3 person shall operate, maintain, or give permission for the operation
4 or maintenance of any such snowmobile on such land or ice unless the
5 snowmobile is numbered in accordance with this Act, or in accordance
6 with applicable federal laws, or in accordance with an approved num-
7 bering system of another state, and unless the identifying number set
8 forth in the registration is displayed on each side of the forward half
9 of such snowmobile.

1 SEC. 4. The owner of each snowmobile required to be numbered
2 shall register it every year with the county recorder of the county in
3 which the owner resides or, if the owner is a nonresident, he shall
4 register it in the county in which such snowmobile is principally used.
5 The commission shall have supervisory responsibility over the regis-
6 tration of all snowmobiles and shall provide each county recorder with
7 registration forms and certificates and shall allocate identification
8 numbers to each county.

9 The owner of such snowmobile shall file an application for registra-
10 tion with the appropriate county recorder on forms provided by the
11 commission. The application shall be completed and signed by the
12 owner of the snowmobile and shall be accompanied by a fee of six dol-
13 lars and a writing fee of fifty cents. Proof of payment of Iowa sales
14 or use tax must accompany all applications for registration. Upon
15 receipt of the application in approved form accompanied by the re-
16 quired fees, the county recorder shall enter the same upon his records

17 and shall issue to the applicant a pocket-size registration certificate.
18 The certificate shall be executed in triplicate, one copy to be delivered
19 to the owner, one copy to the commission, and one copy to be retained
20 on file by the county recorder. The registration certificate shall bear
21 the number awarded to such snowmobile and the name and address of
22 the owner. The registration certificate shall be carried either in the
23 snowmobile or on the person of the operator of such machine when
24 in use.

1 SEC. 5. A plate or decal containing the identification numbers or
2 letters shall be furnished by the conservation commission.

3 The owner shall cause the identification number to be attached to
4 each side of the forward half of the snowmobile in such manner as
5 may be prescribed by the rules and regulations of the commission and
6 shall be maintained in legible condition at all times.

1 SEC. 6. Every registration certificate and number issued shall
2 expire at midnight April thirtieth, unless sooner terminated or dis-
3 continued in accordance with the provisions of this chapter. After
4 the first day of January each year, any unregistered snowmobile and
5 renewals of registration may be so registered for the subsequent
6 year beginning May first.

7 After the first day of January any unregistered snowmobile may be
8 registered for the remainder of the current registration period and
9 for the subsequent registration period in one transaction. The fee
10 shall be three dollars for the remainder of the current period, in ad-
11 dition to the registration fee of six dollars for the subsequent year
12 beginning May first, and a writing fee of fifty cents. Registration
13 certificates and numbers may be renewed upon application of the
14 owner in the same manner as provided for in securing the original
15 registration.

16 If the application for registration for the subsequent year is not
17 made before May first of each year, the applicant shall be charged a
18 penalty of one dollar for each six month's delinquency, or any portion
19 thereof.

20 Whenever any person, after registering a snowmobile, moves from
21 the address shown on the registration certificate, he shall, within ten
22 days, notify the county recorder in writing of such fact.

23 Registrations may be transferred when a snowmobile is sold by
24 filing an application for such transfer with the county recorder of the
25 county wherein the snowmobile is registered. The county recorder
26 shall collect a transfer fee of one dollar and an additional twenty-five
27 cents as a writing fee.

28 Duplicate registrations may be issued upon application therefor and
29 the payment of the same fees collected for the transfer of registra-
30 tions.

1 SEC. 7. All fees collected from the registration of snowmobiles
2 shall be forwarded by the county recorder to the commission for re-
3 mission to the treasurer of state, who shall place such money in the
4 state conservation fund. The fees collected shall be appropriated by
5 the general assembly to the commission solely for their use.

1 SEC. 8. No registration shall be required for the following de-
2 scribed snowmobiles:

- 3 1. Snowmobiles owned and used by the United States, another state,
4 or a political subdivision thereof.
- 5 2. Snowmobiles registered in a country other than the United
6 States temporarily used within this state.
- 7 3. Snowmobiles covered by a valid license of another state and
8 which have not been within this state for more than twenty consecu-
9 tive days.
- 10 4. Snowmobiles not registered or licensed in another state or coun-
11 try being used in this state during an organized race or exhibition
12 and not remaining in the state for a period of more than ten days.

1 SEC. 9. No person shall operate a snowmobile upon roadways or
2 highways, as defined in section three hundred twenty-one point one
3 (321.1) of the Code, except as provided in this Act.

4 1. A snowmobile shall not be operated at any time within the right
5 of way of any interstate highway or freeway within this state.

6 2. A snowmobile may make a direct crossing of a street or highway
7 provided:

8 a. The crossing is made at an angle of approximately ninety de-
9 grees to the direction of the highway and at a place where no obstruc-
10 tion prevents a quick and safe crossing; and

11 b. The snowmobile is brought to a complete stop before crossing the
12 shoulder or main traveled way of the highway; and

13 c. The driver yields the right of way to all oncoming traffic which
14 constitutes an immediate hazard; and

15 d. In crossing a divided highway, the crossing is made only at an
16 intersection of such highway with another public street or highway.

17 3. A registered snowmobile shall not be operated on public high-
18 ways:

19 a. On the roadway portion of a highway and adjacent shoulder, or
20 at least five feet on either side of the roadway, except as provided in
21 subsection four (4) of this section, and

22 b. On limited access highways and approaches, and

23 c. For racing any moving object, and

24 d. Abreast with one or more other snowmobiles on a city or town
25 highway.

26 4. A registered snowmobile may be operated under the following
27 conditions:

28 a. Upon city or town highways which have not been plowed during
29 the snow season or on such highways as designated by the governing
30 body of a municipality.

31 b. On that portion of county roads that have not been plowed during
32 the snow season and not maintained or utilized for the operation of
33 conventional motor vehicles.

34 c. On highways in an emergency during the period of time when and
35 at locations where snow upon the roadway renders travel by conven-
36 tional motor vehicles impractical.

37 5. The headlight and tail light shall be lighted during the operation
38 on a public highway at any time from sunset to sunrise, and at such
39 other times when conditions such as fog, snow, sleet, or rain provide
40 insufficient lighting to render clearly discernible persons and vehicles
41 at a distance of five hundred feet ahead.

42 6. A snowmobile shall not be operated on or across a public high-
43 way by a person under sixteen years of age.

1 SEC. 10. Whenever any snowmobile is involved in an accident re-
2 sulting in injury or death to anyone or property damage amounting to
3 fifty dollars or more, either the operator or someone acting for him
4 shall immediately notify the county sheriff or another law enforcement
5 agency in the state. The operator shall file with the commission a
6 report of the accident, within forty-eight hours, containing such in-
7 formation as the commission may require.

1 SEC. 11. A snowmobile shall not be operated without suitable and
2 effective muffling devices except when being operated or used in an
3 organized race or exhibition.

1 SEC. 12. Every snowmobile shall be equipped with at least one
2 head lamp and one tail lamp, and with brakes which conform to stand-
3 ards prescribed by the commissioner of public safety.

1 SEC. 13. It shall be unlawful for any person to drive or operate
2 any snowmobile:

3 1. At a rate of speed greater than reasonable or proper under all
4 existing circumstances.

5 2. In a careless, reckless, or negligent manner so as to endanger
6 the person or property of another or to cause injury or damage there-
7 to.

8 3. While under the influence of intoxicating liquor or narcotics or
9 habit-forming drugs.

10 4. Without a lighted headlight and tail light when required for
11 safety.

12 5. In any tree nursery or planting in a manner which damages or
13 destroys growing stock.

14 6. With any firearms in the vehicle, except in the possession of a
15 peace officer.

1 SEC. 14. Any person who shall violate any provision of this Act
2 or any regulation of the commission or commissioner of public safety
3 shall be guilty of a misdemeanor and punished by a fine of not more
4 than one hundred dollars, or by imprisonment for not more than
5 ninety days.

Approved March 4, 1970.

CHAPTER 1159

MOTOR VEHICLE MANUFACTURERS AND DEALERS

S. F. 594

AN ACT relating to fees charged for licenses of motor vehicle manufacturers, distribu-
tors, wholesalers, factory representatives, and distributor branch representatives.

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

1 SECTION 1. Section three hundred twenty-two point twenty-nine
2 (322.29), Code 1966, is hereby amended as follows:

3 1. By striking from line eighteen (18) the word "five" and insert-
4 ing in lieu thereof the word "ten".

5 2. By striking from line twenty (20) the word "five" and inserting
6 in lieu thereof the word "ten".

7 3. By striking from line twenty-two (22) the word "two" and in-
8 serting in lieu thereof the word "five".

1 SEC. 2. Section three hundred twenty-two point five (322.5), Code
2 1966, is hereby amended by striking from line three (3) the word
3 "twenty-six" and inserting in lieu thereof the word "thirty-five".

1 SEC. 3. Section three hundred twenty-two point twelve (322.12),
2 Code 1966, is hereby amended by striking from line thirteen (13)
3 the word "fiscal" and inserting in lieu thereof the words "calendar
4 year on account of fees applicable to that calendar".

Approved April 14, 1970.

CHAPTER 1160

MOTOR VEHICLE FRANCHISORS

H. F. 1137

AN ACT to provide for fair trade practices by motor vehicle franchisors.

WHEREAS, the sale and distribution of motor vehicles is affected with a public interest, and it is recognized that a significant factor of inducement in the making of a sale of a motor vehicle is the trust and confidence of the purchaser in the retail dealer from whom the purchase is made, and the expectancy that he will remain in business to provide service for the motor vehicle purchased; and

WHEREAS, it is further recognized that proper motor vehicle service is important to highway safety, and the manufacturer and distributor of motor vehicles have an obligation to the public not to terminate or refuse to continue their franchise agreements with retail dealers unless and until the manufacturer or distributor has first established good cause for termination or noncontinuance of any such agreement and in the event that good cause is established, then to also establish that on termination or noncontinuance another dealership in the same line-make will be opened in the same community to the end that there shall be no diminution of locally available service or in the alternative to establish that the community cannot reasonably be expected to support such a dealership; and

WHEREAS, it is also recognized that the opening of additional dealerships of any line-make which is at that time represented in a community may adversely affect the ability of all dealerships of all product lines to provide efficient and proper motor vehicle service in the community and, therefore, additional dealerships should not be opened in a community unless it is first established that there is good cause therefor; NOW
THEREFORE,

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

1 SECTION 1. When used in this Act, unless the context otherwise
2 requires:

3 1. "Person" means a sole proprietor, partnership, corporation, or
4 any other form of business organization.

5 2. "Franchisor" means a person who manufactures or distributes
6 motor vehicles and who may enter into a franchise as hereinafter
7 defined.

8 3. "Franchisee" means a person who receives motor vehicles from
9 the franchisor under a franchise and who offers and sells such motor
10 vehicles to the general public.

11 4. "Franchise" means a contract between two or more persons
12 when all of the following conditions are included:

13 a. A commercial relationship of definite duration or continuing
14 indefinite duration is involved.

15 b. The franchisee is granted the right to offer and sell motor ve-
16 hicles manufactured or distributed by the franchisor.

17 c. The franchisee, as an independent business, constitutes a com-
18 ponent of franchisor's distribution system.

19 d. The operation of franchisee's business is substantially associated
20 with the franchisor's trademark, service mark, tradename, advertis-
21 ing, or other commercial symbol designating the franchisor.

22 e. The operation of the franchisee's business is substantially reliant
23 on franchisor for the continued supply of motor vehicles, parts, and
24 accessories.

25 5. "Motor vehicle" means "motor vehicles" as defined in chapter
26 three hundred twenty-one (321) of the Code which are subject to
27 registration pursuant to the provisions thereof.

28 6. "Community" means the franchisee's area of responsibility as
29 stipulated in the franchise.

30 7. "Commission" means the Iowa state commerce commission.

31 8. "Consumer care" means to perform, for the public, necessary
32 maintenance and repairs to motor vehicles.

1 SEC. 2. Notwithstanding the terms, provisions or conditions of
2 any agreement or franchise, no franchisor shall terminate or refuse
3 to continue any franchise unless the franchisor has first established,
4 in a hearing held under the provisions of this Act, that:

5 1. The franchisor has good cause for termination or noncontinu-
6 ance, and

7 2. Upon termination or noncontinuance, another franchise in the
8 same line-make will become effective in the same community, without
9 diminution of the motor vehicle service formerly provided, or that
10 the community cannot be reasonably expected to support such a dealer-
11 ship; provided however, a franchisor may terminate a franchise for a
12 particular line-make if the franchisor discontinues that line-make and
13 a franchisor may terminate a franchise if the franchisee's license as
14 a motor vehicle dealer is revoked pursuant to the provisions of chapter
15 three hundred twenty-two (322) of the Code.

1 SEC. 3. In the event that a franchisor is permitted to terminate
2 or not continue a franchise, and is further permitted not to enter into
3 a franchise for the line-make in the community, no franchise shall

4 thereafter be entered into for the sale of motor vehicles of that line-
5 make in the community, unless the franchisor has first established,
6 in a hearing held under the provisions of this Act, that there has
7 been a change of circumstances so that the community at that time can
8 be reasonably expected to support the dealership.

1 SEC. 4. No franchisor shall enter into any franchise for the pur-
2 pose of establishing an additional motor vehicle dealership in any
3 community in which the same line-make is then represented, unless
4 the franchisor has first established in a hearing held under the pro-
5 visions of this Act that there is good cause for such additional motor
6 vehicle dealership under such franchise, and that it is in the public
7 interest.

1 SEC. 5. Every franchisor and franchisee shall fulfill the terms
2 of any express or implied warranty concerning the sale of a motor
3 vehicle to the public of the line-make which is the subject of a contract
4 or franchise agreement between the parties. If it is determined by
5 the district court that either the franchisor or franchisee, or both,
6 have violated an express or implied warranty, the court shall add to
7 any award or relief granted an additional award for reasonable attor-
8 ney fees and other necessary expenses for maintaining the litigation.

1 SEC. 6. In the event that a franchisor seeks to terminate or not
2 continue any franchise, or seeks to enter into a franchise establishing
3 an additional motor vehicle dealership of the same line-make, the
4 franchisor shall file an application with the commission for permission
5 to terminate or not continue the franchise, or for permission to enter
6 into a franchise for additional representation of the same line-make
7 in that community.

1 SEC. 7. Upon receiving an application, the commission shall enter
2 an order fixing a time, which shall be within ninety days of the date
3 of such order, and place of hearing, and shall send by certified or
4 registered mail, with return receipt requested, a copy of the order to
5 the franchisee whose franchise the franchisor seeks to terminate or
6 not continue. If the application requests permission to establish an
7 additional motor vehicle dealership, a copy of the order shall be sent
8 to all franchisees in the community who are then engaged in the busi-
9 ness of offering to sell or selling the same line-make. Copies of orders
10 shall be addressed to the franchisee at the place where the business is
11 conducted. The commission may also give notice of franchisor's ap-
12 plication to any other parties whom the commission may deem inter-
13 ested persons, such notice to be in the form and substance and given
14 in the manner the commission deems appropriate.

15 Any person who can show an interest in the application may become
16 a party to the hearing, whether or not he receives notice; provided
17 however, a party not receiving notice shall be limited to participation
18 at the hearing on the question of the public interest in the termination
19 or continuation of the franchise or in the establishment of an addi-
20 tional motor vehicle dealership.

1 SEC. 8. If the commission finds it desirable it may upon request
2 continue the date of hearing for a period of ninety days, and may

3 upon application, but not ex parte, continue the date of hearing for
4 an additional period of ninety days.

1 SEC. 9. Upon hearing, the franchisor shall have the burden of
2 proof to establish that under the provisions of this Act he should be
3 granted permission to terminate or not continue the franchise, or
4 to enter into a franchise establishing an additional motor vehicle
5 dealership.

6 Nothing contained in this Act shall be construed to require or
7 authorize any investigation by the commission of any matter before
8 the commission under this Act. Upon hearing, the commission shall
9 hear the evidence introduced by the parties and shall make its deci-
10 sion solely upon the record so made.

1 SEC. 10. The rules of civil procedure relating to discovery and
2 inspection shall apply to hearings held under the provisions of this
3 Act, and the commission may issue orders to give effect to such rules.

4 In the event issues are raised which would involve violations of
5 any state or federal antitrust or price-fixing law, all discovery and
6 inspection proceedings which would be available under such issues in
7 a state or federal court action shall be available to the parties to the
8 hearing, and the commission may issue orders to give effect to such
9 proceedings.

10 Evidence which would be admissible under the issues in a state or
11 federal court action is admissible in a hearing held by the commis-
12 sion. The commission shall apportion all costs between the parties.

1 SEC. 11. Notwithstanding the terms, provisions or conditions of
2 any agreement or franchise, the following shall not constitute good
3 cause for the termination or noncontinuation of a franchise, or for
4 entering into a franchise for the establishment of an additional dealer-
5 ship in a community for the same line-make:

6 1. The sole fact that franchisor desires further penetration of the
7 market.

8 2. The change of ownership of the franchisee's dealership or the
9 change of executive management of the franchisee's dealership, unless
10 the franchisor, having the burden of proof, proves that such change
11 of ownership or executive management will be substantially detri-
12 mental to the distribution of franchisor's motor vehicles in the com-
13 munity.

14 3. The fact that the franchisee refused to purchase or accept de-
15 livery of any motor vehicle or vehicles, parts, accessories or any other
16 commodity or service not ordered by the franchisee.

1 SEC. 12. Notwithstanding the terms, provisions or conditions of
2 any agreement or franchise, subject to the provisions of subsection
3 two (2) of section eleven (11) of this Act, in the event of the sale or
4 transfer of ownership of the franchisee's dealership by sale or trans-
5 fer of the business or by stock transfer or in the event of change in
6 the executive management of the franchisee's dealership the franchisor
7 shall give effect to such a change in the franchise unless the transfer
8 of the franchisee's license under chapter three hundred twenty-two
9 (322) of the Code is denied or the new owner is unable to obtain a
10 license under chapter three hundred twenty-two (322) of the Code,
11 as the case may be.

1 SEC. 13. The commission may issue subpoenas, administer oaths,
2 compel the attendance of witnesses and production of books, papers,
3 documents, and all other evidence. The commission may apply to the
4 district court of the county wherein the hearing is being held for a
5 court order enforcing this section.

1 SEC. 14. In the event that a franchisor enters into or attempts to
2 enter into a franchise, whether upon termination or refusal to con-
3 tinue another franchise or upon the establishment of an additional
4 motor vehicle dealership in a community where the same line-make
5 is then represented, without first complying with the provisions of
6 this Act, no license under chapter three hundred twenty-two (322) of
7 the Code shall be issued to that franchisee or proposed franchisee to
8 engage in the business of selling motor vehicles manufactured or
9 distributed by that franchisor.

1 SEC. 15. In determining whether good cause has been established
2 for terminating or not continuing a franchise, the commission shall
3 take into consideration the existing circumstances, including, but not
4 limited to:

- 5 1. Amount of business transacted by the franchisee.
- 6 2. Investment necessarily made and obligations incurred by the
7 franchisee in the performance of his part of the franchise.
- 8 3. Permanency of the investment.
- 9 4. Whether it is injurious to the public welfare for the business of
10 of the franchisee to be disrupted.
- 11 5. Whether the franchisee has adequate motor vehicle service facil-
12 ities, equipment, parts and qualified service personnel to reasonably
13 provide consumer care for the motor vehicles sold at retail by the
14 franchisee and any other motor vehicles of the same line-make.
- 15 6. Whether the franchisee refuses to honor warranties of the fran-
16 chisor to be performed by the franchisee, provided that the franchisor
17 reimburses the franchisee for such warranty work performed by the
18 franchisee.
- 19 7. Except as provided in section eleven (11) of this Act, failure by
20 the franchisee to substantially comply with those requirements of
21 the franchise which are determined by the commission to be reasonable
22 and material.
- 23 8. Except as provided in section eleven (11) of this Act, bad faith
24 by the franchisee in complying with those terms of the franchise
25 which are determined by the commission to be reasonable and
26 material.

1 SEC. 16. In determining whether good cause has been established
2 for entering into an additional franchise for the same line-make, the
3 commission shall take into consideration the existing circumstances,
4 including, but not limited to:

- 5 1. Amount of business transacted by other franchisees of the same
6 line-make in that community.
- 7 2. Investment necessarily made and obligations incurred by other
8 franchisees of the same line-make, in that community, in the per-
9 formance of their part of their franchises.
- 10 3. Permanency of the investment.

11 4. Effect on the retail motor vehicle business as a whole in that
12 community.

13 5. Whether it is injurious to the public welfare for an additional
14 franchise to be established.

15 6. Whether the franchisees of the same line-make in that commu-
16 nity are providing adequate consumer care for the motor vehicles of
17 the line-make which shall include the adequacy of motor vehicle serv-
18 ice facilities, equipment, supply of parts and qualified service per-
19 sonnel.

1 SEC. 17. Any party to a hearing before the commission may take
2 an appeal from any final order entered in such hearing in the man-
3 ner provided for appeals in section three hundred twenty-two point
4 ten (322.10) of the Code.

1 SEC. 18. If any provision of this Act or the application of the
2 Act to any person or circumstance is held invalid, such invalidity
3 shall not affect provisions or applications of the Act which can be
4 given effect without the invalid provision and to this end the provi-
5 sions of this Act are declared to be severable.

Approved March 20, 1970.

CHAPTER 1161

MARINE FUEL TAX FUND

H. F. 1232

AN ACT relating to motor fuel used in watercraft, the creation of a marine fuel tax fund, and the allocation and appropriation of such fund to the use of the conservation commission.

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

1 SECTION 1. Chapter two hundred thirteen (213), section one (1),
2 Acts of the Sixty-third General Assembly, First Session, which re-
3 peals section three hundred twenty-four point seventy-eight (324.78),
4 Code 1966, and enacted a substitute therefor, is hereby amended by
5 adding the following:

6 "Before the preceding credits are made for the fiscal year begin-
7 ning July 1, 1970, the amount of thirty-five thousand (35,000) dollars,
8 which it is hereby determined represents the net proceeds of motor
9 fuel tax attributable to motor fuel used in watercraft, shall be placed
10 in a separate fund, which is hereby created and designated as the
11 'marine fuel tax fund'. All moneys derived from the excise tax on
12 the sale of motor fuel used in watercraft after July 1, 1971, shall be
13 deposited in the marine fuel tax fund. Moneys in such fund shall
14 be subject to appropriation by the general assembly to the state
15 conservation commission for use in its recreational boating program,
16 which may include but shall not be limited to:

17 1. Dredging and renovation of natural lakes of this state.

18 2. Acquisition, development and maintenance of access to public
19 boating waters.

20 3. Development and maintenance of boating facilities and naviga-
21 tion aids.

22 4. Administration, operation and maintenance of the recreation
23 boating division of the conservation commission.

24 5. Acquisition, development and maintenance of recreation facilities
25 associated with recreation boating."

1 SEC. 2. Section three hundred twenty-four point sixteen (324.16),
2 Code 1966, as amended by chapter two hundred eighty-seven (287),
3 section eleven (11), Acts of the Sixty-second General Assembly,
4 which is amended by chapter one hundred ten (110), section thirty-
5 four (34), Acts of the Sixty-third General Assembly, First Session,
6 and chapter two hundred eighty-eight (288), section seven (7), Acts
7 of the Sixty-second General Assembly, is further amended by insert-
8 ing in line four (4) after the word "vehicles" the words "or water-
9 craft".

1 SEC. 3. Section three hundred twenty-four point seventeen
2 (324.17), Code 1966, as amended by chapter two hundred eighty-seven
3 (287), section twelve (12), Acts of the Sixty-second General Assem-
4 bly, and chapter two hundred eighty-eight (288), section twenty-three
5 (23), Acts of the Sixty-second General Assembly, which is amended by
6 chapter one hundred ten (110), section forty (40), Acts of the Sixty-
7 third General Assembly, First Session, is further amended as follows:

8 1. By striking from line six (6) the words "or boats".

9 2. By inserting in line seven (7) after the word "than" the words
10 "in watercraft or".

11 3. By inserting in subsection four (4), line three (3), after the word
12 "in" the words "watercraft or".

13 4. By inserting in subsection five (5), line two (2), after the word
14 "for" the words "watercraft or".

1 SEC. 4. During the fiscal year beginning July 1, 1970, the legisla-
2 tive service bureau shall conduct a study to determine the percentage
3 of total motor fuel tax collected which is attributable to motor fuel
4 used in watercraft. The percentage determined by the study shall be
5 used by the legislature in determining the amount of motor fuel tax
6 which shall be credited to the marine fuel tax fund. The legislative
7 service bureau shall use the most appropriate method available in con-
8 ducting the study. The state conservation commission and the de-
9 partment of revenue shall cooperate with the legislative service
10 bureau in conducting the study. The study shall be reviewed, and the
11 applicable percentage recomputed, at least once every four years.

1 SEC. 5. There is hereby appropriated from the marine fuel tax
2 fund to the state conservation commission for the fiscal year begin-
3 ning July 1, 1970 and ending June 30, 1971 the sum of thirty-five
4 thousand (35,000) dollars, or so much thereof as may be necessary,
5 for the purpose of expanding the boating safety and education pro-
6 gram and for the acquisition and development of boating access to
7 public waters.

1 SEC. 6. Section three hundred twenty-four point seventeen
2 (324.17), Code 1966, is hereby amended by inserting at the end a new
3 paragraph:

4 A bona fide commercial fisherman, licensed and operating under
 5 an owner's certificate for commercial fishing gear issued pursuant to
 6 section one hundred ten point one (110.1) of the Code shall be en-
 7 titled to receive a motor fuel tax refund under this section.

Approved May 1, 1970.

CHAPTER 1162

HORTICULTURAL PRODUCTS AND LIVESTOCK

H. F. 1016

AN ACT relating to the transportation of agricultural and horticultural products and livestock.

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

1 SECTION 1. Section three hundred twenty-five point two (325.2),
 2 subsection one (1), Code 1966, is hereby amended by inserting in line
 3 three (3) after the word "carrier" the words ", except that any carrier
 4 transporting livestock or unprocessed agricultural or horticultural
 5 products shall be exempt from tariff-filing requirements and the issu-
 6 ance of freight receipts if such carrier does not transport any other
 7 property for compensation".

Approved March 13, 1970.

CHAPTER 1163

MOTOR VEHICLE REGISTRATION FEES

H. F. 1

AN ACT relating to motor vehicle registration fees and to the negotiation and execution of reciprocal, proration, and other agreements or declarations for fleet owners of commercial vehicles engaged in interstate commerce.

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

1 SECTION 1. Chapter three hundred twenty-six (326), Code 1966,
 2 is hereby repealed and the following enacted in lieu thereof:

1 SEC. 2. It is the policy of this state to promote and encourage
 2 the fullest possible use of its highway system by authorizing the
 3 negotiation and execution of motor vehicle reciprocal or proportional
 4 registration agreements, arrangements and declarations with other
 5 jurisdictions with respect to vehicles registered in this and such
 6 other jurisdictions, thus contributing to the economic and social de-
 7 velopment and growth of this state.

1 SEC. 3. As used in this Act, unless the context otherwise requires:

- 2 1. "Board" means the Iowa reciprocity board created in section
- 3 four (4) of this Act.
- 4 2. "Executive secretary" means the person appointed by the board

5 pursuant to section five (5) of this Act.

6 3. "Commercial vehicle" means any vehicle which is operated in
7 interstate commerce or combined intrastate and interstate commerce
8 and used for the transportation of persons for hire, compensation or
9 profit, or designed or used primarily for the transportation of
10 property.

11 4. "Jurisdiction" means any county, state, territory, federal dis-
12 trict, foreign country, or political subdivision thereof.

13 5. "Proportional registration" or "proration" means division and
14 distribution of registration fees imposed on commercial vehicles be-
15 tween two or more jurisdictions in accordance with a formula based
16 on miles traveled by such vehicles.

17 6. "Base state" with respect to commercial vehicles subject to
18 proportional registration means the state from which the vehicle is
19 most frequently dispatched, garaged, serviced, maintained, operated,
20 or otherwise controlled, or also in the case of a fleet vehicle the state
21 to which allocated for registration under statutory requirements.

22 7. "Fleet" means two or more commercial vehicles at least one of
23 which is a motor vehicle.

24 8. "Total fleet miles" means the mileage generated by any truck
25 or truck tractor which was part of a prorate fleet during the fiscal
26 year period of September first through August thirty-first preceding
27 the year for which proportional registration is sought. Total fleet
28 mileage to be reported for any truck or truck tractor which was
29 deleted from or added to the prorate fleet during the fiscal year re-
30 porting period shall be only those miles generated by such truck or
31 truck tractor while the vehicle was part of the prorated fleet during
32 such fiscal year reporting period. "Total fleet miles" in relation to
33 trailers or semitrailers which are part of a prorate fleet means the
34 mileage generated by the power units of the fleet; provided, however,
35 that if such trailers or semitrailers were towed during the fiscal year
36 reporting period by the power units which collectively were pro-
37 portionally registered by the same fleet owner during the fiscal year
38 reporting period as part of two or more fleets, "total fleet miles" in
39 relation to such trailers or semitrailers means the total mileage
40 generated by the several power fleets during the fiscal year reporting
41 period even though some of the power units did not actually travel
42 a portion of their total miles in contracting states where the propor-
43 tional registration of such trailers or semitrailers is sought.

44 9. "Instate miles" means the mileage generated within this state
45 by commercial vehicles in the fleet subject to proportional registra-
46 tion; except that, with respect to fleet vehicles based in Iowa, "in-
47 state miles" shall also include all mileage traveled by such vehicles
48 in states with whom Iowa has a proportional registration agreement
49 but with whom the owner elects not to apportion registration fees
50 and mileage traveled by such vehicles under reciprocity obtained by
51 virtue of Iowa registration.

52 10. "Preceding year" means a period of twelve consecutive months
53 fixed by the board, which period shall be within the sixteen months
54 immediately preceding the commencement of the registration year
55 for which proportional registration is sought.

56 11. "Trip" for purposes of section twenty-four (24) of this Act
57 means:

58 a. A one-way movement from one point originating outside this
59 state and destined to another point outside this state.

60 b. A round trip movement between two points within this state.

61 c. A round trip movement originating in this state or destined
62 for a point within this state.

63 12. "Broker" for purposes of section twenty-four (24) of this Act
64 means any person who, as principal or agent, sells or offers for sale
65 any transportation, or negotiates for, or holds himself out for solici-
66 tation, advertisement, or otherwise as one who sells, provides, fur-
67 nishes, contracts, or arranges for such transportation. The term
68 "broker" shall not include motor carriers and employees or agents
69 thereof.

70 13. The words "vehicle," "motor vehicle," "motor truck," "truck
71 tractor," "road tractor," "trailer," "semitrailer," "trailer coach,"
72 "combination" or "combination of vehicles," "gross weight," "person,"
73 "owner," "nonresident," "street" or "highway", and "auxiliary axle"
74 shall have the meanings ascribed in section three hundred twenty-one
75 point one (321.1) of the Code.

76 14. "Compact miles" means the total miles a fleet operates in this
77 state and in all states with whom Iowa has an apportionment regis-
78 tration agreement and with whom the fleet owner has or will register
79 vehicles on an apportioned registration basis.

1 SEC. 4. The Iowa reciprocity board, hereinafter referred to as
2 the board, is hereby established and shall consist of three members,
3 one of whom shall be a member of the state highway commission, one
4 member of the state commerce commission, and the commissioner of
5 public safety. Each member of the board may appoint from the officials
6 of his department a deputy member who shall, in the absence of such
7 member, act as a member of the board. Such deputy member shall
8 have the full powers, authority, and responsibility of a board member.
9 The duties of board members or their deputies shall be in addition to
10 their regular duties, but they shall receive no additional compensation
11 except actual and necessary expenses incurred in the performance
12 of their official duties as board members.

1 SEC. 5. The board shall appoint a full-time executive secretary
2 who shall serve at the pleasure of the board. Other employees deemed
3 necessary to administer this Act shall be employed or retain current
4 employment in compliance with chapter ninety-five (95), Acts of the
5 Sixty-second General Assembly. All salaries and expenses incurred in
6 the administration of this Act shall be paid from moneys credited to
7 the state general fund under section three hundred twenty-one point
8 one hundred forty-five (321.145), subsection one (1), of the Code.
9 The board may call upon the staff facilities and personnel of the de-
10 partment of public safety, the state highway commission, and the
11 state commerce commssion for assistance in performing its functions.
12 The attorney general or his designee shall provide legal counsel and
13 assistance to the board.

1 SEC. 6. The board may enter into reciprocity agreements with
2 the duly authorized representatives of any jurisdiction exempting

3 nonresidents of this state using the highways of this state from the
4 registration requirements of chapter three hundred twenty-one (321)
5 of the Code and payment of any fees to this state with such condi-
6 tions, restrictions, and privileges or lack of same as the board deems
7 advisable.

1 SEC. 7. The board may, pursuant to section six (6) of this Act,
2 provide for proportional registration between this state and other
3 jurisdictions of fleets of commercial vehicles owned by residents or
4 nonresidents engaged in interstate commerce or simultaneously en-
5 gaged in interstate and intrastate commerce. The owners of fleets
6 of commercial vehicles subject to proportional registration under
7 apportionment agreements negotiated by the board shall file a sworn
8 statement with the board which shall contain the following informa-
9 tion and such other information as the board may require:

10 1. Total fleet miles for the preceding year.

11 2. Instate miles for the preceding year.

12 3. A description and identification of each vehicle which is part
13 of the fleet for which proportional registration is sought.

14 The dollar amount of registration fees due this state for each fleet
15 subject to proportional registration shall be computed as follows:

16 1. Divide total fleet miles during the preceding year into instate
17 miles during the preceding year to determine the percentage of total
18 fleet mileage allocable to this state.

19 2. Determine the sum total amount necessary to register each and
20 every vehicle in the fleet based on the annual registration fees pre-
21 scribed in chapter three hundred twenty-one (321) of the Code.

22 3. Multiply the percentage obtained under subsection one (1) of
23 this section by the sum total obtained under subsection two (2) of
24 this section.

25 4. The product so obtained under subsection three (3) of this sec-
26 tion shall be the amount payable by the owner for proportional regis-
27 tration of the fleet for the registration year. Payment of registration
28 fees shall be made in accordance with law.

1 SEC. 8. Notwithstanding any other law to the contrary, and as
2 an alternative to the procedure set out in section seven (7) of this
3 Act, the board may enter into agreements providing for proportional
4 registration between this state and other jurisdictions of fleets of
5 commercial vehicles owned by residents or nonresidents engaged in
6 interstate commerce or simultaneously engaged in interstate and
7 intrastate commerce on the basis of compact miles.

8 The Iowa prorata percent will be computed by dividing the Iowa
9 miles by the compact miles as defined in section three (3) of this Act.
10 If the composite percentage paid by the Iowa resident to each of
11 the states a party to an apportioned registration agreement with
12 Iowa for apportioned registrations is less than one hundred percent,
13 the Iowa reciprocity board will redetermine the registration fees due
14 the state of Iowa to bring the composite percent to one hundred
15 percent. If the composite percent paid by the nonresident fleet
16 operator to each of the states a party to an apportioned registration
17 agreement with Iowa for apportioned registration fees on vehicles
18 base plated in Iowa is less than one hundred percent, the Iowa

19 reciprocity board will redetermine the registration fees due the state
20 of Iowa to bring the composite percent to one hundred percent on
21 such Iowa base plated vehicles.

1 SEC. 9. When instate and total fleet or compact mileage cannot
2 be computed for a particular fleet on the basis of actual operation
3 during the preceding year, estimated mileage shall be accepted for
4 the fleets' first prorated application. Estimated mileage shall be based
5 on the proposed operation of the fleet during the entire year for
6 which proportional registration is sought. The applicant shall sub-
7 stantiate the estimate by submitting details of his proposed operation
8 including, but not limited to, type of operation, its location, routes,
9 and frequency of operation.

1 SEC. 10. The registrations of individual vehicles shall not be
2 subject to proportional registration with this state. The same fleet,
3 consisting of the same vehicles in each state, shall be proportionally
4 registered in each state with which the fleet is prorated; and every
5 one of the vehicles shall be included in the fleet in each state. Fail-
6 ure to comply with these requirements shall constitute grounds for
7 cancellation of proration privileges.

1 SEC. 11. The minimum fee for each vehicle registered with this
2 state under an apportionment agreement shall not be less than ten
3 dollars for each truck or truck tractor and two dollars for each
4 trailer. In addition to proportional registration fees, the board shall
5 collect the amounts of fees due as hereinafter provided for the
6 issuance of plates, stickers, or other identification of all vehicles sub-
7 ject to proportional registration.

1 SEC. 12. Vehicles acquired by a fleet owner after the commence-
2 ment of the registration year and subsequently added to the fleet
3 shall be prorated by applying the mileage percentage used in the
4 original application for such fleet for such registration period to
5 registration fees due under chapter three hundred twenty-one (321)
6 of the Code but in no case less than that required by section eleven
7 (11) of this Act. A supplemental report shall be filed with the board
8 not later than ten days after such addition to the fleet.

1 SEC. 13. Fleet owners who delete commercial vehicles displaying
2 Iowa base plates from the fleet after the commencement of the regis-
3 tration year shall be allowed to transfer registration credit to a
4 replacement vehicle in accordance with the provisions of this section.
5 Iowa shall allow credit for non-Iowa based deleted vehicles only if
6 the state designated by the fleet owner as the base state of the
7 deleted vehicle permits transfer of registration credit to the replace-
8 ment vehicle. The fleet owner shall notify the board not later than
9 ten days after such deletion and replacement. Allowance of credit
10 for deleted vehicles shall be subject to the following conditions:

11 1. No additional registration fee shall be assessed on a replacement
12 vehicle upon which the registration fee would have been the same as
13 that for the deleted vehicle. The fee for reissuance of registration cre-
14 dentials or for transfer of credentials shall be seven dollars.

15 2. No deletion shall be made nor credit allowed toward registration
16 of a replacement vehicle unless the vehicle to be removed from service

17 has been sold, junked, repossessed, foreclosed by mechanic's lien, title
18 transferred by operation of law, or cancellation or expiration of a
19 lease arrangement. The deleted vehicle shall have been disposed of on
20 or before the date the replacement vehicle was acquired or in the pos-
21 session of the applicant.

22 3. If a leased vehicle is to be deleted from the fleet and unexpired
23 registration fees applied to the replacement vehicle, the lessee shall
24 certify to the board that any unexpired registration fees paid by the
25 lessor to the lessee have been refunded to the lessor prior to the date
26 of the supplemental application requesting credit for registration fees
27 paid on the deleted vehicle.

1 Sec. 14. The board shall require fleet owners to submit under
2 oath any information deemed necessary to carry out the provisions of
3 this Act. Information furnished under this Act shall be forwarded to
4 the executive secretary of the board by each fleet owner no later than
5 November first preceding each registration year.

1 Sec. 15. The board shall obtain registration plates and receipts to
2 be issued pursuant to apportionment agreements or arrangements
3 authorized under this Act from the department of public safety in
4 accordance with law. The board shall then issue such registration
5 plates and receipts pursuant to apportionment agreements or ar-
6 rangements authorized under this Act.

1 Sec. 16. If the composite percentage apportioned by an owner on
2 a fleet of vehicles based in Iowa to each of the states with which Iowa
3 has an apportionment agreement is more than one hundred percent
4 percentagewise, the fleet owner may file a claim with the board for a
5 refund of registration fees paid in excess of one hundred percent per-
6 centagewise. The claim for such refund shall be filed on or after
7 December first of the year for which refund is requested, and the fleet
8 owner shall furnish satisfactory evidence of the alleged overpayment.
9 The board shall prescribe and provide suitable forms requisite or
10 deemed necessary to process such claims and insure that claims are
11 paid to fleet owners who have complied with proportional registration
12 requirements. The fleet owner may elect to apply any such refund to
13 proportional registration fees payable the next registration year in
14 lieu of any refund payable under this section. The state of Iowa shall
15 not be liable for claims filed after December first of the following
16 year.

1 SEC. 17. If the fees for such proportional registration are not
2 paid to each contracting jurisdiction entitled thereto on the basis of
3 the proportional registration application and supporting documents
4 filed with the board by the fleet owner within a reasonable amount of
5 time as determined by the board, the board shall redetermine fees
6 due this state. If any additional fees due this state are not paid by
7 the fleet owner within twenty days after the mailing to the owner of
8 a notice by certified mail of the additional fees due, such owner's
9 registration in this state shall be cancelled. In addition, the fees due
10 for registration in this state shall be a debt due to the state of Iowa.

1 SEC. 18. Resident fleet owners shall be required to list Iowa as
2 the base state for all commercial vehicles which qualify under the

3 term "base state" as defined in this Act, and Iowa base plates shall
4 be displayed on all such commercial vehicles. Nonresident fleet owners
5 subject to proportional registration shall display Iowa base plates if
6 the commercial vehicle qualifies as an Iowa based vehicle as defined
7 in this Act.

1 SEC. 19. When a nonresident fleet owner has registered vehicles
2 on a prorated basis, the vehicles shall be considered fully registered
3 insofar as interstate commerce is concerned. The privileges granted
4 to a nonresident pursuant to this Act shall permit the operation of a
5 vehicle which is simultaneously engaged in interstate movements and
6 intrastate commerce, provided that the owner has intrastate authority
7 or rights granted by the Iowa state commerce commission. Each
8 vehicle upon which an Iowa base plate is required to be displayed
9 under this Act shall be considered fully registered for both interstate
10 commerce and intrastate commerce.

1 SEC. 20. Any owner complying with and granted proportional
2 registration privileges shall preserve the records upon which applica-
3 tions are made for a period of four full years following the year for
4 which the application was made. Upon request of the board, all fleet
5 owners shall make all such records available to the board at the
6 office of the executive secretary for audit as to accuracy of computa-
7 tion and payment. If the owner does not produce such records when
8 so requested, the owner shall pay the costs of an audit by a duly ap-
9 pointed representative of the board at the home office of the owner.
10 The board may enter into agreements with authorized agencies or
11 other contracting states for joint audits of any such owner.

1 SEC. 21. The board may, notwithstanding any provisions of the
2 Code to the contrary, enter into reciprocity or proportional registra-
3 tion agreements which extend the benefits thereof to leased vehicles
4 on the basis of the residence of the lessee.

1 SEC. 22. In the absence of an agreement with another jurisdiction,
2 the board may examine the laws and requirements of such jurisdiction
3 and declare the extent and nature of exemptions, benefits, and privi-
4 leges to be extended to vehicles or owners of vehicles properly regis-
5 tered or licensed in such other jurisdiction. The board shall consider
6 the interests of the state of Iowa and the citizens thereof, the inter-
7 ests of the other jurisdictions and the citizens thereof, and the bene-
8 fits which will accrue to the economy of the state of Iowa from the
9 uninterrupted flow of commerce in declarations made under this
10 section. Each declaration shall specify that the extent of exemptions,
11 benefits, and privileges is subject to revision without notice upon
12 adoption by the General Assembly of legislation in conflict with the
13 terms of any such declaration.

1 SEC. 23. Any nonresident registered vehicle shall be subject to
2 all laws, rules, and regulations governing the operation of such vehicle
3 on the highways of this state. The registration number plates, sticker,
4 or other identification assigned and furnished to any vehicle for the
5 current registration year by the state in which the vehicle is reg-
6 istered shall be displayed on such vehicle substantially as provided
7 in chapter three hundred twenty-one (321) of the Code for vehicles
8 registered pursuant to the provisions of this Act. In addition, the

9 board shall charge and collect an additional fee of one dollar for each
10 plate, and two dollars for each sticker, or other identification fur-
11 nished for each vehicle registered in accordance with the provisions
12 of this section or extended reciprocity in accordance with the provi-
13 sions of this section except that no charge shall be made for the initial
14 registration receipt or cab card issued for each vehicle registered
15 pursuant to an apportionment registration agreement. The same
16 fee shall be charged for issuance of duplicate plates, stickers or other
17 identification required and a fee of two dollars shall be charged for
18 each duplicate or replacement registration receipt or cab card.

1 SEC. 24. The board may issue a trip permit to an owner who has
2 registered a fleet of vehicles with this state on a prorated basis pur-
3 suant to this Act to permit a non-Iowa registered vehicle to operate
4 on the highways of this state in interstate commerce if that leased
5 vehicle, when operated by the lessor, would be entitled to reciprocity
6 in this state. If the vehicle operated on the trip basis is owned by
7 the prorate fleet owner or is, at the time of the trip, under lease to
8 the owner for thirty days duration or longer, the board may limit the
9 issuance of permits on a particular vehicle not registered in Iowa to
10 one round trip interstate on Iowa highways during each calendar
11 quarter. The board may also issue a trip permit to an Iowa fleet
12 owner or Iowa broker who has not registered vehicles on a prorated
13 basis pursuant to the provisions of this Act to permit a non-Iowa
14 registered vehicle to operate on the highways of this state in inter-
15 state commerce if that leased vehicle, when operated by the lessor,
16 would be entitled to reciprocity in this state. The board shall charge
17 and collect a fee of five dollars for each permit issued under this
18 section.

1 SEC. 25. The owner of any vehicle with a gross weight in excess
2 of twelve thousand pounds which is properly registered and licensed
3 in some other jurisdiction, not entitled to reciprocal privileges for
4 the use of Iowa highways, and operated in interstate commerce occa-
5 sionally on Iowa highways, may in lieu of payment of the annual
6 registration fee for such vehicle register the vehicle and obtain a
7 trip permit from the board authorizing a trip operation of such
8 vehicle on the highways of Iowa in interstate commerce for not to
9 exceed seventy-two hours. The fee for such trip permit shall be ten
10 dollars.

1 SEC. 26. The board shall examine and determine the genuineness,
2 regularity, and legality of every application lawfully made pursuant
3 to this Act, and may in all cases make investigations as may be
4 deemed necessary or require additional information. The board
5 shall reject any such application if not satisfied of the genuineness,
6 regularity, or legality thereof of the truth of any statement contained
7 therein, or for any other reason, when authorized by law. The board
8 is hereby authorized to take possession of any indicia of proportional
9 registration or reciprocity upon expiration, revocation, cancellation,
10 or suspension thereof, or which is fictitious, or which has been un-
11 lawfully or erroneously issued.

12 The board may suspend or revoke the registration indicia of a
13 vehicle registered on a prorated basis in any one of the following
14 events:

15 1. When the board is satisfied that such registration indicia was
16 issued upon fraudulent application. Bona fide errors shall be cor-
17 rected within fifteen days after notification by the board.

18 2. When the board determines that the required fee has not been
19 paid and same is not paid upon reasonable notice and demand.

20 3. When the registration indicia is knowingly displayed on a vehicle
21 which is not in the prorated fleet of the registrant.

1 SEC. 27. The board shall prescribe and provide suitable forms of
2 application, registration receipts, and all other forms requisite or
3 deemed necessary to carry out the provisions of this Act.

1 SEC. 28. Operation of a commercial vehicle or vehicles in viola-
2 tion of the requirements of this Act, the motor vehicle registration
3 laws of this state, or the terms of any agreement negotiated by the
4 board pursuant to this Act may, after due notice and hearing, be
5 grounds for denial of reciprocal or proportional registration privileges
6 on the vehicle or vehicles of an owner so operated. Any owner denied
7 such reciprocal or proportional registration privileges shall be sub-
8 ject to payment of full annual Iowa registration fees on any such
9 vehicle operated on Iowa highways. In addition to denial of reciprocal
10 or proportional registration privileges, it shall be a misdemeanor,
11 unless such act is declared under Iowa law to be a felony, punishable
12 as provided in section three hundred twenty-one point four hundred
13 eighty-two (321.482) of the Code for any person to operate under
14 reciprocity or proportional registration in violation of any require-
15 ments of this Act.

1 SEC. 29. A fee shall be charged for copies of such records as may
2 be provided from the office of the board or the executive secretary.
3 Such fee shall be one dollar for the first page and fifty cents for each
4 additional page of copy received at any one time.

1 SEC. 30. All fees collected by the board pursuant to the provisions
2 of this Act shall be remitted to the treasurer of state for deposit in
3 the road use tax fund.

1 SEC. 31. All provisions of chapter three hundred twenty-one (321),
2 insofar as applicable, are hereby specifically extended to include
3 owners who register vehicles in this state on a proportional registra-
4 tion basis or who operate interstate on Iowa highways under reci-
5 procity.

1 SEC. 32. Whenever the reciprocity board has reason to believe
2 that a fleet owner has filed incorrect information with the reciprocity
3 board, department of public safety, or the department of revenue,
4 for the purpose of reducing the fleet owner's obligation for registra-
5 tion fees or fuel taxes, the reciprocity board may cancel the appor-
6 tioned registration privileges on all of the vehicles owned by such
7 person. Any person who has such privileges canceled shall be sub-
8 ject to the payment of the full annual registration fee for all vehicles
9 operated on the highways of this state for a period of at least five
10 years thereafter. The commissioner of public safety and the director
11 of revenue shall cooperate with the reciprocity board in ascertaining
12 the accuracy of all reports filed pertaining to registration fees and
13 motor fuel taxes.

14 Any person whose privileges are canceled may request an admin-
 15 istrative hearing of said action, and during the period pending the
 16 hearing the apportioned registration privileges shall be reinstated if
 17 the fleet owner posts security with the reciprocity board in an amount
 18 sufficient to pay such full annual fees if an adverse decision is rendered
 19 at the hearing. At such hearing the fleet owner shall have the burden
 20 of proof as to the accuracy of any report filed by the fleet owner with
 21 the reciprocity board, department of public safety, or the department
 22 of revenue. Any person aggrieved by a decision reached at the ad-
 23 ministrative hearing may appeal from such decision to the district
 24 court.

1 SEC. 33. If the laws of any other state or country impose any
 2 taxes, fees, charges, penalties, obligations, prohibitions, or limitations
 3 of any kind upon the vehicles of residents of Iowa, in addition to
 4 those imposed upon the vehicles of residents of such other state or
 5 country by the state of Iowa, the department may impose and collect
 6 fees and charges in the same amount and impose the same obliga-
 7 tions, prohibitions, or limitations upon the owner or operator of a
 8 vehicle registered in such other state or country.

1 SEC. 34. The board may promulgate any rules and regulations
 2 deemed necessary to carry out the provisions of this Act. Such rule-
 3 making authority shall be subject to the provisions of chapter seven-
 4 teen A (17A), Code 1966, as amended by Chapter ninety-two (92),
 5 Acts of the Sixty-second General Assembly.

1 SEC. 35. Chapter one hundred ninety-seven (197), section two
 2 (2), Acts of the Sixty-third General Assembly, First Session, which
 3 repealed and replaced section three hundred twenty-one point one
 4 hundred six (321.106), Code 1966, is hereby amended as follows:

5 1. By striking from line eleven (11) the word "Registration" and
 6 inserting in lieu thereof the words "Where there is a delinquency,
 7 registration".

8 2. By striking from line twelve (12) the words "prior to April
 9 first" and inserting in lieu thereof the words "after January thirty-
 10 first".

11 3.*By inserting in line thirteen (13) after the word "fee" the words
 12 ", plus penalties,".

1 SEC. 36. Section three hundred twenty-one point one hundred seven
 2 (321.107), Code 1966, is hereby amended by adding at the end thereof
 3 the following new paragraphs:

4 "No reduction in the registration fee shall be allowed by the Iowa
 5 reciprocity board until the applicant files satisfactory evidence to
 6 prove that there is no delinquency in registration.

7 If the applicant pays a penalty for any delinquent registration, the
 8 same penalty shall be assessed on the fees collected to increase the
 9 registered weight of the vehicle, if the increased weight is requested
 10 within forty-five days from the date the delinquent vehicle is regis-
 11 tered for that year."

1 SEC. 37. If any phrase, clause, subsection or section of this Act

*Amended by ch. 1142.

2 shall be declared unconstitutional or invalid by any court of competent
 3 jurisdiction, it shall be conclusively presumed that the legislature
 4 would have enacted this Act without the phrase, clause, subsection
 5 or section so held unconstitutional or invalid; and the remainder of
 6 this Act shall not be affected as a result of such part being held
 7 unconstitutional or invalid.

Approved April 9, 1970.

CHAPTER 1164

MOTOR CARRIERS REGISTRATION DECALS

H. F. 760

AN ACT relating to annual registration decal or sticker fees for motor carriers in interstate commerce.

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

1 SECTION 1. Section three hundred twenty-seven B point one
 2 (327B.1), Code 1966, is hereby amended by striking from lines thirty-
 3 six (36) and thirty-seven (37) the words "twenty-five cents" and
 4 inserting in lieu thereof the words "one dollar".

1 SEC. 2. This Act being deemed of immediate importance shall take
 2 effect and be in full force from and after its final approval and publi-
 3 cation in the Council Bluffs Nonpareil, a newspaper published in Coun-
 4 cil Bluffs, Iowa, and in the Times-Democrat, a newspaper published in
 5 Davenport, Iowa.

Approved March 4, 1970.

I hereby certify that the foregoing Act, House File 760, was published in the Council Bluffs Nonpareil, Council Bluffs, Iowa, March 9, 1970, and in the Times-Democrat, Davenport, Iowa, March 9, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1165

COUNTY SUPERVISORS

H. F. 1154

AN ACT relating to terms of office of certain county supervisors.

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

1 SECTION 1. Chapter two hundred eighteen (218), Acts of the
 2 Sixty-third General Assembly, First Session, is hereby amended as
 3 follows:

4 1. By striking from section six (6), lines five (5) and six (6), the
 5 words "except as provided in subsection two (2) of this section".

6 2. By striking from section six (6) all of lines ten (10) and eleven
 7 (11) and the figures "1973." from line twelve (12).

1 SEC. 2. Section thirty-nine point eighteen (39.18), Code 1966, as
 2 amended by chapter one hundred four (104), section one (1), Acts

3 of the Sixty-second General Assembly, and chapter two hundred eight-
 4 een (218), section ten (10), Acts of the Sixty-third General Assembly,
 5 First Session, is hereby repealed and the following enacted in lieu
 6 thereof:

7 "There shall be elected, biennially, in counties and townships, mem-
 8 bers of the board of supervisors and township trustees, respectively,
 9 for a term of four years to succeed those whose terms of office will
 10 expire on the second secular day of January following said election.
 11 The term of office of any supervisor or trustee, taking office for a four-
 12 year term one year later than the January next succeeding his election,
 13 shall, at the general election which next precedes by more than one
 14 year the expiration of his term, be refilled by a member elected to a
 15 three-year term or a five-year term to be specified on the ballot as
 16 determined by the board, so that the terms of no more than a bare
 17 majority of the board will expire in the same year. Thereafter all
 18 succeeding members shall be elected to four-year terms."

1 SEC. 3. The provisions of section two (2) of this Act shall apply to
 2 all trustees and members of board of supervisors elected in the year
 3 1968 and thereafter.

Approved March 20, 1970.

CHAPTER 1166

FEDERAL FUNDS FOR COUNTIES

S. F. 1289

AN ACT authorizing counties to cooperate with federal programs and to appropriate funds.

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

1 SECTION 1. Section three hundred thirty-two point three (332.3),
 2 Code 1966, as amended by chapter two hundred ninety-two (292),
 3 section one (1), and chapter two hundred ninety-three (293), section
 4 one (1), Acts of the Sixty-second General Assembly, is hereby fur-
 5 ther amended by adding the following subsection:

6 "To appropriate funds from the general fund to match any grant
 7 to the county under any state or federal program for the purpose
 8 of matching funds available to such county from federal programs
 9 including, but not limited to, crime control, public health, civil de-
 10 fense, highway safety, juvenile delinquency, narcotics control and
 11 pollution."

1 SEC. 2. Section twenty-four point six (24.6), Code 1966, is
 2 amended by inserting after the period in line twenty-one (21) the fol-
 3 lowing words:

4 "Approval may be granted by the state board upon an application
 5 approved by a two-thirds vote of the board of supervisors of a
 6 county to use this fund for the purpose of matching funds available
 7 to such county from federal programs including, but not limited to,
 8 crime control, public health, civil defense, highway safety, juvenile
 9 delinquency, narcotics control and pollution."

Approved May 5, 1970.

CHAPTER 1167

COUNTY AMBULANCE SERVICE

H. F. 589

AN ACT relating to county ambulance service.

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

1 SECTION 1. Chapter two hundred ninety-three (293), section one
 2 (1), Acts of the Sixty-second General Assembly, amending section
 3 three hundred thirty-two point three (332.3), Code 1966, is hereby
 4 amended by striking from line six (6) the word "There" and all of
 5 lines seven (7), eight (8) and nine (9) and inserting in lieu thereof
 6 the following:

7 "The board may adopt a schedule of fees to be charged the users of
 8 such service, and such fee schedule may include considerations con-
 9 cerning the cost of the service and the user's ability to pay."

10 "If a county shall provide ambulance service, it shall first ascer-
 11 tain what cities and towns in such county also provide ambulance
 12 service pursuant to section three hundred sixty-eight point seventy-
 13 four (368.74) of the Code. The county shall then coordinate its
 14 services with that provided by any such city or town in order to elimi-
 15 nate duplication and to make the ambulance service provided by the
 16 county and such cities and towns as economical as possible."

1 SEC. 2. Chapter five hundred fifteen (515), Code 1966, is amended
 2 by adding the following new section:

3 "Any third party payor making payment for ambulance service
 4 shall make such payment either jointly to the person on whose behalf
 5 the payment is made and to the person or organization providing
 6 such ambulance service, or directly to the person or organization
 7 providing such ambulance service."

Approved April 8, 1970.

CHAPTER 1168

FEDERAL TAX LIEN REGISTRATION

S. F. 1117

AN ACT relating to federal tax lien registration.

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

1 SECTION 1.

2 1. Notices of liens upon real property for taxes payable to the
 3 United States, and certificates and notices affecting the liens shall
 4 be filed in the office of the recorder of the county in which the real
 5 property subject to a federal tax lien is situated.

6 2. Notices of liens upon personal property, whether tangible or
 7 intangible, for taxes payable to the United States and certificates and
 8 notices affecting the liens shall be filed as follows:

9 a. If the person against whose interest the tax lien applies is a
10 corporation or a partnership whose principal executive office is in
11 this state, as these entities are defined in the internal revenue laws
12 of the United States, in the office of the secretary of state.

13 b. In all other cases, in the office of the recorder of the county
14 where the taxpayer resides at the time of filing of the notice of lien.

1 SEC. 2. Certification by the secretary of the treasury of the United
2 States, or his delegate, of notices of liens, certificates, or other notices
3 affecting tax liens entitles them to be filed, and no other attestation,
4 certification, or acknowledgment is necessary.

1 SEC. 3.

2 1. If a notice of federal tax lien, a refiling of a notice of tax lien,
3 or a notice of revocation of any certificate described in subsection
4 two (2) of this section is presented to the filing officer:

5 a. If the filing officer is the secretary of state, he shall cause the
6 notice to be marked, held and indexed in accordance with the provi-
7 sions of section five hundred fifty-four point ninety-four hundred
8 three (554.9403), subsection four (4), of the Code as if the notice
9 were a financing statement within the meaning of that section.

10 b. If the filing officer is a county recorder, he shall endorse thereon
11 his identification and the date and time of receipt and forthwith file
12 it alphabetically or enter it in an alphabetical index showing the name
13 and address of the person named in the notice, the date and time of
14 receipt, the identification number of the internal revenue service and
15 the total unpaid balance of the assessment appearing on the notice
16 of lien.

17 2. If a certificate of release, nonattachment, discharge or subordina-
18 tion of any tax lien is presented to the secretary of state for filing he
19 shall:

20 a. Cause a certificate of release or nonattachment to be marked,
21 held and indexed as if the certificate were a termination statement
22 within the meaning of the uniform commercial code, except that the
23 notice of lien to which the certificate relates shall not be removed from
24 the files.

25 b. Cause a certificate of discharge or subordination to be held,
26 marked and indexed as if the certificate were a release of collateral
27 within the meaning of the uniform commercial code.

28 3. If a refiled notice of federal tax lien referred to in subsection
29 one (1) of this section or any of the certificates or notices referred to
30 in subsection two (2) of this section is presented for filing with a
31 county recorder, he shall permanently attach the refiled notice or the
32 certificate to the original notice of lien and shall enter the refiled
33 notice or the certificate with the date of filing in any alphabetical
34 federal tax lien index on the line where the original notice of lien is
35 entered.

36 4. Upon request of any person, the filing officer shall issue his cer-
37 tificate showing whether there is on file, on the date and hour stated
38 therein, any notice of federal tax lien or certificate or notice affecting
39 the lien, filed on or after July 1, 1970, naming a particular person,
40 and if a notice or certificate is on file, giving the date and hour of
41 filing of each notice or certificate. The fee for a certificate is five
42 dollars. Upon request the filing officer shall furnish a copy of any

43 notice of federal tax lien or notice or certificate affecting a federal
44 tax lien for a fee of five dollars per page.

1 SEC. 4. The fee for filing and indexing each notice of lien or cer-
2 tificate or notice affecting the tax lien shall be as provided in section
3 three hundred thirty-five point fourteen (335.14) of the Code. The
4 officer shall bill the internal revenue service on a monthly basis for
5 fees for documents filed by them.

1 SEC. 5. Filing officers with whom notices of federal tax liens, cer-
2 tificates and notices affecting such liens have been filed on or before
3 July 1, 1970, shall, after that date, continue to maintain a file labeled
4 "federal tax lien notices filed prior to July 1, 1970" containing notices
5 and certificates filed in numerical order of receipt. If a notice of lien
6 was filed on or before July 1, 1970, any certificate or notice affecting
7 the lien shall be filed in the same office.

1 SEC. 6. This Act may be cited as the uniform federal tax lien reg-
2 istration Act.

1 SEC. 7. Section three hundred thirty-five point eleven (335.11),
2 Code 1966, is hereby repealed.

Approved May 5, 1970.

CHAPTER 1169

COUNTY RECORDER'S RECORDS

S. F. 406

AN ACT relating to records in the county recorder's office.

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

1 SECTION 1. Chapter three hundred thirty-five (335), Code 1966,
2 is hereby amended by adding to the end thereof the following new
3 section:

4 "The county recorder may reproduce in miniature any instrument
5 to be recorded in his office by processes enumerated in section three
6 hundred forty-three point thirteen (343.13) of the Code. When any
7 such recorded instrument involves a release or assignment, the
8 separate instrument filed acknowledging such release or assignment
9 shall be reproduced in miniature. In lieu of marginal entries the
10 recorder shall make indorsements in red ink on both the index and
11 the cross-index to the miniature instruments where such instruments
12 were originally indexed. When an official record is so produced in
13 miniature there shall at the same time be reproduced a security copy
14 to be kept outside of the courthouse."

1 SEC. 2. Section three hundred thirty-five point two (335.2), Code
2 1966, is hereby amended by striking from line two (2) the words "at
3 length".

1 SEC. 3. Section three hundred thirty-five point fourteen (335.14),
2 Code 1966, is hereby amended by striking subsection three (3).

1 SEC. 4. Section five hundred fifty-eight point forty-three (558.43),
2 Code 1966, is hereby repealed.

1 SEC. 5. Section five hundred fifty-eight point forty-five (558.45),
2 Code 1966, is hereby repealed and the following enacted in lieu
3 thereof:

4 "Where any mortgage, contract, or other instrument constituting
5 an encumbrance upon real estate shall be assigned or released by a
6 separate instrument it shall be the duty of the recorder to make a
7 notation in red ink on the index and cross-index where such instru-
8 ment was originally indexed, indicating the nature of such assign-
9 ment or release and the book and page where the same is recorded."

1 SEC. 6. Section five hundred fifty-eight point fifty-six (558.56),
2 Code 1966, is hereby repealed.

1 SEC. 7. Section six hundred fifty-five point one (655.1), Code
2 1966, is hereby amended by striking from lines six (6) and seven (7)
3 the words "in the margin of the record of the mortgage, or".

1 SEC. 8. Section six hundred fifty-five point three (655.3), Code
2 1966, is hereby repealed.

1 SEC. 9. Section six hundred fifty-five point four (655.4), Code
2 1966, is hereby repealed and the following enacted in lieu thereof:

3 "When a judgment of foreclosure is entered in any court, the clerk
4 shall file with the recorder an instrument in writing referring to the
5 mortgage and duly acknowledging that the same was foreclosed and
6 giving the date of the decree."

1 SEC. 10. Section six hundred fifty-five point five (655.5), Code
2 1966, is hereby repealed and the following enacted in lieu thereof:

3 "When the judgment is fully paid and satisfied upon the judgment
4 docket of such court, the clerk shall file with the recorder an instru-
5 ment in writing, referring to the mortgage and duly acknowledging
6 a satisfaction of such mortgage, and for such service the sum of
7 twenty-five cents will be allowed to be taxed as part of the costs of
8 the case."

Approved February 13, 1970.

CHAPTER 1170

COUNTY FEES

H. F. 1018

AN ACT relating to fees collected on the county level of government.

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

1 SECTION 1. Section three hundred thirty-three point fifteen
2 (333.15), Code 1966, is hereby amended as follows:

- 3 1. By striking from subsection one (1), line two (2), the words
 4 "fifty cents" and inserting in lieu thereof the words "one dollar".
 5 2. By striking from subsection one (1), line nine (9), the words
 6 "two and one-half" and inserting in lieu thereof the word "five".
 7 3. By striking from subsection two (2), line two (2), the words
 8 "fifty cents" and inserting in lieu thereof the words "one dollar".
 9 4. By striking from subsection three (3), line three (3), the words
 10 "fifty cents" and inserting in lieu thereof the words "one dollar".

1 SEC. 2. Section five hundred fifty-eight point fifty-seven (558.57),
 2 Code 1966, is hereby amended by striking from line eleven (11) the
 3 figures "50¢" and inserting in lieu thereof the words "one dollar".

1 SEC. 3. Section five hundred fifty-eight point sixty-six (558.66),
 2 Code 1966, is hereby amended by striking from line seven (7) the
 3 words "fifty cents" and inserting in lieu thereof the words "one
 4 dollar".

Approved May 5, 1970.

CHAPTER 1171

COURT-APPOINTED COUNSEL AND PUBLIC DEFENDERS

S. F. 124

AN ACT relating to court-appointed counsel and public defenders.

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

1 SECTION 1. As used in this Act:

2 1. "Attorney" means a lawyer appointed by a court to represent an
 3 incompetent or indigent person.

4 2. "Client" means an incompetent or indigent person represented
 5 by a court-appointed lawyer or public defender.

6 3. "Financial statement" means a full disclosure of all assets, liabilities,
 7 ties, current income, dependents and such other information as the
 8 court or public defender may require to determine if the client should
 9 have legal assistance at public expense.

1 SEC. 2. Before an attorney is appointed under the provisions of
 2 sections sixty-eight point eight (68.8), one hundred forty-five point
 3 seventeen (145.17), one hundred forty-five point nineteen (145.19),
 4 two hundred twenty-two point twenty-two (222.22), two hundred
 5 thirty-two point twenty-eight (232.28), seven hundred seventy-five
 6 point four (775.4) or seven hundred seventy-seven point twelve
 7 (777.12) of the Code, or to represent any person charged with a crime
 8 in this state, the court shall require the client, or his parent, guardian,
 9 or custodian to complete under oath a detailed financial statement.

1 SEC. 3. Any person requesting the assistance of a public defender
 2 under the provisions of chapter three hundred thirty-six A (336A) of
 3 the Code shall be required to complete a financial statement.

1 SEC. 4. Whenever a client is granted legal assistance at public

2 expense, the financial statement required by this Act shall be filed in
3 the client's court file and shall be retained as a permanent part thereof.

1 SEC. 5. Any person that submits to a court or to a public defender
2 a materially false financial statement, for the purpose of obtaining
3 legal assistance at public expense, shall be guilty of a misdemeanor
4 and shall be punished by a fine of not more than one hundred dollars
5 or by imprisonment for not more than thirty days.

1 SEC. 6. If a court finds that a person desires legal assistance, and
2 is financially able to secure counsel but refuses to employ an attorney,
3 the court shall appoint an attorney to represent such person at public
4 expense. The attorney fee paid by the state or county in such cases
5 shall be taxed as part of the court costs against the person receiving
6 the legal assistance, and the state or county shall be reimbursed for
7 said fee when the court costs are paid.

1 SEC. 7. Section seven hundred seventy-five point six (775.6), Code
2 1966, is hereby repealed and the following enacted in lieu thereof:

3 "Any attorney appointed at public expense may receive, or contract
4 to receive, a partial payment on behalf of the client he is appointed to
5 represent. Such attorney shall fully disclose to the court, by affidavit,
6 any sums he has received or contracted for, and any such sums shall
7 be considered by the court in determining the portion of the attorney
8 fee to be paid by the public."

Approved February 2, 1970.

CHAPTER 1172

COUNTY OFFICERS SALARIES

S. F. 1059

AN ACT to make the latest increase in compensation of certain county officers retroactive to July 1, 1969, independent of the valuation of moneys and credits assessed in the county, to reinstate additional compensation for certain county officers in counties having two places at which district court is held, and to legalize certain payments previously made.

WHEREAS, it is the purpose of this Act to correct legislative errors or oversights, nunc pro tunc, in order that the particular county officers affected hereby will be fully compensated for their past services as intended in the original enactments involved; and

WHEREAS, this is a public, rather than a private, purpose, is not an attempt to pay extra compensation, and will bring about better and more efficient service from these officers and will improve their personnel and morale; NOW THEREFORE,

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

1 SECTION 1. Notwithstanding the provisions of section three hun-
2 dred forty point three (340.3) of the Code the increase in the compen-
3 sation of the county auditor, county treasurer, county recorder, and
4 clerk of the district court shall be computed and paid retroactively to

5 and from July 1, 1969 in accordance with the provisions of chapter
6 two hundred seventeen (217), section four (4), Acts of the Sixty-third
7 General Assembly, First Session, provided the valuation of moneys
8 and credits assessed in the county shall be deducted from taxable
9 valuation in making said computation. Section three hundred forty
10 point four (340.4) of the Code shall also operate retroactively to said
11 date.

1 SEC. 2. Chapter two hundred seventeen (217), section four (4),
2 Acts of the Sixty-third General Assembly, First Session, is amended
3 by striking the period following the words "taxable valuation" in the
4 last line and inserting in lieu thereof the words "less the valuation
5 of moneys and credits."

1 SEC. 3. Section three hundred forty point three (340.3), Code
2 1966, is amended by striking the first sentence and inserting in lieu
3 thereof the following:

4 "In December of each year, the board of supervisors shall, by reso-
5 lution, compute the salaries of all county officers whose salaries are
6 based on population or taxable valuation of the county, or both, for
7 the ensuing year. The latest current report of the bureau of census,
8 United States department of commerce and the valuation certified
9 by the department of revenue shall be used. In any year in which the
10 compensation is changed by a change in the law the said computation
11 shall also be made in the month the law becomes effective for the sala-
12 ries paid for the remainder of said year from the effective date of the
13 new law."

1 SEC. 4. Section eleven point six (11.6), Code 1966, is amended by
2 adding at the end thereof the following:

3 "The auditor of state shall, at the time of the audit of each county,
4 inquire into the payment of salaries of county officers with special
5 attention to uniformity of application of statutes. If he finds any
6 irregularity he shall forthwith report the same to the county attorney
7 and the attorney general of the state for appropriate action."

1 SEC. 5. Section three hundred forty point two (340.2), Code 1966,
2 is amended as follows:

3 1. By striking from line eighteen (18) the word "shall" and insert-
4 ing in lieu thereof the word "may".

5 2. By inserting in line nineteen (19) after the word "compensation"
6 the words "for each county auditor, county treasurer, county re-
7 corder, clerk of the district court, and county sheriff".

8 This amendment is retroactive to July 4, 1965, and salaries hereto-
9 fore paid to any of these officers in accordance herewith are hereby
10 legalized.

1 SEC. 6. In the event that any of said county officers or their
2 deputies have heretofore been paid compensation in excess of that
3 provided by law prior to the effective date of this Act, there shall be
4 deducted from the retroactive and future compensation (1) the
5 amount of any such overpayments and (2) an amount sufficient to
6 insure that any county officer who may have received any such over-
7 payments shall not have or have had any advantage in wages, taxes,
8 or otherwise over those county officers who did not receive such over-

9 payments. There shall also be deducted from the retroactive and
10 future compensation of any county officer or deputy that portion of
11 compensation lawfully paid in 1970 based upon the valuation of
12 moneys and credits.

1 SEC. 7. Section three hundred forty point nine (340.9), Code
2 1966, as amended by chapter two hundred seventeen (217), section
3 seven (7), Acts of the Sixty-third General Assembly, First Session,
4 is further amended by striking from line thirty-nine (39) the word
5 "shall" and inserting in lieu thereof the word "may".

1 SEC. 8. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication in
3 the Adams County Free Press, a newspaper published at Corning,
4 Iowa, and the Creston News-Advertiser, a newspaper published at
5 Creston, Iowa.

Approved January 26, 1970.

I hereby certify that the foregoing Act, Senate File 1059, was published in the
Adams County Free Press, Corning, Iowa, January 29, 1970, and in the Creston News-
Advertiser, Creston, Iowa, January 28, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1173

COUNTY EXPENDITURES

S. F. 1016

AN ACT relating to obsolete provisions in the law relating to county expenditures.

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

1 SECTION 1. Section three hundred forty-three point eleven
2 (343.11), Code 1966, is amended by striking subsections six (6)
3 through nine (9), inclusive.

Approved February 2, 1970.

CHAPTER 1174

DOG LICENSES AND IMMUNIZATION

H. F. 1216

AN ACT relating to the licensing of dogs and their immunization against rabies.

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

1 SECTION 1. Section three hundred fifty-one point one (351.1), Code
2 1966, is hereby amended by striking from line two (2) the word
3 "three" and inserting in lieu thereof the word "six".

1 SEC. 2. Section three hundred fifty-one point twenty-five (351.25),
 2 Code 1966, is hereby amended by striking from line two (2) the word
 3 "three" and inserting in lieu thereof the word "six".

1 SEC. 3. Section three hundred fifty-one point thirty-three (351.33),
 2 Code 1966, is amended by striking from line five (5) the word "three"
 3 and inserting in lieu thereof the word "six".

1 SEC. 4. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its approval and publication
 3 in the Creston News-Advertiser, a newspaper published in Creston,
 4 Iowa, and in The Bulletin-Journal, a newspaper published in Inde-
 5 pendence, Iowa.

Approved March 13, 1970.

I hereby certify that the foregoing Act, House File 1216, was published in the Creston News-Advertiser, Creston, Iowa, March 19, 1970, and in The Bulletin-Journal, Independence, Iowa, March 20, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1175

BENEFITED WATER DISTRICTS

S. F. 407

AN ACT relating to benefited water districts.

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

1 SECTION 1. Section three hundred fifty-seven point nineteen
 2 (357.19), Code 1966, is hereby amended as follows:

3 1. By striking from lines eight (8) and nine (9) the words "be
 4 made according to benefits" and inserting in lieu thereof the words
 5 "not exceed benefits conferred".

6 2. By inserting in line eleven (11) after the period the following:
 7 "Where a pipe in excess of six inches in diameter is used, the
 8 assessment against the abutting property shall be limited to the cost
 9 of a six-inch pipe, and the difference between the cost of the pipe
 10 used and a six-inch pipe shall be paid by a uniform assessment
 11 against all benefited property within the water district."

12 3. By striking from line fifteen (15) the word "assessed" and in-
 13 serting in lieu thereof the word "actual".

14 4. By striking all of such section after the period in line nineteen
 15 (19).

1 SEC. 2. Section three hundred fifty-seven point thirty-four
 2 (357.34), Code 1966, is hereby amended as follows:

3 1. By inserting before the comma in line two (2) the words "or the
 4 source of supply for such benefited water district is a municipal
 5 water system".

6 2. By inserting before the comma in line fourteen (14) the follow-
 7 ing words: "or of the board of waterworks trustees of said city or
 8 town if there be one,".

9 3. By striking from line twenty-one (21) the word and figures
10 "chapter 397" and inserting in lieu thereof the following: "such pro-
11 visions of law under which said city or town is then operating its
12 waterworks".

Approved February 13, 1970.

CHAPTER 1176

RURAL WATER DISTRICTS

H. F. 491

AN ACT to authorize the establishment of rural water districts, to prescribe the procedure therefor, and relating to the purpose and manner of operation of such districts.

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

1 SECTION 1. As used in this Act, unless the context otherwise re-
2 quires:

3 1. "District" means a rural water district incorporated and or-
4 ganized pursuant to the provisions of this Act.

5 2. "Board" means the board of directors of a district, and "director"
6 means a member of such board of directors.

7 3. "Member" means any owner of land which is located within a
8 district, or the occupant thereof or other person acting for the owner
9 with the owner's written consent.

10 4. "Participating member" means a member who has subscribed to
11 and paid the established fee for at least one benefit unit in a district,
12 in the manner provided by this Act.

13 5. "Supervisors" means the board of supervisors of any county, or
14 the joint boards of supervisors of any two or more counties, in which
15 a district has been incorporated and organized or is proposed to be
16 incorporated and organized.

17 6. "Auditor" means the county auditor of any county in which a
18 district has been incorporated and organized or is proposed to be in-
19 corporated and organized or, in the case of a district or proposed
20 district lying in two or more counties, the auditor of the county hav-
21 ing the largest district acreage.

22 7. "Council" means the Iowa natural resources council.

1 SEC. 2. A petition may at any time be filed with the auditor re-
2 questing the supervisors to incorporate and organize a district en-
3 compassing an area, not then included in any other district, in any
4 county or any two or more adjacent counties for the purpose of pro-
5 viding an adequate supply of water for domestic purposes to residents
6 of the area who are not served by the water mains of any city or town
7 water system and who cannot feasibly obtain adequate supplies of
8 water from wells on their own premises. The petition shall be signed
9 by the owners of at least fifty percent of all land lying within the out-
10 side perimeter of the area designated for inclusion in the proposed
11 district, and shall state:

12 1. The location of the area so designated, describing such area by
13 section, or fraction thereof, and by township and range.

14 2. The reasons a district is needed.

1 SEC. 3. When a petition for incorporation and organization of a
2 district is filed with the auditor, he shall so inform the supervisors
3 who shall fix a time for a hearing thereon, not less than fifteen nor
4 more than thirty days after the filing of the petition. The auditor
5 shall prepare a notice as hereinafter required, which shall at least
6 seven days before the date fixed for the hearing on the petition:

7 1. Be published in a newspaper of general circulation in the area
8 to be incorporated.

9 2. Be transmitted, together with a copy of the original petition, to
10 the council.

1 SEC. 4. The notice prepared by the auditor pursuant to section
2 three (3) of this Act shall set forth:

3 1. The location of the land designated by the petitioners for in-
4 corporation in the proposed district, as described by the original peti-
5 tion.

6 2. The time and place fixed by the supervisors for the hearing on
7 the petition.

8 3. That all owners or occupants of land within the boundaries de-
9 scribed may appear and be heard.

10 4. That the proposed district, if incorporated, shall have no power
11 or authority to levy any taxes whatsoever.

1 SEC. 5. At the hearing on the petition, any owner or occupant of
2 land within the boundaries of the area described in the petition may
3 appear, in person or by his designated representative, and any repre-
4 sentative of the council may also appear, in favor of or in opposition
5 to the incorporation and organization of the proposed district. Such
6 appearances may also be filed in writing prior to the time set for the
7 hearing.

1 SEC. 6. After the hearing, the supervisors may strike off any
2 part of the territory that testimony shows will not be benefited by
3 the creation of the district. If the supervisors do not find that the dis-
4 trict is reasonably necessary, they shall dismiss the petition.

5 If the supervisors find that required notice of the hearing has been
6 given and that such district is reasonably necessary for the public
7 health, convenience, fire protection, and comfort of the residents, they
8 shall make an order establishing the district as a body politic, describ-
9 ing its boundary, and designating it by name or number. The order
10 shall be published in the same newspaper which published the notice
11 of hearing. The supervisors shall prepare and preserve a complete
12 record of the hearing on the petition and their findings and action
13 thereon.

14 SEC. 7. As a part of the order incorporating the district, the
15 supervisors shall fix the time and place at which the members shall
16 meet to select from their number a board of directors. Selection of
17 the initial board shall be not later than thirty days after the hearing.
18 The number of directors on the board, not to exceed nine, shall be
19 determined by a majority vote of those members present. Any mem-

20 ber elected a director who fails to become a participating member,
21 within thirty days after entry in the minutes of the board of a declara-
22 tion of availability of benefit units for subscription, shall forfeit his
23 office.

1 SEC. 8. Within thirty days after election of the original board,
2 proposed bylaws shall be submitted for adoption at a special meeting
3 of members of the district, written notice of which shall be mailed
4 to each member. Members present at the special meeting may adopt
5 or amend any of the proposed bylaws, and may propose and adopt
6 alternative or additional bylaws. The bylaws may subsequently be
7 amended at any annual or special meeting of the participating mem-
8 bers of the district. However, the bylaws of each district shall pro-
9 vide:

10 1. For an annual meeting of participating members between Jan-
11 uary first and March first of each year following the year of incorpora-
12 tion of the district, and for the mailing of written notice of the time
13 and place of each annual meeting to each participating member and
14 publication of such notice in a newspaper of general circulation in the
15 district not less than ten nor more than thirty days prior to each
16 meeting.

17 2. That each participating member of the district shall be entitled
18 to a single vote at all annual and special meetings of the district,
19 regardless of the number of benefit units to which he has subscribed.

1 SEC. 9. The initial board of each district shall divide its members
2 by lot into three classes of as nearly equal size as possible. The terms
3 of the directors in the first, second, and third classes shall expire on
4 the dates of the annual meetings in the first, second, and third years,
5 respectively, following the year in which the district is incorporated,
6 or as soon thereafter as their respective successors are elected and
7 have qualified. At the annual meeting in each year after the year in
8 which the district is incorporated, a director shall be elected to succeed
9 each director whose term of office expires on that date, and each direc-
10 tor so elected shall hold office for a term of three years and until his
11 successor is elected and has qualified. Vacancies shall be filled by
12 appointment by the remaining directors, for the unexpired term.

1 SEC. 10. The board shall meet annually on the same day as, and
2 immediately following, the annual meeting of participating members,
3 and may meet at such other times as it may determine, or upon the
4 call of the chairman or any two directors. At the first meeting of the
5 initial board following its election, and at each succeeding annual
6 board meeting, the board shall elect a chairman, vice chairman, sec-
7 retary, and treasurer for the ensuing year.

1 SEC. 11. The board shall be the governing body of the district,
2 and shall:

3 1. Adopt rules, regulations, and rate schedules in conformity with
4 the provisions of this Act and the bylaws of the district as necessary
5 for the conduct of the business of the district.

6 2. Maintain at its office a record of the district's proceedings, rules
7 and regulations, and any decisions and orders made pursuant to the
8 provisions of this Act, and furnish copies thereof to the supervisors
9 or the council upon request.

10 3. Employ, appoint, or retain attorneys, engineers, other profes-
11 sional and technical employees, and such other personnel as necessary,
12 and require and approve bonds of district employees.

13 4. Prior to each annual meeting of participating members:

14 a. Prepare an estimated budget for the coming year, and adjust
15 water rates if necessary in order to produce the revenue required to
16 fund the estimated budget, and make a report thereon at the annual
17 meeting.

18 b. Have an audit made of the district's records and accounts, and
19 make copies of the audit report available to all participating members
20 attending the annual meeting and to any other participating member
21 who so requests.

22 5. Have authority to acquire by gift, lease, purchase, or grant any
23 property, real or personal, in fee or a lesser interest needed to achieve
24 the purposes for which the district was incorporated, to acquire ease-
25 ments for water lines and reservoirs by condemnation proceedings,
26 and to sell and convey property owned, but no longer needed, by the
27 district. Condemnation proceedings shall not apply to existing wells,
28 ponds or reservoirs.

29 6. Have authority to construct, operate, maintain, repair, and when
30 necessary to enlarge or extend, such ponds, reservoirs, pipelines, wells,
31 check dams, pumping installations, or other facilities for the storage,
32 transportation, or utilization of water, and such appurtenant struc-
33 tures and equipment, as may be necessary or convenient to carry out
34 the purposes for which the district was incorporated. A district may
35 purchase its water supply from any source.

36 7. Have power to borrow from, cooperate with and enter into such
37 agreements as deemed necessary with any agency of the federal gov-
38 ernment, and to accept financial or other aid from any agency of the
39 federal government. To evidence any indebtedness the obligations may
40 be one or more bonds or notes and the obligations may be sold at pri-
41 vate sale.

42 8. Have power to finance up to ninety-five percent of the cost of
43 the construction or purchase of any project necessary to carry out
44 the purposes for which the district is incorporated, provided the
45 balance of the cost of construction or purchase is acquired by sub-
46 scription, donation, gift, or otherwise than through the medium of
47 loans, or to refinance up to ninety-five percent of the original cost
48 of any such project, and to evidence such financing by issuance of
49 revenue bonds or notes which shall mature in a period not to exceed
50 forty years from date of issuance, shall bear interest, or combined
51 interest and insurance charges, at a rate not to exceed six percent per
52 annum, shall be payable only from revenue derived from sale of water
53 by the district, and shall never become or be construed to be a debt
54 against the state of Iowa or any of its political subdivisions other
55 than the district issuing the bonds. A statutory mortgage lien shall
56 exist upon the water system and appurtenances and extensions so
57 acquired in favor of the holders of the bonds and notes.

1 SEC. 12. As soon as reasonably possible after incorporation of a
2 district, the board shall file with the supervisors and the council copies
3 of the plans and specifications for, and estimates of the cost of, any
4 improvements authorized by this Act which the board proposes to

5 construct or acquire. The board shall determine a reasonable fee
6 which each member shall pay for the privilege of utilizing the dis-
7 trict's facilities which shall be known as a benefit unit. Benefit units
8 may be classified. The board, by publication in a newspaper of general
9 circulation in the district, shall generally describe the planned im-
10 provements, the area to be served and the fee members will be re-
11 quired to pay for each service connected to the water system.

1 SEC. 13. If the capacity of the district's facilities permits, the dis-
2 trict may sell water by contract to any city or town, other district, or
3 other person, public or private, not within the boundaries of a district.

1 SEC. 14.

2 1. Owners of land outside any district which can economically be
3 served by the facilities of the district may petition to be attached to
4 the district. The petition therefor shall be filed with the auditor, and
5 the auditor and supervisors shall proceed thereon, in substantially the
6 same manner as is provided by this Act for filing of a petition for
7 incorporation and organization of a district.

8 2. All or any part of an incorporated city or town may be included
9 in the boundaries of any existing water district or water district being
10 newly organized, provided the governing body of such city or town
11 by resolution or ordinance gives, or has given, its consent.

12 3. Boards of any two or more districts may by concurrent action
13 and by approval of the supervisors merge their districts into one. In
14 case of merger the members of the boards of the merged districts
15 may serve out the terms for which they were elected. The resulting
16 district shall take over all the assets and legal liabilities of the water
17 districts joining in the merger. Obligations of any district secured
18 by the revenue of the systems operated by the district shall continue
19 to be retired, or a sinking fund for such purpose created from revenue
20 from the system operated over the same area by the resulting district
21 in accordance with the laws under which the obligations were issued,
22 until all obligations of the old district have been retired.

1 SEC. 15. No district shall have any power to levy any taxes.
2 Neither the facilities constructed or otherwise acquired by any dis-
3 trict, including but not limited to ponds, reservoirs, pipelines, wells,
4 check dams, and pumping installations, the revenues obtained by the
5 district from the sale of water, nor the revenue bonds or interest
6 therefrom issued by any district shall be taxable in any manner by
7 the state of Iowa or any of its political subdivisions.

1 SEC. 16. If it becomes apparent that certain lands included within
2 a district cannot economically or adequately be served by the facilities
3 of the district, the owners of such lands may file with the auditor a
4 petition to the supervisors requesting that those lands be detached
5 from the district. The petition shall:

6 1. Describe by section, or fraction thereof, and by township and
7 range, the lands which it is proposed to detach from the district.

8 2. State that such lands cannot economically or adequately be served
9 by the facilities of the district, and that it is not feasible for the dis-
10 trict to enlarge or extend its facilities so as to economically and
11 adequately serve such lands.

12 3. Be signed by the owners of all the lands which it is desired to
13 detach from the district.

1 SEC. 17. A petition may be filed with the auditor requesting the
2 supervisors to dissolve an inactive district. The petition shall:

3 1. State that the district owns no property of any kind exclusive
4 of records, maps, plans, and files, and that all of its debts and obliga-
5 tions have been fully paid.

6 2. State that the board has not held a meeting for more than one
7 year prior to the date of filing of the petition, that the district is not
8 functioning, and will probably continue to be inoperative.

9 3. Be signed by three-fourths of the members of the district.

1 SEC. 18. Upon the filing with the auditor of a petition under either
2 section sixteen (16) or section seventeen (17) of this Act, the auditor
3 shall so inform the supervisors who shall fix a time for consideration
4 of the petition. The supervisors may, but shall not be required to,
5 hold a hearing thereon. After consideration of the petition, and after
6 the hearing if one is held, the supervisors shall ascertain whether:

7 1. The petition meets all of the requirements prescribed by this Act
8 for such petition.

9 2. It appears from all information available to the supervisors that
10 each allegation included in the petition is factual.

11 If the supervisors' finding on each of the foregoing points is posi-
12 tive, it shall declare the lands described in the petition detached from
13 the district, or declare the district dissolved, as the case may be. The
14 supervisors shall notify the secretary of the district of its action, and
15 the secretary shall amend the records of the district to show that the
16 land described in the petition has been detached from the district, or
17 shall within thirty days deliver to the auditor all records, maps, plans,
18 and files of the district dissolved, as the case may be.

1 SEC. 19. Nothing in this Act shall be construed to exempt any
2 district from the requirements of any other statute, whether enacted
3 prior to or subsequent to the effective date of this Act, under which
4 the district is required to obtain the permission or approval of, or
5 to notify, the council, the Iowa commerce commission, or any other
6 agency of this state or of any of its political subdivisions prior to pro-
7 ceeding with construction, acquisition, operation, enlargement, exten-
8 sion, or alteration of any works or facilities which the district is
9 authorized to undertake pursuant to this Act.

1 SEC. 20. A nonprofit corporation incorporated under the laws of
2 the state of Iowa for the specific purpose of operating a rural water
3 system may petition the supervisors for incorporation of a district,
4 in the manner provided by section two (2) of this Act. The signatures
5 of the corporation's officers on the petition shall suffice in lieu of
6 signatures of owners of fifty percent of the land in the proposed dis-
7 trict, provided the corporation presents evidence satisfactory to the
8 supervisors that a sufficient number of members of the proposed dis-
9 trict will subscribe to benefit units to make its operation feasible. The
10 procedure for hearing and determination of disposition of the petition
11 shall be as provided by this Act. In any district incorporated upon
12 the petition of a nonprofit corporation, the officers and board of direc-

13 tors of the corporation shall be the officers and board of the district.
 14 The applicable laws of the state and the articles of incorporation and
 15 bylaws of the corporation shall control the initial size and initial term
 16 of office of such officers and board, in lieu of sections seven (7), nine
 17 (9), and ten (10) of this Act. At the first annual meeting of the
 18 participating members and board of directors, the district shall bring
 19 its operation and structure in compliance with section seven (7)
 20 through section ten (10) of this Act.

Approved March 26, 1970.

CHAPTER 1177

STREET LIGHTING DISTRICTS

S. F. 568

AN ACT to provide for establishment of benefited street lighting districts in unincorporated areas.

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

1 SECTION 1. The board of supervisors of any county shall, on the
 2 petition of twenty-five percent of the resident property owners in any
 3 proposed benefited street lighting district if the assessed valuation of
 4 the property owned by the petitioners represents at least twenty-five
 5 percent of the total assessed value of the proposed district, hold a
 6 public hearing concerning the establishment of such proposed street
 7 lighting district. Such a petition shall include a statement containing
 8 the following:

- 9 1. The need for street lighting service.
- 10 2. The district to be served.
- 11 3. The approximate number of families in the district.
- 12 4. The proposed utility to provide the street lighting service.

13 The board of supervisors may require a bond of the petitioners con-
 14 ditioned for the payment of all costs and expenses incurred in the
 15 proceedings in case the street lighting district is not established.

1 SEC. 2. A benefited street lighting district may include all or por-
 2 tions of the unincorporated areas of one township and any unincor-
 3 porated areas of adjoining townships or portions thereof. However,
 4 such district shall contain only such area wherein the benefits derived
 5 from such street lighting shall be ratably spread between those people
 6 and families to be served.

1 SEC. 3. Such public hearing shall be held within thirty days of the
 2 presentation of the petition. Notice of hearing shall be given by
 3 publication in two successive issues of any paper of general circula-
 4 tion within the district. The last publication shall be not less than
 5 one week before the proposed hearing.

1 SEC. 4. After the hearing, the board of supervisors may by reso-
 2 lution establish the benefited street lighting district or disallow the
 3 petition. The board of supervisors may defer action on such petition

4 for not to exceed ten days after the day first set for a hearing.

1 SEC. 5. When the board of supervisors shall have established a
2 benefited street lighting district, they shall appoint a competent dis-
3 interested civil engineer, who shall prepare a preliminary plat show-
4 ing:

5 1. The proper design in general outline of the district.

6 2. The lots and parcels of land within the proposed district as they
7 appear on the county auditor's plat books with the names of the
8 owners.

9 3. The assessed valuation of said lots and parcels.

10 The compensation of such engineer on the preliminary investiga-
11 tion shall be determined by the board of supervisors. The engineer
12 shall file his report with the county auditor within thirty days of his
13 appointment. The board of supervisors may extend such time upon
14 good cause shown.

1 SEC. 6. After the engineer's report is filed, the board of super-
2 visors shall give notice in the same manner as for the original hear-
3 ing, of a public hearing to be held concerning the engineer's prelimi-
4 nary plat. On the day set for such hearing, or within ten days
5 thereafter, the board of supervisors shall approve or disapprove the
6 preliminary plat. The board of supervisors may make changes in the
7 boundaries as they appear on the engineer's report.

1 SEC. 7. When a preliminary plat has been approved by the board
2 of supervisors, an election shall be held within the district within
3 sixty days to approve or disapprove the levy of a tax of not more than
4 two mills on all the taxable property within the district, and to choose
5 candidates for the offices of trustees of the district. Notice of the
6 election, including the time and place of holding the same, shall be
7 given in the same manner as for the original public hearing as pro-
8 vided herein. The vote shall be by ballot which shall state clearly the
9 proposition to be voted upon, and any qualified voter residing within
10 the district at the time of the election shall be entitled to vote. Judges
11 shall be appointed to serve without pay by the board of supervisors
12 from among the qualified voters of the district who will have charge
13 of the election. The proposition shall be deemed to have carried if
14 sixty percent of those voting thereon vote in favor of same.

1 SEC. 8. At such election, the names of candidates for trustee shall
2 be written in by the voters on blank ballots without formal nomina-
3 tion, and the board of supervisors shall appoint three from among the
4 five receiving the highest number of votes as trustees for the district;
5 one to serve for one year, one for two years, and one for three years.
6 The trustees and their successors shall give bond in the amount the
7 board of supervisors may require, the premium of which shall be paid
8 by the district said trustees represent. Vacancies may thereafter be
9 filled by election, or by appointment by the board of supervisors. The
10 term of succeeding trustees shall be for three years.

1 SEC. 9. The trustees may purchase street lighting service and
2 facilities and may levy an annual tax not to exceed two mills for the
3 purpose of exercising the powers granted in this Act. This levy shall
4 be optional with the trustees, but no levy shall be made unless first

5 approved by the voters as provided herein. The trustees may purchase
6 material, employ labor, and may perform all other acts necessary to
7 properly maintain and operate the benefited street lighting district.
8 The trustees shall be allowed necessary expenses in the discharge of
9 the duties, but shall not receive any salary.

1 SEC. 10. Benefited street lighting districts may anticipate the
2 collection of taxes by the levy herein provided, and to carry out the
3 purposes of this Act may issue bonds payable in not more than ten
4 equal installments, with the rate of interest thereon to not exceed
5 seven percent per annum. No indebtedness shall be incurred under
6 this Act until authorized by an election. Such election shall be held
7 and notice given in the same manner as the election provided herein
8 for the authorization of a tax levy, and the same sixty percent vote
9 shall be necessary to authorize indebtedness. Both propositions may
10 be submitted to the voters in the same election.

1 SEC. 11. Upon petition of thirty-five percent of resident voters,
2 the board of supervisors may dissolve a benefited street lighting dis-
3 trict and dispose of any remaining property, proceeds of which shall
4 first be applied against outstanding obligations and any balance shall
5 be applied to tax credit of property owners of the district. The board
6 of supervisors shall continue to levy tax after dissolution of a dis-
7 trict, of not to exceed two mills on all the taxable property of the dis-
8 trict, until all outstanding obligations of the district are paid.

1 SEC. 12. The owner of any property in an unincorporated area
2 immediately contiguous to the boundaries of any established benefited
3 street lighting district may petition the board of supervisors to be
4 included in the district. Upon receipt of such petition the board shall
5 submit the request to a competent disinterested civil engineer to in-
6 vestigate the feasibility of adding such additional territory and to
7 make a report to the board. If the board agrees that said property
8 should be added to the district, the tax levy for the next year shall
9 be applied to said property and on the first day of the said next year
10 said property shall be considered a part of the district. If the bene-
11 fitted street lighting district lies in more than one county the joint
12 action of the boards of supervisors shall be required to add additional
13 territory.

1 SEC. 13. The owner of any property joining an established bene-
2 fitted street lighting district shall pay to the board of trustees of the
3 district an initial fee to be computed as follows:

4 1. The board of trustees shall first determine fair market value of
5 all property and improvements owned by the benefited street lighting
6 district, less any indebtedness.

7 2. The board shall then determine the assessed value of all property
8 in said district. This shall be divided into the value determined in
9 subsection one (1) of this section.

10 3. The board shall determine the assessed value of the property of
11 each landowner joining the established district.

12 4. The result obtained in subsection two (2) shall be multiplied
13 by the result obtained in subsection three (3). The result shall be
14 the initial fee to be charged each landowner.

15 The initial fees paid to the district trustees shall be used to help
16 defray the cost and maintenance of the district's street lighting serv-
17 ice.

Approved April 2, 1970.

CHAPTER 1178
TOWNSHIP BONDS

S. F. 1248

AN ACT relating to the rate of interest on anticipatory bonds issued by townships.

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

1 SECTION 1. Section three hundred fifty-nine point forty-five
2 (359.45), Code 1966, is hereby amended by striking from line six (6)
3 the word "five" and inserting in lieu thereof the word "seven".

1 SEC. 2. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publica-
3 tion in the Lee Town News, a newspaper published in Des Moines,
4 Iowa, and in the Adams County Free Press, a newspaper published
5 in Corning, Iowa.

Approved April 10, 1970.

I hereby certify that the foregoing Act, Senate File 1248, was published in the Lee Town News, Des Moines, Iowa, April 16, 1970, and in the Adams County Free Press, Corning, Iowa, April 23, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1179
TOWNSHIP HALLS

S. F. 1048

AN ACT relating to township halls.

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

1 SECTION 1. Section three hundred sixty point one (360.1), Code
2 1966, is hereby amended by inserting in line four (4) after the comma
3 the words "or acquiring by a lease with purchase option,".

1 SEC. 2. Section three hundred sixty point two (360.2), Code 1966,
2 is hereby amended by striking line eight (8) and inserting in lieu
3 thereof the following:

4 "the township, except that such five-year limitation shall not apply
5 in case of a public hall acquired by a lease with a purchase option.
6 When such tax is collected".

1 SEC. 3. Section three hundred sixty point eight (360.8), Code
2 1966, is hereby amended by inserting in line three (3) after the word

3 "purchase" the words ", lease with purchase option,".

1 SEC. 4. Chapter three hundred sixty (360), Code 1966, is hereby
2 amended by adding thereto the following:

3 "Any real estate, including improvements thereon, situated wholly
4 outside of a city or town, owned by a township and heretofore used
5 for township purposes and which is no longer necessary for town-
6 ship purposes, shall revert to the present owner of the tract from
7 which the same was taken, provided that said owner of the tract last
8 aforesaid shall, within the time hereinafter prescribed, pay the value
9 thereof to the township clerk. In the event the township trustees and
10 said owner of the tract from which such real property was taken do
11 not agree as to the value of such property and improvements thereon,
12 the township clerk shall, on written application of either party, ap-
13 point three disinterested residents of the township to appraise such
14 property and improvements thereon.

15 The township clerk shall give notice to said trustees and said owner
16 of the time and place of making such appraisement, which notice
17 shall be served in the same manner and for the same time as for the
18 commencement of action in the district court. Such appraisers shall
19 inspect the real estate and improvements and, at the time and place
20 designated in the notice, appraise the same in writing, which ap-
21 praisement, after being duly verified, shall be filed with the township
22 clerk.

23 If the present owner of the tract from which said site was taken
24 fails to pay the amount of such appraisement to such township within
25 twenty days after the filing of same with the township clerk, the
26 township trustees may sell said site, including any improvements
27 thereon, to any person at the appraised value, or may sell the same
28 at public auction for the best bid.

29 Any real estate, including improvements thereon, situated within
30 a city or town, owned by a township and heretofore used for town-
31 ship purposes and which is no longer necessary for township purposes,
32 may be sold by the township trustees at public auction for the best bid.

33 The township trustees in the case of joint ownership, in conjunction
34 with any city or town authorities, shall not sell such real estate includ-
35 ing improvements thereon unless the city or town authorities concur
36 in such sale. The proceeds of such sale of jointly owned real estate
37 including improvements located thereon shall be prorated between the
38 township and the city or town on the basis of their respective con-
39 tribution to the acquisition and maintenance of such property.

40 Sales at public auction contemplated herein shall be made only after
41 the township trustees advertise for bids for such property. Such ad-
42 vertisement shall definitely describe said property and be published
43 by at least one insertion each week for two consecutive weeks in some
44 newspaper having general circulation in the township.

45 The township trustees shall not, prior to two weeks after the said
46 second publication, nor later than six months after said second pub-
47 lication, accept any bid. The township trustees may accept only the
48 best bid received prior to acceptance. The township trustees may
49 decline to sell if all the bids received are deemed inadequate."

Approved April 10, 1970.

CHAPTER 1180
MUNICIPAL ANNEXATION
H. F. 1161

AN ACT relating to the voting rights of county residents in annexation proceedings.

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

1 SECTION 1. Section three hundred sixty-two point twenty-six
2 (362.26), Code 1966, is hereby amended as follows:

3 1. By inserting in subsection three (3), line two (2), after the
4 word "town" the words "and to the voters residing in the territory
5 proposed to be annexed".

6 2. By inserting in subsection four (4), line ten (10), after the
7 word "voters" the words "of said territory and by the voters".

Approved April 10, 1970.

CHAPTER 1181
CIVIL SERVICE WORKERS
S. F. 244

AN ACT relating to civil service workers.

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

1 SECTION 1. Section three hundred sixty-five point seventeen
2 (365.17), Code 1966, is hereby amended as follows:

3 1. By striking from lines twenty-two (22) through twenty-four
4 (24), inclusive, the words "and has been a resident of the state of Iowa
5 for at least one year".

6 2. By striking lines thirty-seven (37) through forty-four (44), in-
7 clusive, and inserting in lieu thereof the following new paragraph:

8 "Employees shall not be required to be a resident of the city in
9 which they are employed, but they shall become a resident of the
10 state at the time such appointment or employment begins and shall
11 remain a resident of the state during employment. Cities may set
12 reasonable maximum distances outside of the corporate limits of the
13 city or town that policemen, firemen and other critical municipal em-
14 ployees may live."

1 SEC. 2. Section three hundred sixty-five point six (365.6), Code
2 1966, is hereby amended by inserting in line nine (9) after the word
3 "police," the words "assistant chief of police in departments number-
4 ing more than two hundred fifty members,".

1 SEC. 3. Section three hundred sixty-five point thirteen (365.13),
2 Code 1966, is hereby amended by inserting in line four (4) after the
3 word "and" the words "in cities over twenty-five thousand".

1 SEC. 4. Senate File three hundred thirty-nine (339)*, as enacted
2 by the Sixty-third General Assembly, Second Session, is amended by
3 striking section two (2).

*Ch. 1041, §2.

1 SEC. 5. Section three hundred sixty-five point thirteen (365.13),
 2 Code 1966, is hereby amended by striking from line eight (8) the
 3 word “, but” and striking all of lines nine (9) through eighteen (18)
 4 and inserting in lieu thereof the following:
 5 “. In cities of under twenty-five thousand (25,000) population the
 6 city council shall specify the residency requirements for chief of
 7 police. A chief of police shall maintain his civil service rights as
 8 determined by section three hundred sixty-five point twelve (365.12)
 9 of the Code.”

Approved May 5, 1970.

CHAPTER 1182

REMOVAL OF TREES

H. F. 184

AN ACT relating to removal of dead or diseased trees, the assessments of costs and issuance of special assessment bonds therefor.

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

1 SECTION 1. Section three hundred sixty-eight point three (368.3),
 2 Code 1966, is hereby amended as follows:
 3 1. By striking from line ten (10) after the word “owner” the words
 4 “, occupant, or person in charge” and inserting in lieu thereof the
 5 words “or contract purchaser”.
 6 2. By inserting in line twelve (12) after the word “tree” the words
 7 “or dead wood”.
 8 3. By inserting after the word “disease” in line twelve (12) thereof
 9 the following: “, phloem necrosis, oak wilt, and other infectious dis-
 10 eases of trees”.
 11 4. By striking from line thirteen (13) the word “thereon” and in-
 12 serting in lieu thereof the words “upon said property”.
 13 5. By inserting in line fourteen (14) after the word “notice” the
 14 words “either personally or in the manner of service of original
 15 notice”.
 16 6. By adding to the end thereof the following:
 17 The costs so assessed may be paid in annual installments not to ex-
 18 ceed ten in number, payable in the manner and bearing interest as
 19 provided in section three hundred ninety-one point sixty (391.60). The
 20 assessment may be made, at the discretion of the council, as provided in
 21 this section and section three hundred sixty-eight point four (368.4)
 22 or by the procedures set out in chapter three hundred ninety-one (391),
 23 not inconsistent with this section. The municipality may issue special
 24 assessment bonds termed “tree sanitation bonds” under the provisions
 25 of chapter three hundred ninety-six (396) relating to bonds and cer-
 26 tificates for street and sewer improvement bonds, in anticipation of
 27 the deferred payment of assessments levied therefor.

Approved May 1, 1970.

CHAPTER 1183

NONPROFIT CORPORATIONS

S. F. 364

AN ACT relating to nonprofit corporations.

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

1 SECTION 1. Section three hundred seventy-five point one (375.1),
 2 Code 1966, is amended by inserting in line ten (10) after the word
 3 and figure "chapter 504" the words "or chapter five hundred four A
 4 (504A)".

1 SEC. 2. Section five hundred four A point ten (504A.10), Code
 2 1966, is amended by striking from line sixteen (16) the words "or
 3 with any clerk" and inserting in lieu thereof, the words "his deputy,
 4 or with any person".

1 SEC. 3. Section five hundred four A point seventy-four (504A.74),
 2 Code 1966, is amended as follows:

3 1. By striking from line twenty-one (21) the words "or with any
 4 clerk" and inserting in lieu thereof the words "his deputy, or with
 5 any person".

6 2. By adding after the third sentence in the second paragraph the
 7 following sentence:

8 "Process, notice or demand served on the secretary of state upon a
 9 foreign corporation which has withdrawn from this state shall be
 10 mailed in the manner provided by this section to the corporation at
 11 the address set forth in its application for withdrawal."

1 SEC. 4. Section five hundred four A point eighty (504A.80), Code
 2 1966, is amended by striking from lines thirty-two (32) and thirty-
 3 three (33) the words "its registered office in this state" and insert-
 4 ing in lieu thereof the words "the principal office of the corporation
 5 in the state or country under the laws of which it is incorporated".

1 SEC. 5. Section five hundred four A point eighty-one (504A.81),
 2 Code 1966, is amended by striking from lines six (6) and seven (7)
 3 the words "its registered office in this state" and inserting in lieu
 4 thereof the words "the principal office of the corporation in the state
 5 or country under the laws of which it is incorporated".

1 SEC. 6. Section five hundred four A point eighty-four (504A.84),
 2 Code 1966, is amended as follows:

3 1. By striking from line five (5), the word "first" and inserting in
 4 lieu thereof the word "thirty-first".

5 2. By striking from line eight (8), the second word "first" and in-
 6 serting in lieu thereof the word "thirty-first".

7 3. By striking the second sentence and inserting in lieu thereof the
 8 following:

9 "Such report shall be deemed filed within the required time if de-
 10 posited in the United States mail with postage prepaid in a sealed en-
 11 velope, properly addressed and postmarked on or prior to the thirty-
 12 first day of March."

13 4. By inserting after the word "state" in line twelve (12) the fol-
 14 lowing:

15 ", and except that if the existence of such domestic corporation or

16 the authority of such foreign corporation to conduct affairs in this
17 state began in December of any year, its first annual report shall be
18 filed between the first day of January and the thirty-first day of March
19 of the second year succeeding the calendar year in which such corpo-
20 rate existence or authority to conduct affairs began”.

1 SEC. 7. Section five hundred four A point eighty-five (504A.85),
2 Code 1966, is amended by adding to subsection eight (8) the following
3 sentence:

4 “If a single statement of change changes the address of the regis-
5 tered office of more than one corporation, the fee shall be one dollar
6 for each corporation the address of whose registered office is changed
7 thereby.”

8 Section five hundred four A point eighty-five (504A.85), Code 1966,
9 is hereby further amended by striking from line one (1) of subsection
10 seven (7) the word “or” and inserting in lieu thereof the word “of”.

1 SEC. 8. Section five hundred four A point eighty-seven (504A.87),
2 Code 1966, is amended by adding thereto the following:

3 “The secretary of state may cancel the certificate of incorporation
4 of any corporation that fails or refuses to file its annual report for
5 any year prior to the first day of June of the year in which it is due
6 by issuing a certificate of such cancellation at any time after the ex-
7 piration of thirty days following the mailing to the corporation of
8 notice of the certification to the attorney general of the failure of the
9 corporation to file such annual report as required by section five hun-
10 dred four A point fifty-four (504A.54) of the Code, provided the cor-
11 poration has not filed such annual report prior to the issuance of the
12 certificate of cancellation. Upon the issuance of the certificate of
13 cancellation, the secretary of state shall send the certificate to the
14 corporation at its registered office and shall retain a copy thereof in
15 the permanent records of his office.

16 Upon the issuance of the certificate of cancellation, the corporate
17 existence of the corporation shall terminate, subject to right of rein-
18 statement as herein provided, and the corporation shall cease to con-
19 duct its affairs, except insofar as may be necessary for the ‘winding up’
20 thereof or for securing reinstatement and the right of the corporation
21 to the use of its name shall cease and such name shall thereupon be
22 available to any other corporation or foreign corporation or for reser-
23 vation as provided in this chapter. The cancellation of the certificate
24 of incorporation of a corporation shall not take away or impair any
25 remedy available to or against such corporation, its directors, officers
26 or members for any right or claim existing or any liability incurred
27 prior to such cancellation, but no action or proceeding thereon may be
28 prosecuted by such corporation until it shall have been reinstated. Any
29 such action or proceeding against such corporation may be defended
30 by the corporation, if it has not been reinstated, in its corporate name
31 to which there shall be appended the word ‘canceled’ followed by the
32 date of the issuance of the certificate of cancellation. Unless the
33 corporation is reinstated, the corporation, upon the issuance of the
34 certificate of cancellation, shall proceed to liquidate its affairs as
35 provided by this chapter in cases of voluntary dissolution. However,
36 the district court in a suit in equity shall have full power to liquidate
37 the assets and affairs of such a corporation upon application by such

38 corporation or in a suit by a member or director or creditor of such
39 corporation when such corporation fails to proceed promptly with such
40 liquidation or to make application to the court therefor. A copy of
41 the certificate of cancellation, certified by the secretary of state, shall
42 be taken and received in all courts as prima-facie evidence of the can-
43 cellation of the certificate of incorporation as stated therein.

44 If the certificate of incorporation of a corporation has been can-
45 celed by the secretary of state as provided in this section for failure
46 to file an annual report, such corporation shall be reinstated by the
47 secretary of state at any time within five years following the date of
48 the issuance by the secretary of state of the certificate of cancellation
49 upon:

50 1. The delivery by the corporation to the secretary of state for
51 filing in his office of an application for reinstatement, executed by
52 its president or vice-president and by its secretary or an assistant
53 secretary and verified by one of the officers signing such application,
54 which shall set forth:

55 a. The date of the issuance by the secretary of state of the certifi-
56 cate of cancellation;

57 b. The name of the corporation at the time of the issuance of the
58 certificate of cancellation and, if, at the time of the filing of the appli-
59 cation for reinstatement, another corporation or foreign corporation
60 is entitled to use such name or such name is then reserved or regis-
61 tered as provided in this chapter, the name of the corporation as
62 changed, which shall be a name then available under the laws of this
63 state; and

64 c. The address, including street and number, if any, of the regis-
65 tered office of the corporation upon the reinstatement thereof, which
66 shall be located in the same county as the county in which the regis-
67 tered office of the corporation was located at the time of the issuance
68 of the certificate of cancellation, and the name of its registered agent
69 or agents at such address upon the reinstatement of the corporation;

70 2. The filing with the secretary of state by the corporation of all
71 annual reports then due and theretofore becoming due;

72 3. The payment to the secretary of state by the corporation of all
73 annual license fees and penalties then due and theretofore becoming
74 due and an additional penalty of twenty-five dollars.

75 The secretary of state, upon filing the application for reinstate-
76 ment, shall issue a certificate of reinstatement and file and record the
77 same in his office and, if the application for reinstatement shall set
78 forth a change in the name of the corporation, as required by this
79 section, the same shall constitute an amendment to the articles of in-
80 corporation of the corporation and the certificate of reinstatement
81 shall set forth such fact and shall be filed and recorded in the office of
82 the county recorder. Upon the issuance of the certificate of reinstate-
83 ment, the corporation shall be entitled to continue to act as a corpo-
84 ration for the unexpired portion of its corporate period as fixed by its
85 articles of incorporation, except, that the corporation shall not be
86 entitled to use the name of the corporation at the time of the issuance

87 of the certificate of cancellation if another corporation or foreign
88 corporation is entitled to use such name or such name is then reserved
89 as provided in this chapter.”

Approved January 26, 1970.

CHAPTER 1184

DOCK BONDS

H. F. 1305

AN ACT relating to the issuance of bonds for dock purposes.

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

1 SECTION 1. Section three hundred eighty-four point three (384.3),
2 subsection eleven (11), Code 1966, as amended by chapter eighty-seven
3 (87), Acts of the Sixty-third General Assembly, First Session, is
4 hereby further amended by striking lines one (1) through seven (7),
5 inclusive, and inserting in lieu thereof the following:

6 “Cities and towns are hereby authorized to contract indebtedness
7 and to issue general obligation bonds to provide funds to pay the cost
8 of acquiring, purchasing, constructing, reconstructing, equipping, im-
9 proving, relocating, repairing or remodeling any of the works or im-
10 provements referred to in this chapter, including the grading and
11 filling of lands and the acquisition of property of every kind and de-
12 scription, whether real, personal or mixed, which is useful in the opera-
13 tion of dock facilities. Whenever the dock board deems it necessary or
14 advisable to issue bonds for any one or more of the foregoing purposes,
15 said board shall petition”.

1 SEC. 2. Section three hundred ninety-four point two (394.2), Code
2 1966, is hereby amended by striking from line twenty-one (21) the
3 words “such improvement” and inserting in lieu thereof the words
4 “acquiring, purchasing, constructing, reconstructing, equipping, im-
5 proving, relocating, repairing or remodeling any of the works or
6 improvements referred to in chapter three hundred eighty-four (384)
7 of the Code including the grading and filling of lands and the acqui-
8 sition of property of every kind and description, whether real, personal
9 or mixed, which is useful in the operation of dock facilities.”

1 SEC. 3. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publica-
3 tion in *The Daily Gate City*, a newspaper published at Keokuk, Iowa,
4 and *The Clinton Herald*, a newspaper published at Clinton, Iowa.

Approved April 2, 1970.

I hereby certify that the foregoing Act, House File 1305, was published in *The Daily Gate City*, Keokuk, Iowa, April 8, 1970, and in *The Clinton Herald*, Clinton, Iowa, April 7, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1185

MUNICIPAL LIGHTING DISTRICTS

H. F. 1007

AN ACT relating to municipal lighting districts.

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

1 SECTION 1. Section three hundred eighty-nine point seventeen
 2 (389.17), Code 1966, is amended by striking from lines one (1) and
 3 two (2) the words "city of fifteen thousand or more population,"
 4 and inserting in lieu thereof the words "city or town".

5 Said section is further amended by inserting after the word "city"
 6 in lines four (4), five (5), six (6), and twelve (12) the words "or
 7 town" in each instance.

1 SEC. 2. Section three hundred eighty-nine point eighteen (389.18),
 2 Code 1966, is amended by inserting in lines two (2) and three (3)
 3 after the word "city" the words "or town" in each instance.

Approved February 20, 1970.

CHAPTER 1186

MUNICIPAL PARKING FACILITIES

S. F. 1301

AN ACT relating to municipal parking facilities, to authorize cities and towns to issue revenue refunding bonds to refund revenue and revenue refunding bonds, or to refund such outstanding bonds and also improve a municipal parking system.

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

1 SECTION 1. Chapter three hundred ninety (390), Code 1966, is
 2 hereby amended by adding the following new section:

3 "Cities and towns are hereby authorized to issue from time to time
 4 negotiable interest bearing revenue refunding bonds to refund at a
 5 lower, the same or a higher rate or rates of interest a like or greater
 6 principal amount of outstanding revenue or revenue refunding bonds
 7 theretofore issued pursuant to the provisions of this chapter, except
 8 that the principal amount of such revenue refunding bonds may
 9 exceed the principal amount of the bonds to be refunded to the extent
 10 necessary to pay any premium due on the call of the bonds to be
 11 refunded or to fund interest thereon in arrears or to become due
 12 during the following six months, and a single issue of revenue refund-
 13 ing bonds may be authorized and delivered to refund outstanding
 14 bonds and to also provide funds for improving a municipal parking
 15 system. All such revenue refunding bonds shall comply with the
 16 pertinent provisions of this chapter and may be made subject to
 17 redemption prior to maturity in such manner and upon such terms,
 18 with or without premium, as is stated on the face thereof. Such
 19 revenue refunding bonds shall be payable from the same sources as
 20 the bonds to be refunded, as provided in section three hundred ninety

21 point nine (390.9) of the Code, and shall not constitute a general
 22 obligation of any such city or town or be payable in any manner by
 23 taxation. Such revenue refunding bonds may be issued in exchange
 24 for the outstanding obligations to be refunded or such revenue refund-
 25 ing bonds may be sold and the proceeds thereof applied to the payment
 26 of such outstanding obligations.”

Approved April 10, 1970.

CHAPTER 1187

JOINT MUNICIPAL SEWER BONDS

H. F. 1035

AN ACT relating to the interest rate on joint municipal sewer bonds.

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

1 SECTION 1. Chapter eighty-seven (87), Acts of the Sixty-third
 2 General Assembly, First Session, is amended by repealing section
 3 twenty-five (25).

Approved January 28, 1970.

CHAPTER 1188

WATERWORKS EMPLOYEES GROUP INSURANCE

H. F. 1082

AN ACT relating to coverage of waterworks employees group insurance.

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

1 SECTION 1. Section four hundred point three (400.3), Code 1966,
 2 is hereby amended by adding thereto the following:

3 “Such plan for group insurance may include insurance coverage for
 4 an employee’s dependents. The term ‘dependent’ shall have the same
 5 meaning as in section four hundred twenty-two point twelve (422.12),
 6 subsection three (3), of the Code.”

1 SEC. 2. Section four hundred point eight (400.8), Code 1966, is
 2 hereby amended by striking line seven (7) and inserting in lieu there-
 3 of the words “such group insurance.”

1 SEC. 3. Section four hundred point nine (400.9), Code 1966, is
 2 hereby amended as follows:

3 1. By inserting in line four (4) after the word “for” the word
 4 “such”.

5 2. By striking from line five (5) the words “for such employees”.

1 SEC. 4. Section four hundred point ten (400.10), Code 1966, is

2 hereby amended by striking line three (3) and inserting in lieu there-
3 of the words "such group insurance under this".

1 SEC. 5. Section four hundred point eleven (400.11), Code 1966, is
2 hereby amended by inserting in line one (1) after the word "em-
3 ployees" the words "or their dependents".

Approved April 24, 1970.

CHAPTER 1189

WATERWORKS EMPLOYEES GROUP INSURANCE

H. F. 1081

AN ACT relating to waterworks employees group insurance.

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

1 SECTION 1. Section four hundred point four (400.4), subsection
2 two (2), Code 1966, is hereby amended as follows:

3 1. By inserting in line one (1) after the word "contributions" the
4 words ", if any are required,".

5 2. By striking from line three (3) the word "in" and by striking all
6 of lines four (4), five (5), and six (6) and inserting in lieu thereof a
7 period.

1 SEC. 2. Section four hundred point six (400.6), Code 1966, is
2 hereby amended as follows:

3 1. By striking from line two (2) the word "shall" and inserting in
4 lieu thereof the word "may".

5 2. By adding the following:

6 "Nothing herein shall be construed to prohibit the board of water-
7 works trustees from paying all or any part of the cost of the group
8 insurance as it shall determine."

Approved April 24, 1970.

CHAPTER 1190

LOW-RENT HOUSING

H. F. 1203

AN ACT relating to maximum income for persons eligible for low-rent housing.

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

1 SECTION 1. Section four hundred three A point two (403A.2), sub-
2 section ten (10), paragraph a, Code 1966, is hereby amended as fol-
3 lows:

4 1. By striking from line three (3) the word "thirty-six" and in-
5 serting in lieu thereof the word "forty-two".

6 2. By striking from line six (6) the word "one" and inserting in

- 7 lieu thereof the word "six".
 8 3. By striking from lines eight (8) and nine (9) the word "thirty-
 9 six" and inserting in lieu thereof the word "forty-two".
 10 4. By striking from line nine (9) the word "one" and inserting in
 11 lieu thereof the word "six".

Approved April 29, 1970.

CHAPTER 1191

SANITARY DISPOSAL PROJECTS

S. F. 1232

AN ACT relating to the establishment of sanitary disposal projects, authorizing a tax therefor, making an appropriation therefor, and providing penalties for violations thereof.

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

1 SECTION 1. Purpose.

2 The purpose of this Act is to require cities, towns, and counties to
 3 provide sanitary disposal projects for the final disposition of solid
 4 wastes by their residents and, thereby, protect the citizens of this
 5 state from such hazards to their health, safety and welfare that
 6 result from the uncontrolled disposal of solid wastes.

1 SEC. 2. Definitions.

2 As used in this Act unless the context clearly indicates a contrary
 3 intent:

4 1. "Public agency" means a public agency as defined in section
 5 twenty-eight E point two (28E.2) of the Code.

6 2. "Private agency" means a private agency as defined in section
 7 twenty-eight E point two (28E.2) of the Code.

8 3. "Sanitary disposal project" means all facilities and appurtenances
 9 including all real and personal property connected with such facilities,
 10 which are acquired, purchased, constructed, reconstructed, equipped,
 11 improved, extended, maintained, or operated to facilitate the final
 12 disposition of solid waste without creating a significant hazard to the
 13 public health or safety, and which are approved by the commissioner
 14 of public health.

15 4. "Solid waste" means garbage, refuse, rubbish, and other similar
 16 discarded solid or semisolid materials, including but not limited to
 17 such materials resulting from industrial, commercial, agricultural,
 18 and domestic activities. Solid waste may include vehicles, as defined
 19 by subsection one (1) of section three hundred twenty-one point one
 20 (321.1) of the Code. Nothing herein shall be construed as prohibiting
 21 the use of dirt, stone, brick, or similar inorganic material for fill,
 22 landscaping, excavation or grading at places other than a sanitary
 23 disposal.

1 SEC. 3. Mandatory Establishment of Sanitary Disposal Projects.

2 Every city, town and county of this state shall provide for the estab-
 3 lishment and operation of a sanitary disposal project for final disposal

4 of solid waste by its residents not later than the first of July, 1975.
5 Sanitary disposal projects may be established either separately or
6 through cooperative efforts for the joint use of the participating
7 public agencies as provided by law.

8 Cities, towns and counties may execute with public and private
9 agencies contracts, leases, or other necessary instruments, purchase
10 land and do all things necessary not prohibited by law for the collec-
11 tion of solid waste, establishment and operation of sanitary disposal
12 projects, and general administration of the same. Any agreement
13 executed with a private agency for the operation of a sanitary dis-
14 posal project shall provide for the posting of a sufficient surety bond
15 by the private agency conditioned upon the faithful performance of
16 the agreement.

1 **SEC. 4. Commissioner of Public Health—Duties.**

2 The commissioner of public health shall administer the provisions
3 of this Act, and the provisions of chapter one hundred thirty-five
4 (135) of the Code shall be applicable to this Act.

5 Local boards of health shall cooperate in the enforcement of this
6 Act and the commissioner of public health may seek their aid and
7 delegate duties of the state department of health to local boards of
8 health in the manner provided in chapter one hundred sixty-three
9 (163), Acts of the Sixty-second General Assembly.

1 **SEC. 5. Rules and Regulations.**

2 The commissioner of public health shall promulgate, adopt and
3 enforce rules for the proper administration of this Act which shall
4 reflect and accommodate insofar as is reasonably possible those cur-
5 rent and generally accepted methods and techniques for treatment
6 and disposition of solid waste which will serve the purposes of this
7 Act, which shall take into consideration such factors, including others
8 which it may deem proper, as existing physical conditions, topography,
9 soils and geology, climate, transportation, and land use, such rules
10 including but not limited to rules relating to the establishment and
11 location of sanitary disposal projects, sanitary practices, inspection
12 of sanitary disposal projects, collection of solid waste, disposal of solid
13 waste, pollution controls, the issuance of permits, approved methods
14 of private disposition of solid waste, the general operation and main-
15 tenance of sanitary disposal projects, and the implementation of this
16 Act. Prior to issuance of rules and regulations or amendments thereto,
17 the commissioner of public health shall hold at least one public hearing
18 on the proposed rules or amendments, and shall give notice of such
19 hearing at least thirty days in advance by publishing notice in a
20 newspaper of general circulation in the state. The Iowa air pollution
21 control commission and the Iowa water pollution control commission,
22 or their successor agency, shall aid the commissioner of public health
23 in the administration of this Act including the promulgation and adop-
24 tion of rules and other duties which may be agreed upon by the com-
25 missioner of public health and the Iowa air pollution control commis-
26 sion and Iowa water pollution control commission, or their successor
27 agency. All rules promulgated shall be subject to the provisions of
28 chapter seventeen A (17A) of the Code.

1 **SEC. 6. Certification of Sanitary Disposal Projects.**

2 The commissioner of public health shall certify if disposal projects
3 operated or planned to be operated by or for cities, towns, counties
4 and those operated by private agencies meet the standards provided
5 for by this Act and the rules and regulations of the commissioner of
6 public health, by issuing a permit for existing disposal projects which
7 fully comply, and for planned sanitary disposal projects whose plans
8 fully comply, with all provisions of this Act and rules and regulations
9 issued pursuant thereto. Permits shall be issued for existing disposal
10 sites which have not met all the provisions of this Act and rules and
11 regulations issued pursuant thereto, if a comprehensive plan for com-
12 pliance within the time limitations required by this Act is developed
13 by a city, town, county or private agency and is approved by the
14 commissioner of public health. Every city, town or county of this
15 state and every private agency involved in the final disposal of solid
16 waste shall qualify for a permit by the first of July, 1975 or be subject
17 to such legal actions authorized by section ten (10) of this Act.

18 Permits shall be issued without fee by the commissioner of public
19 health or at his direction, by a local board of health, for each sanitary
20 disposal project operated in this state. Such permits shall be issued
21 in the name of the city, town or county or, where applicable, in the
22 name of the public or private agency operating such project. Each
23 sanitary disposal project shall be inspected annually by the commis-
24 sioner of public health or a local board of health. The permits issued
25 pursuant to this section shall be in addition to any other licenses,
26 permits or variances authorized or required by law, including, but not
27 limited to, the provisions of chapter three hundred fifty-eight A
28 (358A) of the Code. A permit may be suspended or revoked after
29 notice and hearing before the commissioner of public health or his
30 designee if a sanitary disposal project is found not to meet the re-
31 quirements of the provisions of this Act or rules and regulations
32 issued pursuant thereto.

1 **SEC. 7. City, Town and County Sanitary Disposal Projects—Com-**
2 **pliance—Development of Plans.**

3 Not later than thirty months from the effective date of this Act
4 every city, town, county and every private agency operating or plan-
5 ning to operate a sanitary disposal project shall file with the com-
6 missioner of public health a plan detailing the method by which the
7 city, town, county or private agency will comply with the provisions
8 of this Act. The commissioner of public health shall review each plan
9 submitted and may reject, suggest modification, or approve the
10 proposed plan. The commissioner of public health shall aid in the
11 development of plans for compliance with the provisions of this Act.
12 The commissioner of public health shall make available to each city,
13 town, county and private agency appropriate forms for the submission
14 of plans and may hold hearings for the purpose of implementing this
15 Act.

1 **SEC. 8. Financing of Sanitary Disposal Projects.**

2 The board of supervisors of any county may, in lieu of the levy au-
3 thorized by section three hundred thirty-two point thirty-two (332.32)
4 of the Code, annually levy a tax not to exceed one-fourth mill on all

5 taxable property in the county outside the incorporated limits of any
6 city or town for the purpose of planning a sanitary disposal project or
7 of paying the interest and principal of bonds issued pursuant to the
8 provisions of section nineteen (19) of this Act as they become due.
9 The levy authorized by this section shall be the only mill levy that the
10 board of supervisors may authorize for the purposes of this section,
11 notwithstanding the provisions of section three hundred forty-six
12 point eleven (346.11) of the Code or any other provision of law.

1 **SEC. 9. City and Town Financing of Sanitary Disposal Projects.**

2 Chapter four hundred four (404), Code 1966, is amended by add-
3 ing thereto the following new section:

4 "The governing body of any city or town may cause to be levied
5 a tax on all taxable property within its corporate limits not to exceed
6 one-quarter mill for the purpose of planning a sanitary disposal
7 project and such tax shall not be subject to the thirty mill levy limita-
8 tion contained in section four hundred four point two (404.2) of the
9 Code, and shall be in addition to the taxes authorized by section four
10 hundred four point two (404.2) of the Code and this provision shall
11 not be construed to be a substitute for or a limitation upon any levy
12 otherwise authorized by law. The tax herein authorized may be
13 levied one time by each city and town in this state."

1 **SEC. 10. Prohibited Practices—Penalties—Enforcement.**

2 1. Commencing July 1, 1975 it shall be unlawful for any private
3 agency or public agency to dump or deposit or permit the dumping or
4 depositing of any solid waste at any place other than a sanitary
5 disposal project approved by the commissioner of public health. This
6 section shall not prohibit a private agency or public agency from
7 dumping or depositing solid waste resulting from its own residential,
8 farming, manufacturing, mining or commercial activities on land
9 owned or lease by it if such action does not violate any statute of this
10 state or rules and regulations promulgated by the commissioner of
11 public health or local boards of health, or local ordinances, or rules
12 and regulations issued by the Iowa air pollution control commission
13 or Iowa water pollution control commission, or their successor agency.
14 A violation of this subsection shall be a misdemeanor.

15 2. The commissioner of public health may issue any order necessary
16 to secure compliance with or prevent a violation of the provisions of
17 this Act or the rules and regulations promulgated pursuant thereto.
18 The attorney general shall, on request of the commissioner of public
19 health, institute any legal proceedings necessary in obtaining com-
20 pliance with an order of the commissioner of public health or prosecut-
21 ing any person for a violation of the provisions of this Act or rules
22 and regulations issued pursuant thereto.

1 **SEC. 11. Orders of Commissioner of Public Health—Appeals.**

2 Any person aggrieved by an order of the commissioner of public
3 health issued as provided in this Act may appeal the same by filing
4 a written notice of appeal with the commissioner of public health
5 within thirty days of the issuance of the order. The commissioner
6 of public health shall schedule a hearing for the purpose of hearing
7 the arguments of the aggrieved person within thirty days of the filing
8 of the notice of appeal. The hearing may be held before the com-

9 commissioner of public health or his designee. A complete record shall
10 be made of the proceedings. The commissioner of public health shall
11 issue the findings in writing to the aggrieved person within thirty
12 days of the conclusion of such hearing. If such person is not satisfied
13 with the findings of the commissioner of public health, he may appeal
14 such findings to the district court of the county wherein the acts in
15 issue occurred. Such appeal shall be made within thirty days of the
16 issuance of the findings of the commissioner of public health and
17 a copy of the same shall be filed with the commissioner of public
18 health. The court upon the filing of such appeal shall hear the appeal
19 in equity.

1 SEC. 12. Section one hundred thirty-five point eleven (135.11),
2 subsection seven (7), Code 1966, is hereby amended by inserting in
3 line two (2) after the word "plants," the words "sanitary disposal
4 projects,".

1 SEC. 13. Section one hundred thirty-six point three (136.3), sub-
2 section two (2), paragraph *c*, is hereby amended by inserting in line
3 two (2) after the comma the words "sanitary disposal projects,".

1 SEC. 14. Section three hundred sixty-eight point twenty-four
2 (368.24), Code 1966, as amended by chapter three hundred fifteen
3 (315), sections one (1) and two (2), Acts of the Sixty-second General
4 Assembly, is further amended as follows:

5 1. By striking from line three (3) the words "garbage and refuse"
6 and inserting in lieu thereof the words "garbage, refuse, and other
7 solid waste,".

8 2. By inserting in line five (5) following the word "grounds" the
9 words "and other sanitary disposal projects".

10 3. By striking from line ten (10) the words "refuse and garbage"
11 and inserting in lieu thereof the words "refuse, garbage, and other
12 solid waste".

13 4. By inserting in line eleven (11) after the word "dump" the
14 words ", sanitary disposal projects,".

15 5. By striking from line fourteen (14) the word "or" and inserting
16 in lieu thereof the words ", sanitary disposal project, or other,".

17 6. By striking from line seventeen (17) the words "and refuse"
18 and inserting in lieu thereof the words ", refuse, and other solid
19 waste".

1 SEC. 15. Section four hundred four point nine (404.9), Code 1966,
2 is hereby amended as follows:

3 1. By inserting in subsection three (3), line three (3), after the
4 word "grounds" the words "and sanitary disposal projects".

5 2. By inserting in subsection five (5), line two (2), after the word
6 "of" the words "solid waste,".

1 SEC. 16. Section four hundred seven point three (407.3), Code
2 1966, is hereby amended by striking subsection two (2).

1 SEC. 17. Section four hundred twenty point one hundred seventy-
2 one (420.171), Code 1966, is hereby amended by inserting in line ten
3 (10) after the word "garbage" the words "and other solid waste".

1 SEC. 18. Section four hundred eight A point seven (408A.7), Code
2 1966, is hereby amended by inserting in line four (4) after the word

3 "viaducts" the words ", sanitary disposal projects as defined in section
4 two (2) of this Act".

1 SEC. 19. Chapter three hundred forty-six (346), Code 1966, is
2 amended by adding the following new section thereto:

3 "The boards of supervisors of counties are hereby authorized to
4 contract indebtedness and to issue general obligation bonds of the
5 county to provide funds to pay the cost of establishing, constructing,
6 acquiring, purchasing, equipping, improving, extending, reconstruct-
7 ing and repairing sanitary disposal projects as defined in section two
8 (2) of this Act.

9 Such bonds shall be in denominations of not less than one hundred
10 dollars nor more than ten thousand dollars, and shall draw interest
11 at a rate not to exceed seven percent per annum, payable annually
12 or semiannually. Such bonds shall be due and payable in not more
13 than twenty years from the date of issuance but may be made subject
14 to redemption in such manner and upon such terms as is stated on the
15 face thereof, shall be in such form as the board of supervisors shall
16 by resolution provide, and shall show on their face that they are
17 county sanitary disposal bonds payable from the fund hereinafter
18 provided. Funds available pursuant to the levy authorized by section
19 eight (8) of this Act shall be used to pay the interest and principal
20 of such bonds as they become due. The millage limitation referred
21 to in section eight (8) of this Act shall not limit the source of pay-
22 ment of bonds and interest but shall only restrict the amount of
23 bonds which may be issued. The money arising from such levies shall
24 be known as the sanitary disposal bond fund and shall be used for
25 the payment of such bonds and interest thereon only; and the treas-
26 urer shall open and keep in his books a separate account thereof,
27 which shall show the exact condition of such fund. Such bonds shall
28 be sold at public sale and the county treasurer shall comply with
29 and be governed by all provisions of chapter seventy-five (75) of the
30 Code."

1 SEC. 20. Section four hundred four point nineteen (404.19), Code
2 1966, as amended by chapter ninety-three (93), Acts of the Sixty-
3 second General Assembly, is hereby further amended by inserting in
4 line fifteen (15) after the word "of" the words "establishing, con-
5 structing, acquiring, purchasing, equipping, improving, extending,
6 reconstructing and repairing sanitary disposal projects as defined in
7 section two (2) of this Act or".

1 SEC. 21. Section three hundred ninety-four point one (394.1),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line one (1) the words "and towns" and insert-
4 ing in lieu thereof the words "; towns, counties,".

5 2. By striking lines five (5) and six (6) and inserting in lieu thereof
6 the following: "powered to own, acquire, establish, construct, pur-
7 chase, equip, improve, extend, operate, maintain, reconstruct and
8 repair within or without the corporate limits".

9 3. By striking from line seven (7) the words "or town or sanitary
10 districts" and inserting in lieu thereof the words ", town, county, or
11 sanitary district".

12 4. By striking from line twelve (12) the words "or town," and

13 inserting in lieu thereof the words “, town, county, or sanitary dis-
14 trict, including sanitary disposal projects as defined in section two
15 (2) of this Act.”

16 5. By striking from line seventeen (17) the words “or town” and
17 inserting in lieu thereof the words “, town, county,”.

18 6. By striking from line eighteen (18) the word “districts” and
19 inserting in lieu thereof the word “district”.

20 7. By striking from line nineteen (19) the word “the” and inserting
21 in lieu thereof the words “such sanitary disposal project or such”.

22 8. By striking from line twenty (20) the words “or town” and
23 inserting in lieu thereof the words “, town, county, or sanitary dis-
24 trict”.

25 9. By striking from line twenty-one (21) the words “the respective
26 municipalities” and inserting in lieu thereof the word “them”.

27 10. By striking from lines twenty-three (23) and twenty-four (24)
28 the words “acquiring, purchasing or constructing” and inserting in
29 lieu thereof the words “establishing, acquiring, purchasing, construct-
30 ing, equipping, improving, extending, reconstructing, repairing, op-
31 erating, or maintaining”.

32 11. By inserting in line twenty-four (24) after the word “such”
33 the words “sanitary disposal project or such”.

34 12. By striking from line twenty-six (26) the words “or town”
35 and inserting in lieu thereof the words “, town, county, or sanitary
36 district”.

37 13. By inserting in line twenty-seven (27) after the word “the”
38 the words “sanitary disposal project or”.

39 14. By striking from line twenty-eight (28) the words “or town”
40 and inserting in lieu thereof the words “, town, county, or sanitary
41 district”.

42 15. By striking from lines twenty-nine (29) and thirty (30) the
43 words “by the respective municipalities”.

44 16. By inserting in line thirty (30) after the period the following:
45 “As used in this chapter the words ‘works and facilities’, ‘works’,
46 or ‘facilities’ shall include but not be limited to sanitary disposal
47 projects as defined in section two (2) of this Act.”

1 SEC. 22. Section three hundred ninety-four point three (394.3),
2 Code 1966, is hereby amended as follows:

3 1. By inserting in line six (6) after the word “docks” the words
4 “sanitary disposal projects”.

5 2. By striking from line nine (9) the words “or town, or in” and
6 inserting in lieu thereof the words “, town, county, or sanitary dis-
7 trict.”

8 3. By striking lines ten (10) through fourteen (14), inclusive.

1 SEC. 23. Section three hundred ninety-four point four (394.4),
2 Code 1966, is hereby repealed.

1 SEC. 24. Section three hundred ninety-four point five (394.5),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words “and towns may by”
4 and inserting in lieu thereof the words “, towns, counties, and sanitary
5 districts may by resolution or”.

6 2. By striking from line three (3) the words “collection and” and

- 7 inserting in lieu thereof the words "use of and the services and fa-
 8 cilities to be rendered by the sanitary disposal project or for the
 9 collection and".
- 10 3. By striking from lines five (5) and six (6) the words "construc-
 11 tion, extending, repairing, maintaining, and operating" and inserting
 12 in lieu thereof the words "establishing, acquiring, purchasing, con-
 13 structing, equipping, improving, extending, reconstructing, repairing,
 14 maintaining, and operating sanitary disposal projects,".
- 15 4. By inserting in line eight (8) after the word "such" the words
 16 "project or".
- 17 5. By inserting in line nine (9) after the word "such" the words
 18 "project or".
- 1 SEC. 25. Section three hundred ninety-four point six (394.6), Code
 2 1966, is hereby amended as follows:
- 3 1. By striking from line one (1) the words "and towns" and in-
 4 serting in lieu thereof the words ", towns, counties,".
- 5 2. By striking from line four (4) the word "the".
- 6 3. By striking lines five (5) through seven (7), inclusive, and
 7 inserting in lieu thereof the words "any of the purposes referred to
 8 in this chapter,".
- 9 4. By striking from line eight (8) the word "control,".
- 10 5. By striking from line eleven (11) the words "and towns" and
 11 inserting in lieu thereof the words ", towns, counties,".
- 12 6. By striking from line fifteen (15) the words "construction of
 13 any" and inserting in lieu thereof the words "costs of any of the
 14 projects or".
- 15 7. By striking from line seventeen (17) the words "and towns"
 16 and inserting in lieu thereof the words ", towns, counties,".
- 17 8. By striking from line twenty-two (22) the words "and towns"
 18 and inserting in lieu thereof the words ", towns, counties,".
- 19 9. By striking from lines twenty-four (24) and twenty-five (25)
 20 the words "construction of said" and inserting in lieu thereof the
 21 words "said projects or".
- 22 10. By striking from line twenty-six (26) the words "or town" and
 23 inserting in lieu thereof the words ", town, county".
- 24 11. By inserting in line twenty-eight (28) after the word "such"
 25 the words "project or".
- 26 12. By striking from lines thirty-one (31) and thirty-two (32) the
 27 word "construction" and inserting in lieu thereof the words "the
 28 project or improvement".
- 29 13. By striking from line thirty-eight (38) the word "municipality"
 30 and inserting in lieu thereof the words "city or town, the chairman
 31 of the board of supervisors and county auditor of the county,".
- 32 14. By striking from line forty-five (45) the words "or town" and
 33 inserting in lieu thereof the words ", town, county,".
- 34 15. By inserting in line fifty-three (53) after the word "by" the
 35 words "resolution or".
- 36 16. By striking from line fifty-four (54) the words "and towns"
 37 and inserting in lieu thereof the words ", towns, counties, and sanitary
 38 districts".
- 39 17. By inserting in line fifty-seven (57) after the word "acquiring"
 40 the words "sanitary disposal projects, or".

41 18. By striking from line sixty-two (62) the words "or town" and
 42 inserting in lieu thereof the words ", town, county, or sanitary dis-
 43 trict".

44 19. By inserting in line sixty-three (63) after the word "such" the
 45 word "projects,".

46 20. By striking from line sixty-five (65) the words "or town" and
 47 inserting in lieu thereof the words ", town, county, or sanitary dis-
 48 trict".

49 21. By striking from lines sixty-five (65) and sixty-six (66) the
 50 words "by the respective municipalities".

51 22. By inserting in line sixty-seven (67) after the word "such" the
 52 words "sanitary disposal project, or".

53 23. By inserting in line sixty-nine (69) after the word "its" the
 54 words "sanitary disposal project or".

1 SEC. 26. Section three hundred ninety-four point seven (394.7),
 2 Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the word "and".

4 2. By striking lines three (3) and four (4) and inserting in lieu
 5 thereof the words ", towns, counties, and sanitary districts for any
 6 of the purposes referred to in this chapter, notwithstanding".

7 3. By striking from lines five (5) and six (6) the words "for the
 8 construction of any such improvement".

1 SEC. 27. Section three hundred ninety-four point eight (394.8),
 2 Code 1966, is hereby amended as follows:

3 1. By striking from lines two (2) and three (3) the words "coun-
 4 cil of the municipality" and inserting in lieu thereof the words "gov-
 5 erning body of the city, town, county or sanitary district".

6 2. By inserting in line three (3) after the word "by" the words
 7 "resolution or".

8 3. By inserting in line four (4) before the word "works" the words
 9 "sanitary disposal project or".

1 SEC. 28. Section three hundred ninety-four point nine (394.9),
 2 Code 1966, is hereby amended as follows:

3 1. By striking from line one (1) the words "city or town council"
 4 and inserting in lieu thereof the words "governing body of the city,
 5 town, county, or sanitary district".

6 2. By inserting in line two (2) after the word "ordinance" the
 7 words "or resolution".

8 3. By striking from line ten (10) everything after the word
 9 "works" and inserting in lieu thereof the following: ". The governing
 10 body of such city, town, county, or sanitary district may also by
 11 ordinance or resolution establish and maintain just and equitable rates
 12 or charges for the use of and the services and facilities rendered by
 13 a sanitary disposal project. Such governing body may readjust such
 14 rates or charges from time to time and may charge and collect reason-
 15 able rates and charges for landing, wharfage, dockage, swimming,
 16 and".

17 4. By striking lines eleven (11) through thirteen (13), inclusive.

18 5. By striking line seventeen (17) and inserting in lieu thereof
 19 the words "repair, maintenance, acquisition, purchase, construction,

20 equipping, improving, and extension of the sanitary disposal project
21 or”.

22 6. By inserting in line twenty-five (25) after the word “ordinance”
23 the words “or resolution”.

24 7. By inserting in line twenty-seven (27) after the word “such”
25 the words “sanitary disposal project or”.

1 SEC. 29. Section three hundred ninety-four point twelve (394.12),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words “and towns” and in-
4 serting in lieu thereof the words “, towns, counties, and sanitary
5 districts”.

6 2. By striking from line nine (9) the word “municipalities” and
7 inserting in lieu thereof the words “city, town, county, or sanitary
8 district”.

9 3. By striking from line ten (10) everything after the word
10 “chapter” and inserting in lieu thereof a period.

11 4. By striking lines eleven (11) through sixteen (16), inclusive.

12 5. By inserting in line twenty-three (23) after the word “of” the
13 words “such sanitary disposal project or”.

14 6. By striking from line twenty-five (25) the words “or town” and
15 inserting in lieu thereof the words “, town, county, or sanitary dis-
16 trict”.

1 SEC. 30. There is hereby appropriated from the general fund of
2 the state to the state department of health the sum of fifty thousand
3 (50,000) dollars, or so much thereof as may be necessary, for the
4 fiscal year beginning July 1, 1970 and ending June 30, 1971, for
5 salaries, support, maintenance, planning, and miscellaneous expenses
6 incurred in administering the provisions of this Act.

1 SEC. 31. Chapter two hundred thirty-six (236), Acts of the
2 Sixty-third General Assembly, First Session, is hereby amended by
3 striking from line one hundred thirty-eight (138) the word “six”
4 and inserting in lieu thereof the word “seven”.

1 SEC. 32. This Act, being deemed of immediate importance, shall
2 be in full force and effect from and after its passage and publication
3 in the Globe-Gazette, a newspaper published in Mason City, Iowa, and
4 The Des Moines Register, published at Des Moines, Iowa.

Approved May 5, 1970.

I hereby certify that the foregoing Act, Senate File 1232, was published in the Globe-Gazette, Mason City, Iowa, May 11, 1970, and in The Des Moines Register, Des Moines, Iowa, May 9, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1192

COUNTY PLATTING AND ZONING

H. F. 208

AN ACT relating to the platting and zoning jurisdiction in unincorporated areas outside of cities and towns.

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

1 SECTION 1. Section four hundred nine point fourteen (409.14),
2 Code 1966, is hereby amended as follows:

3 (1) By striking from line ten (10) the words "one mile" and in-
4 serting in lieu thereof the words "two miles".

5 (2) By striking from line seventeen (17) the word "two" and in-
6 serting the word "four".

1 SEC. 2. Chapter four hundred fourteen (414), Code 1966, is
2 hereby amended by adding the following section:

3 "The powers granted by this chapter may be extended by ordinance
4 by any city or town to the unincorporated area up to two miles beyond
5 the limits of such city or town, except for those areas within a county
6 where a county zoning ordinance exists. The ordinance shall describe
7 in general terms the area to be included. The exemption from regula-
8 tion granted by section three hundred fifty-eight A point two (358A.2)
9 to property used for agricultural purposes shall apply to such unin-
10 corporated area. If the limits of any such city or town are at any
11 place less than four miles distant from the limits of any other city or
12 town which has extended or thereafter extends its zoning jurisdiction
13 under this section, then at such time the powers herein granted shall
14 extend to a line equidistant between the limits of said cities or towns.

15 A municipality, during the time its zoning jurisdiction is extended
16 under this section, shall increase the size of its planning and zoning
17 commission and its board of adjustment each by two members. Said
18 additional members shall be residents of the area outside the city or
19 town limits over which the zoning jurisdiction is extended. They shall
20 be chosen in the same manner and for the same terms of office and
21 have the same rights, privileges, and duties as other members of each
22 of said bodies.

23 Property owners affected by such zoning regulations shall have the
24 same rights of hearing, protest, and appeal as those within the munic-
25 ipality exercising this power.

26 Whenever a county in which this power is being exercised by a
27 municipality adopts a county zoning ordinance the power exercised
28 by the municipality and the specific regulations and districts there-
29 under shall be terminated within three months of the establishment of
30 the administrative authority for county zoning, or at such date as
31 mutually agreed upon by the municipality and county."

Approved March 20, 1970.

CHAPTER 1193

FIREMEN AND POLICEMEN PENSIONS

S. F. 178

AN ACT relating to annual readjustment of pensions, pension payments and pension benefits for disabled and retired firemen and policemen.

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

1 SECTION 1. Section four hundred ten point six (410.6), Code 1966,
2 is hereby amended by striking from lines thirty-four (34) and thirty-
3 five (35) the word "twenty-five" and inserting in lieu thereof the
4 word "fifty".

Approved April 2, 1970.

CHAPTER 1194

MUNICIPAL UTILITY RETIREMENT SYSTEMS

H. F. 581

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 four (412.4), Code
2 1966, is hereby amended as follows:
3 By striking all of line nine (9) after the word "state," and all of
4 lines ten (10) through fourteen (14), inclusive, and inserting in lieu
5 thereof the following: "or any bank located in Iowa having trust
6 powers for the investment of funds contributed to an annuity or pen-
7 sion system, for the payment of the pensions or annuities provided in
8 such pension or annuity retirement system, and may pay the pre-
9 miums or make the contribution of such contract out of the fund pro-
10 vided in section four hundred twelve point two (412.2) of the Code.
11 Funds contributed to a bank pursuant to such a contract shall be in-
12 vested in the manner prescribed in section six hundred thirty-three
13 point one hundred twenty-three (633.123) of the Code, and may be
14 commingled with and invested as a part of a common or master fund
15 managed for the benefit of more than one public utility."

Approved May 5, 1970.

CHAPTER 1195

HEIGHT OF BUILDINGS

H. F. 1211

AN ACT relating to the height of buildings.

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

1 SECTION 1. Section four hundred thirteen point twelve (413.12),
2 Code 1966, is hereby repealed.

1 SEC. 2. This Act being deemed of immediate importance shall be
2 in full force and effect after its approval and publication in The
3 Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa,
4 and in the Ames Daily Tribune, a newspaper published in Ames, Iowa.

Approved April 2, 1970.

I hereby certify that the foregoing Act, House File 1211, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, April 7, 1970, and in the Ames Daily Tribune, Ames, Iowa, April 4, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1196

MUNICIPAL EASEMENTS

H. F. 1306

AN ACT relating to the granting of easements by a municipality in connection with a project constructed, purchased, received by gift or lease under the provisions of chapter four hundred nineteen (419) of the Code.

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

1 SECTION 1. Section four hundred nineteen point two (419.2), Code
2 1966, as amended by chapter three hundred thirty-nine (339), section
3 two (2), Acts of the Sixty-second General Assembly, is hereby further
4 amended by adding thereto the following new subsection:
5 "4. To grant easements for roads, streets, water mains and pipes,
6 sewers, power lines, telephone lines, all pipelines, and to all utilities."

1 SEC. 2. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publica-
3 tion in the Bettendorf News, a newspaper published in Bettendorf,
4 Iowa, and in The Clinton Herald, a newspaper published in Clinton,
5 Iowa.

Approved April 2, 1970.

I hereby certify that the foregoing Act, House File 1306, was published in the Bettendorf News, Bettendorf, Iowa, April 9, 1970, and in The Clinton Herald, Clinton, Iowa, April 7, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1197

PROTEST AND APPEAL OF ASSESSMENTS

S. F. 1300

AN ACT to amend Senate File 1088, Acts of the Sixty-third General Assembly, Second Session, to assure the right of protest and appeal of assessments thereunder.

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

1 SECTION 1. Senate File one thousand eighty-eight (1088), Acts of
2 the Sixty-third General Assembly, Second Session, is hereby amended
3 by inserting in section one (1), subsection two (2), after the word
4 "Code" in the first sentence the following:
5 " , but the municipality, the lessee on behalf of the municipality, and
6 such other persons as are authorized by chapter four hundred forty-
7 one (441) of the Code, shall be entitled to protest any assessment and
8 take appeals in the same manner as any taxpayer".

Approved May 5, 1970.

CHAPTER 1198

TAX EQUIVALENT OF MUNICIPAL INDUSTRIAL PROPERTY

S. F. 1088

AN ACT relating to the assessment, payment of and budgetary consideration to be given the tax equivalent on municipal property acquired in support of industrial projects.

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

1 SECTION 1. Section four hundred nineteen point eleven (419.11),
2 Code 1966, as amended by chapter three hundred thirty-nine (339),
3 section four (4), Acts of the Sixty-second General Assembly, is hereby
4 further amended as follows:
5 1. By inserting in line nine (9) after the word "tax" the words:
6 " , determined by applying the millage rate of the taxing district to
7 the assessed value of the property,".
8 2. By inserting in line fourteen (14) after the period the following:
9 "For purposes of arriving at such tax equivalent, the property shall
10 be valued and assessed by the assessor in whose jurisdiction the prop-
11 erty is located, in accordance with chapter four hundred forty-one
12 (441) of the Code. Such valuations shall be included in any summa-
13 tion of valuations in the taxing district for all purposes known to the
14 law. Income from this source shall be considered under the provisions
15 of section twenty-four point three (24.3), subsection one (1), of the
16 Code."

1 SEC. 2. This Act being deemed of immediate importance shall
2 take effect and be in force from and after its final approval and pub-

3 lication in The Washington Evening Journal, a newspaper published
4 in Washington, Iowa, and in The Clinton Herald, a newspaper pub-
5 lished in Clinton, Iowa.

Approved February 13, 1970.

I hereby certify that the foregoing Act, Senate File 1088, was published in The Washington Evening Journal, Washington, Iowa, February 17, 1970, and in The Clinton Herald, Clinton, Iowa, February 18, 1970.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1199

INCOME AND BUSINESS TAX

S. F. 1182

AN ACT relating to state personal net income tax and state business tax on corporations.

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

1 SECTION 1. Section four hundred twenty-two point four (422.4),
2 subsection seventeen (17), Code 1966, as amended by chapter three
3 hundred forty-five (345), section one (1), Acts of the Sixty-second
4 General Assembly, is hereby amended by striking lines one (1)
5 through four (4), inclusive, and inserting in lieu thereof the follow-
6 ing:

7 "Internal Revenue Code of 1954' means the Internal Revenue
8 Code of 1954, as amended to and including January 1, 1970."

1 SEC. 2. Section four hundred twenty-two point thirty-two (422.32),
2 subsection four (4), Code 1966, as amended by chapter three hundred
3 forty-five (345), section two (2), Acts of the Sixty-second General
4 Assembly, is hereby amended by striking lines one (1) through three
5 (3), inclusive, and inserting in lieu thereof the following:

6 "Internal Revenue Code of 1954' means the Internal Revenue Code
7 of 1954, as amended to and including January 1, 1970."

1 SEC. 3. This Act being deemed of immediate importance shall
2 be in full force and effect from and after its final approval and publi-
3 cation in the Waterloo Daily Courier, a newspaper published at Water-
4 loo, Iowa, and the Eldora Herald-Ledger, a newspaper published at
5 Eldora, Iowa.

Approved February 20, 1970.

I hereby certify that the foregoing Act, Senate File 1182, was published in the Waterloo Daily Courier, Waterloo, Iowa, March 2, 1970, and in the Eldora Herald-Ledger, Eldora, Iowa, February 24, 1970.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1200

MILITARY SERVICE INCOME TAX

H. F. 1060

AN ACT providing an exemption from state income tax for active duty military service.

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

1 SECTION 1. Chapter two hundred forty-three (243), section four
2 (4), Acts of the Sixty-third General Assembly, First Session, is hereby
3 amended by striking lines five (5), six (6), and seven (7) and in-
4 serting in lieu thereof the following:

5 "more than six continuous months, shall not include any income
6 received for such service performed on or after January first, 1969,
7 in computing the tax imposed by this section."

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 Sioux City
3 Journal, a newspaper published in Sioux City, Iowa, and in The Shel-
4 don Mail, a newspaper published in Sheldon, Iowa.

Approved March 16, 1970.

I hereby certify that the foregoing Act, House File 1060, was published in The Sioux City Journal, Sioux City, Iowa, March 20, 1970, and in The Sheldon Mail, Sheldon, Iowa, March 18, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1201

TAX ON NEWSPRINT AND INK

H. F. 1222

AN ACT relating to the sales and use tax on newsprint and ink and to exempt the sales, publishing, and printing of all newspapers and shoppers' guides therefrom.

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

1 SECTION 1. Section four hundred twenty-two point forty-two
2 (422.42), Code 1966, as amended by chapter three hundred forty-eight
3 (348), section nineteen (19), Acts of the Sixty-second General Assem-
4 bly, and as amended by chapter one hundred ten (110), section twelve
5 (12), chapter two hundred forty-five (245), section one (1), chapter
6 two hundred forty-six (246), sections one (1) and five (5), chapter
7 two hundred forty-seven (247), sections one (1) and two (2), and
8 chapter two hundred forty-eight (248), section eleven (11), Acts of
9 the Sixty-third General Assembly, First Session, is hereby further
10 amended by inserting after subsection three (3) the following new
11 paragraph:

12 "Notwithstanding the foregoing provisions of this subsection, the
13 sale of newsprint and ink delivered after the effective date of this Act
14 to any person, firm or corporation to be incorporated in or used in the
15 printing of any newspaper, free newspaper or shoppers guide for

16 publication in this state shall be considered as a sale at retail and such
17 person, firm or corporation shall be deemed to be the consumer of
18 such newsprint and ink and subject to the payment of sales tax."

1 SEC. 2. Section four hundred twenty-two point forty-five (422.45),
2 Code 1966, as amended by chapter three hundred forty-eight (348),
3 sections twenty-two (22) and forty-eight (48) and chapter three
4 hundred forty-nine (349), sections one (1) and two (2), Acts of the
5 Sixty-second General Assembly, and as amended by chapter one hun-
6 dred eleven (111), section one (1), chapter one hundred fifty-two
7 (152), section sixty-four (64), chapter two hundred forty-six (246),
8 section two (2), Acts of the Sixty-third General Assembly, First
9 Session, is hereby further amended by adding thereto the following
10 new subsection:

11 "Gross receipts from the sales of newspapers, free newspapers or
12 shoppers guides and the printing and publishing thereof."

1 SEC. 3. Section four hundred twenty-three point one (423.1), sub-
2 section one (1), Code 1966, as amended by chapter three hundred
3 forty-eight (348), section thirty-three (33), Acts of the Sixty-second
4 General Assembly, is hereby amended by adding at the end thereof
5 the following new paragraph:

6 "Notwithstanding the foregoing provisions of this subsection, the
7 purchase of newsprint and ink delivered after the effective date
8 of this Act to any person, firm or corporation to be incorporated in
9 or used in the printing of any newspaper, free newspaper or shoppers
10 guide for publication in this state shall be subject to the use tax im-
11 posed by this chapter."

1 SEC. 4. This Act shall be retroactive to and from January 1, 1970.

1 SEC. 5. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publica-
3 tion in The Des Moines Register, a newspaper published at Des
4 Moines, Iowa, and in the Eldora Herald-Ledger, a newspaper pub-
5 lished at Eldora, Iowa.

Approved March 20, 1970.

I hereby certify that the foregoing Act, House File 1222, was published in The Des Moines Register, Des Moines, Iowa, March 26, 1970, and in the Eldora Herald-Ledger, Eldora, Iowa, March 31, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1202

INCOME TAX INTEREST AND PENALTY

H. F. 1334

AN ACT relating to computation of interest and penalties on income tax.

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

1 SECTION 1. Section four hundred twenty-two point twenty-five
2 (422.25), Code 1966, as amended by chapter three hundred forty-two
3 (342), section eighty-four (84), Acts of the Sixty-second General
4 Assembly, is hereby further amended as follows:

5 1. By striking from subsection one (1), lines twenty-seven (27)
6 through thirty-two (32), inclusive, and inserting in lieu thereof the
7 following:

8 "due is greater than the amount paid, the department shall com-
9 pute the amount due, together with interest and penalties as provided
10 in subsection two (2) of this section, and shall notify the taxpayer
11 by certified mail of the total, which shall be a sum certain if paid on
12 or before the last day of the month in which the notice is postmarked,
13 or on or before the last day of the following month if the notice is
14 postmarked after the twentieth day of any month. The notice shall
15 also inform the taxpayer of the additional interest and penalty which
16 will be added to the total due if not paid on or before the last day of
17 the applicable month."

18 2. By inserting in subsection two (2), line seven (7), after the word
19 "filed" the following:

20 " , and computed on a calendar month basis, considering each frac-
21 tion of a month as an entire month".

Approved May 5, 1970.

CHAPTER 1203

SALES AND USE TAX EXEMPTIONS

S. F. 184

AN ACT relating to sales and use tax exemptions to nonprofit educational institutions.

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

1 SECTION 1. Chapter three hundred forty-nine (349), Acts of the
2 Sixty-second General Assembly, section two (2), line four (4), is
3 amended by adding after the word "merchandise" the words ", or
4 services,".

5 Further amend said section, line seven (7), by adding after the
6 word "merchandise" the words ", or services,".

Approved January 20, 1970.

CHAPTER 1204

TAXATION OF FINANCIAL INSTITUTIONS

H. F. 1294

AN ACT relating to the taxation of financial institutions and credit unions, and the taxation of moneys and credits.

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

1 SECTION 1. Chapter four hundred twenty-two (422), Code 1966,
2 is hereby amended by inserting a new division composed of sections
3 two (2) through eight (8), inclusive, of this Act.

1 SEC. 2. A franchise tax according to and measured by net income
2 is hereby imposed on financial institutions.

1 SEC. 3. In this Act, unless the context otherwise requires:

2 1. "Financial institution" means a state bank as defined in chapter
3 two hundred seventy-three (273), section one hundred three (103),
4 subsection nineteen (19), Acts of the Sixty-third General Assembly,
5 First Session, a national banking association having its principal
6 office within this state, a trust company, a federally chartered sav-
7 ings and loan association, a financial institution chartered by the
8 federal home loan bank board, an association incorporated or author-
9 ized to do business under chapter five hundred thirty-four (534) of
10 the Code, or a production credit association.

11 2. "Taxable year" means the calendar year or the fiscal year ending
12 during a calendar year, for which the tax is payable.

13 3. "Taxpayer" means a financial institution subject to any tax im-
14 posed by this Act.

15 4. "Net income" means the net income of the financial institution
16 computed in accordance with section four hundred twenty-two point
17 thirty-five (422.35) of the Code, with the exception that interest and
18 dividends from federal securities shall not be subtracted and interest
19 and dividends from evidences of indebtedness and securities of this
20 state and its political subdivisions, exempt from federal income tax
21 under the Internal Revenue Code of 1945 as amended, shall not be
22 added.

1 SEC. 4. The franchise tax is due and payable on the first day fol-
2 lowing the end of the taxable year of each financial institution, and
3 is delinquent after the last day of the fourth month following the
4 due date. Every financial institution shall file a return as prescribed
5 by the director on or before the delinquency date. The provisions of
6 this section shall become effective for all taxable years ending on or
7 after January 1, 1970. For other than calendar year taxpayers, the
8 tax due for the taxable year ending in 1970 shall be, for each month
9 of the taxable year in 1970, one-twelfth of the tax which would be due
10 if this section had been effective for the entire taxable year. As to
11 fiscal years ending prior to the effective date of this Act, the time for
12 filing a return is extended to the last day of the fourth month follow-
13 ing such effective date.

1 SEC. 5. The franchise tax is imposed annually in an amount meas-
2 ured by applying the following rates to the net income received or

3 accrued during the taxable year :

4 1. On the first twenty-five thousand dollars of net income, or any
5 part thereof, five percent.

6 2. On the next fifty thousand dollars of net income, or any part
7 thereof, six percent.

8 3. On the next twenty-five thousand dollars of net income, or any
9 part thereof, seven percent.

10 4. On all net income in excess of one hundred thousand dollars,
11 eight percent.

1 SEC. 6. The franchise tax shall be made payable to the treasurer
2 of state and shall accompany the franchise tax return at the time of
3 filing.

1 SEC. 7. Ten percent of the total moneys received from the fran-
2 chise tax shall be deposited in the state general fund. The remaining
3 moneys received from the franchise tax shall be deposited in a fran-
4 chise tax fund hereby established in the office of the treasurer of
5 state, and shall be paid quarterly on warrants by the state comptroller,
6 after certification by the director of revenue, as follows:

7 1. Fifty percent to the basic school tax equalization fund of the
8 basic school tax unit from which the tax is collected, to be distributed
9 in the same manner as other funds in the basic school tax equalization
10 fund.

11 2. Thirty percent to the general fund of the city or town from
12 which the tax is collected.

13 3. Twenty percent to the general fund of the county from which
14 the tax is collected.

15 If the financial institution maintains one or more offices for the
16 transaction of business, other than its principal office, a portion of
17 its franchise tax shall be allocated to each office, based upon a reason-
18 able measure of the business activity of each office. The director of
19 revenue shall prescribe, for each type of financial institution, a method
20 of measuring the business activity of each office. Financial institutions
21 shall furnish all necessary information for this purpose at the request
22 of the director.

23 Quarterly, the director of revenue shall certify to the treasurer of
24 state the amounts to be paid to each basic school tax unit, city, town,
25 and county from the franchise tax fund. All moneys received from
26 the franchise tax are hereby appropriated according to the provisions
27 of this section.

1 SEC. 8. The department of revenue shall administer and enforce
2 the provisions of this Act, and all applicable provisions of sections
3 four hundred twenty-two point twenty-four (422.24), four hundred
4 twenty-two point twenty-five (422.25), four hundred twenty-two
5 point twenty-six (422.26), four hundred twenty-two point twenty-
6 eight (422.28), four hundred twenty-two point twenty-nine (422.29),
7 and four hundred twenty-two point thirty (422.30) of the Code, and
8 division five (V) of chapter four hundred twenty-two (422) of the
9 Code, apply to financial institutions and to the franchise tax imposed
10 by this Act.

1 SEC. 9. Section four hundred twenty-two point thirty-four
2 (422.34), subsection one (1), Code 1966, as amended by chapter two

3 hundred seventy-three (273), section one thousand eight hundred
4 fourteen (1814), Acts of the Sixty-third General Assembly, First Ses-
5 sion, is hereby further amended by inserting in line four (4) after the
6 word "associations," the words "production credit associations,".

1 SEC. 10. Section four hundred twenty-two point seventy-one
2 (422.71), Code 1966, as amended by chapter three hundred forty-two
3 (342), section one hundred seventeen (117), Acts of the Sixty-second
4 General Assembly, is hereby further amended by striking lines twenty-
5 seven (27) through thirty-four (34), inclusive, and inserting in lieu
6 thereof the following:

7 "the county treasurer of each county and transmit them. The
8 county treasurer shall apportion these amounts twenty percent to the
9 county general fund, fifty percent to the basic school tax equalization
10 fund, and the remaining thirty percent to cities and towns in the
11 proportion that the taxable values for each city and town for 1965 of
12 property subject to taxation in 1965 under sections four hundred
13 twenty-nine point two (429.2) and four hundred thirty-one point one
14 (431.1) of the Code is to the total of such taxable values for all cities
15 and towns within the county."

1 SEC. 11. Section four hundred twenty-seven point thirteen
2 (427.13), Code 1966, as amended by chapter three hundred fifty-six
3 (356), section thirty-seven (37), Acts of the Sixty-second General
4 Assembly, is hereby further amended by striking subsections four (4)
5 through eight (8), inclusive.

1 SEC. 12. Section four hundred twenty-eight point twelve (428.12),
2 Code 1966, as amended by chapter two hundred seventy-three (273),
3 section one thousand eight hundred fifteen (1815), Acts of the Sixty-
4 third General Assembly, First Session, is hereby further amended by
5 striking from lines nine (9) and ten (10) the words and figure "as
6 provided in chapter 430, for the taxing of private banks and bankers,".

1 SEC. 13. Section four hundred twenty-eight point twenty-three
2 (428.23), Code 1966, is hereby amended by striking lines seven (7),
3 eight (8), and nine (9), and inserting in lieu thereof the words "same
4 manner as is required of individuals."

1 SEC. 14. Section four hundred twenty-eight point twenty-seven
2 (428.27), Code 1966, is hereby amended by striking from lines three
3 (3) and four (4) the words and figures "as prescribed in sections
4 431.1 and 431.2".

1 SEC. 15. Chapter four hundred twenty-eight (428), Code 1966, is
2 hereby amended by adding the following section:

3 "For the year 1970 and succeeding years, the real estate, fixtures,
4 equipment, and tangible personal property of every financial institu-
5 tion, as defined in this Act, and of every credit union established under
6 chapter five hundred thirty-three (533) of the Code, shall be listed,
7 assessed, and taxed to the institution or the credit union in the same
8 manner and at the same rate as such property in the hands of indi-
9 viduals."

1 SEC. 16. Chapters four hundred twenty-nine (429) and four hun-
2 dred thirty (430), Code 1966, are hereby repealed.

1 SEC. 17. Section four hundred thirty A point two (430A.2), Code
2 1966, as amended by chapter two hundred seventy-three (273), section
3 one thousand eight hundred twenty-one (1821), Acts of the Sixty-
4 third General Assembly, First Session, is hereby further amended by
5 striking from lines eight (8) and nine (9) the words and figure "ex-
6 cept as provided in section 430A.7 hereof" and inserting in lieu there-
7 of the words "or to production credit associations,".

1 SEC. 18. Section four hundred thirty A point three (430A.3), Code
2 1966, is hereby amended by striking lines eight (8), nine (9), and
3 ten (10) and inserting in lieu thereof the following:
4 "which shall be levied by the board of supervisors, and placed upon
5 the tax list and collected by the county treasurer. The amount col-
6 lected in each taxing district in cities and towns shall be apportioned
7 twenty percent to the county general fund, thirty percent to the city
8 or town general fund, and fifty percent to the basic school tax equali-
9 zation fund, and the amount collected in each taxing district outside
10 of cities and towns shall be apportioned fifty percent to the county
11 general fund and fifty percent to the basic school tax equalization
12 fund. The".

1 SEC. 19. Section four hundred thirty A point seven (430A.7), Code
2 1966, is hereby repealed.

1 SEC. 20. Chapter four hundred thirty-one (431), Code 1966, is
2 hereby repealed.

1 SEC. 21. Section five hundred thirty-three point twenty-two
2 (533.22), Code 1966, is hereby amended as follows:

3 1. By inserting in line three (3) after the comma the words "tan-
4 gible personal property,".

5 2. By adding the following:

6 "The moneys and credits tax on credit unions is hereby imposed
7 at a rate of five mills on each dollar of legal and special reserves of
8 every credit union, and shall be levied by the board of supervisors,
9 and placed upon the tax list and collected by the county treasurer,
10 except that an exemption shall be given to each credit union in the
11 amount of four thousand dollars and, in addition, any amount of the
12 legal and special reserves which are invested in United States govern-
13 ment securities. The amount collected in each taxing district within
14 a city or town shall be apportioned twenty percent to the county gen-
15 eral fund, thirty percent to the city or town general fund, and fifty per-
16 cent to the basic school tax equalization fund, and the amount col-
17 lected in each taxing district outside of cities and towns shall be
18 apportioned fifty percent to the county general fund and fifty percent
19 to the basic school tax equalization fund. The moneys and credits
20 tax shall be collected at the location of the credit union as shown in
21 its articles of incorporation."

1 SEC. 22. No levies or collections shall be made based upon assess-
2 ments made and other procedures undertaken prior to the effective
3 date of this Act in connection with the imposition for the year 1970
4 of taxes repealed or made inapplicable by this Act.

1 SEC. 23. Section four hundred twenty-two point one (422.1), Code
 2 1966, is hereby amended by inserting after line nine (9) the following:
 3 "Division VII Taxation of financial institutions."

1 SEC. 24. This Act being deemed of immediate importance shall
 2 be in full force and effect from and after its final approval and publi-
 3 cation in The Evening Sentinel, a newspaper published at Shenandoah,
 4 Iowa, and the Council Bluffs Nonpareil, a newspaper published at
 5 Council Bluffs, Iowa.

Approved May 1, 1970.

I hereby certify that the foregoing Act, House File 1294, was published in The Evening Sentinel, Shenandoah, Iowa, May 7, 1970, and in the Council Bluffs Nonpareil, Council Bluffs, Iowa, May 8, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1205

BUDGETING AND FINANCING GOVERNMENTAL PROGRAMS

S. F. 1312

AN ACT relating to the budgeting and financing of governmental programs.

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

1 SECTION 1. Chapter two hundred forty-nine (249), section one
 2 (1), Acts of the Sixty-third General Assembly, First Session, is here-
 3 by amended by striking lines twenty-nine (29) through thirty-eight
 4 (38), inclusive, and inserting in lieu thereof the following:

5 "5. This subsection shall be effective for the fiscal year commencing
 6 July 1, 1971 and each fiscal year thereafter. During the last quarter
 7 of each fiscal year an amount equal to ten percent of the net receipts
 8 from two-thirds of the sales tax collected under division four (IV) of
 9 this chapter for the fiscal year, less the amount transferred during
 10 such fiscal year for motor vehicle registration plates, shall be trans-
 11 ferred to the road use tax fund created by section three hundred
 12 twelve point one (312.1) of the Code. The remainder of the net re-
 13 cepts from the sales tax shall be credited to the general fund.

14 6. The following distribution shall be in lieu of the provisions of
 15 subsection five (5) for the fiscal years ending June 30, 1970 and
 16 1971, and for those years only:

17 a. Fiscal year ending June 30, 1970. During the last quarter of the
 18 fiscal year ending June 30, 1970, an amount equal to ten percent of
 19 the net receipts from two-thirds of the sales tax collected under divi-
 20 sion four (IV) of this chapter, less the following deductions, shall be
 21 transferred to the road use tax fund created by section three hundred
 22 twelve point one (312.1) of the Code:

23 (1) The amounts transferred during the fiscal year ending June
 24 30, 1970, for motor vehicle registration plates.

25 (2) The amount appropriated by the general assembly for the fiscal
 26 year ending June 30, 1970, for drivers' training aid under the provi-

27 sions of chapter three hundred twenty-one (321) of the Code.

28 The remainder of the net receipts from the sales tax shall be
29 credited to the general fund.

30 b. Fiscal year ending June 30, 1971. During the last quarter of the
31 fiscal year ending June 30, 1971, the net receipts of all the sales tax
32 collected under division four (IV) of this chapter, less the amount
33 transferred during the fiscal year ending June 30, 1971, for motor
34 vehicle registration plates, shall be credited to the general fund."

1 SEC. 2. Section three hundred thirteen point four (313.4), Code
2 1966, is hereby amended by adding in line twelve (12) after the period
3 the following:

4 "Specific appropriations for the fiscal year ending June 30, 1971,
5 may be made from the primary road fund to the secondary road fund,
6 the farm-to-market road fund, and the street construction fund of
7 the cities and towns."

1 SEC. 3. There is hereby appropriated to the secondary road fund
2 of the state from the primary road fund for the fiscal year ending
3 June 30, 1971, the sum of two million nine hundred thousand
4 (2,900,000) dollars, to be paid in equal monthly installments.

5 There is hereby appropriated to the farm-to-market road fund of
6 the state from the primary road fund for the fiscal year ending June
7 30, 1971, the sum of nine hundred thousand (900,000) dollars, to be
8 paid in equal monthly installments.

9 There is hereby appropriated to the street construction fund of the
10 state from the primary road fund for the fiscal year ending June 30,
11 1971, the sum of one million five hundred thousand (1,500,000) dol-
12 lars, to be paid in equal monthly installments.

1 SEC. 4. Chapter forty-six (46), section one (1), Acts of the Sixty-
2 third General Assembly, First Session, is hereby amended as follows:

3 1. By striking everything after the period in line twenty-four (24).

4 2. By striking lines twenty-five (25) through twenty-nine (29),
5 inclusive, and inserting in lieu thereof the following:

6 "The salaries for the other peace officer classifications of the divi-
7 sion as defined in section ninety-seven A point one (97A.1) of the
8 Code, shall be for the 1969-1971 fiscal biennium as provided in a pay
9 plan approved by the state comptroller and the executive council."

10 3. By striking from line fifty-six (56), the word "The".

11 4. By striking lines fifty-seven (57) through sixty (60), inclusive,
12 and inserting in lieu thereof the following:

13 "The salaries for the other peace officer classifications in the high-
14 way patrol shall be for the 1969-1971 fiscal biennium as provided in
15 a pay plan approved by the state comptroller and the executive coun-
16 cil."

1 SEC. 5. There is hereby appropriated to the Iowa highway safety
2 patrol from the general fund of the state for the fiscal year ending
3 June 30, 1971, the sum of five hundred thousand (500,000) dollars for
4 salaries in addition to amounts appropriated by chapter forty-six (46),
5 Acts of the Sixty-third General Assembly, First Session.

1 SEC. 6. Chapter fifty-seven (57), section one (1), Acts of the
2 Sixty-third General Assembly, First Session, is hereby amended as

3 follows:

4 1. Line seventy-six (76), by striking the figures "11,800,000.00"
5 and inserting in lieu thereof the figures "12,300,000.00".

6 2. Line eighty-three (83), by striking the figures "35,474,410.00"
7 and inserting in lieu thereof the figures "35,974,410.00".

1 SEC. 7. There is hereby appropriated to the state conservation
2 commission from the general fund of the state the sum of five thou-
3 sand (5,000) dollars for the acquisition of surface and subsurface
4 land rights by purchase, condemnation, easement, lease or any other
5 available means, for surveys, engineering services, research, develop-
6 ment, construction, and scientific exploration at the site of the Cold
7 Water Cave located in Winneshiek county. There is hereby appropri-
8 ated to the state conservation commission from the general fund of
9 the state the sum of twenty-five thousand (25,000) dollars for furnish-
10 ings and equipment at the new state conservation education training
11 center, Spring Brook state park.

12 The state conservation commission may enter into agreements with
13 other state agencies, the federal government, and any other organiza-
14 tions to achieve the objectives of this section.

15 The state conservation commission, the governor, and the state
16 comptroller may obtain and accept federal grants to the state to be
17 used in connection with the funds appropriated by this section.

1 SEC. 8. There is hereby established a fund to be known as the
2 "sewage works construction fund". All moneys appropriated to and
3 deposited in the sewage works construction fund are hereby appropri-
4 ated for and shall be used by the Iowa water pollution control commis-
5 sion in carrying out the purposes of sections eight (8) through four-
6 teen (14), inclusive, of this Act.

7 1. Definitions. When used in sections nine (9) through fourteen
8 (14), inclusive, of this Act, and unless the context requires otherwise:

9 a. "Treatment works" means any plant, disposal field, lagoon, hold-
10 ing or flow-regulating basin, pumping station, interceptor sewer, or
11 other works installed for the purpose of treating, stabilizing, or dis-
12 posing of sewage, industrial waste, or other wastes, which qualify for
13 federal grants pursuant to the federal water pollution Act of 1956,
14 as amended, or any other federal act or program.

15 b. "Commission" means the Iowa water pollution control commis-
16 sion.

17 c. "Construction" means the erection, building, acquisition, altera-
18 tion, reconstruction, improvement, or extension of treatment works;
19 preliminary planning to determine the economic and engineering feasi-
20 bility of said works; the engineering, architectural, legal, fiscal, and
21 economic investigations and studies, surveys, designs, plans, working
22 drawings, specifications, procedures, inspection, and supervision, and
23 other action necessary in the construction of said works.

24 d. "Eligible project" means a project for construction of sewage
25 treatment works:

26 (1) For which approval of the commission is required under chap-
27 ter four hundred fifty-five B (455B) of the Code.

28 (2) Which is, in the judgment of the commission, eligible for fed-
29 eral pollution abatement assistance, whether or not federal funds are
30 then available for such purpose. Eligible projects shall be those

31 which the construction contract therefor shall have been entered into
32 subsequent to July 1, 1966.

33 (3) Which conforms with applicable rules and regulations of the
34 commission.

35 (4) Which is, in the judgment of the commission, necessary for the
36 accomplishment of the state's policy of water purity as stated in sec-
37 tion four hundred fifty-five B point one (455B.1) of the Code.

38 *e.* "Municipality" means the city, town, sanitary district, or other
39 governmental body or corporation empowered to provide sewage col-
40 lection and treatment services, or any combination of two or more
41 of such governmental bodies or corporations acting jointly, in connec-
42 tion with an eligible project.

43 *f.* "Federal pollution abatement assistance" means funds available
44 to a municipality, either directly or through allocation by the state,
45 from the federal government as grants for construction of sewage
46 treatment works pursuant to the federal water pollution Act of 1956
47 as amended.

1 SEC. 9. The commission may make grants as funds are available
2 to any municipality to assist such municipality in the construction of
3 sewage treatment works.

1 SEC. 10. The commission shall accept and administer all funds
2 granted by the state pursuant to sections eight (8) through fourteen
3 (14), inclusive, of this Act.

4 In allocating state grants under sections eight (8) through fourteen
5 (14), inclusive, of this Act, the commission shall give consideration to:

- 6 1. The public benefits to be derived by the construction.
- 7 2. The ultimate cost of constructing and maintaining the works.
- 8 3. The public interest and public necessity for the works.
- 9 4. The adequacy of the provisions made or proposed by the munic-
10 ipality for assuring proper and efficient operation and maintenance of
11 the treatment works after the completion of construction thereof.
- 12 5. The applicant's readiness to start construction, including financ-
13 ing and planning.

1 SEC. 11. The commission may, in the name of the state, contract
2 with any municipality concerning eligible projects. Any such contract
3 may include such provisions as may be agreed upon by the parties,
4 and shall include, in substance, the following provisions:

- 5 1. An estimate of the reasonable cost of the project as determined
6 by the commission.
- 7 2. An agreement by the commission to pay to the municipality, dur-
8 ing the progress of construction or following completion of the con-
9 struction as may be agreed upon by the parties, an amount equal to
10 one-half of that portion of the actual cost of the project, or the rea-
11 sonable cost of the project as determined by the commission, which-
12 ever is less, that is not paid by the federal government but not less
13 than twenty-five percent of the cost as determined.

14 3. An agreement by the municipality:

- 15 *a.* To proceed expeditiously with, and complete, the project in ac-
16 cordance with plans approved pursuant to sections eight (8) through
17 fourteen (14), inclusive, of this Act, and pursuant to chapter four
18 hundred fifty-five B (455B) of the Code.

19 *b.* To commence operation of the sewage treatment works on com-
20 pletion of the project, and not to discontinue operation or dispose of
21 the sewage treatment works without the approval of the commission.

22 *c.* To operate and maintain the sewage treatment works in accord-
23 ance with applicable provisions of chapter four hundred fifty-five B
24 (455B) of the Code and rules and regulations of the commission.

25 *d.* To obtain approval of the commission before applying for fed-
26 eral assistance for pollution abatement, in order to maximize the
27 amounts of such assistance received or to be received for all projects
28 in Iowa.

29 *e.* To provide for the payment by the municipalilty of its share of
30 the cost of the project.

31 4. A provision that, in the event federal assistance which was not
32 included in the calculation of the state payment pursuant to subsection
33 two (2) of this section becomes available to the municipality, the
34 amount of the state payment shall be recalculated with the inclusion
35 of such additional federal assistance and the municipality shall pay
36 to the state the amount by which the state payment actually made
37 exceeds the state payment determined by the recalculation.

1 SEC. 12. The commission may adopt such rules and regulations
2 as are necessary for the effective administration of sections eight (8)
3 through fourteen (14), inclusive, of this Act.

1 SEC. 13. All contracts entered into pursuant to sections eight (8)
2 through fourteen (14), inclusive, of this Act shall be subject to ap-
3 proval of the attorney general as to form. All payments by the state
4 pursuant to such contracts shall be made after review and by war-
5 rant of the state comptroller to the credit of the municipality and
6 shall be used for the payment of costs of construction of an eligible
7 project. However, if such costs have been paid by the municipality,
8 then such payment may be used by the municipality for:

9 1. The payment of outstanding bonds or obligations incurred for any
10 such eligible project.

11 2. Any improvement or extension of an eligible project.

12 3. Any other lawful municipal purpose determined to be necessary,
13 reasonable, and in the interest of the public welfare.

1 SEC. 14. There is hereby appropriated from the general fund of
2 the state to the sewage works construction fund the sum of seven mil-
3 lion two hundred thousand (7,200,000) dollars for matching federal
4 funds which are or would have been available for eligible projects
5 attributable to the fiscal year ending June 30, 1970, and prior.

1 SEC. 15. Section three hundred twenty-one point one hundred
2 ninety-one (321.191), Code 1966, is amended by adding the following
3 new paragraph:

4 "There shall be a fee of twenty dollars for reinstatement of a
5 chauffeur's license or operator's license which is, after notice and
6 opportunity for hearing, suspended or revoked pursuant to sections
7 three hundred twenty-one point two hundred nine (321.209), three
8 hundred twenty-one point two hundred ten (321.210), except subsec-
9 tion four (4) thereof, and three hundred twenty-one B point seven
10 (321B.7) of the Code. Such twenty dollar fee shall be collected only if
11 the person whose license was suspended or revoked was served person-

12 ally with notice thereof. If the person whose license was suspended or
13 revoked was served notice thereof by restricted certified mail, the
14 reinstatement fee shall be ten dollars."

1 SEC. 16. There is hereby appropriated to the state board of re-
2 gents from the general fund of the state for the fiscal year beginning
3 July 1, 1970 and ending June 30, 1971, the sum of one hundred forty-
4 five thousand (145,000) dollars, or so much thereof as may be neces-
5 sary to be allocated by said board to the state university of Iowa, the
6 Iowa state university of science and technology, and the university
7 of northern Iowa in such amounts as may be necessary to supple-
8 ment the appropriation made by chapter fifty (50), Acts of the Sixty-
9 third General Assembly, First Session, to reimburse such institutions
10 for deficiencies in their operating funds resulting from the pledging
11 of tuitions, student fees and charges and institutional income to
12 finance the cost of providing academic and administrative buildings
13 and facilities and utilities services at said institutions of higher learn-
14 ing.

15 No later than April 1, 1971 the board of regents shall submit to
16 the general assembly for the biennium commencing July 1, 1971 and
17 ending June 30, 1973 for each state university an enumeration of the
18 anticipated charges to be made to students whether in the form of
19 fees or tuition.

1 SEC. 17. Chapter one hundred ninety (190), section five (5), Acts
2 of the Sixty-third General Assembly, First Session, is hereby amended
3 by inserting after line forty-three (43) the following:

4 "If the Emmetsburg Community College merges with Area III
5 school, funds appropriated to the Emmetsburg Community College
6 pursuant to this section shall be transferred by the state comptroller
7 to the Area III school for the purpose of operating the campus located
8 at Emmetsburg, Iowa."

1 SEC. 18. Chapter three hundred twenty-nine (329), section four
2 (4), Acts of the Sixty-third General Assembly, First Session, is here-
3 by amended by striking from line two (2) the words and figures "two
4 thousand five hundred (2,500)", and inserting in lieu thereof the words
5 and figures "twelve thousand five hundred (12,500)".

1 SEC. 19. Chapter one (1), Acts of the Sixty-third General Assem-
2 bly, First Session, is hereby amended by inserting after line one hun-
3 dred forty (140) the following new sentences:

4 "The salaries for the narcotic enforcement personnel transferred
5 to the department of public safety pursuant to Senate File two hun-
6 dred thirty-eight (238)*, Acts of the Sixty-third General Assembly,
7 Second Session, shall be as provided in a pay plan approved by the
8 state comptroller and the executive council, the provisions of chapter
9 ninety-five (95), Acts of the Sixty-second General Assembly, notwith-
10 standing."

1 SEC. 20. There is hereby transferred to the state comptroller
2 from the printing board appropriation provided in chapter one (1),
3 section one (1), subsection twenty-five (25), Acts of the Sixty-third

*Chapter 1047.

4 General Assembly, First Session, the sum of eight thousand (8,000)
5 dollars for the Iowa Academy of Science for the fiscal year beginning
6 July 1, 1970 and ending June 30, 1971.

1 SEC. 21. Chapter two hundred forty-eight (248), section ten (10),
2 Acts of the Sixty-third General Assembly, First Session, is hereby
3 amended by striking lines four (4), five (5), and six (6) and insert-
4 ing in lieu thereof the following:

5 "a. For a statewide community improvement program, special
6 studies, technical services, and research projects relating to local af-
7 fairs that would be beneficial to the entire state."

1 SEC. 22. Section four hundred twenty-seven point thirteen
2 (427.13), subsection two (2), Code 1966, is hereby amended by in-
3 serting after the period in line two (2) the following:

4 "However, for the purposes of the personal property tax imposed
5 on cattle, bovine females three years of age or older shall be exempt.

6 A tax credit shall be allowed each taxing district for each bovine
7 female that was assessed as a three-year-old, or older, as of January 1,
8 1970. Such tax credit shall commence for the tax year 1971 and
9 each year thereafter based upon those assessed as of January 1, 1970.

10 On or before January 1, 1971, and each year thereafter, the auditor
11 of each county shall prepare a statement listing for each taxing dis-
12 trict in the county all bovine females that were three years old, or
13 older, and assessed as of January 1, 1970. The statement shall show
14 the tax rates of the various taxing districts and the total amount
15 of taxes which were not collected for the year 1970 and each
16 year thereafter by reason of the exemption herein granted based upon
17 those bovine females assessed as of January 1, 1970. The auditor
18 shall certify and forward copies of the statement to the state comp-
19 troller and the director of revenue not later than January fifteenth
20 of each year. The director of revenue shall compute the applicable
21 tax credit each year and certify to the state comptroller the amount
22 due to each taxing district, which amount shall be the dollar amounts
23 which would be payable if such cattle were taxed, based upon those
24 assessed as of January 1, 1970.

25 The amounts due each taxing district shall be paid in two equal
26 payments by the state comptroller on March fifteenth and September
27 fifteenth of each year, drawn upon warrants payable to the respective
28 county treasurers. The county treasurer shall pay the proceeds to
29 the various taxing districts in the county.

30 In the event that the amount appropriated for reimbursement of the
31 taxing districts is insufficient to pay in full the amounts due to each
32 of the taxing districts, then the amount of each payment shall be
33 reduced by the state comptroller according to the ratio that the total
34 amount of funds to be paid to each taxing district bears to the total
35 amount to be paid to all taxing districts in the state."

36 There is hereby appropriated from the general fund of the state of
37 Iowa to the state comptroller for the fiscal year beginning July 1, 1970
38 and ending June 30, 1971 the sum of one million five hundred thousand
39 (1,500,000) dollars, or so much thereof as may be necessary, to carry
40 out the provisions of this section.

1 SEC. 23. There is hereby appropriated from the general fund of
 2 the state the sum of eight thousand (8,000) dollars, or so much there-
 3 of as may be necessary, for the use of the Iowa criminal code study
 4 committee created by Senate Joint Resolution eighteen (18), chapter
 5 three hundred thirty (330), Acts of the Sixty-third General Assembly,
 6 First Session.

1 SEC. 24. This Act being deemed of immediate importance shall
 2 be in full force and effect from and after its final approval and pub-
 3 lication in the Waterloo Daily Courier, a newspaper published at
 4 Waterloo, Iowa, and The DeWitt Observer, a newspaper published at
 5 DeWitt, Iowa.

Approved May 11, 1970.

I hereby certify that the foregoing Act, Senate File 1312, was published in the Water-
 loo Daily Courier, Waterloo, Iowa, May 18, 1970, and in The DeWitt Observer, DeWitt,
 Iowa, May 18, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1206

MOTOR VEHICLE REGISTRATION PLATES

H. F. 1025

AN ACT relating to funds for manufacture of motor vehicle registration plates.

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

1 SECTION 1. Chapter two hundred forty-nine (249), section one
 2 (1), Acts of the Sixty-third General Assembly, First Session, is
 3 amended by striking from line twenty-four (24) the word "license"
 4 and inserting in lieu thereof the word "registration".

Approved January 15, 1970.

CHAPTER 1207

INCOME TAX

H. F. 193

AN ACT relating to income tax.

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

1 SECTION 1. Section four hundred twenty-two point sixty-six
 2 (422.66), Code 1966, is hereby amended by adding thereto the follow-
 3 ing:
 4 "Notwithstanding the period of limitation specified, the taxpayer
 5 shall have six months from the day of final disposition of any income
 6 tax controversy between the taxpayer and the internal revenue service

7 with respect to the particular tax year or years to claim an income tax
8 refund or credit, provided the taxpayer has notified the department of
9 revenue of the existence of said income tax controversy within the
10 five-year limitation period."

Approved May 5, 1970.

CHAPTER 1208

HOMESTEAD TAX CREDIT

S. F. 1278

AN ACT relating to the homestead tax credit.

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

1 SECTION 1. Chapter three hundred fifty-six (356), section forty-
2 eight (48), Acts of the Sixty-second General Assembly, as amended by
3 chapter two hundred fifty-four (254), section six (6), Acts of the
4 Sixty-third General Assembly, First Session, is hereby further
5 amended by striking lines three (3) through forty-eight (48), inclu-
6 sive, and inserting in lieu thereof the following:

7 "In addition to the homestead credit of twenty-five mills on twenty-
8 five hundred dollars of assessed valuation allowable under this chapter,
9 in the event the owner, as defined in this chapter, is over sixty-five
10 years of age, or is totally disabled, and provided that his Iowa net in-
11 come, as defined in section four hundred twenty-two point seven
12 (422.7), Code 1966, plus interest and dividends from federal securities
13 and income from social security and other tax-exempt retirement or
14 pension plans, when included with that of the spouse, brother, sister,
15 son, daughter, if any, living with the claimant, is less than three thou-
16 sand five hundred dollars for the last twelve-month income tax ac-
17 counting period, there shall be credited by the county auditor on such
18 owner's eligible homestead, an amount equal to but not exceeding the
19 amount calculated as provided in section four hundred twenty-five
20 point one (425.1) of the Code.

21 The credit shall be paid to each taxing district from the homestead
22 tax credit fund in the same manner as other homestead tax credits and
23 all other nonconflicting provisions and computations in this chapter
24 shall be applicable to the credit provided by this subsection, and in the
25 event of conflict this subsection shall prevail.

26 Each owner making application for credit because of age or total
27 disability shall annually, on or before July 1, file on a form to be pro-
28 vided by the director of revenue a verified statement with the county
29 assessor, showing:

30 *a.* He was sixty-five years of age or totally disabled before mid-
31 night on December thirty-first of the year immediately preceding the
32 year of the tax levy.

33 *b.* His Iowa net income, plus interest and dividends from federal
34 securities and income from social security and other tax-exempt re-
35 tirement or pension plans when included with that of his spouse, if
36 any, during the last preceding twelve-month income tax accounting

37 period is less than three thousand five hundred dollars.

38 c. The cost of all additions or improvements made to the dwelling
39 house of the homestead and the cost of any new structure erected on
40 the homestead, and the actual value of any land added to the home-
41 stead, during the preceding year, and describing same. If any such
42 addition or improvement, exclusive of repairs and maintenance, has
43 been made the assessor shall determine whether the assessed valuation
44 of the homestead shall be increased, and if so, the amount of such in-
45 crease. The additional credit provided herein shall not be allowed in
46 any year if such increase in assessed valuation exceeded the amount of
47 two hundred fifty dollars, in the preceding year, but such disallowance
48 shall be determined on a year to year basis.

49 d. That he expressly waives any confidentiality as to all income tax
50 information obtainable through the department of revenue, including
51 all information covered by section four hundred twenty-two point
52 sixty-five (422.65) of the Code. This waiver shall apply only to in-
53 formation available to the county or city assessor who shall hold the
54 information confidential except as it may become public through use
55 as evidence to disallow the credit.

56 The tax credit under this subsection shall also be allowable where
57 there is more than one 'owner' as defined in this chapter, if any one of
58 them is more than sixty-five years of age or is totally disabled and is
59 occupying the premises as a homestead within the meaning of this
60 chapter. The department of revenue shall determine the evidence re-
61 quirements for all matters of fact to be shown by each owner making
62 application for credit.

63 No part of the amount of an additional credit shall in any case be
64 applied against the real estate tax on any property of the owner of the
65 homestead other than the eligible homestead."

1 SEC. 2. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publica-
3 tion in The Auburn Enterprise, a newspaper published at Auburn,
4 Iowa, and The Telegraph-Herald, a newspaper published at Dubuque,
5 Iowa.

Approved May 1, 1970.

I hereby certify that the foregoing Act, Senate File 1278, was published in The Auburn Enterprise, Auburn, Iowa, May 14, 1970, and in The Telegraph-Herald, Dubuque, Iowa, May 8, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1209

TAX COMMISSION

S. F. 1015

AN ACT relating to an obsolete reference to the state tax commission.

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

- 1 SECTION 1. Chapter three hundred fifty-six (356), Acts of the
- 2 Sixty-second General Assembly, section forty-eight (48), line forty-one
- 3 (41), is amended by striking the words "state tax commission" and
- 4 inserting in lieu thereof the words "department of revenue".

Approved February 2, 1970.

CHAPTER 1210

HOMESTEAD OWNERSHIP

H. F. 1253

AN ACT relating to recording instruments of homestead ownership.

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 subsection two (2), Code 1966, as amended by chapter three hundred
- 3 fifty-six (356), section forty-nine (49), Acts of the Sixty-second Gen-
- 4 eral Assembly, is hereby further amended by adding at the end the
- 5 following new sentence:
- 6 "In order to qualify for the homestead tax credit, evidence of owner-
- 7 ship shall be on file in the office of the clerk of the district court or
- 8 recorded in the office of the county recorder at the time the owner files
- 9 with the assessor a verified statement of the homestead claimed by him
- 10 as provided in section four hundred twenty-five point two (425.2) of
- 11 the Code".

Approved May 5, 1970.

CHAPTER 1211

LEVEE AND DRAINAGE DISTRICTS

H. F. 1332

AN ACT relating to exemption from taxation of property of levee and drainage districts.

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

- 1 SECTION 1. Section four hundred twenty-seven point one (427.1),
- 2 subsection two (2), Code 1966, is hereby amended by inserting in line

3 three (3) after the word "district" the words ", levee district, drain-
4 age district,".

Approved April 10, 1970.

CHAPTER 1212

TAXATION OF WATER CORPORATIONS

H. F. 1057

AN ACT relating to property exempt from taxation.

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

1 SECTION 1. Section four hundred twenty-seven point one (427.1),
2 Code 1966, is hereby amended by adding thereto the following new
3 subsection:
4 "The real and personal property of a nonprofit corporation engaged
5 in the distribution and sale of water to rural areas when devoted to
6 public use and not held for pecuniary profit."

Approved April 10, 1970.

CHAPTER 1213

BOARDS OF TAX REVIEW

H. F. 1029

AN ACT to correct an error in enactment relating to boards of tax review.

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

1 SECTION 1. Section four hundred forty-one point thirty-five
2 (441.35), Code 1966, subsection two (2), line five (5), is amended by
3 striking the comma and inserting in lieu thereof the word "of".

Approved January 16, 1970.

CHAPTER 1214

SCHOOL BUDGETS AND TAXATION

S. F. 640

AN ACT relating to school budget hearings; the basic school tax formula and allocation of state equalization aid to public schools; establishment of certain limitations for school district expenses; provision for and program budgeting development within the individual school districts.

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

1 SECTION 1. Chapter three hundred fifty-six (356), section two (2),
2 subsection two (2), Acts of the Sixty-second General Assembly, is

3 hereby amended as follows:

- 4 1. By striking from line seven (7) everything after the period.
5 2. By striking lines eight (8) through ten (10), inclusive.

1 SEC. 2. Chapter three hundred fifty-six (356), section two (2),
2 Acts of the Sixty-second General Assembly, is hereby amended as fol-
3 lows:

4 1. By inserting in line nineteen (19) after the word "growth" the
5 following: "for the state".

6 2. By striking line twenty-four (24), and inserting in lieu thereof
7 the following:

8 "on or before February fifteenth of each year. For the purpose of
9 this subsection, 'year' means calendar year.

10 The allowable growth for the year ended December 31, 1969, shall
11 be fixed and established at fifty-three (53) dollars. This allowable
12 growth shall be in lieu of the above computation for use in the school
13 fiscal year beginning July 1, 1970, and ending June 30, 1971, and for
14 that year only."

1 SEC. 3. Chapter three hundred fifty-six (356), section two (2),
2 Acts of the Sixty-second General Assembly, is hereby amended as fol-
3 lows:

4 1. By striking from line twenty-seven (27) the words "percent of".

5 2. By inserting in line twenty-eight (28) after the word "growth"
6 the words "expressed in dollars".

1 SEC. 4. Chapter three hundred fifty-six (356), section two (2),
2 Acts of the Sixty-second General Assembly, is hereby amended by add-
3 ing the following subsection:

4 "6. The 'allowable reimbursable expenditure' for computing payment
5 of state equalization aid for each of the several school districts of
6 the state for the current school year shall be the amount determined
7 by adding the dollar increase in the adjusted state average reimbur-
8 sable expenditure determined in subsection five (5) of this section to
9 each district's allowable reimbursable expenditures per pupil approved
10 by the committee for the past year. This per pupil dollar figure, or an
11 allowable per pupil expenditure as determined by the school budget re-
12 view committee, shall be multiplied by the projected average daily
13 membership as determined in section thirty-four (34), chapter three
14 hundred fifty-six (356), Acts of the Sixty-second General Assembly
15 to determine total allowable reimbursable expenditure."

1 SEC. 5. Chapter three hundred fifty-six (356), section four (4),
2 Acts of the Sixty-second General Assembly, is hereby repealed and the
3 following enacted in lieu thereof:

4 "The state comptroller shall determine the basic school tax by com-
5 puting the millage necessary to raise an amount equal to forty per-
6 cent of the total of net proposed general fund expenditures of all
7 school districts in the basic school tax unit. Net proposed general
8 fund expenditures shall be computed by each school district by deter-
9 mining proposed general fund expenditures, and subtracting therefrom
10 the following:

- 11 1. Estimated state equalization aid.
12 2. Returned state income tax.

13 3. Other miscellaneous income.

14 4. Unencumbered balance.

15 For purposes of computing the basic school tax, the requirements of
16 chapter twenty-four (24) of the Code relating to budget estimates,
17 and any other conflicting provisions of law, are superseded by the
18 provisions of this section.

19 The county auditor shall spread the basic school tax levy at a uni-
20 form rate over all taxable property in the basic school tax unit. In
21 the case of joint districts the levy shall be spread in the same manner
22 as previously employed for the purpose of making other school levies
23 in such circumstances. The money collected from the levy shall be
24 placed by the county treasurer in the basic school tax equalization
25 fund."

1 SEC. 6. Chapter three hundred fifty-six (356), section five (5),
2 Acts of the Sixty-second General Assembly, is hereby amended by
3 striking from line two (2) the words "state tax commission" and in-
4 serting in lieu thereof the words "department of revenue".

1 SEC. 7. Chapter three hundred fifty-six (356), section six (6),
2 Acts of the Sixty-second General Assembly, is hereby amended as fol-
3 lows:

4 1. By striking line one (1).

5 2. By striking from line two (2) the words "year thereafter," and
6 inserting in lieu thereof the words "The state comptroller shall, not
7 later than November 1 of each year,".

1 SEC. 8. Chapter three hundred fifty-six (356), section eight (8),
2 Acts of the Sixty-second General Assembly is hereby repealed and the
3 following section enacted in lieu thereof:

4 "The state comptroller shall compute the distribution of the moneys
5 in the basic school tax equalization fund as follows: Distribute to each
6 school district in the basic school tax unit its share on the basis of
7 number of pupils in fall enrollment in the district to the total number
8 of pupils in fall enrollment for the basic school tax unit. For those
9 districts which were limited in their expenditures by the school bud-
10 get review committee for sharing of state equalization aid, there shall
11 be deducted from their share of the distribution of the basic school
12 tax equalization fund forty percent of such limitation; the amounts
13 so disallowed shall be distributed to the other school districts in the
14 basic school tax unit on the basis of the number of pupils in fall enroll-
15 ment in the district to the total number of pupils in fall enrollment
16 (exclusive of districts which were limited) for the basic school tax unit.

17 The amount determined by the state comptroller for each district
18 shall be distributed by the county treasurer on the tenth day of the
19 month following the month of collection. A report of the distribution
20 so made shall be certified by each county treasurer to the state depart-
21 ment of public instruction. Also, the fall enrollment figure for each
22 school district shall be compared with the average daily membership
23 for the same school year by the state department of public instruction.
24 In the event of substantial variance, in any school district, that dis-
25 trict shall be called upon to explain the variance to the budget review
26 committee, which may order a reduction in county equalization funds
27 for the next school year immediately following the year of variances

28 in proportion to any variances or part thereof not satisfactorily ex-
29 plained.”

1 SEC. 9. Chapter three hundred fifty-six (356), section twelve (12),
2 Acts of the Sixty-second General Assembly, is hereby amended by
3 striking from line fifteen (15) the word “commission” and inserting
4 in lieu thereof the word “department”.

1 SEC. 10. Chapter three hundred fifty-six (356), section thirteen
2 (13), Acts of the Sixty-second General Assembly, as amended by chap-
3 ter two hundred fifty-seven (257), section one (1), Acts of the Sixty-
4 third General Assembly, First Session, is hereby further amended by
5 striking from lines two (2) and three (3) the words “pupil member-
6 ship in all schools of the district” and inserting in lieu thereof “pupils
7 who are members of all public schools in the district and all pupils
8 resident in that district who are members of any nonpublic school”.

1 SEC. 11. Chapter three hundred fifty-six (356), section fourteen
2 (14), Acts of the Sixty-second General Assembly, is hereby repealed
3 and the following enacted in lieu thereof:

4 “State aid payable to each public school district shall be computed
5 by the state comptroller on the basis of a financial support factor. The
6 financial support factor for the state is the relationship between total
7 pupils in the state, determined by adding the average daily member-
8 ship and school census for all districts and dividing the sum by two,
9 and total wealth in the state, determined by adding the adjusted gross
10 income and the adjusted real value of all taxable property. The ad-
11 justed real value of taxable property is the actual real value modified
12 so that it is on a seventy to thirty ratio to the adjusted gross income.

13 The financial support factor for each district is determined in the
14 same manner, based upon the relationship between total pupils and
15 total wealth in the district, except that the adjusted real value of
16 taxable property in the district is determined by modifying the actual
17 real value by the same percentage that the actual real value of taxable
18 property in the state was modified.

19 Twenty-five percent of the ratio of the local to the state support
20 factor subtracted from one shall determine the percent of state aid
21 applicable to each district’s allowable general fund expenditure less
22 the district’s share of the county basic school tax equalization fund.”

1 SEC. 12. Chapter three hundred fifty-six (356), section fifteen
2 (15), Acts of the Sixty-second General Assembly, as amended by chap-
3 ter two hundred fifty-eight (258), section one (1), Acts of the Sixty-
4 third General Assembly, First Session, is hereby further amended by
5 inserting in line twenty-three (23) after the word “from” the words
6 “clearing accounts,”.

1 SEC. 13. Chapter three hundred fifty-six (356), section seventeen
2 (17), Acts of the Sixty-second General Assembly, is hereby amended
3 as follows:

4 1. By striking from line ten (10) the words “forthwith draw war-
5 rants,” and inserting in lieu thereof the words “draw warrants in pay-
6 ment of the amount of aid payable to each of the districts in three
7 installments to be paid on approximately the first day of September
8 (estimate), February, and May,”.

9 2. By inserting in line thirteen (13) after the word "Iowa" the
10 words ", unless he is instructed by the school budget review committee
11 to withhold payment".

1 SEC. 14. Chapter three hundred fifty-six (356), section nineteen
2 (19), Acts of the Sixty-second General Assembly, is hereby amended
3 by striking from line three (3) the words "by the county auditor".

1 SEC. 15. Chapter three hundred fifty-six (356), section thirty-
2 four (34), Acts of the Sixty-second General Assembly, is hereby
3 amended as follows:

4 1. By striking all of lines one (1) through nine (9), inclusive, and
5 by inserting before the word "Each" in line ten (10) "Sec. 34."

6 2. By striking all of lines twenty-five (25) through thirty-seven
7 (37), inclusive, and inserting in lieu thereof the following:

8 "The school budget review committee is authorized to review any
9 and all school budgets, including county school systems, and may call
10 in officers of any and all school districts or systems for hearings.

11 In addition the school budget review committee shall review the
12 budgets of all school districts whose budgets per pupil in projected
13 average daily membership exceed the adjusted state average reim-
14 burstable expenditure by more than twenty percent or whose budgets
15 exceed the allowable reimbursable expenditure as computed in section
16 two (2), subsection six (6), chapter three hundred fifty-six (356),
17 Acts of the Sixty-second General Assembly.

18 No state equalization aid shall be paid on any expenditures per
19 pupil which exceed the adjusted state average reimbursable expendi-
20 ture by more than twenty percent. Also, no state equalization aid
21 shall be paid on any amounts which exceed the allowable reimbursable
22 expenditure as computed in section two (2), subsection six (6), chap-
23 ter three hundred fifty-six (356), Acts of the Sixty-second General
24 Assembly, except as follows:

25 The committee may however permit a school district to share in the
26 equalization aid based upon such excess expenditures if that school dis-
27 trict can support with facts and information that its needs and circum-
28 stances are unique and unusual. Such unique and unusual needs and
29 circumstances may be considered by the committee including but not
30 limited to any unusual increases or decreases in enrollments, natural
31 disasters, unusual transportation problems, and initial staffing prob-
32 lems.

33 No expenditure in excess of the allowable reimbursable expendi-
34 ture as computed in section two (2), subsection six (6), chapter three
35 hundred fifty-six (356), Acts of the Sixty-second General Assembly,
36 shall be used as a base for determining the next year's allowable
37 reimbursable expenditure unless such additional amount has been ap-
38 proved by the budget review committee.

39 Failure by any school district to provide information or appear
40 before the committee as requested for the accomplishment of review
41 or hearing shall constitute justification for the committee to instruct
42 the state comptroller to withhold state aid until said committee's in-
43 quiries are satisfied completely."

1 SEC. 16. Chapter three hundred fifty-six (356), section thirty-
2 five (35), Acts of the Sixty-second General Assembly, is hereby re-

3 repealed and the following enacted in lieu thereof :

4 "Not later than December first each year beginning in December,
5 1970, for the fiscal year beginning July 1, 1971, and ending June 30,
6 1972, and December first for each fiscal year thereafter, the board of
7 directors of each school corporation shall set a tentative limitation in
8 dollars of the amount the district may spend on each program in the
9 system as defined by the school budget review committee and in the
10 form which they shall so prescribe. This prospectus of program and
11 allotted dollars as approved by the board shall guide the superintend-
12 ent when preparing the proposed budget for that year. These limi-
13 tations submitted by the board of directors to the superintendent of
14 schools for the district shall be promptly forwarded to the school
15 budget review committee."

1 SEC. 17. Chapter three hundred fifty-six (356), sections fifty
2 (50), fifty-three (53), and fifty-four (54), Acts of the Sixty-second
3 General Assembly, are hereby repealed.

1 SEC. 18. Section two hundred ninety-eight point one (298.1),
2 Code 1966, as amended by Senate File one thousand eighty-three, Acts
3 of the Sixty-third General Assembly, Second Session, is hereby re-
4 pealed and the following enacted in lieu thereof :

5 "The board of each school corporation shall estimate the amount
6 of the proposed expenditures and proposed receipts for the general
7 school purposes at a time and in a manner to effectuate the provi-
8 sions of chapter three hundred fifty-six (356), Acts of the Sixty-
9 second General Assembly. Compliance with chapter twenty-four (24)
10 of the Code shall be observed.

11 Prior to compliance with section twenty-four point nine (24.9)
12 of the Code, the superintendent of the county school systems shall
13 call a joint meeting of school superintendents and school board mem-
14 bers for all of the local districts within the county basic school tax
15 unit. The time and place for such joint meetings shall be set by the
16 superintendent of the county school system.

17 The purpose of the joint meeting shall be for a review of the budgets
18 of the several school districts within the county basic school tax units,
19 and for the discussion of common problems within the county basic
20 unit."

1 SEC. 19. Section two hundred ninety-one point nine (291.9), sub-
2 section one (1), Code 1966, is hereby amended by striking from line
3 five (5), the word "twenty-one" and inserting in lieu thereof the
4 word "nineteen".

1 SEC. 20. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in The
3 Progress-Review, a newspaper published in LaPorte City, Iowa, and
4 in the Emmetsburg Reporter, a newspaper published in Emmetsburg,
5 Iowa.

Approved May 11, 1970.

I hereby certify that the foregoing Act, Senate File 640, was published in The Progress-Review, LaPorte City, Iowa, May 20, 1970, and in the Emmetsburg Reporter, Emmetsburg, Iowa, May 19, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1215

DAILY HIGH SCHOOL ATTENDANCE

S. F. 1130

AN ACT relating to average daily membership for public high school districts.

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

1 SECTION 1. Chapter three hundred fifty-six (356), section thirteen
 2 (13), Acts of the Sixty-second General Assembly, as amended by
 3 chapter two hundred fifty-seven (257), section one (1), Acts of the
 4 Sixty-third General Assembly, First Session, is hereby further
 5 amended by inserting in line five (5) after the period the following:
 6 "Each public high school district shall count in the aggregate sum
 7 of the pupil membership for each day, those pupils residing in the
 8 local district who attend any special education school conducted and
 9 financed by a county board of education or another school district.
 10 However, when the special education is provided in a school district
 11 other than that of the pupil's residence, such pupils shall be counted
 12 only in the district of their residence."

Approved May 5, 1970.

CHAPTER 1216

PROBATE INVENTORIES

S. F. 1031

AN ACT relating to probate inventories.

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

1 SECTION 1. Section four hundred fifty point fourteen (450.14),
 2 Code 1966, as amended by chapter three hundred forty-two (342),
 3 section two hundred sixty (260), Acts of the Sixty-second General
 4 Assembly, is hereby further amended by striking from line four (4)
 5 the figure "635.1" and inserting in lieu thereof the following:
 6 "six hundred thirty-three point three hundred sixty-one (633.361)
 7 of the Code".

1 SEC. 2. Section four hundred fifty point seventy-three (450.73),
 2 Code 1966, is hereby amended by striking from line ten (10) the
 3 figure "635.1" and inserting in lieu thereof the following:
 4 "six hundred thirty-three point three hundred sixty-one (633.361)
 5 of the Code".

1 SEC. 3. Section six hundred thirty-three point three hundred sixty-
 2 one (633.361), Code 1966, is hereby amended by adding the following:
 3 "The clerk shall send a copy of the report and inventory, and a
 4 copy of any supplementary inventory, to the department of revenue."

Approved March 16, 1970.

CHAPTER 1217

INHERITANCE TAX EXEMPTIONS

S. F. 1023

AN ACT relating to estates exempt from inheritance tax.

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

- 1 SECTION 1. Section four hundred fifty point forty-two (450.42),
 2 Code 1966, as amended by chapter four hundred (400), section eighty-
 3 nine (89), Acts of the Sixty-second General Assembly, is hereby fur-
 4 ther amended as follows:
 5 1. By inserting in line one (1) after the word "court" the words
 6 "or clerk".
 7 2. By inserting in line six (6) after the word "court" the words
 8 "or clerk".

Approved March 4, 1970.

CHAPTER 1218

PUBLIC FUNDS IN BANKS

H. F. 1275

AN ACT relating to deposits of public funds in banks.

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

- 1 SECTION 1. As used in this Act:
 2 1. "Political subdivision" means every political subdivision or gov-
 3 ernmental unit or entity mentioned in section four hundred fifty-
 4 three point one (453.1) of the Code except the treasurer of state.
 5 2. "Executive officer" means every chairman of a county board of
 6 supervisors, mayor of a city or town, president of the board of direc-
 7 tors of a school corporation, or other officer elected or appointed to
 8 act as chief executive officer of any political subdivision.
 9 3. "Administrative officer" means every county auditor, city or
 10 town clerk, school corporation superintendent, or any officer or em-
 11 ployee of any other political subdivision, other than the treasurer or
 12 person acting as treasurer, designated by the executive officer.
- 1 SEC. 2. The treasurer or person acting as treasurer of each politi-
 2 cal subdivision shall within fifteen days after the close of the first
 3 month of the first and third quarters of the political subdivision's
 4 fiscal year, deliver to the executive officer of the political subdivision
 5 all of the political subdivision's bank ledger statements covering the
 6 first month of each such quarter together with all of the paid checks
 7 or warrants posted thereon. Within five days after delivery of the
 8 bank statements and paid checks or warrants the executive officer and
 9 the administrative officer shall, jointly with an officer of all banks
 10 in which the political subdivision has funds on deposit, certify on
 11 forms prescribed by the auditor of state that the treasurer's record
 12 of the amount of money on deposit with the bank to the credit of the

13 political subdivision as of the end of the previous month is to the
 14 best of their knowledge correct. The certification shall be completed
 15 in triplicate, and one copy filed by the executive officer in his office,
 16 one copy transmitted to the treasurer when the bank statements and
 17 redeemed or canceled checks are returned to him, and one copy for-
 18 warded to the state auditor to be filed by him. The copies shall be
 19 retained on file in the respective offices for a period of five years.

Approved May 10, 1970.

CHAPTER 1219

HIGHWAYS CROSSING DRAINAGE DISTRICTS

H. F. 1122

AN ACT relating to construction of public highways and certain other installations across the right-of-way of a drainage or levee district.

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

1 SECTION 1. Chapter two hundred sixty (260), section twenty-one
 2 (21), Acts of the Sixty-third General Assembly, First Session, is
 3 hereby amended as follows:

4 1. By inserting in line eleven (11) after the word "district" the
 5 words "shall require such person to agree to comply with subsection
 6 three (3) of this section and".

7 2. By inserting in line twelve (12) before the word "conditions"
 8 the word "additional".

9 3. By adding thereto the following new subsection:

10 "3. When the construction of a public highway, or any installation
 11 for which an easement has been obtained under subsection one (1) of
 12 this section, on, over, across, or beneath the right-of-way of any drain-
 13 age or levee district disturbs or requires replacement of any portion
 14 of a tile drain less than twenty inches in diameter, and a portion of
 15 such drain will remain wholly or partially exposed after the construc-
 16 tion project has been completed, the portion which is to remain ex-
 17 posed and not less than three feet of such drain immediately on either
 18 side of the portion which is to remain exposed, shall be replaced either
 19 with steel pipe of not less than sixteen gauge or polyvinyl chloride
 20 pipe conforming to current industry standards regarding diameter
 21 and wall thickness."

Approved March 26, 1970.

CHAPTER 1220

DRAINAGE

S. F. 1012

AN ACT relating to drainage laws.

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

1 SECTION 1. Chapter two hundred sixty (260), Acts of the Sixty-
 2 third General Assembly, First Session, is amended by striking section
 3 sixty-five (65), and by inserting in section fifty-nine (59), line twelve
 4 (12), after the period the following sentence: "A drainage or levee
 5 district may be established pursuant to chapter four hundred sixty-two
 6 (462) of the Code."

Approved February 2, 1970.

CHAPTER 1221

SOIL CONSERVATION

S. F. 1062

AN ACT relating to a department of soil conservation.

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

1 SECTION 1. Section four hundred sixty-seven A point three
 2 (467A.3), Code 1966, is hereby amended as follows:
 3 1. By striking subsection three (3) and inserting in lieu thereof
 4 the following new subsection:
 5 "3. 'Department' or 'department of soil conservation' means the
 6 agency created by section four hundred sixty-seven A point four
 7 (467A.4) of the Code."
 8 2. By adding the following new subsection:
 9 "'Committee' or 'state soil conservation committee' means the com-
 10 mittee established by section four hundred sixty-seven A point four
 11 (467A.4) of the Code."

1 SEC. 2. Section four hundred sixty-seven A point four (467A.4),
 2 Code 1966, is hereby amended as follows:
 3 1. By striking from subsection one (1), lines six (6) and seven
 4 (7), the words "state soil conservation committee. The committee"
 5 and inserting in lieu thereof the words "department of soil conserva-
 6 tion. The department shall be administered in accordance with the
 7 policies of the state soil conservation committee, which".
 8 2. By inserting in subsection two (2), line six (6), after the word
 9 "committee" the words "or department".
 10 3. By striking from subsection two (2), line eight (8), the words
 11 "it may require. It" and inserting in lieu thereof the words "as either
 12 may require. The committee".
 13 4. By striking from subsection two (2), line fourteen (14), the
 14 words "its functions" and inserting in lieu thereof the words "the
 15 functions assigned the committee or the department by law".

16 5. By striking from subsection two (2), line twenty (20), the word
17 "committee" and inserting in lieu thereof the word "department".

18 6. By striking from subsection four (4), lines two (2) and three
19 (3), the words "state soil conservation committee" and inserting in
20 lieu thereof the words "department of soil conservation".

1 SEC. 3. Section four hundred sixty-seven A point five (467A.5),
2 Code 1966, as amended by chapter two hundred sixty-three (263),
3 section one (1), Acts of the Sixty-third General Assembly, First Ses-
4 sion, is hereby further amended as follows:

5 1. By striking from subsection three (3), line eleven (11), the
6 word "committee" and inserting in lieu thereof the word "depart-
7 ment".

8 2. By striking from subsection four (4), line one (1), the word
9 "committee" and inserting in lieu thereof the word "department".

1 SEC. 4. Section four hundred sixty-seven A point six (467A.6),
2 Code 1966, as amended by chapter two hundred sixty-three (263), sec-
3 tion one (1), Acts of the Sixty-third General Assembly, First Session,
4 is hereby further amended as follows:

5 1. By striking from line nine (9) the word "committee" and insert-
6 ing in lieu thereof the word "department".

7 2. By striking from lines eleven (11) and twelve (12) the word
8 "committee" and inserting in lieu thereof the word "department".

9 3. By striking from lines twenty-five (25) and twenty-six (26) the
10 words "state soil conservation committee" and inserting in lieu there-
11 of the words "department of soil conservation".

1 SEC. 5. Section four hundred sixty-seven A point ten (467A.10),
2 Code 1966, is hereby amended by striking from line sixteen (16) the
3 word "it" and inserting in lieu thereof the words "the department".

1 SEC. 6. Section four hundred sixty-seven A point twelve
2 (467A.12), Code 1966, is hereby amended as follows:

3 1. By striking from line eleven (11) the word "its" and inserting
4 in lieu thereof the word "the".

5 2. By inserting in line twelve (12) before the period the words
6 "of the committee and department".

1 SEC. 7. Section four hundred sixty-seven A point eighteen
2 (467A.18), Code 1966, is hereby amended by striking from lines eight
3 (8) and nine (9) the words "state soil conservation committee" and
4 inserting in lieu thereof the words "department of soil conservation".

1 SEC. 8. Chapter one hundred fourteen (114), section three (3),
2 Acts of the Sixty-second General Assembly, is hereby amended by in-
3 serting before the period in line fifteen (15) the words ", who may be
4 either a member of the committee, or the director or a member of the
5 staff of the department of soil conservation".

1 SEC. 9. Chapter two hundred sixty-two (262), section one (1),
2 Acts of the Sixty-third General Assembly, First Session, is hereby
3 amended by striking from line fourteen (14) the words "state soil
4 conservation committee" and inserting in lieu thereof the words "de-
5 partment of soil conservation".

1 SEC. 10. Chapter two hundred sixty-three (263), section one (1),
 2 Acts of the Sixty-third General Assembly, First Session, is hereby
 3 amended as follows:

4 1. By striking from line six (6) the words "state soil conservation
 5 committee" and inserting in lieu thereof the words "department of
 6 soil conservation".

7 2. By striking from line seven (7) the word "committee" and in-
 8 serting in lieu thereof the word "department".

9 3. By striking from line nine (9) the word "committee" and in-
 10 serting in lieu thereof the word "department".

Approved April 2, 1970.

CHAPTER 1222

SOIL CONSERVATION DISTRICTS

S. F. 1101

AN ACT specifically providing that cities and towns within the outside boundaries of any soil conservation district are a part of such district.

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, as amended by chapter two hundred sixty-three (263),
 3 section one (1), Acts of the Sixty-third General Assembly, First Ses-
 4 sion, is hereby further amended as follows:

5 1. By striking from subsection three (3) lines fifty-seven (57),
 6 fifty-eight (58), and fifty-nine (59) and inserting in lieu thereof the
 7 following: "organized, all qualified electors residing within the jur-
 8 isdiction of the district as defined by this Act shall have the right".

9 2. By adding thereto the following new subsection:
 10 "All land within the outside boundaries of any district established in
 11 accordance with this chapter shall be subject to the jurisdiction of
 12 the district, including land lying within any city or town."

1 SEC. 2. Chapter two hundred sixty-three (263), section two (2),
 2 Acts of the Sixty-third General Assembly, First Session, amending sec-
 3 tion four hundred sixty-seven A point six (467A.6), Code 1966, is
 4 hereby amended as follows:

5 1. By striking from lines five (5) and six (6) the words "who shall
 6 be residents of the district and".

7 2. By striking from line eight (8) the word "No" and inserting in
 8 lieu thereof the word "Any".

9 3. By striking lines nine (9) and ten (10) and inserting in lieu
 10 thereof the following: "a qualified elector and resides within the jur-
 11 isdiction of the district as defined by this Act."

Approved April 27, 1970.

CHAPTER 1223

FLOOD AND EROSION CONTROL

H. F. 377

AN ACT relating to allocation of rental receipts from federal flood and erosion control projects.

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

1 SECTION 1. Section four hundred sixty-seven B point thirteen
2 (467B.13), Code 1966, is hereby amended by striking from line two
3 (2) the word "thirty" and inserting in lieu thereof the word "twenty-
4 five".

1 SEC. 2. Section four hundred sixty-seven B point fourteen
2 (467B.14), Code 1966, is hereby amended as follows:

3 1. By striking from line one (1) the words "The remaining seventy"
4 and inserting in lieu thereof the word "Sixty-five".

5 2. By adding the following thereto:

6 "The remaining ten percent of any such payment received by the
7 county treasurer from the federal government, or so much thereof as
8 may be deemed necessary by the board of supervisors, shall be allo-
9 cated to the local fire departments of the unincorporated villages,
10 towns, townships and cities of the county which are principally af-
11 fected by the federal flood control project involved, to be paid and
12 prorated among them as determined by the board of supervisors. If
13 the funds prorated to local fire departments in any county are less
14 than ten percent of the total county share of such federal payments
15 for any year, the amount which exceeds such prorations shall revert
16 back to and be divided equally between the secondary road fund and
17 the county board-of-education fund."

Approved April 2, 1970.

CHAPTER 1224

EMINENT DOMAIN

H. F. 687

AN ACT relating to eminent domain.

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

1 SECTION 1. Chapter four hundred seventy-one (471), Code 1966,
2 is hereby amended by adding the following new section:

3 "Whenever any person, state department, or political subdivision
4 takes land for a public use by condemnation or by purchase in lieu of
5 condemnation, the purchaser shall furnish to the owner of the land a
6 legal description of the part taken and a legal description of the re-
7 mainder."

Approved March 13, 1970.

CHAPTER 1225

EMINENT DOMAIN COMPENSATION COMMISSION

S. F. 1171

AN ACT relating to determining compensation in eminent domain proceedings.

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

1 SECTION 1. Section four hundred seventy-two point four (472.4),
2 Code 1966, is hereby repealed and the following enacted in lieu there-
3 of:

4 "Annually the board of supervisors of a county shall appoint not
5 less than twenty-eight residents of the county and the names of such
6 persons shall be placed on a list and they shall be eligible to serve
7 as members of a compensation commission. One-fourth of the persons
8 appointed shall be owner-operators of agricultural property, one-
9 fourth of the persons appointed shall be owners of city or town prop-
10 erty, one-fourth shall be licensed real estate salesmen or real estate
11 brokers, and one-fourth shall be persons having knowledge of prop-
12 erty values in the county by reason of their occupation, such as bank-
13 ers, auctioneers, property managers, property appraisers, and persons
14 responsible for making loans on property.

15 The chief judge of the judicial district shall select by lot six per-
16 sons from the list, two persons who are owner-operators of agricul-
17 tural property when the property to be condemned is agricultural
18 property; two persons who are owners of city or town property when
19 the property to be condemned is other than agricultural property; and
20 two persons from each of the remaining two representative groups,
21 and shall name a chairman from the persons selected. No member
22 of the compensation commission selected shall possess any interest in
23 the proceeding which would cause such person to render a biased
24 decision, who shall constitute a compensation commission to assess
25 the damages to all real estate to be taken by the applicant and located
26 in the county."

1 SEC. 2. Section four hundred seventy-two point five (472.5), Code
2 1966, is hereby amended as follows:

3 1. By striking from line two (2) the word "sheriff" and inserting
4 in lieu thereof the words "chief judge of the judicial district".

5 2. By striking lines three (3), four (4), and five (5), and insert-
6 ing the words "appoint another person from the list, possessing the
7 same qualifications as the person who is being replaced to complete
8 the membership of the commission."

1 SEC. 3. Section four hundred seventy-two point six (472.6), Code
2 1966, is hereby repealed.

1 SEC. 4. Section four hundred seventy-two point thirty-three
2 (472.33), Code 1966, is hereby amended by inserting in line three (3)
3 after the word "commissioners" the words "and reasonable attorney
4 fees and costs incurred by the condemnee as determined by the com-
5 missioners if the award of the commissioners exceeds one hundred
6 ten percent of the final offer of the applicant prior to condemnation.
7 The applicant shall file with the sheriff an affidavit setting forth the
8 most recent offer made to the person whose property is sought to be

9 condemned. Members of such commissions shall receive a per diem
10 of fifty dollars and actual and necessary expenses incurred in the
11 performance of their official duties”.

1 SEC. 5. Chapter four hundred seventy-two (472), Code 1966, is
2 hereby amended by adding thereto the following new section:

3 “Written instructions for members of compensation commissions
4 shall be prepared under the direction of the chief justice of the su-
5 preme court and distributed to the sheriff in each county. The sheriff
6 shall transmit copies of the instructions to each member of a compen-
7 sation commission, and such instruction shall be read aloud to each
8 commission before it commences its duties.”

1 SEC. 6. Section four hundred seventy-two point three (472.3),
2 Code 1966, is hereby amended by striking from line three (3) the
3 word “sheriff” and inserting in lieu thereof the words “chief judge of
4 the judicial district”.

1 SEC. 7. When real property or an interest therein is purchased or
2 condemned for highway purposes and a fence or building is located
3 on such property, the governmental agency shall be responsible for
4 all costs incurred by the property owner in replacing or moving the
5 fence or moving the building onto property owned by the landowner
6 and abutting the property purchased or condemned for highway pur-
7 poses, or the governmental agency may replace or move the fence
8 or move the building. Such costs shall not constitute an additional
9 element of damages which would permit unjust enrichment or a
10 duplication of payments to any condemnee.

Approved April 6, 1970.

CHAPTER 1226

CONDEMNATION APPRAISAL FOR HIGHWAY

S. F. 1136

AN ACT relating to information to be furnished property owners in negotiations for land for highway purposes.

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

1 SECTION 1. When any real property or interest therein is to be
2 purchased, or in lieu thereof to be condemned for highway, street or
3 road purposes, the purchasing state agency, county, city or town or
4 their agent shall submit to the person, corporation or entity whose
5 property or interest therein is to be taken, by ordinary mail, at least
6 ten days prior to the date of contact, a copy of the appraisal upon
7 such real property or interest therein which shall include, at least, an
8 itemization of the appraised value of the real property or interest
9 therein, any buildings thereon, all other improvements including
10 fences, severance damages and loss of access.

Approved March 16, 1970.

CHAPTER 1227

JOINT PLANNING COMMISSIONS

H. F. 1093

AN ACT relating to joint planning commissions.

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

1 SECTION 1. Section four hundred seventy-three A point one
2 (473A.1), Code 1966, is hereby amended by adding thereto the follow-
3 ing new paragraph:

4 "The joint planning commission shall be separate and apart from
5 the governmental units creating it, may sue and be sued, contract for
6 the purchase and sale of real and personal property necessary for its
7 purposes, and shall be a juristic entity as the term is used in section
8 ninety-seven C point two (97C.2), subsection six (6), of the Code."

1 SEC. 2. Chapter one hundred twenty-one (121), section nine (9),
2 Acts of the Sixty-second General Assembly, amending section ninety-
3 seven B point forty-one (97B.41), Code 1966, as amended by chapter
4 one hundred six (106), section one (1), Acts of the Sixty-third Gen-
5 eral Assembly, First Session, is further amended by inserting in line
6 thirty-eight (38) before the comma the words "including joint plan-
7 ning commissions created under the provisions of chapter four hun-
8 dred seventy-three A (473A) of the Code".

1 SEC. 3. Section four hundred seventy-three A point three
2 (473A.3), Code 1966, is hereby amended by striking from line two (2)
3 the word "appointive".

Approved May 1, 1970.

CHAPTER 1228

FREE PASSES BY CARRIERS

H. F. 1070

AN ACT relating to free passes for common carriers.

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

1 SECTION 1. Section four hundred seventy-four point nine (474.9),
2 Code 1966, is hereby repealed.

1 SEC. 2. Section four hundred seventy-nine point ninety-four
2 (479.94), Code 1966, is hereby amended by striking subsections one
3 (1) and sixteen (16).

Approved January 28, 1970.

CHAPTER 1229

LOCOMOTIVE FIRE SCREENS

H. F. 611

AN ACT to prevent fires on and along railroad right-of-way.

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

1 SECTION 1. No locomotive or other rolling stock shall be operated
 2 unless it is equipped with proper deflector and screen exhaust fire
 3 controls and uses adequate devices to prevent the escape of blowing or
 4 burning materials or substances and is maintained in good working
 5 order to protect against the start and spread of fires along the right-
 6 of-way. A violation of this section shall be a misdemeanor punishable
 7 by a fine of not more than one hundred dollars or thirty days in jail.
 8 The railroad, and any officers, agent, lessee or independent contractor
 9 found guilty of a violation of this section shall be punishable by a fine
 10 of not more than one hundred dollars or thirty days in jail.

Approved April 2, 1970.

CHAPTER 1230

TRANSMISSION LINES EMINENT DOMAIN

S. F. 1185

AN ACT relating to electric transmission lines and the power of eminent domain exercised by electric utilities.

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

1 SECTION 1. Section four hundred eighty-nine point one (489.1),
 2 Code 1966, is hereby amended as follows:
 3 1. By inserting in line two (2) after the word "shall" the word
 4 "construct,".
 5 2. By striking from lines eight (8) through eleven (11), inclusive,
 6 the words ", or from the board of supervisors in the county or each
 7 of the respective counties in which such transmission line is to be
 8 constructed or operated,".
 1 SEC. 2. Section four hundred eighty-nine point two (489.2), Code
 2 1966, is hereby amended by striking lines seventeen (17) through
 3 twenty-four (24), inclusive, and inserting in lieu thereof the follow-
 4 ing:
 5 "As conditions precedent to the filing of a petition with the com-
 6 mission requesting a franchise for a new transmission line, and not
 7 less than thirty days prior to the filing of such petition, the person,
 8 company, or corporation shall hold informational meetings in each
 9 county in which real property or rights therein will be affected. A
 10 member of the commission, the counsel of the commission, or a hear-
 11 ing examiner designated by the commission shall serve as the pre-
 12 siding officer at each meeting and present an agenda for such meeting
 13 which shall include a summary of the legal rights of the affected

14 landowners. No formal record of the meeting shall be required.

15 The meeting shall be held at a location reasonably accessible to all
16 persons, companies, or corporations which may be affected by the
17 granting of the franchise.

18 The person, company, or corporation seeking the franchise for a
19 new transmission line shall give notice of the informational meeting
20 to each person, company, or corporation determined to be the land-
21 owner affected by the proposed project and any person, company or
22 corporation in possession of or residing on the property. For the
23 purposes of this section, 'landowner' means a person, company, or
24 corporation listed on the tax assessment rolls as responsible for the
25 payment of real estate taxes imposed on the property and 'transmis-
26 sion line' means any line carrying thirty-four point five kilovolts or
27 more and extending a distance of not less than one mile across pri-
28 vately owned real estate.

29 The notice shall set forth the name of the applicant; state the appli-
30 cant's principal place of business; state the general description and
31 purpose of the proposed project; state the general nature of the
32 right-of-way desired; provide a map showing the route of the pro-
33 posed project; advise that the landowner has the right to be present
34 at such meetings and to file objections with the commerce commis-
35 sion; designate the place and time of the meeting; be served not less
36 than thirty days prior to the time set for the meeting by certified mail
37 with return receipt requested; and be published once in a newspaper
38 of general circulation in the county at least one week and not more
39 than three weeks before the time of the meeting and such publication
40 shall be considered notice to landowners whose residence is not
41 known.

42 No person, company, or corporation seeking rights under this chap-
43 ter shall negotiate or purchase any easements or other interests in
44 land in any county known to be affected by the proposed project prior
45 to the informational meeting."

1 SEC. 3. Section four hundred eighty-nine point three (489.3), Code
2 1966, is hereby amended as follows:

3 1. By striking from subsection seven (7), line two (2), the words
4 "is desired" and inserting in lieu thereof the words "will be used".

5 2. By striking all of subsection eight (8), and inserting in lieu
6 thereof the following:

7 "An allegation that the proposed construction is necessary to serve
8 a public use and represents a reasonable relationship to an overall
9 plan of transmitting electricity in the public interest and substantia-
10 tion of such allegations, including but not limited to, a showing of the
11 following:

12 a. The relationship of the proposed project to present and future
13 economic development of the area.

14 b. The relationship of the proposed project to comprehensive elec-
15 tric utility planning.

16 c. The relationship of the proposed project to the needs of the
17 public presently served and future projections based on population
18 trends.

19 d. The relationship of the proposed project to the existing electric
20 utility system and parallel existing utility routes.

21 e. The relationship of the proposed project to any other power sys-
22 tem planned for the future.

23 f. The possible use of alternative routes and methods of supply.

24 g. The relationship of the proposed project to the present and fu-
25 ture land use and zoning ordinances.

26 h. The inconvenience or undue injury which may result to property
27 owners as a result of the proposed project.

28 The commission may waive the proof required for such allegations
29 which are not applicable to a particular proposed project."

30 3. By inserting at the end thereof the following new subsection:

31 "An affidavit stating that informational meetings were held in each
32 county which the proposed project will affect and the time and place of
33 each meeting."

1 SEC. 4. Section four hundred eighty-nine point four (489.4), Code
2 1966, is hereby amended as follows:

3 1. By striking from line one (1) the words "board or".

4 2. By striking from line four (4) the word "may" and inserting in
5 lieu thereof the word "shall".

6 3. By striking from line fourteen (14) the words "board or".

7 4. By inserting in line sixteen (16) after the word "use" the words
8 "and represents a reasonable relationship to an overall plan of trans-
9 mitting electricity in the public interest".

1 SEC. 5. Section four hundred eighty-nine point five (489.5), Code
2 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "board or".

4 2. By striking from line thirteen (13) the words "board or".

5 3. By striking from line twenty-one (21) the words "board or".

6 4. By striking from lines twenty-three (23) and twenty-four (24)
7 the words "board or".

1 SEC. 6. Section four hundred eighty-nine point six (489.6), Code
2 1966, as amended by chapter three hundred sixty-two (362), section
3 one (1), Acts of the Sixty-second General Assembly, is hereby
4 amended by adding at the end thereof the following new paragraph:

5 "When the commission grants a franchise to any person, company,
6 or corporation for the construction, erection, maintenance, and opera-
7 tion of transmission lines, wires, and cables for the transmission of
8 electricity, such person, company, or corporation shall be vested with
9 the power of condemnation to such extent as the commission may
10 approve and find necessary for public use."

1 SEC. 7. Section four hundred eighty-nine point seven (489.7),
2 Code 1966, is hereby amended by striking from line eleven (11) the
3 words "board or".

1 SEC. 8. Section four hundred eighty-nine point ten (489.10), Code
2 1966, is hereby amended by striking from line twelve (12) the words
3 "board or".

1 SEC. 9. Section four hundred eighty-nine point eleven (489.11),
2 Code 1966, is hereby amended as follows:

- 3 1. By striking from line one (1) the words "board or".
 4 2. By striking from line two (2) the words "granting the fran-
 5 chise".
 6 3. By striking from line nine (9) the words "board or".
 7 4. By striking all of such section after the period in line twelve
 8 (12).

1 SEC. 10. Section four hundred eighty-nine point thirteen (489.13),
 2 Code 1966, is hereby amended by striking from line five (5) the words
 3 "board or".

1 SEC. 11. Section four hundred eighty-nine point fifteen (489.15),
 2 Code 1966, is hereby amended as follows:

- 3 1. By striking from line five (5) the words "board or".
 4 2. By striking from lines twenty-four (24) and twenty-five (25)
 5 the words "right of eminent domain" and inserting in lieu thereof the
 6 word "franchise".
 7 3. By striking from lines forty-three (43) through forty-five (45),
 8 inclusive, the words "or with the county board of supervisors in the
 9 county the land is situated".
 10 4. By striking from lines fifty (50) and fifty-one (51) the words
 11 "or board of supervisors".
 12 5. By striking from line fifty-seven (57) the words "or board of
 13 supervisors".
 14 6. By striking from line sixty (60) the words "or board of super-
 15 visors".
 16 7. By striking from lines sixty-five (65) and sixty-six (66) the
 17 words "or the board of supervisors".
 18 8. By striking from line seventy-three (73) the words "or board
 19 of supervisors,".

1 SEC. 12. Section four hundred eighty-nine point twenty-one
 2 (489.21), Code 1966, is hereby amended by striking from line five (5)
 3 the words "board or".

1 SEC. 13. Section four hundred eighty-nine point twenty-two
 2 (489.22), Code 1966, is hereby amended as follows:

- 3 1. By striking from line seven (7) the words "board or".
 4 2. By striking from line eight (8) the words "board or".

1 SEC. 14. Chapter four hundred eighty-nine (489), Code 1966, is
 2 hereby amended by adding at the end thereof the following new sec-
 3 tion:

4 "Any person, company, or corporation aggrieved by the action of
 5 the commission in granting or failing to grant a franchise under the
 6 provisions of this chapter, shall be entitled to the rehearing and
 7 appeal procedures provided in sections four hundred ninety A point
 8 twelve (490A.12) through four hundred ninety A point nineteen
 9 (490A.19), inclusive, of the Code."

Approved May 13, 1970.

CHAPTER 1231

PIPE LINES EMINENT DOMAIN

S. F. 1184

AN ACT relating to pipelines and the power of eminent domain exercised by pipeline companies.

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

1 SECTION 1. Section four hundred ninety point five (490.5), Code
2 1966, is hereby amended by adding at the end thereof the following:
3 "As conditions precedent to the filing of a petition with the com-
4 mission requesting a permit, and not less than thirty days prior to the
5 filing of such petition, the person, company, or corporation shall hold
6 informational meetings in each county in which real property or rights
7 therein will be affected. A member of the commission, the counsel of
8 the commission, or a hearing examiner designated by the commission
9 shall serve as the presiding officer at each meeting and present an
10 agenda for such meeting which shall include a summary of the legal
11 rights of the affected landowners. No formal record of the meeting
12 shall be required.

13 The meeting shall be held at a location reasonably accessible to
14 all persons, companies, or corporations which may be affected by the
15 granting of the permit.

16 The person, company, or corporation seeking the permit shall give
17 notice of the informational meeting to each person, company, or cor-
18 poration determined to be the landowner affected by the proposed
19 project and any person, company or corporation in possession of or
20 residing on the property. For the purposes of this section, 'landowner'
21 means a person, company, or corporation listed on the tax assessment
22 rolls as responsible for the payment of real estate taxes imposed on the
23 property and 'pipeline' means any line transporting gas, gasoline, oils,
24 motor fuels, or inflammable fluids under pressure in excess of one hun-
25 dred fifty pounds per square inch and extending a distance of not less
26 than five miles or future anticipated extension of an overall distance
27 of five miles.

28 The notice shall set forth the name of applicant; the applicant's
29 principal place of business; the general description and purpose of the
30 proposed project; the general nature of the right-of-way desired; a map
31 showing the route of the proposed project; that the landowner has a
32 right to be present at such meeting and to file objections with the
33 commerce commission; and a designation of the time and place of the
34 meeting; and shall be served by certified mail with return requested
35 not less than thirty days previous to the time set for the meeting; and
36 shall be published once in a newspaper of general circulation in the
37 county. Such publication shall be considered notice to landowners
38 whose residence is not known.

39 No person, company, or corporation seeking rights under this chap-
40 ter shall negotiate or purchase any easements or other interests in
41 land in any county known to be affected by the proposed project prior
42 to the informational meeting."

1 SEC. 2. Section four hundred ninety point six (490.6), Code 1966,
2 is hereby amended by adding at the end thereof the following new sub-
3 sections:

4 "8. The possible use of alternative routes.

5 9. The relationship of the proposed project to the present and fu-
6 ture land use and zoning ordinances.

7 10. The inconvenience or undue injury which may result to property
8 owners as a result of the proposed project.

9 11. By affidavit, that informational meetings were held in each
10 county which the proposed project will affect and the time and place
11 of each meeting."

1 SEC. 3. Section four hundred ninety point thirteen (490.13), Code
2 1966, is hereby amended by inserting in line two (2) after the word
3 "the" the words "informational meetings,".

Approved May 13, 1970.

CHAPTER 1232

REGULATION OF PUBLIC UTILITIES

S. F. 1063

AN ACT relating to the regulation of public utilities.

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

1 SECTION 1. Section four hundred ninety A point six (490A.6),
2 Code 1966, is hereby amended by inserting after the period in line
3 ten (10) the following new paragraph:

4 "All public utilities, including those exempted from rate regulation
5 by the provisions of section four hundred ninety A point one (490A.1)
6 of the Code, shall give written notice of any proposed increase of
7 any rate or charge to all affected customers served by the public utility
8 at least thirty days prior to the effective date thereof. If the public
9 utility is subject to rate regulation, the notice to affected customers
10 shall also state that the customer has a right to file a written objec-
11 tion to such rate increase and that he may request the commission to
12 hold a public hearing to determine if such rate increase should be
13 allowed. The commission shall prescribe the manner and method
14 that the written notice to each affected customer of the public utility
15 shall be served."

Approved March 20, 1970.

CHAPTER 1233

PUBLIC UTILITIES ASSESSMENT

S. F. 1007

AN ACT relating to a temporary initial assessment against all public utilities to provide a fund for implementation of the public utilities regulation law.

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

1 SECTION 1. Section four hundred ninety A point ten (490A.10),
2 Code 1966, as amended by Acts of the Sixty-second General Assembly,
3 chapter one (1) and Acts of the Sixty-third General Assembly, First
4 Session, chapter thirteen (13), is further amended by striking lines
5 twenty-five (25) to thirty-one (31), inclusive, and the word "after"
6 in line thirty-two (32).

1 SEC. 2. This Act shall not be construed to cancel the 1963 tempo-
2 rary assessment to public utilities.

Approved February 2, 1970.

CHAPTER 1234

COMMERCE COMMISSION

S. F. 1277

AN ACT relating to exercise of governmental powers by the state commerce commission, providing penalties, authority to compromise, and appeals procedures.

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

1 SECTION 1. Section four hundred ninety point thirty (490.30),
2 Code 1966, is hereby repealed.

1 SEC. 2. Chapter four hundred ninety (490), Code 1966, is hereby
2 amended by adding at the end thereof the following new sections:

3 1. "Any person who violates any provision of this chapter or any
4 regulation issued pursuant to this chapter shall be subject to a civil
5 penalty of not to exceed one thousand dollars for each violation. Each
6 day that the violation continues shall constitute a separate offense.
7 However, the maximum civil penalty shall not exceed two hundred
8 thousand dollars for any related series of violations.

9 Any civil penalty may be compromised by the state commerce com-
10 mission. In determining the amount of the penalty, or the amount
11 agreed upon in compromise, the appropriateness of the penalty to the
12 size of the business of the person charged, the gravity of the violation,
13 and the good faith of the person charged in attempting to achieve
14 compliance, after notification of a violation, shall be considered. The
15 amount of the penalty, when finally determined, or the amount agreed
16 upon in compromise, may be deducted from any sums owed by the
17 state to the person charged, or may be recovered in a civil action."

18 2. "Rehearing and appeal procedures for any person, company, or
19 corporation aggrieved by the action of the commission in granting or
20 failing to grant a permit under the provisions of this chapter shall

21 be as provided in sections four hundred ninety A point twelve
 22 (490A.12) through four hundred ninety A point nineteen (490A.19),
 23 inclusive, of the Code."

24 3. "The state commerce commission may enter into agreements
 25 with and receive moneys from the United States department of trans-
 26 portation for the enforcement of the applicable standards of pipeline
 27 safety as provided by Public Law 90-481, the Natural Gas Pipeline
 28 Safety Act of 1968 (49 United States Code 1671-1684)."

Approved May 5, 1970.

CHAPTER 1235

BUSINESS CORPORATIONS

S. F. 1313

AN ACT relating to indemnification of officers, directors, employees, and agents of business corporations.

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

1 SECTION 1. Section four hundred ninety-one point three (491.3),
 2 Code 1966, is hereby amended by adding thereto the following new sub-
 3 section:

4 "A corporation organized under or subject to this chapter may make
 5 indemnification as provided in section four hundred ninety-six A point
 6 four (496A.4)* of the Code, as amended by Senate File 292, section
 7 two (2), Acts of the Sixty-third General Assembly, Second Session."

Approved May 5, 1970.

*See chapter 1240.

CHAPTER 1236

CORPORATION STOCKHOLDERS' MEETINGS

H. F. 1310

AN ACT relating to stockholders' meetings for certain corporations.

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

1 SECTION 1. Section four hundred ninety-one point fourteen
 2 (491.14), Code 1966, is hereby amended by adding in line five (5)
 3 after the period the following:

4 "The board of directors may designate by resolution some other
 5 place in the county where business of the corporation is transacted
 6 as the place for holding a stockholders' meeting if notice is mailed
 7 to the stockholders at least twenty days prior to each meeting inform-
 8 ing the stockholders of the place, date, and hour of the stockholders'
 9 meeting."

Approved April 10, 1970.

CHAPTER 1237

CORPORATE DISSOLUTION FEE

S. F. 460

AN ACT relating to the fee for filing notice of corporate dissolution.

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

- 1 SECTION 1. Section four hundred ninety-one point twenty-three
 2 (491.23), Code 1966, is hereby amended by striking from lines twenty-
 3 two (22) and twenty-three (23) the words "and a recording fee of
 4 one dollar shall apply thereto".

Approved April 13, 1970.

CHAPTER 1238

BANKING ACT AMENDMENTS

S. F. 1150

AN ACT relating to technical corrections required by passage of the Iowa Banking Act of 1969.

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

- 1 SECTION 1. Section four hundred ninety-six point thirteen
 2 (496.13), Code 1966, is hereby amended by striking all of such section
 3 after the word "law" in line twenty-one (21) and inserting in lieu
 4 thereof a period.

- 1 SEC. 2. Section four hundred ninety-six A point one hundred forty-
 2 two (496A.142), Code 1966, is hereby amended as follows:

- 3 1. By striking from line five (5) the figures "526, 527, 528, 528B,
 4 531, 532,".

- 5 2. By inserting in line six (6) after the word "Code" the words
 6 "and state banks organized under chapter two hundred seventy-three
 7 (273), Acts of the Sixty-third General Assembly, First Session".

- 1 SEC. 3. Section five hundred four A point one hundred (504A.100),
 2 subsection one (1), Code 1966, is hereby amended as follows:

- 3 1. By striking from lines five (5) and six (6) the figures "526, 527,
 4 528, 528B, 531, 532,".

- 5 2. By inserting in line six (6) before the period the words "and
 6 state banks organized under chapter two hundred seventy-three (273),
 7 Acts of the Sixty-third General Assembly, First Session".

- 1 SEC. 4. Section five hundred fifty-four point nine thousand two
 2 hundred three (554.9203), subsection two (2), Code 1966, is hereby
 3 amended by striking from lines two (2) and three (3) the figures
 4 "529, 535, and 536" and inserting in lieu thereof the words and fig-
 5 ures "five hundred thirty-five (535), five hundred thirty-six (536),
 6 and chapter two hundred seventy-three (273), section nine hundred
 7 six (906), Acts of the Sixty-third General Assembly, First Session,".

- 1 SEC. 5. Section six hundred thirty-three point two hundred three
 2 (633.203), Code 1966, is hereby amended by striking from line four

3 (4) the word and figure "chapter 532" and inserting in lieu thereof
 4 the words and figures "chapter two hundred seventy-three (273),
 5 division ten (X), Acts of the Sixty-third General Assembly, First
 6 Session".

1 SEC 6. Section six hundred eighty-two point forty-seven (682.47),
 2 Code 1966, as amended by chapter four hundred (400), section two
 3 hundred twenty-two (222), Acts of the Sixty-second General Assem-
 4 bly, is hereby further amended by striking lines twenty-two (22)
 5 through twenty-five (25), inclusive.

1 SEC. 7. Chapter two hundred seventy-three (273), Acts of the
 2 Sixty-third General Assembly, First Session, is hereby amended as
 3 follows:

4 1. By striking from section two hundred eighteen (218), lines three
 5 (3) and four (4), the brackets and inserting in lieu thereof commas.

6 2. By striking from section three hundred two (302), line twenty-
 7 seven (27), the word "persons" and inserting in lieu thereof the word
 8 "individuals".

9 3. By striking from section six hundred one (601), line five (5),
 10 the word "person" and inserting in lieu thereof the word "individual".

11 4. By striking from section six hundred twelve (612), line thirty-
 12 three (33), the parenthesis preceding the word "other" and inserting
 13 in lieu thereof a comma.

14 5. By striking from section six hundred twelve (612), line thirty-
 15 five (35), the parenthesis and inserting in lieu thereof a comma.

16 6. By striking from section seven hundred two (702), lines sixteen
 17 (16), and seventeen (17), the words "a trust" and inserting in lieu
 18 thereof the words "an escrow".

19 7. By striking from section eight hundred six (806), line six (6),
 20 the word "person" and inserting in lieu thereof the word "individual".

21 8. By inserting in section nine hundred four (904), line thirteen
 22 (13), after the word "partnership" the words "or other unincorpo-
 23 rated association".

24 9. By inserting in section nine hundred four (904), line nineteen
 25 (19), after the word "owns" the words "or controls".

26 10. By inserting in section nine hundred four (904), line twenty-
 27 two (22), after the word "owns" the words "or controls".

28 11. By striking from section nine hundred four (904), line one
 29 hundred thirteen (113), the word "estate" and inserting in lieu there-
 30 of the word "property".

31 12. By striking from section one thousand three hundred four
 32 (1304), line twenty-two (22), the word and figures "seven (1307)"
 33 and inserting in lieu thereof the word and figures "eight (1308)".

34 13. By striking from section one thousand four hundred two
 35 (1402), line seventy-one (71), the word "persons" and inserting in
 36 lieu thereof the word "individuals".

37 14. By striking from section one thousand four hundred two
 38 (1402), line seventy-eight (78), the word and figure "nine (9)".

39 15. By striking from section one thousand four hundred eleven
 40 (1411), line seventeen (17), the word and figure "nine (9)".

41 16. By striking from section one thousand five hundred four
 42 (1504), line three (3), the word "supplied" and inserting in lieu

43 thereof the word "prescribed".

44 17. By striking from section one thousand five hundred four
45 (1504), line six (6), the words "and post office address".

46 18. By striking from section one thousand six hundred one (1601),
47 lines six (6) and seven (7), the brackets and inserting in lieu thereof
48 commas.

49 19. By striking from section five hundred fourteen (514), line fif-
50 teen (15), the words "date of the enactment" and inserting in lieu
51 thereof the words "effective date".

Approved March 4, 1970.

CHAPTER 1239

BUSINESS CORPORATIONS

S. F. 300

AN ACT relating to business corporations.

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

1 SECTION 1. Section four hundred ninety-six A point four (496A.4),
2 Code 1966, as amended by chapter three hundred sixty-three (363),
3 section one (1), Acts of the Sixty-second General Assembly, is further
4 amended as follows:

5 1. By striking from subsection ten (10), lines three (3), four (4),
6 and five (5), the words "in any state, territory, district, or possession
7 of the United States, or in any foreign country" and inserting in lieu
8 thereof the words "within or without this state".

9 2. By inserting in subsection thirteen (13), line two (2), after the
10 word "welfare" the word ", or".

11 3. By striking subsection fourteen (14) and inserting in lieu thereof
12 the following:

13 "To transact any lawful business which the board of directors shall
14 find will be in aid of governmental authority."

15 4. By striking from subsection eighteen (18), lines two (2), three
16 (3), and four (4), the words "any or all of the purposes for which
17 the corporation is organized" and inserting in lieu thereof the words
18 "its purposes".

1 SEC. 2. Section four hundred ninety-six A point seven (496A.7),
2 Code 1966, is amended hereby as follows:

3 1. By striking from subsection three (3), line ten (10), the words
4 "a trade" and inserting in lieu thereof the words "an assumed".

5 2. By striking from subsection four (4), line four (4), the word
6 "trade" and inserting in lieu thereof the word "assumed".

7 3. By striking from subsection five (5), line one (1), the words "a
8 trade" and inserting in lieu thereof the words "an assumed".

9 By striking from subsection five (5), line thirteen (13), the word
10 "trade" and inserting in lieu thereof the word "assumed".

11 By striking from subsection five (5), line fifteen (15), the word
12 "trade" and inserting in lieu thereof the word "assumed".

13 By striking from subsection five (5), line twenty-four (24), the
14 words "a trade" and inserting in lieu thereof the words "an assumed".

15 By striking from subsection five (5), line twenty-six (26), the
16 words "trade name" and inserting in lieu thereof the following:
17 "assumed name. However, if the assumed name was filed and became
18 effective in December of any year, the first annual fee of five dollars
19 shall be paid at the time of filing of the annual report in the second
20 year following such December".

21 By striking from subsection five (5), line thirty-four (34), the
22 word "trade" and inserting in lieu thereof the word "assumed".

23 By striking from subsection five (5), line thirty-six (36), the word
24 "trade" and inserting in lieu thereof the word "assumed".

1 SEC. 3. Section four hundred ninety-six A point twelve (496A.12),
2 Code 1966, is amended by adding thereto the following new para-
3 graph:

4 "If a registered agent changes his or its business address to another
5 place within the same county, he or it may change such address and
6 the address of the registered office of any corporation of which he
7 or it is a registered agent by filing a statement as required above for
8 each corporation, or a single statement for all corporations named
9 therein, except that it need be signed only by the registered agent or
10 agents and need not be responsive to subsections five (5) and seven
11 (7) of this section, and must recite that a copy of the statement has
12 been mailed to each such corporation."

1 SEC. 4. Section four hundred ninety-six A point thirteen
2 (496A.13), Code 1966, is hereby amended by striking from lines fifteen
3 (15) and sixteen (16) the words "or with any clerk" and inserting in
4 lieu thereof the words "his deputy, or with any person".

1 SEC. 5. Section four hundred ninety-six A point fifteen (496A.15),
2 Code 1966, is hereby amended by adding following line three (3) of
3 subsection six (6) a new numbered subsection as follows:
4 "Voting rights, if any."

1 SEC. 6. Section four hundred ninety-six A point seventeen
2 (496A.17), Code 1966, is amended by striking the last paragraph and
3 inserting in lieu thereof the following:

4 "In the event of the issuance of shares upon the conversion or
5 exchange of indebtedness or shares, the consideration for the shares
6 so issued shall be (1) the principal sum of, and accrued interest on,
7 the indebtedness so exchanged or converted, or the stated capital then
8 represented by the shares so exchanged or converted, (2) that part
9 of the surplus, if any, transferred to stated capital upon the issuance
10 of shares for the shares so exchanged or converted, and (3) any addi-
11 tional consideration paid to the corporation upon the issuance of
12 shares for the indebtedness or shares so exchanged or converted."

1 SEC. 7. Section four hundred ninety-six A point nineteen
2 (496A.19), Code 1966, is amended by striking from line twenty-three
3 (23) the word "theretofore".

1 SEC. 8. Section four hundred ninety-six A point twenty-three
2 (496A.23), Code 1966, is amended by striking lines one (1) through

3 seven (7), inclusive, and the word "share." in line eight (8) and in-
4 serting in lieu thereof the following:

5 "A corporation may, (1) issue fractions of a share, (2) arrange for
6 the disposition of fractional interests by those entitled thereto, (3)
7 pay in cash the fair value of fractions of a share as of the time when
8 those entitled to receive such fractions are determined, or (4) issue
9 scrip in registered or bearer form which shall entitle the holder to
10 receive a certificate for a full share upon the surrender of such scrip
11 aggregating a full share."

1 SEC. 9. Section four hundred ninety-six A point thirty (496A.30),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line five (5) the word "list" and inserting in
4 lieu thereof the word "record".

5 2. By striking from line nine (9) the word "list" and inserting in
6 lieu thereof the word "record".

7 3. By striking from line fourteen (14) the word "list" and inserting
8 in lieu thereof the word "record".

9 4. By striking from line twenty (20) the word "list" and inserting
10 in lieu thereof the word "record".

1 SEC. 10. Section four hundred ninety-six A point thirty-two
2 (496A.32), Code 1966, is hereby amended by striking lines one (1)
3 through eight (8), inclusive, and by inserting in lieu thereof the fol-
4 lowing:

5 "Each outstanding share, regardless of class, shall be entitled to
6 one vote on each matter submitted to a vote at a meeting of share-
7 holders, except as may be otherwise provided in the articles of incor-
8 poration.

9 If the articles of incorporation provide for more or less than one
10 vote for any share on any matter, every reference in this chapter
11 to a majority or other proportion of shares shall refer to such majority
12 or other proportion of votes."

1 SEC. 11. Section four hundred ninety-six A point thirty-three
2 (496A.33), Code 1966, is hereby amended by striking the last sentence
3 and inserting in lieu thereof the following:

4 "Such trustee or trustees shall keep a record of the holders of
5 voting trust certificates evidencing a beneficial interest in the voting
6 trust, giving the names and addresses of all such holders and the
7 number and class of the shares in respect of which the voting trust
8 certificates held by each are issued, and shall deposit a copy of such
9 record with the corporation at its registered office. The counterpart
10 of the voting trust agreement and the copy of such record so deposited
11 with the corporation shall be subject to the same right of examination
12 by a shareholder of the corporation, in person or by agent or attorney,
13 as are the books and records of the corporation, and such counterpart
14 and such copy of such record shall be subject to examination by any
15 holder of record of voting trust certificates, either in person or by
16 agent or attorney, at any reasonable time for any proper purpose.

17 Agreements among shareholders regarding the voting of their
18 shares shall be valid and enforceable in accordance with their terms.
19 Such agreements shall not be subject to the provisions of this section
20 regarding voting trusts."

1 SEC. 12. Section four hundred ninety-six A point thirty-four
2 (496A.34), Code 1966, is hereby amended as follows:

3 1. By striking the first sentence and inserting in lieu thereof the
4 following: "The business and affairs of a corporation shall be
5 managed by a board of directors consisting of one or more members,
6 except as may be otherwise provided in the articles of incorporation.
7 If any such provision is made in the articles of incorporation, the
8 powers and duties conferred or imposed upon the board of directors
9 by this chapter shall be exercised or performed to such extent and
10 by such person or persons as shall be provided in the articles of in-
11 corporation."

12 2. By adding thereto the following:

13 "No contract or other transaction between a corporation and one
14 or more of its directors or any other corporation, firm, association
15 or entity in which one or more of its directors are directors or officers
16 or are financially interested, shall be either void or voidable because
17 of such relationship or interest or because such director or directors
18 are present at the meeting of the board of directors or a committee
19 thereof which authorizes, approves or ratifies such contract or trans-
20 action or because his or their votes are counted for such purpose, if
21 any of the following occur:

22 1. The fact of such relationship or interest is disclosed or known
23 to the board of directors or committee which authorizes, approves,
24 or ratifies the contract or transaction by a vote or consent sufficient
25 for the purpose without counting the votes or consents of such inter-
26 ested director.

27 2. The fact of such relationship or interest is disclosed or known to
28 the shareholders entitled to vote and they authorize, approve or ratify
29 such contract or transaction by vote or written consent.

30 3. The contract or transaction is fair and reasonable to the cor-
31 poration.

32 Common or interested directors may be counted in determining the
33 presence of a quorum at a meeting of the board of directors or a com-
34 mittee thereof which authorizes, approves, or ratifies such contract
35 or transaction."

1 SEC. 13. Section four hundred ninety-six A point thirty-five
2 (496A.35), Code 1966, is amended as follows:

3 1. By striking from lines twenty-seven (27) and twenty-eight (28)
4 the words "the articles of incorporation" and inserting in lieu thereof
5 the words "this chapter".

6 2. By adding thereto the following new paragraph:

7 "Except as otherwise provided in articles of incorporation, any or
8 all directors may be removed, with or without cause, at a meeting
9 called expressly for that purpose by a vote of the holders of a majority
10 of the shares then entitled to vote at an election of directors. In the
11 case of a corporation having cumulative voting, if less than the entire
12 board is to be removed, no one of the directors may be removed if the
13 votes cast against his removal would be sufficient to elect him if then
14 cumulatively voted at an election of the entire board of directors, or,
15 if there be classes of directors, at an election of the class of directors
16 of which he is a part. Whenever the holders of the shares of any class
17 are entitled to elect one or more directors by the provisions of the

18 articles of incorporation, the provisions of this section shall apply, in
19 respect of the removal of a director or directors so elected, to the vote
20 of the holders of the outstanding shares of that class and not to the
21 vote of the outstanding shares as a whole."

1 SEC. 14. Section four hundred ninety-six A point forty-seven
2 (496A.47), Code 1966, is hereby repealed and the following enacted
3 in lieu thereof:

4 "Each corporation shall keep correct and complete books and
5 records of account and shall keep minutes of the proceedings of its
6 shareholders and board of directors; and shall keep at its registered
7 office or principal place of business, or at the office of its transfer
8 agent or registrar, a record of its shareholders, giving the name and
9 addresses of all shareholders and the number and class of the shares
10 held by each. The office of any transfer agent or registrar may be
11 maintained within or without the state of Iowa. Any books, records
12 and minutes may be in written form or in any other form capable of
13 being converted into written form within a reasonable time.

14 Any person who shall have been a holder of record of shares or
15 of voting trust certificates therefor at least six months immediately
16 preceding his demand, or shall be the holder of record of, or the holder
17 of record of voting trust certificates for, at least five percent of all of
18 the outstanding shares of a corporation, upon written demand stating
19 the purpose thereof, shall have the right to examine, in person, or by
20 agent or attorney, at any reasonable time or times, for any proper
21 purpose its relevant books and records of account, minutes, and record
22 of shareholders and make extracts therefrom.

23 Any officer or agent who, or a corporation which, arbitrarily or in
24 bad faith shall refuse to allow any such shareholder or holder of
25 voting trust certificates, or his agent or attorney, so to examine and
26 make extracts from its books and records of account, minutes and
27 record of shareholders, for any proper purpose, shall be liable to
28 such shareholder or holder of voting trust certificates in a penalty
29 of ten percent of the value of the shares owned by such shareholder,
30 or in respect of which such voting trust certificates are issued, but
31 not to exceed five hundred dollars, in addition to any other damages
32 or remedy afforded him by law, but the court may decrease the amount
33 of such penalty on a finding of mitigating circumstances. It shall be
34 a defense to any action for penalties under this section that the person
35 suing therefor has within two years sold or offered for sale any list
36 of shareholders or of holders of voting trust certificates for shares of
37 such corporation or any other corporation or has aided or abetted
38 any person in procuring any list of shareholders or of holders of
39 voting trust certificates for any such purpose, or has improperly used
40 any information secured through any prior examination of the books
41 and records of account, or minutes, or record of shareholders or of
42 holders of voting trust certificates for shares of such corporation or
43 any other corporation, or was not acting in good faith or for a proper
44 purpose in making his demand.

45 Nothing herein contained shall impair the power of any court of
46 competent jurisdiction, upon proof by a shareholder or holder of
47 voting trust certificates of proper purpose, irrespective of the period
48 of time during which such shareholder or holder of voting trust cer-

49 tificates shall have been a shareholder of record or a holder of record
50 of voting trust certificates, and irrespective of the number of shares
51 held by him or represented by voting trust certificates held by him,
52 to compel the production for examination by such shareholder or
53 holder of voting trust certificates of the books and records of account,
54 minutes and record of shareholders of a corporation.

55 Upon the written request of any shareholder or holder of voting
56 trust certificates for shares of a corporation, the corporation shall
57 mail to such shareholder or holder of voting trust certificates its most
58 recent financial statements showing in reasonable detail its assets
59 and liabilities and the results of its operations."

1 SEC. 15. Section four hundred ninety-six A point forty-nine
2 (496A.49), Code 1966, is hereby amended by striking subsection three
3 (3) and inserting in lieu thereof the following:

4 "The purpose or purposes for which the corporation is organized
5 which may be stated to be, or to include, the transaction of any or
6 all lawful business for which corporations may be incorporated under
7 this chapter."

1 SEC. 16. Section four hundred ninety-six A point fifty-four
2 (496A.54), Code 1966, is hereby amended as follows:

3 1. By striking from lines five (5) and six (6) the word "incor-
4 porators" and inserting in lieu thereof the words "directors named
5 in the articles of incorporation".

6 2. By striking from line nine (9) the word "incorporators" and
7 inserting in lieu thereof the word "directors".

1 SEC. 17. Section four hundred ninety-six A point fifty-seven
2 (496A.57), Code 1966, subsection seven (7), is hereby amended by in-
3 serting in line four (4) after the word "preferences" the words ", or
4 the number of authorized shares".

1 SEC. 18. Section four hundred ninety-six A point fifty-eight
2 (496A.58), Code 1966, is hereby amended by adding thereto the follow-
3 ing new subsection:

4 "The date on which the amendment shall become effective, which
5 may be any date identified by year, month and day not more than
6 ninety days in the future. In the absence of any statement in the
7 articles of amendment as to the date on which the amendment shall
8 become effective, such amendment shall become effective on the date
9 on which the secretary of state issues the certificate of amendment."

1 SEC. 19. Section four hundred ninety-six A point sixty (496A.60),
2 Code 1966, is hereby amended by inserting in line five (5) after the
3 word "accordingly" the words "unless the certificate in conformity
4 with the provisions in the articles of amendment provides that it shall
5 become effective on a stated day not more than ninety days in the
6 future in which event the amendment shall without further action by
7 either the corporation or the secretary of state become effective on
8 the day so stated".

1 SEC. 20. Section four hundred ninety-six A point sixty-one
2 (496A.61), Code 1966, is hereby amended as follows:

3 1. By inserting in subsection three (3) after paragraph "g" a new

4 paragraph as follows:

5 "The date on which the restated articles of incorporation shall be-
6 come effective, which may be any date identified by year, month and
7 day not more than ninety days in the future. In the absence of any
8 statement in the restated articles of incorporation as to the date on
9 which the restated articles of incorporation shall become effective,
10 such restated articles of incorporation shall become effective on the
11 date on which the secretary of state issues the restated certificate of
12 incorporation."

13 2. By inserting in line one hundred thirty-eight (138) after the
14 word "effective" the following:

15 "unless the certificate in conformity with a provision in the restated
16 articles of incorporation provides that it shall become effective on a
17 stated day not more than ninety days in the future in which event
18 the restated articles of incorporation shall without further action by
19 either the corporation or the secretary of state become effective on
20 the day so stated".

1 SEC. 21. Section four hundred ninety-six A point sixty-eight
2 (496A.68), Code 1966, is hereby amended as follows:

3 1. By striking subsection three (3) and inserting in lieu thereof the
4 following:

5 "The manner and basis of converting the shares of each merging
6 corporation into shares or obligations or other securities of the surviv-
7 ing corporation or, in whole or in part, into cash, property or shares,
8 obligations or other securities of any other corporation."

9 2. By adding the following new numbered subsection after subsec-
10 tion three (3) as follows:

11 "The date on which the merger shall become effective which may
12 be any date identified by year, month and day not more than ninety
13 days in the future. In the absence of any statement in the plan of
14 merger as to the date on which the merger shall become effective, such
15 merger shall become effective on the date on which the secretary of
16 state issues the certificate of merger."

17 3. By adding to the end thereof a new paragraph as follows:

18 "The purchase by a corporation of all, or substantially all, of the
19 assets of another corporation, domestic or foreign, followed by dissolu-
20 tion of the selling corporation, shall not, by itself, constitute a merger
21 of such corporations."

1 SEC. 22. Section four hundred ninety-six A point sixty-nine
2 (496A.69), Code 1966, is hereby amended as follows:

3 1. By striking subsection three (3) and inserting in lieu thereof the
4 following:

5 "The manner and basis of converting the shares of each corporation
6 into shares or obligations or other securities of the new corporation,
7 or, in whole or in part, into cash, property or shares, obligations or
8 other securities of any other corporation."

9 2. By adding the following new numbered subsection after subsec-
10 tion three (3) as follows:

11 "The date on which the consolidation shall become effective which
12 may be any date identified by year, month and day not more than
13 ninety days in the future. In the absence of any statement in the plan

14 of consolidation as to the date on which the consolidation shall become
15 effective, such consolidation shall become effective on the date on
16 which the secretary of state issues the certificate of consolidation.”

1 SEC. 23. Section four hundred ninety-six A point seventy
2 (496A.70), Code 1966, is hereby amended by adding the following
3 new paragraph:

4 “Notwithstanding the voting requirements set forth in this section,
5 unless otherwise provided in the articles of incorporation, no vote of
6 the shareholders of a constituent corporation surviving a merger
7 shall be necessary to authorize a merger if (1) the plan of merger
8 does not effect any amendment to the articles of incorporation of the
9 surviving corporation, and (2) the number of authorized unissued
10 shares or treasury shares of any class of the surviving corporation to
11 be issued or delivered under the plan of merger does not exceed
12 fifteen percent of the shares of the surviving corporation of the same
13 class outstanding immediately prior to the effective date of the
14 merger.”

1 SEC. 24. Section four hundred ninety-six A point seventy-one
2 (496A.71), Code 1966, is hereby amended by inserting in line six (6)
3 of subsection three (3) after the period the following:

4 “If a plan of merger is adopted by the constituent corporation sur-
5 viving the merger, by action of its board of directors and without the
6 vote of its shareholders pursuant to the provisions of section four
7 hundred ninety-six A point seventy (496A.70) of the Code, then that
8 fact shall be stated in the articles of merger in lieu of the information
9 as to voting of shares which would otherwise be required by this sub-
10 section.”

1 SEC. 25. Section four hundred ninety-six A point seventy-two
2 (496A.72), Code 1966, is hereby amended as follows:

3 1. By inserting in subsection two (2), line ten (10) after the word
4 “corporation” the words “other than the surviving corporation”.

5 2. By inserting in subsection five (5), line two (2) after the word
6 “corporation” the words “other than the surviving corporation”.

7 3. By adding to the end of subsection five (5) the following new
8 sentence: “If the surviving corporation is the owner of all of the
9 issued shares of the other corporation, the plan of merger may con-
10 tain in lieu of such statement as to mailing, a statement that the
11 surviving corporation is the owner of all such issued shares and that
12 the surviving corporation waived the mailing of a copy of the plan
13 of merger.”

1 SEC. 26. Section four hundred ninety-six A point seventy-three
2 (496A.73), Code 1966, is hereby amended by striking line four (4)
3 and inserting in lieu thereof the following: “become effective unless
4 the certificate in conformity with a provision in the articles of merger
5 or articles of consolidation provides that it shall become effective on a
6 stated day not more than ninety days in the future in which event the
7 merger or consolidation shall without further action by either the
8 corporation or the secretary of state become effective on the day so
9 stated”.

1 SEC. 27. Section four hundred ninety-six A point seventy-four
2 (496A.74), Code 1966, is hereby amended by adding thereto a new
3 paragraph as follows:

4 "The purchase by a corporation, domestic or foreign, of all, or
5 substantially all, of the assets of another corporation, domestic or
6 foreign, followed by dissolution of the selling corporation, shall not,
7 by itself, constitute a merger of such corporations."

1 SEC. 28. Section four hundred ninety-six A point seventy-seven
2 (496A.77), Code 1966, is hereby amended by striking the last para-
3 graph and inserting in lieu thereof the following:

4 "This section shall not apply to the shareholders of the surviving
5 corporation in a merger if such corporation is on the date of the filing
6 of the articles of merger the owner of all outstanding shares of the
7 other corporations, domestic or foreign, which are parties to the
8 merger or if a vote of the shareholders of such corporation is not
9 necessary to authorize such merger. Nor shall it apply to the holders
10 of shares of any class or series if the shares of such class or series
11 were registered on a national securities exchange on the date fixed
12 to determine the shareholders entitled to receive notice of and to vote
13 at the meeting of shareholders at which a plan of merger or con-
14 solidation or a proposed sale or exchange of property and assets is to
15 be acted upon unless the articles of incorporation of the corporation
16 shall otherwise provide."

1 SEC. 29. Section four hundred ninety-six A point ninety-six
2 (496A.96), Code 1966, is hereby amended by striking from lines two
3 (2) and three (3) the words "citizens* of the United States" and in-
4 serting in lieu thereof the words "natural person".

1 SEC. 30. Section four hundred ninety-six A point one hundred
2 five (496A.105), Code 1966, subsection three (3) is hereby amended
3 as follows:

4 1. By striking from line ten (10) the words "a trade" and inserting
5 in lieu thereof the words "an assumed".

6 2. By striking from line eighteen (18) the word "trade" and in-
7 serting in lieu thereof the word "assumed".

8 3. By striking from lines twenty-one (21) and twenty-two (22) the
9 words "a trade" and inserting in lieu thereof the words "an assumed".

10 4. By striking from line thirty-three (33) the word "trade" and
11 inserting in lieu thereof the word "assumed".

12 5. By striking from line thirty-five (35) the word "trade" and
13 inserting in lieu thereof the word "assumed".

14 6. By striking from line forty-four (44) the words "a trade" and
15 inserting in lieu thereof the words "an assumed".

16 7. By striking from line forty-six (46) the words "trade name"
17 and inserting in lieu thereof the following: "assumed name. How-
18 ever, if the assumed name was filed and became effective in December
19 of any year, the first annual fee of five dollars shall be paid at the time
20 of filing of the annual report in the second year following such De-
21 cember".

22 8. By striking from line fifty-four (54) the word "trade" and in-
23 serting in lieu thereof the word "assumed".

*According to enrolled Act.

24 9. By striking from line fifty-six (56) the word "trade" and in-
25 sserting in lieu thereof the word "assumed".

1 SEC. 31. Section four hundred ninety-six A point one hundred
2 twelve (496A.112), Code 1966, is hereby amended as follows:

3 1. By striking from line twenty (20) the words "or with any clerk"
4 and inserting in lieu thereof the words "his deputy or with any per-
5 son".

6 2. By adding after the period in line twenty-nine (29) the following
7 sentence: "Process, notice or demand served on the secretary of state
8 upon a foreign corporation which has withdrawn from this state
9 shall be mailed in the manner provided by this section to the corpora-
10 tion at the address set forth in its application for withdrawal."

11 3. By inserting in line forty (40) after the word "a" the word
12 "foreign".

1 SEC. 32. Section four hundred ninety-six A point one hundred
2 eighteen (496A.118), Code 1966, is hereby amended by striking from
3 lines thirty-one (31) and thirty-two (32) the words "its registered
4 office in this state" and inserting in lieu thereof the words "the prin-
5 cipal office of the corporation in the state or country under the laws
6 of which it is incorporated".

1 SEC. 33. Section four hundred ninety-six A point one hundred
2 nineteen (496A.119), Code 1966, is hereby amended by striking from
3 lines six (6) and seven (7) the words "its registered office in this
4 state" and inserting in lieu thereof the words "the principal office
5 of the corporation in the state or country under the laws of which it
6 is incorporated".

1 SEC. 34. Section four hundred ninety-six A point one hundred
2 twenty-two (496A.122), Code 1966, is hereby amended as follows:

3 1. By striking from line five (5) the word "first" and inserting
4 in lieu thereof the word "thirty-first".

5 2. By striking from line nine (9) the word "first" and inserting in
6 lieu thereof the word "thirty-first".

7 3. By inserting in line eleven (11) after the word "began," the
8 words "or in which, by voluntary election to adopt the provisions of
9 this chapter, it first became subject to the provisions of this chapter,".

10 4. By inserting in line twelve (12) after the word "year," the
11 words "or by such adoption it first became subject to the provisions
12 of this chapter in December of any year,".

13 5. By striking from line fourteen (14) the second word "first" and
14 inserting in lieu thereof the word "thirty-first".

15 6. By inserting in line sixteen (16) after the word "began" the
16 words "or in which, by such adoption, it first became subject to the
17 provisions of this chapter".

18 7. By striking from line nineteen (19) the word "first" and in-
19 sserting in lieu thereof the word "thirty-first".

20 8. By striking the sentence beginning in line twenty-eight (28)
21 and inserting in lieu thereof the following:

22 "Such report shall be deemed filed within the required time if de-
23 posited in the United States mail with postage prepaid in a sealed
24 envelope, properly addressed and postmarked on or prior to the
25 thirty-first day of March."

1 SEC. 35. Section four hundred ninety-six A point one hundred
2 twenty-four (496A.124), Code 1966, subsection seven (7), is amended
3 by adding the following new sentence:

4 "If a single statement of change changes the address of the reg-
5 istered office of more than one corporation, the fee shall be one dollar
6 for each corporation the address of whose registered office is changed
7 thereby."

1 SEC. 36. Section four hundred ninety-six A point one hundred
2 twenty-six (496A.126), Code 1966, is hereby amended by striking
3 from line five (5) after the word "March" the numeral "1" and insert-
4 ing in lieu thereof the numeral "31".

1 SEC. 37. Section four hundred ninety-six A point one hundred
2 twenty-seven (496A.127), Code 1966, is hereby amended by striking
3 from line six (6) after the word "March" the numeral "1" and insert-
4 ing in lieu thereof the numeral "31".

1 SEC. 38. Section four hundred ninety-six A point one hundred
2 twenty-eight (496A.128), Code 1966, is hereby amended as follows:

3 1. By striking from line five (5) before the word "day" the word
4 "first" and inserting in lieu thereof the word "thirty-first".

5 2. By striking from line forty-four (44) the word "first" and in-
6 serting in lieu thereof the word "thirty-first".

1 SEC. 39. Section four hundred ninety-six A point one hundred
2 thirty (496A.130), Code 1966, is hereby amended as follows:

3 1. By striking from line twenty-four (24) the word "first" and
4 inserting in lieu thereof the word "thirty-first".

5 2. By inserting in line thirty-nine (39) after the word "due" the
6 words "or fails to pay prior to the first day of October any fees or
7 penalties prescribed by this chapter".

8 3. By inserting in line forty-five (45) after the word "report" the
9 words "or pay such fees and penalties".

10 4. By inserting in line forty-seven (47) before the word "prior" the
11 words "or paid such fees and penalties".

12 5. By inserting in line one hundred two (102) after the word
13 "report" the words "or failure to pay fees or penalties".

1 SEC. 40. Section four hundred ninety-six A point one hundred
2 forty-two (496A.142), Code 1966, is hereby amended as follows:

3 1. By adding a new sentence to subsection three (3), paragraph
4 "e", subparagraph three (3), as follows:

5 "Such corporation shall be considered validly existing and in good
6 standing for the purpose of this section for a period of three months
7 following the expiration date of the corporation, provided all annual
8 reports due have been filed and all fees due in connection therewith
9 have been paid."

10 2. By striking from subsection eight (8), line four (4), after the
11 word "March" the numeral "1" and inserting in lieu thereof the
12 numeral "31".

Approved April 2, 1970.

CHAPTER 1240

BUSINESS CORPORATIONS

S. F. 292

AN ACT relating to indemnification of officers, directors, employees, and agents of business corporations.

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

1 SECTION 1. Section two (2) of chapter three hundred sixty-three
2 (363), Acts of the Sixty-second General Assembly, is repealed.

1 SEC. 2. Section four hundred ninety-six A point four (496A.4),
2 Code 1966, is amended by adding the following new subsection:

3 "To make indemnification to the following extent and under the
4 following circumstances:

5 a. To indemnify any person who was or is a party or is threatened
6 to be made a party to any threatened, pending, or completed action,
7 suit, or proceeding, whether civil, criminal, administrative, or inves-
8 tigative (other than an action by or in the right of the corporation)
9 by reason of the fact that he is or was a director, officer, employee,
10 or agent of the corporation, or is or was serving at the request of the
11 corporation as a director, officer, employee, or agent of another cor-
12 poration, partnership, joint venture, trust or enterprise, against ex-
13 penses (including attorneys' fees), judgments, fines, and amounts
14 paid in settlement actually and reasonably incurred by him in con-
15 nection with such action, suit, or proceeding if he acted in good faith
16 and in a manner he reasonably believed to be in or not opposed to the
17 best interests of the corporation, and, with respect to any criminal
18 action or proceeding, had no reasonable cause to believe his conduct
19 was unlawful. The termination of any action, suit, or proceeding by
20 judgment, order, settlement, conviction, or upon a plea of nolo con-
21 tendere or its equivalent, shall not, of itself, create a presumption
22 that the person did not act in good faith and in a manner which he
23 reasonably believed to be in or not opposed to the best interests of
24 the corporation, and, with respect to any criminal action or proceed-
25 ing, had reasonable cause to believe that his conduct was unlawful.

26 b. To indemnify any person who was or is a party or is threatened
27 to be made a party to any threatened, pending, or completed action
28 or suit by or in the right of the corporation to procure a judgment
29 in its favor by reason of the fact that he is or was a director, officer,
30 employee, or agent of the corporation, or is or was serving at the
31 request of the corporation as a director, officer, employee, or agent
32 of another corporation, partnership, joint venture, trust, or another
33 enterprise against expenses (including attorneys' fees) actually and
34 reasonably incurred by him in connection with the defense or settle-
35 ment of such action or suit if he acted in good faith and in a manner
36 he reasonably believed to be in or not opposed to the best interests
37 of the corporation and except that no indemnification shall be made
38 in respect of any claim, issue, or matter as to which such person shall
39 have been adjudged to be liable for negligence or misconduct in the
40 performance of his duty to the corporation unless and only to the
41 extent that the court in which such action or suit was brought shall
42 determine upon application that, despite the adjudication of liability

43 but in view of all circumstances of the case, such person is fairly and
44 reasonably entitled to indemnity for such expenses which such court
45 shall deem proper.

46 *c.* To the extent that a director, officer, employee, or agent of a
47 corporation has been successful on the merits or otherwise in defense
48 of any action, suit, or proceeding referred to in paragraphs "*a*" and
49 "*b*", or in defense of any claim, issue, or matter therein, he shall be
50 indemnified against expenses (including attorneys' fees) actually and
51 reasonably incurred by him in connection therewith.

52 *d.* Any indemnification under paragraphs "*a*" and "*b*" (unless
53 ordered by a court) shall be made by the corporation only as author-
54 ized in the specific case upon a determination that the indemnification
55 of the director, officer, employee, or agent is proper in the circum-
56 stances because he has met the applicable standard of conduct set
57 forth in paragraphs "*a*" and "*b*". Such determination shall be made
58 (1) by the board of directors by a majority vote of a quorum consist-
59 ing of directors who were not parties to such action, suit, or proceed-
60 ing, or (2) if such a quorum is not obtainable, or, even if obtainable,
61 a quorum of disinterested directors so directs, by independent legal
62 counsel in a written opinion, or (3) by the shareholders.

63 *e.* Expenses incurred in defending a civil or criminal action, suit,
64 or proceeding may be paid by the corporation in advance of the final
65 disposition of such action, suit, or proceeding as authorized in the
66 manner provided in paragraph "*d*" upon receipt of an undertaking
67 by or on behalf of the director, officer, employee, or agent to repay
68 such amount unless it shall ultimately be determined that he is en-
69 titled to be indemnified by the corporation as authorized in this
70 section.

71 *f.* The indemnification provided by this section shall not be deemed
72 exclusive of any other rights to which those indemnified may be en-
73 titled under any bylaw, agreement, vote of shareholders or disinter-
74 ested directors, or otherwise, both as to action in his official capacity
75 and as to action in another capacity while holding such office, and
76 shall continue as to a person who has ceased to be a director, officer,
77 employee, or agent and shall inure to the benefit of the heirs, execu-
78 tors, and administrators of such a person.

79 *g.* A corporation shall have power to purchase and maintain insur-
80 ance on behalf of any person who is or was a director, officer, em-
81 ployee, or agent of the corporation, or is or was serving at the request
82 of the corporation as a director, officer, employee, or agent of another
83 corporation, partnership, joint venture, trust, or other enterprise
84 against any liability asserted against him and incurred by him in any
85 such capacity or arising out of his status as such, whether or not the
86 corporation would have the power to indemnify him against such
87 liability under the provisions of this section.

Approved January 20, 1970.

CHAPTER 1241

ECONOMIC DEVELOPMENT CORPORATIONS

S. F. 1209

AN ACT relating to membership on the board of directors of economic development corporations.

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

1 SECTION 1. Section four hundred ninety-six B point thirteen
2 (496B.13), Code 1966, as amended by chapter two hundred sixty-seven
3 (267), section three (3), Acts of the Sixty-third General Assembly,
4 First Session, is further amended by adding at the end thereof the
5 following new paragraph:
6 "Notwithstanding any provisions of law to the contrary, officers
7 and directors of insurance companies and other financial institutions
8 may be members of the board of directors of any corporation organ-
9 ized for the purposes of this chapter to which the insurance company
10 or other financial institution may make a loan or may make an invest-
11 ment."

Approved March 13, 1970.

CHAPTER 1242

PROFESSIONAL CORPORATIONS

S. F. 554

AN ACT relating to professional corporations and foreign professional corporations.

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

1 SECTION 1. **Short title.** This Act shall be known and may be
2 cited as the "Iowa Professional Corporation Act".
1 SEC. 2. **Definitions.** As used in this Act, unless the context
2 otherwise requires, the definitions contained in the Iowa Business
3 Corporation Act apply, and:
4 1. "Profession" means the profession of certified public account-
5 ancy, architecture, chiropractic, dentistry, professional engineering,
6 land surveying, law, medicine and surgery, optometry, osteopathy,
7 osteopathic medicine and surgery, podiatry, or veterinary medicine.
8 2. "Professional corporation" means a corporation subject to this
9 Act, except a foreign professional corporation.
10 3. "Foreign professional corporation" means a corporation organ-
11 ized under laws other than the laws of this state for a purpose for
12 which a professional corporation may be organized under this Act.
13 4. "Licensed" includes registered, certified, admitted to practice,
14 or otherwise legally authorized under the laws of this state.
15 5. "Regulating board" means any board, commission, court, or
16 governmental authority which, under the laws of this state, is
17 charged with the licensing, registration, certification, admission to
18 practice, or other legal authorization of the practitioners of any
19 profession.

20 6. "Voluntary transfer" includes any sale, voluntary assignment,
21 gift, pledge, or encumbrance; any voluntary change of legal or equi-
22 table ownership or beneficial interest; or any voluntary change of
23 persons having voting rights with respect to any shares, except as
24 proxies; but does not include any transfer of an individual's shares
25 or other property to a guardian or conservator appointed for such
26 individual or his property.

27 7. "Employees" or "agents" does not include clerks, stenogra-
28 phers, secretaries, bookkeepers, technicians, or other persons who are
29 not usually and ordinarily considered by custom and practice to be
30 practicing a profession, nor any other person who performs all his
31 duties for the professional corporation under the direct supervision
32 and control of one or more officers, employees, or agents of the pro-
33 fessional corporation who are duly licensed in this state to practice
34 a profession which the corporation is authorized to practice in this
35 state. This Act shall not be construed to require any such persons
36 to be licensed to practice a profession if they are not required to be
37 licensed under any other law of this state.

1 **SEC. 3. Applicability of Iowa Business Corporation Act.** The
2 Iowa Business Corporation Act shall be construed as part of this Act
3 and shall apply to professional corporations, including, but not lim-
4 ited to, their organization, reports, fees, authority, powers, rights,
5 and the regulation and conduct of their affairs. The provisions of
6 the Iowa Business Corporation Act on foreign corporations shall
7 apply to foreign professional corporations. The provisions of this
8 Act shall prevail over any inconsistent provisions of the Iowa Busi-
9 ness Corporation Act or any other law.

1 **SEC. 4. Purposes and powers.** A professional corporation shall
2 be organized only for the purpose of engaging in the practice of one
3 specific profession, or two or more specific professions which could
4 lawfully be practiced in combination by a licensed individual or a
5 partnership of licensed individuals, and for the additional purpose
6 of doing all lawful things which may be incidental to or necessary
7 or convenient in connection with the practice of the profession or
8 professions. The articles of incorporation shall state in substance
9 that the purposes for which the corporation is organized are to
10 engage in the general practice of a specified profession or profes-
11 sions, or one or more specified branches or divisions thereof, and
12 to do all lawful things which may be incidental to or necessary or
13 convenient in connection with the practice of the profession or pro-
14 fessions. Each professional corporation, unless otherwise provided
15 in its articles of incorporation or unless expressly prohibited by this
16 Act, shall have all powers granted to corporations by the Iowa Busi-
17 ness Corporation Act.

1 **SEC. 5. Corporate name.** The corporate name of a professional
2 corporation, the corporate name of a foreign professional corpora-
3 tion or its name as modified for use in this state, and any assumed
4 name or trade name adopted by a professional corporation or for-
5 eign professional corporation shall contain the words "professional
6 corporation" or the abbreviation "P.C.", and except for the addition
7 of such words or abbreviation, shall be a name which could lawfully

8 be used by a licensed individual or by a partnership of licensed
9 individuals in the practice in this state of a profession which the
10 corporation is authorized to practice. Each regulating board may
11 by rule or regulation adopt additional requirements as to the cor-
12 porate names and assumed or trade names of professional corpora-
13 tions and foreign professional corporations which are authorized to
14 practice a profession which is within the jurisdiction of the regu-
15 lating board.

1 **SEC. 6. Who may incorporate.** One or more individuals having
2 capacity to contract, each of whom is licensed to practice in this state
3 a profession which the professional corporation is to be authorized
4 to practice, may act as incorporators of a professional corporation.

1 **SEC. 7. Practice by professional corporation.** Notwithstanding
2 any other statute or rule of law, a professional corporation may prac-
3 tice a profession, but may do so in this state only through share-
4 holders, directors, officers, employees, and agents who are licensed
5 to practice the same profession in this state.

6 In its practice of a profession, no professional corporation shall
7 do any act which could not lawfully be done by individuals licensed
8 to practice the profession which the professional corporation is
9 authorized to practice.

1 **SEC. 8. Professional regulation.** No professional corporation
2 shall be required to register with or to obtain any license, registra-
3 tion, certificate, or other legal authorization from any regulating
4 board in order to practice a profession. Except as provided in this
5 section, nothing in this Act shall restrict or limit in any manner the
6 authority or duties of any regulating board with respect to indi-
7 viduals practicing any profession which is within the jurisdiction
8 of the regulating board, even if the individual is a shareholder, direc-
9 tor, officer, employee, or agent of a professional corporation or for-
10 eign professional corporation and practices his profession through
11 such corporation.

1 **SEC. 9. Relationship and liability to persons served.** This Act
2 does not modify any law applicable to the relationship between an
3 individual practicing a profession and a person receiving profes-
4 sional services, including, but not limited to, any liability arising
5 out of such practice and any law respecting privileged communica-
6 tions.

7 This Act does not modify or affect the ethical standards or stand-
8 ards of conduct of any profession, including, but not limited to,
9 any standards prohibiting or limiting the practice of the profession
10 by a corporation or prohibiting or limiting the practice of two or
11 more professions in combination. All such standards shall apply to
12 the shareholders, directors, officers, employees, and agents through
13 whom a professional corporation practices any profession in this
14 state, to the same extent that the standards apply to an individual
15 practitioner.

16 Unless otherwise provided in the articles of incorporation, the
17 liability of the shareholders of a professional corporation, as share-
18 holders, shall be limited in the same manner and to the same extent

19 as in the case of a corporation organized under the Iowa Business
20 Corporation Act.

1 **SEC. 10. Issuance of shares.** Shares of a professional corpora-
2 tion may be issued, and treasury shares may be disposed of, only to
3 individuals who are licensed to practice in this state a profession
4 which the corporation is authorized to practice.

5 Unless otherwise provided in the articles of incorporation or by-
6 laws, the affirmative vote or consent in writing of all of the out-
7 standing shareholders entitled to vote, or such lesser proportion as
8 may be provided in the articles or bylaws, is necessary in order to
9 authorize the issuance of any shares or the disposal of any treasury
10 shares, and to fix the consideration for shares or treasury shares.

11 No shares of a professional corporation shall at any time be issued
12 in, transferred into, or held in joint tenancy, tenancy in common, or
13 any other form of joint ownership or co-ownership.

14 The Iowa securities law shall not be applicable to nor govern any
15 transaction relating to any shares of a professional corporation.

1 **SEC. 11. Transfer of shares.** No shareholder or other person
2 shall make any voluntary transfer of any shares in a professional
3 corporation to any person, except to the professional corporation or
4 to an individual who is licensed to practice in this state a profession
5 which the corporation is authorized to practice.

6 Unless otherwise provided in the articles of incorporation or by-
7 laws, the affirmative vote or consent in writing of all of the out-
8 standing shareholders entitled to vote, or such lesser proportion as
9 may be provided in the articles or bylaws, is necessary in order to
10 authorize any voluntary transfer of any shares of a professional
11 corporation.

12 The articles of incorporation or bylaws may contain any additional
13 provisions restricting the transfer of shares.

1 **SEC. 12. Convertible securities; stock rights and options.** No
2 professional corporation shall create or issue any securities con-
3 vertible into shares of the professional corporation. The provisions
4 of this Act with respect to the issuance and transfer of shares and
5 disposal of treasury shares apply to the creation, issuance, and trans-
6 fer of any rights or options entitling the holder to purchase from a
7 professional corporation any shares of the corporation, including
8 treasury shares. Rights or options shall not be transferable, whether
9 voluntarily, involuntarily, by operation of law, or in any other man-
10 ner. Upon the death of the holder, or whenever the holder ceases to
11 be licensed to practice in this state a profession which the corpora-
12 tion is authorized to practice, the rights or options shall expire.

1 **SEC. 13. Voting trust; proxy.** No shareholder of a professional
2 corporation shall create or enter into a voting trust or any other
3 agreement conferring upon any other person the right to vote or
4 otherwise represent any shares of a professional corporation, and
5 no such voting trust or agreement is valid or effective. Any proxy
6 of a shareholder of a professional corporation shall be an individual
7 licensed to practice in this state a profession which the corporation
8 is authorized to practice. Any provision in any proxy instrument

9 denying the right of the shareholder to revoke the proxy at any time
10 or for any period of time is not valid or effective. This section does
11 not otherwise limit the right of a shareholder to vote by proxy,
12 but the articles of incorporation or bylaws may further limit or deny
13 the right to vote by proxy.

1 SEC. 14. **Required purchase by professional corporation of its**
2 **own shares.** Notwithstanding any other statute or rule of law, a
3 professional corporation shall purchase its own shares as provided in
4 this section; and the shareholders of a professional corporation and
5 their executors, administrators, legal representatives, and successors
6 in interest, shall sell and transfer the shares held by them as provided
7 in this section.

8 The corporation may validly purchase its own shares even though
9 its net assets are less than its stated capital, or even though by so
10 doing its net assets would be reduced below its stated capital.

11 Upon the death of a shareholder, the professional corporation shall
12 immediately purchase all shares held by the deceased shareholder.

13 In order to remain a shareholder of a professional corporation, a
14 shareholder shall at all times be licensed to practice in this state a
15 profession which the corporation is authorized to practice. When-
16 ever any shareholder does not have or ceases to have this qualifica-
17 tion, the corporation shall immediately purchase all shares held by
18 that shareholder.

19 Whenever any person other than the shareholder of record be-
20 comes entitled to have shares of the corporation transferred into his
21 name or to exercise voting rights, except as a proxy, with respect to
22 shares of the corporation, the corporation shall immediately purchase
23 such shares. Without limiting the generality of the foregoing, this
24 section shall be applicable whether the event occurs as a result of
25 the appointment of a guardian or conservator for a shareholder or
26 his property, transfer of shares by operation of law, involuntary
27 transfer of shares, judicial proceedings, execution, levy, bankruptcy
28 proceedings, receivership proceedings, foreclosure or enforcement of
29 a pledge or encumbrance, or any other situation or occurrence. How-
30 ever, this section does not apply to any voluntary transfer of shares
31 as defined in this Act.

32 Shares purchased by the corporation under the provisions of this
33 section shall be transferred to the corporation as of the close of busi-
34 ness on the date of the death or other event which requires purchase.
35 The shareholder and his executors, administrators, legal representa-
36 tives, or successors in interest, shall promptly do all things which
37 may be necessary or convenient to cause transfer to be made as of
38 the transfer date. However, the shares shall promptly be trans-
39 ferred on the stock transfer books of the corporation as of the trans-
40 fer date, notwithstanding any delay in transferring or surrendering
41 the shares or certificates representing the shares, and the transfer
42 shall be valid and effective for all purposes as of the close of business
43 on the transfer date. The purchase price for such shares shall be
44 paid as provided in this Act, but the transfer of shares to the corpo-
45 ration as provided in this section shall not be delayed or effected by
46 any delay or default in making payment.

47 Notwithstanding the foregoing provisions of this section, purchase

48 by the corporation is not required upon the occurrence of any event
49 other than death of a shareholder, if the corporation is dissolved
50 within sixty days after the occurrence of the event. The articles of
51 incorporation or bylaws may provide that purchase is not required
52 upon the death of a shareholder, if the corporation is dissolved within
53 sixty days after the death.

54 Unless otherwise provided in the articles of incorporation or by-
55 laws or in an agreement among all shareholders of the professional
56 corporation:

57 1. The purchase price for shares shall be their book value as of
58 the end of the month immediately preceding the death or other event
59 which requires purchase. Book value shall be determined from the
60 books and records of the professional corporation in accordance with
61 the regular method of accounting used by the corporation, uniformly
62 and consistently applied. Adjustments to book value shall be made,
63 if necessary, to take into account work in process and accounts re-
64 ceivable. Any final determination of book value made in good faith
65 by any independent certified public accountant or firm of certified
66 public accountants employed by the corporation for the purpose shall
67 be conclusive on all persons.

68 2. The purchase price shall be paid in cash as follows: Upon the
69 death of a shareholder, thirty percent of the purchase price shall
70 be paid within ninety days after death, and the balance shall be paid
71 in three equal annual installments on the first three anniversaries
72 of the death. Upon the happening of any other event referred to in
73 this section, one-tenth of the purchase price shall be paid within
74 ninety days after the date of such event, and the balance shall be
75 paid in three equal annual installments on the first three anniver-
76 saries of the date of the event.

77 3. Interest from the date of death or other event shall be payable
78 annually on principal payment dates, at the rate of six percent per
79 annum on the unpaid balance of the purchase price.

80 4. All persons who are shareholders of the professional corpora-
81 tion on the date of death or other event, and their executors, admin-
82 istrators, and legal representatives, shall, to the extent the corpora-
83 tion fails to meet its obligations hereunder, be jointly liable for the
84 payment of the purchase price and interest in proportion to their
85 percentage of ownership of the corporation's shares, disregarding
86 shares of the deceased or withdrawing shareholder.

87 5. The part of the purchase price remaining unpaid after the
88 initial payment shall be evidenced by a negotiable promissory note,
89 which shall be executed by the corporation and all shareholders
90 liable for payment. Any person liable on the note shall have the
91 right to prepay the note in full or in part at any time.

92 6. If the person making any payment is not reasonably able to
93 determine which of two or more persons is entitled to receive a pay-
94 ment, or if the payment is payable to a person who is unknown, or
95 who is under disability and there is no person legally competent to
96 receive the payment, or who cannot be found after the exercise of
97 reasonable diligence by the person making the payment, it shall be
98 deposited with the treasurer of state and shall be subject to the pro-
99 visions of the Iowa Business Corporation Act with respect to funds

100 deposited with the treasurer of state upon the voluntary or involun-
101 tary dissolution of a corporation.

102 7. Notwithstanding the provisions of this section, no part of the
103 purchase price shall be required to be paid until the certificates rep-
104 resenting such shares have been surrendered to the corporation.

105 8. Notwithstanding the provisions of this section, payment of
106 any part of the purchase price for shares of a deceased shareholder
107 shall not be required until the executor or administrator of the de-
108 ceased shareholder provides any indemnity, release, or other docu-
109 ment from any taxing authority, which is reasonably necessary to
110 protect the corporation against liability for estate, inheritance, and
111 death taxes.

112 The articles of incorporation or bylaws or an agreement among all
113 shareholders of a professional corporation may provide for a differ-
114 ent purchase price, a different method of determining the purchase
115 price, a different interest rate or no interest, and other terms, condi-
116 tions, and schedules of payment.

117 The articles of incorporation or bylaws or an agreement among
118 all shareholders of a professional corporation may provide for the
119 optional or mandatory purchase of its own shares by the corporation
120 in other situations, subject to any applicable law regarding such
121 purchase.

1 SEC. 15. **Certificates representing shares.** Each certificate rep-
2 resenting shares of a professional corporation shall state in sub-
3 stance that the certificate represents shares in a professional corpo-
4 ration and is not transferable except as expressly provided in the
5 Iowa Professional Corporation Act and in the articles of incorpora-
6 tion and bylaws of the corporation.

1 SEC. 16. **Management.** All directors of a professional corpora-
2 tion and all officers of a professional corporation except assistant
3 officers, shall at all times be individuals who are licensed to practice
4 in this state a profession which the corporation is authorized to
5 practice. No person who is not licensed shall have any authority or
6 duties in the management or control of the corporation. If any
7 director or any officer ceases to have this qualification, he shall imme-
8 diately and automatically cease to hold the directorship or office.

1 SEC. 17. **Bylaws.** The initial bylaws of a professional corpora-
2 tion shall be adopted by its board of directors. The power to alter,
3 amend, or repeal the bylaws or adopt new bylaws is reserved to and
4 vested in the shareholders unless granted to the board of directors
5 by the articles of incorporation.

1 SEC. 18. **Merger or consolidation.** No professional corporation
2 shall merge or consolidate with any other corporation except another
3 professional corporation subject to this Act. Merger or consolidation
4 shall not be permitted unless the surviving or new corporation is
5 a professional corporation which complies with all requirements of
6 this Act.

1 SEC. 19. **Dissolution or liquidation.** Violation of any provision
2 of this Act by a professional corporation or any of its shareholders,
3 directors, or officers, shall be cause for its involuntary dissolution,

4 or liquidation of its assets and business by the district court, as
5 provided in the Iowa Business Corporation Act. Upon the death of
6 the last remaining shareholder of a professional corporation, or
7 whenever the last remaining shareholder is not licensed or ceases to
8 be licensed to practice in this state a profession which the corporation
9 is authorized to practice, or whenever any person other than the
10 shareholder of record becomes entitled to have all shares of the last
11 remaining shareholder of the corporation transferred into his name
12 or to exercise voting rights, except as a proxy, with respect to such
13 shares, the corporation shall not practice any profession and it shall
14 be promptly dissolved. However, if prior to such dissolution all out-
15 standing shares of the corporation are acquired by one or more per-
16 sons licensed to practice in this state a profession which the corpora-
17 tion is authorized to practice, the corporation need not be dissolved
18 and may practice the profession as provided in this Act.

1 **SEC. 20. Foreign professional corporation.** A foreign profes-
2 sional corporation may practice a profession in this state if it com-
3 plies with the provisions of the Iowa Business Corporation Act on
4 foreign corporations. The secretary of state may prescribe forms
5 for such purpose.

6 A foreign professional corporation may practice a profession in
7 this state only through shareholders, directors, officers, employees,
8 and agents who are licensed to practice the profession in this state.
9 The provisions of this Act with respect to the practice of a profes-
10 sion by a professional corporation apply to a foreign professional
11 corporation.

12 The certificate of authority of a foreign professional corporation
13 may be revoked by the secretary of state as provided in the Iowa
14 Business Corporation Act, if the foreign professional corporation
15 fails to comply with any provision of this Act.

16 This Act shall not be construed to prohibit the practice of a pro-
17 fession in this state by an individual who is a shareholder, director,
18 officer, employee, or agent of a foreign professional corporation, if
19 the individual could lawfully practice the profession in this state in
20 the absence of any relationship to a foreign professional corporation.
21 The preceding sentence shall apply regardless of whether or not the
22 foreign professional corporation is authorized to practice a profes-
23 sion in this state.

1 **SEC. 21. Annual report.** Each annual report of a professional
2 corporation or foreign professional corporation shall, in addition to
3 the information required by the Iowa Business Corporation Act, set
4 forth:

- 5 1. The name and address of each shareholder.
- 6 2. In the case of a professional corporation, a statement under
7 oath whether or not all shareholders, directors, and officers, except
8 assistant officers, of the corporation are licensed to practice in this
9 state a profession which the corporation is authorized to practice,
10 and whether or not all employees and agents of the corporation who
11 practice a profession in this state on behalf of the corporation are
12 licensed to practice the profession in this state.
- 13 3. In the case of a foreign professional corporation, a statement

14 under oath whether or not all shareholders, directors, officers, em-
 15 ployees, and agents who practice a profession in this state on behalf
 16 of the corporation are licensed to practice the profession in this
 17 state.

18 4. Additional information necessary or appropriate to enable the
 19 secretary of state or regulating board to determine whether the pro-
 20 fessional corporation or foreign professional corporation is comply-
 21 ing with this Act.

22 Information shall be set forth on forms prescribed and furnished
 23 by the secretary of state.

24 Duplicate originals of each annual report of a professional corpo-
 25 ration or foreign professional corporation shall be delivered to the
 26 secretary of state for filing, and the secretary of state shall promptly
 27 deliver one of the duplicate originals to the regulating board having
 28 jurisdiction of the profession or professions which the corporation
 29 is authorized to practice. The provisions of the Iowa Business Cor-
 30 poration Act relating to annual license fee shall apply to professional
 31 corporations.

1 SEC. 22. Corporations organized under other laws. This Act
 2 shall not apply to or interfere with the practice of any profession
 3 by or through any corporation hereafter organized under any other
 4 law of this state or any other state or country, if such practice is
 5 lawful under any other statute or rule of law of this state.

6 Any corporation subject to the provisions of the Iowa Business
 7 Corporation Act may voluntarily elect to adopt this Act and become
 8 subject to its provisions, by amending its articles of incorporation
 9 to be consistent with all provisions of this Act and by stating in
 10 its amended articles of incorporation that the corporation has volun-
 11 tarily elected to adopt this Act.

12 Any corporation organized under any law of any other state or
 13 country may become subject to the provisions of this Act by comply-
 14 ing with all provisions of this Act with respect to foreign profes-
 15 sional corporations.

1 SEC. 23. Section one hundred sixteen point sixteen (116.16), Code
 2 1966, is hereby repealed.

Approved March 4, 1970.

CHAPTER 1243

CO-OPERATIVE ASSOCIATIONS

S. F. 270

AN ACT relating to merger and consolidation of cooperative associations.

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

1 SECTION 1. Chapter four hundred ninety-nine (499), Code 1966,
 2 is hereby amended by adding sections two (2) through twelve (12),
 3 inclusive, of this Act.

1 SEC. 2. When used in this Act, unless the context otherwise re-
 2 quires:

3 1. "Merger" means the uniting of two or more cooperative associa-
4 tions into one cooperative association, in such manner that one of the
5 merging associations retains its corporate existence and absorbs the
6 others, which cease to exist as corporate entities. "Merger" does not
7 include the mere acquisition, by purchase or otherwise, of the assets
8 of one cooperative association by another.

9 2. "Consolidation" means the uniting of two or more cooperative
10 associations into one cooperative association, in such manner that a
11 new cooperative association is formed, and the new cooperative asso-
12 ciation absorbs the others, which cease to exist as separate entities.

13 3. "Surviving association" is the cooperative association resulting
14 from the merger of two or more cooperative associations.

15 4. "New association" is the cooperative association resulting from
16 the consolidation of two or more cooperative associations.

1 SEC. 3. Any two or more cooperative associations may merge into
2 one cooperative association in the following manner:

3 The board of directors of each cooperative association shall, by
4 resolution adopted by a majority vote of all members of each board,
5 approve a plan of merger which shall set forth:

6 1. The names of the cooperative associations proposing to merge
7 and the name of the surviving association.

8 2. The terms and conditions of the proposed merger.

9 3. A statement of any changes in the articles of incorporation of
10 the surviving association.

11 4. Other provisions deemed necessary or desirable.

1 SEC. 4. Any two or more cooperative associations may be con-
2 solidated into a new cooperative association in the following manner:

3 The board of directors of each cooperative association shall, by
4 resolution adopted by a majority vote of all members of each board,
5 approve a plan of consolidation setting forth:

6 1. The names of the cooperative associations proposing to con-
7 solidate and the name of the new association.

8 2. The terms and conditions of the proposed consolidation.

9 3. With respect to the new association, all of the statements re-
10 quired to be set forth in articles of incorporation for cooperative
11 associations.

12 4. Other provisions deemed necessary or desirable.

1 SEC. 5. The board of directors of each cooperative association,
2 upon approving a plan of merger or consolidation, shall, by motion or
3 resolution, direct that the plan be submitted to a vote at a meeting
4 of members, which may be either an annual or special meeting. Written
5 notice shall be given not less than twenty days prior to the meeting,
6 either personally or by mail to each member and shareholder of
7 record. The notice shall state the time, place, and purpose of the
8 meeting, and a summary of the plan of merger or consolidation shall
9 be included in or enclosed with the notice.

10 At the meeting, a ballot of the members who are entitled to vote
11 in the affairs of the association shall be taken on the proposed plan
12 of merger or consolidation. The plan of merger or consolidation
13 shall be approved if two-thirds of the members vote affirmatively on a
14 ballot in which a majority of all voting members participate. Voting

15 may be by mail ballot notwithstanding any contrary provision in
16 the articles of incorporation or bylaws.

1 SEC. 6. If a member or shareholder of a cooperative association
2 which is a party to a merger or consolidation files with the coopera-
3 tive association, prior to or at the meeting of members at which the
4 plan is submitted to a vote, a written objection to the plan of merger
5 or consolidation, and does not vote in favor of the plan, and such
6 member or shareholder, within twenty days after the merger or
7 consolidation is approved by the other members, makes written de-
8 mand on the surviving or new association for payment of the fair
9 value of his interest as of the day prior to the date on which the vote
10 was taken approving the merger or consolidation, the surviving or
11 new association shall pay to such member or shareholder, upon sur-
12 render of his certificate of membership or shares of stock, the fair
13 value of his interest. Any member or shareholder failing to make
14 demand within the twenty-day period shall be conclusively presumed
15 to have consented to the merger or consolidation and shall be bound
16 by its terms.

17 In the event any dissenting member or shareholder shall apply for
18 membership in the surviving or new association, before payment has
19 been made for his membership or stock, the dissenting member or
20 shareholder shall be deemed to have consented to the merger or con-
21 solidation and to have waived all further rights as a dissenting mem-
22 ber or shareholder.

1 SEC. 7. The fair value of the interest of a member or shareholder
2 shall include the issue price of his membership or capital stock, his
3 deferred patronage dividends, his portion of patronage dividends not
4 previously allocated and available for allocation on the day preceding
5 the vote on merger or consolidation, deferred dividends on his common
6 or preferred stock, and his proportionate share based upon unpaid de-
7 ferred patronage dividends of any surplus and educational fund re-
8 serve of the cooperative association. Payment shall be made as fol-
9 lows:

10 1. The issue price of his membership or capital stock shall be
11 paid within ninety days from date of demand.

12 2. Deferred patronage dividends not otherwise paid in cash, and
13 however evidenced, shall be paid at the same time and proportioned
14 the same as the deferred patronage dividends and current dividends
15 of nondissenting members or shareholders, but in any event within
16 seven years from date of demand.

17 3. At least twenty percent of his proportionate share in the sur-
18 plus and educational fund reserve shall be paid within one year after
19 date of merger or consolidation, and at least twenty percent each year
20 thereafter until fully paid.

21 Each dissenting member, promptly following the vote on merger or
22 consolidation, shall be furnished a balance sheet of the cooperative
23 association, a profit and loss statement covering the period since the
24 close of the last fiscal year, and a list of his deferred dividends.

1 SEC. 8. Upon approval, articles of merger or articles of consoli-
2 dation shall be executed by each cooperative association by its presi-
3 dent or a vice-president and by its secretary or an assistant secretary,

4 and acknowledged by one of the officers of each cooperative associa-
5 tion signing the articles, and shall set forth:

- 6 1. The plan of merger or the plan of consolidation.
- 7 2. As to each cooperative association, the number of individuals or
8 cooperative associations entitled to vote.
- 9 3. As to each cooperative association, the number of individuals or
10 cooperative associations who voted for and against the plan at the
11 meeting called for that purpose.

12 The articles of merger or articles of consolidation shall be delivered
13 to the secretary of state for filing and recording in his office, and shall
14 be filed and recorded in the office of the county recorder.

15 The secretary of state, upon the filing of articles of merger or
16 articles of consolidation, shall issue a certificate of merger or a cer-
17 tificate of consolidation, and send the certificate to the surviving or
18 new association, or to its representative.

1 SEC. 9. Upon the issuance of the certificate of merger or the cer-
2 tificate of consolidation by the secretary of state, the merger or con-
3 solidation shall become effective.

4 When a merger or consolidation has become effective:

5 1. The several cooperative associations which are parties to the
6 plan of merger or consolidation shall be a single cooperative associa-
7 tion, which, in the case of a merger, shall be that cooperative associa-
8 tion designated in the plan of merger as the surviving association,
9 and, in the case of consolidation, shall be that cooperative association
10 designated in the plan of consolidation as the new association.

11 2. The separate existence of all cooperative associations which are
12 parties to the plan of merger or consolidation, except the surviving
13 or new association, shall cease.

14 3. The surviving or new association shall have all the rights,
15 privileges, immunities, and powers and shall be subject to all the
16 duties and liabilities of a cooperative association organized under the
17 laws of this state.

18 4. The surviving or new association shall possess all the rights,
19 privileges, immunities, and franchises, public as well as private, of
20 each of the merging or consolidating cooperative associations.

21 5. All property, real, personal, and mixed, and all debts due on
22 whatever account, including subscriptions to shares, and all other
23 choses in action, and all and every other interest, of or belonging to
24 or due to each of the cooperative associations merged or consolidated,
25 shall be transferred to and vested in the surviving or new association
26 without further act or deed. The title to any real estate, or any
27 interest in real estate vested in any of the cooperative associations
28 merged or consolidated, shall not revert or be in any way impaired
29 by reason of the merger or consolidation.

30 6. A surviving or new association shall be responsible and liable
31 for all obligations and liabilities of each of the cooperative associa-
32 tions merged or consolidated.

33 7. Any claim existing or action or proceeding pending by or against
34 any of the cooperative associations merged or consolidated may be
35 prosecuted as if the merger or consolidation had not taken place, or
36 the surviving or new association may be substituted for the merged
37 or consolidated association. Neither the rights of creditors nor any

38 liens upon the property of any cooperative association shall be im-
39 paired by a merger or consolidation.

40 8. In the case of a merger, the articles of incorporation of the
41 surviving association shall be deemed to be amended to the extent that
42 changes in its articles of incorporation are stated in the plan of
43 merger. In the case of a consolidation, the statement set forth in the
44 articles of consolidation which are required or permitted to be set
45 forth in the articles of incorporation of cooperative associations or-
46 ganized under the laws of the state of Iowa shall be deemed to be
47 the original articles of incorporation of the new cooperative associa-
48 tion.

49 9. The aggregate amount of the net assets of the merging or con-
50 solidating cooperative associations which was available for the pay-
51 ment of dividends immediately prior to the merger or consolidation,
52 to the extent that the amount is not transferred to stated capital by
53 the issuance of shares or otherwise, shall continue to be available for
54 the payment of dividends by the surviving or new association.

1 SEC. 10. One or more foreign cooperative associations and one or
2 more domestic cooperative associations may be merged or consolidated
3 in the following manner, if such merger or consolidation is permitted
4 by the laws of the state under which each foreign cooperative associa-
5 tion is organized:

6 1. Each domestic cooperative association shall comply with the
7 provisions of this Act with respect to the merger or consolidation of
8 domestic cooperative associations, and each foreign cooperative asso-
9 ciation shall comply with the applicable provisions of the laws of the
10 state under which it is organized.

11 2. If the surviving or new association is to be governed by the
12 laws of any state other than this state, it shall comply with the pro-
13 visions of the laws of this state with respect to the qualification of
14 foreign cooperative associations if it is to transact business in this
15 state, and in every case it shall file with the secretary of state of
16 this state:

17 *a.* An agreement that it may be served with process in this state
18 in any proceeding for the enforcement of any obligation of any
19 domestic cooperative association which is a party to the merger or
20 consolidation, and in any proceeding for the enforcement of the
21 rights of a dissenting shareholder of any such domestic cooperative
22 association, against the surviving or new association.

23 *b.* An irrevocable appointment of the secretary of state of this
24 state as its agent to accept service of process in any proceeding.

25 *c.* An agreement that it will promptly pay to the dissenting share-
26 holders of any domestic cooperative association the amount to which
27 they are entitled under the provisions of this Act with respect to the
28 rights of dissenters.

29 The effect of such merger or consolidation shall be the same as
30 the effect of the merger or consolidation of domestic cooperative
31 associations, if the surviving or new association is to be governed
32 by the laws of this state. If the surviving or new association is to be
33 governed by the laws of any other state, the effect of merger or
34 consolidation shall be the same as in the case of the merger or con-

35 solidation of domestic cooperative associations, except as the laws of
36 the other state otherwise provide.

1 SEC. 11. At any time prior to the filing of the articles of merger
2 or consolidation, the merger or consolidation may be abandoned pur-
3 suant to provisions set forth in the plan of merger or consolidation.

1 SEC. 12. The provisions of this Act shall also apply to cooperative
2 associations organized under chapters four hundred ninety-seven
3 (497) and four hundred ninety-eight (498) of the Code.

Approved February 5, 1970.

CHAPTER 1244

ANNUITY AND ENDOWMENT CONTRACTS

S. F. 257

AN ACT to prevent dual regulation of certain annuity and endowment contracts.

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

1 SECTION 1. Section five hundred two point three (502.3), Code
2 1966, is hereby amended by adding to subsection one (1) the follow-
3 ing paragraph:

4 "Notwithstanding anything to the contrary in this subsection, the
5 term 'security' does not include any insurance or endowment policy
6 or annuity contract under which an insurance company promises to
7 pay money either in a lump sum or periodically for life or for some
8 other specified period."

Approved January 23, 1970.

CHAPTER 1245

LIFE INSURANCE COMPANIES

H. F. 1169

AN ACT relating to the investment of funds of life insurance companies.

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

1 SECTION 1. Chapter three hundred sixty-seven (367), Acts of the
2 Sixty-second General Assembly, amending section five hundred eleven
3 point eight (511.8), subsection four (4), Code 1966, is hereby amended
4 by inserting after the word "report" in line seven (7) the following:
5 " , or by the Asian Development Bank in an amount not to exceed
6 two percent of its total assets as shown by the last annual report.
7 However, the combined investment in bonds or evidences of indebted-
8 ness permitted by this subsection shall not exceed four percent of its
9 total assets as shown by the last annual report."

Approved May 5, 1970.

CHAPTER 1246
FIRE AND CASUALTY INSURANCE
H. F. 221

AN ACT relating to fire and casualty insurance companies.

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

- 1 SECTION 1. Section five hundred fifteen point thirty-five (515.35),
2 subsection four (4), Code 1966, is hereby amended as follows:
3 1. By striking from lines four (4), five (5), and six (6) the words
4 "worth at least double the amount loaned thereon and secured there-
5 by." and inserting in lieu thereof the words ", provided that at the
6 date of acquisition the total indebtedness secured by such lien shall not
7 exceed seventy-five percent of the value of the property upon which
8 it is a lien."
9 2. By striking from line thirteen (13) the word "one-half" and
10 inserting in lieu thereof the words "seventy-five percent".

Approved February 12, 1970.

CHAPTER 1247
INSOLVENT INSURERS
S. F. 1102

AN ACT to avoid financial loss due to the insolvency of an insurer.

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

- 1 SECTION 1. **Scope.** This Act shall apply to all kinds of direct insur-
2 ance, except life, title, surety, disability, credit, mortgage guaranty,
3 and ocean marine insurance.
- 1 SEC. 2. **Definitions.** As used in this Act unless the context other-
2 wise requires:
- 3 1. "Association" means the Iowa insurance guaranty association
4 created pursuant to section three (3) of this Act.
- 5 2. "Commissioner" means the commissioner of insurance of this
6 state.
- 7 3. "Covered claim" means an unpaid claim, including one for un-
8 earned premiums, which arises out of and is within the coverage of
9 an insurance policy to which this Act applies issued by an insurer,
10 if such insurer becomes an insolvent insurer after the effective date of
11 this Act and one of the following conditions exists:
- 12 a. The claimant or insured is a resident of this state at the time of
13 the insured event.
- 14 b. The property from which the claim arises is permanently located
15 in this state.
- 16 Such term does not include any amount due any reinsurer, insurer,
17 insurance pool, or underwriting association, as subrogation recoveries
18 or otherwise.
- 19 4. "Insolvent insurer" means an insurer authorized to transact in-
20 surance in this state, either at the time the policy was issued or when
21 the insured event occurred, which is determined to be insolvent by a
22 court of competent jurisdiction.

23 5. "Member insurer" means any person, except a county mutual,
24 fraternal, or nonprofit service plan, who:

25 a. Writes any kind of insurance to which this Act applies, includ-
26 ing the exchange of reciprocal or interinsurance contracts.

27 b. Is licensed to transact insurance in this state.

28 6. "Net direct written premiums" means direct gross premiums
29 written in this state on insurance policies to which this Act applies,
30 less return premiums and dividends paid or credited to policyholders
31 on such direct business. Such term does not include premiums on
32 contracts between insurers or reinsurers.

33 7. "Person" means any individual, corporation, partnership, asso-
34 ciation, or voluntary organization.

1 **SEC. 3. Creation of the association.** There is created a nonprofit
2 unincorporated legal entity to be known as the Iowa insurance guar-
3 anty association. All member insurers as defined in section two (2),
4 subsection five (5) of this Act shall be and remain members of the
5 association as a condition of their authority to transact insurance in
6 this state. The association shall perform its functions under a plan of
7 operation established and approved pursuant to section six (6) of
8 this Act and shall exercise its powers through a board of directors
9 established under section four (4) of this Act.

1 **SEC. 4. Board of directors.** The board of directors of the associa-
2 tion shall consist of not less than five nor more than nine persons
3 serving terms as established in the plan of operation. The members
4 of the board shall be selected by member insurers subject to the ap-
5 proval of the commissioner. Vacancies on the board shall be filled
6 for the remaining period of the term in the same manner as initial
7 appointments. If no members are selected within sixty days after the
8 effective date of this Act, the commissioner may appoint the initial
9 members of the board of directors.

10 In approving selections to the board the commissioner shall con-
11 sider among other things whether all member insurers are fairly rep-
12 resented.

13 Members of the board may be reimbursed from the assets of the
14 association for expenses incurred by them as members of the board of
15 directors.

1 **SEC. 5. Duties and powers of the association.**

2 1. The association shall:

3 a. Be obligated to the extent of the covered claims existing prior to
4 the determination of insolvency and arising within thirty days after
5 the determination of insolvency, or before the policy expiration date
6 if less than thirty days after the determination, or before the insured
7 replaces the policy or on request effects cancellation if he does so
8 within thirty days of the determination. Such obligation shall include
9 only that amount of each covered claim which is in excess of one hun-
10 dred dollars and less than three hundred thousand dollars, except
11 that the association shall pay the full amount of any covered claim
12 arising out of a workmen's compensation policy. In no event shall
13 the association be obligated to a policyholder or claimant in an amount
14 in excess of the face amount of the policy from which the claim arises.

15 *b.* Be deemed the insurer to the extent of its obligations on the
16 covered claims and to such extent shall have all rights, duties, and
17 obligations of the insolvent insurer as if the insurer had not become
18 insolvent.

19 *c.* Assess member insurers amounts necessary to pay the obliga-
20 tions of the association under paragraph *a* of this subsection subse-
21 quent to an insolvency, the expenses of handling covered claims subse-
22 quent to an insolvency, the cost of examinations under section ten (10)
23 of this Act, and other expenses authorized by this Act. The assess-
24 ment of each member insurer shall be in the proportion that the net
25 direct written premiums of the member insurer for the preceding cal-
26 endar year bear to the net direct written premiums of all member
27 insurers for the preceding calendar year. Each member insurer shall
28 be notified of the assessment not later than thirty days before it is
29 due. No member insurer may be assessed in any year an amount
30 greater than two percent of that member insurer's net direct written
31 premiums for the preceding calendar year. If the maximum assess-
32 ment, together with the other assets of the association, does not provide
33 in any one year an amount sufficient to make all necessary payments,
34 the funds available shall be prorated and the unpaid portion shall be
35 paid as soon as funds become available. The association may exempt
36 or defer, in whole or in part, the assessment of any member insurer
37 if the assessment would cause the member insurer's financial state-
38 ment to reflect amounts of capital or surplus less than the minimum
39 amounts required for a certificate of authority by any jurisdiction in
40 which the member insurer is authorized to transact insurance. Each
41 member insurer may set off against any assessment, authorized pay-
42 ments made on covered claims and expenses incurred in the payment
43 of such claims by the member insurer.

44 *d.* Investigate claims brought against the fund and adjust, compro-
45 mise, settle, and pay covered claims to the extent of the association's
46 obligation and deny all other claims.

47 *e.* Notify such persons as the commissioner directs under section
48 seven (7), subsection two (2), paragraph *a* of this Act.

49 *f.* Process claims through its employees or through one or more
50 member insurers or other persons designated as servicing facilities.
51 Designation of a servicing facility is subject to the approval of the
52 commissioner, but such designation may be declined by a member
53 insurer.

54 *g.* Reimburse each servicing facility for obligations of the associa-
55 tion paid by the facility and for expenses incurred by the facility
56 while handling claims on behalf of the association, and pay the other
57 expenses of the association authorized by this Act.

58 2. The association may:

59 *a.* Appear in, defend, and appeal any action on a claim brought
60 against the association.

61 *b.* Employ or retain persons necessary to handle claims and perform
62 other duties of the association.

63 *c.* Borrow funds necessary to effect the purposes of this Act in
64 accord with the plan of operation.

65 *d.* Sue or be sued.

66 *e.* Negotiate and become a party to contracts necessary to carry
67 out the purpose of this Act.

68 *f.* Perform such other acts necessary or proper to effectuate the
69 purposes of this Act.

70 *g.* If, at the end of any calendar year, the board of directors finds
71 that the assets of the association exceed its liabilities as estimated by
72 the board of directors for the coming year, refund to the member
73 insurers in proportion to the contribution of each that amount by
74 which the assets of the association exceed the liabilities.

1 **SEC. 6. Plan of operation.**

2 1. The association shall submit a plan of operation to the commis-
3 sioner, together with any amendments necessary or suitable to assure
4 the fair, reasonable, and equitable administration of the association.
5 The plan of operation and any amendments shall become effective
6 upon approval in writing by the commissioner.

7 If the association fails to submit a suitable plan of operation within
8 ninety days following the effective date of this Act or if at any time
9 thereafter the association fails to submit suitable amendments to the
10 plan, the commissioner shall, after notice and opportunity for hearing,
11 adopt and promulgate reasonable rules necessary or advisable to
12 effectuate the provisions of this Act. Such rules shall continue in
13 force until modified by the commissioner or superseded by a plan
14 submitted by the association and approved by the commissioner.

15 2. All member insurers shall comply with the plan of operation.

16 3. The plan of operation shall:

17 *a.* Establish the procedures for performance of all the duties and
18 powers of the association under section five (5) of this Act.

19 *b.* Establish procedures for managing assets of the association.

20 *c.* Establish the amount and method of reimbursing members of
21 the board of directors under section four (4) of this Act.

22 *d.* Establish procedures by which claims may be filed with the asso-
23 ciation and establish acceptable forms of proof of covered claims.
24 Notice of claims to the receiver or liquidator of the insolvent insurer
25 shall be deemed notice to the association or its agent and a list of
26 such claims shall be periodically submitted to the association or sim-
27 ilar organization in another state by the receiver or liquidator.

28 *e.* Establish regular places and times for meetings of the board of
29 directors.

30 *f.* Establish procedures for keeping records of all financial trans-
31 actions of the association, its agents, and the board of directors.

32 *g.* Provide that any member insurer aggrieved by any final action
33 or decision of the association may appeal to the commissioner within
34 thirty days after the action or decision.

35 *h.* Establish procedures for submission to the commissioner of
36 selections for the board of directors.

37 *i.* Contain additional provisions necessary or proper for the execu-
38 tion of the duties and powers of the association.

39 4. The plan of operation may provide that any or all duties and
40 powers of the association, except those under section five (5), subsec-
41 tion one (1), paragraph *c* and section five (5), subsection two (2),
42 paragraph *c* of this Act, are delegated to a person which performs or

43 will perform functions similar to those of this association in two or
44 more states. Such person shall be reimbursed as a servicing facility
45 and shall be paid for performance of any other functions of the asso-
46 ciation. A delegation under this subsection shall take effect only
47 with the approval of both the board of directors and the commis-
48 sioner, and may be made only to a person which extends protection not
49 substantially less favorable and effective than that provided by this
50 Act.

1 **SEC. 7. Duties and powers of the commissioner.**

2 1. The commissioner shall:

3 *a.* Notify the association of the existence of an insolvent insurer
4 not later than three days after he receives notice of the determina-
5 tion of the insolvency.

6 *b.* Upon request of the board of directors, provide the association
7 with a statement of the net direct written premiums of each member
8 insurer.

9 2. The commissioner may:

10 *a.* Require that the association notify the insureds of the insolvent
11 insurer and any other interested parties of the determination of insol-
12 vency and of their rights under this Act. Such notification shall be
13 by mail at their last known address, but if sufficient information for
14 notification by mail is not available, notice by publication in a news-
15 paper of general circulation is sufficient.

16 *b.* Suspend or revoke, after notice and opportunity for hearing, the
17 certificate of authority to transact insurance in this state of any
18 member insurer which fails to pay an assessment when due or fails
19 to comply with the plan of operation. As an alternative, the commis-
20 sioner may levy a fine on any member insurer which fails to pay an
21 assessment when due. Such fine shall not exceed five percent of the
22 unpaid assessment per month, except that no fine shall be less than
23 one hundred dollars per month.

24 *c.* Revoke the designation of any servicing facility if he finds
25 claims are being processed unsatisfactorily.

26 3. Any final action or order of the commissioner under this Act
27 shall be subject to judicial review in the district court.

1 **SEC. 8. Effect of paid claims.**

2 1. Any person recovering under this Act shall be deemed to have
3 assigned his rights under the policy to the association to the extent
4 of his recovery from the association. Every insured or claimant
5 seeking the protection of this Act shall cooperate with the association
6 to the same extent as such person would have been required to cooper-
7 ate with the insolvent insurer. The association shall have no cause
8 of action against the insured of the insolvent insurer for any sums it
9 has paid out.

10 2. The receiver, liquidator, or statutory successor of an insolvent
11 insurer shall be bound by settlements of covered claims by the asso-
12 ciation or a similar organization in another state. The court having
13 jurisdiction shall grant such claims priority equal to that to which
14 the claimant would have been entitled in the absence of this Act
15 against the assets of the insolvent insurer. The expenses of the asso-

16 ciation or similar organization in handling claims shall be accorded
17 the same priority as the liquidator's expenses.

18 3. The association shall periodically file with the receiver or liqui-
19 dator of the insolvent insurer statements of the covered claims paid
20 by the association and estimates of anticipated claims on the associa-
21 tion, which statements shall preserve the rights of the association
22 against the assets of the insolvent insurer.

1 **SEC. 9. Nonduplication of recovery.**

2 1. Any person having a claim against his insurer, under any pro-
3 vision in his insurance policy, which is also a covered claim shall be
4 required to exhaust first his right under the policy. Any amount pay-
5 able on a covered claim under this Act shall be reduced by the amount
6 of recovery under the claimant's insurance policy.

7 2. Any person having a claim which may be recovered under more
8 than one insurance guaranty association or its equivalent shall seek
9 recovery first from the association of the place of residence of the
10 insured. However, if such claim is a first party claim for damage to
11 property with a permanent location recovery shall be first sought
12 from the association of the location of the property; and if such claim
13 is a workmen's compensation claim recovery shall be first sought from
14 the association of the residence of the claimant. Any recovery under
15 this Act shall be reduced by the amount of the recovery from any
16 other insurance guaranty association or its equivalent.

1 **SEC. 10. Prevention of insolvencies.** To aid in the detection and
2 prevention of insurer insolvencies:

3 1. The board of directors shall, upon majority vote, notify the
4 commissioner of any information indicating any member insurer may
5 be insolvent or in a financial condition hazardous to the policyholders
6 or the public.

7 2. The board of directors may, upon majority vote, request that
8 the commissioner order an examination of any member insurer
9 which the board in good faith believes may be in a financial condition
10 hazardous to the policyholders or the public. Within thirty days of
11 the receipt of such request, the commissioner shall begin such examina-
12 tion. The examination may be conducted as a national association
13 of insurance commissioners' examination or may be conducted by such
14 persons as the commissioner designates. The cost of such examination
15 shall be paid by the association and the examination report shall be
16 treated as are other examination reports. In no event shall such
17 examination report be released to the board of directors prior to its
18 release to the public, but this shall not preclude the commissioner
19 from complying with subsection three (3) of this section. The com-
20 missioner shall notify the board of directors when the examination
21 is completed. The request for an examination shall be kept on file
22 by the commissioner but it shall not be open to public inspection prior
23 to the release of the examination report to the public.

24 3. The commissioner shall report to the board of directors when
25 he has reasonable cause to believe that any member insurer examined
26 or being examined at the request of the board of directors may be
27 insolvent or in a financial condition hazardous to the policyholders or
28 the public.

29 4. The board of directors may, upon majority vote, make reports
30 and recommendations to the commissioner upon any matter germane
31 to the solvency, liquidation, rehabilitation, or conservation of any
32 member insurer. Such reports and recommendations are not public
33 documents.

34 5. The board of directors may, upon majority vote, make recom-
35 mendations to the commissioner for the detection and prevention of
36 insurer insolvencies.

37 6. The board of directors shall, at the conclusion of any insurer
38 insolvency in which the association was obligated to pay covered
39 claims, prepare a report on the history and causes of such insolvency,
40 based on the information available to the association, and submit
41 such report to the commissioner.

1 **SEC. 11. Examination of the association.** The association is sub-
2 ject to examination and regulation by the commissioner. The board
3 of directors shall submit, not later than March thirtieth of each
4 year, a financial report for the preceding calendar year in a form
5 approved by the commissioner.

1 **SEC. 12. Tax exemption.** The association is exempt from payment
2 of all fees and all taxes levied by this state or any of its subdivisions,
3 except taxes levied on real or personal property.

1 **SEC. 13. Recognition of assessments in rates.** The rates and
2 premiums charged for insurance policies to which this Act applies
3 shall include amounts sufficient to recoup a sum equal to the amounts
4 paid to the association by the member insurer less any amounts re-
5 turned to the member insurer by the association, and such rates shall
6 not be deemed excessive as a result of containing such recoupment
7 allowances.

1 **SEC. 14. Immunity.** There is no liability, and no cause of action
2 of any nature shall arise against any member insurer, the association,
3 its agents or employees, the board of directors, the commissioner, or
4 his representatives, for any reasonable action taken by them in
5 the performance of their duties and powers under this Act.

1 **SEC. 15. Stay of proceedings.** All proceedings in which the in-
2 solvent insurer is a party in any court in this state shall be stayed
3 for sixty days from the date the insolvency is determined to permit
4 proper defense by the association of all pending causes of action.

1 **SEC. 16. Title.** This Act shall be known and may be cited as the
2 Iowa Insurance Guaranty Association Act.

Approved February 20, 1970.

CHAPTER 1248

AUTOMOBILE INSURANCE POLICIES

S. F. 203

AN ACT relating to cancellation and nonrenewal of automobile insurance policies.

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

1 SECTION 1. This Act shall be known as the "Iowa automobile in-
2 surance cancellation control act."

1 SEC. 2. As used in this Act, unless otherwise required by the
2 context:

3 1. "Policy" means an automobile insurance policy providing bodily
4 injury liability, property damage liability, medical payments, unin-
5 sured motorist coverage, physical damage coverage, or any combina-
6 tion thereof, delivered or issued for delivery in this state, insuring a
7 single individual or one or more related individuals resident in the
8 same household, as named insured, and insuring vehicles of the
9 following types only:

10 a. Motor vehicles of the private passenger or station wagon type
11 which are not used as public conveyances nor rented to others.

12 b. Any other four-wheel motor vehicles with a load capacity of
13 one thousand five hundred pounds or less which are not used in the
14 business or profession of the insured.

15 2. "Renewal" or "to renew" means the issuance and delivery by
16 an insurer of a policy replacing at the end of the previous policy
17 term a policy previously issued and delivered by the same insurer,
18 or the issuance and delivery of a certificate or notice extending the
19 coverage of the policy beyond its original term. Any renewal policy,
20 other than a replacement policy for an unfinished term, with a term
21 of six months or less shall be considered written, for the purposes
22 of this Act, for a term of six months.

23 Any policy written for a term longer than one year or with no
24 fixed expiration date shall be considered written for successive policy
25 terms of one year.

26 3. "Nonpayment of premium" means failure of the named insured
27 to discharge when due any of his obligations in connection with the
28 payment of premiums on the policy, or any installment of a premium,
29 whether the premium is payable directly to the insurer or its agent
30 or indirectly under any premium finance plan or extension of credit.

1 SEC. 3. This Act shall not apply to any policy:

2 1. Issued under an automobile assigned risk plan.

3 2. Covering garage, automobile sales agency, repair shop, service
4 station, or public parking place operation hazards.

5 3. Insuring more than four automobiles.

6 4. Issued principally to cover personal or premises liability of an
7 insured even though such insurance may also provide some incidental
8 coverage for liability arising out of the ownership, maintenance, or
9 use of a motor vehicle on the premises of such insured or on the ways
10 immediately adjoining the premises.

1 SEC. 4. No policy may be cancelled except by notice to the insured
2 as provided in this Act. No notice of cancellation of a policy shall be

3 effective unless it is based on one or more of the following reasons:

4 1. Nonpayment of premium.

5 2. Nonpayment of dues to an association or organization other than
6 an insurance association or organization, where payment of dues is a
7 prerequisite to obtaining or continuing insurance in force and the
8 dues payment requirement was in effect prior to January 1, 1969.

9 3. Fraud or material misrepresentation affecting the policy or the
10 presentation of a claim.

11 4. Violation of terms or conditions of the policy.

12 5. The named insured or any operator who either resides in the
13 same household or customarily operates an automobile insured under
14 the policy has his driver's license suspended or revoked during the
15 policy term or, if the policy is a renewal, during its term or the one
16 hundred eighty days immediately preceding its effective date.

17 This section shall not apply to any policy or coverage which has
18 been in effect less than sixty days at the time notice of cancellation
19 is mailed or delivered by the insurer unless it is a renewal policy.
20 This section shall not apply to the nonrenewal of a policy.

21 During the policy period no modification of automobile physical
22 damage coverage, except coverage for loss caused by collision, where-
23 by provision is made for the application of a deductible amount not
24 exceeding one hundred dollars shall be deemed a cancellation of the
25 coverage or of the policy.

1 SEC. 5. Notwithstanding the provisions of section five hundred
2 fifteen point eighty-one (515.81), Code 1966, no notice of cancella-
3 tion of a policy shall be effective unless mailed or delivered by the
4 insurer to the named insured at least twenty days prior to the effec-
5 tive date of cancellation, or, where the cancellation is for nonpay-
6 ment of premium notwithstanding the provisions of section five hun-
7 dred fifteen point eighty (515.80), Code 1966, at least ten days prior
8 to the date of cancellation. A post office department certificate of
9 mailing to the named insured at the address shown in the policy shall
10 be proof of receipt of such mailing. Unless the reason accompanies
11 the notice of cancellation, the notice shall state that, upon written
12 request of the named insured, mailed or delivered to the insurer not
13 less than fifteen days prior to the date of cancellation, the insurer
14 will state the reason for cancellation, together with notification of
15 the right to a hearing before the commissioner within fifteen (15)
16 days as provided herein.

17 When the reason does not accompany the notice of cancellation,
18 the insurer shall, upon receipt of a timely request by the named in-
19 sured, state in writing the reason for cancellation. A statement of
20 reason shall be mailed or delivered to the named insured within five
21 days after receipt of a request.

1 SEC. 6. No insurer shall refuse to renew a policy solely because
2 of age, residence, race, color, creed, or occupation of an insured.

1 SEC. 7. No insurer shall fail to renew a policy except by notice to
2 the insured as provided in this Act. A notice of intention not to
3 renew shall not be effective unless mailed or delivered by the insurer
4 to the named insured at least thirty days prior to the expiration date
5 of the policy. A post office department certificate of mailing to the
6 named insured at the address shown in the policy shall be proof of

7 receipt of such mailing. Unless the reason accompanies the notice of
8 intent not to renew, the notice shall state that, upon written request
9 of the named insured, mailed or delivered to the insurer not less than
10 twenty days prior to the expiration date of the policy, the insurer will
11 state the reason for nonrenewal.

12 When the reason does not accompany the notice of intent not to
13 renew, the insurer shall, upon receipt of a timely request by the
14 named insured, state in writing the reason for nonrenewal, together
15 with notification of the right to a hearing before the commissioner
16 within fifteen (15) days as provided herein. A statement of reason
17 shall be mailed or delivered to the named insured within ten days
18 after receipt of a request.

19 This section shall not apply:

- 20 1. If the insurer has manifested its willingness to renew.
- 21 2. If the insured fails to pay any premium due or any advance
22 premium required by the insurer for renewal.

1 SEC. 8. If an insured obtains a second policy which provides equal
2 or more extensive coverage for any vehicle designated in both policies,
3 the first policy's coverage of such vehicle may be terminated by failure
4 to renew as of the effective time and date of the second policy, whether
5 or not the first policy insurer complies with all provisions of section
6 seven (7) of this Act.

1 SEC. 9. Renewal of a policy shall not constitute a waiver or estop-
2 pel with respect to grounds for cancellation which existed before the
3 effective date of renewal.

1 SEC. 10. Any named insured who has received a statement of
2 reason for cancellation, or of reason for an insurer's intent not to
3 renew a policy, may, within fifteen days of the receipt or delivery of
4 a statement of reason, request a hearing before the commissioner of
5 insurance. The purpose of this hearing shall be limited to establish-
6 ing the existence of the proof or evidence used by the insurer in its
7 reason for cancellation or intent not to renew. The burden of proof
8 of the reason for cancellation or intent not to renew shall be upon
9 the insurer. The commissioner of insurance shall adopt rules and
10 regulations for carrying out the provisions of this section.

1 SEC. 11. When automobile bodily injury and property damage lia-
2 bility coverage is cancelled or not renewed, other than for nonpay-
3 ment of premium, the insurer shall notify the named insured of his
4 possible eligibility for automobile liability insurance through the
5 Iowa automobile insurance plan. Such notice shall accompany the
6 notice of cancellation or intent not to renew.

1 SEC. 12. There shall be no liability on the part of, and no cause
2 of action of any nature shall arise against the commissioner of insur-
3 ance or any employee of the insurance department of Iowa or against
4 any insurer, its authorized representatives, its agents, its employees,
5 or against any firm, person, or corporation furnishing to the insurer
6 information as to reasons for cancellation or intent not to renew, for
7 any statement made by any of them in any written notice of cancel-
8 lation or notice of intent not to renew or in any other communica-
9 tion, oral or written, specifying the reasons for cancellation or intent

10 not to renew, or for any information provided or evidence submitted
 11 at any hearings conducted in connection with reasons for cancellation
 12 or intent not to renew.

1 SEC. 13. If any provision of this Act or the application of the Act
 2 to any person or circumstance is held invalid, such invalidity shall not
 3 affect other provisions or applications of the Act which can be given
 4 effect without the invalid provision and to this end the provisions of
 5 this Act are declared to be severable.

Approved February 12, 1970.

CHAPTER 1249

INSURANCE HOLDING COMPANIES

S. F. 1203

AN ACT to regulate insurance holding company systems.

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

1 SECTION 1. Definitions.

2 For the purpose of this Act, unless the context otherwise requires:

3 1. Affiliate of, or a person affiliated with, a specific person, shall
 4 mean a person who directly, or indirectly through one or more inter-
 5 mediaries, controls, or is controlled by, or is under common control
 6 with, the person specified.

7 2. The term "commissioner" shall mean the insurance commission-
 8 er, his deputies, or the insurance department, as appropriate.

9 3. Control, including controlling, controlled by, and under common
 10 control with, shall mean the possession, direct or indirect, of the
 11 power to direct or cause the direction of the management and policies
 12 of a person, whether through the ownership of voting securities, by
 13 contract other than a commercial contract for goods or nonmanage-
 14 ment services, or otherwise, unless the power is solely the result of
 15 an official position with or a corporate office held by the person.
 16 Control shall be presumed to exist if any person, directly or indirect-
 17 ly, owns, controls, holds with the power to vote, or holds proxies
 18 representing, ten percent or more of the voting securities of any
 19 other person. This presumption may be rebutted by showing that
 20 control does not exist in fact.

21 4. Insurance holding company system shall consist of two or more
 22 affiliated persons, one or more of which is an insurer.

23 5. Insurer shall mean a company qualified and licensed by the
 24 insurance department of Iowa to transact the business of insurance
 25 in this state by certificate issued pursuant to chapters five hundred
 26 eight (508), five hundred fifteen (515), five hundred eighteen A
 27 (518A), and five hundred twenty (520) of the Code, except that it
 28 shall not include:

29 a. Agencies, authorities or instrumentalities of the United States,
 30 its possessions and territories, the Commonwealth of Puerto Rico,

31 the District of Columbia, or a state or political subdivision of a state.

32 b. Fraternal benefit societies.

33 c. Nonprofit medical, hospital or dental service associations.

34 6. A "person" is an individual, a corporation, a partnership, an
35 association, a joint stock company, a trust, an unincorporated or-
36 ganization, any similar entity or any combination of the foregoing
37 acting in concert, but shall not include any securities broker per-
38 forming no more than the usual and customary broker's function.

39 7. A "subsidiary" of a specified person is an affiliate controlled by
40 such person directly, or indirectly through one or more intermedi-
41 aries.

42 8. A "securityholder" of a specified person is one who owns any
43 security of such person, including common stock, referred stock, debt
44 obligations, and any other security convertible into or evidencing the
45 right to acquire any of the foregoing.

46 9. The term "voting security" shall include any security convert-
47 ible into or evidencing a right to acquire a voting security.

1 **SEC. 2. Subsidiaries of insurers.**

2 1. *Authorization.* Any domestic insurer, either by itself or in
3 cooperation with one or more persons, subject to the limitations set
4 forth herein or elsewhere in this Act, may organize or acquire one
5 or more subsidiaries engaged or registered to engage in one or more
6 of the following businesses or activities:

7 a. Any kind of insurance business authorized by the jurisdiction
8 in which it is incorporated.

9 b. Acting as an insurance broker or as an insurance agent for its
10 parent or for any of its parent's insurer subsidiaries or intermediate
11 insurer subsidiaries.

12 c. Investing, reinvesting or trading in securities for its own
13 account, that of its parent, any subsidiary of its parent, or any affili-
14 ate or subsidiary.

15 d. Management of any investment company subject to or reg-
16 istered pursuant to the Investment Company Act of 1940, as
17 amended, including related sales and services.

18 e. Acting as a broker dealer subject to or registered pursuant to
19 the Securities Exchange Act of 1934 as amended.

20 f. Rendering financial services and/or advice to individuals, gov-
21 ernments, government agencies, corporations, or other organizations
22 or groups.

23 g. Rendering other services related to the operations of an insur-
24 ance business including, but not limited to, actuarial, loss prevention,
25 safety engineering, data processing, accounting, claims, appraisal,
26 and collection services.

27 h. Ownership and management of assets which the parent corpo-
28 ration could itself own and manage.

29 i. Acting as administrative agent for a government instrumental-
30 ity which is performing an insurance function.

31 j. Financing of insurance premiums, agents and other forms of
32 consumer financing.

33 k. Any other business or service activity reasonably ancillary to
34 an insurance business.

35 l. Owning a corporation or corporations engaged or organized to

36 engage exclusively in one or more of the businesses specified in para-
37 graphs *a* to *k* inclusive.

38 2. *Exception.* Nothing contained in subsection one (1) of this
39 section shall prohibit a domestic insurer, either by itself or in co-
40 operation with one or more persons, from investing amounts up to a
41 total of ten percent of surplus in one or more subsidiaries or affili-
42 ates organized to do any lawful business.

43 3. *Additional investment authority.* In addition to investments in
44 common stock, preferred stock, debt obligations and other securities
45 permitted under all other sections of this Title, a domestic insurer
46 may also:

47 *a.* Invest, in common stock, preferred stock, debt obligations, and
48 other securities of one or more subsidiaries, amounts which do not
49 exceed the lesser of ten percent of such insurer's assets or fifty per-
50 cent of such insurer's surplus as regards policyholders, provided that
51 after such investments the insurer's surplus as regards policyholders
52 will be reasonable in relation to the insurer's outstanding liabilities
53 and adequate to its financial needs. In calculating the amount of such
54 investments both of the following shall be included:

55 (1) Total net monies or other consideration expended and obliga-
56 tions assumed in the acquisition or formation of a subsidiary, includ-
57 ing all organizational expenses and contributions to capital and sur-
58 plus of such subsidiary whether or not represented by the purchase
59 of capital stock or issuance of other securities.

60 (2) All amounts expended in acquiring additional common stock,
61 preferred stock, debt obligations, and other securities and all contri-
62 butions to the capital or surplus, of a subsidiary subsequent to its
63 acquisition or formation.

64 *b.* If the insurer's total liabilities, as calculated for National Asso-
65 ciation of Insurance Commissioners annual statement purposes, are
66 less than ten percent of assets, invest any amount in common stock,
67 preferred stock, debt obligations, and other securities of one or more
68 subsidiaries, provided that after such investment the insurer's sur-
69 plus as regards policyholders, considering such investment as if it
70 were a disallowed asset, will be reasonable in relation to the insurer's
71 outstanding liabilities and adequate to its financial needs.

72 *c.* Invest any amount in common stock, preferred stock, debt obli-
73 gations and other securities of one or more subsidiaries provided
74 that each such subsidiary agrees to limit its investments in any asset
75 so that such investments will not cause the amount of the total in-
76 vestment of the insurer to exceed any of the investment limitations
77 specified in paragraph *a* of this subsection or in chapters five hun-
78 dred eleven (511), five hundred fifteen (515), five hundred eighteen
79 A (518A), and five hundred twenty (520) of the Code applicable to
80 the insurer. For the purpose of this paragraph, "total investment of
81 the insurer" shall include both:

82 (1) Any direct investment by the insurer in an asset.

83 (2) The insurer's proportionate share of any investment in an
84 asset by any subsidiary of the insurer, which shall be calculated by
85 multiplying the amount of the subsidiary's investment by the per-
86 centage of the insurer's ownership of such subsidiary.

87 *d.* With the approval of the commissioner, invest any amount in

88 common stock, preferred stock, debt obligations, or other securities
89 of one or more subsidiaries, provided that after such investment the
90 insurer's surplus as regards policyholders will be reasonable in rela-
91 tion to the insurer's outstanding liabilities and adequate to its
92 financial needs.

93 e. Invest any amount in the common stock, preferred stock, debt
94 obligations, or other securities of any subsidiary exclusively engaged
95 in holding title to or holding title to and managing or developing
96 real or personal property, if after considering as a disallowed asset
97 so much of the investment as is represented by subsidiary assets
98 which if held directly by the insurer would be considered as a dis-
99 allowed asset, the insurer's surplus as regards policyholders will be
100 reasonable in relation to the insurer's outstanding liabilities and
101 adequate to its financial needs, and if following such investment all
102 voting securities of such subsidiary would be owned by the insurer.

103 4. *Exemption from investment restrictions.* Investments in com-
104 mon stock, preferred stock, debt obligations or other securities of
105 subsidiaries made pursuant to subsection three (3) of this section
106 hereof shall not be subject to any of the otherwise applicable restric-
107 tions or prohibitions contained in the Code applicable to such invest-
108 ments of insurers.

109 5. *Qualification of investment: when determined.* Whether any
110 investment pursuant to subsection three (3) of this section meets
111 the applicable requirements thereof is to be determined immediately
112 after such investment is made, taking into account the then out-
113 standing principal balance on all previous investments in debt obli-
114 gations, and the value of all previous investments in equity securities
115 as of the date they were made.

116 6. *Cessation of control.* If an insurer ceases to control a subsidi-
117 ary, it shall dispose of any investment therein made pursuant to this
118 section within three years from the time of the cessation of control
119 or within such further time as the commissioner may prescribe,
120 unless at any time after such investment shall have been made, such
121 investment shall have met the requirements for investment under
122 any other section of the Code, and the insurer has notified the com-
123 missioner thereof.

1 SEC. 3. Acquisition of control of or merger with domestic insurer.

2 1. *Filing requirements.* No person other than the issuer shall
3 make a tender offer for or a request or invitation for tenders of, or
4 enter into any agreement to exchange securities for, seek to acquire,
5 or acquire, in the open market or otherwise, any voting security of
6 a domestic insurer if, after the consummation thereof, such person
7 would, directly or indirectly, or by conversion or by exercise of any
8 right to acquire, be in control of such insurer, and no person shall
9 enter into an agreement to merge with or otherwise to acquire con-
10 trol of a domestic insurer unless, at the time any such offer, request,
11 or invitation is made or any such agreement is entered into, or prior
12 to the acquisition of such securities if no offer or agreement is in-
13 volved, such person has filed with the commissioner and has sent to
14 such insurer, and such insurer has sent to its shareholders, a state-
15 ment containing the information required by this section and such
16 offer, request, invitation, agreement or acquisition has been approved

- 17 by the commissioner in the manner hereinafter prescribed.
- 18 *a. For purposes of this section:* a domestic insurer shall include
19 any other person controlling a domestic insurer unless such other
20 person is either directly or through its affiliates primarily engaged
21 in business other than the business of insurance.
- 22 *2. Content of statement.* The statement to be filed with the com-
23 missioner hereunder shall be made under oath or affirmation and
24 shall contain the following information:
- 25 *a.* The name and address of each person by whom or on whose
26 behalf the merger or other acquisition of control referred to in sub-
27 section one (1) of this section is to be effected, hereinafter called
28 "acquiring party".
- 29 (1) If such person is an individual, his principal occupation and
30 all offices and positions held during the past five years, and any
31 conviction of crimes other than minor traffic violations during the
32 past ten years.
- 33 (2) If such person is not an individual, a report of the nature of
34 its business operations during the past five years or for such lesser
35 period as such person and any predecessors thereof shall have been
36 in existence; an informative description of the business intended to
37 be done by such person and such person's subsidiaries; and a list of
38 all individuals who are or who have been selected to become direc-
39 tors or executive officers of such person, or who perform or will
40 perform functions appropriate to such positions. Such list shall
41 include for each such individual the information required by sub-
42 paragraph (1) of this subsection.
- 43 *b.* The source, nature and amount of the consideration used or to
44 be used in effecting the merger or other acquisition of control, a
45 description of any transaction wherein funds were or are to be
46 obtained for any such purpose, and the identity of persons furnish-
47 ing such consideration, provided, however, that where a source of
48 such consideration is a loan made in the lender's ordinary course of
49 business, the identity of the lender shall remain confidential, if the
50 person filing such statement so requests.
- 51 *c.* Fully audited financial information as to the earnings and finan-
52 cial condition of each acquiring party for the preceding five fiscal
53 years of each such acquiring party, or for such lesser period as such
54 acquiring party and any predecessors thereof shall have been in
55 existence, and similar unaudited information as of a date not earlier
56 than ninety days prior to the filing of the statement.
- 57 *d.* Any plans or proposals which each acquiring party may have to
58 liquidate such insurer, to sell its assets or merge or consolidate it
59 with any person, or to make any other material change in its business
60 or corporate structure or management.
- 61 *e.* The number of shares of any security referred to in subsection
62 one (1) of this section which each acquiring party proposes to
63 acquire, and the terms of the offer, request, invitation, agreement, or
64 acquisition referred to in subsection one (1) of this section, and a
65 statement as to the method by which the fairness of the proposal
66 was arrived at.
- 67 *f.* The amount of each class of any security referred to in sub-
68 section one (1) of this section which is beneficially owned or con-

69 cerning which there is a right to acquire beneficial ownership by
70 each acquiring party.

71 *g.* A full description of any contracts, arrangements or under-
72 standings with respect to any security referred to in subsection
73 one (1) of this section in which any acquiring party is involved,
74 including but not limited to transfer of any of the securities, joint
75 ventures, loan or option arrangements, puts or calls, guarantees of
76 loans, guarantees against loss or guarantees of profits, division of
77 losses or profits, or the giving or withholding of proxies. Such
78 description shall identify the persons with whom such contracts,
79 arrangements or understandings have been entered into.

80 *h.* A description of the purchase of any security referred to in
81 subsection one (1) of this section during the twelve calendar months
82 preceding the filing of the statement, by any acquiring party, includ-
83 ing the dates of purchase, names of the purchasers, and consideration
84 paid or agreed to be paid therefor.

85 *i.* A description of any recommendations to purchase any security
86 referred to in subsection one (1) of this section made during the
87 twelve calendar months preceding the filing of the statement, by any
88 acquiring party, or by anyone based upon interview or at the sug-
89 gestion of such acquiring party.

90 *j.* Copies of all tender offers for, requests or invitations for tend-
91 ers of, exchange offers for, and agreements to acquire or exchange
92 any securities referred to in subsection one (1) of this section, and,
93 if distributed, of additional soliciting material relating thereto.

94 *k.* The terms of any agreement, contract or understanding made
95 with any broker-dealer as to solicitation of securities referred to in
96 subsection one (1) of this section for tender, and the amount of any
97 fees, commissions or other compensation to be paid to broker-dealers
98 with regard thereto.

99 *l.* Such additional information as the commissioner may by rule
100 or regulation prescribe as necessary or appropriate for the protec-
101 tion of policyholders and securityholders of the insurer or in the
102 public interest.

103 If the person required to file the statement referred to in subsec-
104 tion one (1) of this section is a partnership, limited partnership,
105 syndicate or other group, the commissioner may require that the
106 information called for by paragraphs *a* through *l* of this subsection
107 shall be given with respect to each partner of such partnership or
108 limited partnership, each member of such syndicate or group, and
109 each person who controls such partner or member. If any such
110 partner, member or person is a corporation or the person required
111 to file the statement referred to in subsection one (1) of this section
112 is a corporation, the commissioner may require that the information
113 called for by paragraphs *a* through *l* of this subsection shall be given
114 with respect to such corporation, each officer and director of such
115 corporation, and each person who is directly or indirectly the bene-
116 ficial owner of more than ten percent of the outstanding voting
117 securities of such corporation. If any material change occurs in the
118 facts set forth in the statement filed with the commissioner and sent
119 to such insurer pursuant to this section, an amendment setting forth
120 such change, together with copies of all documents and other mate-

121 rial relevant to such change, shall be filed with the commissioner
122 and sent to such insurer within two business days after the person
123 learns of such change. Such insurer shall send such amendment to
124 its shareholders.

125 3. *Alternative filing materials.* If any offer, request, invitation,
126 agreement or acquisition referred to in subsection one (1) of this
127 section is proposed to be made by means of a registration statement
128 under the Securities Act of 1933 or in circumstances requiring the
129 disclosure of similar information under the Securities Exchange Act
130 of 1934, or under a state law requiring similar registration, or dis-
131 closure, the person required to file the statement referred to in sub-
132 section one (1) of this section may utilize such documents in fur-
133 nishing the information called for by that statement.

134 4. *Approval by the commissioner: hearings.*

135 a. The commissioner shall approve any merger or other acquisi-
136 tion of control referred to in subsection one (1) of this section
137 unless, after a public hearing thereon, he finds any of the following:

138 (1) After the change of control the domestic insurer referred to
139 in subsection one (1) of this section would not be able to satisfy the
140 requirements for the issuance of a license to write the line or lines
141 of insurance for which it is presently licensed.

142 (2) The effect of the merger or other acquisition of control would
143 be substantially to lessen competition in insurance in this state or
144 tend to create a monopoly therein.

145 (3) The financial condition of any acquiring party is such as
146 might jeopardize the financial stability of the insurer, or prejudice
147 the interest of its policyholders or the interests of any remaining
148 securityholders who are unaffiliated with such acquiring party.

149 (4) The terms of the offer, request, invitation, agreement or ac-
150 quisition referred to in subsection one (1) of this section are unfair
151 and unreasonable to the securityholders of the insurer.

152 (5) The plans or proposals which the acquiring party has to liqui-
153 date the insurer, sell its assets or consolidate or merge it with any
154 person, or to make any other material change in its business or cor-
155 porate structure or management, are unfair and unreasonable to
156 policyholders of the insurer and not in the public interest.

157 (6) The competence, experience and integrity of those persons
158 who would control the operation of the insurer are such that it would
159 not be in the interest of policyholders of the insurer and of the public
160 to permit the merger or other acquisition of control.

161 b. The public hearing referred to in paragraph a of this subsec-
162 tion shall be held within thirty days after the statement required by
163 subsection one (1) of this section is filed, and at least twenty days'
164 notice thereof shall be given by the commissioner to the person filing
165 the statement. Not less than seven days' notice of such public hear-
166 ing shall be given by the person filing the statement to the insurer
167 and to such other persons as may be designated by the commissioner.
168 The insurer shall give such notice to its securityholders. The com-
169 missioner shall make a determination within thirty days after the
170 conclusion of such hearing. At such hearing, the person filing the
171 statement, the insurer, any person to whom notice of hearing was
172 sent, and any other person whose interests may be affected thereby

173 shall have the right to present evidence, examine and cross-examine
174 witnesses, and offer oral and written arguments and in connection
175 therewith shall be entitled to conduct discovery proceedings in the
176 same manner as is presently allowed in the district court of this
177 state. All discovery proceedings shall be concluded not later than
178 three days prior to the commencement of the public hearing.

179 5. *Mailings to shareholders; payment of expenses.* All statements,
180 amendments, or other material filed pursuant to subsections one (1)
181 or two (2) of this section, and all notices of public hearings held pur-
182 suant to subsection four (4) of this section, shall be mailed by the
183 insurer to its shareholders within five business days after the insurer
184 has received such statements, amendments, other material, or notices.
185 The expenses of mailing shall be borne by the person making the
186 filing. As security for the payment of such expenses, such person
187 shall file with the commissioner an acceptable bond or other deposit
188 in an amount to be determined by the commissioner.

189 6. *Exemptions.* The provisions of this section shall not apply to:
190 a. Any offers, requests, invitations, agreements or acquisitions by
191 the person referred to in subsection one (1) of this section of any
192 voting security referred to in subsection one (1) of this section
193 which, immediately prior to the consummation of such offer, request,
194 invitation, agreement or acquisition, was not issued and outstanding.

195 b. Any offer, request, invitation, agreement or acquisition which
196 the commissioner by order shall exempt therefrom for one of the
197 following reasons:

198 (1) It has not been made or entered into for the purpose and does
199 not have the effect of changing or influencing the control of a domes-
200 tic insurer.

201 (2) It is otherwise not comprehended within the purposes of this
202 section.

203 7. *Violations.* The following shall be violations of this section:

204 a. The failure to file any statement, amendment, or other material
205 required to be filed pursuant to subsection one (1) or two (2) of this
206 section.

207 b. The effectuation or any attempt to effectuate an acquisition of
208 control of, or merger with, a domestic insurer unless the commis-
209 sioner has given his approval thereto.

210 8. *Jurisdiction; consent to service of process.* The district court
211 is hereby vested with jurisdiction over every person not resident,
212 domiciled, or authorized to do business in this state who files a state-
213 ment with the commissioner under this section, and over all actions
214 involving such person arising out of violations of this section, and
215 each such person shall be deemed to have performed acts equivalent
216 to and constituting an appointment by such a person of the commis-
217 sioner to be his true and lawful attorney upon whom may be served
218 all lawful process, notice or demand in any action, suit or proceeding
219 arising out of violations of this section. Copies of all such lawful
220 process, notice or demand shall be served on the commissioner and
221 transmitted by registered or certified mail by the commissioner to
222 such person at his last known address.

1 SEC. 4. **Registration of insurers.**

2 1. *Registration.* Every insurer which is authorized to do business

3 in this state and which is a member of an insurance holding company
4 system shall register with the commissioner, except a foreign insurer
5 subject to disclosure requirements and standards adopted by statute
6 or regulation in the jurisdiction of its domicile which are substan-
7 tially similar to those contained in this section. Any insurer which
8 is subject to registration under this section shall register within
9 sixty days after the effective date of this Act or fifteen days after it
10 becomes subject to registration, whichever is later, unless the com-
11 missioner for good cause shown extends the time for registration,
12 and then within such extended time. The commissioner may require
13 any authorized insurer which is a member of a holding company
14 system which is not subject to registration under this section to
15 furnish a copy of the registration statement or other information
16 filed by such insurance company with the insurance regulatory
17 authority of domiciliary jurisdiction.

18 2. *Information and form required.* Every insurer subject to regis-
19 tration shall file a registration statement on a form provided by the
20 commissioner, which shall contain current information about:

21 a. The capital structure, general financial condition, ownership
22 and management of the insurer and any person controlling the
23 insurer.

24 b. The identity of every member of the insurance holding company
25 system.

26 c. The following agreements in force, relationships subsisting, and
27 transactions currently outstanding between such insurer and its
28 affiliates:

29 (1) Loans, other investments, or purchases, sales or exchanges of
30 securities of the affiliates by the insurer or of the insurer by its
31 affiliates.

32 (2) Purchases, sales, or exchanges of assets.

33 (3) Transactions not in the ordinary course of business.

34 (4) Guarantees or undertakings for the benefit of an affiliate which
35 result in an actual contingent exposure of the insurer's assets to lia-
36 bility, other than insurance contracts entered into in the ordinary
37 course of the insurer's business.

38 (5) All management and service contracts and all cost-sharing
39 arrangements, other than cost allocation arrangements based upon
40 generally accepted accounting principles.

41 (6) Reinsurance agreements covering all or substantially all of
42 one or more lines of insurance of the ceding company.

43 d. Other matters concerning transactions between registered in-
44 surers and any affiliates as may be included from time to time in any
45 registration forms adopted or approved by the commissioner.

46 3. *Materiality.* No information need be disclosed on the registra-
47 tion statement filed pursuant to subsection two (2) of this section
48 if such information is not material for the purposes of this section.
49 Unless the commissioner by rule, regulation or order provides other-
50 wise, sales, purchases, exchanges, loans or extensions of credit, or
51 investments, involving one-half of one percent or less of an insurer's
52 admitted assets as of the thirty-first day of December next preceding
53 shall not be deemed material for purposes of this section.

54 4. *Amendments to registration statements.* Each registered in-

55 surer shall keep current the information required to be disclosed in
56 its registration statement by reporting all material changes or addi-
57 tions on amendment forms provided by the commissioner within fif-
58 teen days after the end of the month in which it learns of each such
59 change or addition, provided, however, that subject to subsection
60 three (3) of section five (5) of this Act, each registered insurer shall
61 so report all dividends and other distributions to shareholders within
62 two business days following the declaration thereof.

63 5. *Termination of registration.* The commissioner shall terminate
64 the registration of any insurer which demonstrates that it no longer
65 is a member of an insurance holding company system.

66 6. *Consolidated filing.* The commissioner may require or allow two
67 or more affiliated insurers subject to registration hereunder to file a
68 consolidated registration statement or consolidated reports amending
69 their consolidated registration statement or their individual registra-
70 tion statements.

71 7. *Alternative registration.* The commissioner may allow an in-
72 surer which is authorized to do business in this state and which is
73 part of an insurance holding company system to register on behalf
74 of any affiliated insurer which is required to register under subsec-
75 tion one (1) of this section and to file all information and material
76 required to be filed under this section.

77 8. *Exemptions.* The provisions of this section shall not apply to
78 any insurer, information or transaction if and to the extent that the
79 commissioner by rule, regulation, or order shall exempt the same
80 from the provisions of this section.

81 9. *Disclaimer.* Any person may file with the commissioner a dis-
82 claimer of affiliation with any authorized insurer or such a disclaimer
83 may be filed by such insurer or any member of an insurance holding
84 company system. The disclaimer shall fully disclose all material
85 relationships and basis for affiliation between such person and such
86 insurer as well as the basis for disclaiming such affiliation. After a
87 disclaimer has been filed, the insurer shall be relieved of any duty to
88 register or report under this section which may arise out of the
89 insurer's relationship with such person unless and until the commis-
90 sioner disallows such a disclaimer. The commissioner shall disallow
91 such a disclaimer only after furnishing all parties in interest with
92 notice and opportunity to be heard and after making specific findings
93 of fact to support such disallowance.

94 10. *Violations.* The failure to file a registration statement or any
95 amendment thereto required by this section within the time specified
96 for such filing shall be a violation of this section.

1 SEC. 5. Standards.

2 1. *Transactions with affiliates.* Material transactions by registered
3 insurers with their affiliates shall be subject to all of the following
4 standards:

5 a. The terms shall be fair and reasonable.

6 b. The books, accounts and records of each party shall be so main-
7 tained as to clearly and accurately disclose the precise nature and
8 details of the transactions.

9 c. The insurer's surplus as regards policyholders following any
10 dividends or distributions to shareholder affiliates shall be reasonable

11 in relation to the insurer's outstanding liabilities and adequate to its
12 financial needs.

13 2. *Adequacy of surplus.* For purposes of this Act in determining
14 whether an insurer's surplus as regards policyholders is reasonable
15 in relation to the insurer's outstanding liabilities and adequate to
16 its financial needs, the following factors, among others, shall be con-
17 sidered:

18 a. The size of the insurer as measured by its assets, capital and
19 surplus, reserves, premium writings, insurance in force and other
20 appropriate criteria.

21 b. The extent to which the insurer's business is diversified among
22 the several lines of insurance.

23 c. The number and size of risks insured in each line of business.

24 d. The extent of the geographical dispersion of the insurer's in-
25 sured risks.

26 e. The nature and extent of the insurer's reinsurance program.

27 f. The quality, diversification, and liquidity of the insurer's in-
28 vestment portfolio.

29 g. The recent past and projected future trend in the size of the
30 insurer's surplus as regards policyholders.

31 h. The surplus as regards policyholders maintained by other com-
32 parable insurers.

33 i. The adequacy of the insurer's reserves.

34 j. The quality and liquidity of investments in subsidiaries made
35 pursuant to section two (2) of this Act. The commissioner may treat
36 any such investment as a disallowed asset for purposes of determin-
37 ing the adequacy of surplus as regards policyholders whenever in his
38 judgment such investment so warrants.

39 3. *Dividends and other distributions.*

40 No insurer subject to registration under section four (4) of this
41 Act shall pay any extraordinary dividend or make any other extraor-
42 dinary distribution to its shareholders until either thirty days after
43 the commissioner has received notice of the declaration thereof and
44 has not within such period disapproved such payment, or the com-
45 missioner shall have approved such payment within such thirty day
46 period.

47 For purposes of this section, an extraordinary dividend or distri-
48 bution includes any dividend or distribution of cash or other prop-
49 erty, whose fair market value together with that of other dividends
50 or distributions made within the preceding twelve months exceeds
51 the greater of either ten percent of such insurer's surplus as regards
52 policyholders as of the thirty-first day of December next preceding,
53 or the net gain from operations of such insurer, if such insurer is a
54 life insurer or the net investment income if such insurer is not a life
55 insurer, for the twelve month period ending the thirty-first day of
56 December next preceding, but shall not include pro rata distributions
57 of any class of the insurer's own securities.

58 Notwithstanding any other provision of law, an insurer may de-
59 clare an extraordinary dividend or distribution which is conditional
60 upon the commissioner's approval thereof, and such a declaration
61 shall confer no rights upon shareholders until either the commis-
62 sioner has approved the payment of such dividend or distribution,

63 or the commissioner has not disapproved such payment within the
64 thirty day period referred to above.

1 **SEC. 6. Examination.**

2 1. *Power of commissioner.* Subject to the limitation contained in
3 this section and in addition to the powers which the commissioner
4 has under chapter five hundred seven (507) of the Code relating to
5 the examination of insurers, the commissioner shall also have the
6 power to order any insurer registered under section four (4) of this
7 Act to produce such records, books, or other information papers in
8 the possession of the insurer or its affiliates as shall be necessary to
9 ascertain the financial condition or legality of conduct of such in-
10 surer. In the event such insurer fails to comply with such order, the
11 commissioner shall have the power to examine such affiliates to obtain
12 such information.

13 2. *Purpose and limitation of examination.* The commissioner shall
14 exercise his power under subsection one (1) of this section only if
15 the examination of the insurer under chapter five hundred seven
16 (507) of the Code is inadequate or the interests of the policyholders
17 of such insurer may be adversely affected.

18 3. *Use of consultants.* The commissioner may retain at the regis-
19 tered insurer's expense such attorneys, actuaries, accountants and
20 other experts not otherwise a part of the commissioner's staff as shall
21 be reasonably necessary to assist in the conduct of the examination
22 under subsection one (1) of this section. Any persons so retained
23 shall be under the direction and control of the commissioner and shall
24 act in a purely advisory capacity.

25 4. *Expenses.* Each registered insurer producing for examination
26 records, books and papers pursuant to subsection one (1) of this
27 section shall be liable for and shall pay the expense of such examina-
28 tion in accordance with section five hundred seven point seven
29 (507.7) of the Code.

1 **SEC. 7. Confidential treatment.**

2 All information, documents and copies thereof obtained by or dis-
3 closed to the commissioner or any other person in the course of an
4 examination or investigation made pursuant to section six (6) of
5 this Act and all information reported pursuant to section four (4)
6 of this Act, shall be given confidential treatment and shall not be
7 subject to subpoena and shall not be made public by the commissioner
8 or any other person, except to insurance departments of other states,
9 without the prior written consent of the insurer to which it pertains
10 unless the commissioner, after giving the insurer and its affiliates
11 who would be affected thereby, notice and opportunity to be heard,
12 determines that the interests of policyholders, shareholders or the
13 public will be served by the publication thereof, in which event he
14 may publish all or any part thereof in such manner as he may deem
15 appropriate.

1 **SEC. 8. Rules and regulations.**

2 The commissioner may, upon notice and opportunity for all inter-
3 ested persons to be heard, issue such rules, regulations, and orders
4 as shall be necessary to carry out the provisions of this Act.

1 **SEC. 9. Injunctions; prohibitions against voting securities; se-**
2 **questration of voting securities.**

3 1. *Injunctions.* Whenever it appears to the commissioner that any
4 insurer or any director, officer, employee or agent thereof has com-
5 mitted or is about to commit a violation of this Act or any rule, regu-
6 lation, or order issued by the commissioner hereunder, the commis-
7 sioner may apply to the district court of the county in which the
8 principal office of the insurer is located or if such insurer has no
9 such office in this state then to the district court of Polk County for
10 an order enjoining such insurer or such director, officer, employee or
11 agent thereof from violating or continuing to violate this Act or any
12 such rule, regulation or order, and for such other equitable relief as
13 the nature of the case and the interests of the insurer's policyholders,
14 creditors and shareholders or the public may require.

15 2. *Voting of securities; when prohibited.* No security which is the
16 subject of any agreement or arrangement regarding acquisition, or
17 which is acquired or to be acquired, in contravention of the provi-
18 sions of this Act or of any rule, regulation or order issued by the
19 commissioner hereunder may be voted at any shareholders' meeting,
20 or may be counted for quorum purposes, and any action of share-
21 holders requiring the affirmative vote of a percentage of shares may
22 be taken as though such securities were not issued and outstanding;
23 but no action taken at any such meeting shall be invalidated by the
24 voting of such securities, unless the action would materially affect
25 control of the insurer or unless the district court has so ordered. If
26 any insurer or the commissioner has reason to believe that any secu-
27 rity of the insurer has been or is about to be acquired in contraven-
28 tion of the provisions of this Act or of any rule, regulation or order
29 issued by the commissioner hereunder the insurer or the commis-
30 sioner may apply to the district court of Polk County or to the dis-
31 trict court for the county in which the insurer has its principal place
32 of business to enjoin any offer, request, invitation, agreement or
33 acquisition made in contravention of section three (3) of this Act
34 or any rule, regulation, or order issued by the commissioner there-
35 under to enjoin the voting of any security so acquired, to void any
36 vote of such security already cast at any meeting of shareholders,
37 and for such other equitable relief as the nature of the case and the
38 interests of the insurer's policyholders, creditors and shareholders
39 or the public may require.

40 3. *Sequestration of voting securities.* In any case where a person
41 has acquired or is proposing to acquire any voting securities in vio-
42 lation of this Act or any rule, regulation or order issued by the
43 commissioner hereunder, the district court of Polk County or the
44 district court for the county in which the insurer has its principal
45 place of business may, on such notice as the court deems appropriate,
46 upon the application of the insurer or the commissioner seize or
47 sequester any voting securities of the insurer owned directly or in-
48 directly by such person, and issue such orders with respect thereto
49 as may be appropriate to effectuate the provisions of this Act. Not-
50 withstanding any other provisions of law, for the purposes of this
51 Act the situs of the ownership of the securities of domestic insurers
52 shall be deemed to be in this state.

1 **SEC. 10. Criminal proceedings.**

2 Whenever it appears to the commissioner that any insurer or any
3 director, officer, employee or agent thereof has committed a willful
4 violation of this Act, the commissioner may cause criminal proceed-
5 ings to be instituted by the district court for the county in which the
6 principal office of the insurer is located or if such insurer has no such
7 office in the state, then by the district court of Polk County against
8 such insurer or the responsible director, officer, employee or agent
9 thereof. Any insurer which willfully violates this Act may be fined
10 not more than one hundred dollars. Any individual who willfully
11 violates this Act may be fined not more than one thousand dollars or,
12 if such willful violation involves the deliberate perpetration of a
13 fraud upon the commissioner, imprisoned not more than two years
14 or both.

1 **SEC. 11. Receivership.**

2 Whenever it appears to the commissioner that any person has com-
3 mitted a violation of this Act which so impairs the financial condition
4 of a domestic insurer as to threaten insolvency or make the further
5 transaction of business by it hazardous to its policyholders, creditors,
6 shareholders or the public, then the commissioner may proceed as
7 provided in section five hundred five point nine (505.9) of the Code to
8 take possession of the property of such domestic insurer and to con-
9 duct the business thereof.

1 **SEC. 12. Revocation, suspension, or nonrenewal of insurer's li-
2 cense.**

3 Whenever it appears to the commissioner that any person has com-
4 mitted a violation of this Act which makes the continued operation
5 of an insurer contrary to the interest of policyholders or the public,
6 the commissioner may, after giving notice and an opportunity to be
7 heard, determine to suspend, revoke or refuse to renew such insurer's
8 license or authority to do business in this state for such period as he
9 finds is required for the protection of policyholders or the public.
10 Any such determination shall be accompanied by specific findings of
11 fact and conclusions of law.

1 **SEC. 13. Judicial review; mandamus.**

2 1. Any person aggrieved by any Act, determination, rule, regula-
3 tion or order or any other action of the commissioner pursuant to
4 this Act may appeal therefrom to the district court of Polk County.
5 The court shall conduct its review without a jury and by trial *de novo*,
6 except that if all parties, including the commissioner, so stipulate,
7 the review shall be confined to the record. Portions of the record
8 may be introduced by stipulation into evidence in a trial *de novo* as
9 to those parties so stipulating.

10 2. The filing of an appeal pursuant to this section shall stay the
11 application of any rule, regulation, order or other action of the com-
12 missioner to the appealing party unless the court, after giving such
13 party notice and an opportunity to be heard, determines that such a
14 stay would be detrimental to the interests of policyholders, share-
15 holders, creditors or the public.

16 3. Any person aggrieved by any failure of the commissioner to act

17 or make a determination required by this Act may petition the dis-
18 trict court of Polk County for a writ in the nature of a mandamus or
19 a peremptory mandamus directing the commissioner to act or make
20 such determination forthwith.

Approved April 14, 1970.

CHAPTER 1250

LICENSING INSURANCE AGENTS

H. F. 231

AN ACT relating to the licensing of insurance agents in Iowa.

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

1 SECTION 1. Section five hundred twenty-two point one (522.1),
2 Code 1966, is hereby amended by striking from lines six (6) and
3 seven (7) the words "other than fraternal beneficiary associations,"
4 and inserting in lieu thereof the following: "unless exempt from the
5 provisions of this chapter by reason of section five hundred twelve
6 point thirty-three (512.33) of the Code, and".

1 SEC. 2. Section five hundred twelve point thirty-three (512.33),
2 Code 1966, is hereby amended by striking all of said section and in-
3 serting in lieu thereof the following:

4 Such associations may employ agents in the soliciting or procuring
5 of new members and such agents shall be subject to the provisions of
6 chapter five hundred twenty-two (522) of the Code. The term "agent"
7 as used in this section means any authorized or acknowledged agent of
8 a society who acts as such in the solicitation, negotiation or procure-
9 ment or making of a life insurance, accident and health insurance or
10 annuity contract. Notwithstanding the above definition of the term
11 "agent", a society may appoint one individual to act as an agent for
12 each lodge, or other subordinate unit by whatever name known, of the
13 society and licensing under chapter five hundred twenty-two (522)
14 shall not be required of such individual so long as the life insurance
15 contracts solicited and procured by such individual do not exceed
16 twenty-five thousand dollars in any calendar year, or, in the case of
17 any other kind or kinds of insurance which the society is authorized
18 to write, on the persons of more than twenty-five individuals in any
19 calendar year. Licensing in accordance with chapter five hundred
20 twenty-two (522) shall be required on and after the effective date of
21 this Act. Any examination which may be required under the provis-
22 ions of said chapter five hundred twenty-two (522) shall not be
23 applicable to any agent of a society who is in the service of a society
24 on the effective date of this Act, and who on said date is authorized
25 to represent a fraternal beneficiary society. The provisions of said
26 chapter five hundred twenty-two (522) shall not apply to the member
27 representatives of any society organized or licensed under this chap-
28 ter which insures its members against death, dismemberment and

29 disability resulting from accident only, and which pays no commission
30 or other compensation for the solicitation and procurement of such
31 contracts.

Approved March 20, 1970.

CHAPTER 1251

PUBLIC EMPLOYEE CREDIT UNIONS

H. F. 409

AN ACT relating to public employee credit unions.

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

1 SECTION 1. Chapter five hundred thirty-three (533), Code 1966, is
2 hereby amended by adding the following new section.
3 "When a credit union has been organized by the employees of the
4 state or of any political or municipal subdivision of the state, the
5 officer who writes warrants for the state or other governmental body
6 by which any public employee credit union member is employed, may
7 withhold from the salary or wages of such employee, and pay over
8 to such credit union, such sums as may be designated by written
9 authorization signed by such employee. The provisions of section five
10 hundred thirty-nine point four (539.4) of the Code shall have no
11 application hereto."

Approved March 26, 1970.

CHAPTER 1252

SAVINGS AND LOAN ASSOCIATIONS

S. F. 1099

AN ACT relating to savings and loan associations.

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

1 SECTION 1. Chapter two hundred seventy-six (276), section one
2 (1), Acts of the Sixty-third General Assembly, First Session, amend-
3 ing section five hundred thirty-four point nineteen (534.19), Code
4 1966, is hereby amended by striking lines three (3) through twenty-
5 one (21), inclusive, and inserting in lieu thereof the following:
6 "A savings and loan association operating under this chapter may
7 operate in a manner similar to federally chartered savings and loan
8 associations regarding the use of the terms 'deposit' and 'interest' and
9 with such other powers as have been authorized to federally chartered
10 associations under the homeowners loan act of 1933, title twelve (12),
11 section fourteen hundred sixty-four (1464), United States Code, and
12 as permitted under the rules and regulations of the federal home loan
13 bank system and federal savings and loan insurance corporation, to

14 the extent that similar rules and regulations have been adopted by the
 15 supervisor of savings and loan associations and have been filed with
 16 the secretary of state. This subsection shall not diminish or restrict
 17 the powers otherwise granted to such association by the laws of Iowa.
 18 The adoption and filing of such rules or regulations by the super-
 19 visor shall not diminish or restrict the rights of associations which
 20 do not make the above determination.”

1 SEC. 2. Section five hundred thirty-four point forty-two (534.42),
 2 Code 1966, as amended by chapter three hundred eighty-two (382),
 3 section eight (8), Acts of the Sixty-second General Assembly, is here-
 4 by repealed and the following enacted in lieu thereof:

5 “After making such provisions for absorbing immediate and possi-
 6 ble future losses, the board of directors of such association shall
 7 annually, or at such other intervals as the board of directors may
 8 determine, declare and apportion as a dividend to members, according
 9 to its articles of incorporation, such portion of the association’s net
 10 profits as it may deem available, and as authorized under this chapter.
 11 Members shall participate in dividends in proportion to their respec-
 12 tive investments therein. Dividends for a particular month may be
 13 paid on sums invested by a member by the tenth day of that month
 14 or by such later date of that month as is authorized by the supervisor
 15 of savings and loan associations, which shall in no event be later than
 16 the twentieth day of a particular month. If the tenth day of said
 17 month or other authorized date falls on a Sunday, holiday or another
 18 business day on which the particular association is normally closed,
 19 then money received by the next business day may earn dividends
 20 from the first of that month. The board of directors may also devise
 21 other methods of paying dividends, including payment of dividends
 22 from date of investment to date of withdrawal, subject to the approval
 23 of the supervisors.”

1 SEC. 3. Section five hundred thirty-four point nineteen (534.19),
 2 subsection six (6), Code 1966, is hereby amended by inserting after
 3 the comma in line five (5) the words “and loans on mobile homes,”.

1 SEC. 4. Chapter three hundred eighty-two (382), section seven (7),
 2 Acts of the Sixty-second General Assembly, is hereby amended by
 3 striking lines four (4) through thirteen (13), inclusive, and inserting
 4 in lieu thereof the following:

5 “Every association organized under the provisions of this chapter
 6 shall have and exercise all the rights, powers and privileges pertaining
 7 to savings and to loans not in conflict with the laws of this state, which
 8 are conferred upon federal savings and loan associations by the home-
 9 owners loan act of 1933, title twelve (12), section fourteen hundred
 10 sixty-four (1464), United States Code, and conferred by regulations
 11 adopted by the federal home loan bank board and the federal savings
 12 and loan insurance corporation.”

1 SEC. 5. This Act being deemed of immediate importance shall take
 2 effect and be in full force from and after its final approval and pub-

3 lication in the Council Bluffs Nonpareil, a newspaper published in
 4 Council Bluffs, Iowa, and in the Times-Democrat, a newspaper pub-
 5 lished in Davenport, Iowa.

Approved March 4, 1970.

I hereby certify that the foregoing Act, Senate File 1099, was published in the Council Bluffs Nonpareil, Council Bluffs, Iowa, March 9, 1970, and in the Times-Democrat, Davenport, Iowa, March 9, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1253

CHATTEL LOANS

S. F. 1108

AN ACT to permit the superintendent of banking to charge a fee for examination of firms licensed under chapter five hundred thirty-six (536) of the Code.

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

1 SECTION 1. Section five hundred thirty-six point two (536.2),
 2 Code 1966, is amended by striking lines twenty-eight (28) through
 3 thirty-six (36), inclusive, and inserting in lieu thereof the words
 4 "annual license fee."

1 SEC. 2. Section five hundred thirty-six point ten (536.10), Code
 2 1966, is hereby amended by adding thereto the following new para-
 3 graphs:

4 "Every licensee subject to examination, supervision and regulation
 5 by the superintendent, shall pay to the superintendent an examina-
 6 tion fee, based on the actual cost of the operation of the small loan
 7 division of the department of banking, and the proportionate share
 8 of administrative expenses in the operation of the department of
 9 banking attributable to the small loan division as determined by the
 10 superintendent of banking. Such fee shall apply equally to all licenses
 11 and shall not be changed more frequently than annually and when
 12 changed, shall be effective on January first of the year following the
 13 year in which the change is approved.

14 Upon completion of each examination required or allowed by this
 15 chapter, the examiner shall render a bill for such fee, in triplicate,
 16 and shall deliver one copy to the licensee and two copies to the super-
 17 intendent. Failure to pay the fee to the superintendent within ten
 18 days after the date of the close of each such examination shall sub-
 19 ject the licensee to an additional fee of five percent of the amount
 20 of such fee for each day the payment is delinquent."

1 SEC. 3. Section five hundred thirty-six point twenty-two (536.22),
 2 Code 1966, is hereby amended by inserting in line seven (7) before
 3 the word "and" the words ", examination fees,".

Approved February 12, 1970.

CHAPTER 1254

CHATTEL LOANS

H. F. 1030

AN ACT to correct an erroneous reference in the chattel loan statutes.

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

1 SECTION 1. Section five hundred thirty-six point twenty (536.20),
 2 Code 1966, as amended by Acts of the Sixty-third General Assembly,
 3 First Session, chapter two hundred seventy-three (273), is further
 4 amended by striking from the last line the words and figures "sections
 5 429.11 to 429.13, inclusive" and inserting in lieu thereof the words
 6 and figures "chapter five hundred thirty-six A (536A)".

Approved January 28, 1970.

CHAPTER 1255

REGISTRATION OF MARKS

S. F. 417

AN ACT to provide for the registration and protection of marks.

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

1 SECTION 1. **Definitions.** As used in this Act, unless the context
 2 otherwise requires:
 3 1. "Applicant" means a person filing an application for registra-
 4 tion of a mark under this Act, his legal representative, successor, or
 5 assignee.
 6 2. "Mark" means a word, name, symbol, device, or any combination
 7 of the foregoing in any form or arrangement used as a certification
 8 mark, collective mark, service mark, or trademark.
 9 a. "Certification mark" means a mark used in connection with the
 10 goods or services of a person other than the certifier to indicate geo-
 11 graphic origin, material, mode of manufacture, quality, accuracy, or
 12 other characteristics of the goods or services, or to indicate that the
 13 work or labor on the goods or services was performed by members of
 14 a union or other organization.
 15 b. "Collective mark" means a mark used by members of a coopera-
 16 tive, association, or other collective group or organization to identify
 17 goods or services and distinguish them from those of others, or to
 18 indicate membership in the collective group or organization.
 19 c. "Service mark" means a mark used by a person to identify serv-
 20 ices and to distinguish them from the services of others.
 21 d. "Trademark" means a mark used by a person to identify goods
 22 and to distinguish them from the goods of others.
 23 3. "Person" means an individual, corporation, government or gov-
 24 ernmental subdivision or agency, business trust, estate, trust, part-
 25 nership, unincorporated association, two or more of any of the fore-
 26 going having a joint or common interest, or any other legal or
 27 commercial entity.

28 4. "Registrant" means a person issued a registration of a mark
29 under this Act, his legal representative, successor, or assignee.

30 5. "Trade name" means a word, name, symbol, device, or any com-
31 bination of the foregoing in any form or arrangement used by a person
32 to identify his business, vocation, or occupation, and distinguish it
33 from others.

34 6. "Use" means:

35 a. Placing a mark on goods or containers or associated displays,
36 or on affixed tags or labels, and selling or otherwise distributing the
37 goods in this state.

38 b. Displaying a mark in connection with the sale or advertising of
39 services rendered.

1 **SEC. 2. Registrability.**

2 1. A mark shall not be registered if it:

3 a. Consists of or comprises immoral, deceptive, or scandalous mat-
4 ter, or

5 b. Consists of or comprises matter which may disparage, bring
6 into contempt or disrepute, or falsely suggest a connection with per-
7 sons, living or dead, institutions, beliefs, or national symbols, or

8 c. Consists of or comprises the flag, or coat of arms, or other insig-
9 nia of the United States, or of any state or municipality, or of any
10 foreign nation, or any simulation thereof, or

11 d. Consists of, or comprises the name, signature, or portrait of any
12 living individual, except with his written consent, or

13 e. Is merely descriptive or misdescriptive, or primarily geograph-
14 ically descriptive or geographically misdescriptive as applied to the
15 goods or services of the applicant, or

16 f. Is primarily a surname; except nothing in this paragraph shall
17 prevent the registration of a mark used in this state by the applicant,
18 which has become distinctive of the applicant's goods or services. The
19 secretary of state may accept as evidence that the mark has become
20 distinctive proof of continuous use as a mark by the applicant in this
21 state or elsewhere for the five years preceding the date of the filing
22 of the application for registration, or

23 g. Resembles a mark registered in this state or a mark or trade
24 name previously used in this state by another and not abandoned, so
25 as to be likely, when applied to the goods or services of the applicant,
26 to cause confusion, mistake, or deception of purchasers.

27 2. An applicant dissatisfied with a refusal of the secretary of state
28 to issue registration may bring a civil action in the district court of
29 the state for Polk county. The court shall review the secretary's
30 decision and order registration if registration was improperly refused.

1 **SEC. 3. Application for registration.** Subject to the limitations
2 set forth in this Act, any person who has previously adopted and used
3 a mark in this state may file in the office of the secretary of state, in
4 the manner prescribed by the secretary of state, duplicate originals
5 of an application for the registration of the mark. The application
6 shall include, but not be limited to, the following:

7 1. The name and business address of the applicant, and if a cor-
8 poration, the state of incorporation.

9 2. The goods or services in connection with which the mark is in

10 use, the mode or manner in which the mark is used in connection with
11 those goods or services, and the class or classes in which such goods
12 or services fall, as described in regulations promulgated by the sec-
13 retary of state.

14 3. The date on which the mark was first used anywhere by the
15 applicant or his predecessor in interest, and the date on which it was
16 first used in this state.

17 4. A statement that the applicant is the owner of the mark in this
18 state and that no other person has the right to use a mark in this
19 state which purchasers would be likely to confuse or mistake for the
20 applicant's mark.

21 5. The signature and verification of the applicant, a specimen or
22 facsimile of the mark illustrating its present mode of use, and a filing
23 fee of ten dollars for each class of goods or services for which regis-
24 tration is sought.

1 **SEC. 4. Certificate of registration.** The secretary of state shall
2 issue a certificate of registration to the applicant upon compliance
3 with the requirements of this Act. The certificate of registration
4 shall be issued over the signature and seal of the secretary of state
5 or his designee, bear the date of registration, and be affixed to a
6 duplicate original application or a copy. A duplicate original appli-
7 cation shall be retained by the secretary of state with respect to each
8 registered mark. The retained duplicate original application or a
9 copy shall be available for public examination.

10 Except as provided in section fourteen (14) of this Act, a certifi-
11 cate of registration by the secretary of state, affixed to a duplicate
12 original application or to a copy, shall be prima facie evidence of the
13 validity of registration and of the registrant's right to use the mark
14 throughout this state in the manner described in the certificate of
15 registration.

1 **SEC. 5. Duration and renewal.** Registration of a mark under this
2 Act shall be effective for a term of ten years and may be renewed for
3 successive ten-year periods. A renewal fee of ten dollars shall accom-
4 pany an application for renewal of registration. Application for re-
5 newal shall be made within six months prior to the expiration of the
6 registration on a form furnished by the secretary of state and shall
7 include a verified statement that the mark is still in use in this state.

8 The secretary of state shall notify a registrant of the pending ex-
9 piration of his registration. However, the failure of a registrant to
10 receive due notice from the secretary of state shall not prevent ex-
11 piration of a registration.

12 The term of any registration in force on the date on which this Act
13 becomes effective shall not be affected by this Act, but any registra-
14 tion in force on said date can only be renewed under this Act.

1 **SEC. 6. Assignment.** Any mark registered under this Act shall
2 be assignable with the good will of the business in which the mark is
3 used. A mark connected with a part of the good will of a business can
4 be assigned with that part of the good will of the business. Assign-
5 ment of a registration can only be effected by filing duplicate originals
6 of an assignment, signed by the registrant, with the secretary of state
7 together with a filing fee of three dollars. After filing the assignment,

8 the secretary of state shall issue to the assignee, for the remainder of
9 the term of the assigned registration, a new certificate attached to one
10 of the duplicate originals.

1 **SEC. 7. Cancellation.** The secretary of state shall cancel from the
2 register:

3 1. Any registration under a prior law which has expired without
4 being renewed under this Act.

5 2. Any registration concerning which the secretary of state re-
6 ceives a voluntary request for cancellation from the registrant or the
7 assignee of record.

8 3. Any registration granted under this Act and not renewed in ac-
9 cordance with its provisions.

10 4. Any registration which a district court, in an action involving
11 the registration and from which no appeal is or can be taken, finds:

12 *a.* That the registered mark has been abandoned, or

13 *b.* That the registrant is not the owner of the mark, or

14 *c.* That the registration was granted contrary to the provisions of
15 this Act, or

16 *d.* That the registration was obtained fraudulently, or

17 *e.* That the registered mark has become incapable of serving as a
18 mark, or

19 *f.* That the registered mark is so similar to a mark registered in
20 the United States patent office by another party to the litigation and
21 not abandoned prior to the date of first use by the registrant under
22 this Act as to be likely to cause confusion, mistake, or deception of
23 purchasers. However, registration under this Act shall not be can-
24 celed if the registrant under this Act proves that he has a concurrent
25 registration for his mark in the United States patent office for an
26 area including this state.

27 5. Any registration that a district court, from which no appeal is
28 or can be taken, orders canceled on any ground.

1 **SEC. 8. Classification.** The secretary of state shall establish a
2 classification of goods and services for convenience in the administra-
3 tion of this Act which shall not limit an applicant's or registrant's
4 rights except as expressly provided by this Act.

1 **SEC. 9. Fraudulent registration.** Any person who, either for him-
2 self or on behalf of any other person, shall procure the registration
3 of any mark under this Act by knowingly making any false or fraudu-
4 lent representation or declaration or by any other fraudulent means
5 is liable for the damages caused by the fraudulent registration and in
6 an action to recover these damages the court shall order cancellation
7 of the fraudulently obtained registration.

1 **SEC. 10. Infringement.**

2 Subject to the provisions of section fourteen (14) of this Act, any
3 person who without the consent of the registrant uses any reproduc-
4 tion, counterfeit, copy, or colorable imitation of a mark registered
5 under this Act in a manner which is likely to cause confusion, mis-
6 take, or deception of purchasers; or reproduces, counterfeits, copies,
7 or colorably imitates any registered mark and applies such reproduc-
8 tion, counterfeit, copy, or colorable imitation to labels, signs, prints,
9 packages, wrappers, receptacles, or advertisements intended to be

10 used in a manner which is likely to cause confusion, mistake, or de-
11 ception of purchasers in this state; shall be liable in a civil action by
12 the registrant of the mark, for any or all of the remedies provided in
13 section eleven (11) of this Act.

1 **SEC. 11. Remedies.**

2 1. The registrant of a mark that has been infringed may be granted
3 an injunction against an infringer in accordance with the principles
4 of equity. The court in its discretion may allow the registrant to
5 recover the damages caused by the infringement or the profits of the
6 infringer attributable to the infringement, or both. The court may
7 order any counterfeits or imitations in the possession or under the
8 control of an infringer to be destroyed and in exceptional cases the
9 court may also award reasonable attorney fees to the prevailing party.

10 2. Dilution of distinctiveness of a mark registered under this Act
11 shall be a ground for injunctive relief according to the principles of
12 equity.

1 **SEC. 12. Defenses.**

2 A registrant shall not use the letter "R" enclosed in a circle, thus ®,
3 "Registered in the U.S. Patent Office" or "Reg. U.S. Patent Off." to
4 give notice of registration under this Act. Use of false notice of fed-
5 eral registration is an affirmative defense which precludes recovery
6 of damages, profits, or injunctive relief under this Act for the period
7 during which false notice of federal registration is used.

1 **SEC. 13. Application.** This Act does not affect:

2 1. Rights, or the enforcement of rights, in marks or trade names
3 acquired in good faith at any time at common law.

4 2. Rights, or the enforcement of rights in marks acquired under
5 federal law.

6 3. Publishers, broadcasters, printers, or other persons engaged in
7 the dissemination of information or reproduction of printed or pic-
8 torial matter who publish, broadcast, or reproduce material without
9 knowledge of its infringing character.

10 4. Use of the Iowa certification mark as provided in section twenty-
11 eight point seven (28.7), subsection four (4) of the Code.

12 5. Marks for dairy products, as provided for in sections one hun-
13 dred ninety-two point twenty-three (192.23) through one hundred
14 ninety-two point thirty-nine (192.39), inclusive, of the Code.

1 **SEC. 14. Time of taking effect.** This Act shall be in force and
2 take effect January 1, 1971, but shall not affect any suit, proceeding,
3 or appeal then pending.

1 **SEC. 15.** Chapter five hundred forty-eight (548), Code 1966, is
2 repealed except that registrations under chapter five hundred forty-
3 eight (548) in force on said date shall continue to be governed by
4 chapter five hundred forty-eight (548) until expiration of the regis-
5 trations or renewal of the registrations under this Act, whichever is
6 sooner.

1 **SEC. 16.** Sections seven hundred thirteen point seventeen (713.17)
2 through seven hundred thirteen point twenty-one (713.21), inclusive,
3 Code 1966, are repealed except that registrations under section seven

4 hundred thirteen point eighteen (713.18), Code 1966, shall continue to
5 be in force until January 1, 1972 or until registered under this Act,
6 whichever is sooner.

1 SEC. 17. Section one hundred ninety-two point twenty-three
2 (192.23), Code 1966, is amended by striking from line one (1) the
3 words "The Iowa trade-" and inserting in lieu thereof the words "The
4 Iowa certification".

1 SEC. 18. Section one hundred ninety-two point twenty-four
2 (192.24), Code 1966, is amended by striking from lines thirteen (13)
3 and sixteen (16) the word "trade-mark" and inserting in lieu thereof
4 the words "certification mark".

1 SEC. 19. Section one hundred ninety-two point twenty-five
2 (192.25), Code 1966, is amended by striking from line four (4) the
3 word "trade-mark" and inserting in lieu thereof the words "certifi-
4 cation mark".

1 SEC. 20. Section one hundred ninety-two point twenty-six
2 (192.26), Code 1966, is amended by striking from lines three (3),
3 eight (8) and thirteen (13) the word "trade-mark" and inserting in
4 lieu thereof the words "certification mark".

1 SEC. 21. Section one hundred ninety-two point twenty-seven
2 (192.27), Code 1966, is amended by striking from lines two (2) and
3 three (3) the word "trade-mark" and inserting in lieu thereof the
4 words "certification mark".

1 SEC. 22. Section one hundred ninety-two point twenty-eight
2 (192.28), Code 1966, is amended by striking from lines three (3),
3 four (4), seven (7) and nine (9) the word "trade-mark" and insert-
4 ing in lieu thereof the words "certification mark".

1 SEC. 23. Section one hundred ninety-two point twenty-nine
2 (192.29), Code 1966, is amended by striking from lines two (2),
3 three (3) and five (5) the word "trade-mark" and inserting in lieu
4 thereof the words "certification mark".

1 SEC. 24. Section one hundred ninety-two point thirty (192.30),
2 Code 1966, is amended by striking from line six (6) the word "trade-
3 mark" and inserting in lieu thereof the words "certification mark".

Approved March 4, 1970.

CHAPTER 1256

TRADEMARKED ARTICLES

S. F. 1179

AN ACT relating to distribution of trademarked articles.

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

- 1 SECTION 1. Section five hundred fifty point two (550.2), Code
 2 1966, is hereby amended by adding thereto the following new subsec-
 3 tion:
 4 "In sales made to the state, its departments, commissions, agencies,
 5 boards and its governmental subdivisions."

Approved March 13, 1970.

CHAPTER 1257

UNFAIR TRADE

S. F. 1180

AN ACT relating to unfair trade discrimination.

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

- 1 SECTION 1. Chapter five hundred fifty-one (551), Code 1966, is
 2 hereby amended by adding the following new section:
 3 "The provisions of this chapter shall not apply to any contract or
 4 agreement relating to any sale made to the state, its departments,
 5 commissions, agencies, boards and its governmental subdivisions."

Approved March 13, 1970.

CHAPTER 1258

LOST WAREHOUSE RECEIPTS

S. F. 659

AN ACT relating to lost warehouse receipts.

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

- 1 SECTION 1. Section five hundred fifty-four point seven thousand
 2 six hundred one (554.7601), Code 1966, is hereby amended by adding
 3 the following subsections:
 4 1. "If a warehouse receipt has been lost or destroyed, the ware-
 5 houseman shall issue a duplicate upon receipt of:
 6 a. An affidavit that the warehouse receipt has been lost or de-
 7 stroyed.
 8 b. A bond in an amount at least double the value of the goods at
 9 the time of posting the bond, to indemnify any person injured by issu-

10 ance of the duplicate warehouse receipt who files a notice of claim
11 within one year after delivery of the goods.

12 A duplicate warehouse receipt shall be plainly marked to indicate
13 that it is a duplicate. A receipt plainly marked as a duplicate is a
14 representation and warranty by the warehouseman that the duplicate
15 receipt is an accurate copy of an original receipt properly issued and
16 uncanceled at the date of the issue of the duplicate, but shall impose
17 upon him no other liability.

18 A warehouseman who in good faith delivers goods to the holder of
19 a duplicate receipt issued in accordance with this subsection is liable
20 to any person injured by the delivery, but only to the extent of the
21 security posted in accordance with paragraph *b* of this subsection."

22 2. "If a warehouse receipt has been lost or destroyed, the depos-
23 itor may either remove the goods from the warehouse or sell the goods
24 to the warehouseman after executing a lost warehouse receipt release
25 on a form prescribed by the Iowa state commerce commission. The
26 form shall include an affidavit stating that the warehouse receipt has
27 been lost or destroyed, and the depositor's undertaking to indemnify
28 the warehouseman for any loss incurred as a result of the loss or de-
29 struction of the warehouse receipt. The form shall be filed with the
30 commerce commission."

31 3. "If a warehouse receipt has been lost or destroyed by a ware-
32 houseman after delivery of the goods or purchase of the goods by the
33 warehouseman, he shall execute and file with the Iowa state commerce
34 commission a notarized affidavit stating that the warehouse receipt has
35 been lost or destroyed by him after delivery or purchase of the goods
36 by him. The form of the affidavit shall be prescribed by the Iowa state
37 commerce commission."

1 SEC. 2. Section five hundred forty-three point nineteen (543.19),
2 Code 1966, is hereby amended by adding the following:

3 "Duplicates and releases for lost, destroyed, or stolen warehouse
4 receipts may be issued only in accordance with the provisions of sec-
5 tion five hundred fifty-four point seven thousand six hundred one
6 (554.7601) of the Code."

Approved May 5, 1970.

CHAPTER 1259

BANK LOAN SECURITY INTEREST

H. F. 1026

AN ACT relating to a bank loan reference in the security interest statutes.

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

1 SECTION 1. Section five hundred fifty-four point nine thousand
2 two hundred three (554.9203), Code 1966, subsection two (2), line
3 two (2), is amended by striking the figures "529,"

4 Further amend said subsection, line three (3), by inserting after
5 the figures "536" the following:

6 "and section nine hundred six (906), chapter two hundred seventy-
7 three (273), Acts of the Sixty-third General Assembly, First Ses-
8 sion".

Approved January 16, 1970.

CHAPTER 1260

REAL PROPERTY TITLES

S. F. 596

AN ACT relating to real property titles.

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

1 SECTION 1. Section five hundred fifty-eight point five (558.5), Code
2 1966, is hereby amended by striking from line three (3) the figure
3 "1930" and inserting in lieu thereof the figure "1950".

1 SEC. 2. Section five hundred fifty-eight point fourteen (558.14),
2 Code 1966, is hereby amended by striking from line three (3) the fig-
3 ure "1930" and inserting in lieu thereof the figure "1950".

1 SEC. 3. This Act shall not affect pending litigation, nor shall it
2 operate to revive rights or claims previously barred, nor shall it permit
3 an action to be brought or maintained upon any claim or cause of
4 action which is barred by any statute which is in force prior to July
5 1, 1970.

Approved March 9, 1970.

CHAPTER 1261

NOTARIES PUBLIC

S. F. 1009

AN ACT relating to acknowledgments by notaries public.

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

1 SECTION 1. Section five hundred fifty-eight point twenty (558.20),
2 Code 1966, lines nine (9) to twelve (12), inclusive, is amended by
3 striking the words "county of his appointment or in any county in
4 which he has filed with the clerk of the district court a certified copy
5 of his certificate of appointment" and inserting in lieu thereof the
6 word "state".

1 SEC. 2. Section five hundred fifty-eight point thirty-nine (558.39),
2 Code 1966, line thirty-two (32), is amended by striking the words "in
3 and for said county" and inserting in lieu thereof the words "in the
4 state of Iowa".

Approved April 13, 1970.

CHAPTER 1262

HOSPITAL LIENS

H. F. 1229

AN ACT relating to fees for filing hospital liens.

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

- 1 SECTION 1. Section five hundred eighty-two point four (582.4),
 2 Code 1966, is hereby amended by striking all of such section after the
 3 word "shall" in line eleven (11) and inserting in lieu thereof the
 4 words "collect a fee of two dollars for filing each claim."

Approved April 10, 1970.

CHAPTER 1263

NOTARIES ACTS LEGALIZED

S. F. 1056

AN ACT relating to legalizing acts of notaries public and acknowledgments.

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

- 1 SECTION 1. Section five hundred eighty-six point one (586.1),
 2 Code 1966, is hereby amended as follows:
 3 1. By striking from subsection one (1), line one (1), the figures
 4 "1950" and inserting in lieu thereof the figures "1960".
 5 2. By striking from subsection two (2), line one (1), the figures
 6 "1950" and inserting in lieu thereof the figures "1960".
 7 3. By striking from subsection three (3), line five (5), the figures
 8 "1958" and inserting in lieu thereof the figures "1966".
 9 4. By striking from subsection four (4), line three (3), the figures
 10 "1950" and inserting in lieu thereof the figures "1960".
 11 5. By striking from subsection six (6), line two (2), the figures
 12 "1950" and inserting in lieu thereof the figures "1960".
 13 6. By striking from subsection seven (7), line two (2), the figures
 14 "1950" and inserting in lieu thereof the figures "1960".
 15 7. By striking from subsection seven (7), lines three (3) and four
 16 (4), the words and figures "[Codes 1924 to 1939; section 558.28] to
 17 and including the Code of 1958," and inserting in lieu thereof the
 18 words and figures "Codes 1924 to 1939 and section 558.28, Code 1946
 19 to and including the Code of 1966,".
 20 8. By striking from subsection seven (7), lines seven (7) and
 21 eight (8), the words and figures "[Code 1924 to 1939; section 558.29]
 22 to and including the Code of 1958," and inserting in lieu thereof the
 23 words and figures "Codes of 1924 to 1939 and section 558.29, Code
 24 1946 to and including the Code of 1966,".
 25 9. By striking from subsection eight (8), line two (2), the figures
 26 "1950" and inserting in lieu thereof the figures "1960".
 27 10. By striking from subsection nine (9), line two (2), the figures
 28 "1950" and inserting in lieu thereof the figures "1960".

1 SEC. 2. This Act shall not affect pending litigation nor shall it
 2 operate to revive the rights or claims previously barred nor permit
 3 an action to be brought or maintained upon any claim or cause of
 4 action which is barred by any statute which is in force prior to July
 5 1, 1970, nor shall it affect any action which may be brought on or be-
 6 fore January 1, 1971.

Approved March 4, 1970.

CHAPTER 1264

JUDGMENTS AND DECREES LEGALIZED

S. F. 1066

AN ACT legalizing prior judgments and decrees.

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

1 SECTION 1. Section five hundred eighty-seven point three (587.3),
 2 Code 1966, is hereby amended by striking from line two (2) the fig-
 3 ures "1953" and inserting in lieu thereof the figures "1963".

1 SEC. 2. Section five hundred eighty-seven point four (587.4), Code
 2 1966, is hereby amended by striking from line four (4) the figures
 3 "1960" and inserting in lieu thereof the figures "1969".

1 SEC. 3. Section five hundred eighty-seven point seven (587.7),
 2 Code 1966, is hereby amended by striking from line three (3) the fig-
 3 ures "1956" and inserting in lieu thereof the figures "1966".

1 SEC. 4. Section five hundred eighty-seven point eight (587.8),
 2 Code 1966, is hereby amended by striking from line two (2) the fig-
 3 ures "1955" and inserting in lieu thereof the figures "1966".

1 SEC. 5. Section five hundred eighty-seven point nine (587.9), Code
 2 1966, is hereby amended by striking from line two (2) the figures
 3 "1959" and inserting in lieu thereof the figures "1969".

1 SEC. 6. Section five hundred eighty-seven point ten (587.10), Code
 2 1966, is hereby amended by striking from line five (5) the figures
 3 "1960" and inserting in lieu thereof the figures "1970".

1 SEC. 7. Section five hundred eighty-seven point twelve (587.12),
 2 Code 1966, is hereby amended as follows:

3 1. By striking from subsection one (1), line three (3), the word
 4 and figures "July 4, 1961" and inserting in lieu thereof the word and
 5 figures "July 1, 1970".

6 2. By striking from subsection two (2), line six (6), the word and
 7 figures "July 4, 1961" and inserting in lieu thereof the word and fig-
 8 ures "July 1, 1970".

9 3. By striking from subsection three (3), line seven (7), the word
 10 and figures "July 4, 1961" and inserting in lieu thereof the word and
 11 figures "July 1, 1970".

1 SEC. 8. This Act shall not affect pending litigation nor shall it
 2 operate to revive the rights or claims previously barred nor permit an

3 action to be brought or maintained upon any claim or cause of action
 4 which is barred by any statute which is in force prior to July 1, 1970,
 5 nor shall it affect any action which may be brought on or before Jan-
 6 uary 1, 1971.

Approved March 4, 1970.

CHAPTER 1265
 LEGALIZING WILLS

S. F. 1058

AN ACT legalizing wills.

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

1 SECTION 1. Section five hundred ninety point one (590.1), Code
 2 1966, is hereby amended as follows:

3 1. By striking from line one (1) the figures "1955" and inserting
 4 in lieu thereof the figures "1964".

5 2. By striking from line six (6) "Code 1946 to 1958" and inserting
 6 "Codes 1946 to 1962".

7 3. By adding to said section a new paragraph as follows:

8 In all instances prior to January 1, 1967, where administrators
 9 have failed to publish notice of their appointment as required by
 10 section six hundred thirty-three point two hundred thirty (633.230),
 11 Code 1966, and executors have failed to publish a notice of admission
 12 of the will to probate and their appointment as required by section
 13 six hundred thirty-three point three hundred four (633.304), Code
 14 1966, but have published a notice of appointment or notice of admis-
 15 sion of the will to probate and of the appointment of the executor,
 16 such notice of appointment or notice of admission of the will to pro-
 17 bate and of the appointment of the executor, is hereby legalized and
 18 shall have the same force and effect as though the same had been
 19 published as required.

1 SEC. 2. Section five hundred ninety point two (590.2), Code 1966,
 2 is hereby amended as follows:

3 1. By striking from line two (2) the figures "1959" and inserting
 4 in lieu thereof the figures "1964".

5 2. By striking from lines seven (7) and eight (8) "Code 1946 to
 6 1958" and inserting "Codes 1946 to 1962".

1 SEC. 3. This Act shall not affect pending litigation nor shall it
 2 operate to revive the rights or claims previously barred nor permit
 3 an action to be brought or maintained upon any claim or cause of
 4 action which is barred by any statute which is in force prior to July
 5 1, 1970, nor shall it affect any action which may be brought on or
 6 before January 1, 1971.

Approved March 16, 1970.

CHAPTER 1266

DIVORCE AND MARRIAGE ANNULMENT

H. F. 1156

AN ACT relating to a revision of Iowa law governing divorce and marriage annulment and relating to support payments to welfare recipients under decree for dissolution of marriage.

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

1 SECTION 1. Chapter five hundred ninety-eight (598), Code 1966,
2 is hereby repealed and sections two (2) through thirty-three (33)* of
3 this Act enacted in lieu thereof.

1 SEC. 2. **Definitions.** As used in this Act:

2 1. "Dissolution of marriage" means a termination of the marriage
3 relationship and shall be synonymous with the term "divorce".

4 2. "Support" or "support payments" means any amount which the
5 court may require either of the parties to pay under a temporary
6 order or a final judgment or decree, and may include alimony, child
7 support, maintenance, and any other term used to describe such
8 obligations.

9 3. "Minor child" means any person under legal age.

1 SEC. 3. **Jurisdiction.** The district court in the county where either
2 party resides has jurisdiction of the subject matter of this Act.

1 SEC. 4. **Kind of action—joinder.** An action for dissolution of mar-
2 riage shall be by equitable proceedings, and no cause of action, save
3 for alimony, shall be joined therewith.

1 SEC. 5. **Caption of petition for dissolution.** The petition for dissolu-
2 tion of marriage shall be captioned substantially as follows:

3	In the District Court of the State of Iowa	
4	In and For	County
5	In Re the Marriage of	and
6	Upon the Petition of	* Petition for Dissolution
7	.....	* of Marriage
8	(Petitioner)	* Equity No.
9	and Concerning	*
10	.....	*
11	(Respondent)	*

1 SEC. 6. **Contents of petition.** The petition for dissolution of mar-
2 riage shall:

- 3 1. State the name and address of the petitioner and his attorney.
- 4 2. State the place and date of marriage of the parties.
- 5 3. State the name and address, if known, of the respondent.
- 6 4. State the name and age of each minor child by date of birth
7 whose welfare may be affected by the controversy.
- 8 5. State whether or not a separate action for dissolution of marriage
9 has been commenced by the respondent and whether such action is
10 pending in any court in this state or elsewhere.

*See ch. 1267.

11 6. Allege that the petition has been filed in good faith and for the
12 purposes set forth therein.

13 7. Allege that there has been a breakdown of the marriage rela-
14 tionship to the extent that the legitimate objects of matrimony have
15 been destroyed and there remains no reasonable likelihood that the
16 marriage can be preserved.

17 8. Set forth any application for temporary support of the petitioner
18 and any children without enumerating the amounts thereof.

19 9. Set forth any application for permanent alimony or support, child
20 custody, or disposition of property, as well as attorneys' fees and
21 suit money, without enumerating the amounts thereof.

1 SEC. 7. **Additional contents.** Except where the respondent is a
2 resident of this state and is served by personal service, the petition
3 for dissolution of marriage, in addition to setting forth the informa-
4 tion required by section six (6) of this Act, must state that the peti-
5 tioner has been for the last year a resident of the state, specifying
6 the county in which the petitioner has resided, and the length of such
7 residence therein after deducting all absences from the state; and
8 that the maintenance of the residence has been in good faith and
9 not for the purpose of obtaining a marriage dissolution only.

1 SEC. 8. **Verification—evidence.** The petition must be verified by
2 the petitioner, and its allegations established by competent evidence.

1 SEC. 9. **Hearings.*** Hearings for dissolution of marriage shall be
2 heard in open court or a commissioner appointed by the court upon
3 the oral testimony of witnesses, or depositions taken as in other equita-
4 ble actions. However, the court may in its discretion close the hear-
5 ing. Hearings held for the purpose of determining child custody may
6 be limited in attendance by the court.

1 SEC. 10. **Residence—failure of proof.** If the averments as to resi-
2 dence are not fully proved, the hearing shall proceed no further, and
3 the action be dismissed by the court.

1 SEC. 11. **Corroboration of petitioner.** No dissolution of marriage
2 shall be decreed on the testimony of the petitioner alone.

1 SEC. 12. **Temporary orders.** The court may order either party to
2 pay the clerk a sum of money for the separate support and mainte-
3 nance of the other party and the children and to enable such party to
4 prosecute or defend the action.

5 The court may make such an order when a claim for temporary sup-
6 port is made by the petitioner in the petition, or upon application of
7 either party, after service of the original notice and when no applica-
8 tion is made in the petition; however, no such order shall be entered
9 until at least five days' notice of hearing, and opportunity to be heard,
10 is given the other party. Appearance by an attorney or the respondent
11 for such hearing shall be deemed a special appearance for the purpose
12 of such hearing only and not a general appearance.

1 SEC. 13. **Attorney for minor child.** The court may appoint an at-
2 torney to represent the interests of the minor child or children of the

*See ch. 1267.

3 parties. Such attorney shall be empowered to make independent in-
4 vestigations and to cause witnesses to appear and testify before the
5 court on matters pertinent to the interests of the children. The court
6 shall enter an order in favor of such attorney for fees and disburse-
7 ments, which amount shall be charged against the party responsible
8 for court costs unless the court determines that the party responsible
9 for costs is indigent in which event the fees shall be borne by the
10 county.

1 **SEC. 14. Financial statements filed.** All applications for temporary
2 or permanent support of a party or minor children shall be accom-
3 panied by the financial statement of the applicant. The respondent
4 shall file a financial statement whenever the respondent desires to
5 resist any application for support by the petitioner, or when the court
6 so orders.

7 Financial statements shall be set forth by affidavit and shall be
8 contained in two divisions. Division one shall contain the affiant's
9 income from salary, wages or other source, personal expenses, and
10 necessary payments on debts, and also the best estimates of such in-
11 come, personal exponses, and necessary payments on debts of the
12 other party, as well as all family living expenses. Such financial in-
13 formation shall be calculated on either a weekly or monthly basis, and
14 shall not contain debts to be paid subsequent to the anticipated pend-
15 ency of the action. Division two shall contain all other joint or
16 separate assets and liabilities of the parties, including ownership of
17 realty and tangible or intangible personalty and all debts to be paid
18 subsequent to the anticipated pendency of the action.

1 **SEC. 15. How temporary order made—changes.** In making tem-
2 porary orders, the court shall take into consideration the age and sex
3 of the applicant, the physical and pecuniary condition of the parties,
4 and such other matters as are pertinent, which may be shown by
5 affidavits, as the court may direct; however, the hearing on the applica-
6 tion shall be limited to matters set forth in such application, the
7 affidavits of the parties, and the required statements of income. The
8 court shall not hear any other matter relating to the petition, respon-
9 dent's answer, or any pleadings connected therewith.

10 After notice and hearing subsequent changes in temporary orders
11 may be made by the court on application of either party demonstrating
12 a substantial change in the circumstances occurring subsequent to the
13 issuance of such order. If the order is not so modified it shall con-
14 tinue in force and effect until the action is dismissed or a decree is
15 entered dissolving the marriage.

1 **SEC. 16. Attachment.** The petition may be presented to the court
2 for the allowance of an order of attachment, which, by endorsement
3 thereon, may direct such attachment and fix the amount for which
4 it may issue, and the amount of the bond, if any, that shall be given.
5 Any property taken by virtue thereof shall be held to satisfy the
6 judgment or decree of the court, but may be discharged or released
7 as in other cases.

1 **SEC. 17. Conciliation.** A majority of the judges in any judicial
2 district, with the cooperation of any county board of social welfare

3 in such district, may establish a domestic relations division of the
4 district court of the county where such board is located. Said division
5 shall offer counseling and related services to persons before such
6 court.

7 The court shall require such parties to undergo conciliation for a
8 period of at least ninety days from the issuance of an order setting
9 forth the conciliation procedure and the conciliator. Such concilia-
10 tion procedures may include, but shall not be limited to, referrals to
11 the domestic relations division of the court, if established, public or
12 private marriage counselors, family service agencies, community
13 mental health centers, physicians and clergymen. Conciliation may be
14 waived by the court upon a showing of good cause; provided, however,
15 that it shall not be waived if either party or the attorney appointed
16 pursuant to section thirteen (13) of this Act objects.

17 The costs of any such conciliation procedures shall be paid by the
18 parties; however, if the court determines that such parties will be
19 unable to pay the costs without prejudicing their financial ability to
20 provide themselves and any minor children with economic necessities,
21 such costs may be paid from the court expense fund.

1 **SEC. 18. Dissolution of marriage—evidence.** A decree dissolving
2 the marriage may be entered when the court is satisfied from the evi-
3 dence presented that there has been a breakdown of the marriage
4 relationship to the extent that the legitimate objects of matrimony
5 have been destroyed and there remains no reasonable likelihood that
6 the marriage can be preserved.

7 The court shall, based upon competent and relevant evidence, in such
8 decree provide for the division of the assets of the parties and reason-
9 able support or maintenance of any dependent children or either
10 spouse.

11 No marriage dissolution granted due to the mental illness of one
12 of the spouses shall relieve the other spouse of any obligation imposed
13 by law as a result of the marriage for the support of the mentally ill
14 spouse, and the court may make an order for such support.

1 **SEC. 19. Recrimination not a bar to dissolution of marriage.** If,
2 upon the trial of an action for dissolution of marriage, both of the
3 parties are found to have committed an act or acts which would
4 support or justify a decree of dissolution of marriage, such dissolution
5 may be decreed, and the acts of one party shall not negate the acts
6 of the other, nor serve to bar the dissolution decree in any way.

1 **SEC. 20. Waiting period before decree.** No decree dissolving a
2 marriage shall be granted in any proceeding before ninety days shall
3 have elapsed from the day the original notice is served, or from the
4 last day of publication of notice, or from the date that waiver or
5 acceptance of original notice is filed or until after conciliation is com-
6 pleted, whichever period shall be longer. However, the court may
7 in its discretion, on written motion supported by affidavit setting
8 forth grounds of emergency or necessity and facts which satisfy the
9 court that immediate action is warranted or required to protect the
10 substantive rights or interests of any party or person who might be
11 affected by the decree, hold a hearing and grant a decree dissolving
12 the marriage prior to the expiration of the applicable period, pro-

13 vided that requirements of notice have been complied with. In such
14 case the grounds of emergency or necessity and the facts with respect
15 thereto shall be recited in the decree unless otherwise ordered by the
16 court.

1 **SEC. 21. Forfeiture of marital rights.** When a dissolution of mar-
2 riage is decreed the parties shall forfeit all rights acquired by mar-
3 riage which are not specifically preserved in the decree. This provision
4 shall not obviate any of the provisions of section twenty-two (22)
5 of this Act.

1 **SEC. 22. Alimony—custody of children—changes.** When a disso-
2 lution of marriage is decreed, the court may make such order in rela-
3 tion to the children, property, parties, and the maintenance of the
4 parties as shall be justified.

5 Subsequent changes may be made by the court in these respects
6 when circumstances render them expedient.

1 **SEC. 23. Support payments—clerk of court—defaults.*** All orders
2 or judgments providing for temporary or permanent support payments
3 shall direct the payment of such sums to the clerk of the court for
4 the use of the person for whom the same have been awarded. An
5 order or judgment entered by the court for temporary or permanent
6 support shall be filed with the court clerk. Such orders shall have the
7 same force and effect as judgments when entered. The clerk shall
8 disburse the payments received pursuant to such orders or judgments.
9 All moneys received or disbursed under this section shall be entered
10 in a record book kept by the clerk, which shall be open to inspection
11 by the parties to the action and their attorneys.

12 If the sums ordered to be paid are not paid to the clerk at the time
13 provided in said order or judgment, the clerk shall certify a default
14 to the court which may, on its own motion, proceed as provided in
15 section twenty-four (24) of this Act.

16 Prompt payment of sums required to be paid under sections twelve
17 (12) and twenty-two (22) of this Act shall be the essence of such
18 orders or judgments and the court may act pursuant to section twenty-
19 four (24) of this Act regardless of whether the amounts in default
20 are paid prior to the contempt hearing.

1 **SEC. 24. Contempt proceedings—alternative to jail sentence.** If any
2 party against whom any temporary order or final decree has been
3 entered shall willfully disobey the same, or secrete his property, he
4 may be cited and punished by the court for contempt and be com-
5 mitted to the county jail for a period of time not to exceed thirty
6 days for each offense.

7 The court may, as an alternative to punishment for contempt, make
8 an order directing the defaulting party to assign a sufficient amount
9 in salary or wages due, or to become due in the future, from an em-
10 ployer or successor employers, to the clerk of the court where the
11 order or judgment was granted for the purpose of paying the sums
12 in default as well as those to be made in the future. The assignment
13 order shall not be binding upon the employer, but the court shall
14 send a copy of the order, signed by the employee, to the employer

*See ch. 1267.

15 and request his cooperation in deducting support payments. For each
16 payment deducted in compliance with such request, the employer shall
17 receive one dollar to cover the expense created by the deduction, which
18 amount shall be deducted from the money due the employee. Compli-
19 ance by an employer with the court's request shall operate as a dis-
20 charge of his liability to the employee as to the affected portion of the
21 employee's wages.

22 Any employer who dismisses an employee due to the entry of an
23 assignment order commits a public offense and upon conviction shall
24 be fined not more than one hundred dollars.

1 **SEC. 25. Contempt proceedings initiated by interested party—**
2 **costs taxable to party in default.** Nothing in this Act shall prohibit
3 the party entitled to support payments, or an interested party from
4 initiating contempt proceedings on his own motion. If the defaulting
5 party is found to be in contempt, the costs of such proceedings, in-
6 cluding attorney's fees for the party initiating the proceedings in an
7 amount deemed reasonable by the court, shall be taxed against such
8 party.

1 **SEC. 26. Termination of jurisdiction of court granting marriage**
2 **dissolution decree.** Whenever a proceeding is initiated in a court for
3 adoption involving the children of parents or guardians whose mar-
4 riage has been dissolved, or for modification of a judgment of alimony,
5 child support, or custody granted in an action for dissolution of
6 marriage, the following requirements must be met if such proceedings
7 are initiated in a court other than the court which granted the dissolu-
8 tion decree.

9 1. The party initiating such proceedings must present to the court
10 the names and addresses of the parties to the dissolution decree if
11 known, as well as the name and place of the court which granted the
12 dissolution decree.

13 2. The court in which the proceedings are initiated shall, if possible,
14 cause notice of such proceedings to be served upon the parties to the
15 original action.

16 Such court, or either of the parties to the dissolution decree, may
17 request that a copy of the transcript of the proceedings of the court
18 which granted the dissolution decree be made available for considera-
19 tion in the new proceedings.

1 **SEC. 27. Record—impounding.*** The record and evidence in all cases
2 where a marriage dissolution is sought shall be closed to all but the
3 court and its officers, and access thereto shall be refused until a decree
4 of dissolution has been entered. The clerk shall maintain a separate
5 docket for dissolution of marriage actions. No officer or other person
6 shall permit a copy of any of the testimony, or pleading, or the
7 substance thereof, to be made available to any person other than a
8 party or attorney to the action. Violation of the provisions of this
9 section shall be a public offense, punishable by a fine of not more than
10 one hundred dollars, or imprisonment in the county jail not more than
11 thirty days, or by both such fine and imprisonment.

*See ch. 1267.

1 **SEC. 28. Remarriage.** In every case in which a marriage dissolu-
2 tion is decreed, neither party shall marry again within a year from
3 the date of the filing of said decree unless permission to do so is
4 granted by the court. Nothing herein contained shall prevent the per-
5 sons whose marriage has been dissolved from remarrying each other.
6 Any person marrying contrary to the provisions of this section shall
7 be deemed guilty of a misdemeanor and upon conviction shall be
8 punished accordingly.

1 **SEC. 29.** A petition shall be filed in separate maintenance and an-
2 nulment actions as in actions for dissolution of marriage, and all appli-
3 cable provisions of this Act in relation thereto shall apply to separate
4 maintenance and annulment actions.

1 **SEC. 30. Annulling illegal marriage—causes.** Marriage may be
2 annulled for the following causes:

- 3 1. Where the marriage between the parties is prohibited by law.
- 4 2. Where either party was impotent at the time of marriage.
- 5 3. Where either party had a husband or wife living at the time
6 of the marriage, provided they have not, with a knowledge of such
7 fact, lived and cohabited together after the death or marriage disso-
8 lution of the former spouse of such party.
- 9 4. Where either party was mentally ill or a mental retardate at the
10 time of the marriage.

1 **SEC. 31. Validity determined.** When the validity of a marriage is
2 doubted, either party may file a petition, and the court shall decree
3 it annulled or affirmed according to the proof.

1 **SEC. 32. Children—legitimacy.*** Children born to the parties, or
2 to the wife, in a marriage relationship which may be terminated or
3 annulled pursuant to the provisions of this Act shall be legitimate.

1 **SEC. 33. Alimony.** In case either party entered into the contract of
2 marriage in good faith, supposing the other to be capable of contract-
3 ing, and the marriage is declared a nullity, such fact shall be entered
4 in the decree, and the court may decree such innocent party compen-
5 sation as in case of dissolution of marriage.

1 **SEC. 34.** Any cause of action pending upon the effective date of
2 this Act, which may be affected by this Act, may be decided pursuant
3 to the provisions of this Act if both parties to the action so agree.

1 **SEC. 35.** The county board of social welfare in any county is au-
2 thorized to enter into the following agreement with the court, which
3 may ratify such agreement by a majority vote of the district judges
4 assigned to the judicial district where such board is located:

5 Any person entitled to periodic support payments pursuant to an
6 order or judgment entered in an action for dissolution of marriage,
7 who is also a welfare recipient, shall assign his rights to such pay-
8 ments to the county board of social welfare granting such assistance.
9 The clerk of court shall forward support payments received pursuant
10 to section twenty-three (23) of this Act to such board. Such sums
11 may serve to reduce the amount of the welfare payments granted such

*See ch. 1267.

12 recipient. The board of social welfare shall have the right to secure
 13 support payments in default through proceedings provided for in
 14 chapter two hundred fifty-two A (252A) of the Code or section
 15 twenty-five (25) of this Act.

16 The clerk shall furnish such welfare agency with copies of all
 17 orders or decrees awarding support to parties having custody of minor
 18 children when such parties are receiving welfare assistance.

Approved March 20, 1970.

CHAPTER 1267

DISSOLUTION OF MARRIAGE

S. F. 1315

AN ACT relating to dissolution of marriage, separate maintenance, and annulment.

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

1 SECTION 1. House File one thousand one hundred fifty-six (1156),*
 2 Acts of the Sixty-third General Assembly, Second Session, is amended
 3 as follows:

4 1. Section twenty-three (23) is amended by adding at the end of
 5 the third sentence after the word "entered" the words "in the judg-
 6 ment docket and lien index and shall be a record open to the public".

7 2. Section twenty-seven (27) is amended by inserting after the first
 8 sentence a new sentence as follows:

9 "If the action is dismissed judgment for costs shall be entered in
 10 the judgment docket and lien index."

11 3. Section twenty-seven (27) is further amended by inserting after
 12 the third sentence the following sentence:

13 "Nothing in this section shall be construed to prohibit publication
 14 of the original notice as provided by the rules of civil procedure."

15 4. Section thirty-two (32) is amended by striking the period at
 16 the end thereof and inserting in lieu thereof the following: "as to
 17 both parties, unless the court shall decree otherwise according to the
 18 proof."

19 5. Section one (1) is amended by striking therefrom the word and
 20 number "thirty-three (33)" and inserting in lieu thereof the word and
 21 number "thirty-five (35)".

22 6. Section nine (9) is amended by striking the first sentence and
 23 inserting in lieu thereof the following new sentence:

24 "Hearings for dissolution of marriage shall be held in open court
 25 upon the oral testimony of witnesses, or upon the depositions of such
 26 witnesses taken as in other equitable actions or taken by a commis-
 27 sioner appointed by the court."

Approved May 5, 1970.

*Chapter 1266.

CHAPTER 1268

SHORTHAND COURT REPORTERS

S. F. 253

AN ACT relating to shorthand court reporters.

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

1 SECTION 1. Section six hundred five point eight (605.8), Code
2 1966, is repealed and the following enacted in lieu thereof:

3 "Each full-time shorthand reporter of the district court shall be
4 paid an annual salary in equal installments as hereinafter provided.
5 Each district judge upon the appointment of a full-time shorthand re-
6 porter as hereinbefore provided, shall certify the name and address of
7 such reporter and the date upon which his term of service begins, to
8 each county auditor in the judicial district.

9 Salaries of certified shorthand reporters of the district court shall
10 be as follows:

11 1. The annual salary of a full-time shorthand reporter in a judicial
12 district which does not contain a city having a population of more
13 than fifty thousand shall be ten thousand seven hundred fifty dollars.

14 2. The annual salary of a full-time shorthand reporter in a judicial
15 district which contains a city having a population of fifty thousand
16 or more but less than one hundred twenty-five thousand, shall be
17 eleven thousand seven hundred fifty dollars.

18 3. The annual salary of a full-time shorthand reporter in a judicial
19 district which contains a city having a population of one hundred
20 twenty-five thousand, or more, shall be twelve thousand seven hundred
21 fifty dollars.

22 4. Population shall be determined according to the latest federal
23 decennial census.

24 5. All of the judges in a judicial district may, by joint order, in-
25 crease the annual salary of a full-time shorthand reporter in that dis-
26 trict for length of service in excess of five years by an additional
27 amount not to exceed ten percent of a reporter's annual salary in such
28 a district.

29 In the event a judge shall have died or resigned his office, the court
30 reporter appointed by him shall continue to serve in such capacity as
31 may be directed by the remaining judges of said judicial district, and
32 shall be paid his regular compensation, until his successor has been
33 appointed and certified to the county auditor.

34 Shorthand reporters of the district court employed on an emergency
35 basis shall be paid thirty-seven dollars and fifty cents per day for
36 each day's attendance upon said court, or employment under the direc-
37 tion of the judge, out of the county treasury where such court is held,
38 upon the certificate of the judge holding the court, or directing the
39 employment, provided however, that the maximum compensation for
40 one-day attendance at court shall not exceed the per diem herein des-
41 ignated. Payments shall be made at least once each month. Pro-
42 vided further that if any judicial district contains a city having a
43 population of fifty thousand or more, the district court judges of said
44 district may by joint order fix the compensation of any shorthand
45 reporter of said district at an amount in excess of the per diem desig-

46 nated herein, but not more than five percent thereof. If any judicial
47 district contains a city having a population of one hundred fifty thou-
48 sand or more, the district court judges of said district may by joint
49 order fix the compensation of any shorthand reporter of said district
50 at an amount in excess of the per diem designated herein, but not
51 more than ten percent thereof.”

1 SEC. 2. Section six hundred five point nine (605.9), Code 1966, is
2 repealed and the following enacted in lieu thereof:

3 “Immediately after the results of each decennial federal census are
4 published, the chief judge of each judicial district shall determine
5 therefrom the population of each county of said district, and shall
6 certify to the county auditor of each such county the percentage pro-
7 portion of the population of each such county to the aggregate popu-
8 lation of all of the counties in said judicial district. Each county
9 auditor shall issue warrants to said reporter in the percentage amount
10 of the total compensation of said reporter as certified by the district
11 judges, and the county treasurer shall pay same out of any funds in
12 the county treasury not otherwise appropriated.

13 In the event it is determined by any judge of the district court that
14 it is necessary to employ an additional shorthand reporter because
15 of an extraordinary volume of work, or because of the temporary
16 illness or incapacity of a regular shorthand reporter, such judge may
17 appoint a temporary shorthand reporter who shall serve as required
18 by said judge, and shall be paid compensation on a per diem basis at
19 the prevailing rates of compensation for such reporters as may be
20 determined by the judge. In such event, the district judge shall cer-
21 tify to each county auditor in his judicial district the name of the
22 shorthand reporter so appointed, and the amount of compensation
23 which shall be paid, and said reporter shall be paid in the same man-
24 ner and in the same proportions as is herein provided.”

1 SEC. 3. Section six hundred two point forty-six (602.46), Code
2 1966, is hereby amended by striking all after the word, “court” in line
3 seven (7) and all of lines eight (8) through thirteen (13), inclusive,
4 and by inserting in lieu thereof the following:

5 “for full-time shorthand reporters in cities having a population of
6 less than seventy thousand, an annual salary of eight thousand five
7 hundred dollars and in cities having a population of seventy thousand
8 or more, an annual salary of nine thousand five hundred dollars. All
9 of the judges of a municipal court may, by joint order, increase the
10 salary of a full-time shorthand reporter in that court for length of
11 service in excess of five years by an additional amount, not to exceed
12 ten percent of a reporter’s annual salary in such municipal court.
13 Shorthand reporters employed on a part-time basis shall be paid
14 thirty-two dollars and fifty cents for each day actually worked. No
15 shorthand reporter employed on a part-time basis shall be paid more
16 on a per diem than a full-time reporter would receive on a salary
17 basis in the same city. Population shall be determined according to
18 the latest federal decennial census. All such salaries shall be paid”.

1 SEC. 4. Section six hundred twenty-two point one hundred three
2 (622.103), Code 1966, is repealed.

1 SEC. 5. Section eighty-six point twenty (86.20), Code 1966, is re-
2 pealed.

1 SEC. 6. Section seventy-eight point one (78.1), Code 1966, is
2 amended by adding the following subsection:
3 "Certified shorthand reporters."

1 SEC. 7. There shall be no discrimination in hiring shorthand court
2 reporters on the basis of sex. Complaints of persons aggrieved may
3 be made under the provisions of chapter one hundred five A (105A)
4 of the Code.

Approved March 13, 1970.

CHAPTER 1269

RETIREMENT BENEFITS FOR MUNICIPAL JUDGES

H. F. 357

AN ACT relating to retirement benefits for municipal judges.

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

1 SECTION 1. Section six hundred five A point twelve (605A.12),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line one (1) the word "or" and inserting in
4 lieu thereof a comma.

5 2. By inserting in line one (1) after the word "district" the words
6 "or municipal".

1 SEC. 2. Section six hundred five A point fourteen (605A.14), Code
2 1966, is hereby amended by striking from line two (2) the words "or
3 district" and inserting in lieu thereof the words ", district, or municipi-
4 pal".

Approved March 13, 1970.

CHAPTER 1270

MUNICIPAL COURT CLERKS AND BAILIFFS

S. F. 1197

AN ACT relating to municipal court clerks and bailiffs.

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

1 SECTION 1. Section six hundred two point forty-nine (602.49),
2 Code 1966, as amended by chapter three hundred ninety-eight (398),
3 section one (1), Acts of the Sixty-second General Assembly, is hereby
4 further amended as follows:

5 1. By striking from line four (4) the words "Each clerk shall re-
6 ceive an".

7 2. By striking lines five (5) through twenty-six (26), inclusive,
 8 and inserting in lieu thereof the following:
 9 "The city council shall, subject to the approval of the board of
 10 supervisors, set the salaries of the clerk, bailiff, and all deputies."

1 SEC. 2. For the fiscal year beginning July 1, 1970, the annual
 2 salary of municipal court clerks and bailiffs is increased two thousand
 3 one hundred dollars above the salary in effect on July 1, 1969. There-
 4 after, the provisions of section six hundred two point forty-nine
 5 (602.49) of the Code, as amended by this Act, shall apply.

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

Approved April 13, 1970.

I hereby certify that the foregoing Act, Senate File 1197, was published in The Tele-
 graph-Herald, Dubuque, Iowa, April 17, 1970, and in the Marshalltown Times-Repub-
 lican, Marshalltown, Iowa, April 15, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1271

LIMITATIONS OF ACTIONS

S. F. 1057

AN ACT relating to special limitations of actions regarding the recovery of interests in real estate.

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

1 SECTION 1. Section six hundred fourteen point fourteen (614.14),
 2 Code 1966, is hereby amended as follows:

3 1. By striking from line eight (8) the figures "1950" and inserting
 4 in lieu thereof the figures "1960".

5 2. By striking from line eighteen (18) the figures "1962" and
 6 inserting in lieu thereof the figures "1971".

1 SEC. 2. Section six hundred fourteen point fifteen (614.15), Code
 2 1966, is hereby amended as follows:

3 1. By striking from line three (3) the figures "1950" and inserting
 4 in lieu thereof the figures "1960".

5 2. By striking from lines ten (10) and eleven (11) the word and
 6 figures "July 4, 1961" and inserting in lieu thereof the word and
 7 figures "July 1, 1970".

8 3. By striking from line twenty (20) the word and figures "July 4,
 9 1961" and inserting in lieu thereof the word and figures "July 1, 1970".

1 SEC. 3. Section six hundred fourteen point sixteen (614.16), Code
 2 1966, is hereby amended by striking from line seven (7) the word
 3 and figures "July 4, 1961" and inserting in lieu thereof the word and
 4 figures "July 1, 1970".

1 SEC. 4. Section six hundred fourteen point seventeen (614.17),
 2 Code 1966, is hereby amended as follows:
 3 1. By striking from line two (2) the figures "1950" and inserting
 4 in lieu thereof the figures "1960".
 5 2. By striking from line eleven (11) the figures "1950" and inserting
 6 in lieu thereof the figures "1960".
 7 3. By striking from line sixteen (16) the word and figures
 8 "July 4, 1961" and inserting in lieu thereof the word and figures
 9 "July 1, 1970".
 10 4. By striking from line forty-six (46) the word and figures
 11 "July 4, 1961" and inserting in lieu thereof the word and figures
 12 "July 1, 1970".

1 SEC. 5. Section six hundred fourteen point twenty (614.20), Code
 2 1966, is hereby amended by striking from line nineteen (19) the word
 3 and figures "July 4, 1961" and inserting in lieu thereof the word
 4 and figures "July 1, 1970".

1 SEC. 6. Section six hundred fourteen point twenty-two (614.22),
 2 Code 1966, is hereby amended as follows:
 3 1. By striking from line ten (10) the figures "1950" and inserting
 4 in lieu thereof the figures "1960".
 5 2. By striking from line twelve (12) the figures "1963" and insert-
 6 ing in lieu thereof the figures "1971".
 7 3. By striking from line fifteen (15) the figures "1963" and insert-
 8 ing in lieu thereof the figures "1971".
 9 4. By striking from line twenty-five (25) the word and figures
 10 "July 4, 1961" and inserting in lieu thereof the word and figures
 11 "July 1, 1970".

1 SEC. 7. Nothing in this Act shall be construed to revive any cause
 2 of action previously barred by the provisions of sections herein
 3 amended.

Approved April 10, 1970.

CHAPTER 1272

TERMS OF COURT

S. F. 1004

AN ACT to remove a reference to terms of court in the statute relating to notice to a foreign corporation committing a tort in Iowa.

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

1 SECTION 1. Section six hundred seventeen point three (617.3),
 2 Code 1966, is amended by striking the words beginning in line thirty-
 3 one (31) from the end thereof as follows:
 4 "if then in session in said county, and if the court is not then in
 5 session said default will be entered and judgment rendered by the
 6 court on the first day of the first succeeding term or as soon there-
 7 after as the same may be reached".

Approved January 16, 1970.

CHAPTER 1273
COURT INTERPRETERS

S. F. 1096

AN ACT relating to the appointment of interpreters in legal proceedings before any court or administrative agency.

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

1 SECTION 1. As used in this Act, "legal proceeding" means any
2 action before any court, or any legal action preparatory to appearing
3 before any court, whether civil or criminal in nature; and any ad-
4 ministrative proceeding before any state agency or governmental
5 subdivision which is quasi-judicial in nature and which has direct
6 legal implications to any person.

1 SEC. 2. Every person who cannot speak or understand the English
2 language, or every person who because of hearing, speaking or other
3 impairment has difficulty in communicating with other persons, and
4 who is a party to any legal proceeding or a witness therein, shall be
5 entitled to an interpreter to assist such person throughout the pro-
6 ceeding.

1 SEC. 3. An interpreter shall be appointed without expense to the
2 person requiring assistance in the following cases:

3 1. If the person requiring assistance is a witness in the civil legal
4 proceeding.

5 2. If the person requiring assistance is indigent and financially
6 unable to secure an interpreter.

7 In civil cases, every court shall tax the cost of an interpreter the
8 same as other court costs. In criminal cases, where the defendant is
9 indigent, the interpreter shall be considered as a defendant's witness
10 under chapter seven hundred eighty-one (781), Code 1966, for the
11 purpose of receiving fees, except that subpoenas shall not be re-
12 quired. If the proceeding is before an administrative agency, that
13 agency shall provide such interpreter but may require that a party
14 to the proceeding pay the expense thereof.

1 SEC. 4. Every interpreter appointed by a court or administrative
2 agency shall receive a fee to be set by the court or administrative
3 agency.

1 SEC. 5. Every interpreter in any legal proceeding shall take the
2 same oath as any other witness.

1 SEC. 6. Any court or administrative agency may inquire into the
2 qualifications and integrity of any interpreter, and may disqualify
3 any person from serving as an interpreter.

Approved April 10, 1970.

CHAPTER 1274

FEDERAL INSURED LOANS

S. F. 1198

AN ACT relating to federal insured loans.

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

1 SECTION 1. Six hundred eighty-two point forty-five (682.45),
 2 Code 1966, as amended by chapter two hundred ninety-six (296), Acts
 3 of the Sixty-third General Assembly, First Session, is hereby amended
 4 as follows:

5 1. By inserting before the period in line thirteen (13) the following:
 6 “, and (3) may make real property loans which are guaranteed or
 7 insured by the administrator of veterans’ affairs under the provisions
 8 of title thirty-eight (38), sections one thousand eight hundred one
 9 (1801) through one thousand eight hundred twenty-four (1824), in-
 10 clusive, United States Code”.

11 2. By striking lines thirty-four (34), thirty-five (35), and thirty-
 12 six (36) and inserting in lieu thereof the words “thirty-eight (38),
 13 sections one thousand eight hundred one (1801) through one thousand
 14 eight hundred twenty-four (1824), inclusive, United States Code.”

1 SEC. 2. Chapter two hundred ninety-six (296), section one (1),
 2 Acts of the Sixty-third General Assembly, First Session, is hereby
 3 amended by inserting in line nine (9) after the word “originate” the
 4 following:

5 “real estate loans which are guaranteed or insured by the admin-
 6 istrator of veterans’ affairs under the provisions title thirty-eight
 7 (38), sections one thousand eight hundred one (1801) through one
 8 thousand eight hundred twenty-four (1824), inclusive, United States
 9 Code, and originate”.

Approved April 10, 1970.

CHAPTER 1275

FEES FOR COURT-APPOINTED ATTORNEYS

H. F. 241

AN ACT relating to the payment of attorney fees to court-appointed attorneys.

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

1 SECTION 1. Section six hundred sixty-three point forty-four
 2 (663.44), Code 1966, as amended by chapter four hundred ten (410),
 3 Acts of the Sixty-second General Assembly, is hereby further
 4 amended by adding the following to the end thereof:

5 “This section shall be retroactive to January 1, 1966, and shall be
 6 operative from that date.”

1 SEC. 2. Section seven hundred forty-five point five (745.5), Code
 2 1966, is hereby amended as follows:

3 1. By inserting in line one (1) after the word "fees" the words
4 " , including any award of attorney fees to a court-appointed attorney,".

5 2. By adding to the end thereof the following:

6 "This section shall be retroactive to January 1, 1966 and shall be
7 operative from that date."

1 SEC. 3. Section seven hundred eighty-nine point twenty (789.20),
2 Code 1966, is hereby amended as follows:

3 1. By inserting in line two (2) after the word "fees" the words
4 " , including any award of attorney fees to a court-appointed attorney,".

5 2. By inserting in line five (5) after the word "institution" the
6 words " , or for a crime committed by such inmate while placed outside
7 the walls or confines of the institution under the control and direction
8 of a warden, supervisor, officer, or employee thereof, or for a crime
9 committed by such inmate during an escape or other unauthorized
10 departure from such institution or from the control of a warden,
11 supervisor, officer, or employee thereof, wherever the said inmate may
12 have been placed by authorized personnel thereof,".

13 3. By inserting in line seven (7) after the word "fees" the words
14 " , including an award of attorney fees to a court-appointed attorney,".

15 4. By adding at the end thereof the following:

16 "This section shall be retroactive to January 1, 1966, and shall be
17 operative from that date."

Approved May 1, 1970.

CHAPTER 1276

POST-CONVICTION PROCEDURE

S. F. 444

AN ACT relating to post-conviction procedure.

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

1 SECTION 1. The provisions of sections six hundred sixty-three
2 point one (663.1) through six hundred sixty-three point forty-four
3 (663.44) of the Code, inclusive, as amended by this Act, shall not
4 apply to persons convicted of, or sentenced for, a public offense.

1 SEC. 2. Any person who has been convicted of, or sentenced for,
2 a public offense and who claims that:

3 1. The conviction or sentence was in violation of the Constitution
4 of the United States or the Constitution or laws of this state;

5 2. The court was without jurisdiction to impose sentence;

6 3. The sentence exceeds the maximum authorized by law;

7 4. There exists evidence of material facts, not previously pre-
8 sented and heard, that requires vacation of the conviction or sentence
9 in the interest of justice;

10 5. His sentence has expired, his probation, parole, or conditional
11 release has been unlawfully revoked, or he is otherwise unlawfully
12 held in custody or other restraint; or

13 6. The conviction or sentence is otherwise subject to collateral

14 attack upon any ground of alleged error formerly available under any
15 common law, statutory or other writ, motion, petition, proceeding,
16 or remedy; may institute, without paying a filing fee, a proceeding
17 under this Act to secure relief.

18 This remedy is not a substitute for nor does it affect any remedy,
19 incident to the proceedings in the trial court, or of direct review of
20 the sentence or conviction. Except as otherwise provided in this Act,
21 it comprehends and takes the place of all other common law, statutory,
22 or other remedies formerly available for challenging the validity of the
23 conviction or sentence. It shall be used exclusively in place of them.

1 SEC. 3. A proceeding is commenced by filing an application veri-
2 fied by the applicant with the clerk of the court in which the convic-
3 tion or sentence took place. An application may be filed at any time.
4 Facts within the personal knowledge of the applicant and the authen-
5 ticity of all documents and exhibits included in or attached to the
6 application must be sworn to affirmatively as true and correct. The
7 supreme court may prescribe the form of the application and verifica-
8 tion. The clerk shall docket the application upon its receipt and
9 promptly bring it to the attention of the court and deliver a copy to
10 the county attorney and the attorney general.

1 SEC. 4. The application shall identify the proceedings in which
2 the applicant was convicted, give the date of the entry of the judg-
3 ment of conviction or sentence complained of, specifically set forth
4 the grounds upon which the application is based, and clearly state
5 the relief desired. Facts within the personal knowledge of the appli-
6 cant shall be set forth separately from other allegations of facts and
7 shall be verified as provided in section three (3) of this Act. Affi-
8 davits, records, or other evidence supporting its allegations shall be
9 attached to the application or the application shall recite why they
10 are not attached. The application shall identify all previous pro-
11 ceedings, together with the grounds therein asserted, taken by the
12 applicant to secure relief from his conviction or sentence. Argument,
13 citations, and discussion of authorities are unnecessary.

1 SEC. 5. If the applicant is unable to pay court costs and expenses
2 of representation, including stenographic, printing, and legal serv-
3 ices, these costs and expenses shall be made available to the applicant
4 in the preparation of the application, in the trial court, and on review.

1 SEC. 6. Within thirty days after the docketing of the application,
2 or within any further time the court may fix, the state shall respond
3 by answer or by motion which may be supported by affidavits. At any
4 time prior to entry of judgment the court may grant leave to with-
5 draw the application. The court may make appropriate orders for
6 amendment of the application or any pleading or motion, for pleading
7 over, for filing further pleadings or motions, or for extending the
8 time of the filing of any pleading. In considering the application the
9 court shall take account of substance regardless of defects of form.
10 If the application is not accompanied by the record of the proceed-
11 ings challenged therein, the respondent shall file with its answer the
12 record or portions thereof that are material to the questions raised in
13 the application.

14 When a court is satisfied, on the basis of the application, the answer
15 or motion, and the record, that the applicant is not entitled to post-
16 conviction relief and no purpose would be served by any further
17 proceedings, it may indicate to the parties its intention to dismiss the
18 application and its reasons for dismissal. The applicant shall be
19 given an opportunity to reply to the proposed dismissal. In light
20 of the reply, or on default thereof, the court may order the applica-
21 tion dismissed or grant leave to file an amended application or direct
22 that the proceedings otherwise continue. Disposition on the plead-
23 ings and record is not proper if a material issue of fact exists.

24 The court may grant a motion by either party for summary dispo-
25 sition of the application, when it appears from the pleadings, depositions,
26 answers to interrogatories, and admissions and agreements of
27 fact, together with any affidavits submitted, that there is no genuine
28 issue of material fact and the moving party is entitled to judgment
29 as a matter of law.

1 SEC. 7. The application shall be heard in, and before any judge
2 of, the court in which the conviction or sentence took place. A rec-
3 ord of the proceedings shall be made and preserved. All rules and
4 statutes applicable in civil proceedings including pre-trial and dis-
5 covery procedures are available to the parties. The court may re-
6 ceive proof of affidavits, depositions, oral testimony, or other evi-
7 dence, and may order the applicant brought before it for the hearing.
8 If the court finds in favor of the applicant, it shall enter an appropri-
9 ate order with respect to the conviction or sentence in the former
10 proceedings, and any supplementary orders as to arraignment, re-
11 trial, custody, bail, discharge, correction of sentence, or other mat-
12 ters that may be necessary and proper. The court shall make spe-
13 cific findings of fact, and state expressly its conclusions of law, relat-
14 ing to each issue presented. This order is a final judgment.

1 SEC. 8. All grounds for relief available to an applicant under this
2 Act must be raised in his original, supplemental or amended applica-
3 tion. Any ground finally adjudicated or not raised, or knowingly,
4 voluntarily, and intelligently waived in the proceeding that resulted
5 in the conviction or sentence, or in any other proceeding the appli-
6 cant has taken to secure relief, may not be the basis for a subsequent
7 application, unless the court finds a ground for relief asserted which
8 for sufficient reason was not asserted or was inadequately raised in
9 the original, supplemental, or amended application.

1 SEC. 9. A final judgment entered under this Act may be reviewed
2 by the supreme court of this state on appeal, brought either by the
3 applicant or by the state within sixty days from the entry of the judg-
4 ment.

1 SEC. 10. This Act shall be so interpreted and construed as to
2 effectuate its general purpose to make uniform the law of those
3 states which enact it.

1 SEC. 11. This Act may be cited as the uniform post-conviction
2 procedure act.

1 SEC. 12. Section six hundred sixty-three point one (663.1), Code
2 1966, is hereby amended by striking from subsection four (4), line
3 one (1), the word "imprisonment" and inserting in lieu thereof the
4 word "restraint".

1 SEC. 13. Section six hundred sixty-three point five (663.5), Code
2 1966, is hereby amended as follows:

3 1. By striking from line one (1) the words "an inmate of or".

4 2. By inserting in line two (2) after the word "institution" the
5 words ", other than a penal institution,".

1 SEC. 14. Section six hundred sixty-three point eight (663.8),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line seven (7) the words "the sheriff of, etc.
4 (or to)".

5 2. By striking from line seven (7) the comma and inserting in lieu
6 thereof a colon.

7 3. By striking line eight (8).

1 SEC. 15. Section six hundred sixty-three point eleven (663.11),
2 Code 1966, is hereby amended by striking from line five (5) the words
3 "imprisoned or".

1 SEC. 16. Section six hundred sixty-three point eighteen (663.18),
2 Code 1966, is hereby repealed.

1 SEC. 17. Section six hundred sixty-three point thirty-six (663.36),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line three (3) the words "of the grand jury
4 in finding a bill of".

5 2. By striking line four (4).

6 3. By striking from line five (5) the words "a cause, nor".

1 SEC. 18. Section six hundred sixty-three point thirty-seven
2 (663.37), Code 1966, is hereby amended by striking from line two (2)
3 the word "detention" and inserting in lieu thereof the word "con-
4 finement".

1 SEC. 19. Section six hundred sixty-three point thirty-eight
2 (663.38), Code 1966, is hereby amended as follows:

3 1. By striking from line four (4) the words "to bail,".

4 2. By striking from line five (5) the words "either for the offense
5 charged or".

6 3. By striking from line six (6) the words "any other,".

1 SEC. 20. Section six hundred sixty-three point thirty-nine
2 (663.39), Code 1966, is hereby repealed.

1 SEC. 21. Section six hundred sixty-three point forty-four (663.44),
2 Code 1966, as amended by chapter four hundred ten (410), section
3 one (1), Acts of the Sixty-second General Assembly, is hereby fur-
4 ther amended as follows:

5 1. By striking from line four (4) the words "warrant of arrest
6 or".

7 2. By striking from line eleven (11) the words "an inmate of"
8 and inserting in lieu thereof the words "confined in".

Approved April 13, 1970.

CHAPTER 1277

REFERRAL SELLING

H. F. 719

AN ACT amending Iowa's consumer fraud law to prohibit referral selling, to grant immunity to certain defendants, and to eliminate certain notice provisions.

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

1 SECTION 1. Section seven hundred thirteen point twenty-four
2 (713.24), Code 1966, subsection two (2), paragraph *b*, is hereby
3 amended as follows:

4 1. By inserting in line four (4) before the word "to" the words "or
5 other consideration,".

6 2. By striking lines nine (9) through twelve (12), inclusive, and
7 inserting in lieu thereof the words "an unlawful practice rendering
8 any obligation incurred by the buyer in connection therewith, com-
9 pletely void and a nullity. The".

10 3. By striking from line thirteen (13) the word "the" and inserting
11 in lieu thereof the word "any".

1 SEC. 2. Section seven hundred thirteen point twenty-four (713.24),
2 subsection four (4), Code 1966, is hereby amended by adding thereto
3 the following:

4 "c. In any civil action brought pursuant to this chapter, the attor-
5 ney general shall have the right to require any defendant to give
6 testimony, and no criminal prosecution based upon transactions or
7 acts about which he is questioned and required to give testimony
8 shall thereafter be brought against such defendant."

1 SEC. 3. Section seven hundred thirteen point twenty-four (713.24),
2 subsection seven (7), Code 1966, is hereby amended by striking lines
3 eight (8) through thirteen (13), inclusive, and inserting in lieu there-
4 of the words "or doing any acts in furtherance thereof. The court
5 may make".

Approved May 10, 1970.

CHAPTER 1278

FALSE REPORTS

H. F. 1329

AN ACT to prohibit false reports and information regarding crimes, fires, and accidents and providing a penalty for violations.

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

1 SECTION 1. Whoever intentionally and without good cause shall
2 give a false or fraudulent report of a crime, a fire, or an accident by
3 calling any peace officer, physician, hospital, ambulance service, or
4 fire department, or by crying or sounding an alarm, or by performing
5 any act calculated to cause such report or alarm, or who shall inten-
6 tionally communicate false or fraudulent information with refer-

7 ence to a crime, a fire, or an accident to any peace officer, physician,
 8 hospital, ambulance service, or fire department knowing such infor-
 9 mation to be false or fraudulent, shall be guilty of a misdemeanor
 10 and upon conviction shall be fined not more than one hundred dollars
 11 or imprisoned in the county jail not more than thirty days. However,
 12 nothing herein shall prevent communication of such false or fraudu-
 13 lent information if, at the time of the communication, the communi-
 14 cant explains the source of the information and the details relevant
 15 thereto.

Approved May 5, 1970.

CHAPTER 1279

BOXING AND WRESTLING

S. F. 326

AN ACT to legalize professional boxing and wrestling.

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

1 SECTION 1. As used in this Act, "boxing or wrestling match"
 2 means a boxing, wrestling, or sparring contest or exhibition open to
 3 the public for which the principals or contestants are paid for their
 4 participation.

1 SEC. 2. There is hereby created a state commissioner of athletics
 2 to be appointed by the governor. The commissioner shall serve at the
 3 pleasure of the governor, and shall serve until his successor is ap-
 4 pointed and qualified. The commissioner shall receive such compensa-
 5 tion and expenses as may be approved by the governor.

1 SEC. 3. The commissioner shall appoint a secretary, who shall
 2 keep a full and true record of all proceedings, and who shall perform
 3 such other duties as the commissioner may prescribe. Under the direc-
 4 tion of the commissioner the secretary shall issue subpoenas for the
 5 attendance of witnesses before the commissioner and may administer
 6 oaths in all matters pertaining to the duties of the commissioner.
 7 The traveling and other necessary expenses, including the salary of
 8 the secretary, shall be determined by the commissioner.

1 SEC. 4. No boxing or wrestling match shall be held within this
 2 state except as provided in this Act. The commissioner may issue,
 3 suspend or revoke a license to conduct boxing and wrestling matches
 4 to any person. Nothing in this Act shall be construed to prohibit
 5 amateur boxing or wrestling exhibitions. Every license shall be sub-
 6 ject to such rules and regulations as the commissioner may prescribe.

1 SEC. 5. Every application for a license to conduct a boxing or
 2 wrestling match shall be in writing and shall be verified. It shall con-
 3 tain a recital of such facts as will show the applicant entitled to receive
 4 a license, and in addition such other facts as the commissioner may by
 5 rules require.

1 SEC. 6. A boxing match shall be not more than fifteen rounds in
2 length; and the contestants shall wear gloves weighing at least six
3 ounces during such contests. No person may take part in a boxing
4 match unless they have first passed a rigorous physical examination
5 to determine their fitness to engage in any such match. Said examina-
6 tion shall be conducted by a regular practicing physician designated
7 by the commissioner.

1 SEC. 7. Every person conducting a boxing or wrestling match in
2 this state shall, within twenty-four hours after such match, furnish
3 to the commissioner a written report, duly verified, showing the
4 number of tickets sold for such boxing or wrestling match, and the
5 amount of gross proceeds thereof, and such other matters as the com-
6 missioner may prescribe; and shall also within the said time pay to
7 the treasurer of state a tax of five percent of its total gross receipts,
8 after deducting any federal admission tax, from the sale of tickets of
9 admission to such boxing or wrestling match.

1 SEC. 8. Before any license shall be granted to any person to con-
2 duct any boxing or wrestling match, such applicant therefor shall
3 execute and file with the treasurer of state a bond in the sum of five
4 thousand dollars, payable to the state of Iowa, to be approved as to
5 form by the attorney general, and as to sufficiency of the sureties
6 thereon, by the commissioner, which bond shall be conditioned upon the
7 payment of the tax and penalties imposed by this Act. Upon the filing
8 and approval of such bond, the commissioner may issue to such appli-
9 cant a license as herein provided.

1 SEC. 9. If any person fails to make a report of any match within
2 the time prescribed by this Act, or whenever such report is unsatis-
3 factory to the commissioner, the commissioner may examine or cause
4 to be examined the books and records of such person, and subpoena
5 and examine under oath witnesses, for the purpose of determining the
6 total amount of the gross receipts for any match and the amount of
7 tax due pursuant to the provisions of this Act. The commissioner may,
8 as the result of such examination, fix and determine the tax, and may
9 also assess the licensee the reasonable cost of conducting the examina-
10 tion. If any person defaults in the payment of any tax due or the
11 costs incurred in making such examination, such person shall forfeit
12 to the state of Iowa the sum of five thousand dollars, which may be
13 recovered by the attorney general from the sureties of the bond re-
14 quired by section eight (8) of this Act.

1 SEC. 10. Sections seven hundred twenty-seven point two (727.2),
2 seven hundred twenty-seven point three (727.3), seven hundred
3 twenty-seven point four (727.4), and seven hundred twenty-seven
4 point five (727.5), Code 1966, are hereby repealed.

Approved April 29, 1970.

CHAPTER 1280

CRIMINALISTICS LABORATORY

S. F. 585

AN ACT relating to a state criminalistics laboratory, a state medical examiner, county medical examiners, and the investigation of unnatural deaths.

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

1 SECTION 1. There is hereby created under the control, direction
2 and supervision of the commissioner of public safety a state criminalis-
3 tics laboratory. The commissioner of public safety may assign the
4 criminalistics laboratory to a division or bureau within his depart-
5 ment. The laboratory shall, within its capabilities, conduct analyses,
6 comparative studies, fingerprint identification, firearms identification,
7 questioned documents studies, and other studies normally performed
8 by a criminalistics laboratory when requested by a county attorney,
9 medical examiner, or law enforcement agency of this state to aid in
10 any criminal investigation. Agents of the division of criminal investi-
11 gation and bureau of identification may be assigned to the criminalis-
12 tics laboratory by the commissioner. New employees shall be appointed
13 pursuant to chapter ninety-five (95), Acts of the Sixty-second General
14 Assembly, and need not qualify as agents for the division of criminal
15 investigation and bureau of identification, and shall not participate in
16 the peace officers' retirement plan established pursuant to chapter
17 ninety-seven A (97A) of the Code.

1 SEC. 2. It shall be presumed that any employee or technician of
2 the criminalistics laboratory is qualified or possesses the required
3 expertise to accomplish any analysis, comparison, or identification
4 done by him in the course of his employment in the criminalistics
5 laboratory. Any report, or copy thereof, or the findings of the
6 criminalistics laboratory shall be received in evidence in any court,
7 preliminary hearing, and grand jury proceeding in the same manner
8 and with the same force and effect as if the employee or technician
9 of the criminalistics laboratory who accomplished the requested analy-
10 sis, comparison, or identification had testified in person. An accused
11 person or his attorney may request that such employee or technician
12 testify in person at a criminal trial on behalf of the state before a
13 jury or to the court, by notifying the proper county attorney at least
14 ten days before the date of such criminal trial.

1 SEC. 3. The commissioner of public safety shall make rules de-
2 fining the capabilities of the criminalistics laboratory. He shall
3 make rules governing the handling of items to be processed by the
4 criminalistics laboratory from the time they are forwarded to the
5 laboratory by a county medical examiner or a city, town, or state law
6 enforcement agency or county sheriff until their return to the for-
7 warder. The rules shall prescribe a method of identifying, forwarding,
8 handling and returning items that will maintain the identity and
9 integrity of the item. An item handled in conformity with the rules
10 shall be presumed to be admissible in evidence as to the period in
11 transit to and from and while in custody of the laboratory without
12 further foundation.

1 SEC. 4. The county attorney shall give the accused person, or his
2 attorney, after an indictment or county attorney's information has
3 been returned, a copy of each report of the findings of the criminalis-
4 tics laboratory conducted in the investigation of the indictable criminal
5 charge against him at the time of arraignment, or if such report is
6 received after arraignment, upon receipt, whether or not such findings
7 are to be used in evidence against him. If such report is not given to
8 the accused or his attorney at least four days prior to trial, such fact
9 shall be grounds for a continuance.

1 SEC. 5. There is hereby created the position of state medical ex-
2 aminer. The state medical examiner shall be a physician and surgeon
3 or osteopathic physician and surgeon and be licensed to practice
4 medicine in the state of Iowa, and possess special knowledge in
5 forensic pathology. The state medical examiner shall be appointed
6 by and serve at the pleasure of the governor. The state medical
7 examiner may be a faculty member of the college of medicine or the
8 college of law at the university of Iowa, and any of his assistants or
9 staff may be members of the faculty or staff of the college of medicine
10 or the college of law at the university of Iowa.

1 SEC. 6. The duties of the state medical examiner shall be:

2 1. To provide assistance, consultation, and training to county medi-
3 cal examiners and law-enforcement officials.

4 2. To keep complete records of all relevant information concern-
5 ing deaths or crimes requiring investigation by the state medical
6 examiner.

7 3. To promulgate rules and regulations pursuant to chapter seven-
8 teen A (17A) of the Code regarding the manner and techniques to be
9 employed while conducting autopsies; the nature, character, and
10 extent of investigations to be made in cases of homicide or suspected
11 homicide necessary to allow a medical examiner to render a full and
12 complete analysis and report; the format and matters to be contained
13 in all reports rendered by medical examiners; and all other things
14 necessary to carry out this Act. All county medical examiners and
15 peace officers shall be subject to such rules and regulations.

1 SEC. 7. The board of supervisors of each county shall appoint a
2 county medical examiner who shall take office on January 2, 1971,
3 and each two years thereafter, and serve for a term of two years
4 and until his successor has been appointed and qualifies. County
5 medical examiners holding office upon the effective date of this Act
6 shall continue in office until their successors are appointed and quali-
7 fied. Vacancies for any unexpired term shall be filled by the board
8 of supervisors.

1 SEC. 8. Each county medical examiner shall be licensed in Iowa
2 as a doctor of medicine and surgery, as a doctor of osteopathic
3 medicine and surgery, or as an osteopathic physician. He shall be
4 appointed by the board of supervisors from lists of two or more
5 names submitted by the medical society and the osteopathic society
6 of the county in which he is a resident. If names are not submitted
7 by either society, the board of supervisors may appoint any licensed
8 physician, osteopathic physician and surgeon, or osteopathic physician

9 of the county. If such qualified physician of the county will not
10 serve, the board of supervisors may appoint a physician from another
11 county. If a county medical examiner is unable to serve in any
12 particular case or for any period of time, he shall promptly notify
13 the chairman of the board of supervisors who shall then designate
14 some other qualified physician to serve in his place.

1 SEC. 9. The board of supervisors of each county may provide
2 such laboratory facilities, deputy medical examiners, and other pro-
3 fessional, technical, and clerical assistance as may be required by
4 the county medical examiner in the performance of the duties imposed
5 by this Act. However, such requirements shall be subject to prior
6 approval by the state medical examiner.

1 SEC. 10. The death of any person shall be reported to the county
2 medical examiner or state medical examiner by the physician in
3 attendance, by any law-enforcement officer having knowledge of
4 such death, by the embalmer, or by any other person present, if the
5 deceased shall have died in the manner specified in section twelve
6 (12) of this Act. The appropriate medical examiner shall notify the
7 city, town, or state law enforcement agency or county sheriff and
8 take charge of the body. The county medical examiner shall also
9 make inquiries regarding the cause and manner of death, reduce his
10 findings to writing, promptly make a full report thereof to the state
11 medical examiner on forms prescribed for such purpose, and deliver
12 a copy of said report to the county attorney of his county. For each
13 such preliminary investigation, including the making of the required
14 reports, the county medical examiner shall receive a fee as set by
15 the board of supervisors, plus his actual expenses, to be paid by the
16 county for which the service was performed.

1 SEC. 11. Every person who knows of the existence of a body
2 where death occurred in the manner specified in section twelve (12)
3 of this Act, shall notify the county or state medical examiner or the
4 city, town, or state law enforcement agency or county sheriff thereof
5 as soon as possible, unless such person shall have good reason to
6 believe that such notice has already been given. Any person who
7 shall fail to give such notice to a medical examiner shall be guilty
8 of a public offense, and upon conviction thereof shall be punished by
9 a fine of not more than five hundred dollars or a sentence in the
10 county jail of not more than six months, or by both such fine and
11 imprisonment.

1 SEC. 12. The state medical examiner shall investigate or cause
2 the county medical examiner to investigate human deaths where
3 determination of the cause of death is in the public interest. Deaths
4 affected with the public interest shall include, but not necessarily
5 be limited to, all deaths known or suspected to be of the following
6 types:
7 1. Violent deaths, including homicidal, suicidal, or accidental
8 deaths.
9 2. Deaths caused by thermal, chemical, electrical, or radiation in-
10 jury.
11 3. Deaths caused by criminal abortion including those self-induced,

12 or by rape, carnal knowledge, or crimes against nature.

13 4. Deaths related to disease thought to be virulent or contagious,
14 which might constitute a public hazard.

15 5. Deaths that have occurred unexpectedly, or from unexplained
16 causes.

17 6. Deaths of persons confined in any prison, jail, or correctional
18 institution.

19 7. Deaths of persons where a physician was not in attendance at
20 anytime at least thirty-six hours preceding death, with the excep-
21 tion of prediagnosed terminal or bedfast cases for which the time
22 period shall be extended to twenty days.

23 8. Deaths of persons where the bodies are not claimed by relatives
24 or friends.

25 9. Deaths of all persons wherein the identity of the deceased is
26 unknown.

1 SEC. 13. The county medical examiner shall investigate each
2 death occurring in the manner specified in section twelve (12) of
3 this Act, and report each case to the state medical examiner. The
4 county medical examiner shall conduct such investigation as may be
5 required by the state medical examiner and shall determine whether
6 or not the public interest requires an autopsy or other special investi-
7 gation. In his determination of the need for an autopsy, the county
8 medical examiner may consider the request for an autopsy made by
9 private persons or public officials, except that the state medical
10 examiner or the county attorney of the county where the death
11 occurred may require an autopsy.

1 SEC. 14. A complete record of the findings of a person making an
2 autopsy shall be promptly made and filed in the office of the state
3 medical examiner and the county attorney for the county where
4 death occurred and the county attorney of the county wherein any
5 injury contributing to or causing death was sustained.

1 SEC. 15. When any death occurs in the manner specified in sec-
2 tion twelve (12) of this Act, the body shall not be disturbed or re-
3 moved from the position in which it is found by any person without
4 authorization from the county medical examiner or the state medical
5 examiner, except for the purpose of preserving such body from loss
6 or destruction, or permitting the passage of traffic on a highway,
7 railroad, or airport, or if the failure to immediately remove such
8 body might endanger life, safety, or health. It shall be unlawful
9 for any person to move, disturb, or conceal a body in violation of
10 this Act.

1 SEC. 16. Reports of investigations made by the state medical ex-
2 aminer or his designee or by a county medical examiner or his des-
3 ignee, and the records and reports of autopsies made as provided in
4 this Act, shall be received as evidence in any court or other proceed-
5 ings, except that statements by witnesses or other persons and con-
6 clusions on extraneous matters included within the report are not
7 hereby made admissible. The persons preparing a report or record
8 given in evidence hereunder may be subpoenaed as a witness in any
9 civil or criminal case by any party to the cause. Copies of records,
10 photographs, laboratory findings, and records in the office of the

11 state medical examiner or any medical examiner, when duly attested
12 to by the state medical examiner or one of his staff, or the medical
13 examiner in whose office the same are, shall be received as evidence
14 in any court or other proceedings for any purpose for which the
15 original could be received without proof of the official character of
16 the person whose name is signed thereto.

1 SEC. 17. If there is no person entitled by law to any property or
2 money found on a deceased person, it shall be deposited with the
3 clerk of the district court to be held until disposed of according to
4 law.

1 SEC. 18. After an investigation has been completed, including an
2 autopsy if one is made, the body shall be delivered to the relatives or
3 friends of the deceased person for burial. No medical examiner shall
4 use influence in favor of any particular funeral director. If no person
5 claims a body, it shall be disposed of as provided in chapter one
6 hundred forty-two (142) of the Code.

1 SEC. 19. It shall be unlawful to embalm a body when the em-
2 balmer has any reason to believe death occurred in a manner specified
3 in section twelve (12) of this Act, or when there is evidence sufficient
4 to arouse suspicion of crime in connection with the cause of death of
5 the deceased, or where it is the duty of a medical examiner to view
6 the body and investigate the death of the deceased person, until the
7 permission of a county medical examiner has been obtained. When-
8 ever feasible, the body shall be released to the funeral director for
9 embalming within twenty-four hours of death.

10 It shall be unlawful to cremate, bury, or send out of the state the
11 body of a deceased person when death occurred in a manner specified
12 in section twelve (12) of this Act, until a medical examiner shall
13 certify in writing that he has viewed the body and has made personal
14 inquiry into the cause and manner of death and that all necessary
15 autopsy or postmortem examinations have been completed.

16 A fee as set by the board of supervisors shall be paid the county
17 medical examiner for an examination certificate by the person making
18 application therefor, and a copy of such certificate shall be promptly
19 filed by the medical examiner in his office. The certificate of the
20 county medical examiner shall not be required in cases of stillborn
21 infants if a physician was present at the stillbirth and the cause of
22 stillbirth, as certified by the physician according to the provisions
23 of chapters one hundred forty-one (141) and one hundred forty-
24 four (144) of the Code, is not such as to require an investigation by
25 a medical examiner.

26 Any person violating any of the provisions of this section shall be
27 deemed guilty of a misdemeanor and, upon conviction thereof, shall
28 be fined not more than one thousand dollars or imprisoned in the
29 county jail not more than one year, or by both such fine and imprison-
30 ment.

1 SEC. 20. In any case of sudden, violent, or suspicious death after
2 which the body is buried without any investigation or autopsy, the
3 county medical examiner shall, upon being advised of such facts,
4 notify the county attorney. The county attorney shall thereupon

5 apply for a court order requiring the body to be exhumed, in accord-
 6 ance with chapter one hundred forty-one (141) of the Code. Upon
 7 receipt of the court order, an autopsy shall be performed by a medical
 8 examiner or by a pathologist designated by him and the facts dis-
 9 closed by such autopsy communicated to the court ordering the disin-
 10 terment for such action as may be proper.

1 SEC. 21. The commissioner of public safety may accept federal or
 2 private funds or grants to aid in the establishment or operation of
 3 the state criminalistics laboratory, and the board of regents may
 4 accept federal or private funds or grants to aid in the establishment
 5 of the position of state medical examiner.

1 SEC. 22. The governor shall by executive order provide for the
 2 transfer of any appropriate laboratory facilities, equipment, and
 3 technical personnel of the state to the state criminalistics laboratory
 4 if such transfer will more effectively and efficiently aid the investiga-
 5 tion of crime.

1 SEC. 23. Chapter three hundred thirty-nine (339), Code 1966, is
 2 hereby repealed.

Approved April 8, 1970.

CHAPTER 1281

FORGERY VENUE

S. F. 1076

AN ACT relating to venue in forgery cases.

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

1 SECTION 1. Section seven hundred fifty-three point seven (753.7),
 2 Code 1966, is amended by adding thereto the following new subsection:
 3 "Forgery, as defined in chapter seven hundred eighteen (718) of
 4 the Code, and any other making, altering, forging, or counterfeiting,
 5 with intent to defraud, of any instrument in violation of law shall be
 6 in either the county where such instrument is uttered and published,
 7 or the county where such making, altering, forging, or counterfeiting
 8 actually occurred."

Approved April 10, 1970.

CHAPTER 1282

DEMURRERS IN CRIMINAL ACTIONS

S. F. 20

AN ACT relating to demurrers by defendants in indictable criminal actions.

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

- 1 SECTION 1. Section seven hundred seventy-seven point eight
2 (777.8), Code 1966, is hereby amended as follows:
3 1. By inserting in line one (1) after the word "is" the word "cor-
4 rectly".
5 2. By adding the following:
6 "If a demurrer to an indictment is incorrectly sustained, such error
7 shall not act as a bar to further prosecution for the same offense."

Approved April 13, 1970.

CHAPTER 1283

TIME OF TRIAL

S. F. 1005

AN ACT relating to time of trial for persons held for a public offense.

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

- 1 SECTION 1. Chapter four hundred (400), Acts of the Sixty-second
2 General Assembly, section two hundred fifty-nine (259), line nine (9),
3 is amended by striking the words "to be held" and inserting in lieu
4 thereof the words "or be held".

Approved February 2, 1970.

SPECIAL AND LEGALIZING ACTS

SPECIAL AND LEGALIZING ACTS

CHAPTER 1284

UNIVERSITY OF WESTERN IOWA

S. F. 1187

AN ACT relating to the establishment of a university in western Iowa.

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

1 SECTION 1. The board of regents shall terminate all actions with
2 respect to the purchasing of land for a western Iowa institution as
3 authorized by chapter six (6), section four (4), Acts of the Sixty-
4 second General Assembly. Any unencumbered balance of moneys
5 appropriated to the board of regents pursuant to chapter six (6), sec-
6 tion four (4), Acts of the Sixty-second General Assembly, shall remain
7 with the board of regents and shall not be used for any other purpose
8 until the governor's advisory committee on education has completed
9 its study on the need and feasibility of an institution in western Iowa
10 at Atlantic and until the legislature acts thereon.

1 SEC. 2. Chapter forty-nine (49), section one (1), Acts of the Sixty-
2 third General Assembly, First Session, is hereby amended by striking
3 from lines nine (9) and ten (10) the words "and for the purchase of
4 land for a western Iowa regents institution".

1 SEC. 3. Chapter forty-nine (49), section one (1), Acts of the Sixty-
2 third General Assembly, First Session, is amended by striking from
3 lines three (3) and four (4) the words "seven million one hundred
4 thousand (7,100,000)" and inserting in lieu thereof "six million seven
5 hundred seventy thousand (6,770,000)".

1 SEC. 4. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in The Auburn
3 Enterprise, a newspaper published at Auburn, Iowa, and The Denison
4 Review, a newspaper published at Denison, Iowa.

Approved April 29, 1970.

I hereby certify that the foregoing Act, Senate File 1187, was published in The Auburn Enterprise, Auburn, Iowa, May 7, 1970, and in The Denison Review, Denison, Iowa, May 2, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1285

ARMORY BOARD AUTHORIZATION

S. F. 1307

AN ACT to authorize exercise of a purchase-option by the armory board and to appropriate funds therefor; and to authorize the sale upon certain conditions of the property so acquired.

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

1 SECTION 1. There is hereby appropriated from the general fund
2 of the state of Iowa to the department of public defense the sum of
3 fourteen thousand (14,000) dollars, or so much thereof as may be
4 necessary, to be used with the approval of the executive council to pay
5 the balance due to complete the purchase on the purchase-option lease
6 with the Sioux City armory company for the Grandview street armory
7 including expenses incident to fees, abstracting costs and appraisal
8 fees.

1 SEC. 2. When such purchase is completed, the armory board with
2 the approval of the executive council may sell through outright sale,
3 purchase-option lease, or on contract, such property at a value to be
4 determined on the basis of the average of three appraisals made by
5 qualified real estate appraisers of Woodbury county who shall be
6 designated by the executive council.

1 SEC. 3. In disposing of such property the armory board shall give
2 preference to purchasers whose purpose is to use such property in a
3 public manner and in particular to the welfare of children of the
4 area.

1 SEC. 4. Any unencumbered balance of the funds appropriated by
2 this Act remaining as of June 30, 1971, shall revert to the general
3 fund of the state as provided in section eight point thirty-three (8.33)
4 of the Code.

1 SEC. 5. All proceeds from sale or lease of the property shall be
2 deposited in the general fund of the state.

1 SEC. 6. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publica-
3 tion in *The Sioux City Journal*, a newspaper published at Sioux City,
4 Iowa, and in the *Waterloo Daily Courier*, a newspaper published at
5 Waterloo, Iowa.

Approved April 14, 1970.

I hereby certify that the foregoing Act, Senate File 1307, was published in *The Sioux City Journal*, Sioux City, Iowa, April 17, 1970, and in the *Waterloo Daily Courier*, Waterloo, Iowa, April 20, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1286

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

H. F. 1339

AN ACT creating the American revolution bicentennial commission, prescribing its powers and duties, authorizing the expenditure of all funds donated to the commission, and making an appropriation.

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

1 SECTION 1. There is hereby established a commission to be known
2 as the Iowa American revolution bicentennial commission, herein-
3 after referred to as the commission, for the purpose of planning,
4 encouraging, developing and coordinating the commemoration of the
5 American revolution bicentennial.

6 1. The Iowa commission shall be composed of:

7 a. Two members of the senate appointed by the president of the
8 senate, each of whom shall be a member of a different political party.

9 b. Two members of the house of representatives, appointed by the
10 speaker of the house of representatives, each of whom shall be a
11 member of a different political party.

12 c. The secretary of state, superintendent of the state historical
13 society, curator of the Iowa state department of history and archives,
14 director of the state conservation commission, president of the state
15 university of Iowa, president of Iowa state university of science and
16 technology, president of the university of northern Iowa, director of
17 the Iowa development commission, chairman of the Iowa state fair
18 and world food exposition study committee, and the secretary of the
19 Iowa state fair board.

20 d. Seven citizens of the state appointed by the governor, one of
21 whom shall be designated by the governor as chairman of the commis-
22 sion.

23 2. Members of the commission shall serve without compensation.

24 3. The commission may recommend additional persons to assist it
25 in its work, and the governor shall appoint such persons, and any
26 others he deems necessary, to serve as honorary members.

27 4. The secretary of the Iowa state fair board shall serve as sec-
28 retary to the commission.

29 5. Vacancies shall be filled in the same manner in which the orig-
30 inal appointments are made.

1 SEC. 2. The duties of the commission shall be:

2 1. To prepare an overall program for commemorating the bicen-
3 tennial of the American revolution in Iowa, and to plan, encourage,
4 develop, and coordinate observances and activities commemorating
5 the historic events and attitudes associated with the American revolu-
6 tion.

7 2. In preparing its plans and program, the commission shall give
8 due consideration to any related plans and programs developed by local
9 and private groups, and it may designate special committees with
10 representatives from such bodies to plan, develop and coordinate
11 specific activities.

12 3. In all planning, the commission shall give special emphasis to
13 the ideas associated with the revolution which have been important in

14 the development of Iowa. The manner in which Iowa's development
15 has been made possible by immigrants from all over the world who
16 were inspired by the freedoms made possible by the American revo-
17 lution, and the manner in which Iowa's development may be used to
18 assist people all over the world in mankind's quest for freedom.

19 4. The commission shall submit to the governor a comprehensive
20 report incorporating its specific recommendations for the commemo-
21 ration of the American revolution bicentennial and related events. This
22 report may recommend activities including, but not limited to:

23 a. The production, publication and distribution of books, pamphlets,
24 films and other educational materials on the history, culture and
25 political thought of the period of the American revolution.

26 b. Bibliographical and documentary projects and publications.

27 c. Conferences, convocations, lectures, seminars and other pro-
28 grams.

29 d. The development of libraries, museums, historic sites and ex-
30 hibits, including mobile exhibits.

31 e. Ceremonies and celebrations commemorating specific events.

32 f. Programs and activities on a national and international scale
33 emphasizing the significance of the American revolution in the develop-
34 ment of Iowa and its implications for present and future generations
35 in Iowa and around the world.

36 5. The report of the commission shall include recommendations for
37 the allocation of financial and administrative responsibilities among
38 the public and private authorities and organizations recommended for
39 participation by the commission. The report shall also include pro-
40 posals for legislation and administrative action the commission con-
41 siders necessary to carry out its recommendations. The governor
42 shall transmit the commission's report to the general assembly, to-
43 gether with any comments and recommendations for legislation, and
44 a report of administrative actions taken by him.

1 SEC. 3. The commission may accept donations of money, personal
2 property or personal services.

3 1. All money donated to the commission shall be deposited with the
4 treasurer of state and is appropriated to the commission. All expendi-
5 tures of the commission shall be by warrant of the state comptroller
6 on vouchers of the chairman of the commission in accordance with
7 budgets approved by the executive council.

8 2. All historical property acquired by the commission shall be de-
9 posited for preservation in state or local libraries or museums or other-
10 wise disposed of in consultation with the curator of the Iowa depart-
11 ment of history and archives.

12 3. All real property, not of historical significance, shall become
13 the property of the state and may be sold for funds needed to celebrate
14 the bicentennial or may be used as a site for the bicentennial celebra-
15 tion.

1 SEC. 4. There is hereby appropriated the sum of one thousand
2 (1,000) dollars, or so much thereof as may be necessary, to the Iowa
3 American revolution bicentennial commission, for the purpose of
4 employing necessary personnel, purchasing supplies and printed ma-
5 terial, and carrying on the duties of the commission. The moneys herein

6 appropriated shall become available to the commission at such time
7 as the governor shall determine the commission is officially organized
8 and ready to transact its business.

1 SEC. 5. The commission is abolished on January 1, 1984.

1 SEC. 6. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval* and publica-
3 tion in the Waterloo Daily Courier, a newspaper published at Water-
4 loo, Iowa, and the Fort Dodge Messenger and Chronicle, a newspaper
5 published at Fort Dodge, Iowa.

Approved May 5, 1970.

I hereby certify that the foregoing Act, House File 1339, was published in the Water-
loo Daily Courier, Waterloo, Iowa, May 14, 1970, and in the Fort Dodge Messenger and
Chronicle, Fort Dodge, Iowa, May 12, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

*According to enrolled Act.

CHAPTER 1287

PAGE COUNTY LAND CONVEYANCE

S. F. 1120

AN ACT relating to the conveyance of land in Page county.

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

1 SECTION 1. Chapter three hundred nine (309), section one (1),
2 Acts of the Sixty-third General Assembly, First Session, is hereby
3 amended by striking from line five (5) the word "one-half" and in-
4 serting in lieu thereof the word "one-quarter".

Approved March 16, 1970.

CHAPTER 1288

LEE COUNTY LAND DEED

S. F. 683

AN ACT to authorize and direct the executive council to approve the issuance of a quit
claim deed from the conservation commission to the Atlantic Richfield Company, a
Pennsylvania corporation, for certain real estate located in Lee county, Iowa.

WHEREAS, the state conservation commission desires to issue a quit
claim deed covering its claim to real estate in exchange for recreation and
park lands of the value of six thousand dollars; and

WHEREAS, the Atlantic Richfield Company, a Pennsylvania corpora-
tion, desires to remove a cloud on title to certain lands now owned by said
company; and

WHEREAS, the Atlantic Richfield Company desires to pay six thousand dollars to the state conservation commission, lands and waters division, to allow the commission to purchase recreation and park lands; and

WHEREAS, the state conservation commission has approved the issuance of a quit claim deed in exchange for the land of a value of six thousand dollars, and the attorney general has stated that the exchange is proper; and

WHEREAS, the executive council has no present authority to approve the issuance of a quit claim deed in exchange for such land; and

WHEREAS, the legal description of such land has been determined by survey, and is presently on file in the state conservation commission; and

WHEREAS, the land to be quit claimed is a portion of land adjacent to Green Bay Lake in Lee county, Iowa, and legal title to the land is held by said Atlantic Richfield Company and is recorded in the office of the county recorder of said county; and

WHEREAS, a quit claim deed is required; NOW THEREFORE,

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

1 SECTION 1. The executive council, upon receipt of consideration of
2 six thousand dollars, is hereby authorized and directed to execute and
3 deliver a quit claim deed to the Atlantic Richfield Company, a Penn-
4 sylvania corporation, for certain lands now held of record by said
5 company in Lee county, Iowa. Such quit claim deed and the legal
6 description of the property to be quit claimed shall be prepared by
7 the state conservation commission and approved by the office of the
8 attorney general. Such quit claim deed shall convey all the right, title
9 and interest of the state of Iowa to the Atlantic Richfield Company
10 subject to the rights of the Green Bay levee and drainage district
11 number two.

1 SEC. 2. This Act being deemed of immediate importance, shall be
2 in full force and effect upon publication in The Lyon County Reporter,
3 a newspaper published at Rock Rapids, Iowa, and the Evening Demo-
4 crat, a newspaper published at Fort Madison, Iowa.

Approved February 20, 1970.

I hereby certify that the foregoing Act, Senate File 683, was published in The Lyon County Reporter, Rock Rapids, Iowa, February 26, 1970, and in the Evening Democrat, Fort Madison, Iowa, February 25, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1289

DALLAS COUNTY LEGALIZING ACT

S. F. 1038

AN ACT to legalize and validate the proceedings of the board of supervisors of Dallas county, Iowa, authorizing and providing for the issuance of county home bonds of said county 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 county.

WHEREAS, it appears from the records of the board of supervisors of Dallas county, Iowa, that said board of supervisors ordered that at the regular election to be held in said county on November 5, 1968, there be submitted to the voters of said county the proposition of levying an annual tax not to exceed one-half mill for a period of five years on all taxable property in Dallas county for the purpose of constructing a two story addition to the Dallas county home to be used for a dining room and dormitory quarters, and said proposition was duly submitted to the voters of said county at said regular election on November 5, 1968; and

WHEREAS, after canvassing the results of the election on the aforesaid proposition it was found and determined that said proposition was approved by more than sixty per cent (60%) of the total number of votes cast for and against said proposition at said election; and

WHEREAS, in reliance upon the favorable vote cast at said election the board of supervisors of said county has by resolution authorized and provided for the issuance of \$150,000 county home bonds for the purpose aforesaid and has made provision for the levy of taxes sufficient to pay said bonds and the interest thereon not in excess of one-half mill per annum for a period of five years; 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
2 Supervisors of Dallas County, Iowa, preliminary to and in connection
3 with the election held in said County on November 5, 1968, and all
4 proceedings heretofore taken by the Board of Supervisors of Dallas
5 County, Iowa, preliminary to and in providing for the issuance of
6 County Home Bonds of said County to the amount of One Hundred
7 Fifty Thousand Dollars (\$150,000), and for the levy of taxes suffi-
8 cient to pay said bonds and interest thereon pursuant to said election,
9 are hereby legalized, validated and confirmed, and said County Home
10 Bonds issued, sold and delivered pursuant to and in accordance with
11 said proceedings are hereby declared to be legal and to constitute valid
12 and binding obligations of said County.

1 SEC. 2. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The Perry
 3 Daily Chief, a newspaper published in Perry, Iowa, and in The Dallas
 4 County News, a newspaper published in Adel, Iowa.

Approved February 20, 1970.

I hereby certify that the foregoing Act, Senate File 1038, was published in The Perry Daily Chief, Perry, Iowa, February 26, 1970, and in The Dallas County News, Adel, Iowa, February 25, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1290

HUMBOLDT COUNTY LEGALIZING ACT

H. F. 737

AN ACT to legalize the hospital maintenance levy heretofore made in the county of Humboldt.

WHEREAS, on November 5, 1946, an election was held in the county of Humboldt on the proposition of building a county hospital as follows:

“Shall the county of Humboldt establish, erect, equip and maintain a county hospital in the city of Humboldt and procure a site therefor and borrow money by issuance and sale of bonds in the sum of \$100,000 to pay the cost of establishing, erecting and equipping said hospital and procuring a site therefor and levy a tax on all the taxable property within said county at a rate not to exceed one-half mill on the dollar of the taxable value in addition to all other taxes, year by year, commencing with the current levies to pay said bonds, and the interest thereon, until said bonds and the interest thereon are completely paid.” and

WHEREAS, the people of Humboldt did authorize said hospital and the issuance of bonds and taxes to pay the principal and interest thereon by a vote of 2355 “yes” to 917 “no”; and

WHEREAS, taxes were levied in the year 1947 and the years following until the bonds were fully paid in the years 1963, 1964, 1965 and 1966; and

WHEREAS, the hospital was not built for insufficiency of funds; and

WHEREAS, a donation of \$40,000 has been given to the county of Humboldt* conditioned on the building of said hospital; and

WHEREAS, a maintenance levy for said hospital was made in the years 1967 and 1968 and said tax has accumulated the sum of \$45,673.03; and

WHEREAS, bids for said construction were called for on September 12, 1968; the contract let on September 13, 1968 conditioned on completion within five hundred forty days after written notice to the contractor and said notice was given October 3, 1968; and

*According to enrolled Act.

WHEREAS, said hospital is now under construction but doubts have arisen on the validity of the levy for maintenance before the construction of said hospital; and

WHEREAS, the levy was merely premature and not unnecessary since said fund will be needed at once upon completion of the hospital later this year; NOW THEREFORE,

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

1 SECTION 1. The action of the county of Humboldt in levying a tax
2 for maintenance of a county hospital before completion of said hos-
3 pital is hereby legalized, except that any taxpayer who applies to the
4 Humboldt County Treasurer before December 31, 1970, may obtain a
5 refund of such tax paid by him for the year 1967.

6 The Humboldt County Treasurer shall publish once each week for
7 two weeks, in all official newspapers of the county, a conspicuous
8 notice addressed to all taxpayers, stating the millage rate to be re-
9 funded and the procedure to be followed by a taxpayer in order to
10 receive his refund. The two publications shall be made before Decem-
11 ber 1, 1970.

1 SECTION 2. The moneys received by the county of Humboldt from
2 the proceeds of the aforesaid levy and not refunded under the pro-
3 visions of Section one (1) of this Act may be used by the county
4 officers of said county in the future maintenance of said hospital.

Approved February 12, 1970.

CHAPTER 1291

JASPER COUNTY LEGALIZING ACT

H. F. 1191

AN ACT to legalize and validate the procedures followed by the Jasper county conservation board in contracting with the Cross Construction Company of Baxter, Iowa, for the construction of three toilets at the Jasper county park known as Ashton-Wildwood county park; and

WHEREAS, on May 14, 1969, the Jasper county conservation board advertised for bids to construct three toilets in the Jasper county park known as Ashton-Wildwood county park; and

WHEREAS, the Jasper county conservation board entered into a contract on May 20, 1969, with the Cross Construction Company of Baxter, Iowa, to construct three toilets in the Jasper county park known as Ashton-Wildwood county park; and

WHEREAS, the Jasper county conservation board failed to publish notice fixing a time and place for a hearing, as required by chapter 23 of the 1966 Code of Iowa, before entering into a contract for a public improvement that cost five thousand dollars (\$5,000.00) or more; and

WHEREAS, the final cost of said contract was seven thousand thirty-nine and 80/100 dollars (\$7,039.80) and doubts have arisen concerning

the legal sufficiency of the Jasper county conservation board's compliance with provisions of chapter 23 of the 1966 Code of Iowa; 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 acts and proceedings heretofore taken by the
2 Jasper County Conservation Board in connection with the entering into
3 of a contract with the Cross Construction Company, of Baxter, Iowa,
4 to construct three toilets at a cost of seven thousand thirty-nine and
5 80/100 dollars (\$7,039.80), at the Jasper County Park known as Ash-
6 ton-Wildwood County Park, are hereby legalized, validated and con-
7 firmed.

1 SECTION 2. This Act, being deemed of immediate importance, shall
2 be in full force and effect from and after its passage, approval and
3 publication in The Newton Daily News, a newspaper published at
4 Newton, Iowa, and The Colfax Tribune, a newspaper published at
5 Colfax, Iowa, without expense to the state.

Approved March 4, 1970.

I hereby certify that the foregoing Act, House File 1191, was published in The Newton Daily News, Newton, Iowa, March 27, 1970, and in The Colfax Tribune, Colfax, Iowa, March 26, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1292

MARION COUNTY BRIDGE LEGALIZING ACT

H. F. 1356

AN ACT to legalize and validate the use of a bridge acquired by the Marion county board of supervisors from the Norfolk and Western Railway Company as part of the secondary road system in that county.

WHEREAS, on April 28, 1968 the Norfolk and Western Railway Company executed a bill of sale to the Marion county board of supervisors in which said railway company quitclaimed three through truss spans and pier supports constituting a bridge over the Des Moines River west of Harvey, Marion county, Iowa; and

WHEREAS, the Marion county board of supervisors acquired said bridge in good faith, believing it to be suitable for use in the secondary road system; and

WHEREAS, it has since been discovered that said bridge does not meet the requirements of section three hundred nine point seventy-four (309.74) of the Code, in that in the specific area of the bridge where each of the piers are located, the bridge is less than sixteen feet in width; and

WHEREAS, said bridge is in all other respects suitable for use in the secondary road system, and is necessary to serve the residents of the county; and

WHEREAS, it is deemed advisable to legalize and validate the use of said bridge in the secondary road system of Marion county; NOW THEREFORE,

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

1 SECTION 1. The Marion county board of supervisors is hereby
2 authorized to use as part of the secondary road system of Marion
3 county the bridge over the Des Moines river acquired from the Nor-
4 folk and Western Railway on April 28, 1968 and located west of Har-
5 vey, Marion county, Iowa.

1 SEC. 2. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publica-
3 tion in The Knoxville Express, a newspaper published at Knoxville,
4 Iowa, and The Pella Chronicle-Advertiser, a newspaper published at
5 Pella, Iowa.

Approved April 10, 1970.

I hereby certify that the foregoing Act, House File 1356, was published in The Knoxville Express, Knoxville, Iowa, April 23, 1970, and in The Pella Chronicle-Advertiser, Pella, Iowa, April 17, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1293

MITCHELL COUNTY LEGALIZING ACT

H. F. 1133

AN ACT to legalize and validate the proceedings of the board of supervisors of Mitchell county, Iowa, authorizing and providing for the issuance of county public hospital 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 county.

WHEREAS, it appears from the records of the board of supervisors of Mitchell county, Iowa, that at a special election held in and for said county on December 29, 1969, the proposition of issuing bonds of said county in the sum of nine hundred five thousand dollars for the purpose of erecting and equipping an addition to the existing county public hospital 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 supervisors thereafter authorized and provided for the issuance of county public hospital bonds to the amount and for the purpose aforesaid and 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 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 Mitchell county, Iowa, preliminary to and in connection
3 with the election on said bonds held in said county on December 29,
4 1969, and providing for the issuance of county public hospital bonds
5 of said county in the amount of nine hundred five thousand dollars
6 pursuant to said election, and for the levy of taxes sufficient to pay
7 said bonds and interest thereon, are hereby legalized, validated and
8 confirmed and said county public hospital bonds issued pursuant to
9 and in accordance with said proceedings are hereby declared to be
10 legal and to constitute the valid and binding obligations of said county.

1 SECTION 2. This Act being of immediate importance shall be in
2 full force and effect from and after its passage and publication in the
3 Mitchell County Press-News, a newspaper published at Osage, Iowa,
4 and the Eclipse News Review, a newspaper published at Parkersburg,
5 Iowa, without expense to the state.

Approved May 1, 1970.

I hereby certify that the foregoing Act, House File 1133, was published in the Mitchell County Press-News, Osage, Iowa, May 14, 1970, and in the Eclipse News Review, Parkersburg, Iowa, May 20, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1294

POTTAWATTAMIE COUNTY LEGALIZING ACT

H. F. 1315

AN ACT to legalize payment made for foster home care in Pottawattamie county.

WHEREAS, it appears that Pottawattamie county has during the years 1966, 1967, 1968, and 1969 made payments for foster home care from funds which appear to be dedicated by section two hundred thirty-two point twenty-two (232.22) of the Code for maintaining a county or multicounty juvenile home; and

WHEREAS, doubts have arisen as to whether such payments for foster home care fall within the purview of section two hundred thirty-two point twenty-two (232.22) of the Code and are equivalent to maintaining a juvenile home or multicounty juvenile home; and

WHEREAS, it may be that such payments should have been made from the Pottawattamie county general fund; and

WHEREAS, it appears that if Pottawattamie county would have to reimburse the juvenile home fund it would place a great financial burden upon funds available for general county purposes; NOW THEREFORE,

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

1 SECTION 1. That the acts and procedures of the Pottawattamie
2 County officials in making payments for foster home care from funds

3 dedicated by section two hundred thirty-two point twenty-two
 4 (232.22) are hereby legalized, validated and confirmed and this Act
 5 shall constitute full authority for the payment of foster home care
 6 by Pottawattamie County during the years 1966, 1967, 1968, and
 7 1969 from funds dedicated by said section two hundred thirty-two
 8 point twenty-two (232.22).

Approved April 8, 1970.

CHAPTER 1295

WOODBURY COUNTY LEGALIZING ACT

H. F. 1314

AN ACT to legalize payment made for foster home care in Woodbury county.

WHEREAS, it appears that Woodbury county has during the years 1966, 1967, 1968, and 1969 made payments for foster home care from funds which appear to be dedicated by section two hundred thirty-two point twenty-two (232.22) of the Code for maintaining a county or multi-county juvenile home; and

WHEREAS, doubts have arisen as to whether such payments for foster home care fall within the purview of section two hundred thirty-two point twenty-two (232.22) of the Code and are equivalent to maintaining a juvenile home or multicounty juvenile home; and

WHEREAS, it may be that such payments should have been made from the Woodbury county general fund; and

WHEREAS, it appears that if Woodbury county would have to reimburse the juvenile home fund it would place a great financial burden upon funds available for general county purposes; NOW THEREFORE,

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

1 SECTION 1. That the acts and procedures of the Woodbury County
 2 officials in making payments for foster home care from funds dedi-
 3 cated by section two hundred thirty-two point twenty-two (232.22)
 4 are hereby legalized, validated and confirmed and this Act shall con-
 5 stitute full authority for the payment of foster home care by Wood-
 6 bury County during the years 1966, 1967, 1968, and 1969 from funds
 7 dedicated by said section two hundred thirty-two point twenty-two
 8 (232.22).

Approved April 8, 1970.

CHAPTER 1296

PELLA LEGALIZING ACT

H. F. 1140

AN ACT to legalize and validate the proceedings of the city council of the city of Pella, Marion county, Iowa, state of Iowa, in connection with the award of a contract for the furnishing of a 25,000 kilowatt capacity steam turbine generator to the municipal electric utility of said city.

WHEREAS, it appears from the records of the city council of the city of Pella, Marion county, state of Iowa, that at a meeting held in and for said city on August 26, 1969, said city council received bids for the furnishing to the municipal electric utility of said city of one 25,000 kilowatt capacity steam turbine generator, and upon engineering evaluation of the equipment specified in said bids awarded contract therefor to the General Electric Company by resolution adopted September 2, 1969; and

WHEREAS, it appears from the record that publication of notice of the receiving of said bids was made as required by chapter 397, Code of Iowa, 1966, as amended, in the Des Moines Register and the Pella Chronicle-Advertiser, except that the latter newspaper omitted the second publication of said notice; and

WHEREAS, it further appears that plans and specifications were directed to all firms reasonably expected to bid and bids were in fact received from all American manufacturers of such equipment save one which declined to bid and from two European firms; and

WHEREAS, it appears that a competitive letting was held as contemplated by law and a favorable bid received so that it is deemed advisable that all doubts with respect to the validity thereof should be put to rest; NOW THEREFORE,

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

1 SECTION 1. That the proceedings heretofore taken by the City
2 Council of the City of Pella, preliminary to and in connection with
3 the aforesaid contract awarded to General Electric Company by reso-
4 lution adopted on September 2, 1969, are hereby legalized, validated
5 and confirmed and the aforesaid contract shall constitute a valid and
6 binding obligation of said City.

1 SECTION 2. This Act being of immediate importance shall be in
2 full force and effect from and after its passage and publication in
3 The Pella Chronicle-Advertiser, a newspaper published at Pella, Iowa,
4 and The Knoxville Journal, a newspaper published at Knoxville, Iowa,
5 without expense to the State.

Approved March 4, 1970.

I hereby certify that the foregoing Act, House File 1140, was published in The Pella Chronicle-Advertiser, Pella, Iowa, March 18, 1970, and in The Knoxville Journal, Knoxville, Iowa, March 17, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1297

MERGED AREA IV LEGALIZING ACT

S. F. 1271

AN ACT to legalize and validate the proceedings of the board of directors of Iowa Central Community College (merged area V) and the Fort Dodge Community School District, Fort Dodge, Iowa, in regard to the transfer of buildings, real estate, lease agreements, equipment, and books and the repayment of operational costs for the college for the year 1966-67 and to authorize and direct the board of directors of Fort Dodge Community School District to execute and deliver to Iowa Central Community College (merged area V) a warranty deed for the real estate involved, and to authorize and direct said boards of directors to execute any and all other instruments necessary to complete the transition agreement.

WHEREAS, the board of directors of Iowa Central Community College (merged area V) for the counties of Webster, Hamilton, Wright, Humboldt, Sac, Buena Vista, Pocahontas, Calhoun, and Greene, state of Iowa, hereinafter referred to as "area V" and the board of directors of the Fort Dodge Community School District, Fort Dodge, Iowa, hereinafter referred to as "Fort Dodge Schools" did on the 26th day of January, 1968, enter into an agreement for an orderly transfer of the operation of the college and for the transfer of buildings, real estate, lease agreements, equipment and books and the repayment of operational costs for the college for the year 1966-1967 so that the college could be operated by area V all as contemplated by chapter two hundred eighty A (280A) of the 1966 Code of Iowa; and

WHEREAS, certain real estate consisting of 72.02 acres more or less was given to Fort Dodge Schools by the Fort Dodge betterment foundation on August 9, 1965, for use for college purposes; and

WHEREAS, Fort Dodge Schools had obtained a bond issue for and had under construction on said real estate two classroom buildings and that area V agreed to pay to Fort Dodge Schools the following amounts at the following times for the purchase of the buildings and the transfer of the real estate:

FISCAL YEAR	AMOUNT	DATE TO BE PAID
1966-67	\$ 68,959.00	Included in operational costs for year 1966-67
1967-68	20,000.00	June 1, 1968
1968-69	72,154.50	June 1, 1969
1969-70	70,531.50	June 1, 1970
1970-71	74,260.50	June 1, 1971
1971-72	71,841.50	June 1, 1972
1972-73	59,300.52	June 1, 1973
1973-74	58,282.82	June 1, 1974
1974-75	62,205.77	June 1, 1975
1975-76	61,042.67	June 1, 1976
1976-77	59,879.57	June 1, 1977
1977-78	88,360.47	June 1, 1978
1978-79	86,325.05	June 1, 1979
1979-80	84,289.62	June 1, 1980
1980-81	82,219.10	June 1, 1981
1981-82	80,113.49	June 1, 1982

FISCAL YEAR	AMOUNT	DATE TO BE PAID
1982-83	78,007.88	June 1, 1983
1983-84	75,902.27	June 1, 1984
1984-85	78,697.22	June 1, 1985
1985-86	17,179.12	June 1, 1986

\$1,349,552.57

WHEREAS, Fort Dodge Schools transferred certain instructional equipment and library books valued at \$115,981.93 and that area V paid \$30,000.00 down and agreed to pay the same on the following schedule:

FISCAL YEAR	AMOUNT	DATE TO BE PAID
1967-68	\$50,000.00	June 1, 1968
1968-69	7,196.39	June 1, 1969
1969-70	7,196.39	June 1, 1970
1970-71	7,196.39	June 1, 1971
1971-72	7,196.39	June 1, 1972
1972-73	7,196.37	June 1, 1973

\$85,981.93

WHEREAS, area V operated the college during the year 1966-67 with funds advanced by Fort Dodge Schools, and the cost of said operation was in the sum of \$258,842.90 which area V agreed to pay on the following schedule:

FISCAL YEAR	AMOUNT	DATE TO BE PAID
1967-68	\$129,421.45	February 1, 1968
1968-69	25,884.29	February 1, 1969
1969-70	25,884.29	February 1, 1970
1970-71	25,884.29	February 1, 1971
1971-72	25,884.29	February 1, 1972
1972-73	25,884.29	February 1, 1973

\$258,842.90

WHEREAS, area V has made all of the payments to date on each of said schedules and each of the boards of directors acted in reliance upon the provisions in the agreement of January 26, 1968, and the meeting of the minds of the two boards in regard to the manner of giving effect to said provisions; and

WHEREAS, doubts have arisen as to the validity of the agreement of January 26, 1968, and as to the validity of the transfer of the 72.02 acres, more or less, by warranty deed to be executed and delivered by Fort Dodge Schools to area V and it is deemed advisable to put such doubts to rest, and to confirm the actions of the boards and to authorize Fort Dodge Schools to transfer said real estate to area V; NOW THEREFORE,

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

1 SECTION 1. All proceedings and actions of the area V board of
 2 directors and the Fort Dodge schools board of directors in regard to
 3 the transfer of buildings, real estate, lease agreements, equipment
 4 and books and the repayment of operational costs for the operational
 5 costs for the college for the year 1966-67 are hereby ratified, con-
 6 firmed, legalized and validated and the board of directors of the Fort
 7 Dodge schools is authorized and directed to immediately and forth-
 8 with execute and deliver a warranty deed to the following described
 9 premises to wit:

10 Commencing at the West Quarter Corner (W- $\frac{1}{4}$ Cor.) of Section
 11 30, Township 89 North, Range 28 West of the Fifth Principal Merid-
 12 ian, Webster County, Iowa, thence South 89 degrees 36 minutes East
 13 733 feet, along the north line of the Southwest Quarter (SW- $\frac{1}{4}$) of
 14 said section, to the northeasterly corner of the tract of land described
 15 by warranty deed filed under date of December 7, 1959, in Book 99,
 16 page 147, Deed Record of Webster County, Iowa; thence South 33
 17 feet, along easterly line of tract of land described by above referenced
 18 deed, to the point of beginning; thence South 89 degrees 36 minutes
 19 East 330 feet, along south line of tract of land described by warranty
 20 deed filed under date of August 19, 1964, in Book 115, page 461, Deed
 21 Record of Webster County, Iowa; thence North 33 feet, along the east
 22 line of said tract of land (Book 115, page 461), to a point on the north
 23 line of the Southwest Quarter (SW- $\frac{1}{4}$) of Section 30-89-28; thence
 24 South 89 degrees 36 minutes East 2270.6 feet, along north line of South
 25 Half (S- $\frac{1}{2}$) of Section 30-89-28, to the northwesterly corner of
 26 Lutheran Hospital property, being the northwesterly corner of the
 27 five-acre tract of land in the West Half of the Southeast Quarter
 28 (W- $\frac{1}{2}$ - SE- $\frac{1}{4}$) of Section 30-89-28, described by warranty deed filed
 29 under date of March 12, 1931, in Book 39, page 171, Land Deed Record
 30 of Webster County, Iowa; thence South 00 degrees 51 minutes West
 31 711.19 feet, along the westerly line (as marked by present fence line)
 32 of said Lutheran Hospital property, to the northeasterly corner of
 33 Friendship Haven, Inc. property (Site 4) as described by quit claim
 34 deed filed under date of September 23, 1964, in Book 116, page 97,
 35 Deed Record of Webster County, Iowa; thence South 89 degrees 09
 36 minutes West 881.57 feet, along the northerly line of said Friendship
 37 Haven, Inc. property (Site 4), to the northwesterly corner thereof;
 38 thence South 00 degrees 51 minutes East 400 feet, along the westerly
 39 line of said Friendship Haven, Inc. property (Site 4), to the south-
 40 westerly corner thereof; thence South 89 degrees 09 minutes West
 41 1045.35 feet, along the northerly line (and westerly extension thereof)
 42 of Friendship Haven, Inc. property (Site 3) as described by quit claim
 43 deed filed under date of February 27, 1961, in Book 102, page 565,
 44 Deed Record of Webster County, Iowa; thence South 706.04 feet, to
 45 the northeasterly corner of the intersection of 'E' Street (now Tower
 46 Drive) and Avenue 'M', in the City of Fort Dodge, Iowa; thence
 47 South 88 degrees 01 minute West 530.04 feet, along the northerly line
 48 of said Avenue 'M', to a point on the easterly line of property of
 49 Webster County Agricultural Association, as described by quit claim
 50 deed, filed under date of August 20, 1965, in Book 120, page 169, Deed

51 Record of Webster County, Iowa; thence North 951 feet, along the
52 easterly line of said property of Webster County Agricultural Associ-
53 ation, to the northeasterly corner thereof; thence South 88 degrees
54 01 minutes West 621.85 feet, along the northerly line of property of
55 Webster County Agricultural Association as described by above refer-
56 enced deed and along northerly line of property of Webster County
57 Agricultural Association as described by quit claim deed filed under
58 date of October 20, 1948, in Book 50, page 525, Land Deed Record
59 of Webster County, Iowa, to a point on the easterly line of the right
60 of way of U.S. Highway No. 169, as shown by Official plans for Proj-
61 ect F-FG-422(3), said point being the southeasterly corner of right
62 of way (center line Station 1254 + 50.8) as described by warranty
63 deed filed under date of May 26, 1959, in Book 97, page 257, Deed
64 Record of Webster County, Iowa, said point being, also, the north-
65 easterly corner of right of way as described by warranty deed filed
66 under date of August 15, 1959, in Book 98, page 105, Deed Record of
67 Webster County, Iowa; thence North 141.71 feet (sometimes given
68 as 149.2 feet), following along said easterly line of the highway right
69 of way; thence North 26 degrees 34 minutes West 111.8 feet, follow-
70 ing along easterly line of highway right of way; thence North 160.15
71 feet, following along easterly line of highway right of way, to the
72 southwesterly corner of tract of land owned by First Covenant Church
73 and described by warranty deed filed under date of December 7, 1959,
74 in Book 99, page 147, Deed Record of Webster County, Iowa; thence
75 East 532 feet, along southerly line of said property of First Covenant
76 Church, to the southeasterly corner thereof; thence North 517.84 feet,
77 along easterly line of First Covenant Church property, to the point of
78 beginning, containing 72.02 acres, more or less. Note: The west line
79 of the Southwest Quarter (SW- $\frac{1}{4}$) of Section 30-89-28 is assumed to
80 bear due north and south.

81 To area V, with a reversionary clause in said deed providing that
82 title to said real estate will revert back to Fort Dodge community
83 school district, Fort Dodge, Iowa, in the event area V does not make
84 the scheduled payments set out herein or in the event said property
85 is no longer used for college purposes.

1 SEC. 2. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publica-
3 tion in the Fort Dodge Messenger and Chronicle, a newspaper pub-
4 lished at Fort Dodge, Iowa, and in The Daily Freeman-Journal, a
5 newspaper published at Webster City, Iowa, all without expense to
6 the state of Iowa.

Approved April 10, 1970.

I hereby certify that the foregoing Act, Senate File 1271, was published in the Fort Dodge Messenger and Chronicle, Fort Dodge, Iowa, April 25, 1970, and in The Daily Freeman-Journal, Webster City, Iowa, April 23, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1298

HENDERSON SCHOOL LEGALIZING ACT

H. F. 1307

AN ACT to legalize and validate the proceedings of the board of directors of the Henderson Consolidated School District, in the county of Mills, state of Iowa, confirming and authorizing the sale of certain real property.

WHEREAS, it appears from the records of the board of directors of the Henderson Consolidated School District, now a part of the Nishna Valley Community School District, county of Mills, state of Iowa, that on August 4, 1958, the board, by its president Virgil Morris and B. F. Dittus, executed a warranty deed to Howard Henderson and Sharon Henderson for the following described real property:

Lots 5 and 6 in Block 9, of the original town of Henderson, Mills county, Iowa,
and that said deed was thereafter recorded in the office of the Mills county recorder where it appears at Book 47, page 5; and

WHEREAS, said Sharon Henderson and Howard Henderson thereafter conveyed the above described property by warranty deed to Elmer Kadel and Aneta Kadel, who are presently in possession of said real property; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the deed from the said school board to Howard Henderson and Sharon Henderson, and it is deemed advisable to put such doubts and all other 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 di-
2 rectors of the Henderson consolidated school district in the county
3 of Mills, state of Iowa, in connection with the sale of the following
4 described real property:

5 Lots 5 and 6 in block 9, of the original town of Henderson, Mills
6 County, Iowa,

7 and the sale of said property by the board of directors of said district
8 to Howard Henderson and Sharon Henderson, husband and wife, are
9 hereby legalized, validated and confirmed, and the proceedings of said
10 board of directors relating thereto, are hereby declared to be legal and
11 constitute the valid and binding obligation of said district.

1 SEC. 2. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publication

3 in The Malvern Leader, a newspaper published at Malvern, Iowa, and
 4 the Cedar Valley Daily Times, a newspaper published at Vinton, Iowa,
 5 without expense to the state.

Approved May 1, 1970.

I hereby certify that the foregoing Act, House File 1307, was published in The Malvern Leader, Malvern, Iowa, May 21, 1970, and in the Cedar Valley Daily Times, Vinton, Iowa, May 19, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1299

LEGRAND SCHOOL LEGALIZING ACT

S. F. 1080

AN ACT to legalize a transfer of real property from the board of directors of the LeGrand Consolidated School District, LeGrand, Iowa, to Alfred J. Witham.

WHEREAS, the LeGrand Consolidated School District, LeGrand, Iowa, in 1952 conveyed to Alfred J. Witham for valuable and fair consideration by warranty deed a tract of real property without compliance with the Code, and that it is now impossible to comply with the provisions of the Code; and

WHEREAS, due to reorganization the affairs of the school district have been taken over by the LDF Community School District; and it is the desire of the school board to confirm the conveyance and assist the purchaser to clear his title; and

WHEREAS, the rights of other residents of the school district are not prejudiced by this action; NOW THEREFORE,

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

1 SECTION 1. The conveyance from the LeGrand consolidated school
 2 district to Alfred J. Witham by warranty deed dated January 5, 1952,
 3 of the real property described as, The West 60 feet of Lot 7 of Lot 1
 4 of Lot 1 of Lot 1, except the North 9 feet of said Lot, all in the North-
 5 west Quarter of Section 13, Township 83 North, Range 17 West of
 6 the 5th P.M., Marshall County, Iowa, is hereby legalized, validated
 7 and confirmed.

Approved March 4, 1970.

CHAPTER 1300

MOUNT VERNON SCHOOL LEGALIZING ACT

H. F. 1278

AN ACT to legalize and validate the proceedings of the board of directors of the Mount Vernon Community School District in the counties of Linn, Jones, and Johnson, state of Iowa, in connection with the purchase under a real estate installment purchase contract of certain real estate by said board of directors from Grace E. West and Gail West Hull and declaring the validity of said contract and that said contract shall constitute a valid and binding obligation of said school district.

WHEREAS, it appears from the records of the board of directors of the Mount Vernon Community School District in the counties of Linn, Jones, and Johnson, state of Iowa, that pursuant to a vote of said board of directors, on the 2nd day of September, 1969, said board of directors agreed to buy and Grace E. West and Gail West Hull agreed to sell certain real estate described as:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 9-82-5, except the North 861 feet of the East 506 feet (measured parallel with north and east lines thereof) and also except the East 30 feet of that part lying south of the North 861 feet, East 506 feet, and also excepting the farm building site described as follows:

beginning at the southwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ 9-82-5 thence north along the West line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ 410 feet, thence East 210 feet, thence South 90 feet, thence East 184 feet, thence South 320 feet to the south line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, thence West 394 feet to the point of beginning (measured parallel with the south and west lines of said SE $\frac{1}{4}$ SE $\frac{1}{4}$),

for the sum of forty thousand dollars of which two thousand five hundred dollars was payable on execution of said contract on September 3, 1969, with the balance payable in installments in the amount of six thousand nine hundred and four dollars payable on December 1, 1969, ten thousand three hundred dollars payable on November 1, 1970, and ten thousand one hundred forty-eight dollars payable on November 1, 1971, and ten thousand one hundred forty-eight dollars payable on November 1, 1972, with interest on the respective unpaid balances from December 1, 1969, at six percent per annum, plus reimbursement for special assessments in the amount of one thousand six hundred ninety-one dollars payable on execution; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said installment real estate purchase 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 direc-
- 2 tors of the Mount Vernon Community School District, in the counties
- 3 of Linn, Jones, and Johnson, State of Iowa, preliminary to and in con-
- 4 nection with a certain installment real estate contract dated Septem-
- 5 ber 3, 1969, between said board of directors and Grace E. West and
- 6 Gail West Hull, are hereby legalized, validated and confirmed and
- 7 said installment real estate contract shall constitute a valid and bind-
- 8 ing obligation 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, approval and publi-
 3 cation in The Mount Vernon Hawkeye-Record and The Lisbon Herald,
 4 a newspaper published at Mount Vernon, Linn County, Iowa; and in
 5 The Anamosa Eureka, a newspaper published at Anamosa, Jones
 6 County, Iowa; and in The Solon Economist, a newspaper published at
 7 Solon, Johnson County, Iowa, without expense to the State.

Approved May 1, 1970.

I hereby certify that the foregoing Act, House File 1278, was published in The Mount Vernon Hawkeye-Record and The Lisbon Herald, Mount Vernon, Iowa, May 28, 1970; in The Anamosa Eureka, Anamosa, Iowa, May 21, 1970; and in The Solon Economist, Solon, Iowa, May 21, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1301

OELWEIN SCHOOL LEGALIZING ACT

H. F. 1190

AN ACT to legalize and validate the proceedings of the board of directors of the Oelwein Community School District, in the counties of Fayette and Buchanan, state of Iowa, authorizing and providing for the sale and issuance of school building 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 school district.

WHEREAS, it appears from the records of the board of directors of the Oelwein Community School District, in the counties of Fayette and Buchanan, state of Iowa, that at a special school election held in and for said school district on May 15, 1969, the proposition of issuing bonds of said school district in the amount of one million six hundred thousand dollars for the purpose of carrying out a school building program consisting of building and furnishing a new elementary school building and a new junior high school building and procuring sites for new school buildings 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 thereafter authorized and provided for the sale and issuance of school building 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 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 Oelwein Community School District, in the Counties
 3 of Fayette and Buchanan, State of Iowa, preliminary to and in con-

4 nection with the election on said bonds held in said school district on
 5 May 15, 1969, and providing for the sale, issuance and delivery of
 6 school building bonds of said school district in the amount of one
 7 million six hundred thousand dollars pursuant to said election, and
 8 for the levy of taxes to pay said bonds and interest thereon, are
 9 hereby legalized, validated and confirmed and said school building
 10 bonds issued, sold and delivered pursuant to and in accordance with
 11 said proceedings are hereby declared to be legal and to constitute the
 12 valid and binding obligations of said school district.

1 SECTION 2. This Act being of immediate importance shall be in
 2 full force and effect from and after its passage and publication in the
 3 Independence Conservative, a newspaper published at Independence,
 4 Iowa, and the Oelwein Daily Register, a newspaper published at
 5 Oelwein, Iowa, without expense to the state.

Approved April 15, 1970.

I hereby certify that the foregoing Act, House File 1190, was published in the Independence Conservative, Independence, Iowa, April 21, 1970, and in the Oelwein Daily Register, Oelwein, Iowa, April 18, 1970.

ROBERT C. LANDESS, *Deputy Secretary of State.*

CHAPTER 1302

PERRY SCHOOL LEGALIZING ACT

S. F. 1049

AN ACT to legalize and validate the proceedings of the board of directors of the Perry Community School District in the counties of Dallas, Boone and Greene, state of Iowa, in connection with the purchase under a real estate installment purchase contract of certain real estate by said board of directors from Dorothy May Marker and Loren Marker and declaring the validity of said contract and that said contract shall constitute a valid and binding obligation of said school district.

WHEREAS, it appears from the records of the board of directors of the Perry Community School District in the counties of Dallas, Boone and Greene, state of Iowa, that pursuant to a vote of said board of directors, on the 14th day of July, 1969, said board of directors agreed to buy and Dorothy May Marker and Loren Marker agreed to sell certain real estate described as:

All of that part of the East one-half of the Northwest Quarter (E¹/₂ NW¹/₄) of Section eleven (11),* eighty-one (81) North, Range twenty-eight (28) West of the 5th P.M., lying south of the C. M. St. P. & P. Railroad, except and subject to conveyances, dedications or easements of record for road or highway purposes, for the sum of fifty-four thousand dollars, four thousand four hundred dollars of which was paid or payable on December 1, 1969 with the balance payable in installments of ten thousand dollars commencing April 1, 1970, and ten thousand dollars on the first of each and every April thereafter until paid in full with interest on the unpaid balance thereof from December 1, 1969, said interest rate to be adjusted yearly and equivalent to the highest rate paid by the First National Bank of Perry on one year certificates of deposit; and

*According to enrolled Act.

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said installment real estate purchase 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 di-
2 rectors of the Perry Community School District, in the counties of
3 Dallas, Boone and Greene, State of Iowa, preliminary to and in con-
4 nection with a certain installment real estate contract dated July 14,
5 1969, between said board of directors and Dorothy May Marker and
6 Loren Marker, are hereby legalized, validated and confirmed and said
7 installment real estate contract shall constitute a valid and binding
8 obligation of said school district.

1 SECTION 2. This Act, being of immediate importance, shall be
2 in full force and effect from and after its passage, approval and
3 publication in The Perry Daily Chief, a newspaper published at Perry,
4 Iowa, and in The Woodward Enterprise, a newspaper published at
5 Woodward, Iowa, without expense to the State.

Approved March 4, 1970.

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 Woodward Enterprise, published in Woodward, Iowa, I hereby designate The Northeast Dallas County Record, Woodward, Iowa, to publish the foregoing Act, Senate File 1049.

MELVIN D. SYNHORST, *Secretary of State.*

I hereby certify that the foregoing Act, Senate File 1049, was published in The Perry Daily Chief, Perry, Iowa, March 27, 1970, and in The Northeast Dallas County Record, Woodward, Iowa, April 2, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1303

TWIN CEDARS SCHOOL LEGALIZING ACT

S. F. 1189

AN ACT to legalize and validate the special election of the Twin Cedars Community School District, in the counties of Marion and Mahaska, state of Iowa, held on May 20, 1969, on the proposition of issuing school bonds in the sum of not to exceed \$280,000.00, for the purpose of building and furnishing an addition to the junior-senior high school building and additional parking facilities therefor.

WHEREAS, on the 17 day of April, 1969, the board of directors of the Twin Cedars Community School District, in the counties of Marion and Mahaska, state of Iowa, called a special election of said district for May 20, 1969, on the following question:

“Shall the board of directors of Twin Cedars Community School District be authorized to contract indebtedness and issue general obligation bonds to provide funds to defray the costs of building and furnishing an addition to the junior-senior high school building, to include a gymnasium,

lockers, and other needed facilities, and additional parking facilities there-
to, at a cost not to exceed two hundred eighty thousand (280,000) dollars,
said bonds to mature within a period not to exceed twenty (20) years from
the date of issue, to bear interest at the rate or rates not exceeding the
maximum percent as set by law and to be of such form as the board of
directors shall by resolution provide?"; 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

WHEREAS, doubts have arisen concerning the validity and legal suffi-
ciency 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 direc-
2 tors of the Twin Cedars Community School District, in the counties of
3 Marion and Mahaska, State of Iowa, pursuant to and in connection
4 with the call of the special election held on May 20, 1969, for the
5 submission of the said proposition of issuing school bonds of the sum
6 of not to exceed two hundred eighty thousand (280,000) dollars, for
7 the purpose of building and furnishing an addition to the junior-senior
8 high school building and additional parking facilities therefor; includ-
9 ing also the notice of election, the publication of said election notice,
10 the election ballot, the appointment of the election staff, the adoption
11 of said proposition at said election by the voters of said school district,
12 and the election canvass procedure, are hereby legalized, validated
13 and confirmed, and shall constitute full authority by the board of
14 directors of said school district to issue and sell said bonds for the
15 aforesaid proposition authorized at said election in an amount not to
16 exceed two hundred eighty thousand (280,000) dollars, and said bonds,
17 when issued, shall constitute valid and binding obligations of said
18 school district.

1 SEC. 2. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publica-
3 tion in The Knoxville Express, a newspaper published at Knoxville,
4 Iowa, and the Oskaloosa Daily Herald, a newspaper published at
5 Oskaloosa, Iowa.

Approved April 2, 1970.

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 Oskaloosa Daily Herald published in Oskaloosa, Iowa, I hereby desig-
nate The Daily Herald, Oskaloosa, Iowa, to publish the foregoing Act, Senate File 1189.
MELVIN D. SYNHORST, *Secretary of State.*

I hereby certify that the foregoing Act, Senate File 1189, was published in The Knox-
ville Express, Knoxville, Iowa, April 16, 1970, and in The Daily Herald, Oskaloosa,
Iowa, April 13, 1970.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1304

EMPLOYMENT AGENCIES

S. F. 173

AN ACT relating to employment agencies and the fees charged thereby.

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

1 SECTION 1. Section ninety-four point six (94.6), Code 1966, is
2 hereby amended by striking from line eleven (11) the word "five"
3 and inserting in lieu thereof the word "eight".

1 SEC. 2. Section ninety-four point six (94.6), Code 1966, is hereby
2 further amended by inserting in line sixteen (16) after the word
3 "enterprises" the words "or to fees charged solely to employers where
4 no fee is charged to the employee".

Approved May 14, 1970.

**JOINT RESOLUTIONS
AND
RULES OF CIVIL PROCEDURE**

JOINT RESOLUTIONS

CHAPTER 1305

QUALIFICATION OF ELECTORS

(First time passed)

S. J. R. 7

A JOINT RESOLUTION relating to qualification of the electors and to the rights and responsibilities of a resident of this state upon reaching the age of nineteen (19) years.

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

1 SECTION 1. The following amendment to the Constitution of the
2 State of Iowa is hereby proposed:

3 Section one (1) of Article two (II) of the Constitution of the
4 State of Iowa as it exists on July 1, 1972, is hereby repealed and the
5 following adopted in lieu thereof:

6 "Every citizen of the United States, of the age of nineteen (19)
7 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
9 claims his vote for such period of time as shall be provided by law,
10 shall be entitled to vote at all elections which are now or hereafter
11 may be authorized by law. The general assembly may provide by law
12 for different periods of residence in order to vote for various officers
13 or in order to vote in various elections. The required periods of
14 residence shall not exceed six (6) months in this state and sixty (60)
15 days in the county. A person nineteen (19) years of age or older shall
16 be deemed to be an adult for all purposes known to law and shall
17 enjoy all rights and privileges and be subject to all duties and liabili-
18 ties now or hereafter provided by law for persons twenty-one (21)
19 years old. Qualifications established by this constitution for holding
20 any public office shall not be deemed to be changed by this amend-
21 ment."

1 SEC. 2. The foregoing amendment to the Constitution of the
2 State of Iowa is hereby referred to the general assembly to be chosen
3 at the next general election for members of the general assembly and
4 the secretary of state is directed to cause the same to be published for
5 three consecutive months previous to the date of said election as
6 provided by law.

CHAPTER 1306

CONSTITUTIONAL AMENDMENT RELATING TO DISCIPLINE
AND REMOVAL OF JUDGES
(First time passed)

S. J. R. 1002

A JOINT RESOLUTION proposing an amendment to the Constitution of the state of Iowa relating to judges of the district court and supreme court.

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

1 SECTION 1. The following amendment to the Constitution of the
2 State of Iowa is hereby proposed:

3 Article five (V), Constitution of the State of Iowa, is hereby
4 amended by adding thereto the following new section:

5 "In addition to the legislative power of impeachment of judges as
6 set forth in Article three (III), sections nineteen (19) and twenty
7 (20) of the Constitution, the Supreme Court shall have power to retire
8 judges for disability and to discipline or remove them for good cause,
9 upon application by a commission on judicial qualifications. The Gen-
10 eral Assembly shall provide by law for the implementation of this
11 section."

1 SEC. 2. The foregoing proposed amendment to the Constitution
2 of the State of Iowa is hereby referred to the General Assembly to
3 be chosen at the next general election for members of the General
4 Assembly and the Secretary of State is directed to cause the same to
5 be published for three consecutive months previous to the date of
6 said election as provided by law.

CHAPTER 1307

TERMS OF ELECTED STATE OFFICIALS
(First time passed)

H. J. R. 6

A JOINT RESOLUTION proposing an amendment to the constitution of the state of Iowa relating to the terms of office of elected state officials.

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

1 SECTION 1. The following amendment to the Constitution of the
2 State of Iowa is proposed for the election and terms of state officers
3 beginning with the general election in the year nineteen hundred sev-
4 enty-four (1974):

5 Section two (2) of Article four (IV) of the Constitution of the
6 State of Iowa is repealed and the following adopted in lieu thereof:

7 "Sec. 2. The Governor shall be elected by the qualified electors at
8 the time and place of voting for members of the General Assembly,
9 and shall hold his office for four years from the time of his installation,
10 and until his successor is elected and qualifies."

11 Section three (3) of Article four (IV) of the Constitution of the
12 State of Iowa is hereby repealed and the following adopted in lieu
13 thereof:

14 "Sec. 3. There shall be a Lieutenant Governor who shall hold his
15 office for the same term, and be elected at the same time as the Gov-
16 ernor. In voting for Governor and Lieutenant Governor, the electors
17 shall designate for whom they vote as Governor, and for whom as
18 Lieutenant Governor. The returns of every election for Governor,
19 and Lieutenant Governor, shall be sealed up and transmitted to the
20 seat of government of the State, directed to the Speaker of the House
21 of Representatives, who shall open and publish them in the presence
22 of both Houses of the General Assembly."

23 Section fifteen (15) of Article four (IV) of the Constitution of
24 the State of Iowa is hereby repealed and the following adopted in
25 lieu thereof:

26 "Sec. 15. The official term of the Governor, and Lieutenant Gov-
27 ernor, shall commence on the second Monday of January next after
28 their election, and continue until their successors are elected and qual-
29 ify. The Lieutenant Governor, while acting as Governor, shall receive
30 the same compensation as provided for Governor; and while presiding
31 in the Senate, and between sessions such compensation and expenses
32 as provided by law."

33 Section twenty-two (22) of Article four (IV) of the Constitution
34 of the State of Iowa is repealed and the following adopted in lieu
35 thereof:

36 "Sec. 22. A Secretary of State, an Auditor of State and a Treas-
37 urer of State shall be elected by the qualified electors at the same time
38 that the governor is elected and for a four-year term commencing on
39 the first day of January next after their election, and they shall per-
40 form such duties as may be provided by law."

41 Section twelve (12) of Article five (V) of the Constitution of the
42 State of Iowa is repealed and the following adopted in lieu thereof:

43 "Sec. 12. The General Assembly shall provide, by law, for the
44 election of an Attorney General by the people, whose term of office
45 shall be four years, and until his successor is elected and qualifies."

1 SEC. 2. The foregoing proposed amendments to the Constitution of
2 the State of Iowa are hereby referred to the General Assembly to be
3 chosen at the next general election for members of the General Assem-
4 bly, and the Secretary of State is directed to cause the same to be
5 published for three consecutive months previous to the date of said
6 election as provided by law.

CHAPTER 1308

LOTTERY PROHIBITION REPEAL

(First time passed)

H. J. R. 10

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa repealing the prohibition against lotteries in order that they may be regulated by the general assembly.

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

1 SECTION 1. The following amendment to the Constitution of the
2 State of Iowa is hereby proposed:

3 "Section twenty-eight (28) of Article three (III) of the Constitution
4 of the State of Iowa is hereby repealed."

1 SEC. 2. The foregoing proposed amendment to the Constitution of
2 the State of Iowa is hereby referred to the general assembly to be
3 chosen at the next general election for members of the general assem-
4 bly and the secretary of state is directed to cause the same to be pub-
5 lished for three consecutive months previous to the date of said elec-
6 tion as provided by law.

CHAPTER 1309

COLLEGE OF OSTEOPATHIC MEDICINE AND SURGERY

S. J. R. 1005

A JOINT RESOLUTION to express the sense of the General Assembly regarding the proposed new education building at the College of Osteopathic Medicine and Surgery.

WHEREAS, there is a recognized need in Iowa for more family doctors; and

WHEREAS, the College of Osteopathic Medicine and Surgery, located in Des Moines, Polk County, Iowa, since 1898 has a demonstrated record of training family doctors, a significant percentage of whom do locate in Iowa and practice as family doctors in Iowa's smaller communities; and

WHEREAS, the College of Osteopathic Medicine and Surgery has secured a grant from the United States Government in the amount of eight million five hundred forty-eight thousand dollars as fifty-three and forty-three hundredths percent of the current estimated cost of constructing and equipping an enlarged teaching and training facility for family doctors on property presently owned by the college at Fort Des Moines; and

WHEREAS, this offer will terminate on April 2, 1971, if not matched with funds from other sources; and

WHEREAS, this federal grant was made by the Department of Health, Education, and Welfare, after comprehensive and sustained study as to the ability of this Iowa institution to train more family doctors if more physical capacity to accept more students who desire to become family doctors was made available; and

WHEREAS, six times as many college graduates annually do apply for admission to this medical institution than can be accepted, and a significant percentage of those denied admittance show interest in serving as family doctors; and

WHEREAS, the College of Osteopathic Medicine and Surgery does have the experience, the curriculum, the necessary patient volume for clinical study, a faculty of competent instructors, and the evidenced desire to train more family doctors, and is presently lending its best efforts toward raising as much of the required matching funds as possible from its faculty, alumni, interested trusts and organizations, the professional and business interests of greater Des Moines, and of Iowa, and wherever such funds can be procured; and

WHEREAS, it does appear that these several fund drives will fall several million dollars short of achieving matching funds of forty-six and fifty-seven hundredths percent of the sixteen million dollars required to build and equip the structure required to serve an expanding student body; NOW THEREFORE,

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

- 1 SECTION 1. We encourage the college to pursue with vigor the
- 2 fund drives under way and urge the Sixty-fourth General Assembly
- 3 to give early consideration to making an appropriation adequate to
- 4 insure that the new facility will become a reality.

CHAPTER 1310

TERRACE HILL

S. J. R. 1006

A JOINT RESOLUTION authorizing and directing the state executive council to proceed with negotiations to acquire the Hubbell mansion known as Terrace Hill.

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

- 1 SECTION 1. The state executive council is hereby empowered to
 - 2 proceed at once to negotiate to acquire by gift, purchase, condemna-
 - 3 tion or otherwise Lot 1, Polk and Hubbell Park in and forming a part
 - 4 of the City of Des Moines, Iowa, and the improvements thereon.
- 1 SEC. 2. The executive council may employ necessary personnel,
 - 2 bring legal actions and pursue the same and do all things necessary
 - 3 to comply with the directive of this Joint Resolution.

RULES OF CIVIL PROCEDURE

CHAPTER 1311

RULES OF CIVIL PROCEDURE

IN THE MATTER OF
THE
RULES OF CIVIL PROCEDURE

REPORT OF
SUPREME COURT

To the Second Regular Session of the Sixty-third General Assembly of the State of Iowa:

I

1 Pursuant to Section 684.18, Code 1966, and Section 684.19, as
2 amended by the Acts of the Sixty-second General Assembly, Chap-
3 ter 83, and the Acts of the First Regular Session of the Sixty-third
4 General Assembly, Chapter 297, the Supreme Court of Iowa has pre-
5 scribed and hereby reports to the General Assembly the following
6 amendments to existing rules of civil procedure:
7

8 **Rule 123. Objections—time to answer.**

9 Rule 123, Code 1966, is amended in line six (6) by striking the
10 word “seven” and inserting the word “fourteen” in lieu thereof.

11 **Rule 178.1 Reporter’s fee—small cases.**

12 Rule 178.1, Code 1966, is amended in lines four (4) and five (5)
13 by striking the words “three hundred dollars or less” and inserting
14 the words “less than one thousand dollars” in lieu thereof.

15 **Rule 196. Instructions.**

16 Rule 196, Code 1966, is amended in line nine (9) by striking the
17 words “three hundred dollars or less” and inserting the words “less
18 than one thousand dollars” in lieu thereof.

19 **Rule 335. Time for appeal.**

20 Rule 335 (a), Acts of the First Regular Session of the Sixty-
21 third General Assembly, Chapter 335, is amended in numbered line
22 twenty-two (22) by inserting after the word and figures “Rule 247”
23 the words “or a motion as provided in Rule 179 (b)”.

24 **Rule 342. Filing and docketing.**

25 Rule 342, Code 1966, is amended by adding thereto a new para-
26 graph as follows:

27 “(e) After an appeal is taken and perfected under Rule 336 and
28 prior to filing and docketing in the Supreme Court, the filing with
29 the clerk of the trial court of a stipulation in which all parties agree
30 to a dismissal of an appeal shall restore jurisdiction to the trial court
31 for the entry of an order of dismissal of the appeal, which will be a
32 final adjudication.”

33 Respectfully submitted,

34 SUPREME COURT OF IOWA.

35 s/ C. EDWIN MOORE, CHIEF JUSTICE

36 Des Moines, Iowa

37 January 26, 1970

38

ACKNOWLEDGMENT

39 I, Carroll A. Lane, Secretary of the Senate of the State of Iowa,
40 hereby acknowledge delivery to me on the 26th day of January, 1970

41 of the foregoing report of the Supreme Court of Iowa pertaining to
42 Rules of Civil Procedure.

43 s/ CARROLL A. LANE
44 Secretary of the Senate
45 Second Regular Session
46 Sixty-third General Assembly
47 of the State of Iowa

48 ACKNOWLEDGMENT

49 I, William R. Kendrick, Chief Clerk of the House of Representa-
50 tives of the State of Iowa, hereby acknowledge delivery to me on
51 the 26th day of January, 1970 of the foregoing report of the Supreme
52 Court of Iowa pertaining to Rules of Civil Procedure.

53 s/ WILLIAM R. KENDRICK
54 Chief Clerk, House of Representatives
55 Second Regular Session
56 Sixty-third General Assembly
57 of the State of Iowa

58 CERTIFICATE

59 I, Roger W. Jepsen, do hereby certify that I am the President of
60 the Senate of the Second Regular Session of the Sixty-third General
61 Assembly of the State of Iowa; and I, Carroll A. Lane, do hereby
62 certify that I am the Secretary of the Senate of the Second Regular
63 Session of the Sixty-third General Assembly of the State of Iowa,
64 and we do hereby jointly certify that as such President and Secre-
65 tary that on the 26th day of January, 1970, the Supreme Court of
66 the State of Iowa reported to said Senate, and filed with it, the
67 attached and foregoing modifications, amendments, revisions and
68 additions to the Rules of Civil Procedure, heretofore reported by said
69 Supreme Court to the Fiftieth General Assembly of the State of
70 Iowa;

71 THAT the date of making said report to the Second Regular Ses-
72 sion of the Sixty-third General Assembly was within the twenty days
73 subsequent to the convening of the Second Regular Session of the
74 Sixty-third General Assembly;

75 THAT no other report pertaining to the Rules of Civil Procedure
76 was made or filed by said Supreme Court with said Senate;

77 THAT an Act known as Senate File 565, pertaining to a unified
78 trial court system, was not enacted upon adjournment of the Second
79 Regular Session of the Sixty-third General Assembly and that Rules
80 and amendments, proposed under Part III of the Report of the
81 Supreme Court to the First Regular Session of the Sixty-third Gen-
82 eral Assembly on Rules of Civil Procedure are void and of no effect.*

83 THAT no other or different changes, modifications, amendments,
84 revisions or additions to the Rules of Civil Procedure were made or
85 enacted at the Second Regular Session of said Sixty-third General
86 Assembly.

*Chapter 335, Acts 63G.A., First Session.

87 Signed this 16th day of April, 1970, being the last legislative day
 88 of the Second Regular Session of the Sixty-third General Assembly.
 89 s/ ROGER W. JEPSEN
 90 President of the Senate
 91 s/ CARROLL A. LANE
 92 Secretary of the Senate
 93 SENATE
 94 Second Regular Session of the
 95 Sixty-third General Assembly of
 96 the State of Iowa

CERTIFICATE

98 I, William H. Harbor, do hereby certify that I am the Speaker of
 99 the House of Representatives of the Second Regular Session of the
 100 Sixty-third General Assembly of the State of Iowa; and I, William
 101 R. Kendrick, do hereby certify that I am the Chief Clerk of the
 102 House of Representatives of the Second Regular Session of the
 103 Sixty-third General Assembly of the State of Iowa, and we do hereby
 104 jointly certify that as such Speaker and Chief Clerk that on the 26th
 105 day of January, 1970, the Supreme Court of the State of Iowa re-
 106 ported to said House of Representatives, and filed with it, the
 107 attached and foregoing modifications, amendments, revisions and
 108 additions to the Rules of Civil Procedure, heretofore reported by said
 109 Supreme Court to the Fiftieth General Assembly of the State of
 110 Iowa;

111 THAT the date of making said report to the Second Regular Ses-
 112 sion of the Sixty-third General Assembly was within the twenty days
 113 subsequent to the convening of the Second Regular Session of the
 114 Sixty-third General Assembly;

115 THAT no other report pertaining to the Rules of Civil Procedure
 116 was made or filed by said Supreme Court with said House of Repre-
 117 sentatives;

118 THAT an Act known as Senate File 565, pertaining to a unified
 119 trial court system, was not enacted upon adjournment of the Second
 120 Regular Session of the Sixty-third General Assembly and that Rules
 121 and amendments, proposed under Part III of the Report of the
 122 Supreme Court to the First Regular Session of the Sixty-third Gen-
 123 eral Assembly on Rules of Civil Procedure are void and of no effect.*

124 THAT no other or different changes, modifications, amendments,
 125 revisions or additions to the Rules of Civil Procedure were made or
 126 enacted at the Second Regular Session of said Sixty-third General
 127 Assembly.

128 Signed this 16th day of April, 1970, being the last legislative day
 129 of the Second Regular Session of the Sixty-third General Assembly.

130 s/ WILLIAM H. HARBOR
 131 Speaker of the House
 132 s/ WM. R. KENDRICK
 133 Chief Clerk of the House
 134 HOUSE OF REPRESENTATIVES
 135 Second Regular Session of the
 136 Sixty-third General Assembly of
 137 the State of Iowa

*Chapter 335, Acts 63G.A., First Session.

TABLE OF SENATE AND HOUSE FILES AND JOINT RESOLUTIONS

SENATE FILES

File No.	Chap. No.	File No.	Chap. No.	File No.	Chap. No.	File No.	Chap. No.
20	1282	456	1085	1064	1022	1171	1225
33	1133	460	1237	1066	1264	1179	1256
58	1070	475	1024	1067	1088	1180	1257
77	1084	489	1156	1069	1132	1181	1145
82	1053	534	1137	1076	1281	1182	1199
83	1052	554	1242	1078	1006	1184	1231
87	1076	568	1177	1079	1064	1185	1230
97	1074	585	1280	1080	1299	1187	1284
120	1078	588	1059	1081	1104	1189	1303
124	1171	594	1159	1083	1025	1197	1270
173	1304	596	1260	1086	1017	1198	1274
178	1193	628	1094	1088	1198	1202	1007
184	1203	640	1214	1096	1273	1203	1249
203	1248	643	1140	1097	1091	1209	1241
220	1143	645	1119	1099	1252	1221	1028
238	1047	659	1258	1101	1222	1225	1124
244	1181	665	1039	1102	1247	1232	1191
253	1268	683	1288	1104	1131	1248	1178
257	1244	1004	1272	1108	1253	1271	1297
270	1243	1005	1283	1111	1038	1273	1056
292	1240	1007	1233	1117	1168	1275	1002
300	1239	1009	1261	1120	1237	1276	1099
326	1279	1011	1141	1122	1075	1277	1234
328	1157	1012	1220	1127	1008	1278	1208
337	1128	1013	1139	1130	1215	1279	1013
339	1041	1015	1209	1135	1030	1281	1051
340	1040	1016	1173	1136	1226	1286	1004
344	1043	1023	1217	1138	1063	1289	1166
356	1100	1031	1216	1139	1044	1291	1105
359	1065	1038	1289	1140	1123	1293	1110
364	1183	1048	1179	1149	1014	1300	1197
382	1032	1049	1302	1150	1238	1301	1186
385	1016	1055	1138	1152	1147	1303	1086
400	1042	1056	1263	1153	1154	1307	1285
406	1169	1057	1271	1156	1113	1311	1107
407	1175	1058	1265	1157	1125	1312	1205
410	1069	1059	1172	1159	1122	1313	1235
417	1255	1060	1010	1162	1036	1315	1267
440	1146	1062	1221	1163	1093	1317	1050
444	1276	1063	1232	1168	1019	1319	1083

SENATE JOINT RESOLUTIONS

File No.	Chap. No.
7	1305
1002	1306
1005	1309
1006	1310

TABLE OF SENATE AND HOUSE FILES—Continued

HOUSE FILES

File No.	Chap. No.	File No.	Chap. No.	File No.	Chap. No.	File No.	Chap. No.
1	1163	595	1018	1057	1212	1233	1092
77	1158	609	1029	1060	1200	1243	1079
91	1060	611	1229	1070	1228	1251	1054
106	1033	615	1027	1081	1189	1253	1210
129	1098	663	1068	1082	1188	1257	1026
139	1130	687	1224	1088	1090	1268	1080
163	1023	719	1277	1093	1227	1275	1218
184	1182	737	1290	1097	1037	1277	1150
193	1207	760	1164	1103	1127	1278	1300
199	1081	767	1153	1111	1035	1279	1111
204	1109	785	1073	1122	1219	1294	1204
208	1192	788	1055	1133	1293	1305	1184
221	1246	805	1129	1137	1160	1306	1196
231	1250	807	1134	1138	1136	1307	1298
241	1275	1004	1066	1140	1296	1309	1116
251	1058	1005	1149	1146	1101	1310	1236
277	1144	1007	1185	1154	1165	1314	1295
282	1097	1016	1162	1156	1266	1315	1294
333	1118	1018	1170	1161	1180	1322	1043
352	1152	1020	1034	1169	1245	1325	1067
353	1071	1022	1046	1171	1072	1329	1278
354	1021	1023	1151	1176	1057	1330	1003
357	1269	1025	1206	1187	1155	1332	1211
377	1223	1026	1259	1188	1117	1334	1202
394	1126	1027	1148	1190	1301	1338	1108
404	1095	1028	1015	1191	1291	1339	1286
409	1251	1029	1213	1192	1114	1341	1062
427	1115	1030	1254	1197	1045	1346	1102
443	1121	1031	1061	1198	1096	1356	1292
452	1089	1032	1082	1203	1190	1357	1135
491	1176	1033	1020	1211	1195	1358	1005
499	1031	1035	1187	1216	1174	1359	1106
555	1087	1036	1103	1220	1049	1364	1011
560	1077	1037	1112	1222	1201	1365	1009
581	1194	1040	1001	1229	1262	1366	1012
589	1167	1052	1120	1232	1161	1367	1142

HOUSE JOINT RESOLUTIONS

File No.	Chap. No.
6	1307
10	1308

RULES OF CIVIL PROCEDURE

R.C.P.	1311
--------	------

**TABLE OF SECTIONS REPEALED OR AMENDED
CODE 1966**

Section	Page	Section	Page	Section	Page
3.1	11	47.33	41	60.6	41
7.6	12	47.34	41	64.6	11
11.6	230	48.1	36	69.2	54
14.3	11, 14	48.3	36	69.14	41
14.6	11	48.4	36	74.2	56
14.7	11	48.10	36	75.1	18
14.8	11	48.11	41	75.10	18
15.5	15	48.15	41	76.1	18
15.7	15	48.18	36	76.3	57
15.29	15	48.21	36, 41	78.1	388
15.37	15	48.22	36	79.1	57
15.42	15	48.26	36	80.4	58
16.26	11	48.27	41	80.9	58
16.27	11	49.4	39	85.1	64
16.28	11	49.5	39	85.2	18
17.3	15	49.6	39	85.3	64
17.10	16	49.10	39	85.4-85.15	64
17.20	15	49.20	41	85.16	64
17.24	11	49.21	41	85.17	64
17.27	15	49.25	41	85.19	64
17A.1	17	49.27	41	85.20	64
17A.7	17	49.68	41	85.21	64
17A.8	17	49.73	41	85.27	64
18.2	62	49.77	41	85.28	64
23.1	18	49.78	41	85.31	64
24.2	18	49.80	41	85.34	64
24.3	18	49.81	41	85.37	64
24.6	224	49.86	41	85.45	64
24.9	18	49.88	41	85.46	64
25.2	26	49.117	41	85.47	64
25.6	18	50.16	53	85.48	64
25A.14	26	50.17	53	85.61	18, 64
28B.4	27	50.20	53	86.1	64
29A.1	27	50.21	53	86.2	64
29A.57	28	50.23	53	86.8	70
35.9	29	50.24	53	86.20	64, 388
35.10	29	50.28	53	86.21	70
37.5	28	50.38	53	86.26	64
39.3	33	50.45	53	86.33	64
39.18	223	50.46	53	87.1	64
43.14	33	50.47	53	87.21	64
43.15	33	52.17	41	87.22	64
43.17	33	52.18	41	87.23	64
43.20	33	52.23	53	87.24	64
43.32	41	53.1	18	87.26	64
43.34	41	53.2	35	94.6	434
43.44	41	53.3	18	96.9	79
43.49	33	53.4	41	96.13	79
43.59	41	53.5	41	96.14	81
43.70	33	53.9	41	97A.1	58
43.73	35, 41	53.10	41	97A.3	58
43.83	33, 41	53.11	41	97B.41	81
43.84	33	53.12	41	97B.53	81
43.87	41	53.18	41	100.1	97
43.88	41	53.20	41	100.31	18
43.97	33	53.39	35	100.35	97
43.101	41	53.40	35	103.1	97
43.102	33	53.42	35	105A.5	83
44.1	41	53.45	41	105A.6	83
44.3	41	53.49	41	105A.7	83
47.1	36	57.1	41	105A.8	83
47.19	41	59.1	41	106.31	84, 85
47.20	41	60.1	41	109.42	87

TABLE OF SECTIONS REPEALED OR AMENDED—Continued

Section	Page	Section	Page	Section	Page
109.86	88	170.5	133	277.20	18
109.87	88	173.6	133	277.21	18
109.120	88	176A.10	134	277.23	18
111A.2	89	187.13	138	277.24	18
111A.4	89	189.2	58	277.28	18
114.8	91	190.1	139	277.34	18
114.18	91, 93	192.23	368	278.2	18
115.3	91	192.24	368	279.13	167
116.4	91	192.25	368	279.23	18
116.16	326	192.26	368	279.29	18
117.12	91	192.27	368	279.30	18
118.1	94	192.28	368	279.33	18
118.12	91	192.29	368	280.8	167
120.3	91, 94	192.30	368	280.12	18
120.6	94	194.6	144	280.13	163
120.7	94	194.7	144	280.15	18
120.8	94	194.8	144	280.20	168
120.9	94	194.9	144	280A.1	168
120.11	94	202.1	28	282.3	18
123.17	95	204.1	153	282.19	18
123.24	95	204.19	58	285.6	162
123.27	96	206.3	145	291.9	287
123.29	96	206.4	145	297.4	18
124.6	96	206.6	145	297.7	18
135.11	113, 254	218A.1	148	297.15	171
135C.1	97	219.4	153	298.1	18, 287
135C.2	97	219.5	153	298.2	18
135C.3	97	229.43	97	298.3	18
135C.4	97	230.32	97	298.6	18
135C.5	97	232.33	156	298.10	18
135C.6	97	232.34	156	298.14	18
135C.7	97	232.48	156	298.18	172
135C.8	97	246.44	156	299.10	18
135C.9	97	257.22	162	301.7	18
135C.10	97	257.24	162	301.8	18
135C.11	97	257.25	163, 164	301.9	18
135C.12	97	257.26	163, 165	301.15-301.18	18
135C.13	97	258.5	18	301.21	18
135C.14	97	261.1	166	301.22	18
135C.15	97	262.14	166	301.23	18
135C.16	97	265.6	18	305A.1	173
135C.17	97	273.2	18	306.1	175
135C.18	97	273.4	18	306.2	175, 181
135C.19	97	273.9	18	306.3	175
135C.20	97	273.15	18	306.13	174
135C.21	97	273.18	18	307.10	182
135C.22	97	273.22	18	309.20	183
135D.22	111	274.1	18	309.68	184
135D.25	111	274.3	18	310.22	28
136.3	254	274.6	18	313.2	184
146.5	126	274.7	18	313.4	182, 276
146.11	91	275.1	167	313.5	179
147.24	91	275.35	18	313.10	185
147.25	91	277.1	18	321.18	191
147.80	126, 127	277.3	18	321.40	191
148.5	127	277.4	18, 165	321.55	192
148.10	127	277.5	18	321.107	213
148A.3	97	277.7	18	321.123	193
150A.9	127	277.8	18	321.180	194
152.2	97	277.9	18	321.184	195
156.10	132	277.10	18	321.191	195, 276
160.13	132	277.12	18	321.196	191, 195
169.18	91	277.19	18	321.197	191, 195

TABLE OF SECTIONS REPEALED OR AMENDED—Continued

Section	Page	Section	Page	Section	Page
321.198	191, 196	394.6	254	467B.14	299
321.210	191	394.7	254	468.1	28
321.236	198	394.8	254	471.4	28
321.297	197	394.9	254	472.2	18
321.306	197	394.12	254	472.3	300
321.310	193	400.3	252	472.4	300
321.319	198	400.4	253	472.5	300
321.372	198	400.6	253	472.6	300
321.471	199	400.8	252	472.14	187
321.474	199	400.9	252	472.33	300
321A.3	200	400.10	252	473A.1	302
321B.2	200	400.11	252	473A.3	302
322.5	205	403A.2	253	474.9	302
322.12	205	403A.13	30	479.94	302
322.29	205	404.9	254	489.1-489.7	303
324.16	211	404.19	254	489.10	303
324.17	211	407.3	254	489.11	303
325.2	213	408A.7	254	489.13	303
327B.1	223	409.14	264	489.15	303
332.3	89, 224	409.46	18	489.21	303
333.15	228	409.47	18	489.22	303
335.2	227	410.6	265	490.5	307
335.11	225	412.4	265	490.6	307
335.14	227	413.12	266	490.13	307
339.7	113	419.2	266	490.30	309
339.12	113	419.11	267	490A.6	308
340.2	230	420.171	254	490A.10	309
340.3	230	420.181	18	491.3	310
340.9	230	422.1	272	491.14	310
343.11	232	422.4	268	491.23	311
347.14	97	422.25	271	496.13	311
347.26	97	422.32	268	496A.4	313, 324
351.1	232	422.34	272	496A.7	313
351.25	232	422.42	269	496A.12	313
351.33	232	422.45	269	496A.13	313
356.62	287	422.66	283	496A.15	313
357.19	233	422.71	272	496A.17	313
357.34	233	423.1	269	496A.19	313
357A.12	30	425.11	286	496A.23	313
358B.12	28	427.1	18, 286, 287	496A.30	313
359.2	18	427.13	272, 276	496A.32	313
359.45	243	428.12	272	496A.33-496A.35	313
360.1	243	428.23	272	496A.47	313
360.2	243	428.27	272	496A.49	313
360.8	243	430A.2	272	496A.54	313
362.26	245	430A.3	272	496A.57	313
363.21	41	430A.7	272	496A.58	313
365.6	245	441.35	287	496A.60	313
365.13	245	444.9	36	496A.61	313
365.17	54, 245	450.14	293	496A.68-496A.74	313
368.3	246	450.42	294	496A.77	313
368.24	254	450.73	293	496A.96	313
375.1	247	455.57	30	496A.105	313
380.13	97	455.64	30	496A.112	313
384.3	250	455.83	30	496A.118	313
389.17	251	467A.3	296	496A.119	313
389.18	251	467A.4	296	496A.122	313
391A.21	182	467A.5	296, 298	496A.124	313
394.1	254	467A.6	296	496A.126-496A.128	313
394.2	250	467A.10	296	496A.130	313
394.3	254	467A.12	296	496A.142	311, 313
394.4	254	467A.18	296	496B.13	326
394.5	254	467B.13	299	502.3	339

TABLE OF SECTIONS REPEALED OR AMENDED—Continued

504A.10	247	558.20	376	614.22	391
504A.74	247	558.39	376	617.3	392
504A.80	247	558.43	227	622.103	388
504A.81	247	558.45	227	633.203	311
504A.84	247	558.56	227	633.361	293
504A.85	247	558.57	228	655.1	227
504A.87	247	558.66	228	655.3-655.5	227
504A.100	311	582.4	377	663.1	395
509.1	157	586.1	377	663.5	395
512.33	364	587.3	378	663.8	395
514.1	157	587.4	378	663.11	395
515.35	340	587.7-587.10	378	663.18	395
522.1	364	587.12	378	663.36-663.39	395
533.22	272	590.1	379	663.44	394, 395
534.19	365	590.2	379	682.45	394
534.42	365	598.3	113	682.47	311
536.2	367	600.1	113	713.17-713.21	368
536.10	367	602.46	388	713.24	399
536.20	368	602.49	390	727.2	400
536.22	367	605.8	388	727.3-727.5	400
543.19	374	605.9	388	745.5	394
550.2	374	605A.12	390	753.7	407
554.7601	374	605A.14	390	775.6	229
554.9203	311, 375	614.14-614.17	391	777.8	408
558.5	376	614.20	391	789.20	394
558.14	376				

TABLES

**TABLE OF SECTIONS REFERRED TO IN ACTS
OF THE SIXTY-THIRD GENERAL ASSEMBLY,
SECOND SESSION, CODE OF 1966**

Section	Page	Section	Page	Section	Page
8.33	1, 6, 410	192.23-192.39	368	412.2	265
8.39	179	204.1	58, 153	422.7	111, 284
17A.5	17	206.2	145	422.12	252
23.2	18	222.22	229	422.24	272
23.18	18	232.22	420, 421	422.25	272
24.3	267	232.23	229	422.26	272
24.9	287	275.29-275.31	167	422.28-422.30	272
28.7	368	280A.12	168	422.35	272
28E.2	254	296.1	171	422.65	284
29A.1	26	298.22	171	425.1	284
43.84	41	310.10	179	425.2	286
48.11	41	312.1	276	429.2	272
48.12	41	313.2	175, 179	431.1	272
48.21	41	313.4	179	445.57	111
49.5	39	321.1	202, 213, 254	453.1	294
49.11	39	321.53	191	455.77	30
49.77	41	321.106	213	455.212	30
49.90	41	321.123	193	455B.1	276
53.11	41	321.145	213	467A.4	296
68.8	229	321.186	194	467A.6	298
74.1	56	321.209	276	474.10	28
74.2	56	321.210	276	490A.1	308
79.9	183	321.442	198	490A.12-490A.18	309
80.15	58	321.456	200	490A.19	303, 309
82.27	63	321.463	199	496A.4	310
85.1	64	321.467-321.470	201	496A.70	313
86.17	64	321.482	213	504A.54	247
86.26	64	321B.7	276	505.9	350
86.36	64	322.10	206	507.7	350
87.11	64	324.78	211	511.8	339
87.21	64	332.3	225	512.33	364
96.3	64	332.32	254	515.80	347
96.9	79	334.5	36	515.81	347
96.14	79	335.14	225	534.19	365
97A.1	276	340.3	230	539.4	365
97B.11	81	340.4	230	554.7601	374
97B.41	302	343.13	227	554.9403	225
97B.49	81	346.11	254	558.28	377
97C.2	302	356.15	6	558.29	377
110.1	211	358A.2	264	602.49	390
111A.6	89	365.12	245	633.123	265
135.2	97	368.4	246	633.230	379
135C.1	97	368.27	97	633.304	379
135C.7	97	368.74	225	633.361	293
135D.24	111	368A.1	54	663.1-663.44	395
145.17	229	386C.1	201	684.18	440
145.19	229	390.9	251	684.19	440
147.45-147.54	128	391.60	246	713.18	368
181.1	134	391A.22	30	775.4	229
181.5	134	404.2	254	777.12	229
187.10	138				

TABLES

**TABLE OF CHAPTERS REPEALED OR AMENDED IN
ACTS OF THE SIXTY-THIRD GENERAL ASSEMBLY,
SECOND SESSION, CODE OF 1966**

Chapter	Page	Chapter	Page	Chapter	Page
8	13	194	144	428	272
38B	33	206	145	429	272
49	41	257	161	430	272
53	41	260	165	431	272
60	41	280A	168	470	28
69	55	306	174, 179	471	299
74	56	315	28	472	28, 300
80	58	326	213	489	303
85	64	335	227	490	309
92	71	339	402	499	334
135D	111	346	254	515*	225
141	113	360	243	533	365
144	113	390	251	548	368
147	128	414	264	551	374
181	134	422	272	598	380
190	139				

*Transferred to §332.3(23).

**TABLE OF CHAPTERS REFERRED TO IN ACTS
OF THE SIXTY-THIRD GENERAL ASSEMBLY,
SECOND SESSION, CODE OF 1966**

Chapter	Page	Chapter	Page	Chapter	Page
7	13	139	126	490A	28
8	4, 62, 179	141	402	497	334
17A	41, 113, 134	142	402	498	334
	145, 175, 187,	144	402	504	89, 247
	213, 254, 402	163	254	504A	89, 247
18A	8	252A	380	507	350
24	287	281	18	508	350
25	185	321	197, 206, 213, 276	511	350
25A	185	322	206	514	157
29A	29	326	191	515	350
48	36, 41	336A	229	518A	350
53	41	358A	254	520	350
75	254	384	250	522	364
76	172	391	246	533	272
85	64	396	246	534	272
86	64	411	64	536A	368
97A	58, 402	422	272	548	368
105A	388	441	267	654	13
111A	89	455	30	656	13
135	254	455B	276	674	113
135C	97	462	296	718	407
135D	111	473A	302	781	393
138	126	490	28		

TABLES

**TABLE OF SESSION LAWS REPEALED OR AMENDED
IN ACTS OF THE SIXTY-THIRD GENERAL ASSEMBLY,
SECOND SESSION**

ACTS OF THE SIXTY-THIRD GENERAL ASSEMBLY, SECOND SESSION

	Chapter	Page		Chapter	Page
Senate File 339.....	1181	245	House File 394.....	1127	179
Senate File 1088.....	1197	267	House File 1020.....	1039	41
House File 1.....	1142	193	House File 1156.....	1267	387

ACTS OF THE SIXTY-THIRD GENERAL ASSEMBLY, FIRST SESSION

Chapter	Page	Chapter	Page	Chapter	Page
1	6, 276	96	30, 56	248	276
8	133	151	6	249	276, 283
15	86	190	276	260	30, 295, 296
28	2	192	171	262	296
29	2	197	193, 213	263	296, 298
49	409	204	197	273	311
52	5	213	211	276	365
57	276	217	230	296	394
69	11	218	223	309	413
87	30, 252	236	30, 254	329	276
89	35	243	269	335	440

ACTS OF THE SIXTY-SECOND GENERAL ASSEMBLY

Chapter	Page	Chapter	Page	Chapter	Page
86	13	213	97	293	225
88	14	223	157, 161	317	97
92	17	244	162	349	271
112	62	255	186	356	284, 286, 287, 293
114	63, 296	259	187	363	324
121	81, 302	276	197	367	339
176	138	284	198	382	365
189	58	285	200, 201	400	408

TABLES

**TABLE OF SESSION LAWS REFERRED TO IN
ACTS OF THE SIXTY-THIRD GENERAL ASSEMBLY,
SECOND SESSION**

ACTS OF THE SIXTY-THIRD GENERAL ASSEMBLY, SECOND SESSION

	Chapter	Page		Chapter	Page
Senate File 77.....	1083	126	Senate File 1083.....	1111	165
Senate File 238.....	1205	276	Senate File 1083.....	1214	287
Senate File 292.....	1235	310	House File 785.....	1070	91
Senate File 1013.....	1145	195	House File 1020.....	1039	41
Senate File 1055.....	1030	28			

ACTS OF THE SIXTY-THIRD GENERAL ASSEMBLY, FIRST SESSION

Chapter	Page	Chapter	Page	Chapter	Page
1	276, 309	110	211, 269	246	269
13	309	111	269	247	269
38	162	120	88	248	269
46	62, 276	138	127	254	284
50	276	139	127	257	287, 293
55	5	147	144	260	30, 56
57	6	152	97, 157, 269	263	296, 298
69	11, 14, 15, 27	182	18	264	28
73	15	183	18	265	28
80	4	186	18	267	326
87	250	188	168	271	157
94	35	206	198	273	272, 311, 368, 375
96	56	217	230	296	394
98	58	218	223	297	440
104	18	245	269	330	276
106	302				

ACTS OF THE SIXTY-SECOND GENERAL ASSEMBLY

Chapter	Page	Chapter	Page	Chapter	Page
1	83, 309	150	91, 93	287	211
3	6	155	96	288	211
6	409	165	127	292	89
10	86	181	139	293	224
83	440	182	139	315	254
90	15	189	58, 153	339	266, 267
92	17, 213	203	156	342	15, 18, 271, 272, 293
93	254	209	15, 97, 156, 157	345	268
95	97, 213, 276, 402	216	156	348	269
100	28	223	157	349	269
102	29	228	164	356	18, 272, 286, 287
104	223	232	166	362	303
109	58	240	167	363	313
111	58	244	162	369	157
114	63	247	172	382	365
115	18	254	182	398	390
116	71	272	194	400	64, 294, 311
121	81	273	195	405	165
146	89	280	198	410	394, 395

TABLES

**TABLE OF PROPOSED AMENDMENTS TO THE
CONSTITUTION OF THE STATE OF IOWA BY THE
SIXTY-THIRD GENERAL ASSEMBLY, SECOND SESSION**

Article	Section	Page
II	1	435
III	28	437
IV	2	436
IV	3	436
IV	15	436
IV	22	436
V	12	436
V .....	.....	436

**TABLE OF STATUTES REFERRING TO THE
CONSTITUTION OF THE STATE OF IOWA BY THE
SIXTY-THIRD GENERAL ASSEMBLY, SECOND SESSION**

Article	Section	Page
III	19, 20	436

**TABLE OF SECTIONS OF THE UNITED STATES CODE
REFERRED TO IN ACTS OF THE SIXTY-THIRD
GENERAL ASSEMBLY, SECOND SESSION**

Title	Page
32	27, 29
38	394
42	128, 170

**TABLE OF ACTS OF CONGRESS REFERRED TO IN
ACTS OF THE SIXTY-THIRD GENERAL ASSEMBLY,
SECOND SESSION**

	Page
Child Nutrition Act	170
Homeowners Loan Act of 1933	365
Internal Revenue Code of 1954	268, 272
Investment Company Act of 1940	350
Natural Gas Pipe-Line Safety Act	309
National Housing Act	187
National School Lunch Act	170
National System of Interstate and Defense Highways	179
Occupational and Educational Eye-Face Protection, American Standards	168
Public Law 90-495	179
Securities Act of 1933	350
Securities Exchange Act of 1934	350
Small Business Act	187
U. S. Social Security Act	97, 128, 157
Wild and Scenic Rivers Act	86

TABLES

**INTERSTATE COMPACTS REFERRED TO IN
ACTS OF THE SIXTY-THIRD GENERAL ASSEMBLY,
SECOND SESSION**

Mental Health, Interstate	Page 148
---------------------------------	-------------

**RULES OF CIVIL PROCEDURE REPORTED
BY THE IOWA SUPREME COURT, 1970**

Rule	Page	Rule	Page
123	440	335(a)	440
178.1	440	342	440
196	440		

**RULES OF CIVIL PROCEDURE REPORTED
BY THE IOWA SUPREME COURT IN 1969
UPON WHICH APPROVAL WAS PENDING**

Rule	Page	Rule	Page
121 (1st Session)	517	354-365 (1st Session)	517
181.2(a) (1st Session)	517	372 (1st Session)	517
309 (1st Session)	517	381-391 (1st Session)	513-516

The above rules are of no force and effect because the Act of the General Assembly upon which they were contingent was not adopted in either the First or Second Session of the Sixty-third General Assembly.

**TABLE OF RULES OF CIVIL PROCEDURE, SIXTY-THIRD
GENERAL ASSEMBLY, FIRST SESSION, REFERRED TO
SECOND SESSION**

Rule	Page	Rule	Page
179(b)	440	336 (p. 510).....	440
335 (p. 509).....	440		

TABLE OF VETOED BILLS

House File	506 (See Ch. 1270 hereof)
House File	720
Senate File	1144

SENATE CONCURRENT RESOLUTIONS

- SCR 101 Bills and Journals, free distribution to county auditors. Adopted, S. J. 7; Adopted, H. J. 21.
- SCR 102 Bills and Journals, free distribution to U. S. Senators and Congressmen and Council of State Government. Adopted, S. J. 57, 63; Adopted, H. J. 75, 177.
- SCR 103 Apportionment, withdraw approval of Dirksen Amendment. Introduced, S. J. 113, 114.
- SCR 104 Western Iowa University, Executive Council requested not to approve purchase of land. Introduced, S. J. 315.
- SCR 105 Retirement systems improved for public employees, study committee created. Introduced, S. J. 331.
- SCR 106 Penal and correctional system of Iowa, study committee created. Introduced, S. J. 354, 570, 1131.
- SCR 107 Farmers, Iowa income tax returns filed in same manner as federal. Adopted, S. J. 372, 464; Adopted, H. J. 478, 479.
- SCR 108 State printing, committee to review and report findings to Budget and Financial Control Committee. Adopted, S. J. 475, 1170; Introduced, H. J. 1318.
- SCR 109 Apportionment of legislature, review of 1969 reapportionment Act suggested. Introduced, S. J. 549, 750.
- SCR 110 Wines and Brandy, Liquor Control Commission urged to revise the procedure for purchasing. Adopted, S. J. 569, 606; Adopted, H. J. 720, 1123.
- SCR 111 Chairs presented to President of the Senate and the Speaker of the House. Adopted, S. J. 630, 1193; Adopted, H. J. 1341, 1723.
- SCR 112 Public Instruction Departmental Rules adopted December 21, 1966, relating to administrative personnel, legislature expression of displeasure. Introduced, S. J. 755, 815.
- SCR 113 Memorializing Congress to relieve state of much of the cost of welfare programs to enable state to give more school aid. Adopted, S. J. 781, 1483; Introduced, H. J. 1715.
- SCR 114 Littering, General Assembly requests Governor to proclaim first week in June each year to be "Anti-Litter Week." Introduced, S. J. 782.
- SCR 115 Anti-litter programs urged by General Assembly, Iowa State University requested to take appropriate action. Introduced, S. J. 809.
- SCR 116 Casualty insurance premium rates, Joint Rules of the General Assembly suspended to permit reconsideration of House File 633. Introduced, S. J. 810, 822.
- SCR 117 Old-age assistance, committee to conduct study of establishments which provide care to recipients. Introduced, S. J. 878.
- SCR 118 Health Department and Social Services Department, committee to study relationship of administrative activities. Introduced, S. J. 879.
- SCR 119 Tax structure study with emphasis on reducing local property taxes. Adopted as amended, S. J. 963, 1030, 1239; Adopted, H. J. 1422, 1530, 1594-1598.
- SCR 120 Budget revision, ad hoc committee commended. Introduced, S. J. 1012.
- SCR 121 Davenport Central High School, Blue Devils Basketball Team, commended on winning Class AA championship. Adopted, S. J. 1013, 1019; Adopted, H. J. 1163, 1196.
- SCR 122 Paullina High School, Panthers Basketball Team, congratulations on winning Class A championship. Adopted, S. J. 1014, 1020; Adopted, H. J. 1164, 1196.
- SCR 123 Iowa State Wrestling Team and Coach Harold Nichols, congratulations on winning the N.C.A.A. wrestling tournament. Adopted as amended, S. J. 1098, 1106; Adopted, H. J. 1253, 1287.
- SCR 124 Public Instruction Department distribute to school boards comprehensive pamphlet explaining rules pertaining to public schools. Introduced, S. J. 1098.
- SCR 125 Adjournment sine die, five o'clock, Friday, April 10, 1970, and amended to six o'clock, Thursday, April 16, 1970. Adopted, S. J. 1148, 1360, 1492; Adopted, H. J. 1572, 1598, 1638, 1706, 1722.
- SCR 126 Room 24, reserved for the Iowa Departmental Rules Review Committee and Budget and Financial Control Committee. Adopted, S. J. 1164, 1193; Adopted, H. J. 1342, 1709.
- SCR 127 Highway Commission, study committee to determine funds available and budgetary processes. Introduced, S. J. 1164.

- SCR 128 Football games, contests urged between University of Iowa and Iowa State University. Introduced, S. J. 1247; Withdrawn, S. J. 1469.
- SCR 129 Rubella (German measles), expression of appreciation to persons who co-operated to insure success of immunization program. Adopted, S. J. 1274, 1411; Adopted, H. J. 1639, 1677.
- SCR 130 Educational facilities and teachers on twelve-month basis, General Assembly encourages co-operation of Public Instruction Department, school boards and citizens. Introduced, S. J. 1337.
- SCR 131 American servicemen held as prisoners in North Vietnam, United Nations urged to insure compliance of tenets of the Geneva Conference. Introduced, S. J. 1338.
- SCR 132 Moratorium on rules requiring additional staffing in schools. Introduced, S. J. 1375.
- SCR 133 Governor's Economy Committee, report prepared for consideration by General Assembly in 1971. Introduced, S. J. 1376.
- SCR 134 WOI Radio Station commended for live broadcast coverage of General Assembly. Adopted, S. J. 1430, 1443; Adopted, H. J. 1681.
- SCR 135 Interim studies, resolutions delivered to President Pro Tempore in the Senate and Speaker of the House for consideration by the Legislative Council. Adopted, S. J. 1451, 1452; Adopted, H. J. 1679.

HOUSE CONCURRENT RESOLUTIONS

- HCR 101 Governor Ray's message, Joint convention, January 12, 1970. Adopted, H. J. 4; Adopted, S. J. 5.
- HCR 102 Written or printed reports or communications from state departments to legislators, distributed under supervision of Sergeant-at-Arms. Introduced, H. J. 45.
- HCR 103 Apportionment, withdraw approval of Dirksen Amendment. Introduced, H. J. 106; Lost, H. J. 1620; Motion to reconsider, H. J. 1638.
- HCR 104 Iowa Army National Guard, members of Second Battalion (Mechanized) of the 133rd Infantry, commended upon completion of tour of duty. Adopted, H. J. 169, 178; Adopted, S. J. 189, 197.
- HCR 105 Vinton School for the Blind, study committee to weigh merits of transferring administration and report to Sixty-fourth General Assembly. Introduced, H. J. 170; Withdrawn, H. J. 322.
- HCR 106 Fair employment, committee to investigate practices of state departments and make recommendations to Sixty-fourth General Assembly. Adopted, H. J. 261, 348; Introduced, S. J. 342.
- HCR 107 Western Iowa University, Executive Council requested not to approve purchase of land. Adopted, H. J. 262, 294, 296, 301, 302; Adopted, S. J. 314, 371, 372, 390, 391.
- HCR 108 Honorable Guy M. Gillette, birthday congratulations extended. Adopted, H. J. 287, 302; Adopted, S. J. 312.
- HCR 109 Pesticide misuse, Congress urged to establish uniform regulations for distinctive marking of granular pesticides. Adopted, H. J. 310, 413; Introduced, S. J. 406.
- HCR 110 Migratory waterfowl, Conservation Commission urged to establish earliest possible hunting season. Introduced, H. J. 410, 489.
- HCR 111 Honorable Ben Jensen, expressions of sorrow over his death. Adopted, H. J. 416, 427; Adopted, S. J. 425.
- HCR 112 Health and Agriculture Departments, study committee to review administrative activities. Adopted, H. J. 447, 848; Introduced, S. J. 831.
- HCR 113 Coldwater Cave, Conservation Commission to co-ordinate activities in order to develop as public facility. Introduced, H. J. 531, 757.
- HCR 114 Metropolitan planning, committee to study results of legislation in other states and present proposed legislation, with attention to bonding requirements, to the Sixty-fourth General Assembly. Introduced, H. J. 553.
- HCR 115 Mobile homes, study committee to determine proper code, including method of taxation and make recommendations to Sixty-fourth General Assembly. Introduced, H. J. 654.
- HCR 116 Drake University Basketball Team and Coach Maurice John commended for its outstanding season. Adopted, H. J. 755, 766; Adopted, S. J. 745, 746.

- HCR 117 University of Iowa Basketball Team and Coach Ralph Miller commended for its outstanding season. Adopted, H. J. 755, 766; Adopted, S. J. 746.
- HCR 118 Handicapped persons' homes, committee to assist with study for establishing programs and make recommendations to General Assembly in 1971. Adopted, H. J. 806, 848; Introduced, S. J. 832, 1058.
- HCR 119 Election laws, study committee created to make recommendations for revision. Introduced, H. J. 828, 947.
- HCR 120 Criminal Code Review Study Committee, devote special attention to criminal trespass laws. Introduced, H. J. 989; Withdrawn, H. J. 1689.
- HCR 121 Wildlife preservation, Congress urged to support passage of H. R. 15368 relating to manner of transporting alligator hides. Introduced, H. J. 990.
- HCR 122 Narcotic drugs, study committee to prepare legislation to limit improper use. Adopted, H. J. 1036, 1074; Adopted, S. J. 942, 1443.
- HCR 123 Budget revision, ad hoc committee commended for its efforts and urged to continue its study. Adopted, H. J. 1100, 1351; Adopted, S. J. 1225, 1442.
- HCR 124 Refuse and garbage transmitted by cities across county lines without consent of county, considered improper act. Adopted, H. J. 1101, 1454, 1479; Introduced, S. J. 1375.
- HCR 125 Nuclear power plant in Palo, Water and Air Pollution Control Commissions to prepare recommendations for control of radiation emission. Introduced, H. J. 1123, 1211.
- HCR 126 Uniform Consumer Credit Code, study to determine benefits to general public. Introduced, H. J. 1123.
- HCR 127 Penal and correctional system of Iowa, study committee created. Adopted, H. J. 1145, 1224; Introduced, S. J. 1093.
- HCR 128 Governor Ray's special message, Joint convention, March 25, 1970, at 11:00 a.m. Adopted, H. J. 1191; Adopted, S. J. 1040.
- HCR 129 Budgeting and fiscal procedures by counties, study committee to evaluate Code provisions and make recommendations to Sixty-fourth General Assembly. Introduced, H. J. 1199.
- HCR 130 Eminent domain, interim study committee, additional time requested. Introduced, H. J. 1245; Lost, H. J. 1437.
- HCR 131 School systems, study committee to review need for certain services. Introduced, H. J. 1276; Lost, H. J. 1463.
- HCR 132 State warrants unpaid for lack of funds, procedure. Adopted, H. J. 1276, 1340; Adopted, S. J. 1208, 1457.
- HCR 133 Department of Transportation, committee to study feasibility of establishment. Adopted, H. J. 1277, 1344; Introduced, S. J. 1209.
- HCR 134 Adjournment sine die at five o'clock, April 10, 1970. Introduced, H. J. 1287, 1462.
- HCR 135 Geneva Convention, American servicemen held as prisoners in North Vietnam, United Nations, Congress and U. S. President urged to seek compliance by North Vietnam. Adopted, H. J. 1331, 1437, 1679; Adopted, S. J. 1268, 1378, 1437.
- HCR 136 Highway Commission, committee to study budgetary processes and report to Sixty-fourth General Assembly. Adopted, H. J. 1332, 1437; Adopted, S. J. 1269, 1437.
- HCR 137 Vietnam involvement, chief contributor to inflation, Congress and President petitioned to cease questionable activity. Introduced, H. J. 1365.
- HCR 138 Pages of the House of Representatives and Senate presented with Certificates of Service commending them for excellent performance. Adopted, H. J. 1423, 1463; Adopted, S. J. 1291, 1357.
- HCR 139 Merged area campus sites, Public Instruction Board requested to postpone final approval. Introduced, H. J. 1451.
- HCR 140 Health care costs, committee to study and make recommendations to General Assembly. Introduced, H. J. 1451; Lost, H. J. 1506.
- HCR 141 Claims rejected by joint claims committee considered by House and Senate. Adopted, H. J. 1460, 1643, 1668; Adopted, S. J. 1441, 1483.
- HCR 142 Youth in Government Program, support of General Assembly pledged. Adopted, H. J. 1461, 1513; Adopted, S. J. 1330, 1411.
- HCR 143 Medicaid program in Iowa, joint study committee to continue evaluation and report to General Assembly. Adopted, H. J. 1485, 1580; Introduced, S. J. 1388.
- HCR 144 Iowa River—Flint Creek Levee District No. 16, unauthorized structures. Adopted, H. J. 1553, 1636; Introduced, S. J. 1429.
- HCR 145 Bonded warehouse, Division of Iowa Commerce Commission, investigation by interim committee. Introduced, H. J. 1613.

SENATE RESOLUTIONS

- 101 Helen Goreham deceased February 14, 1970, condolences extended to her family. Adopted, S. J. 509, 517.
- 102 Audit to determine status of state treasury. Introduced, S. J. 549.
- 103 Press coverage of Iowa General Assembly, Frank Nye commended. Introduced, S. J. 585.
- 104 Senator and Mrs. Quentin V. Anderson, congratulations on birth of Cheri Lea. Adopted, S. J. 1097, 1110.
- 105 Legalizing Acts, Oelwein School and Mitchell County Hospital, constitutionality questioned. Adopted, S. J. 1273, 1409, 1456.
- 106 Football, General Assembly urges scheduling of games during 1971 and 1972 seasons between University of Iowa and Iowa State University. Adopted, S. J. 1473, 1475.

HOUSE RESOLUTIONS

- 101 Representative Andrew Varley, extending sympathy in loss of his father-in-law. Adopted, H. J. 161, 177.
- 102 Burl Beam, Assistant Chief Clerk of the House of Representatives, extending sympathy in loss of his mother. Adopted, H. J. 534, 575.
- 103 Frank Nye, Cedar Rapids Gazette, commended for impartial reporting of news of the General Assembly. Introduced, H. J. 588.
- 104 Ethics Committee, investigate alleged pressure by Iowa Bankers Association. Introduced, H. J. 829.
- 105 Representative Walter V. Langland, extending sympathy in loss of his mother. Adopted, H. J. 989, 1005.
- 106 Manilla Hawkettes Basketball Team commended for outstanding play in Iowa State Girls Basketball Tournament. Adopted, H. J. 1037, 1050.
- 107 Montezuma Girls Basketball Team, congratulations on winning the 1970 State Championship Tournament. Adopted, H. J. 1064, 1074.
- 108 Pages of the House of Representatives, presentation of roses to secretaries and lady staff members. Adopted, H. J. 1305, 1340.
- 109 Representative William Winkelman, extending sympathy in loss of his mother. Adopted, H. J. 1578.
- 110 Football games, scheduled between University of Iowa and Iowa State University. Adopted, H. J. 1710, 1711.

MEMORIAL TO THE CONGRESS OF THE UNITED STATES

- HCR 135 North Vietnam compliance with Geneva Convention. Adopted, H. J. 1331, 1437, 1679; Adopted, S. J. 1268, 1437.

INDEX

INDEX

References are to pages

In general the page cited is the beginning of the Act or section.

ACCIDENTS

- False reports, prohibited, 399
- Motor vehicle, fee for copy of report, 197

ACCOUNTANCY

- Defined, 326
- Iowa Professional Corporation Act, 326
- Members of board, compensation, 91

ACTIONS

- See also PROBATE*
- Demurrers by defendants, 408
- Dissolution of marriage, 380, 387
- Interpreters, appointment in legal proceedings, 393
- Real estate, limitation of actions, 391
- Unemployment compensation, delinquency, interstate co-operation, 81

ADMINISTRATIVE AGENCIES

- Legal proceedings, appointment of interpreter, 393

ADMINISTRATIVE RULES AND REGULATIONS

- See DEPARTMENTAL RULES*

ADMINISTRATOR

- See PROBATE*

ADOPTION

- Certificates, prescribed form, 113

AGRICULTURE

- Apiarist, annual report, 132
- Bovine females, tax exempt, 276
- Branding of livestock, 138
- Carriers of agricultural products and livestock, 213
- Cattle, ear tags, brucellosis eradication, 133
- Cattle production, research programs financed by excise tax, 134
- Chemical technology review board, created, 145
- County extension districts, 134
- False advertising of frozen desserts, prohibited, 139
- Frozen desserts, generally, 139
- Lunch stands, license fees, 133
- Milk for manufacturing purposes, 144
- Moisture-measuring devices, appropriation for inspection, 6
- Secretary, assessment of excise tax on cattle, 134

AIRCRAFT

- Flight strips along highways, abolished, 28
- Hunting from aircraft prohibited, 88

ALIMONY

- Dissolution of marriage, 380, 387

AMBULANCES

- County service, 225

AMERICAN REVOLUTION

- BICENTENNIAL COMMISSION
Created, 411

ANIMALS

- Branding and marking, 138
- Licensing of dogs, 232
- Livestock carriers, 213
- Rabies immunization for dogs, 232
- "Red meat" Act, 134

ANNEXATION

- Municipal, voting rights, 245

ANNOTATIONS OF COURT

DECISIONS

- Discontinued, 11

ANNULMENT

- Dissolution of marriage, 380, 387
- Illegal marriage, 380

APIARIST

- Annual report to secretary of agriculture, 132

APPEAL BOARD, STATE

- Claims against state, 26
- Federal programs, funds matched, one mill levy, 224

APPROPRIATIONS

- Agriculture
 - Moisture-measuring devices, inspection, 6
- American Revolution Bicentennial Commission, 411
- Chemical technology review board, 145
- Claims against state by individuals, 9
- Clarke, Hugh H., 8
- Comptroller, governmental programs, reallocation of priorities, 276
- Conservation
 - Cold water cave, Winneshiek county, 276
 - Marine fuel tax fund, 211
 - Spring Brook state park, 276

References are to pages

In general the page cited is the beginning of the Act or section.

APPROPRIATIONS—Continued

- Counties
 - Claims against state, 9
 - Federal programs, 224
- Criminal Code study committee, 276
- Darrington, William E., 8
- Emery, Amos, 8
- Farm-to-market road fund, 276
- Governmental programs, reallocation of priorities, 276
- Hanson, Fred B., 8
- Heaberlin, Stanley, 8
- Health department, state
 - Sanitary disposal projects, 254
- Higher education facilities commission, tuition grants, 5
- Highway commission:
 - Administration building, 2
 - Capital expenditures, 3
 - Judgments or awards, payment, 185
 - Merit system expense, 4
 - Rest areas, 3
- Highway safety patrol, 276
- Historical site restoration, Toolesboro, 1
- Historical societies, county conservation funds, 437
- Law-enforcement academy, transfer of moneys, 62
- Noun, Mrs. Maurice, 8
- Public defense, purchase-option by armory board, 410
- Public safety department, drug enforcement agents, 58
- Reallocation of priorities, 276
- Regents board, 276
- Regents board, Western Iowa University, 409
- Sanitary disposal projects, 254
- Secondary road fund, 276
- Sewage works construction fund, 276
- Social services department
 - Air conditioning, soldiers' home, 5
 - Old-age assistance program, 6
 - Regional detention facility, funds transferred, 6
- Street construction fund, 276
- Supreme court, judges' retirement, 6
- Wagner, William, 8

ARCHEOLOGIST, STATE

- Anthropology department, University of Iowa, 173

ARCHITECTURAL EXAMINERS

- Board members, appointment by governor, 94
- Iowa Professional Corporation Act, 326

ARMORY BOARD

- Purchase option, appropriation, sale of property acquired, 410

ASSESSMENTS

- Benefited water districts, 233
- Municipal property for industrial projects, 267
- Special, interest rates, 30
- State-owned property, 182
- Tree removal, bonds, 246

ASSESSORS

- Homestead tax credit, 286

ASSOCIATIONS

- Co-operative, merger and consolidation, 334

ATHLETICS

- Professional boxing and wrestling, 400
- State commissioner of athletics, appointed by governor, 400
- Student participation, excused from physical education, 163

ATTORNEY GENERAL

- Claims against state, 26
- Consumer fraud, referral selling prohibited, 399
- Real estate purchases by state departments, 13

ATTORNEYS

- Court-appointed, fees, 394

AUDITOR OF STATE

- County officers, salaries, 230
- Public funds, deposits in banks, certify treasurer's record, 165
- Term, constitutional amendment, 436

AUTOMOBILES

- See *MOTOR VEHICLES*

AUTOPSY

- Unnatural deaths, 402

AWARDS

- Incentive, state employees, 17

BANKRUPTCY

- Insurers, Iowa insurance guaranty association, 340

BANKS AND BANKING

- Asian development bank, life insurance investments, 339
- Banking Act of 1969, corrective amendments, 311
- Chattel loans, 367
- Deposits of public funds, 294
- Economic development corporation board membership, 326
- Franchise tax imposed, 272

BASIC SCIENCE EXAMINERS

- Board members, compensation, 91
- Exceptions section revised, 126

INDEX

References are to pages

In general the page cited is the beginning of the Act or section.

BEER

Permits surrendered, refund to personal representative, 96

BEEES

See *APIARIST*

BIKEWAYS

Recreational, established, 182

BIRTH

Certificates, filing procedure, 113

BLIND

Persons, medical assistance, 161

BOATS AND BOATING

Green Valley lake, water skiing, 85
Recreational boating program, "marine fuel tax fund", 211
Restrictions, artificial lakes, 84

BONDS

Anticipatory, by townships, interest rate, 243
Asian development bank, life insurance, investments, 339
Docks, 250
Interest rates, 30
Interstate toll bridges, 186
Investment of funds, life insurance companies, 339
Public, issuance, 57
Refunding, municipal parking, 251
Regents board, investment of funds, 166
Rural water districts, 234
Sanitary disposal projects, 254
School, interest rates, 171
School, taxes, 172
Tree removal, 246

BONUS BOARD

War orphans educational aid fund, 29

BORROW PITS

Highway construction, 187

BOXING

Professional boxing and wrestling, legalized, 400

BRANDS

Livestock, 138

BRIDGES

Interstate, primary road fund, 186

BRUCELLOSIS

Eradication, ear tags on cattle, 133

BUDGET LAW (LOCAL)

Federal programs, one-mill levy, 224

BUILDINGS

Administration, highway commission, 2
Height restriction repealed, 266

BUILDINGS AND GROUNDS

Capitol police, power of arrest, 62

BUSES

Urban transit systems, width restrictions, 201

CAPITAL IMPROVEMENTS

Soldiers' home, air conditioning, 5

CAPITOL

Police, power of arrest, 62

CAPITOL PLANNING COMMISSION

Appropriation to members, 8

CARRIERS

Common, free passes eliminated, 302
Interstate motor, registration decal or sticker fee, 223
Livestock and agricultural products, 213

CATTLE

Brucellosis eradication, ear tags, 133
Excise tax on cattle and veal calves for slaughter, 134
Three-year-old, tax exemption, 276

CAVES

Cold Water Cave, appropriation to conservation commission, 276

CENSUS

Election precincts, 39
School, children ages five to nineteen, 287

CHATTEL LOANS

Code reference corrected, 368
Examination of loan companies, fees, 367

CHECK-OFF TAX

Cattle sales, 134

CHEMICAL TECHNOLOGY REVIEW BOARD

Generally, 145
Advisory committee, 145
Departmental rules, 145
Membership, 145
Reports to governor and general assembly, annually, 145

CHILDREN

Adoption, certificates, 113
Child labor, generally, 71

References are to pages

In general the page cited is the beginning of the Act or section.

CHILDREN—Continued

- Dissolution of marriage, support and custody, 380
- Medical assistance, 157
- Neglected, dependent and delinquent, placement, 156
- Paternity of children out of wedlock, 113

CITIES AND TOWNS

- Annexation, voting rights, 245
- Benefited water districts, 233
- Bonds, 30, 57, 251, 252
- Buildings, height restriction repealed, 266
- Civil service employees, residency requirements, 245
- Classification of highways, 175, 179
- Conservation easements by voluntary means, 90
- County ambulance service, 225
- Dock facilities, bonds, 250
- Easements for industrial projects, 266
- Election precincts, 39
- Elections, residency requirements, 41
- Elections, tally lists, 53
- Firemen
 - Pensions for disabled, 64, 265
 - Residency requirements, 54, 245
- Flood control projects, 299
- Governmental programs, reallocation of priorities, 276
- Industrial projects, 267
- Joint planning commissions, 302
- Land acquisition for highways, appraised value to owner, 301
- League of municipalities, membership in chemical technology review board, 145
- Lighting districts, 251
- Low-rent housing, persons eligible, 253
- Municipal court clerks and bailiffs, salaries, 390
- Municipal property leased to industry, 267
- Parking facilities, refunding bonds, 251
- Pensions, policemen and firemen, 265
- Platting and zoning, unincorporated areas beyond city limits, 264
- Police officers, residency requirements, 54, 245
- Precincts, size limitation, 39
- Public funds, deposits in banks, 294
- Public improvements, interest rates, 30
- Public utilities, notice to customer of rate increase, 308
- Public warrants, deficiencies, 211
- Recreational bikeways, 182
- Residency requirements, policemen and firemen, 54
- Roadway markings, 197

CITIES AND TOWNS—Continued

- Sanitary disposal projects, 254
- Sewage treatment, grants, 276
- Soil conservation districts, outside boundaries, 298
- State-owned lands, assessment, 182
- Taxation of financial institutions, 272
- Tax equivalent of industrial projects, 267
- Township halls, 243
- Transit systems, width restrictions, 201
- Tree removal, assessments, 246
- Utility retirement systems, 265
- Voter registration, 36
- War memorials, eminent domain, 28
- Waterworks employees, group insurance, 252, 253

CIVIL DEFENSE

- Counties co-operate with federal programs, one mill levy, 224
- National guard, 27

CIVIL RIGHTS

- Sex discrimination, prohibited, 83
- Shorthand court reporters, discrimination in hiring, 388

CIVIL SERVICE

- Employees, residency requirements, 245

CLAIMS

- Counties, against state, 9
- Individual, against state, 9

CODE EDITOR

- Appointment by supreme court, 11
- Departmental rules examined before filing, 17

CODE OF IOWA

- Publication, 14

CODE REVISION

- Actions, limitations, real estate dates revised, 391
- Basic science law, 126
- Boards of tax review, reference, 287
- Chattel loans, reference corrected, 368
- Code publication, 14
- Conservation officers' salaries, 86
- County expenditures, 232
- Death penalty, 12
- Drainage laws, 296
- Higher education facilities commission, 166
- Highway safety patrol, 58
- Medical assistance Act, 161
- Motorcycles, operation, 197
- Motor vehicle "registration" plates, 283
- Motor vehicles, registration and operation, 191

References are to pages

In general the page cited is the beginning of the Act or section.

CODE REVISION—Continued

- Motor vehicles, registration fees, 193
- Notaries public, legalizing Act, 377
- Public utilities, temporary assessment, 309
- Revenue department, reference, 286
- School buses, flashing lights, 198
- Security interest, reference, 375
- Sewer bonds, interest rate, 252
- Time of trial, 408
- Torts by foreign corporation, 392

COLD WATER CAVE

- Appropriation to conservation commission, 276

COLLEGES AND UNIVERSITIES

- College of Osteopathic Medicine and Surgery, education building, 438
- Junior colleges, lease of property to merged area, 172
- Tuition grant program, 5
- Western Iowa, establishment of university, delayed, 409

COMMERCE COMMISSION

- Annual report, publication, 16
- Electric transmission lines, eminent domain proceedings, 303
- Free passes on common carriers eliminated, 302
- Motor carriers, decal or sticker fee, 223
- Motor vehicle franchisors, generally, 206
- Motor vehicle reciprocity board, 213
- Mulet tax, pipe-line violations, 309
- Pipe-line companies, eminent domain procedure, 307
- Pipe-line safety, federal funds accepted, 309
- Pipe-lines, violations, penalties, 309
- Public utilities, assessment, 309
- Public utilities regulated, 308
- Utilities, displacement of persons, 28
- Warehouse receipts, lost, 374

COMMISSIONS

- Interstate co-operation commission, members compensation, 27
- Iowa American revolution bicentennial commission created, 411

COMMITTEES

- Legislative central committees, 33

COMPACTS

- Interstate compact on mental health, 148

COMPTRROLLER

- Basic school tax, computation, 287

COMPTRROLLER—Continued

- Claims against state, 9
- Highway funds, 3
- Incentive awards evaluated, 17
- Law-enforcement academy, funds transferred, 62
- Reallocation of priorities, governmental programs, 276
- School tax equalization fund, 287
- Soldiers' home, federal grants, 5
- Standardized forms furnished to departments, 15

CONSERVATION

- Appropriation
 - Cold Water Cave, 276
 - Spring Brook Park, education training center, 276
- Boating on artificial lakes, 84
- Chemical technology review board, 145
- Commission
 - Bikeways, established, 182
 - Scenic rivers system, 86
- County board members, removal, 89
- Easements by voluntary means, 90
- Employees, free passes on common carriers eliminated, 302
- Forests, easements, 90
- Fur-bearing animals, open seasons, 88
- Marine fuel tax fund created, 211
- Nongame birds, protection, 87
- Officers, salaries, 86
- Park roads, jurisdiction, 179
- Snowmobile registration fees, 202
- Snowmobiles, hunting from prohibited, 88
- Soil conservation department, redesignation of name, 296
- Soil conservation districts, cities and towns, 298
- U. S. bureau of sport fisheries and wildlife, 88
- Watercraft, Green Valley Lake, departmental rules, 85

CONSTITUTION

- Demurrer to indictment incorrectly sustained, 408

CONSTITUTIONAL AMENDMENTS

- Electors qualifications, 435
- Judges of district and supreme courts, retirement and discipline, 436
- Lottery prohibition repeal, 437
- Terms of elected state officials, 436

CONSUMER FRAUD

- Referral selling prohibited, 399

CONTINGENT FUND

- Special employment security, 79

CONTRACTS

- Teachers, uniform issuance, 167

References are to pages

In general the page cited is the beginning of the Act or section.

CONVEYANCES

- Fees collected on county level, 228
- Real estate, notaries public in any county, 376
- Real property titles, 376

CO-OPERATIVE ASSOCIATIONS

- Articles of merger or consolidation, abandonment before filing, 334
- Foreign and domestic, 334
- Merger and consolidation, 334

CORPORATIONS

- Address change, registered office, 313
- Business, statutes updated, 313
- Directors, removal, 313
- Dissolution, recording fee discontinued, 311
- Economic development, membership on board of directors, 326
- Indemnification of officers and employees, 310, 324
- Merger procedure, 313
- Nonprofit, certificates of incorporation, 247
- Nonprofit water corporations, tax exemption, 287
- Professional and foreign professional, generally, 326
- Public, interest on obligations, 30
- Restated articles of incorporation, 313
- School districts, 18
- Shares, issuance, 313

COUNTIES

See also *LEGALIZING ACTS*

- Agricultural extension districts, education fund, 134
- Ambulance service, 225
- Annexation proceedings, voting rights, 245
- Anticipatory bonds by townships, 243
- Appropriation for historical purposes, 89
- Assessment, state-owned property, 182
- Autopsy reports, county attorney, 402
- Benefited street lighting districts, 240
- Benefited water districts, 233
- Bikeways, established, 182
- Claims against state, appropriation, 9
- Classification of highways, 175, 179
- Condemnation for highways, 301
- Conservation board members, removal from office, 89
- Deposits of public funds in banks, 165
- Election precincts, 39
- Elections, residency requirements, 41
- Engineers, mileage and expenses, 183
- Expenditures, obsolete provisions repealed, 232
- Federal programs, including crime control, appropriation, 224
- Flood and erosion control, federal funds, 299

COUNTIES—Continued

- Historical societies, aid, 89
- Joint planning commissions, 302
- Local option, liquor sales, 96
- Low-rent housing, persons eligible, 253
- Merged areas, schools, 168
- Microfilming records, 227
- Public improvements, interest rates on obligations, 30
- Regional detention facility, share cost, 6
- Rural water districts, 234
- Sanitary disposal projects, 211
- School reorganization, 167
- Street lighting in unincorporated areas, 240
- Supervisors
 - Compute salaries of county officers, 230
 - County medical examiner, appointment, 402
 - Election and terms, 223
 - Eminent domain proceedings, 300
 - Township halls, 243
 - Township trustees, terms, 223
 - Uniform federal tax lien registration Act, 225
 - Voter registration, commissioner, office created, 36
- Zoning, unincorporated areas, 264

COUNTY OFFICERS

- Auditor
 - Basic school tax levy, 287
 - Election certificate for legislators, 33
 - Fees to be collected, 228
 - Rural water districts, 234
 - School bond taxes, 33, 172
 - Voter registration, auditor as commissioner of, 36
- Compensation, retroactive, 230
- Recorder
 - Federal tax lien registration, 225
 - Homestead tax credit, evidence of ownership, 286
 - Mortgages, 227
 - Records, microfilming, 227
 - Snowmobiles, registration, 202
- Supervisors
 - Ambulance service, fees, 225
 - Benefited street lighting districts, 240
 - Engineers, mileage and expenses, 183
 - Federal programs, one-mill levy, 224
 - Flood control receipts, 299
 - Medical examiner (county), 402
 - Roads, joint agreements, 184
 - Salaries of municipal court clerks and bailiffs, 390
 - Terms of office, 223

INDEX

References are to pages

In general the page cited is the beginning of the Act or section.

COUNTY OFFICERS—Continued

- Treasurer
 - Basic school tax equalization fund, 287
 - Mobile homes, taxation, 111
 - Tax receipts apportioned, financial institutions, 272

COURTS

- Clerk
 - Compensation, 230
 - County registrar of vital statistics, 113
 - File entry of foreclosure and instrument of satisfaction with recorder, 227
 - Probate inventory to revenue department, 293
- Constitutional amendment, judges retirement and discipline, 436
- Court-appointed attorneys, fees, 394
- District
 - Judges furnished supreme court reports, 11
 - Polk county, appeals from insurance holding companies, 350
 - Workmen's compensation, industrial commissioner's decisions, 64
- Divorce and marriage annulment, 380, 387
- Interpreters appointed in legal proceedings, 393
- Municipal
 - Clerks, bailiffs and deputies, salaries, 390
 - Judges, retirement, 390
- Nonprofit corporations, certificates of cancellation, 247
- Post-conviction procedure, 395
- Prior judgments and decrees, legalized, 378
- Public defenders, 229
- Reporters, board of examiners compensation, 91
- Shorthand reporters, 388
- Supreme
 - Code editor appointment, 11
 - Judges retirement appropriation, reduced, 6
 - Opinions, publication, 11
 - Time of trial, Code revision, 408
 - Unemployment contributions, power of employment security commission, 81

CREDIT UNIONS

- Public employees, 365
- Taxation on moneys and credits, 272

CRIME

- Control, federal programs in counties, one-mill levy, 224
- False reports, prohibited, 399
- Post-conviction procedure, 395

CRIMINAL LAW

- Court-appointed attorneys, 394
- Criminalistics laboratory, 402
- Death penalty, 12
- Demurrers by defendants in indictable criminal actions, 408
- Dissolution of marriage records, 380, 387
- Drug addiction treatment, violations, 153
- False financial statement to obtain public defender, 229
- False reports or alarms, penalty, 399
- Fires along railroads, penalty, 303
- Forgery, venue, 407
- Frozen desserts, violations, 139
- Insurance holding companies, violations, 350
- Interpreters appointed in legal proceedings, 393
- Liquor seals, 95
- Motor vehicles, temporary restrictions on weight and load, violations, 199
- Post-conviction procedure, 395
- Public defender, 229
- Records, marriage dissolution, violations indictable, 380, 387
- Referral selling, 399
- Snowmobile violations, 88, 202
- Solid waste disposal, when prohibited, 254
- Venue in forgery cases, 407
- Vital statistics violations, 113

DAIRY PRODUCTS

- Frozen desserts, definitions and standards, 139
- Milk for manufacturing purposes, 144

DEAD BODIES

- Burial-transit permits, 113
- Disinterment permit, 113
- Fetal deaths, 113
- Funeral establishments, inspection fee, 132
- Institutions, disposition, 113
- Investigation of unnatural deaths, 402

DECREES

See *JUDGMENTS AND DECREES*

DEMURRER

- Defendants in indictable criminal actions, 408

DEPARTMENTAL RULES

- Agriculture department
 - Chemical technology review board, 145
 - Frozen desserts, 139
- Beef production research and education programs, 134
- Code editor examine before filing, 17

References are to pages

In general the page cited is the beginning of the Act or section.

DEPARTMENTAL RULES—Continued

- Commerce commission
 - Persons displaced by utilities or railroads, 28
- Conservation commission
 - Boating on artificial lakes, 84
 - Green Valley Lake, watercraft, 85
- Department representative to attend meetings, 17
- Health department
 - Disposal projects, 254
 - Health care facilities, 97
 - Vital statistics, 113
- Highway condemnation, persons displaced, 187
- Insurance commissioner, automobile insurance cancellation, 347
- Insurance, holding companies, 350
- Medical examiner, state, 402
- Public safety
 - Criminalistics laboratory, 402
 - Snowmobiles, 202
- Reciprocity board, motor vehicles, 213
- Savings and loan associations, 365
- Secretary of state, election laws, 41
- Sewage works construction, 276
- Void if not filed within 60 days, 17
- Wrestling and boxing, 400

DISCRIMINATION

- Sex, employment, housing and public accommodations, 83
- Unfair trade, 374

DISSOLUTION OF MARRIAGESee *DIVORCE*; also *MARRIAGE***DIVIDENDS**

- Savings and loans associations, 365

DIVORCE

- Generally, 380, 387
- Record filed with state registrar, 113
- Record—impounding, violations, 380, 387

DOCKS

- Bonds issued, 250

DOGS

- Rabies immunization, 232

DRAINAGE DISTRICTS

- Clarification of statute, 296
- Highway construction across right of way, 295
- Property, tax exempt, 286

DRIVER EDUCATION

- Instructors, 194
- Persons under 18, when course not offered, 195
- Reallocation of funds, 276

DRUGS

- Defined, 153
- Narcotics, counterfeit, depressant and stimulant, law enforcement, 58
- Public safety department, jurisdiction, 58
- Treatment for addiction, 153

EASEMENTS

- Conservation, acquisition by other than condemnation, 90
- Drainage district, highways crossing, 295
- Electric utilities, 266, 303
- Granted by municipality, 266
- Pipe-line companies, 266, 307

EDUCATIONSee also *SCHOOLS AND SCHOOL DISTRICTS*

- Educational radio and TV facility board, location, 14
- Nonprofit institutions, tax exemption, 271
- School districts, share personnel and facilities, 163
- Special education students, counted, 293
- Tuition grant program, 5
- War orphans, aid fund, 29

EDUCATIONAL RADIO AND TV FACILITY BOARD

- Location of facilities, 138

ELECTIONS

- Generally, 41
- Absentee ballots, 35, 41
- Annexation proceedings, voting rights, 245
- Benefited street lighting districts, 240
- Board of supervisors, county township trustees, 223
- Certification of nominees, 35
- Challenges, 41
- Commissioner of registration, counties over 50,000, 36
- Constitutional amendment, voting age, 435
- "County" construed to mean "district", 33
- Deceased voters list furnished by vital statistics registrar, 36
- General assembly members, 33
- Internuncios, 51
- Merged area schools, combining with adjacent merged area, 168
- Merged school systems, directors, 18
- Permanent registration, 36
- Polling places, 39
- Precincts, population, 39
- Referendum, excise tax on cattle, 134
- Residency requirements, 41

References are to pages

In general the page cited is the beginning of the Act or section.

ELECTIONS—Continued

- Resignation of candidates, 41
- "Returns" as "tally lists", 53
- School board members, 18
- School, opening polls, 18
- Soil conservation commissioners, residency requirements, 298
- Tax levy, voter registration, 36
- Voter registration, commissioner created in each county, 36
- Workers, training and compensation, 41

ELECTRICITY

- Easements by municipality for industrial projects, 266
- Public utilities regulated, 308
- Transmission lines, power of eminent domain exercised by utilities, 303

EMINENT DOMAIN

- Generally*, 28
- Alternate access to highway, 174
- Compensation commission, duties and per diem for members, 300
- Displacement allowance, 28, 187
- Electric transmission lines, 303
- Farm-to-market roads, 28
- Flight strips, 28
- Land for highways, notice of appraisal to owner, 301
- Legal description of land furnished, 299
- Property for highways, buildings and fences moved, 300
- Water-power improvements, 28

EMPLOYEES

- Civil service, residency requirements, 245
- Credit unions, payroll deductions, 365
- Employment agencies, fee increase, 434
- Employment injuries, duties of industrial commissioner, 70
- Governmental, credit unions, 365
- Incentive awards, 17
- Salaries less than statutory, 13
- Vacations, 57

EMPLOYMENT

- Agencies, fee increase, 434
- Unemployment contributions, delinquent, interstate co-operation in collection, 81

EMPLOYMENT SECURITY COMMISSION

- Special contingency fund, interest and penalties, 79
- Unemployment contributions, delinquent, co-operation between state, 81
- Workmen's compensation, benefits, 64

ENGINEERING EXAMINERS

- Board members' compensation, 91
- Engineers and surveyors, renewal fee, 93

ESTATES

- See also PROBATE*
- Beer permits surrendered by personal representative, 96

EUGENICS BOARD, STATE

- Court-appointed counsel, 229

EXAMINING BOARDS

- Compensation for members, 91

EXECUTIVE COUNCIL

- Armory board, sale of property, 410
- Capitol guards, police powers, 62
- Hubbell Mansion, acquisition by state, 439
- Incentive awards, state employees, 17
- Soldiers' home, improvement contracts, 5

EXECUTOR

- See PROBATE*

EYE PROTECTIVE DEVICES

- Required in schools, 168
- Visitors to shops and labs furnished safety devices, 168

FAIR BOARD

- President, term, 133

FALSE REPORTS

- Crimes, fires and accidents, penalties for violations, 399

FAIR TRADE

- Practices, motor vehicle franchisors, 206
- Trade-marked articles, sale to state, 374

FARM

- Wagon registration, 193

FEEES

- See also LICENSES AND PERMITS*
- Collected by county government, 223
- Corporate dissolution, recording fee discontinued, 311
- Court-appointed attorneys, 394
- Driver license, 195
- Employment agencies, 434
- Federal tax lien notices, filing and indexing, 225
- Interpreters appointed by court or administrative agency, 393
- License, motor vehicle manufacturers and dealers, 205
- Motor vehicle accident reports, 197
- Motor vehicle registration, 193, 213

References are to pages

In general the page cited is the beginning of the Act or section.

FIRE

False reports, penalty, 399
Railroad right of way, 303

FIRE AND CASUALTY INSURANCE

Real estate mortgages, 340

FIRE AND FIRE PROTECTION

Firemen, disabled and retired, 64, 265
Firemen, residency requirements, 245
Receipts from flood control projects, 299

FISCAL DIRECTOR

Incentive awards evaluated, 17

FISH AND GAME

Commercial fishing, motor fuel tax refund, 211
Fish culture operations and hatchery work, 88
Fur-bearing animals, open season, 88
Hunting from aircraft or snowmobile, 88
Nongame birds, protection, 87

FLOOD AND EROSION CONTROL

Allocation of federal receipts, 299

FOODS AND FOOD PRODUCTS

Frozen desserts, definitions and standards, 139
Movable lunch stands, license fees, 133

FORESTS

Conservation easement, acquisition, 90

FORGERY

Venue in either county, 407

FOSTER HOMES

Adult care, 97

FRANCHISES

Motor vehicle, application to terminate or enter into, 206
Tax imposed on financial institutions, 272

FRATERNAL BENEFICIARY SOCIETIES

Insurance agents, licensing, 364

FRAUD

Consumer, referral selling prohibited, 399

FROZEN DESSERTS

Generally, 139
Departmental rules by agriculture secretary, 139
False advertising prohibited, 139
Preparation, storage, labeling, sale, violations, 139

FUNDS

Criminalistic laboratory, federal funds accepted, 402
Employment security contingency fund created, 79
Highway safety programs, federal funds, 13
Investment of funds of life insurance companies, 339
Medical examiner (state), regents board accept funds, 402
Orphans, war, educational aid, 29
Pipe-line safety, federal funds to commerce commission, 309
Rest areas along interstate highways, federal funds accepted, 3
School lunch program, federal aid, 170
Sewage works construction, 276

FUNERALS AND FUNERAL DIRECTORS

Burial expenses, workmen's compensation, 64
Death certificates, directors' duties, 113
Inspection fee, premises, 132

GAMBLING

Constitution prohibition against lotteries, abolishment proposed, 437

GARBAGE

Solid waste disposal, when prohibited, 254

GAS

Pipe-line companies, eminent domain proceedings, 307
Public utilities regulated, 308

GENERAL ASSEMBLY

Composition, representative district, Clinton county, 35
Emergency legislative succession, repealed, 33
Legislative central committees, 33
Members, nomination and election, 33

GOVERNOR

American Revolution Bicentennial Commission, 411
Appointees, board members non-attendance, vacancy, 55
Architectural examiners, board members appointed, 94
Athletics commissioner, appointment and compensation, 400
Chemical technology review board, public member's vacancy, 145
Employment security contingency fund, 79
Highway commission report, primary road fund, 3

References are to pages

In general the page cited is the beginning of the Act or section.

GOVERNOR—Continued

- Highway safety programs, 13
- Iowa American Revolution Bicentennial Commission, 411
- Law-enforcement officers' training academy, 62
- Medical examiner (state), appointment, 402
- Nursing home administrators, board of examiners, appointment, 128
- Private school advisory committee, 161
- Reallocation of appropriations by priorities, 276
- Surface mining, health and safety standards, 63
- Term, constitutional amendment proposed, 436
- Terrace Hill, acquisition by state, 439
- Vacancies filled, less than statutory salary, 13

GRANTS

- See also FUNDS*
- Tuition, higher education facilities commission, 5

GUIDANCE COUNSELORS

- Schools, junior and senior high, 164

HABEAS CORPUS

- Post-conviction procedure, 395

HALLS

- Township, 243

HEALTH CARE

- See also NURSING AND CUSTODIAL HOMES*
- Federal funds, one mill levy, 224
- Health care facilities, generally, 97

HEALTH DEPARTMENT (STATE)

- Care review committee, each health care facility, 97
- Commissioner
 - Chemical technology review board, membership, 145
 - Inspection fees, funeral establishments, 132
 - Salary, 2
 - Sanitary disposal projects, 254
- Departmental rules, vital statistics, 113
- Drug addiction treatment, 153
- Health care facilities, 97
- Nursing home administrators, board of examiners, 128
- Vital statistics, 113

HIGHER EDUCATION FACILITIES COMMISSION

- Appointments and terms, 166
- Appropriation, tuition grants, 5

HIGHWAY COMMISSION

See also ROADS AND HIGHWAYS

- Administration building, 2
- Appropriations
 - Administration building, 2
 - Capital expenditures, 3
 - Judgments or awards, 185
 - Merit system expense, 4
 - Rest areas, 3
- Bikeways, recreational, 182
- Borrow pits, 187
- Budget report, 179
- Classification of highways, 175, 179
- Emergency repair, highways, 185
- Highways closed temporarily, signs erected, 174
- Interstate bridges, primary road fund, 186
- Movement of oversize vehicles, 200
- Primary roads, maintenance estimates to comptroller, 179
- Reciprocity board, motor vehicles, 213
- Relocation advisory program, displaced persons, 187
- Rest areas, 3
- Roadside parks, maintenance, 184
- Special permits, vehicles of excess weight, 199
- State-owned land, special assessments, 185
- Vehicles of excess size and weight, movement, 200

HIGHWAY SAFETY

- Federal funds accepted by governor, 13
- Patrol, appropriation, 276

HISTORICAL SOCIETY

- Aid from county, 89
- Appropriation, site near Toolsboro, 1

HISTORY

- American, required course in secondary schools, 167

HOMESTEAD

- Recording instruments of ownership to qualify for exemption, 286
- Tax credit, more than one owner, 284
- Tax credit, persons disabled or over sixty-five, 284

HORTICULTURE

- Products transported, tariff filing and freight receipts, 213

HOSPITALS

- Lien, increase filing fee, 377

HOUSING

- Building height, 266
- Federal insured loans, 394
- Low-rent, persons eligible, 253
- Sex discrimination, 83

References are to pages

In general the page cited is the beginning of the Act or section.

HUBBELL MANSION

Acquisition by state, 439

HUNTING

Prohibited from aircraft or snowmobile, 88

INCENTIVE AWARDS

State employees, 17

INCOME TAX

Financial institutions and credit unions, 272
 Internal Revenue Code of 1954, defined, 268
 Refund or credit, time limit, 283
 State, armed forces members, 269
 State, computation of interest and penalties, 271

INDICTMENT

Demurrers by defendants, 408

INDIGENTS

Court-appointed counsel and public defender, 229
 Legal proceedings in criminal cases, interpreter appointed, 393

INDUSTRIAL COMMISSIONER

Depositions, workmen's compensation cases, 70
 Duties, employment injuries, 70
 Vocational rehabilitation program, 64
 Workmen's compensation, commutation proceedings, 64

INDUSTRIAL PROJECTS

Assessment, protest and appeal, 267
 Municipal property, payment in lieu of taxes, 267

INHERITANCE TAX

Exempt estates, 294
 Probate inventory reports, 294

INSOLVENCY

Insurance guaranty association, 304

INSURANCE

Agents, licensing, 364
 Ambulance service, counties, 225
 Automobile, cancellation control, 347
 Corporations, indemnification of officers and employees, 310, 324
 Disclaimer of affiliation with insurer, 350
 Economic development corporation, 326
 Federal insured loans, real property, 394
 Fire and casualty companies, real estate mortgages, 340

INSURANCE—Continued

Group, child laborers, 71
 Holding companies, regulated, 350
 Insolvent insurers, Iowa insurance guaranty association, 340
 Life companies, investment of funds, 339
 Life policy or endowment, application of securities law, 339
 Registration of insurers, commissioner to provide forms, 350
 Stockholders' meetings, when voting of securities prohibited, 350
 Waterworks employees, group coverage, 252, 253

INSURANCE DEPARTMENT

Automobile insurance, cancellation control, 347
 Commissioner, examination of insurer, information confidential, 350
 Commissioner, violations of holding company, statutes enjoined, 350
 Departmental rules, auto insurance cancellation, 365
 Departmental rules, holding companies, 350
 Insurance guaranty association, 304
 Insurance holding companies, 350
 Receivership, holding companies, 350

INSTITUTIONS

"Financial institution" defined, 272
 Health care facilities, generally, 97
 Regents board, investments in bonds, 166
 Regional detention facility, Anamosa, 6
 Road systems classified, 175

INTEREST

Anticipatory bonds by townships, 243
 Income tax, penalties, 271
 Penalties and interest collected, employment security contributions, 79
 Rates, increased, 30
 Revenue bonds, disposal projects, 254
 School bonds, rate, 171
 Unemployment contributions, delinquent, 81

INTERNUNCIOS

Absent voters' ballots to hospitals and nursing homes, 51

INTERPRETERS

Appointment, legal proceedings, fees, 393

INTERSTATE COMPACTS

Mental health, 148

References are to pages

In general the page cited is the beginning of the Act or section.

**INTERSTATE CO-OPERATION
COMMISSION**

Compensation of members, 27

INTOXICATION

Chemical tests, 200

INVENTORIES

Probate, 293

INVESTMENTS

Funds of life insurance companies, 339
Insurance holding companies, 350

**IOWA AMERICAN REVOLUTION
BICENTENNIAL COMMISSION**

Generally, 411
Appropriation, 411

**IOWA AUTOMOBILE INSURANCE
CANCELLATION CONTROL ACT**

Created, 347

IOWA CRIMINAL CODE

Study committee, appropriation, 276

**IOWA INSURANCE GUARANTY
ASSOCIATION**

Created, 340

**IOWA PROFESSIONAL CORPORATE
ACT**

Generally, 326
Applicability of Iowa Business Corporation Act, 326

**IOWA PUBLIC EMPLOYEES
RETIREMENT SYSTEM**

Benefits, persons formerly retired, 81
Wages covered and benefits, 81

IOWA STATE FAIR

Fair board president, term, 267

JOINT RESOLUTIONS

College of Osteopathic Medicine and Surgery, 438
Elected state officials, terms, constitutional amendment, 436
Electors' qualifications, constitutional amendment, 435
Judges, discipline and removal, constitutional amendment, 436
Lottery prohibition repealed, constitutional amendment, 437

JUDGES

See also **COURTS**
Municipal, retirement benefits, 390
Retirement and discipline, constitutional amendment, 436

JUDGMENTS AND DECREES

Deficiency judgments, real estate purchases by state, 13
Dissolution of marriage, 380, 387
Highway commission activities, 185
Legalizing, 378

JURY

Instructions, R. C. P. 196, p. 419

JUVENILE DELINQUENTS

Federal programs, one mill levy, 224

LABELS, MARKS AND BRANDS

Frozen desserts, labeling requirements, 139
Livestock branding, 138

LABOR

Child labor committee created, 71
Children, limitations on employment, 71
Work permits, issuance, 71

LABOR BUREAU

Child labor, generally, 71
Commissioner, chairman of committee on child labor, 71

LAND PATENT

Atlantic Richfield Company, quitclaim deed, 413
Davison, quitclaim deed, 413

LANGUAGES

Foreign, taught in schools, 163

LAW ENFORCEMENT

Drug agents, public safety department, 62
Training academy for officers, 62

LAW ENFORCEMENT ACADEMY

Administration vested in governor, 62

LEGALIZING ACTS

See also **LAND PATENTS**
Dallas county home bonds, 415
Davison, quitclaim deed, 413
Henderson consolidated school district, 427
Humboldt county, hospital maintenance, 416
Jasper county conservation board, 417
Judgments and decrees, 378
Lee county, quitclaim deed, 413
LeGrand school district, 428
Limitations of actions, recovery of interests in real estate, 391
Marion county, railroad bridge, 418
Mitchell county, public hospital bonds, 419

References are to pages

In general the page cited is the beginning of the Act or section.

LEGALIZING ACTS—Continued

- Mount Vernon community school district, 429
- Oelwein community school district, 430
- Pella, city council, steam turbine generator, 422
- Perry community school district, 431
- Pottawattamie county, payment for foster home care, 387
- Real property titles, 376
- Schools, Area V and Fort Dodge, transfer of buildings, 423
- Twin Cedars school district, 432
- Woodbury county, payment for foster home care, 421

LEGISLATIVE SERVICE BUREAU

- Motor fuel used in watercraft, study, 211

LEGISLATURE

See *GENERAL ASSEMBLY*

LIBRARIANS

- Schools, junior and senior high, 164

LIBRARIES

- County public, eminent domain, 28

LICENSES AND PERMITS

- Alcoholic beverages, retail prices, filing, 95
- Beer permits, surrender, 96
- Boxing and wrestling matches, 400
- Chauffeurs' and operators' licenses, reinstatement fee, 276
- Commercial vehicles, trip permits, fees, 213
- Corporations, 313
- Dogs, licensing, 232
- Driver license fee, 195
- Drivers, instruction and temporary permits, 195
- Drivers of escort vehicles, oversize movements on highways, 200
- Farm wagons, 193
- Health care facilities, 97
- Inspection fee, funeral establishments, 132
- Insurance agents, 364
- Insurance holding companies, 350
- Liquor control licensee, refund of fees, 96
- Motor carriers, annual registration fees, 223
- Motor vehicle manufacturers and dealers, license fees, 205
- Movable lunch stands, 133
- Nursing home, administrators, reciprocity with other states, 128
- Permits, movement of vehicles of excess size and weight, 200
- Practice professions, 126, 127

LICENSES AND PERMITS—Continued

- Professional boxing and wrestling, 400
- Small loan companies, examination fee, 367
- Surface mining, 63
- Work permits, child labor, 71

LIENS

- Hospital, increased filing fee, 377
- Uniform federal tax lien registration Act, 225

LIEUTENANT GOVERNOR

- Compensation, 11
- Term, constitutional amendment proposed, 436

LIGHTING

- Benefited street lighting districts, 240
- Municipal districts, 251

LIQUOR

- Beer permits, surrendered, 96
- Filing of retail license prices, 95
- Intoxication, administration of chemical test, 200
- Local option provisions repealed, 96
- Seals for identifying, 95

LIQUOR CONTROL COMMISSION

- Identifying markers on liquor, 95
- Licensee price lists, 95
- Refund of fees to licensees, prohibited, 96

LOANS

- Chattel, examination fees, loan companies, 367
- Federal insured, real property, 394
- Savings and loan associations, 365

LOTTERIES

- Lottery prohibition repeal, constitutional amendment proposed, 437

LUNCH

- School program, federal funds accepted, 170
- Stands, portable, 133

MARKS

- Defined, 368
- Registration and protection, 368

MARRIAGE

- Annulling illegal marriage, causes, 380
- Certificates, 113
- Dissolution, generally, 380, 387
- Records closed in cases of dissolution, violations indictable, 380
- Remarriage in less than a year, permission by court, 380

MEDICAL ASSISTANCE

- Eligible persons, 157

References are to pages

In general the page cited is the beginning of the Act or section.

MEDICAL EXAMINER (COUNTY)

Appointment by supervisors, 402
Qualifications and terms, 402

MEDICAL EXAMINER (STATE)

Departmental rules, 402
Position created, 402
Qualifications and duties, 402

MEDICAL EXAMINERS BOARD

Temporary certificates, 127

MEDICINE

College of Osteopathic Medicine and Surgery, resolution, 438
License fees to practice, 126, 127
Medical assistance, third party permissive, 161
Medical assistance to eligible persons, 157

MEETINGS

Governor appointees, nonattendance, 55
Stockholders, corporations, 310

MEMORIALS

War, eminent domain, 28

MENTAL HEALTH

Interstate compact, 148

MERGED AREAS

Bonded indebtedness, 172
Election of officers, 18
Emmetsburg Community College, possible merger, 276
School districts, deadline for merger, 168
Vocational school provided in county with city of 50,000, 168

MIGRATORY LABORERS

Defined, 71

MILITARY FORCES

Motor vehicle operators' licenses, exemption benefits, 196
National guard, definitions, 27
State income tax exemption, 269
Tort claims, national guard, 26
War orphans educational aid, 29

MILK AND MILK PRODUCTS

Frozen desserts, generally, 139
Milk for manufacturing purposes, 144

MINES AND MINERALS

Drainage of coal lands, 28
Surface mining, safety regulation, 63

MINORS

Child labor, generally, 71
Drug addiction or dependency, treatment confidential, 153

MOBILE HOMES

Retail price list, to public safety commissioner, 111
Sale, dealers notify county treasurer, 111
Sticker displayed, 111
Taxation, 111

MOISTURE-MEASURING DEVICES

Inspection, appropriation, 6

MONEY

Anticipatory warrants, 286
Interest rates, 30

MONEYS AND CREDITS

Omitted in computation of salaries, county officers, 230
Taxation of credit unions, 272

MORTGAGE

Entry of foreclosure, filed with recorder, 227
Instrument of satisfaction, filed with recorder, 227

MOTOR VEHICLES

Accident reports, fee, 197
Bikeways, 182
Carriers of agricultural and horticultural products and livestock, 213
Chauffeurs' licenses, 191, 195, 276
Chemical tests, intoxication, 200
Dealer's franchise, 206
Decals or stickers, motor carriers, 223
Driver education
Aid, 276
Instructors, 194
When not required, 195
Driver license fees and renewal, 195
Driving instruction permit, 194
Driving records, certified copies, fee increase, 200
Escort vehicle, oversize loads, 200
Excess size and weight, movement, 200
Farm wagon registration, 193
Fees, registration, 193, 213
Fleet owners, commercial vehicles, 213
Franchisors, 206
Insurance cancellation control, 347
Lanes (3) in cities and towns, 197
Licenses, chauffeurs and operators, reinstatement fee, 276
Manufacturers and dealers, license fees, 205
Military forces, exemption benefits to dependents, 196
Motorcycles, penalty for offenses in operation, 197
Nonresidents, registration, 192
Oversize, movement, 200
"Peace officer" defined, intoxication determined, 200

References are to pages

In general the page cited is the beginning of the Act or section.

MOTOR VEHICLES—Continued

- Point system, driver's license suspension, 191
- Reciprocity, registration fees, 213
- Recreational bikeways, 182
- Registration and operation, dates, 191
- Registration fees, 193, 213
- Registration, nonresidents, 192
- Restricted driver licenses, renewal, 195
- Right of way at intersections, 198
- Roadways, marked for three lanes, 197
- School buses, flashing lights, 198
- Slow-moving, lane marked, 197
- Snowmobiles, generally, 88, 202
- Studded tires, date clarified, 198
- Transit systems, exempt from over-width restrictions, 201
- Warranty, 206
- Weight and load restrictions, violations, 199

MULCT TAX

- Pipe-line violations, 309

MUNICIPALITIES

See *CITIES AND TOWNS*

NAME

- Changes, 113

NARCOTICS

- Control, federal programs, one-mill levy, 224
- Drug addiction, treatment, 153
- Enforcement personnel, pay plan, 276
- Law enforcement by public safety department, 58

NATIONAL GUARD

- "Active state service" defined, 27
- "Advisory council" defined, 27
- Liability, not in active state service, 26

NATURAL RESOURCES COUNCIL

- Conservation easements, 90
- Membership, chemical technology review board, 145
- Rural water districts, 234

NEAT

- Brucellosis eradication, 133
- Excise tax when sold for slaughter, 134
- Tax exemption, three-year-old females, 276

NEWSPRINT

- Sales and use tax, 269

NOTARIES PUBLIC

- Acknowledgments, real estate, outside county of appointment, 376
- Legalizing Acts, 377

NURSING AND CUSTODIAL HOMES

See also *HEALTH CARE*

- Administrators, licensing and registration, 128
- Board of examiners for administrators created, 128
- Defined, 97, 128
- Health care facility, 97
- Voting, internuncios, 51

OLD-AGE ASSISTANCE

- Funds transferred from capital appropriation, 6

OPINIONS

- Supreme court, publication, 11

ORIGINAL NOTICE

- Dissolution of marriage proceedings, 380, 387

ORPHANS

- War, educational aid fund, 29

OSTEOPATHY

- College of Osteopathic Medicine and Surgery, resolution, 438
- License fees, 127

PARKING

- Municipal facilities, refunding bonds, 251

PARKS

- Roadside, 184
- Spring Brook state park, education training center, 276
- State park roads, 179, 181

PENITENTIARY AND REFORMATORIES

- Anamosa, medium security institution, transfer of funds, 6
- Post-conviction procedure, 395
- Prisoners, cash allowance upon discharge, 156
- Regional detention facility, transfer of funds for development, 6

PENSIONS

- See also *RETIREMENT SYSTEMS*
- Disabled firemen and policemen, 265
- Municipal utility retirement systems, 265

PERMITS

- See also *LICENSES AND PERMITS*
- Work, child labor, 71

PESTICIDES

- Chemical technology review board, 145

PHARMACY EXAMINERS

- Drugs, law enforcement division, under public safety, 58

References are to pages

In general the page cited is the beginning of the Act or section.

PHYSICAL EDUCATION

Athletics, participants exempted, 163

PHYSICIANS AND SURGEONS

Drug addiction, treatment, 153
Medical certificates by physicians, 113
Medical examiner, county, 402
Medical examiner, state, 402

PIPE LINES

Appeal procedures for aggrieved persons, 309
Commerce commission accept federal funds, pipe-line safety, 309
Eminent domain exercised by pipe-line companies, 307
Violations, civil penalties, 309

PLANNING AND PROGRAMMING

Reports by agencies, standardized forms devised, 15

PLATS

Unincorporated areas beyond city limits, 264

PODIATRY

License to practice, 127

POLICE

"Law-enforcement officer" defined, 62
"Peace officer", administration of tests for determining intoxication, 200
Pensions for disabled and retired, 265
Residency requirements, municipal officers, 54, 245
Training academy, 62
Workmen's compensation, 64

POLITICAL PARTIES

Internuncios, 51

POLLUTION

See also *WATER POLLUTION COMMISSION*
Control, federal program, one-mill levy, 224
Sanitary disposal projects, 254

POPULAR NAME STATUTES

Cattle check-off Act, 134

POST-CONVICTION

Procedure, generally, 395

PRACTICE ACTS

Examining board members, compensation, 91

PRINTING

Equipment centralized in Des Moines, 15
Sales and use tax on newsprint and ink, 269

PRINTING BOARD

Centralized printing equipment, 15

PRISONS AND PRISONERS

Anamosa, medium security institution, transfer of funds, 6
Discharge, cash allowance paid, 156
Post-conviction procedure, 395

PRIZE FIGHTS

See *ATHLETICS*

PROBATE

Beer permits, refund to personal representative, 96
Executors and administrators, appoint legalized, 240
Inheritance tax, exempt estates, 294
Inventory reports, 293
Wills legalized, 379

PROFESSIONS AND OCCUPATIONS

Iowa Professional Corporation Act, 326

PUBLIC DEFENDER

False statement, penalty, 229
Incompetent and indigent persons, 229

PUBLIC DEFENSE DEPARTMENT

Appropriation, armory board, 410

PUBLIC EMPLOYEES

Credit union, payroll deductions, 365

PUBLIC FUNDS

Deposits in banks, 294

PUBLIC INSTRUCTION

DEPARTMENT

See also *SCHOOLS AND SCHOOL DISTRICTS*
Athletics and physical education, 163
Curriculum for secondary schools, 167
Deputy state superintendent, 162
Driver education, instructors, 194
Employees, position titles, 162
Equalization aid to schools, 287
Guidance counselors and librarians, 164
Merged areas, 168
Nonpublic schools, auxiliary services to students, 165
Private school advisory committee, 161
School buildings, erection or repair, 18
School districts, share personnel and facilities, 163
Statutes updated, 18
Student teachers, certificates, 165

PUBLIC SAFETY DEPARTMENT

Appropriation
Highway safety patrol, 276

References are to pages

In general the page cited is the beginning of the Act or section.

PUBLIC SAFETY DEPARTMENT

—Continued

- Peace officers' retirement, narcotics agents, 58
- Commissioner, member of reciprocity board, 213
- Criminalistics laboratory created, 402
- Driver license fees and renewal, 195
- Driving records, certified copies, 200
- Drug enforcement division established, 58
- Highway patrol, statute revised, 58
- Law-enforcement training academy, transferred to governor, 62
- Mobile homes, statement of prices filed by dealer, 111
- Motor vehicle accident report, fee, 197
- Narcotics enforcement personnel, salaries, 276
- Snowmobiles, rules promulgated, 202

PUBLIC UTILITIES

- Assessment, administration of law, 309
- Eminent domain, power exercised by companies, 303, 307
- Pipe lines, penalties for violations, appeals procedure, 309
- Rate regulation, 308

RABIES

- Immunization of dogs, 232

RAILROADS

- Displaced persons, relocation aid, 28
- Eminent domain procedure, 28
- Free transportation for commerce commission employees, eliminated, 302
- Screen exhaust fire controls, 303

REAL ESTATE

- Commission members, compensation, 91
- Conveyances, notary in any county, 376
- Eminent domain, legal description of land furnished, 299
- Federal insured loans, 394
- Land acquisition for highways, appraisal to owner, 301
- Limitations of actions, 391
- Mortgages, fire and casualty insurance companies, 340
- Purchase by state departments, 13
- Recording conservation easements, 90
- Schoolhouse sites, reversion, 171
- Township halls, reversion of land, 243

RECIPROCITY

- Nursing home administrators, 128

**RECIPROCITY BOARD
(MOTOR VEHICLES)**

- Created, 213

RECORDS

- Dissolution of marriage, 380, 387
- Driving, certified copies, fee, 200
- Industrial commissioner, seal for authentication, 70
- Microfilming in county recorder's office, 227

REFERENDUM

- Excise tax collection, cattle, 134

REFERRAL SELLING

- Prohibited, 399

REGENTS, BOARD OF

- Appropriation, 276
- Investment of funds, 166
- Medical examiner (state), funds accepted, 402
- Western Iowa University, terminate actions to purchase land, 409

REPORTS

- Commerce commission, annual report, publication, 16
- False—accident, crime or fire, 399
- Motor vehicle accidents, fee for copies, 197
- Standardized forms for state agencies, 15
- Supreme court, official opinions, 11

REST AREAS

- Appropriation to highway commission, 3
- Federal grants accepted, 3
- Interstate highways, intervals not less than 60 miles, 3

RETIREMENT SYSTEMS

- Firemen and policemen, 64
- IPERS benefits, 81
- Municipal judges, 390
- Municipal utility employees, 265
- Policemen and firemen, pensions, 265
- Supreme court judges, appropriation reduced, 6

REVENUE DEPARTMENT*See also TAXATION*

- Computation of tax credit, exempt bovine females, 276
- Franchise tax, financial institutions, director's duties, 272
- Homestead tax credit, disabled or aged, 284
- Income tax, computation of interest and penalties, 271
- Income tax, refund or credit, 283
- Marine fuel tax fund study, 211
- Mobile homes, allocation of tax proceeds, 111
- Probate inventories, 293

References are to pages

In general the page cited is the beginning of the Act or section.

- REVERSION**
Township halls abandoned, 245
- RIOTS**
National guard, active state service, 27
- RIVERS**
Definition, 86
Scenic river system created, 86
- ROADS AND HIGHWAYS**
See also HIGHWAY COMMISSION
Borrow pits, restoration, 187
Bridges, 185, 186
Classification, 175, 179
Closed for construction, signs and barricades, 174
Condemnation, alternative access, 174
Condemnation of road, appraisal mailed to landowner, 301
Definitions of systems, 175, 179
Drainage or levy districts, construction of drains, 295
Emergency repair, 185
Eminent domain proceedings, 174, 187, 299, 301
Flight strips abolished, 28
Intercounty, joint agreements by boards of supervisors, 184
Intersections, right of way, 198
Interstate bridges, primary road fund, 186
Motor vehicles, weight and load restrictions, 199
Oversize vehicles, movement by permit, 200
Park roads, 175, 181
Primary roads, maintenance, 179
Property for highways, buildings and fences moved, 300
Reallocation of primary road fund, 276
Recreational bikeways, 182
Relocation of persons displaced by highways, 187
Rest areas along interstates, 3
Right of way at intersections, 198
Roadside parks, 184
Safety, federal programs in counties, 224
Safety programs, governor, 13
Snowmobiles, operation, 88, 213
Studded tires, use, 198
Three-lane traffic, 197
Truck fee reciprocity, 213
Urban transit systems, use, 201
- RULES**
See DEPARTMENTAL RULES
- RULES OF CIVIL PROCEDURE**
Generally, 440
Filing and docketing, R. C. P. 342, p. 440
- RULES OF CIVIL PROCEDURE**
—Continued
Instructions, R. C. P. 196, p. 440
Motor vehicle franchisors, 206
Objections, time to answer, R. C. P. 123, p. 440
Original notice and dissolution of marriage, proceedings, 380, 387
Reporters' fees, R. C. P. 178.1, p. 440
Time for appeal, R. C. P. 335(a), p. 440
- SALARIES**
Lieutenant governor, 165
Vacancies, less than statutory, 13
- SALES**
Referral selling prohibited, 399
- SANITARY DISPOSAL PROJECTS**
Established by cities, towns, counties, 254
Prohibited practices, penalties and enforcement, 254
"Solid waste" defined, 254
- SANITARY DISTRICTS**
Sewage works construction fund, 254
- SAVINGS AND LOAN ASSOCIATIONS**
Generally, 365
Dividends to members, 365
Federal insured loans, 394
- SCHOOLHOUSE**
Reversion of sites, 171
- SCHOOLS AND SCHOOL DISTRICTS**
See also LEGALIZING ACTS
Generally, 18
Aid, 18
American history and government, required courses, 167
Athletics and physical education, 163
Average daily membership, 287, 293
Basic school tax formula, 287
Board members, terms uniform, 18
Bonds, interest rate, 171
Bonds, tax levy, 172
Budget hearings, 287
Budget review committee, 287
Building, erection, 18
Counselors, 164
Counties must become part of merged area, 168
County superintendent, qualifications and duties, 18
Courses of instruction, 167
Daily pupil membership, special education, 293
Deposits of funds in banks, 294
Deputy state superintendent, appointment, 162

References are to pages

In general the page cited is the beginning of the Act or section.

SCHOOLS AND SCHOOL DISTRICTS

—Continued

- Directors of merged systems, terms, 18
- Districts to corporations to include merged areas, 18
- Driver education, instructors, 194
- Driver education, persons under 18 where course not offered, 195
- Educational radio and TV facility board, location, 14
- Elections, residency requirement, 41
- Elective courses in social problems and economics, 167
- Emmetsburg Community College, merger with Area III, 276
- Equalization aid, 287
- Equalization fund tax, receipts from financial institutions, 272
- Eye-safety equipment, 168
- Foreign languages, taught in alternate years, 163
- History of ethnic groups taught, 167
- Joint meetings to review budgets, 287
- Joint use of personnel and facility, 163
- Laboratory schools, 18
- LeGrand school district, land conveyance, 428
- Librarians, 164
- Limitations for school district expenses, 287
- Lunch program, federal funds, 170
- Merged areas, bonded indebtedness, 172
- Merging areas, deadline, 168
- Mobile homes, allocation of taxes, 111
- Nonprofit educational institutions, sales and use tax exemptions, 271
- Nonpublic, special education services extended, 165
- Perry school district, real estate, 341
- Private school advisory committee, 161
- Public warrants, sale by treasurer of school district, 56
- Reallocation of funds, 276
- Reorganization, 167
- School census, children five to nineteen, 287
- Schoolhouse sites, reversion, 171
- Secondary school curriculum, 167
- Special education students in public high school, counted, 295
- Standards, generally, 163
- Student teachers, certificates, 165
- Taxation, basic formula, 287
- Teachers' contracts, uniform issuance, 167
- Textbooks purchased, 18
- Twin Cedars school district, bonds, 432
- Vocational schools in merged areas, 168
- War orphans' educational aid, 29
- Warrants, sale, 56

SCHOOLS AND SCHOOL DISTRICTS

—Continued

"Year" defined to mean "calendar year", 287

SECRETARY OF STATE

- Business corporations, generally, 313
- Certification of nominees for general election, 35
- Co-operative associations, merger and consolidation, 334
- Corporate dissolution, recording fee, 311
- Election law, rules prescribed, 41
- Federal tax lien notices, 225
- Iowa Professional Corporation Act, 326
- Nonprofit corporations, 247
- Registration and protection of marks, 368
- Term of, constitutional amendment proposed, 436
- Workmen's compensation, nonresident employers, 64

SECURITIES

- Annuity and endowment contracts, 339
- Defined, 339
- Insurance holding companies, 350

SEWERS

- Interest rate on bonds, 352
- Sewage works construction fund, 356

SEX

- Discrimination in employment and housing, 83

SHORTHAND REPORTERS

- Generally, 388
- Examining board, compensation, 91

SNOWMOBILES

- Defined, 202
- Hunting from snowmobiles, 88
- Operation on roadways, 202
- Penalties for violations, 202
- Registration, 202

SOCIAL SERVICES

- Children, neglected, dependent and delinquent, placement, 156
- County superintendent of school, report on mentally retarded, 18
- Medical assistance Act
 - Administered by commissioner, 157
 - Reference corrected, 157
 - Third party permissive, 157
- Regional detention facility, Anamosa, 60

Soldiers' home, air conditioning, 5

SOCIAL WELFARE DEPARTMENT (COUNTY)

- Welfare recipients, dissolution of marriage, 380

References are to pages

In general the page cited is the beginning of the Act or section.

SOIL CONSERVATION

- Cities and towns, outside district, 298
- Commissioners, residency requirements, 298
- Committee chairman, membership on chemical technology review board, 145
- Department created, 296

SOLDIERS' HOME

- Air conditioning, appropriation, 5
- Widows and wives, admission, 153

SPORTS

- Athletic commissioner (state) created, 400
- Professional boxing and wrestling legalized, 400

STATE DEPARTMENTS AND AGENCIES

- Administrative rules, 17
- Code editor, review rules before filing, 17
- Incentive awards, 17
- Trade-marked articles, sale, 374
- Unfair discrimination, 394

STATISTICS

- Vital statistics, generally, 113

STOCKHOLDERS

- Corporations, meetings, 310

SUPREME COURT

- Code editor, appointment, 11
- Judges' retirement, appropriation, 6
- Opinions, publication, 11
- Reporter, 11

SURVEYORS

- Land, renewal fees for certificates of registration, 93

TALLY LIST

- Formerly "return" in election laws, 53

TAXATION

- Agriculture extension education fund, 134
- Benefited street lighting districts, 240
- Bovine females, three years old, tax exempt, 276
- Cattle sold for slaughter, excise tax, 134
- Credit unions, moneys and credits tax imposed, 272
- Drainage and levee district property exempt, 286
- Equalization aid to schools, 287
- Federal tax lien registration, 225
- Financial institutions, franchise tax imposed, 272

TAXATION—Continued

- Homestead credit, persons aged sixty-five or totally disabled, 284
- Homestead tax credit, evidence of ownership, 286
- Income tax, computation of interest and penalties, 271
- Income tax, refund or credit, 283
- Income tax, state and business, Internal Revenue Code of '54 defined, 268
- Inheritance tax, exempt estates, 294
- Inheritance tax, probate inventories, 293
- Insurance guaranty association, exemption, 304
- Marine fuel tax fund, created, 211
- Military forces, exemption from state income tax, 269
- Mobile homes, 111
- Municipal lighting districts, 251
- Municipal property to industries, 267
- Newsprint and ink, sales and use tax, 269
- Nonprofit educational institutions, exemptions, 271
- Public bonds, 57
- Sanitary disposal projects, 254
- School bonds, 172
- School corporations, leases with merged areas, 117
- School taxes, 18
- Tax credit, claims by counties, 26
- Voter registration, levy, 36
- Water corporations, tax exemption, 287
- Wrestling and boxing, 400

TEACHERS

- Contracts, uniform issuance, 167
- Student teaching, 165

TELEPHONE

- Municipal easements, 266
- Public utilities regulated, 308

TERRACE HILL

- Executive council, negotiations to acquire, 439

TIRES

- Studded, date clarified, 198

TORT CLAIMS

- Highway commission claims, payment, 185
- Liability of state, national guard, 26

TOWNSHIPS

- Anticipatory bonds, interest, 243
- Election precincts, 35
- Halls, 243

480
INDEX

References are to pages

In general the page cited is the beginning of the Act or section.

TRADE

- Trade-marked articles, sale to state, 374
- Unfair trade discrimination, 374

TRADE-MARKS

- Distribution of trade-marked articles, 374
- Registration and protection, 368

TRANSIT SYSTEMS

- Urban companies exempt from over-width restrictions, 401

TREASURER OF STATE

- Board of examiners for nursing home administrators' fund, 128
- Cattle and veal calf fund, 134
- Court-appointed attorneys, payment, 394
- Employment security contingent fund, 79
- Franchise tax receipts, financial institutions, 272
- Road use tax fund, 276
- Term, constitutional amendment proposed, 436
- Trust fund, inspection fees of funeral establishments, 132

TREES

- Dead or diseased, removal costs, 246

TRUCKS

- Reciprocity and registration fees, 213

UNEMPLOYMENT COMPENSATION

- Contingent fund created, 79
- Actions to enforce liabilities for contributions, 81

UNIFORM COMMERCIAL CODE

- Lost warehouse receipts, 374
- Security interest, reference corrected, 375

UTILITIES

- Benefited street lighting districts in unincorporated areas, 240
- Benefited water districts, 233
- Displaced persons, relocation aid, 28
- Easements by municipalities, 266
- Electric transmission lines, eminent domain, 303
- Eminent domain procedures, 28
- Municipal, retirement systems, 265
- Pipe-line companies, eminent domain, 307
- Pipe lines, violations, penalties and appeal, 309
- Public, assessment, 309
- Public, notice of rate increase to customers, 308

UTILITIES—Continued

- Public, regulated, 308
- Rate increase, customer right to public hearing, 308

UNIVERSITIES

- See *COLLEGES AND UNIVERSITIES*

VACATION

- State employees, 57

VALIDATING ACTS

- See *LEGALIZING ACTS*

VENUE

- Forgery cases, 407

VETERANS

- Soldiers' home, widows and wives admission, 153

VETERINARY MEDICINE

- Examining board, members per diem, 91
- Pesticide poisoning of domestic animals report to agriculture secretary, 145

VETOED BILLS

- House File 506, municipal court clerks and bailiffs salaries, (*see chapter 1270 hereof*)
- House File 270, wiretapping
- Senate File 1144, drugs, out-of-state prescriptions

VITAL STATISTICS

- Generally, 113
- Deceased voters list furnished to county commissioner of registration, 134

VOCATIONAL REHABILITATION

- Employees covered by workmen's compensation, 64
- Industrial commissioner program, 64

VOCATIONAL SCHOOLS

- Merged area to provide vocational schools, 168

VOTING

- See also *ELECTIONS*
- Absentee ballots, 35
- Annexation proceedings, 245
- Constitutional amendment, electors' qualifications, 435
- Internuncios, 51
- Permanent registration place, established by county auditor, 36
- Precincts, size limitation, 39
- Voter registration, 36

481
INDEX

References are to pages

In general the page cited is the beginning of the Act or section.

WAREHOUSE

Lost receipts, 374

WARRANTS

Public, deficiency in public funds, 56

WARRANTY

Motor vehicle, franchisor fulfill terms,
206

WATCHMAKERS

Board members, compensation, 91
Certificates of registration, 94
Examination fee, 94
Per diem, board members, 94

WATER

Benefited districts, 233
Municipal easements for industrial
projects, 266
Nonprofit corporations, tax exemption,
287
Pollution control, sewage works con-
struction fund, 276
Public utilities regulated, 308
Rural water districts, 234
Waterworks employees, group insur-
ance, 252

**WATER POLLUTION CONTROL
COMMISSION**

Sewage works construction, 276

WATERS (STATE)

Boating on artificial lakes, 84
Recreational boating program, marine
fuel tax fund, 211
"River" defined, 86
Scenic rivers system created, 86
Skiing, Green Valley Lake, 58

WILLS

See also PROBATE
Legalizing, 379

WORKMEN'S COMPENSATION

Generally, 64
Burden of proof on employer, 64
Burial expenses, increased, 64
Exceptions, 64
Firemen and policemen, 64
Industrial commissioner, authorized to
order depositions, 70
Nursing service by employer, 64

WRESTLING

Professional boxing and wrestling le-
galized, 400

ZONING

Scenic rivers system, 86
Unincorporated areas beyond city lim-
its, 264